

ITEM	9
MANAGER'S REPORT NO.	68
COUNCIL MEETING	1978 10 02

RE: LETTER FROM DONN DEAN COLLISION LIMITED
6919 MERRITT AVENUE, BURNABY, B.C. V5J 4R7
CORRECTIVE ORDER TO INSTALL A SPRINKLER SYSTEM IN PAINT SPRAY BOOTHS

Appearing on the agenda for the 1978 October 02 meeting of Council is a letter from Mr. Donn Dean, President of Donn Dean Collision Limited, regarding a corrective order which has been issued to him by the Fire Department's Prevention Bureau. Following is a report from the Director-Fire Services on this matter.

In order to facilitate the carrying out of the first recommendation, the Fire Prevention Bureau will re-issue the order which has now exceeded the thirty day limit.

There are two current outstanding orders involving the requirement to install a sprinkler system in paint spray booths, one of which is being complied with at this time. The other is the one relating to Donn Dean Collision Limited.

When Council adopted the Fire Prevention By-law, provision was made for an appeal to the Fire Marshal because as a disinterested party, this authority could be expected to make decisions that are impartial and fair. A number of appeals have been heard by the Fire Marshal over the years, and in all cases that we are aware of, the rulings handed down have been accepted without objection. The Fire Marshal, incidentally, has willingly assumed the responsibility to hear appeals, and we believe that he is performing a valuable service for the community in this regard.

RECOMMENDATION:

1. THAT the recommendations of the Director-Fire Services be adopted.

1978 SEPTEMBER 25

TO: MUNICIPAL MANAGER
FROM: DIRECTOR-FIRE SERVICES
SUBJECT: FIRE PREVENTION BUREAU - CORRECTIVE ORDER ISSUED TO
DONN DEAN COLLISION LIMITED - 6919 MERRITT AVENUE

RECOMMENDATIONS:

1. That Donn Dean Collision Limited, be advised to appeal the order issued 1978 08 25, to the Provincial Fire Marshal, in accordance with the Burnaby Fire Prevention By-law No. 5096, Section 1.3.3.1.
2. That a copy of this report be sent to Mr. Donn Dean, 6919 Merritt Avenue, Burnaby, B.C. V5J 4R7.

REPORT

The Burnaby Fire Prevention By-law 5096, 1968 was approved and adopted by Council 1968 August 5. This by-law adopted the National Fire Code of Canada 1963 with amendments.

Contained in the by-law is a requirement for sprinkler systems to be installed in spray rooms and spray booths, reference Section 3.2.8., Spraying and Dipping of Flammable Finishes.

Potential Fire & Explosive Hazard Within Paint Spray Booths

Due to the standard method of applying the paints and solvents in an atomized form, there is a constant danger of a flash fire or explosion taking place within a spray booth area, a consideration which was carefully evaluated by the authors

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of the 1963 National Fire Code during their deliberations on Section 3.2.8., Spraying and Dipping of Flammable Finishes. As a consequence, the Associate Committee incorporated the need for approved sprinkler systems.

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Apart from the immediate and automatic response of a sprinkler system, "factors which cannot be provided in the use of portable fire extinguishers", coverage is maintained on a continuing basis, especially during plant shut-downs and weekends, when the ever present danger of spontaneous ignition can take place due to the exothermic reaction of residual solvents and oxides.

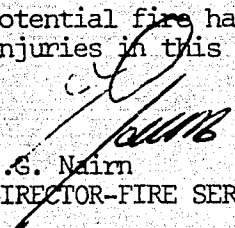
Corrective Order Issued to Donn Dean Collision Limited

Attached as Attachment "A" - letter dated July 31, 1978 to Director-Fire Services from Donn Dean.

Attachment "B" - letter from Director-Fire Services to Donn Dean 78 08 03. As a result of this letter a new c was issued to Donn Dean Collision Limited by the Fire Prevention Bureau 1978 25, to allow him to take advantage of the thirty (30) day appeal procedure as contained in Section 1.3.3.1. of the Burnaby Fire Prevention By-law which clearly states: Any person against whom an order has been made under this Code may, before the expiration of thirty days after the order was issued, appeal to the Provincial Fire Marshal who shall review and shall amend, revoke or confirm the order appealed against or substitute another order which the inspector could have made for the order appealed against.

Conclusion

Mr. Donn Dean's comment on the lack of uniformity throughout the industry and the Province with regards to sprinklering is valid to the point that not all Municipalities and cities have adopted the National Fire Code 1963, Attachment "C" refers. However, it must be stated the Burnaby Fire Prevention Bureau has demonstrated a consistency of good prevention practice which is in keeping with the potential fire hazard, the result being a minimum number of fires and related injuries in this occupancy.


T.G. Nairn
DIRECTOR-FIRE SERVICES

cc: Chief Building Inspector

ATT: 3

TGN/jlm



DONN
DEAN
Collision Ltd.

