

FIRE CODE AND BUILDING CODE DISCUSSION

29 October 2015

ESTABLISHING SITE ACCESS AND ACCESSIBILITY IN VICINITY OF CONSTRUCTION AND DEMOLITION SITES

This document represents a proposal by Barrier Free Sub-Council, for consideration by Building Sub-Council and Fire Sub-Council, to prepare a formal document providing guidance to constructors, owners and safety codes officers, the aim of which is to promote consistency of approach to temporary provisions for site safety—with respect to both persons and property—in the vicinity of construction, alteration or demolition project sites.

Inconsistent application of the ABC and AFC around construction/demolition sites leads to misunderstanding of responsibility regarding safe design and maintenance of public ways, such that unsafe conditions may be created affecting both safe accessible paths by a site and site access for emergency response. Public ways adjoining a construction/demolition site fall under purview of the Building and Fire Codes, but are generally under the control of another municipal agency such as a transportation, public works or police, and the overlapping regulatory requirements for these areas must be consistently applied in order to meet safety objectives and user expectations. Barrier-free design principles, with aim to remove as many barriers as practical for persons with disabilities of all sorts, shall be incorporated into the construction of temporary facilities providing protection for the public passing through or around a construction site. All public way users and private property users shall be provided with safe passage through or around any project or work/development that requires temporary closure or adjustment of the public way, building access or exit routes.

Document development would be with input from the larger municipalities and the Barrier Free sub-council as a whole, and laterally with Fire Sub-Council, followed by testing with industry partners. Mindful that technical changes (numbers, dimensions, etc.) are entertained through code update consultation process and that policy changes (scope change) requires Ministerial direction before going to consultation, Barrier Free Sub-Council indicates the proposed document is to provide guidance by emphasising existing code provisions that are often overlooked due to the temporary nature of a construction environment at any one location but, singly or in the aggregate of locations, can pose major hurdles for those with disabilities attempting to navigate the sidewalks and streets. The ABC portion would find basis for the guidance through the following barrier-free perspectives.

1. In relation to safety in the vicinity of a construction site, the *public way* is not excluded from application of Code, particularly as it applies to safety during construction of a *project*, including protection of the public. (ABC 2014 DivA:1.1.1.1(i) & (o))
2. A *building* is a structure intended to support a use; included in this description are temporary facilities such as stipulated in Part 8 provided for the public passing by a construction site. (DivB:8.1.1.1.(2))

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3. Accessibility objective OA1 and functional statement F73 apply to all *buildings* and facilities other than specific small *occupancies*, *high-hazard industrial* and certain intermittently-occupied utility *buildings*. (DivA:2.2.1.1.(1), 2.1.1.2.(5), 3.2.1.1.(1), 3.1.1.2.(3))
 4. No *unsafe condition* is permitted to arise or persist in the performance of *work* in, on or around a *building*; *barrier-free* provisions shall be incorporated into measures taken to facilitate safe passage of persons with disabilities. (DivC:2.2.12.1.(1)(b))
 5. *Barrier-free* design principles should be applied in all buildings and in all areas other than the exceptions mentioned in Article DivB:3.8.1.1.(1).
 6. Risk to the public in areas proximate to a construction or demolition site is reduced by application of provisions of Part 8--barricades, fences or covered ways, and active management of the area around the site. Enduring only as long as construction-related risks exist at the site, these temporary facilities must nevertheless be constructed to meet the needs of all users, including persons with disabilities (DivA:8.1.2.1.(1))
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Motion: Building Sub-Council confirm support in principle for Barrier Free Sub-Council proposal to develop a formal joint Building/Fire Information document to address consistent application of existing AFC and ABC requirements with respect to public safety in vicinity of construction and demolition sites, with potential of recommendation that it be distributed in Standata format.

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CODE REFERENCES

ABC2014:DivA:1.1.1.1. Application of this Code

1) This Code applies to any one or more of the following ...

- i) the correction of an *unsafe condition* in or about any *building* or property,...
- o) safety during construction of a *project*, including protection of the public and neighbouring properties.

Unsafe condition means any condition that, in the opinion of the *authority having jurisdiction*, could endanger the life, limb or health of any person authorized or expected to be on or about the premises.

Building means any structure used or intended for supporting or sheltering any use or *occupancy*.

Project means any construction, *alteration* or demolition operation.

Public way means a sidewalk, *street*, highway, square or other open space to which the public has access, as of right or by invitation, expressed or implied.

1. In relation to safety in the vicinity of a construction site, the *public way* is not excluded from application of Code, particularly as it applies to safety during construction of a *project*, including protection of the public.

2. A *building* is a structure intended to support a use; included in this description are temporary facilities such as stipulated in Part 8 provided for the public passing by a construction site. A covered way is engineered, and its use is to shelter persons.

DivA:2.2.1.1. Objectives

1) The objectives of this Code are as follows.....

OA Accessibility

An objective of this Code is to limit the probability that, as a result of the design or construction of the *building* or facility, a person with a physical or sensory limitation will be unacceptably impeded from accessing or using the *building* or its facilities (see Sentence 2.1.1.2.(5) for application limitations).

