

CITY OF MADISON, WISCONSIN

A THIRD SUBSTITUTE ORDINANCE _____

Creating Sec. 34.42, amending Sec. 27.05(2)(w) and creating Secs. 32.06(2)(a)1.j. and 32.06(4) of the Madison General Ordinances to govern installation and maintenance of smoke alarms in residential buildings.

PRESENTED November 18, 2008

REFERRED Board of Fire Code, Building

Code and Licensing Appeals; PSRB;

Housing Committee

RULES SUSPENSION _____

PUBLIC HEARING _____

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DRAFTER'S ANALYSIS: This ordinance will govern installation and maintenance of smoke alarms, including placement of alarms, responsibility for maintenance in residential buildings and responsibility for testing and review with tenants and landlords.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 34.42 of the Madison General Ordinances entitled "Smoke Alarms" is hereby created to read as follows:

"34.42 SMOKE ALARMS

- (1) Definitions. For the purposes of this section, the following terms are defined as follows:
- (a) "Residential building" means any building located in the City of Madison used in whole or in part for sleeping or lodging purposes including, but not limited to, any single family home, duplex, multifamily house, apartment house, rooming house, hotel, motel, children's home, dormitory, community-based residential facility and any other building used for sleeping or lodging purposes, but does not include a hospital or nursing home.
 - (b) "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Sleeping area includes the area within an efficiency unit for sleeping purposes.
 - (c) "Smoke alarm" means a single or multiple station alarm system responsive to smoke and not connected to a fire alarm system. Smoke alarms contain an audible warning device.
 - (d) "Smoke detector" means a device, suitable for connection to a circuit, which has a sensor that responds to visible or invisible particles of combustion. Smoke detectors are connected to a fire alarm control panel.
 - (e) "Tenant" means an individual with a residential rental agreement whether written or verbal with the owner of the property.
- (2) Required Installation.

Approved as to form:

- (a) By August 15, 2009 all residential buildings, except owner occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
 - 1. A smoke alarm with two independent power sources consisting of a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.
 - 2. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
 - (b) By August 15, 2009 all owners of residential buildings, except owner occupied single family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six feet of each door leading to a bedroom or sleeping area of each unit and on each floor of the building. Either the smoke alarm in the bedroom or the alarm within six feet of the door or both shall be a photoelectric smoke alarm. This subdivision does not apply to owners of hotels and motels.
 - (c) Any smoke alarms that become inoperable between the effective date of this ordinance and August 15, 2009 shall be replaced with smoke alarms meeting the requirements of sub. (2)(a).
 - (d) If the residential building has smoke alarms powered by the building's commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturer's instructions or sub. (3)(h). Replacement smoke alarms must meet the requirements of sub. (2)(a)1.
 - (e) Owner Occupied Single Family Homes. It shall be the responsibility of the owner of an owner occupied single family home to install smoke alarms as required by sub. (2)(a) and sub. (2)(b) of this ordinance by December 31, 2009.
 - (f) Smoke Alarm Installation. Smoke alarms should be installed in accordance with this section and other applicable state building codes. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
 - (g) Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.
- (3) Maintenance of Smoke Alarms.
- (a) Replacement of Batteries.
 - 1. The owner of any residential building shall replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
 - 2. The owner of any residential building shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
 - (b) The owner of any residential building shall provide all tenants with the manufacturer's maintenance and testing instructions.
 - (c) Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
 - (d) The tenant shall be responsible for maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy. The tenant shall be responsible for notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the requirements of sub. (2)(a).
 - (e) Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.

- (f) Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer's instructions. Non-operational, damaged, or missing smoke alarms shall be replaced with smoke alarms meeting the requirements of sub. (2)(a).
- (g) The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.
- (h) No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.
- (4) Fire Safety Education Required. Upon each new lease and at least once every 12 months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Fire Chief. The Fire Chief shall prepare the text and make the text available for distribution by the owner.
- (5) This ordinance does not apply to any buildings that have smoke detectors installed as required by other codes, ordinances, or standards and located in locations specified in sub. (2)(b).
- (6) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance.”

2. Subdivision (w) entitled “Smoke Detectors” of Subsection (2) of Section 27.05 entitled “Safe and Sanitary Maintenance of Property” of the Madison General Ordinances is amended to read as follows:

“(w) ~~Smoke Detectors Alarms.~~ Smoke detectors alarms shall be installed and maintained in accordance with Sec. 34.42, MGO and with ch. Comm 62 Wis. Admin. Code ch. Comm 62, ~~Sec. Comm 21.09~~ Wis. Admin. Code § Comm 21.09 and ~~Sec. Comm 28.02~~, Wis. Admin. Code § Comm 28.02 which are hereby incorporated by reference.”

3. Subparagraph j. of Paragraph 1. of Subsection (a) of Subdivision (2) entitled “Tenant Rights and Responsibilities” of Section 32.06 entitled “Rental Agreements and Receipts” of the Madison General Ordinances is created to read as follows:

“j. summary of Section 34.42 relating to smoke alarms installation and maintenance”

4. Subsection (4) entitled “Smoke Alarm Responsibility” of Section 32.06 entitled “Rental Agreements and Receipts” of the Madison General Ordinances is created to read as follows:

“(4) Upon each new lease and at least once every 12 months for every continuing tenant, the owner and tenant(s) shall sign a document indicating the required alarms are installed and operating in accordance with this section. The form must state the tenant, by signing the form, understands it is a violation of this section to tamper with, remove, alter, damage or otherwise render any smoke alarm inoperable. In addition the tenant's signature indicates the tenant understands their responsibility for maintenance and testing of the smoke alarm(s). The form shall state the penalties for rendering smoke alarms inoperable or otherwise affecting the performance of the alarm.”