

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3805

A Bylaw to require the installation and maintenance  
of smoke alarms in existing buildings

WHEREAS the Municipal Act provides a Council with the authority to require the installation of smoke alarms in existing buildings and structures, to establish standards and specifications for the installation of smoke alarms, and to require maintenance of smoke alarms;

NOW THEREFORE the Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

DEFINITIONS

1. In this Bylaw:

"BUILDING" means any structure used or intended for supporting or sheltering any use or occupancy;

"CAN/ULC-S531-M87" means the National Standard of Canada designation for the standard for smoke alarms as it existed on the day this Bylaw is adopted, issued under the auspices of the Underwriters' Laboratories of Canada;

"CAN/ULC-S553-M86" means the National Standard of Canada designation for the standard for the installation of smoke alarms as it exists on the day this Bylaw is adopted, issued under the auspices of the Underwriters' Laboratories of Canada;

"CONGREGATE HOUSING USE" means a use for "congregate housing" as defined in the Oak Bay Zoning Bylaw;

"CORPORATION" means The Corporation of the District of Oak Bay;

"COUNCIL" means the Municipal Council of the Corporation the District of Oak Bay;

"DIRECTOR OF BUILDING AND PLANNING" means the Director of Building and Planning as designated by Council, and includes persons authorized by him to act on his behalf;

"DWELLING UNIT" means one (1) or more habitable rooms used for the residential accommodation of only one (1) family when such room or rooms contain or provide for the installation of only one (1) set of cooking facilities and one (1) or more sets of sanitary facilities;

"FAMILY" means "family" as defined in the Oak Bay Zoning Bylaw;

"FIRE CHIEF" means the person appointed by Council as head of the Fire Department, and includes a member authorized by him to act on his behalf;

"GROUP HOME USE" means "group home use" as defined in the Oak Bay Zoning Bylaw;

"HOSPITAL USE" means a use as a "hospital" as defined in the Oak Bay Zoning Bylaw;

"MEMBER" means a person employed by the Corporation in the classification of Fire Fighter, Lieutenant, Captain, Assistant Fire Chief, Deputy Fire Chief, or Fire Chief;

"OAK BAY ZONING BYLAW" means Bylaw No. 3531, being the "Zoning Bylaw, 1986", as amended from time to time;

"OCCUPANCY" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;

"REST HOME USE" means a use as a "rest home" as defined in the Oak Bay Zoning Bylaw;

"SLEEPING ROOM" means a room providing for the sleeping requirements of a person or persons, including rooms in hotels, guest houses and buildings used for congregate housing use, group home use, hospital use or rest home use;

"SMOKE ALARM" means a combined smoke detector and audible alarm device which

- (1) is designed to sound an alarm within the room in which it is located upon the detection of smoke within the room or dwelling unit; and
- (2) conforms to the CAN/ULC-S531-M87 Standard for smoke alarms.

## INSTALLATION

2. The owner of a building shall install and maintain at least one smoke alarm
  - (1) in every dwelling unit; and
  - (2) in every sleeping room that is not within a dwelling unit.

3. A smoke alarm shall be installed in conformance with the CAN/ULC-S553-M86 Standard for the installation of smoke alarms.
4.
  - (1) Smoke alarms installed pursuant to this Bylaw may be battery powered or connected to an electrical circuit.
  - (2) If the smoke alarm is battery powered it shall be equipped with an alarm pause button which, when used, will temporarily reduce the alarm's sensitivity to smoke.
  - (3) Notwithstanding subsection (2), smoke alarms which have been installed prior to the adoption of this Bylaw do not require an alarm pause button.
  - (4) If the smoke alarm is connected to an electrical circuit, there shall be no disconnect switch between the smoke alarm and the fuse or breaker on the circuit supplying the source of electricity.

#### TESTING

5.
  - (1) The owner of the dwelling unit or sleeping room in which a smoke alarm is installed shall test, or have the smoke alarm tested, at least once every twelve (12) months to ensure it is functioning correctly.
  - (2) Where the owner installs a battery powered smoke alarm, the owner shall install new batteries in the alarm at least once every twelve (12) months.
  - (3) The owner of the dwelling unit or sleeping room in which a smoke alarm is installed shall immediately replace or repair any smoke alarm which, upon testing, fails to perform correctly.

#### INSPECTION

6.
  - (1) The Fire Chief or Director of Building and Planning may enter, at all reasonable times, on any property which is subject to this Bylaw to ascertain whether or not this Bylaw is being observed.
  - (2) No person shall obstruct or prevent the entry of the Fire Chief or the Director of Building and Planning onto any property pursuant to this Bylaw.

PENALTY

7. (1) A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00), plus costs.
- (2) A person commits a separate offence on each day that an offence under subsection (1) continues.
8. (1) Nothing contained in this Bylaw shall be construed to alter or vary the provisions of the British Columbia Building Code governing the installation of smoke alarms in new buildings.
- (2) Nothing contained in this Bylaw shall be construed to place an onus on the Corporation, its officers, agents, or employees to ensure compliance with this Bylaw by the owners of buildings so affected.
9. This Bylaw shall come into effect on January 1, 1995.
10. This Bylaw may be cited as the "SMOKE ALARM INSTALLATION AND MAINTENANCE BYLAW, 1994".

READ a first, second and third time by the Municipal Council on April 25, 1994

ADOPTED and FINALLY PASSED by the Municipal Council on May 24, 1994

Diana Butler  
Mayor

M. MacDonald  
Municipal Clerk

Sealed with the Seal of The Corporation of  
the District of Oak Bay.