

CANADA
PROVINCE OF QUEBEC
TOWN OF LAC-BROME

BY-LAW 564
ON SMOKE ALARMS

- WHEREAS installing a smoke detector can save human lives;
- WHEREAS pursuant to article 16 of Fire Prevention Act, it is provided that, as part of the implementation of the *fire* safety cover plan, a municipality may determine specific actions, including the adoption of regulatory measures;
- WHEREAS in the *Orientations of the minister de la sécurité publique en matière de sécurité incendie*, it is recommended to regulate the installation and maintenance of smoke alarms to enable occupants to quickly evacuate a building;
- WHEREAS the National Building Code and the National Fire Prevention Code, published by the National Research Council of Canada, recommend the installation of smoke alarms;
- WHEREAS a notice of motion of the present by-law was duly given on March 7, 2011;
- WHEREAS a smoke detector located inside a room where the door is closed is the most effective means of notifying residents in the early stages of a fire;

ACCORDINGLY:

It is hereby ordered by by-law of the Council of the Town of Brome Lake and by this by-law ordered and decreed, subject to the requisite applications of the law, as follows:

ARTICLE 1 Definitions

For the purposes of this by-law, unless otherwise provided, the following words and expressions shall have the following meanings:

Competent authority:

Designates the director of the fire department or his representative designated by the council and duly trained in fire prevention;

Smoke alarm:

Combination of a smoke detector and an audible signal device designed to trigger an alarm signal when smoke is detected in the room or space where it is installed;

Building:

Any *structure* with a roof supported by walls or columns, used or intended to be used to shelter or receive anyone, animals or things;

Smoke detectors:

Device for detecting the presence of visible or invisible particles produced by combustion, which automatically triggers a signal and is connected to an alarm system and/or a control unit;

Habitable:

Meets *building* regulations in terms of lighting, ventilation, public health and clear height;

Dwelling:

A building or part of a building used or intended to be used as a residence for one or more people, where meals can be prepared and eaten and where people can sleep, with at least one sanitary facility and no more than one kitchen.

Accessory accommodation:

An accessory dwelling unit is a self-contained dwelling unit that forms part of an habitable building and is smaller than the main dwelling unit. It can be created within or added to an existing home or incorporated at the time of home construction. Accessory dwellings are also referred to as "accessory suites" and "secondary dwellings" by various authorities. None of the dwelling units in a house can be co-owned or otherwise subdivided from the rest of the house, under provincial/territorial legislation.

ARTICLE 2

Application of the rules

2.1

The present by-law applies to all residential buildings on the territory of Town of Brome Lake erected after the coming into force of the present by-law.

However, the present by-law does not apply to buildings subject to the obligation to install a fire detection and alarm system under the *Quebec Construction Code* or any provincial or federal legislation.

- 2.2 Habitable buildings constructed or erected prior to the coming into force of the present by-law remain subject to the standards concerning smoke alarms set out in the construction by-law for the year in which they were the subject of a building permit under which they were constructed.

ARTICLE 3 **Requirement**

Every owner of an habitable building located on the territory of Town of Brome Lake is required to install one or more smoke alarms when required by the present by-law.

Any clause in a lease requiring a tenant or occupant to install or have installed a smoke alarm is without effect.

ARTICLE 4 **Number**

- 4.1 An ion-detecting smoke alarm conforming to the CAN/ULC-S531 "Smoke Alarm" standard must be installed in every habitable building and in every bedroom of a dwelling unit, as well as in any other place that is not part of a dwelling unit and where people sleep sporadically or not.
- 4.2 A smoke alarm must be installed outside a bedroom and within five (5) meters of any bedroom door.
- For the purposes of this paragraph, the five (5) meter distance is calculated by measuring along walls.
- 4.3 In a dwelling with more than one floor, at least one smoke alarm must be installed on each floor, with the exception of unheated attics and crawl spaces.
- 4.4 In a dwelling where rooms are rented out, a smoke alarm must be installed in each room offered for rent.
- 4.5 In secondary spaces and common areas not forming part of dwellings in houses with an accessory apartment.
- 4.6 If the sleeping rooms are served by a corridor, the smoke alarm must be located in the corridor between the sleeping rooms and the rest of the floor.

ARTICLE 5

Installation

The smoke alarm must be mounted on or near the ceiling in accordance with the installation guidelines provided by the device manufacturer.

