

THE CORPORATION OF THE TOWNSHIP OF NORTH GLENGARRY

BY-LAW NO. 43 - 2008

BEING a by-law requiring the installation and maintenance of smoke alarms in dwelling units.

The Council of the Corporation of the Township of North Glengarry enacts as follows:

DEFINITIONS

1. In this By-Law,

*"basement"* means one or more storeys of a building located below the first storey.

*"dwelling unit"* means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

*"Fire Chief"* means the Chief of the Township of North Glengarry Fire Department and includes and Acting Fire Chief.

*"Fire Prevention Officer"* means the Fire Chief, any other member of the Township of North Glengarry Fire Department who is designated as such by the Fire Chief, or an employee of the Township of North Glengarry who is designated by the Township Council as such.

*"first storey"* means the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade.

*"occupant"* means any person who uses a dwelling unit as his or her residence.

*"owner"* includes an owner who is also an occupant.

*"residential occupancy"* means the occupancy or use of a building or part of a building by persons for whom sleeping accommodation is provided but who are not harboured or detained there to receive medical care or treatment or who are not involuntarily detained there.

*"permanently powered"* means powered by a permanent connection to the building's electrical system.

*"Smoke alarm"* means a combined smoke detector and audible alarm device that:

- (a) is designed to sound an alarm within the room or suite in which it is located on the detection of smoke within that room or suite,
- (b) is equipped with an indicator that 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, by the Canadian Standards Association.

*"storey"* means the portion of a building,

- (a) that is situated between the top of any floor and the top of the floor next above it, or
- (b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

INSTALLATION OF SMOKE ALARMS

2. (a) Every owner of a dwelling unit shall ensure that at least one properly functioning smoke alarm is installed, in accordance with the manufacturer's instructions, on every storey of the dwelling unit.

(b) Every owner of a dwelling unit shall ensure that a properly functioning smoke alarm is installed,

- (1) on a storey not having a sleeping area, near the stairs connecting that storey with another storey,
- (2) on a storey having sleeping areas, between each sleeping area and the remainder of the dwelling unit, and
- (3) where a sleeping area is accessed by a hallway leading to the rest of the dwelling unit, in that hallway.

(c) Every owner of a dwelling unit shall ensure that the smoke alarms, as installed, are audible within the sleeping areas when the intervening doors are closed.

(d) Every owner of a dwelling unit shall ensure that if a smoke alarm is permanently powered, there are no switches in the electrical circuit between the smoke alarm and the circuit breaker.

(e) Every owner of a dwelling unit shall ensure that where more than one permanently powered smoke alarm is installed in a dwelling unit, they are connected so that the activation of one permanently powered alarm will cause the activation of all other such alarms in the same dwelling unit.

(f) Every owner of a dwelling unit shall ensure that all permanently powered smoke alarms in a dwelling unit are equipped with visual indicators that show whether the smoke alarm is properly functioning.

(g) Every owner of a dwelling unit shall ensure that any smoke alarm installed after January 1, 2001 is permanently powered.

(h) Every owner of a building containing dwelling units that exit into a common hallway shall ensure that properly functioning smoke alarms are installed in the common hallway and that, when activated, such alarms are audible within every dwelling unit when the intervening doors are closed.

### **MAINTENANCE OF SMOKE ALARMS**

3. (a) Every occupant of a dwelling unit shall ensure that every smoke alarm within the dwelling unit is functioning properly at all times.

(b) Every owner of a building containing dwelling units shall ensure that every smoke alarm within the common hallways and other common elements of the building is functioning properly at all times.

(c) Every owner of a dwelling unit shall provide the occupants of the dwelling unit with written instructions for the maintenance, care and testing of the smoke alarms in the dwelling unit, as provided by the manufacturer of the smoke alarms.

(d) Every occupant of a dwelling unit shall ensure that the manufacturer's recommended maintenance, care and testing procedures are followed in respect of every smoke alarm in the dwelling unit.

(e) Every owner of a dwelling unit shall ensure that the inside of every smoke alarm in the dwelling unit is vacuumed to remove dust annually, unless doing so is contrary to the manufacturer's instructions for the maintenance of the smoke alarms.

(f) Every owner of a building containing dwelling units shall ensure that the inside of every smoke alarm in the common hallways and other common elements of the building is vacuumed to remove dust annually, unless doing so is contrary to the manufacturer's instructions for the maintenance of the smoke alarms.

(g) Every owner of a dwelling unit shall ensure that, as applicable, the disposable batteries in every smoke alarm in the dwelling unit are replaced with new batteries at

least annually.

(h) Every owner of a building containing dwelling units shall ensure that, as applicable, the disposable batteries in every smoke alarm in the common hallways and other common elements of the building are replaced with new batteries at least annually.