ATTACHMENT "A"

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July 31, 1978

Mr. T. G. Nairn
Director-Fire Services
4867 Sperling Avenue
Burnaby, B.C. V5E 2S9

Subject: Appeal-Bureau Inspection Report and Order

Dear Sir:

The premises of both Donn Dean Collision Ltd. and Universal Truck Rebuild have recently been inspected by Inspecting Officer Don Slavens. In both locations, we have been ordered to instal approved sprinkler systems in the paint spray booths within 30 days.

The spray booth at Donn Dean Collision has been installed from the time the present building was built. It is a properly constructed and well ventillated metal booth, with protected fluorescent lighting. There is a 3/4 inch hose with nozzle immediately outside the door and numerous dry chemical fire extinguishers within a few feet of the booth. In the years I have been in this business I have yet to experience a fire. It has always been our policy to ensure one does not happen. That is why we installed this type of booth.

The paint spray booth at Universal Truck Rebuild at 7269 Curragh Avenue is considerably larger to accomodate large trucks. It too is properly constructed with adequate ventilation, lighting and fire protection.

Both these booths were installed long before the National Fire Code of Canada was adopted by Burnaby. The provision in 1.2 indicates that such structures which are in existence at the time of passing this by-law and which are not in compliance with the terms of this by-law may be continued in use providing that they do not, in the opinion of the Chief of the Fire Department, constitute a hazard to life, etc. The ruling of the inspecting officer is therefore a judgement decision, and is not necessarily based on an extensive knowledge of paint booths and their uses. Our Insurance Underwriter however, has never expressed such concern at such times as inspections have been conducted, and we have a very favorable insurance rate.

I am sure you can appreciate the thousands of dollars the installation of approved sprinkler systems in these two shops would cost. You may also be aware that auto body shops are having great difficulty surviving due to various circumstances under which we operate. This includes competing with "back alley shops" who are neither licensed nor inspected.

This letter is an official appeal against the Inspector's orders. I also give notice that I fully intend to contest these orders through the various levels of appeal.

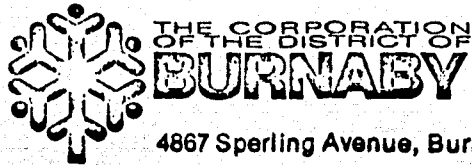
Yours truly,

Donn Dean
President

ATTACHMENT "B"

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4867 Sperling Avenue, Burnaby, B.C. V5E 2S9

Fire Department

Headquarters

Telephone (604) 294-7190

78 08 03

Mr. Donn Dean
Collision Limited
6919 Merritt Avenue
Burnaby, B. C.
V5J 4R7

File #B/1 ✓

Dear Sir:

Re: Bureau Inspection Report & Corrective Order

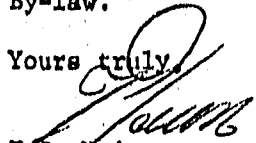
This will acknowledge your letter dated 1978 July 31, in which you express your concern and proposed course of action as the result of a "corrective order" which was issued by the Burnaby Fire Prevention Bureau.

Your interpretation of Article 1.2. as contained in By-law No. 5096 is correct when viewed in isolation. However, it should be noted where in view of an Inspector (authority having jurisdiction) a "potential fire hazard" exists and notwithstanding the lack of any previous incidence of fire, he is compelled to order an upgrading or alternatively, the removal of any hazard in or upon a building or property to which the By-law applies.

By copy of this letter I am requesting Chief Fire Prevention Officer S.B. Wilson to review the order in question with the thought that a new order can be issued to allow you to appeal within thirty (30) days as provided for under Article 1.3.3.1. of the Burnaby Fire Prevention By-law.

With reference to your comments on the competing "back alley shops" may I suggest that any specific information be directed to the licencing and health authorities for action, such action would include appropriate instructions by the Fire Prevention Bureau for the proprietors to cease or upgrade their premises in accordance with the Burnaby Fire Prevention By-law.

Yours truly,


T.G. Nairn
DIRECTOR-FIRE SERVICES

cc: Chief Fire Prevention Officer

TGN/jlm

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ATTACHMENT "C"

INTER-OFFICE COMMUNICATION

TO: DIRECTOR-FIRE SERVICES DEPARTMENT: FIRE DATE: 78 09 25
FROM: S.B. WILSON DEPARTMENT: F.P.O. OUR FILE # A/26/15
SUBJECT: NATIONAL FIRE CODE OF CANADA 1963 YOUR FILE #

The following cities or municipalities have not adopted the National Fire Code of Canada 1963 as a Fire By-law therefore they do not require sprinklers in spray booths, (sprinklers are installed only if required by Insurance Companies):

City of Vancouver

Surrey

West Vancouver

New Westminster - recommending to instal sprinklers in spray booths.

The following cities or municipalities have adopted the National Fire Code of Canada 1963 so sprinklers are required:

District of Burnaby

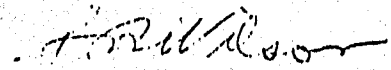
District of North Vancouver

City of North Vancouver

District of Coquitlam

The following municipality has not adopted the National Fire Code of Canada 1963 but is enforcing sprinklers in spray booths:

Richmond


S.B. Wilson
CHIEF FIRE PREVENTION OFFICER

SBW/jlm