

# CITY OF WHITEHORSE

## BYLAW 91-70

A bylaw to require the installation of smoke alarms in residential occupancies.  
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WHEREAS section 267(2)(c) of the *Municipal Act* provides that Council may, subject to any other Act, adopt bylaws to provide for the destruction, alteration or removal of any building, structure or other thing which in the opinion of Council constitutes, or could constitute, a fire hazard, or that should be removed for the protection of life and property, and providing for charging the costs and expenses of such destruction, alteration or removal against the property concerned; and

WHEREAS section 267(2)(i) of the *Municipal Act* provides that Council may, subject to any other Act, adopt bylaws to allow for the inspection of premises for conditions which may cause a fire, incur the danger of fire or increase the danger to persons; and

WHEREAS section 267(4) of the *Municipal Act* provides that Council may adopt bylaws regulating any other matter which the Council considers necessary or proper for adequate fire protection; or the protection of life or property;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

### SHORT TITLE

1. This bylaw may be cited as the "**Smoke Alarm Bylaw**".

### DEFINITIONS

2. In this bylaw,
  - (1) "CITY" means the municipality of the City of Whitehorse.
  - (2) "COUNCIL" means the duly elected Council of the City of Whitehorse.
  - (3) "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.
  - (4) "FIRE CHIEF" means the Chief Officer of the City of Whitehorse Fire Department appointed by City Council, or such other person designated by the Fire Chief to carry out the provisions of this bylaw.
  - (5) "FIRE PREVENTION OFFICER" means a member of the City of Whitehorse Fire Department, and includes the Fire Chief and the Deputy Fire Chief.
  - (6) "OCCUPANT" means any person or persons in possession of the building under consideration.

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- (7) "ORDER" means a violation warning ticket, a notice of violation, or a written order made by a Fire Prevention Officer under the provisions of this bylaw.
- (8) "OWNER" means any person, firm or corporation having control over any portion of the building under consideration.
- (9) "PERSON" includes any firm, partnership, corporation or agent.
- (10) "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, including but not limited to apartments, boarding houses, clubs, residential colleges, residential convents, dormitories, hotels, motels, houses and institutional occupancies such as homes for the aged, convalescent homes, group homes and receiving homes, and child care facilities where sleeping accommodations are provided.
- (11) "SMOKE ALARM" means a battery or electrically powered combined smoke detector and audible alarm device that:
  - (a) is designed to sound an alarm upon detection of products of combustion; and
  - (b) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
  - (c) has been approved by the Underwriter's Laboratories of Canada and, where electrically powered, also by the Canadian Standards Association.

## ADMINISTRATION OF BYLAW

- 3. The provisions of this bylaw shall be administered by the Fire Chief.

## REQUIREMENT FOR SMOKE ALARMS

- 4. Every owner of a residential occupancy shall install or cause to be installed one (1) or more smoke alarms in each dwelling unit and in each sleeping room not in a dwelling unit.

## INSTALLATION OF SMOKE ALARMS

- 5. Every smoke alarm shall be installed on or near the ceiling in accordance with the manufacturer's installation instructions, and shall be located on each floor level of the dwelling unit as follows:
  - (1) near the stairs connecting floor levels;
  - (2) on floor levels containing sleeping areas, between each sleeping area and the remainder of the dwelling; or

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- (3) in the hallway, where the sleeping area is served by a hallway belonging to the dwelling unit.
6. Smoke alarms shall be audible within the sleeping areas when intervening doors are closed.
7. Smoke alarms installed by permanent connections to an electrical circuit shall have **NO** disconnect switch between the over-current circuit device and the smoke alarm.
8. Where more than one (1) smoke alarm is required in a dwelling unit and electrically operated smoke alarms are installed, the smoke alarms shall be wired so that the activation of one (1) alarm will cause all alarms within the dwelling unit to sound.

## MAINTENANCE OF SMOKE ALARMS

9. Every owner or occupant of a building or portion of a building containing two (2) or more dwelling units shall maintain smoke alarms in operating condition at all times during occupancy in accordance with Schedule "A" to this bylaw.

## ENFORCEMENT

10. For the purpose of enforcing this bylaw, a Fire Prevention Officer may upon receiving a complaint, inspect any residential occupancy or dwelling unit, 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 to ascertain whether provisions of this bylaw have been obeyed, and to enforce or carry into effect the bylaw.
11. A Fire Prevention Officer may order any person who contravenes this bylaw to take such measures as are specified in the order to forthwith remedy the non-compliance with this bylaw.
12. Every person who fails to comply with an order issued pursuant to section 11 commits an offence.

## RIGHT OF ASSISTANCE

13. (1) The owner, occupant or lessee of a building or property or part thereof shall upon request give a Fire Prevention Officer carrying out an inspection pursuant to this bylaw such assistance as may be reasonably required in carrying out the inspection.
- (2) Every person commits an offence who:
  - (a) fails to provide information or assistance as provided by subsection 13(1); or
  - (b) knowingly states anything false in information delivered or furnished to any Fire Prevention Officer; or
  - (c) obstructs or interferes with an inspection under this bylaw.

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## INFORMATION IN AN ORDER

14. An Order issued pursuant to this bylaw shall contain the following information:
- (1) the name and address of the person upon whom the Order is served;
  - (2) the day on which the offence is alleged to have been committed;
  - (3) the address of the premises under consideration;
  - (4) reasonable particulars of this bylaw with respect to which the non-compliance is alleged; and
  - (5) a requirement that the person served shall remedy the non-compliance forthwith.

## SUMMARY CONVICTION

15. Every person who fails to comply with the provisions of this bylaw commits an offence and is liable on summary conviction to a fine of not more than Five Hundred Dollars (\$500.00), or in default thereof, to imprisonment for a term not exceeding six (6) months, or both.
16. Notwithstanding section 15, where the owner of a building or portion of a building containing two (2) or more dwelling unit fails to comply with an order issued pursuant to this bylaw within the specified time, Council may undertake to complete or have completed any work necessary as specified in the order.

## COMING INTO FORCE

17. This bylaw shall come into full force and effect on and from the final passing thereof.

**READ** a first time this 4th day of November, 1991.

**AMENDED** by resolution of Council this 12th day of November, 1991.

**READ** a second time this 12th day of November, 1991.

**READ** a third time and finally **PASSED** this 12th day of November, 1991.

ORIGINAL BYLAW SIGNED BY:

Mayor: "D. Branigan"

City Clerk: "N. L. Huston"

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## SCHEDULE "A"

### REGULATIONS GOVERNING

### THE INSTALLATION AND MAINTENANCE OF SMOKE ALARMS

1. The manufacturer's instructions necessary to describe the maintenance, care and testing required for smoke alarms to ensure continuing satisfactory performance shall be maintained in a location where they will be readily available to the occupants for reference.
2. The following are guidelines for the use and testing of smoke alarms:
  - (1) Vacuum dust from the smoke alarm at least every six (6) months.
  - (2) On battery powered units, check to see if the battery is in place, connected, and not corroded. Replace batteries as recommended by the manufacturer of the smoke alarm.
  - (3) Where a smoke alarm is equipped with a test button, depress the button monthly to cause the audible alarm to sound, thereby testing the electrical circuit or battery.
  - (4) For smoke alarms not equipped with a test button, carefully follow the manufacturer's instructions for testing the unit. NEVER use an open flame such as a match or lighter or other source of flame to test a smoke detector.