ARTICLE 6

Alarm electrical power supply

- 6.1 This article does not apply to habitable buildings erected prior to the coming into force of this by-law.
- 6.2 Notwithstanding paragraph 6.1, the provisions of this article apply to the following cases:
- 6.2.1 any existing building that is enlarged after COMING INTO FORCE, when this enlargement represents more than 50% of the applicable building value;
- 6.2.2 any existing building that has undergone several expansions after the present by-law comes into force, and the total of these expansions is equal to or greater than 50% of the applicable building value at the time the present by-law comes into force.
- 6.3 Any smoke alarm installed in an habitable building in accordance with this by-law must be permanently connected to an electrical circuit and there must be no disconnecting device between the overcurrent protection device and the smoke alarm.
- 6.4 In the event of failure of the smoke alarm's normal power source, use a battery as a backup power source that will power the smoke alarm for at least 7 days under normal operating conditions, followed by 4 minutes of alarm.
- 6.5 If several smoke alarms are to be installed inside a *dwelling*, they must be electrically connected so that they all activate automatically when an alarm is triggered.
- 6.6 Smoke alarms in habitable buildings containing a secondary suite must be electrically connected so that activation of one smoke alarm triggers all smoke alarms in the house containing the accessory apartment.
- 6.7 In the case referred to in subparagraphs 6.2.1 and 6.2.2, all smoke alarms in a single building that has undergone one or more extensions must be connected in such a way as to comply with this by-law.

6.8 The installation, maintenance or use of smoke detectors, connected to a fire alarm system or connected to a control panel, does not replace the obligation to comply with the provisions of this article.

ARTICLE 7 ***Battery-powered alarm***

A battery-operated smoke alarm may also be used in the following cases:

- a) when the habitable building is not covered by article 6 of the present by-law;
- b) when the building has no electrical power supply; or
- c) when adding to the minimum requirements of these regulations.

ARTICLE 8 **Owner's responsibilities**

8.1 The building owner must install and take measures to ensure the proper operation of the smoke alarm required by the present by-law, including repairs and replacement when necessary, subject to the provisions of Article 9.

8.2 The landlord must place a new battery in each smoke alarm so powered when the dwelling or room is rented to any new tenant covered by Article 9.

8.3 The landlord must provide smoke alarm maintenance guidelines if smoke alarm maintenance guidelines are required to ensure proper operation. These instructions must be posted in an accessible place for tenant consultation.

ARTICLE 9 **Tenant's liability**

The tenant of a dwelling or room occupied by him for a period of six (6) months or more shall take all measures to ensure the proper operation of the smoke alarm located inside the dwelling or room occupied by him and required by the present by-law, including changing the battery if necessary. If the alarm is defective, he must notify the owner without delay.

ARTICLE 10

Application of the rules

The Council authorizes the competent authority to apply the present by-law, to undertake penal proceedings against anyone contravening any provision of the present by-law, and generally authorizes such persons to issue, accordingly, any statements of offence useful for this purpose, indicating the nature of the alleged offence and the amount of the fine. Follow-up and enforcement procedures for an infraction following the issuance of a statement of offence for contravention of the present by-law are governed by the *Code of Penal Procedure of Quebec* (LRQ, chapter C-25.1).

ARTICLE 11

Power of inspection

The competent authority is authorized to visit and examine, between 9:00 a.m. and 8:00 p.m., any movable or immovable property, as well as the interior and exterior of any house, building or structure whatsoever, to ascertain whether the present by-law is being complied with. Any owner, tenant or occupant of such property is required to receive the competent authority, to allow it to enter and to answer all questions put to them concerning the enforcement of the present by-law.

On request, the competent authority carrying out an inspection must establish its identity and show the certificate issued by the Municipality attesting to its status.

ARTICLE 12

Fine

Anyone who contravenes any of the articles of this by-law commits an offence and is liable, in the case of a first offence, to a fine of not less than \$100 and not more than \$1,000 for an individual person, and not less than \$200 and not more than \$2,000 for a legal entity.

In the case of a repeat offence, the minimum fine is \$200 and the maximum fine is \$2,000 for an individual, and the minimum fine is \$400 and the maximum fine is \$4,000 for a legal entity.

In all cases, prosecution costs are extra. These fees are established in accordance with the tariffs adopted under the *Code of Penal Procedure of Quebec* (LRQ, chapter C- 25.1).

The time limits for the payment of fines and costs imposed under this article and the consequences of failure to pay said fines and costs within the prescribed time limits are established in accordance with the *Code of Penal Procedure of Quebec* (LRQ, chapter C- 25.1).

If an offence lasts more than one day, the offence committed on each day constitutes a separate offence and the penalties enacted for each offence may be imposed for each day the offence lasts, in accordance with this article.

ARTICLE 13 **Repeal provision**

This by-law repeals By-law 433 respecting smoke alarms and its amendments.

In addition, this by-law repeals all other previous regulatory provisions dealing with the same subject matter.

ARTICLE 14 **COMING INTO FORCE**

These regulations come into force in accordance with the law.

MADE AND ADOPTED AT THE REGULAR MEETING OF MAY 9, 2011.

Gilles Decelles, Mayor

Alain R. Roy, Clerk

FOLLOW-UP:

Notice of motion:	March 7, 2011
Adoption:	May 9, 2011
Public notice:	June 22, 2011
COMING INTO FORCE:	June 22, 2011