

ALLEN COUNTY CODE TITLE 8 PUBLIC SAFETY

ARTICLE 16 SMOKE DETECTORS

8-16-1 Chapter 1: General Purposes

Be it ordained by the Board of Commissioners of the County of Allen, Indiana that there be and there is hereby established a Smoke Detector Ordinance for the County of Allen, Indiana to promote public safety and welfare, since 6,000 Americans die by fire annually, and 300,000 are severely injured by fire annually, of which 50,000 are unable to return to a normal way of life, of whom 77% were in homes with no smoke detector or it was inoperable, and 65% of these victims were asleep at the time the fire broke out and the National Commission on Fire Prevention and Control has concluded that the larger percentage of these deaths and injuries could have been avoided and fire chiefs, firefighters and fire experts nation wide endorse this conclusion, and since the Allen County Commissioners are committed to preserving the welfare of all of its citizens as tenants and home owners, and since the Commissioners of the County of Allen, Indiana recognize the protection of the public's health, safety and welfare from fires may be improved by the installation and maintenance of smoke detectors..

8-16-2 Chapter 2: Definitions

For purposes of the chapter, the following definitions shall apply:

8-16-2-1 Authority Having Jurisdiction

The Fort Wayne Allen County Building Department and the fire departments established to provide fire protection for a given area of Allen County: i.e., Town, Fire District, Township Fire Department and Allen County Building Department which have enforcement responsibility of this article.

8-16-2-2 Dwelling Unit

That structure, area, room, or combination of rooms in which a family (or individuals) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.

8-16-2-3 Labeled

Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the “Authority Having Jurisdiction.”

8-16-2-4 Listed

Equipment or materials included in a list published by an organization acceptable to the “Authority Having Jurisdiction” and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

8-16-2-5 NFPA74

Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MA 02269.

8-16-2-6 Sleeping Areas

The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), shall be considered sleeping areas.

8-16-2-7 Smoke Detector

Shall be defined as a device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc., or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or product of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by 110 volt alternating current.

8-16-3 Chapter 3: Basic Requirements

All family dwelling units within the limits of Allen County, Indiana shall be equipped with a minimum of one functional, properly located, labeled and listed, smoke detector, or its equivalent or better, as described in the National Fire Protection Association Standard 74.

8-16-4 Chapter 4: Installation and Location

8-16-4-1

If placement in dwelling units is not specified by the manufacturer, then the smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity of the sleeping areas within 15 feet of all rooms used for sleeping areas.

8-16-4-2

If method of installation is not specified by the manufacturer, the smoke detector shall be installed on or near the ceiling, not less than six (6) inches from any wall, or on a wall, not less than six (6) inches nor more than 12 inches from the ceiling, and its installation shall be subject to approval by the “Authority Having Jurisdiction.” No detector shall be recessed into the ceiling.

8-16-4-3

If a smoke detector is solely A.C. powered and the manufacturer of such detector device does not supply specifications as to its installation, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of an A.C. powered detector shall conform to all electrical standards adopted by the Allen County Building Department. A smoke detector required under this code shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

8-16-5 Chapter 5: Maintenance

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair, replacement, rebuilding, repainting or remodeling shall be reinstalled or replaced so that it is operable and in place during normal sleeping hours, before said dwelling unit is reinhabited.

8-16-5-1 Rental Residential Dwelling Units

Each smoke detector shall be tested in accordance with the manufacturer’s recommendations, but shall be tested at 12 month intervals in every individuals residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is reoccupied.

8-16-5-2 Owner-Occupied Dwelling Units

Each smoke detector shall be tested in accordance with manufacturer’s recommendations, and shall be tested at 12 month intervals, and maintained as necessary, to ensure it is in operable condition.

8-16-6 Chapter 6: Duty of Property Owner

Every owner shall be responsible for the installation of smoke detectors as hereinabove provided in any residential dwelling owned by him. In the event the residential dwelling unit is a residential unit and non-owner occupied, then it shall be the responsibility of the

tenant of said dwelling unit to install maintain such smoke detectors which shall be provided by the owner and to maintain them in good working order until said tenant vacates the premises unless said smoke detector require A.C. power supply, soley, in which case the responsibility for maintaining such smoke detector shall be responsibility of the owner of the property.

8-16-7 Chapter 7: Enforcement of Provisions

The Fort Wayne Allen County Building Department and/or the fire departments responsible for each specific area of Allen County shall be charged with the duty of enforcing the terms of this article or this code.

8-16-8 Chapter 8: Violation/Penalty

8-16-8-1

Any person, firm or corporation violating any provisions of this article of this chapter, as affirmed or modified by the "Authority Having Jurisdiction" shall be subject to a fine of \$50.00.

8-16-8-2

Each day such violation is permitted to continue may be deemed to constitute a separate offense.

8-16-8-3

Funds received from penalties paid pursuant to this section shall go to the general fund of the fire department or district having jurisdiction in which the dwelling unit is located.

8-16-9 Chapter 9: Severability

The provisions of this article of this chapter are severable, and if any sentence, section, or other part of this article shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

8-16-10 Chapter 10:

That this ordinance shall be in full force and effect upon passage.