

THE CORPORATION OF THE TOWN OF WHITBY

BY-LAW NO. 3794-96

BEING A BY-LAW TO PROVIDE FOR SMOKE ALARMS IN DWELLING UNITS

HEREAS, Section 102 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that every council may pass such by-laws and make such regulations for the health, safety and welfare of the inhabitants of the municipality in matters not specifically provided for by the said Act as may be deemed expedient and are not contrary to law;

AND WHEREAS, Subsection 210(46) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of local municipalities for authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the by-law is obeyed, and to enforce or to carry into effect the by-law;

AND WHEREAS, Subsection 210(49) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of local municipalities for making such other regulations for preventing fires and the spread of fires as the council considers necessary;

AND WHEREAS, the Council of the Corporation of the Town of Whitby considers it desirable to require the installation of smoke alarms in all dwelling units located within the said Corporation;

NOW THEREFORE, the Council of the Corporation of the Town of Whitby enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) "basement" means a storey or storeys of a building located below the first storey;
 - (b) "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;
 - (c) "first storey" means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade;

By-law No. 3794-96

- (d) "grade" means the average level of proposed or finished ground adjoining a building at all exterior walls;
- (e) "inspector" means an inspector having jurisdiction for the enforcement of this by-law and includes an municipal by-law enforcement officer and any person designated by the Town of Whitby Fire Chief for such purpose;
- (f) "occupant" means any person occupying a dwelling unit under consideration;
- (g) "owner" means any person, firm or corporation controlling a dwelling unit under consideration;
- (h) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;
- (i) "smoke alarm" means a combined smoke detector and audible alarm device approved by the Underwriters' Laboratories of Canada and designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite;
- (j) "smoke detector" means a fire detector designed to operate when the concentration of airborne combustion products exceeds a pre-determined level;
- (k) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the said floor and the ceiling above it; and,
- (l) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy.

SMOKE ALARMS IN DWELLING UNITS

- 2.(1) Every owner of a dwelling unit shall install, or cause to be installed, a smoke alarm on each floor, including the basement, of the dwelling unit in accordance with the provisions of this by-law.
- (2) Where a dwelling unit consists of more than one floor the required smoke alarms shall be installed near the stairs connecting the floor levels.

By-law No. 3794-96

- (3) On floor levels containing bedrooms or sleeping areas, the required smoke alarms shall be installed between such bedrooms or sleeping areas and the remainder of the floor area, such as in a hallway or corridor servicing such rooms or areas.
- (4) On floor levels containing bedrooms or sleeping areas the required smoke alarms shall be audible within the bedrooms or sleeping areas when the intervening doors are closed.
- (5) Smoke alarms shall be installed in conformance with the manufacturer's installation instructions.
- (6) Smoke alarms required under this by-law may be battery operated unless otherwise required by law.
- (7) Every owner of a dwelling unit shall maintain, or cause to be maintained, the smoke alarms located in the dwelling unit in good condition at all times to insure their continuing satisfactory performance.
- (8) Every occupant of a dwelling unit not being the owner of the dwelling unit shall immediately report any malfunction of the smoke alarms located in the dwelling unit to the owner.

INSPECTIONS

3. Any inspector may, at all reasonable times and with the occupant's consent, enter into a dwelling unit for the purpose of examining and ascertaining whether the provisions of this by-law are being obeyed and to enforce or carry into effect the provisions of this by-law.

EXCEPTIONS

4. Despite the provisions of this by-law, the Building Code Act, R.S.O. 1990, c. B.13, and regulations thereunder as may be amended or updated from time to time shall apply to smoke alarms in dwelling units built after the first day of October, 1990.

PENALTIES

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, 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.

By-law No. 3794-96

SHORT TITLE

6. This by-law may be referred to as the Smoke Alarm By-law.

VALIDITY

Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this by-law as a whole, or any part thereof, other than the part so declared to be invalid.

EFFECTIVE DATE

8. This by-law shall come into force and take effect on the first day of May, 1996.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
26TH DAY OF FEBRUARY, A.D., 1996.


CLERK


MAYOR