

SMOKE DETECTORS

Requirements in buildings used for residential occupancy, responsibilities of owner and tenants/residents.

- A. All buildings and structures used for residential occupancy, including but not limited to single-family dwellings, multifamily dwellings, multifamily apartment houses, boardinghouses, lodging homes, rooming houses, tourist homes, bed-and-breakfast homes, dormitories, hotels, motels and residential buildings, shall have smoke detectors installed in each sleeping area of said building or structure. Where bedrooms or rooms habitually used for sleeping are separated by other use areas, such as kitchens, living rooms or dining rooms, they shall be considered as separate sleeping areas for the purpose of this section. Additionally, in each multifamily dwelling or apartment house containing three (3) or more units and in each boardinghouse, lodging home, rooming house, bed-and-breakfast home, tourist home, dormitory, hotel, motel and resident building, smoke detectors shall be installed in the cellar and/or basement and on every floor in common areas (e.g., basements, cellars, hallways, corridors, etc.) along with those placed in sleeping areas.

- B. It shall be the responsibility of the owner of each new residential occupancy unit and each existing residential occupancy unit in any structure having at least one (1) occupant to install smoke detectors as heretofore provided. It shall be the responsibility of the tenants/residents in all occupied units and of the owner in all other cases to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electric source so that they remain capable of transmitting an audible signal in the presence of smoke.

Requirements in buildings not used for residential occupancy; responsibilities of owner and tenants/residents.

- A. In all other buildings and or structures in the borough for which a use and/or occupancy permit has been issued, smoke detectors shall be installed and placed so as to provide adequate coverage for the structure in accordance with standards set forth in Chapter 4 of The National Fire Code, 1987 Edition, published by the National Fire Protection Association, Inc. (the "code"), three (3) copies of which are on file in the office of the Secretary at the Municipal Building.

- B. It shall be the responsibility of the owner of each new structure and each existing structure having at least one (1) occupant, other than those structures identified in section 1 above, to install smoke detectors as heretofore provided. It shall be the responsibility of the tenants/occupants in all such occupied units and of the owner

in all such unoccupied units, if any, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electrical source so that they remain capable of transmitting an audible signal in the presence of smoke.

Specifications; maintenance.

Each smoke detector shall be capable of sensing visible or invisible particles of combustion and shall be capable of producing an audible alarm thereof. Each smoke detection device utilized shall be maintained in operable condition and shall be of a type certified by a nationally recognized inspection agency, such as Underwriter's Laboratories, Inc., as a properly operating fire detection device for the protection of life safety.

Prohibited acts.

In addition to any owner or tenant who fails to carry out the obligations imposed hereby, any person or persons who remove or destroy any smoke detector (except the owner or tenant for the purpose of immediate replacement) shall be deemed in violation of this chapter.

Power supply.

In any new construction, smoke detectors shall be hard-wired directly to the building's power supply. In all existing structures, it is preferred that smoke detectors be hard-wired to the building's power supply; however, a monitored battery supply is acceptable for residential structures. All existing nonresidential structures covered by this chapter shall be protected by a hardwired smoke detector.

Alternative fire detection and/or prevention systems.

Alternative fire detection and/or prevention systems may be installed as a substitute for the smoke detectors required hereunder, provided that such alternative fire detection/prevention system has been individually approved and a permit therefore issued by the Code Enforcement Officer of the Borough (or such other persons as the Borough Council shall designate by resolution). Alternate fire detection and/or prevention systems installed and in operation prior to and on the effective date of this chapter are hereby deemed acceptable, provided that such systems are in conformance with the standards of the above code.

Violations and penalties.

Any person who violates this chapter shall, upon conviction thereof before any District Justice of the Borough or any other court having jurisdiction over the same, be sentenced

to pay a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment on the county jail for not more than thirty (30) days. Any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof before any District Justice in the Borough or other court having jurisdiction over the same, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment on the county jail for not more than thirty (30) days. Each day that a violation continues shall be deemed a separate offense.

Intent; effect on other provisions; repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This chapter is intended to establish a minimum requirement for fire detection devices in buildings and structures located within the Borough. Other ordinances and/or codes requiring more stringent fire detection/prevention measures shall not be deemed in conflict herewith.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.