

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

SMOKE ALARM BYLAW, 1995, NO. 2190

CONSOLIDATED FOR CONVENIENCE

**Consolidated for convenience. In case of discrepancy, the original
Bylaw and amending Bylaws must be consulted.**

Consolidated Amendments authorized by:

SMOKE ALARM BYLAW, AMENDMENT BYLAWS
(No. 1), 2002, No. 2509

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2190

A Bylaw for the installation and maintenance of Smoke Alarms in existing dwellings

WHEREAS Council may by bylaw, pursuant to Section 734 of the *Municipal Act*, adopt smoke alarm regulations,

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP, in open meeting assembled, enacts as follows:

1. **Citation**

This bylaw may be cited as the "SMOKE ALARM BYLAW, 1995, NO. 2190".

2. **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.

3. **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:

- (1) Inspections made by the Inspector or failure to make such inspections, or
- (2) The enforcement or failure to enforce the provisions of this bylaw;

4. **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.

5. **Administrative Directions**

Words defining the responsibilities and authority of the Inspector shall be construed to be an internal administrative direction and not as creating a duty.

6. In this bylaw:

- (a) "CAN/ULC-S531-M87" 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-M86" 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 structurally separate rooms, used as a unit for residential accommodation of one family and containing sleeping, cooking and toilet facilities;
 - (d) "*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;
 - (e) "*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-M87 Standard for smoke alarms.
- 7.
- (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-M86 Standard for the installation of smoke alarms.
- 8.
- (a) Smoke alarms installed pursuant to this Bylaw may be connected to an electrical circuit or be battery powered;

- (b) Battery powered smoke alarms will not be acceptable after January 1, 2000 and must be replaced with smoke alarms connected to an electrical circuit.
 - (c) Smoke alarms shall be equipped with an alarm pause button which, when used, will temporarily reduce the alarm's sensitivity to smoke;
 - (d) If the smoke alarm is connected to an electrical circuit, there shall be no disconnect switch between the overcurrent device and the smoke alarm.
- 9.
- (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) Where the owner installs an individually battery powered smoke alarm, the owner 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.
- 10.
- (a) The Inspector is authorized entry on 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. Notwithstanding, where the property that is subject to inspection is an occupied dwelling unit, he 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.
 - (b) All Inspectors entering private property shall be in possession of credentials to identify them as duly authorized representative(s) of the Municipality.
 - (c) No person shall obstruct or prevent the entry of the Inspector onto any property pursuant to this bylaw.
- 11.
- (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 in new buildings.

- 12.
 - (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 **more than \$2,000;**
(Amended by Bylaw 2509, 2002)

 - (b) A person commits a separate offence on each day that an offence under sub-section (a) continues.

- 13. This bylaw shall come into effect on December 31, 1995.

Read a first time by the Municipal Council on May 8, 1995.

Read a second time by the Municipal Council on May 8, 1995.

Read a third time by the Municipal Council on May 8, 1995.

ADOPTED by the Municipal Council on May 15, 1995.

C. J. E. CLEMENT
MAYOR

R. SERIGHT
MUNICIPAL CLERK