

IN THE CITY OF MAYFIELD HEIGHTS

ORDINANCE NO. 2013-16

INTRODUCED BY: COUNCIL MEMBERS DONNA FINNEY
AND NINO MONACO

AN ORDINANCE AMENDING CHAPTER 1511, BY ENACTING
SECTION 1511.23 OF THE CODIFIED ORDINANCES OF THE
CITY OF MAYFIELD HEIGHTS PERTAINING TO FIRE
PREVENTION CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MAYFIELD
HEIGHTS, OHIO, THAT:

SECTION 1. Chapter 1151 -- Fire Prevention Code of the City of Mayfield Heights,
Ohio, is amended to read as follows: (new material appears like THIS and old materials appears
like this)

Chapter 1151

Fire Prevention Code

1511.23 SMOKE ALARMS

A. DEFINITIONS. AS USED IN THIS SECTION:

1. "DUAL SENSOR SMOKE DETECTOR" MEANS A DEVICE THAT USES IONIZATION AND PHOTOELECTRIC TECHNOLOGIES TO DETECT SMOKE.
2. "HARD-WIRED" MEANS DIRECTLY CONNECTED TO THE ELECTRICAL POWER SUPPLY OF THE BUILDING, THE POWER SOURCE OF WHICH IS REQUIRED FOR SMOKE DETECTORS.
3. "HEARING IMPAIRED" MEANS A HEARING PROBLEM IMPAIRING THE ABILITY OF A PERSON TO BE AWAKENED BY A STANDARD SMOKE DETECTOR, WHETHER OR NOT SUCH PERSON IS WEARING A HEARING AID.
4. "IONIZATION SMOKE DETECTOR" MEANS A DEVICE THAT USES A SMALL AMOUNT OF RADIOACTIVE MATERIAL TO DETECT SMOKE PARTICLES.
5. "OCCUPANT" MEANS A PERSON LIVING, SLEEPING, COOKING OR HAVING ACTUAL POSSESSION OF A DWELLING UNIT OR ROOM.
6. "OWNER" MEANS THE OWNER OF THE PREMISES, INCLUDING THE HOLDER OF TITLE THERETO SUBJECT TO CONTRACT OF PURCHASE, A LAND CONTRACT PURCHASER, A VENDEE IN POSSESSION, A MORTGAGEE OR RECEIVER IN POSSESSION, A LESSEE OR JOINT LESSEE OR AN AGENT OR OTHER PERSON, FIRM, CORPORATION OR FIDUCIARY DIRECTLY IN CONTROL OF THE PREMISES.
7. "PHOTOELECTRIC SMOKE DETECTOR" MEANS A DEVICE THAT UTILIZES A LIGHT SOURCE TO DETECT SMOKE PARTICLES.
8. "PRIMARY SMOKE DETECTORS" MEANS ALL SMOKE DETECTORS INSTALLED TO MEET THE REQUIREMENTS OF THIS SECTION.

9. "SECONDARY SMOKE DETECTOR" MEANS ANY SMOKE DETECTOR INSTALLED AT THE DISCRETION OF THE OWNER OR OCCUPANT THAT IS IN ADDITION TO, BUT NOT INSTEAD OF, THE PRIMARY SMOKE DETECTORS.
10. "SLEEPING AREA" MEANS AN AREA OF A DWELLING CONTAINING BEDROOMS WHICH ARE SEPARATED FROM EACH OTHER BY NO USE AREA OTHER THAN A BATHROOM.
11. "SMOKE DETECTOR" MEANS A "UL" OR "FM" APPROVED DEVICE WHICH DETECTS VISIBLE OR INVISIBLE PARTICLES OF COMBUSTION AND WHICH EMITS AN AUDIBLE SIGNAL INDICATING A FIRE CONDITION OR BOTH AN AUDIBLE AND A VISUAL SIGNAL INDICATING A FIRE CONDITION.

B. INSTALLATION OF PHOTOELECTRIC DETECTORS REQUIRED; PLACEMENT; DEVICES FOR HEARING IMPAIRED; INSPECTIONS; HARD-WIRED DETECTORS.

1. OWNERS OF EACH EXISTING ONE, TWO AND THREE-FAMILY DWELLING, AS DEFINED BY THE RESIDENTIAL CODE OF THE CITY OF MAYFIELD HEIGHTS FOR ONE, TWO AND THREE-FAMILY DWELLINGS, SHALL INSTALL PHOTOELECTRIC SMOKE ALARMS AS FOLLOWS (EXCEPT AS PROVIDED IN SECTION 314.1 OF THE RESIDENTIAL BUILDING CODE OF OHIO FOR ONE, TWO AND THREE-FAMILY DWELLINGS, WHICH IS INCORPORATED HEREIN):

(A) PRIOR TO THE TRANSFER OF TITLE OF ANY RESIDENTIAL PROPERTY, WHEN SUCH TRANSFER IS REQUIRED TO BE APPROVED BY THE BUILDING DIRECTOR UNDER CHAPTER 1339 OF THE BUILDING AND HOUSING CODE, THE TRANSFER SHALL NOT BE APPROVED BY THE BUILDING DIRECTOR UNLESS ALL PRIMARY SMOKE DETECTORS IN THE PROPERTY ARE PHOTOELECTRIC SMOKE DETECTORS, OR UNLESS THE PRIMARY SMOKE DETECTORS ARE REQUIRED TO BE REPLACED WITH PHOTOELECTRIC SMOKE DETECTORS IN THE POINT OF SALE INSPECTION. ANY EXISTING PRIMARY SMOKE DETECTOR THAT IS NOT A PHOTOELECTRIC SMOKE DETECTOR SHALL BE REPLACED WITH A PHOTOELECTRIC SMOKE DETECTOR PRIOR TO TRANSFER OF TITLE OR WITHIN THE TIME PERIOD FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 1339.

