

ORDINANCE NO: 2012-

INTRODUCED BY:

AN ORDINANCE ENACTING NEW CHAPTER 1359, SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR REQUIREMENTS, OF TITLE THIRTEEN – BUILDING CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MORELAND HILLS AND DECLARING AN EMERGENCY.

WHEREAS, existing Section 1311.15 requires the installation of smoke detectors in newly constructed dwelling units; and

WHEREAS, research has shown that a photoelectric smoke alarm, in a smoldering fire producing thick dense choking smoke, outperforms a non-photoelectric smoke alarm; and

WHEREAS, a photoelectric smoke alarm, in a smoldering fire, can alert a warning signal faster than a non-photoelectric smoke alarm; and

WHEREAS, most smoke detectors installed in the Village are ionization detectors; and

WHEREAS, ionization detectors generate more nuisance alarms than photoelectric smoke detectors; and

WHEREAS, frequent nuisance alarms, unfortunately, result in residents disabling a smoke detector by removing the battery; and

WHEREAS, the Fire Chief has concluded that photoelectric smoke detectors provide greater safety than dual or ionization smoke detectors; and

WHEREAS, the Fire Chief recommends that Village residents replace dual and ionization smoke detectors with photoelectric smoke detectors; and

WHEREAS, this Council, based upon the recommendation of the Fire Chief and for public safety reasons, desires to enact new Chapter 1359 relating to smoke detectors and carbon monoxide detectors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

Section 1: Chapter 1359, Smoke Detector and Carbon Monoxide Detector Requirements, of Title Thirteen – Building Code of the Codified Ordinances of the Village of Moreland Hills be and the same is hereby

enacted to read as set forth in the attached Exhibit "A", which is incorporated herein for all purposes.

Section 2: It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public as required by the Codified Ordinances of the Village.

Section 3: This Ordinance is hereby declared an emergency measure, necessary for the immediate preservation of the public peace, health, safety and welfare of the Village of Moreland Hills and for the further reason that it is immediately necessary to provide for smoke detector and carbon monoxide detector requirements as such requirements will enhance public safety by providing occupants of dwellings with notice of fire conditions and/or the presence of carbon monoxide and shall take effect on July 1, 2012.

WHEREFORE, this Ordinance shall take effect and be in full force on July 1, 2012 after passage and approval by the Mayor.

Mayor

PASSED: _____

ATTEST:

CLERK

EXHIBIT “A”
CHAPTER 1359
SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR
REQUIREMENTS

1359.01	Definitions.
1359.02	Residential Smoke Detection Requirements.
1359.03	Residential Carbon Monoxide Detection Requirements.
1359.04	Maintenance.
1359.05	Tampering Prohibited.
1359.06	Enforcement.
1359.99	Penalty.

1359.01 DEFINITIONS.

(a) “Carbon monoxide detector” means a UL or FM listed device that detects the presence of carbon monoxide and that emits an audible signal indicating the presence of carbon monoxide, or both an audible and a visual signal indicating the presence of carbon monoxide.

(b) “Dwelling” means any dwelling as defined in Section 1121.07 of the Codified Ordinances.

(c) “Hard-wired” means directly connected to the electrical power supply of the dwelling.

(d) “Owner” means an owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is control of a dwelling.

(e) “Sleeping area,” for purposes of this chapter, means the area or areas of the dwelling in which the bedrooms or sleeping rooms are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes of this chapter.

(f) “Smoke detector” means a UL or FM listed device that detects the visible and invisible particles of combustion and that emits an audible signal indicating a fire condition, or both an audible and a visual signal indicating a fire condition.

1359.02 RESIDENTIAL SMOKE DETECTOR REQUIREMENTS.

(a) The Village encourages the owner of each existing dwelling, on or before January 1, 2013, to install and maintain photoelectric smoke detectors in accordance with this chapter. Smoke detectors powered solely by battery are permitted in existing dwellings. The Village, for fire safety reasons, encourages the installation of photoelectric smoke detectors.

