

# CORPORATION OF THE TOWN OF HAWKESBURY

## By-Law N° 30-96

### **A by-law of the Corporation of the Town of Hawkesbury respecting devices for the early detection and simultaneous alarm, signalling the presence of fire at an early stage**

**WHEREAS** the Municipal Act, R.S.O. 1990, c. M. 45, s. 210, paragraph 49 as amended, empowers the Council of local municipalities to enact by-laws for making such regulations for preventing fires and the spread of fires as the Council considers necessary;

**AND WHEREAS** the Municipal Act, R.S.O. 1990, c. M. 45, s. 102 empowers every Council to pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and not contrary to law;

**AND WHEREAS** the Municipal Act, R.S.O. 1990, c. M. 45, s. 210, paragraph 46 empowers the Council to enact by-laws to authorize appointed officers of a municipality to enter at all reasonable times upon any property in order to ascertain whether the provisions of by-laws for preventing fires and the spread of fires are obeyed and to enforce or carry the same into effect.

**THEREFORE** the Council of the Corporation of the Town of Hawkesbury enacts as follows:

#### **TITLE**

##### **Short Title**

1. The short title of this by-law is "The Smoke Alarm By-Law".

#### **DEFINITIONS**

2. In this by-law:

- (a) **"Basement"** means any storey below the first storey;
- (b) **"By-Law Enforcement Officer"** means the officer in charge of by-law enforcement of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (c) **"Chief Building Official"** means the official in charge of the Building Inspection Division of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (d) **"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 (1) or more persons and that contain cooking, eating, living, sleeping and sanitary facilities;
- (e) **"Fire Chief"** means the Chief of the Fire Department of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (f) **"Occupant"** means any person, firm or corporation residing in the dwelling unit;

- (g) **"Owner"** includes the registered owner and any person, firm or corporation managing or receiving rent for the 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) **"Person"** includes, not only an individual, but also a partnership and body corporate and any association;
- (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 the room or suite in which it is located where there is smoke within the room or suite;
  - ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
  - iii) has been approved by the Underwriters' Laboratories of Canada and, where electrically powered, also approved by the Canadian Standards Association;
- (j) **"Storey"** means that portion of a building that is situated between the floor and the ceiling above it.

## **GENERAL REQUIREMENTS**

### **Installation of Smoke Alarm**

3. Every owner of a dwelling unit shall install or cause to be installed the required number of smoke alarms at each storey of the dwelling unit, including the basement, in accordance with the provisions of section 4 of this by-law.
4. Smoke alarms shall be installed on or near the ceiling in accordance with the manufacturer's instructions and in conformance with the Canadian Electrical Code and shall be located;
  - (a) on each storey and 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
  - (b) in the path of exit travel on any storey and basement not containing a sleeping area.
5. No electrically powered smoke alarm shall have a switch between the smoke alarm and the power distribution panel.

**Maintenance of Smoke Alarms**

6. Every owner shall supply a copy of the manufacturer's maintenance instructions to the occupant(s) of the dwelling unit.
7. The occupant(s) of a dwelling unit shall maintain the smoke alarm(s) in operating condition at all times in accordance with the manufacturer's maintenance instructions.
8. The following are guidelines in the use and testing of smoke alarms:
  - (a) The operational life of smoke alarm is related to environment; Smoke alarm installed in areas where cooking residue and dust prevail may result in an effective life of three (3) to seven (7) years; while smoke alarms installed in cleaner areas may result in a life expectancy of ten (10) years.
  - (b) Smoke alarm that are more than 10 years should be replaced.
  - (c) Smoke alarms should be tested at least once a month.
  - (d) Batteries should be replaced at least once a year.

**Inspection**

9. The Fire Chief, the Chief Building Official and the By-law Enforcement Officers may, at all reasonable times and upon producing proper identification, with the consent of the owner or the occupant(s), enter and inspect any property in order to ascertain whether the provisions of this by-law are complied with and to enforce or carry into effect the provisions hereof.

**OFFENCES**

10. Any person who contravenes any of the provisions of this by-law is guilty of an offence, and on conviction is liable to a fine of not more than Five Thousand (\$5,000.00) Dollars, exclusive of costs, recoverable under the Provincial Offences Act, R.S.O. 1990, c.P. 33.

**PENALTIES**

11. (1) Tags and tickets may be issued by the Fire Chief, the Chief Building Official and the By-Law Enforcement Officers.
  - (2) Any person who contravenes any of the provisions of this by-law is guilty of an offence and shall be liable to pay a penalty as set out in Section 11.
  - (3) The receipt of payment signed by the person assigned to the duty of receiving payments out of Court, shall be evidence of payment of the penalty provided for the violation.
12. When a person has been convicted of an offence under this by-law, the court of competent jurisdiction may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed towards the continuation or repetition of the offence.

**SEVERABILITY**

13. If a court of competent jurisdiction should declare any paragraph or part of a paragraph of this by-law to be invalid or ultra vires such paragraph or part of a paragraph shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

14. That By-Law No. 114-95 is hereby repealed.

**DATE OF EFFECT**

15. This by-law shall come into full force and effect on the date of passing thereof.

**READ a first, second and adopted upon third reading this 29<sup>th</sup> day of APRIL 1996.**

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Town Clerk or Acting Clerk

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Mayor or Reeve