

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2800

A bylaw for the installation and maintenance of
Smoke Alarms in Dwelling Units

WHEREAS pursuant to Section 63 of the *Community Charter*, Council may pass bylaws relating to smoke alarms and Council is of the opinion that it is expedient and in the public interest to adopt smoke alarm regulations,

NOW THEREFORE the Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. **Citation**

This Bylaw may be cited as the "SMOKE ALARM BYLAW, 2013, NO. 2800."

2. **Definitions**

In this Bylaw:

- (a) "CAN/ULC-S531" means the National Standard of Canada designation for the standard for smoke alarms issued under the auspices of the Underwriters' Laboratories of Canada;
- (b) "CAN/ULC-S553" means the National Standard of Canada designation for the standard for the installation of smoke alarms issued under the auspices of the Underwriters' Laboratories of Canada;
- (c) "Dwelling Unit" means one or more habitable rooms used for residential accommodation when such rooms contain or provide for the installation of only one set of cooking facilities and one or more sets of sanitary facilities;
- (d) "Inspector" includes the Fire Chief and any other member of the Fire Department of the Municipality.
- (e) "Institutional Occupancy" means the occupancy of a building or part thereof by persons who require special care or treatment because of age, mental or physical limitations;
- (f) "Smoke Alarm" means a combined smoke detector and audible alarm device which:
 - i) is designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within the room or suite; and
 - ii) conforms to the CAN/ULC-S531 Standard for smoke alarms.

3. **Severability**

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

4. **Duty of Care**

This Bylaw does not create any duty of care whatsoever on the Municipality, the Council members, officers, inspectors or any employees or agents of the Municipality in respect of:

- (a) inspections made by the Inspector or failure to make such inspections, or
- (b) the enforcement or failure to enforce the provisions of this Bylaw.

5. **Cause of Action**

Neither the failure to administer or enforce, nor the incomplete or inadequate administration or enforcement of this Bylaw or inspections made by the Inspector, shall give rise to a cause of action in favour of any person including the owner.

6. **Installation of Smoke Alarms Required**

- (a) The owner of a building shall install and maintain at least one smoke alarm in every dwelling unit, unless the dwelling unit is located in an institutional occupancy which is served by a functioning fire alarm system;
- (b) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit and where the sleeping areas are served by a hallway, the smoke alarm shall be installed in the hallway;
- (c) Smoke alarms shall be installed on or near the ceiling;
- (d) Where the dwelling unit consists of more than one storey at least one smoke alarm shall be installed on each storey;
- (e) The owner shall install smoke alarms in conformance with the CAN/ULC-S553 Standard for the installation of smoke alarms.

7. **Smoke Alarm Requirements**

- (a) Smoke alarms installed pursuant to this Bylaw must be connected to an electrical circuit;
- (b) An individually battery powered smoke alarm will not be installed in any dwelling unit unless it is installed in conjunction with and in addition to a smoke alarm which is connected to an electrical circuit;
- (c) Battery powered smoke alarms are permitted in garages, workshops and other outbuildings and structures that do not contain dwelling units;
- (d) Battery powered smoke alarms shall be equipped with an alarm pause button which, when used, will temporarily reduce the alarm's sensitivity to smoke;
- (e) Smoke alarms connected to an electrical circuit shall not be equipped with a disconnect switch between the overcurrent device and the smoke alarm.

8. **Testing**

- (a) The owner of the dwelling unit or room in which a smoke alarm is installed shall test, or have the smoke alarm tested, at least once every twelve months to ensure it is functioning correctly.
- (b) The owner of the dwelling unit or room in which an individually battery powered smoke alarm has been installed shall install new batteries in the alarm at least once every twelve months.
- (c) The owner of the dwelling unit which a smoke alarm is installed shall immediately replace or repair any smoke alarm which, upon testing, fails to perform correctly.

9. **Inspectors**

- (a) The Inspector is authorized to enter onto any property that is subject to this Bylaw, at all reasonable times, in order to ascertain whether the requirements of this Bylaw are being met.
- (b) Notwithstanding clause (a), where the property that is subject to inspection is an occupied dwelling unit, the Inspector shall first obtain the consent of the occupant, or the occupant shall first have been given 24 hours written notice of the Inspector's intention to inspect the dwelling unit.
- (c) All Inspectors entering private property shall be in possession of credentials to identify them as duly authorized representative(s) of the Municipality.
- (d) No person shall obstruct or prevent the entry of the Inspector onto any property or dwelling unit pursuant to this Bylaw.

10. **Other Provincial Requirements**

- (a) Orders for upgrading or repair issued by the Local Assistant to the Fire Commissioner, shall take precedence over this Bylaw.
- (b) Nothing contained in this Bylaw shall be construed to alter or vary the provisions of the *British Columbia Building Code* governing the installation of smoke alarms.

11. **Offence and Penalty**

- (a) A person who contravenes a provision of this Bylaw is guilty of an offence and shall be liable upon conviction to a fine of not less than \$200.00.
- (b) A person commits a separate offence on each day that an offence under subsection (a) continues.

12. **Repeal**

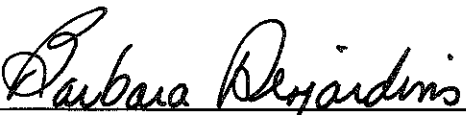
The Smoke Alarm Bylaw, 1995, No. 2190 and all amendments thereto, are hereby repealed

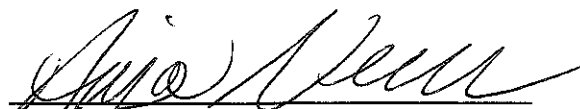
Read a first time on the 6th day of May, 2013.

Read a second time on the 6th day of May, 2013.

Read a third time on the 6th day of May, 2013.

ADOPTED on the 27th day of May, 2013.


BARBARA DESJARDINS
MAYOR


ANJA NURVO
CORPORATE OFFICER

