

CHAPTER 6

SMOKE DETECTOR

SECTION:

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5-6-1: DEFINITIONS: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present time include the future, words in singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(a) The term "dwelling unit" means a structure, building, area, room or combination of rooms occupied by persons for sleeping or living.

(b) The term "owner" means any person, firm, partnership, corporation who alone or jointly or severally with other persons, firms, partnerships has legal title to any premises. The term "owner" includes any person, partnership or corporation, who has charge, care or control over any premises as (1) an agent, officer, fiduciary, or employee of the owner; (2) the conservator, or who is non composment is, a minor, or otherwise under a disability; (3) a trustee elected or appointed, or a person required by law to execute a trust to serve the payment of money; or (4) an executor, administrator, personal representative, receiver, fiduciary, officer appointed by the court, or other similar representative of the owner of his estate. The term "owner" does not include a lessee, sublessee or other person who merely has the right to occupy or possess a premises.

(c) The term "sleeping area" means a bedroom or room intended for sleeping, or a combination of bedrooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room, or kitchen but not a bathroom, hallway or closet. A dwelling unit may have more than one sleeping area.

(d) The term "smoke detector" means a device which detects visible or invisible particles of combustion and shall be either the ionization or the photoelectric type.

5-6-2: EFFECTIVE DATE: The owner of each rented and/or leased dwelling unit and resident owner shall install smoke detectors in each dwelling unit in the location stated in

Section 5-6-3 herein. Dwelling units under construction or not occupied by tenants as of the effective date of this ordinance shall have smoke detectors installed prior to occupancy. The owner shall install smoke detectors in presently occupied dwelling units on or before July 1, 1987.

5-6-3: LOCATION: The owner of each existing dwelling or newly constructed or rehabilitated unit shall install at least one (1) smoke detector to protect each sleeping area. In an efficiency, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the detectors shall be installed outside the bedrooms, but in the immediate vicinity of the sleeping area. An owner subject to this ordinance shall install each smoke detector on the ceiling at a minimum of four inches from the side wall to the near edge of the detector or a wall located four to twelve inches from the ceiling to the top of the detector and within fifteen feet of all rooms used for sleeping purposes, with not less than one (1) detector per level containing a habitable room and in the basement or cellar. The detector shall not be installed in dead air space, such as where the ceiling meets the wall. Where one or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping area(s) shall be placed at the top of the stairway. An owner shall also install not less than one smoke detector on the upper most ceiling, not less than four inches from any wall, or on a wall, located four to twelve inches from the uppermost ceiling of all interior stairwells. In all multi-family dwellings, the owner must supply and maintain a smoke detector in all common stairways. For good cause shown, the Fire Chief or his designated department representative have the authority to modify the location requirements of this ordinance.

5-6-4: TYPE OF DETECTOR: The owner shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal and may be wired directly to the building power supply with battery backup or may be powered by self-monitored battery. The smoke detector shall comply with all the specifications of the Underwriters Laboratory, Inc. Standard UL 217 (Standard for Safety-Single and Multiple Station Smoke Detectors) 2nd Edition October 4, 1978 as revised May 19, 1983, or any recognized standard testing laboratory that certifies the detector meets the requirement of the National Fire Protection Association (NFPA) Standards 72E and 74. Smoke detectors shall bear the label of a nationally recognized standards testing laboratory that indicates that the smoke detectors have been tested and listed under the requirements of UL217 2nd Edition or NFPA 72E and 74.

5-6-5: DUTIES OF OWNERS AND TENANTS:

A. The owner shall install operable smoke detectors in the required locations and shall maintain all smoke detectors located in common areas and occupied tenant areas. The owner shall provide each tenant with written information regarding detector testing and maintenance.

B. Each tenant shall provide and maintain functional batteries for each detector and shall test and maintain the detector within the rented or leased areas. The tenant shall notify the owner in writing of any defects in the detector. Owner shall replace or repair the detector

within 7 calendar days of receipt of written notice of defect.

5-6-6: ENFORCEMENT AND INSPECTION: The Fire Chief or his designated department representatives shall have jurisdiction to inspect dwelling units for the installation of any smoke detector required to be installed under or any other ordinance. Said inspection may be held between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

5-6-7: INOPERABLE DETECTORS: It shall be unlawful for any person to remove batteries or in any way make smoke detectors inoperable.

5-6-8: PENALTY CLAUSE: Any person or other person who is convicted of violating any provision of this ordinance shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). (Ord. 1051 3-4-87)