(b) An owner of each dwelling, constructed on or after January 1, 2013, shall install and maintain hard-wired photoelectric smoke detectors. All hard-wired smoke detectors shall be hardwired into the electrical system with battery backup interconnected.

(c) An owner of each dwelling that applies for a building permit, on or after January 1, 2013, for an addition or new construction to a dwelling that includes the construction of a new bedroom and/or kitchen or alterations to an existing bedroom or kitchen that alter fifty percent (50%) or more of the existing electrical system of the bedroom or kitchen, as determined by the Building Inspector and indicated on the electrical permit, shall install and maintain photoelectric hard-wired smoke detectors.

(d) All smoke detectors shall be installed in and located pursuant to the current National Fire Protection Association (“NFPA”) Standard No. 72.

(e) All smoke detectors shall bear the label of a nationally recognized testing laboratory.

(f) All smoke detectors shall be installed to comply with the manufacturer’s recommendations and the recommendations of the approving or listing agency.

(g) The detector shall be sensitive to visible and invisible products of combustion, except that detectors sensitive to heat only, are not acceptable.

(h) Smoke detectors shall be installed in each dwelling before an occupancy permit shall be issued.

1359.03 RESIDENTIAL CARBON MONOXIDE DETECTOR REQUIREMENTS.

(a) The Village encourages the owner of each existing dwelling, on or before January 1, 2013, to install and maintain carbon monoxide detectors in accordance with this chapter. Carbon monoxide detectors powered solely by battery are permitted in existing dwellings.

(b) An owner of each dwelling, constructed on or after January 1, 2013, shall install and maintain hard-wired carbon monoxide detectors.

(c) An owner of each dwelling that applies for a building permit, on or after January 1, 2013, for an addition or new construction to the dwelling that includes the construction of a new bedroom and/or kitchen or alterations to an existing bedroom or kitchen that alter fifty percent (50%) or more of the existing electrical system of the bedroom or kitchen, as determined by the Building Inspector and indicated on the electrical permit, shall install and maintain hard-wired carbon monoxide detectors.

(d) A carbon monoxide detector shall be installed in each room where an individual gas-fired furnace or boiler is located, or similar utility room, in any room that has access to an enclosed motor vehicle parking garage, and at least one carbon monoxide detector shall be installed in the immediate vicinity of each sleeping area.

(e) The carbon monoxide detectors shall be UL or FM approved and shall be capable of sensing the presence of carbon monoxide gas and providing a suitable alarm thereof when current applicable standards for low-level threshold concentrations of the gas are reached.

(f) All carbon monoxide detectors shall be installed according to the manufacturer's recommendations.

(g) Carbon monoxide detectors shall be installed in each dwelling before an occupancy permit shall be issued

1359.04 MAINTENANCE.

Each battery powered smoke detector and each battery powered carbon monoxide detector shall be properly maintained by the occupant of a dwelling. Each hard-wired smoke detector and each hard-wired carbon monoxide detector shall be properly maintained and replaced by the owner of a dwelling in accordance with NFPA Standard No. 72 and the manufacturer's recommendations. If the occupant of the dwelling is not the owner, the occupant shall notify an owner in writing of any hard-wired smoke detector or carbon monoxide detector that is in need of repair.

1359.05 TAMPERING PROHIBITED.

No person shall, without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a smoke detector or carbon monoxide detector required to be installed pursuant to the provisions of this chapter so as to destroy or diminish its effectiveness or availability for its intended purpose.

Any smoke detector or carbon monoxide detector found to be tampered with shall be replaced (missing or inoperable batteries shall not constitute tampering). Any smoke detector which is missing a battery or has an inoperable replacement battery shall be replaced with a tamper-proof smoke detector with a sealed battery.

1359.06 ENFORCEMENT.

The Building Inspector shall have jurisdiction to inspect the installation of any smoke detector and/or carbon monoxide detector required to be installed by this chapter. The Building Inspector may consult with the Fire Inspector on any issues related to the enforcement of this chapter.

1359.99 PENALTY.

Whoever violates or fails to comply with any section of this chapter shall be guilty of a misdemeanor of the first degree. Each day during which such violation continues shall constitute a separate offense.