

# **PROTECTION**

## **Chapter 1064 SMOKE ALARM**

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**Article 1**  
**SHORT TITLE**

**1064.1.1 Citation**

The short title of this Chapter is “The Smoke Alarm By-law.”

**Article 2**  
**INTERPRETATION**

**1064.2.1 Dwelling unit - defined**

@CASTEXT = “dwelling unit” means a room or suite of rooms operated as a housekeeping unit that is used or intended to be used as a domicile by one or more persons and that may contain cooking, eating, living, sleeping and sanitary facilities.

**1064.2.2 Fire Chief - defined**

“Fire Chief” means the Chief of the Fire Department of the Town.

**1064.2.3 Fire Prevention Officer - defined**

“Fire Prevention Officer” means a person who is assigned to fire prevention by the Fire Chief of the Town.

**1064.2.4 Occupant - defined**

“occupant” means any person, firm or corporation occupying a dwelling unit.

**1064.2.5 Owner - defined**

“owner” includes any person, firm or corporation for the time being managing or receiving rent for the land or premises in connection with which the word is used, whether on his or her own account or as an agent, trustee or representative, or any other person who would so receive the rent if such land were leased including an owner occupier, or any person to whom rent is payable.

**1064.2.6 Smoke alarm - defined**

“smoke alarm” means a battery or electrically powered combined smoke detection device and audible alarm device that:

- (a) is designed to sound an alarm upon detection of products of combustion;
- (b) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
- (c) has been approved by the Underwriters’ Laboratories of Canada and, where electrically powered, also by the Canadian Standards Association.

**1064.2.7 Storey - defined**

“storey” means that portion of a building that is situated between each floor and the ceiling above it, including the basement.

**Article 3****GENERAL PROVISIONS****1064.3.1 Provincial legislation - application**

The provisions of this Chapter are subject to provincial legislation, including the *Fire Marshals Act*, the *Hotel Fire Safety Act*, and all amendments thereto and regulations thereunder and the provisions of this Chapter shall be construed accordingly.

**1064.3.2 Installation - all buildings containing dwellings**

Every owner of a building containing or comprising one or more dwelling units shall install or cause to be installed, not later than six months from the date of passing of the enabling by-law in the case of buildings with existing dwelling units, and prior to occupancy of any dwelling units which are not already occupied, one or more smoke alarms in each dwelling unit in accordance with Sections 1064.3.4, 1064.3.5 and Article 4.

**1064.3.3 Maintenance - Schedule 'A' - responsibility - occupant**

Every occupant of a dwelling unit shall maintain the smoke alarm in operating condition at all times during occupancy in accordance with the provisions set out in Schedule 'A' to this Chapter.

**1064.3.4 Installation - on - near ceiling - instructions**

Every smoke alarm shall be installed on or near the ceiling in accordance with the manufacturer's instructions.

**1064.3.5 Location - requirement**

Smoke alarms shall be located:

- (a) either:
  - (i) between the sleeping area, and the remainder of the dwelling unit and, if there is more than one sleeping area, a smoke alarm shall be installed between each sleeping area and the remainder of the dwelling unit; or
  - (ii) in each hallway that serves a sleeping area belonging to the dwelling unit; and
- (b) in the path of exit travel on any storey of a dwelling unit not containing a sleeping area.

**1064.3.6 Inspection**

In accordance with the provisions of the *Fire Marshals Act* every Fire Prevention Officer may, at all reasonable hours and upon producing proper identification, enter into and upon any building or premises containing one or more dwelling units for the purpose of examination to ascertain whether the provisions of this Chapter have been complied with.

**Article 4**  
**ELECTRICALLY POWERED SMOKE ALARMS**

**1064.4.1 Operating condition - visual indication - required**

Every installed electrically powered smoke alarm shall be equipped with a visual indication that it is in operating condition.

**1064.4.2 Switch - between alarm - panel - prohibited**

No installed electrically powered smoke alarm shall have a switch between the smoke alarm and the power distribution panel.

**1064.4.3 Mounting - permanent - location - requirements**

Every installed electrically powered smoke alarm shall be permanently mounted on a standard outlet box on the ceiling or on the walls between six inches and twelve inches below the ceiling and in accordance with Sections 1064.3.4 and 1064.3.5.

**Article 5**  
**NOTICE TO COMPLY**

**1064.5.1 Non-compliance - notice - served on owner**

Where a Fire Prevention Officer ascertains that an owner has not complied with Section 1064.3.2 or Sections 1064.3.4 and 1064.3.5 or Article 4, the Fire Prevention Officer may serve a notice personally or by registered mail upon the owner, requiring the owner to comply.

**1064.5.2 Non-compliance - notice - served on occupant**

Where a Fire Prevention Officer ascertains that an occupant has not complied with Section 1064.3.3, the Fire Prevention Officer may serve a notice to comply in writing, personally or by registered mail upon the occupant, requiring the occupant to comply.

**1064.5.3 Information - required - set out**

The notice to comply shall contain the following information:

- (a) the name and address of the person upon whom notice is served;
- (b) the address of the premises with respect to which there is a non-compliance;
- (c) reasonable particulars of the requirements of this Chapter respecting which there is non-compliance and the provisions of this Chapter relating thereto; and
- (d) the date by which the person served shall remedy the non-compliance.

**Article 6**  
**ENFORCEMENT**

**1064.6.1 Non-compliance - unremedied - offence**

Every owner or occupant who fails to remedy the non-compliance set out in the notice to comply on or before the specified date is guilty of an offence.

**1064.6.2 Continuation - repetition - prohibited - by order**

When an owner or occupant has been convicted of an offence under this Chapter:

- (a) the Provincial Offences Court of the Judicial District of the Regional Municipality of York; or
- (b) any court of competent jurisdiction thereafter;

may, in addition to any other penalty imposed on the owner or occupant convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing directed toward the continuation or repetition of the offence. By-law 185-90, 4 June, 1990.