(B) THE INSPECTION OF ANY RENTAL UNIT PURSUANT TO CHAPTER 1341 OF THE BUILDING AND HOUSING CODE SHALL NOT BE APPROVED, NOR SHALL A LICENCE FOR RENTAL BE ISSUED BY THE BUILDING DIRECTOR, UNLESS ALL PRIMARY SMOKE DETECTORS IN THE RENTAL UNIT ARE PHOTOELECTRIC SMOKE DETECTORS, OR UNLESS THE PRIMARY SMOKE DETECTORS ARE REQUIRED TO BE REPLACED WITH PHOTOELECTRIC SMOKE DETECTORS IN THE REPORT ISSUED BY THE BUILDING DEPARTMENT. ANY EXISTING PRIMARY SMOKE DETECTOR THAT IS NOT A

PHOTOELECTRIC SMOKE DETECTOR SHALL BE REPLACED WITH A PHOTOELECTRIC SMOKE DETECTOR WITHIN THE TIME PERIOD FOR COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 1341. TESTING OF BATTERY OPERATED SMOKE DETECTORS SHALL BE DONE BY THE OCCUPANT NOT LESS THAN ONCE A MONTH (NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 72). THE OWNER SHALL PROVIDE THE OCCUPANT WITH PRINTED INFORMATION AS TO PROPER TESTING OF THE SMOKE DETECTORS WITHIN THE DWELLING

2. ALL SMOKE DETECTORS AND THEIR INSTALLATION SHALL BE IN COMPLIANCE WITH THE MOST RECENT EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NO. 72.
3. PHOTOELECTRIC SMOKE ALARMS SHALL BE INSTALLED AS FOLLOWS: ONE ON EACH STORY THAT IS CENTRALLY LOCATED AND OUTSIDE EACH SEPARATE SLEEPING AREA.
4. WHERE A DWELLING IS OCCUPIED BY A PERSON WHO IS HEARING IMPAIRED, A SMOKE DETECTOR SHALL BE INSTALLED BY THE OWNER WHICH PROVIDES A VISUAL OR VIBRATING SIGNAL SUFFICIENT TO WARN THE HEARING IMPAIRED WHEN ACTIVATED.
5. BATTERY OPERATED SMOKE DETECTORS MAY BE INSTALLED IN EXISTING ONE AND TWO-FAMILY DWELLINGS, UNLESS HARD-WIRED SMOKE DETECTORS HAVE BEEN PREVIOUSLY INSTALLED. EXISTING THREE-FAMILY DWELLINGS MAY HAVE INSTALLED BATTERY OPERATED SMOKE DETECTORS, UNLESS HARD-WIRED SMOKE DETECTORS HAVE BEEN PREVIOUSLY INSTALLED. ANY HARD-WIRED SMOKE DETECTORS MUST BE MAINTAINED TO OPERATE AS INTENDED.
6. ALL SMOKE DETECTORS SHALL BE LISTED WITH AN APPROVED TESTING AGENCY. NO SMOKE DETECTOR SHALL BE HARD-WIRED WITH BATTERY BACKUP UNLESS AN ELECTRICAL PERMIT HAS BEEN OBTAINED FROM THE BUILDING DEPARTMENT.
7. ANY PRIMARY SMOKE DETECTOR INSTALLED SHALL BE A PHOTOELECTRIC SMOKE DETECTOR. NOTWITHSTANDING THE REQUIRED PRIMARY SMOKE DETECTORS, RESIDENTS HAVE THE OPTION TO INSTALL SECONDARY SMOKE DETECTORS AS A SUPPLEMENT TO REQUIRED PRIMARY DETECTORS. AN IONIZATION OR DUAL SENSOR SMOKE DETECTOR SHALL NOT BE INSTALLED AS THE PRIMARY SMOKE DETECTOR.
8. ALL SMOKE DETECTORS SHALL BE REPLACED NO LATER THAN TEN YEARS AFTER THE DATE OF MANUFACTURE OF THE DETECTOR. THE REPLACEMENT OF PRIMARY SMOKE DETECTORS SHALL BE WITH PHOTOELECTRIC SMOKE DETECTORS.
9. ALL PRIMARY SMOKE DETECTORS SHALL BE PHOTOELECTRIC SMOKE DETECTORS EITHER WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS ORDINANCE OR PURSUANT TO SECTION 1151.23(C) HEREIN, WHICHEVER OCCURS FIRST.

C. WHOEVER VIOLATES ANY PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A FOURTH DEGREE MISDEMEANOR AND SHALL BE FINED NOT MORE THAN \$250.00 OR IMPRISONED NOT MORE THAN THIRTY DAYS, OR BOTH. ON A SECOND OR SUBSEQUENT OFFENSE, SUCH PERSON IS GUILTY OF A FIRST DEGREE MISDEMEANOR AND SHALL BE FINED NOT MORE THAN \$1,000.00 OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. EACH DAY OF A CONTINUING VIOLATION SHALL BE DEEMED TO BE A SEPARATE OFFENSE.

SECTION 2. All prior legislation inconsistent with this legislation in whole or in part is repealed to the extent necessary to avoid conflict with this legislation.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.

First Reading: October 14, 2013
 Second Reading: Suspended
 Third Reading: Suspended
 Passed: October 14, 2013

Attest:

Robert G. Tribby
 Robert G. Tribby, Clerk

Diane Snider
 Diane Snider
 President of Council

Presented
 To Mayor: October 14, 2013

Approved: October 14, 2013

Anthony DiCicco
 Anthony DiCicco, Mayor