### INSPECTIONS

4. (a) A Fire Prevention Officer may inspect any dwelling unit or building containing dwelling units for the purpose of ascertaining whether the owner and occupants are complying with this By-Law.
- (b) A Fire Prevention Officer may enter a dwelling unit or a building containing a dwelling unit at any reasonable hour and upon producing proper identification for the purpose of conducting an inspection referred to in subsection 4(a).
- (c) Where, in the opinion of a Fire Prevention Officer, an owner or occupant is not complying with this By-Law, the Fire Prevention Officer may order the owner or occupant to comply with this By-Law by serving the owner or occupant with a written Notice to Comply, either personally or by registered mail.
- (d) A Fire Prevention Officer shall include the following information in a Notice to Comply:
- (1) the name and address of the owner or occupant upon whom it is served,
  - (2) the municipal address or legal description of the dwelling unit, building or premises that is implicated,
  - (3) particulars of the non-compliance,
  - (4) a clear statement requiring the owner or occupant to rectify the non-compliance immediately, and
  - (5) a date on which a Fire Prevention Officer will attend to re-inspect for compliance.
- (e) Every person who is served with a Notice to Comply shall, as soon as is practical, take all necessary steps to comply with the Notice to Comply.
- (f) No person shall refuse to admit a Fire Prevention Officer to a dwelling unit or to a building containing dwelling units where the Fire Prevention Officer seeks admission for the express purpose of carrying out an inspection under subsection 4(a).
- (g) No person shall interfere with or obstruct a Fire Prevention Officer's efforts to carry out his or her duties under this By-Law.

### OFFENCES

5. (a) Every person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to:
- (1) a fine as set out in Schedule A, or
  - (2) a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.
- (b) Where a person is convicted of an offence under this By-Law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

### COMING INTO FORCE

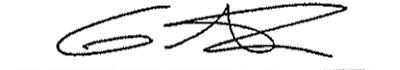
6. By-Law 62-2000 of the Township of North Glengarry is hereby repealed.
7. This By-Law comes into force upon its enactment.

**SHORT TITLE**

8. The short title of this By-Law is "The Smoke Alarm By-Law".

READ a first, second and third time and passed in Open Council this 27<sup>th</sup> day of October, 2008.

  
Clerk / Deputy Clerk

  
Mayor

I, hereby certify that the foregoing is a true copy of By-law No. 43-2008, duly adopted by the Council of the Township of North Glengarry, on the 27<sup>th</sup> day of October, 2008.

\_\_\_\_\_  
Date Certified

\_\_\_\_\_  
Clerk / Deputy

**SCHEDULE A**

**Corporation of the Township of North Glengarry  
By-Law # 43 - 2008: Installation and Maintenance of  
Smoke Alarms in Dwelling Units  
Set Fine Schedule  
Part 1 Provincial Offences Act**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Failure to install at least one smoke alarm on each storey of dwelling unit	2(a)	350.00
2	Failure to install smoke alarms in correct locations	2(b)	350.00
3	Failure to ensure that smoke alarm is audible in sleeping areas with doors closed	2(c)	350.00
4	Installation of permanently powered smoke alarm on switched circuit	2(d)	350.00
5	Failure to install multiple permanently powered smoke alarms to activate in unison	2(e)	350.00
6	Failure to ensure that permanently powered smoke alarm has visual indication of operating condition	2(f)	350.00
7	Installation of non-permanently powered alarm after January 1, 2001	2(g)	350.00
8	Failure to properly install smoke alarms in common areas of multiple-dwelling unit building	2(h)	350.00
9	Failure of occupant to ensure smoke alarms in dwelling unit functioning properly	3(a)	350.00
10	Failure of owner to ensure smoke alarms in common areas functioning properly	3(b)	350.00
11	Failure of owner to provide occupants with manufacturer's instructions	3(c)	350.00
12	Failure of occupant to follow manufacturer's maintenance instructions	3(d)	350.00
13	Failure of dwelling unit owner to vacuum smoke alarm annually	3(e)	350.00
14	Failure of building owner to vacuum smoke alarms in common areas annually	3(f)	350.00
15	Failure of dwelling unit owner to replace disposable batteries annually	3(g)	350.00
16	Failure of building owner to replace disposable batteries in common areas annually	3(h)	350.00
17	Failure to comply with a Notice to Comply	4(e)	350.00
18	Fail to admit Fire Prevention Officer for inspection	4(f)	350.00
19	Interfere with or obstruct Fire Prevention Officer	4(g)	350.00

**Note:** The general penalty provision for the offences listed above is section 5 of By-Law 43 - 2008, a certified copy of which has been filed.