

TOWN OF MARKHAM
ONTARIO



INSTALLATION OF SMOKE ALARMS
BY-LAW NO. 107-94

This By-law is printed under and
by authority of the Council of
the Town of Markham

(Consolidated for convenience only
to 5 August, 2003)



THE CORPORATION OF THE TOWN OF MARKHAM
BY-LAW NO. 107-94

A BY-LAW TO REQUIRE THE
INSTALLATION OF SMOKE ALARMS
IN RESIDENTIAL OCCUPANCIES

WHEREAS Section 210, paragraph 44 of the Municipal Act, R.S.O. 1990, c.M 45 (“The Act”) provides that a municipality is authorized to pass a by-law for requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident;

AND WHEREAS Section 210, paragraph 49 of the Act provides that a municipality is authorized to make such other regulations for preventing fires and the spread of fires as Council considers necessary;

AND WHEREAS the Council for the Corporation of the Town of Markham considers it necessary in order to prevent the spread of fires to require residential occupancies to install and maintain smoke alarms;

AND WHEREAS Section 210 paragraph 46 of the Act provides that a municipality may appoint officers to enter at all reasonable times upon property in order to ascertain whether the by-law is obeyed and to enforce or carry into effect the by-law;

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

1. Definitions

In this by-law,

- (a) “Basement” means any storey below the first storey;
- (b) “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 or more persons and that may contain cooking, eating, living, sleeping, and sanitary facilities;

- (c) “Fire Chief” means the Chief of the Fire Department of the Town;
- (d) “Fire Prevention Officer” means a member of the Fire Prevention Division of the Fire Department of the Town and includes the Fire Chief and any other member of the Fire Department designated by the Fire Chief;
- (e) “Occupant” means any person, firm or corporation residing in a dwelling unit;
- (f) “Owner” includes the registered owner and any person, firm, or corporation managing or receiving rent for a 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;
- (g) “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 who are not involuntarily detained;
- (h) “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 a room or suite in which it is located where there is smoke within a 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 by the Canadian Standards Association.
- (i) “Storey” means that portion of a building that is situated between the floor and the ceiling above it;
- (j) “Town means the Corporation of the Town of Markham.

2. Application

The provisions of this by-law do not apply to matters governed by provincial legislation, including the Fire Protection and Prevention Act,

1997 and the Ontario Fire Code (Ontario Regulation 388/97) and all amendments thereto and regulations thereunder, and the provisions of this by-law shall be construed accordingly.

(Amended by By-law Number 186-2000)

3. Installation of Smoke Alarms

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(s) 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 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 not containing a sleeping area.

5. Electrically Powered Smoke Alarms

- (1) Every installed electrically powered smoke alarm shall be equipped with visual indication that it is in operating condition.
- (2) No installed electrically powered smoke alarm shall have a switch between the smoke alarm and the power distribution panel.
- (3) Every installed electrically powered smoke alarm shall be permanently mounted on a standard outlet box on the ceiling or on the walls between six (6) inches and twelve (12) inches below the ceiling and in accordance with section 5.

6. Maintenance of Smoke Alarms

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. Penalty

Every person who contravenes any provision of this by-law is guilty of an offence. Pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33, upon conviction, a person is liable to a fine of not more than \$5,000.00 exclusive of costs.

9. Repeal

Town of Markham By-law No. 220-89 is hereby repealed.

10. Short Title

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

READ A FIRST AND SECOND TIME THIS 14TH DAY OF JUNE, 1994

READ A THIRD TIME AND PASSED THIS 14TH DAY OF JUNE, 1994

FRANK SCARPITTI, MAYOR

BOB PANIZZA, CLERK

SCHEDULE "A"

TO BY-LAW NO. 107-94

MAINTENANCE OF SMOKE ALARMS

1. Manufacturer's instructions necessary to describe the maintenance, care and testing required for smoke alarms to ensure continuing satisfactory performance should be maintained in a location where they will be readily available to all occupants for reference.
2. The following are guidelines in the use and testing of smoke alarms:
 - (a) Vacuum dust from the smoke alarm at least every six (6) months.
 - (b) On battery powered units, check to see if the battery is in place, connected, and not corroded. Replace batteries with the type recommended by the smoke alarm manufacturer. (A warning sound should indicate low battery condition).
 - (c) Test each smoke alarm monthly by introducing smoke into the unit, from burning incense or a smouldering piece of string.
 - (d) A test button on the unit makes provision for testing the electrical circuit and when depressed should cause the audible alarm to sound.