



### **SMOKE DETECTOR REGULATIONS, 2012**

Adopted by the Town Council of the Town of Labrador City on the 17<sup>th</sup> day of July, 2012 and to come into effect as of the 17<sup>th</sup> day of July, 2012.

A copy of these Regulations was sent to the Minister of Municipal Affairs on the 18<sup>th</sup> day of July, 2012.

  
DEPUTY MAYOR

  
TOWN CLERK

## **PUBLISHED BY AUTHORITY**

Pursuant to the authority conferred by Sections 414 and any other sections found enabling under the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended, the Town of Labrador City enacts the following Regulations in relation to prevention of fire in residential dwellings including cabins and cottages.

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## **SMOKE DETECTOR REGULATIONS, 2012**

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### **Title**

#### **1. Title**

These Regulations may be cited as the "Town of Labrador City Smoke Detector Regulations, 2012".

### **Definitions and Application**

#### **2. Definitions**

For the purpose of these Regulations unless the context otherwise requires:

- (a) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended;
- (b) "Council" means the Town Council of Labrador City;
- (c) "Dwelling Unit" means a residential unit including but not limited to, a home, apartment unit, cabin or cottage;

- (d) "Enforcement Authority" means Council or its authorized administrator;
- (e) "Minister" means the minister appointed under the Executive Council Act to administer the Act;
- (f) "Municipal Boundaries" means the municipal planning area as defined by the Urban and Rural Planning Act;
- (g) "Owner" means the legal entity having title to the property;
- (h) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;
- (i) "Police Officer" means a member of the Royal Newfoundland Constabulary, a Municipal Enforcement Officer or a representative of the Office of the Fire Chief of the Town of Labrador City;
- (j) "Smoke Alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the room, suite, or dwelling unit in which it is located, upon the detection of products of combustion within that room, suite or dwelling unit.
- (k) "Town" shall mean the Town of Labrador City as defined by Order-in-Council dated the 27<sup>th</sup> day of June, 1961, and any amendments thereto, according to the Municipalities Act;

### **3. Application**

- (1) The following Code and Documents are adopted as per Section 414 of the Municipalities Act, 1999 and as signed by the Minister:
  - (a) The edition of the National Building Code of Canada and its supplements under which the Provincial Government Service Centre evaluates applications is hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full.
  - (b) The edition of the National Fire Code and its supplements under the which the Provincial Government Service Centre evaluates applications is hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full.
  - (c) The NFPA 101 Life Safety Code, 2012 Edition is hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full, and

- (d) Provincial Fire Protection Services Act,
- (2) These Regulations shall apply to all residential property contained within the municipal boundaries of the Town of Labrador City,
- (3) If there is a conflict between a provision of these Regulations and a provision of any other act or regulation in force within the municipal boundaries, the provisions as established under these Regulations shall prevail.

## **General Duties and Obligations**

### ***4. Installation***

- (1) The NFPA 101 Life Safety Code, 2012 Code is utilized to enforce fire safety standards and requires the installation of smoke alarms in all residential dwelling units.
- (2) Smoke alarms conforming to the standards set out in the National Building Code and Fire Protection Services Act shall be installed in every dwelling unit including cabins and cottages, on every level and in each sleeping area.
- (3) Smoke alarms in apartment buildings and lodging houses are required to be installed with permanent connections to an electrical circuit and shall have no disconnect switch between the overcurrent device and the smoke alarm.
- (4) Installation of smoke alarms for institutions and other buildings shall be in accordance with the requirements of the National Building Code.
- (5) Effective June 1, 2012, smoke detectors in all new homes shall be hard wired. Use of battery operated alarms in cabins and cottages is permitted.
- (6) Smoke alarms shall be installed at the time of construction with permanent connections to an electrical circuit and shall have no disconnect switch between the overcurrent device and the smoke detector. In homes constructed prior to June 1, 2012, smoke alarms may be battery operated.
- (7) Smoke alarms within a dwelling unit shall be installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, the smoke alarms shall be installed in the hallways.

- (8) Smoke alarms shall be installed on or near the ceiling in conformance with approved installation instructions.
- (9) Where heat tracing is used to protect pipes from freezing, the space or crawl space shall be equipped with smoke detection.
- (10) Where more than one smoke detector is required in a dwelling unit, the smoke detectors shall be wired so that the activation of one alarm will cause all detectors within the dwelling unit to sound.
- (11) Where instructions are necessary to describe the maintenance and care required for smoke detectors to ensure continuing satisfactory performance, they shall be posted in a location where they will be readily available to the occupants for reference.

## **Powers of Enforcement Authority and Compliance**

### ***5. Powers of Enforcement Authority***

- (1) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority.
- (2) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations.
- (3) The owner or tenant shall carry out the directions of Council referred to in Section 5(2) at the cost of the owner or tenant and within the time specified.
- (4) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law, or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority.

## **6. *Right of Entry***

Pursuant to Section 158 of the Act, Council or its duly authorized agents, have the authority to enter a property or building for the purposes of inspection or to carry out works required under this Regulation.

## **7. *Failure to Comply***

- (1) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 5(2) of these Regulations, Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a civil debt owed to Council and shall attach to the property as a secured claim.
- (2) Council may delegate to an official or employee of Council the power to issue orders under this section.
- (3) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under Section 7(1), except in the case of gross negligence.

## **8. *Offence and Penalty***

- (1) Pursuant to Section 419 (2) of the Act, each day upon which the same offence is committed or continued is a separate offence;
- (2) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
  - (a) Shall be liable to penalties pursuant to Section 421.1 of the Act or,
  - (b) Shall be liable on summary conviction to a fine pursuant to Section 420 or 421.2 of the Act.
- (3) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (2) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply.

- (4) In addition to the penalty prescribed under subsection (2) a Provincial Court judge who convicts a person of an offence referred to in that subsection may order that person to carry out all work in accordance with these Regulations. If that person does not carry out that order within the time prescribed by the Provincial Court judge, the judge may designate a person to carry out the order and the cost of carrying out the order shall be borne by and may be recovered as a civil debt from the person convicted and shall attach to the property as a secured claim.

**9. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

## **Repeal of Previous Regulations**

**10. Repeal**

All previous residential occupancy and maintenance regulations for the Town of Labrador City are hereby repealed.