

Introduced By:

Wayne Brighman

Session 1977

Ordinance No. 77.004

Part II Section 1

ORDINANCE

ORDINANCE REQUIRING OWNERS OF LEASED AND/OR RENTED DWELLING UNITS TO INSTALL SMOKE DETECTORS WITHIN SUCH DWELLINGS TO PROVIDE A WARNING TO TENANTS OF DANGER FROM FIRE AND/OR SMOKE.

SECTION 1. DEFINITIONS.

(a) Leased and/or Rented Dwelling Unit. Any dwelling designed for permanent living quarters including, but not limited to:

- (1) One-family dwellings
- (2) Two-family dwellings
- (3) One-family semi-detached dwellings
- (4) Row dwellings
- (5) Multi-family dwellings

which is occupied by non-owners on a lease/rental basis. This Ordinance shall not apply to any owner-occupied dwelling unit.

(b) Owner. Person, persons, or entity which holds legal title to real estate in question, according to the records in the York County Recorder of Deeds Office.

(c) Smoke Detector. A device which, operating on the Ionization Principle, emits an audible signal when activated by smoke or fire. The Smoke Detector must meet or exceed the standards set forth by Factory Mutual Research Corporation or Underwriter's Life. The Smoke Detector must have a self-contained power supply, and must be capable of emitting an audible signal of at least eighty-five (85) decibels at a range of ten (10) feet.

SECTION 2. LOCATION OF SMOKE DETECTOR WITHIN DWELLING UNITS.

The Smoke Detector shall always be installed on ceilings, but never closer than twelve (12) inches from corners of interior walls. Although final determination of proper location for placement of the Smoke Detector within each dwelling unit shall be decided by the Yoe Borough Fire Chief, the general area in which the Smoke Detectors should be installed are:

- (a) At the top of stairways;
- (b) At the doorways outside of sleeping areas;
- (c) Between sleeping areas and potential fire sources, i.e., kitchens.

SECTION 3. RESPONSIBILITY OF MAINTENANCE.

It shall be the owner's responsibility and duty to:

- (a) Install Smoke Detectors;
- (b) Periodically inspect Smoke Detectors to insure working condition;
- (c) Maintain Smoke Detector in proper working condition;
- (d) To inform all persons residing in the dwelling unit of the presence and purpose of the Smoke Detector.

Should any owner, tenant, or any other person wish to relocate or temporarily render inoperative any Smoke Detector, he must first obtain written approval from the Yoe Borough Fire Chief.

The time within which to comply with this Ordinance shall be six (6) calendar months from effective date of this Ordinance.

SECTION 4. INSPECTION AND TESTING.

Yoe Borough Fire Chief is hereby authorized and empowered to inspect each Smoke Detector installed within a dwelling unit at least one (1) time per year, or in the case of fire within the leased or rented dwelling unit, immediately thereafter to ascertain that such Smoke Detector fulfills the requirements of this Ordinance and is in an operable condition.

It shall be the duty of the Yoe Borough Fire Chief to inform any person, who is determined to be in violation of any section of this Ordinance, of the exact nature of such violation. The Yoe Borough Fire Chief, his agents, and the Yoe Borough Council shall be immune from civil or criminal liability for any acts or omissions in connection with the inspection, maintenance and testing of any Smoke Detector installed in compliance with this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of the provisions or section shall be declared unconstitutional or illegal by a court of competent jurisdiction, the decision of such court shall not affect the validity of the remaining provisions or sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such illegal or unconstitutional provisions not been included therein.

SECTION 6. PENALTIES FOR NON-COMPLIANCE.

Any owner of a leased and/or rented dwelling unit who fails to comply with the provisions of this Ordinance shall, upon conviction, be fined in an amount not to exceed \$100.00 for the first offense and for each offense thereafter shall be fined in an amount not less than \$200.00 nor more than \$300.00.

SECTION 7. PENALTIES FOR TAMPERING WITH SMOKE DETECTOR SO AS TO RENDER SAID SMOKE DETECTOR INOPERATIVE.

Any person convicted of tampering with a Smoke Detector so as to render said Smoke Detector inoperative, shall, upon conviction, be subject to a fine of not less than \$100.00, nor more than \$200.00

SECTION 8. DUTY OF FIRE CHIEF TO BRING CHARGES.

Pursuant to the authority granted to the Yoe Borough Fire Chief in Section 4 hereinabove, the Yoe Borough Council hereby authorizes the Yoe Borough Fire Chief to, upon notice of any violation of this Ordinance, to bring charges before the District Magistrate in accordance with the penalties set forth in Section 6 and Section 7 of this Ordinance.

PASSED FINALLY: BY THE FOLLOWING VOTE: Approved this day of May 1, 1977.

YEAS: Charles E. Gross, May T. Aubrey, Harry St. A. J., Robert T. Martin Jr., Richard Seales, Wayne E. Bayliss

NAYS: _____

ATTEST:

YOE BOROUGH COUNCIL

Kay E. Wise, Secretary

By: Charles H. Landis Jr., President

Approved this 1st day of May, 1977.

Ronald C. Cribb, Mayor