

THE CORPORATION OF THE TOWN OF PICKERING

BY-LAW NO. 5247/98

Being a by-law to require the installation of
Smoke Alarms and Carbon Monoxide Detectors
in residential occupancies.

WHEREAS Section 102, of the *Municipal Act* ("The Act") provides that a municipality may pass by-laws for the health, safety, morality and welfare of the inhabitants of the municipality;

AND WHEREAS Section 210, paragraph 44 of the Act provides that a municipality is authorized to pass a by-law for requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident;

AND WHEREAS Section 210, paragraph 49 of the Act provides that a municipality is authorized to make such other regulations for preventing fires and the spread of fires as Council considers necessary;

AND WHEREAS Section 210 paragraph 46 of the Act provides that a municipality may appoint officers to enter at all reasonable times upon property in order to ascertain whether the by-law is obeyed and to enforce or carry into effect the by-law;

AND WHEREAS Section 320 of the Municipal Act, by-laws may be passed by Council providing that any person who contravenes any by-law of Council passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS the Council for The Corporation of the Town of Pickering consider it necessary, in order to prevent the spread of fire and to reduce the health risks to occupants, to require smoke alarms and carbon monoxide detectors to be installed in residential buildings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PICKERING HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law,
 - (a) "Basement" means any storey below the first storey;
 - (b) "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;
 - (c) "Carbon Monoxide Detector" means a battery or electrically powered combined carbon monoxide detector and audible alarm device that:
 - (i) is designed to sound an audible alarm upon detection of excessive concentrations of carbon monoxide; and
 - (ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
 - (iii) where electrically powered, has no switch between the detector and the power distribution panel; and
 - (iv) conforms to the Underwriters' Laboratories Standard 2034 and, where electrically powered, is approved by the Canadian Standards Association;
 - (d) "Fire Chief" means the Chief of the Fire Department of the Town;

- (e) "Fire Prevention Officer" means a member of the Fire Prevention Division of the Fire Department of the Town and includes the Fire Chief and any other member of the Fire Department designated by the Fire Chief;
- (f) "Occupant" means any person or person over the age of 18 years, or any firm, or corporation in possession of a dwelling unit;
- (g) "Owner" includes the registered owner and any person, firm, or corporation managing or receiving rent for a dwelling unit, whether on his own account or as an agent, trustee, or representative of the owner, or any other person who so receives the rent if such dwelling unit is leased and includes an owner, occupier, or any person to whom rent is payable;
- (h) "Residential occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or who are not involuntarily detained;
- (i) "Smoke alarm" means a battery or electrically powered combined smoke detection device and audible alarm device that:
 - (i) is designed to sound an alarm within a room or suite in which it is located where there is smoke within a room or suite;
 - (ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition;
 - (iii) where electrically powered, has no switch between the smoke alarm and the power distribution panel; and
 - (iv) has been approved by the Underwriters' Laboratories of Canada and, where electrically powered, by the Canadian Standards Association.
- (j) "Storey" means that portion of a building that is situated between the floor and the ceiling above it.
- (k) "Town" means The Corporation of the Town of Pickering.

APPLICATION

2. The provisions of this by-law do not apply to matters governed by provincial legislation, including the *Building Code Act*, the *Fire Marshals Act* and *Hotel Fire Safety Act*, all amendments thereto and regulations thereunder and the provisions of the by-law shall be construed accordingly.

SMOKE ALARMS

3. Every owner and occupant of a dwelling unit shall install and maintain smoke alarms in each dwelling unit as set out in this by-law.
4. Smoke alarms shall be installed on or near the ceiling in accordance with the manufacturers instructions and in conformance with the Canadian Electrical Code and shall be located;
 - (a) On each storey, including a basement, where sleeping areas are located,
 - (i) between each sleeping area and the remainder of the dwelling unit; or
 - (ii) in the hallway, where a sleeping area is served by a hallway belonging to the dwelling unit; and
 - (iii) in the path of exit travel on any storey not containing a sleeping area.
6. Every owner shall supply a copy of the manufacturer's maintenance instructions to the occupant(s) of the dwelling unit, who shall maintain the smoke alarm(s) in operating condition at all times in accordance with the manufacturer's maintenance instructions.

7. Smoke alarms shall be equipped with an alarm that is clearly audible within all bedrooms when the intervening doors are closed.

CARBON MONOXIDE DETECTORS

8. Every owner and occupant of a dwelling unit shall install and maintain carbon monoxide detectors in every dwelling unit as set out in this by-law.
9. A minimum of one (1) carbon monoxide detector shall be installed in every dwelling unit, in accordance with the provisions of this by-law.
10. Every owner shall supply a copy of the manufacturer's maintenance instructions to the occupant(s) of the dwelling unit, who shall maintain the carbon monoxide detector in operating condition at all times in accordance with the manufacturer's maintenance instructions.
11. Carbon monoxide detectors shall be equipped with an alarm that is clearly audible within all bedrooms when the intervening doors are closed.

INSPECTION AND ENFORCEMENT

12. Every Fire Prevention Officer may, upon the complaint of an occupant or owner, inspect any residential occupancies or dwelling units, and for such purpose may at all reasonable hours and upon producing proper identification, enter into and upon the building or premises containing the dwelling units for the purpose of examination and ascertaining whether provisions of this by-law have been obeyed and to enforce or carry into effect the by-law.
13. Where a Fire Prevention Officer ascertains that an owner or an occupant has not complied with the requirements of this by-law, he may serve a notice to comply to the owner and to the occupant in writing, delivered personally or by registered mail, which notice shall include:
 - a) The name and address of the person upon whom notice is served.
 - b) The address of premises which is the subject of the non-compliance.
 - c) Reasonable particulars of the requirements of this by-law to which there is non-compliance, and the actions required in order to comply with this by-law.
 - d) A requirement that the person served shall remedy the non-compliance forthwith.

OFFENCES

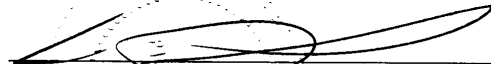
14. Every person who contravenes any provisions of this By-Law is guilty of an offence and liable upon conviction to a fine of not more than \$5,000.00 exclusive of costs as authorized by The Provincial Offences Act, Section 61, R.S.O. 1990, c. P.33 as amended, except where otherwise expressly provided by law which shall be recoverable under the provisions of The Provincial Offences Act and all the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this By-law.

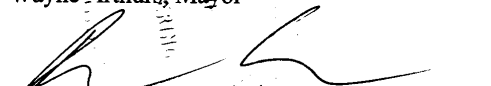
IMPLEMENTATION

15. This by-law shall come into force and effect on November 1, 1998.

BY-LAW read a first and second time this 6th day of April, 1998.

BY-LAW read a third time and finally passed this 20th day of April, 1998.


Wayne Arthur, Mayor


Bruce Taylor, Clerk