

CITY OF MADISON, WISCONSIN

A SUBSTITUTE ORDINANCE _____

Creating Sec. 34.42, amending Sec. 27.05(2)(w) and creating Sec. 32.06(2)(a)1.j. of the Madison General Ordinances to govern installation and maintenance of smoke alarms in single-family dwellings, mobile homes, duplexes, multifamily dwellings, rooming houses, dormitories, residential buildings containing rooming units, and non-owner occupied single family residences.

PRESENTED November 18, 2008

REFERRED Board of Fire Code, Building Code and Licensing Appeals; PSRB; Housing Committee

RULES SUSPENSION _____

PUBLIC HEARING _____

Drafted by: B. Andrew Jones
Marci Paulsen
Assistant City Attorneys

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SPONSORS: Aids. Verveer, Skidmore & Konkel

DRAFTER'S ANALYSIS: This ordinance will govern installation and maintenance of smoke alarms, including placement of alarms, responsibility for maintenance in single family dwellings, duplexes, multifamily dwellings, rooming houses, dormitories, residential buildings containing rooming units, and/or non-owner occupied single-family residences, 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, mobile 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 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.
 - (d) "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.

Approved as to form:

- (e) "Unit" means a residential building or that part of a residential building which is intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
- (f) "Rooming unit" means a portion of a residential building where accommodations are made available to the public, intended for use as a sleeping place by a person or persons who have obtained the unit for a consideration to the exclusion of others for a continuous period of less than one month. The term includes, but is not limited to, guest rooms in inns, motels, tourist homes, tourist houses or courts, bed and breakfast establishments, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public.

(2) Required Installation.

- (a) Owner Occupied One-and-Two Family Dwellings and Mobile Homes. The owner of a single-family residential building or mobile home shall install and maintain smoke alarm(s) in accordance with the Wisconsin Administrative Code Comm. 20-25 and Wis. Stat. § 101.645(3) and 101.745. Smoke alarms shall be maintained in accordance with the manufacturers requirements. Smoke alarms installed prior to 1999 shall be replaced with smoke alarms in accordance with (2)(b)2.i. or ii.
- (b) Rental Residential Buildings and Buildings with Three or More Dwelling Units.
 - 1. The owner of any duplex, multifamily dwelling, rooming house, dormitory, residential building containing rooming units, or non-owner occupied single-family residence 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, in the basement and at the head of the stairway on each floor of the building
 - 2. Smoke alarms required by Subsection (2)(b)1. of this section shall meet either of the following requirements:
 - i. Smoke alarms shall have 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.
 - ii. Smoke alarms shall be powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
 - 3. If the building or dwelling unit has smoke alarms powered by the buildings commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturers instructions or (4)(h). New or replacement smoke alarms must meet the requirements of (2)(b)2.i.
- (c) Smoke alarms meeting the requirements of Subsection (2)(b)(2) shall be installed no later than August 15, 2009. Any smoke alarms which become inoperable between the effective date of this ordinance and August 15, 2009 shall be replaced with smoke alarms meeting the requirements of Subsection (2)(b)2.
- (d) Installation of Smoke Alarms Upon Transfer of Ownership of Residential Building – It shall be the responsibility of the owner of a residential building to install smoke alarms as required by Subsections (2)(b) (1) and (2) of this ordinance before transfer of the residential building to a new party.
- (e) Smoke alarm installation. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
- (f) Approval. A smoke alarm required by this section shall be listed by an approved listing source.

(3) Maintenance of Smoke Alarms.

- (a) Replacement of Batteries.
 - 1. The owner of any duplex, multifamily dwelling, rooming house, dormitory, residential building containing rooming units, or non-owner occupied single-family residence shall replace the battery for back-up power supply in all smoke alarms

- each time the unit is occupied by a new tenant, each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
2. The owner of any duplex, multifamily dwelling, rooming house, dormitory, residential building containing rooming units, or non-owner occupied single-family residence shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
 3. The replacement batteries for smoke alarms may be either standard non-rechargeable or rechargeable batteries.
- (b) The owner of a 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.
 - (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 ten days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarm 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 Subsection (2)(b)2.
 - (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 (2)(b)2.i.
 - (g) Upon each new lease and upon lease renewal, 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 tenants 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.
 - (h) No smoke alarm may remain in service for more than 10 years unless the manufacturer specifies a different service life.
- (4) Fire Safety Education Required. Upon each new lease or lease renewal, 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 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. Smoke detectors shall be installed and maintained in accordance with Sec. 34.42, MGO and with ch. Comm 62Wis. Adm. Code Ch. Comm 62, s. Comm 21.09Wis. Adm. Code Comm 21.09 and S. Comm 28.02, Wis. Adm. 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"