OA1 Barrier-Free Path of Travel -- An objective of this Code is to limit the probability that, as a result of the design or construction of the *building* or facility, a person with a physical or sensory limitation will be unacceptably impeded from accessing the *building* or facility or circulating within it (see Sentence 2.1.1.2.(5) for application limitations).

DivA:2.1.1.2. Application of Objectives

(See A-2.2.1.1.(1) in Appendix A.)

1) Except as provided in Sentences (2) to (6), the objectives described in this Part apply

a) to all *buildings* covered in this Code (see Article 1.1.1.1.), and

b) only to the extent that they relate to compliance with this Code as required in Article 1.2.1.1....

5) Objective OA, Accessibility (including Objectives OA1, Barrier-Free Path of Travel, and OA2, Barrier-Free Facilities), does not apply to

a) detached houses, semi-detached houses, houses with a *secondary suite*, duplexes, triplexes, townhouses, row houses and boarding houses (see A-1.4.1.2.(1), Secondary Suite, in Appendix A),

b) *buildings* of Group F, Division 1 *major occupancy*, and

c) *buildings* that are not intended to be occupied on a daily or full-time basis, including automatic telephone exchanges, pumphouses and substations.

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DivA:3.2.1.1. Functional Statements

1) The objectives of this Code are achieved by measures, such as those described in the acceptable solutions in Division B, that are intended to allow the *building* or its elements to perform the following functions

F73 To facilitate access to and circulation in the *building* and its facilities by persons with physical or sensory limitations (see Sentence 3.1.1.2.(3) for application limitation).

DivA:3.1.1.2. Application of Functional Statements

1) Except as provided in Sentences (2) to (4), the functional statements described in this Part apply

a) to all *buildings* covered in this Code (see Article 1.1.1.1.), and

b) only to the extent that they relate to compliance with this Code as required in Article 1.2.1.1....

3) Functional Statements **F73** and **F74** do not apply to

a) detached houses, semi-detached houses, houses with a *secondary suite*, duplexes, triplexes, townhouses, row houses and boarding houses (see A-1.4.1.2.(1), Secondary Suite, in Appendix A),

b) *buildings* of Group F, Division 1 *major occupancy*, and

c) *buildings* that are not intended to be occupied on a daily or full-time basis, including automatic telephone exchanges, pumphouses and substations.

3. Accessibility objective OA1 and functional statement F73 apply to all *buildings* and facilities other than specific small *occupancies*, *high-hazard industrial* and certain intermittently-occupied utility *buildings*. *Public ways* are not excluded from their application.

DivC:2.2.12.1. Prohibited Actions

1) No person shall ...

b) being responsible for the use, *occupancy*, relocation, construction, *alteration*, demolition of, or addition to a *building*, cause, allow or maintain an *unsafe condition*,...

4. No *unsafe condition* is permitted to arise or persist in the performance of *work* in, on or around a *building*; *barrier-free* provisions shall be incorporated into measures taken, as this is the means to construct in order to facilitate safe passage of persons with disabilities.

DivB:3.8.1.1. Application of Barrier-Free Design

1) The requirements of this Section apply to all *buildings* except

a) detached houses, semi-detached houses, houses with a *secondary suite*, duplexes, triplexes, townhouses, row houses and boarding houses, which are not used in social programs such as group homes, halfway houses and shelters (see A-1.4.1.2.(1), Secondary Suite, in Appendix A of Division A),

b) relocatable industrial accommodations,

c) *buildings* of Group F, Division 1 *major occupancy*, in which only the requirements dealing with hearing sensory disabilities would apply, and

d) *buildings* that are not intended to be occupied on a daily or full-time basis, including automatic telephone exchanges, pumphouses and substations, in which only the requirements dealing with hearing sensory disabilities would apply. (See Appendix A.)

2) *Buildings* required to be *barrier-free* must comply with all requirements designed to assist persons with physical, sensory and developmental disabilities.

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Appendix-B:3.8. Barrier-Free Design Assumptions. This Section contains minimum provisions to accommodate a person using a typical manual wheelchair or other manual mobility assistance devices such as walking aids, including canes, crutches, braces and artificial limbs.

A-3.8.1.1.(1) Application. Barrier-free design principles should be applied in all buildings and in all areas other than the exceptions mentioned in this Article. However, certain industrial buildings, by nature or their operation, may pose risks to their occupants due to the use of hazardous materials and/or processes. Some buildings classified as Group F, Division 2 or 3, including special purpose buildings in heavy industries such as forestry or metallurgy, often require grade separations and other features essential to their functioning, but not compatible with the concept of barrier-free accessibility. In such exceptional situations, relaxation of barrier-free requirements may be granted when no practical alternative can be found. However, even in such buildings, barrier-free accessibility complying with this Section must be provided to and within all areas with non-hazardous subsidiary occupancies.

5. *Barrier-free* design principles should be applied in all buildings and in all areas other than the exceptions mentioned in Article DivB:3.8.1.1.(1).

INTERPRETATION

Barrier-free design principles, with objective to remove as many barriers as practical for persons with disabilities, shall be incorporated into the construction of temporary facilities providing protection for the public passing through or around a construction site. All *public way* users and private property users shall be provided with safe passage through or around any *project* or *work*/development that requires temporary closure or adjustment of the *public way*, *building* access or exit routes.

