



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 108-91

A by-law to require the installation of smoke alarms in residential occupancies

WHEREAS Section 218 of the Municipal Act, R.S.O. 1980, Chapter 302 provides that a municipality is authorized to pass by-laws for providing fire protection services; for requiring buildings to be put in a safe condition to guard against fire or other dangerous risk or accident; for authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the by-law; and for making such other regulations for preventing fires and the spread of fires as the council considers necessary.

AND WHEREAS it is intended herein to require the installation and maintenance of at least one smoke alarm at each storey including basement, in all dwelling units.

NOW THEREFORE the Council of The Corporation of the City of Brampton enacts as follows:

DEFINITIONS:

1. In this by-law,
 - a) "Basement" means any storey below the first storey;
 - b) "City" means The Corporation of the City of Brampton;
 - c) "Dwelling Unit" shall mean one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one person or jointly by two or more persons, containing its own kitchen and sanitary facilities, with a private entrance.
 - d) "Fire Chief" means the Chief of the Fire Department of the City;
 - e) "Inspector" includes a municipal law enforcement officer and a member of the Fire Prevention Division of the Fire Department of the City and includes the Fire Chief and any other members of the Fire Department designated by the Fire Chief;
 - f) "Occupant" means any person, firm or corporation who is jointly responsible with the owner in respect of the property under consideration over which the occupancy has control;

- g) "Owner" means registered owner and includes any person, firm or corporation for the time being managing or receiving rent for the land or premises in connection with which the word is used, whether on his own account or as an agent, trustee or representative, or any other person who so receives the rent if such land were leased including an owner, occupier, or any person to whom rent is payable;
- h) "Residential occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained;
- 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 upon detection of products of combustion; and
 - 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 by the Canadian Standards Association;
- j) "Storey" means that portion of a building that is situated between the floor and the ceiling above it.

2. Application

The provisions of this by-law do not apply to matters governed by the provincial legislation including the Fire Marshals Act, R.S.O. 1980, Hotel Fire Safety Act, R.S.O. 1980, all amendments thereto and regulations to thereunder and the provisions of this by-law are to be construed accordingly.

3. Installation of Smoke Alarms

Every owner of a residential occupancy shall install or cause to be installed one or more smoke alarms at each storey of a dwelling unit, including the basement, in accordance with sections 5 and 6.

4. Maintenance of Smoke Alarms

Every occupant of a dwelling unit shall maintain the smoke alarm in operating condition at all times during occupancy.

5. Installation of Smoke Alarms

5.1 Every smoke alarm shall be installed on or near the ceiling in accordance with the manufacturer's instructions and shall be located,

- a) between each sleeping area and the remainder of the dwelling unit; or
- b) in the hallway, where a sleeping area is served by a hallway belonging to the dwelling unit; or
- c) in the path of exit travel on any storey not containing a sleeping area.

6. Electrically Powered Smoke Alarms

- a) Every installed electrically powered smoke alarm shall be equipped with visual indication that it is in operating condition.
- b) No installed electrically powered smoke alarm shall have a switch between the smoke alarm and the power distribution panel.
- c) Every installed electrically powered smoke alarm shall be permanently mounted on a standard outlet box on the ceiling or on the walls between six inches and twelve inches below the ceiling, in accordance with section 5.

7. Inspection

Every Inspector may, upon the complaint of a person interested and with the occupant's consent, inspect any residential occupancies or dwelling units, and for such purpose may at all reasonable hours and upon producing proper identification enter into and upon the building or premises containing the dwelling units for the purpose of examination and ascertaining whether provisions of this By-law have been obeyed and to enforce or carry into effect the by-law.

8. Notice to Comply

- a) Where an Inspector ascertains that an owner has not complied with Section 3, Section 5 or Section 6 the Inspector may serve a notice personally or by registered mail upon the owner requiring the owner to comply.
- b) Where an Inspector ascertains that an occupant has not complied with Section 4, the Inspector may serve a notice to comply in writing, personally or by registered mail upon the occupancy, requiring the occupant to comply.

9. Penalty

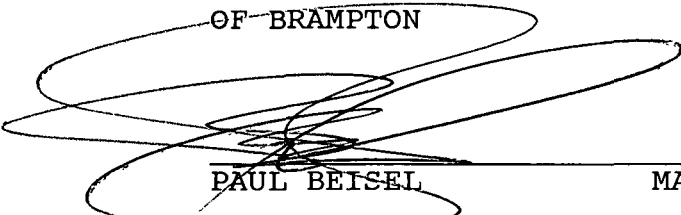
Every person who fails to remedy the noncompliance set out in the notice to comply on or before the specified date is guilty of an offence and is liable to a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs.

10. Commencement

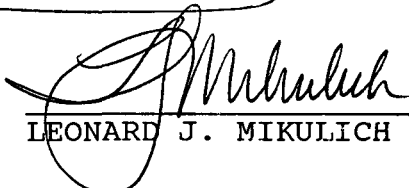
This By-law comes into force on September 1, 1991.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this 10TH day of JUNE , 1991.

THE CORPORATION OF THE CITY OF BRAMPTON



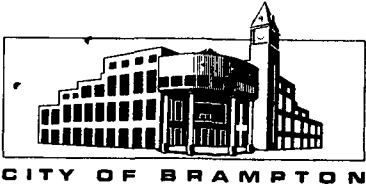
PAUL BEISEL MAYOR



LEONARD J. MIKULICH CLERK

APPROVED AS TO FORM LAW DEPT. BRAMPTON
WCC
DATE 6/1/91

F3(A)



Inter-Office MEMORANDUM

December 12, 1995

TO: The Mayor and Members of Council


FROM: W. Paul Dray
A. Yates

RE: Amendment to By-law 108-91
Our File No. D02

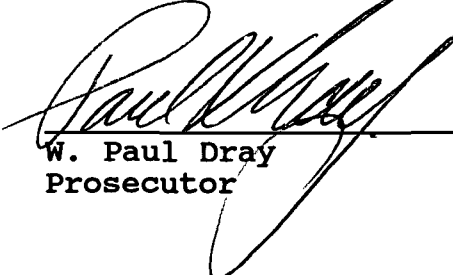
The attached are minor housekeeping amendments to revise By-law 108-91 as requested by the Fire and Emergency Services.

The amendments address the issue of smoke alarms being installed by occupants. Also the words "during occupancy" are being deleted because occupancy is not a relevant factor in the installation of smoke alarms. And finally, all references in the by-law to "Fire Department" are being amended to read "Fire and Emergency Services" to be consistent with their new name.

Respectfully submitted,




 Al Yates, Director of
 Fire Prevention



 W. Paul Dray
 Prosecutor

CONCUR:



 Verrall Clark
 Fire Chief

Attach.

WPD/mi

