

EFFECTIVE 1-26-11

ORDINANCE NO. 11-01
BY: Brian S. Gleisser

Amending Sections 909.01, 909.02, and 909.03 of the Fire Prevention Code of the Shaker Heights Codified Ordinances to require the installation of photoelectric smoke detectors under certain circumstances, and other updates, and declaring an emergency.

WHEREAS, Sections 909.01, 909.02, and 909.03 of the City's Fire Prevention Code were adopted by Ordinance 94-129, enacted on August 29, 1994, and were amended by Ordinance 10-11, enacted on February 22, 2010; and

WHEREAS, most smoke detectors installed in Shaker Heights are ionization detectors, which generate more nuisance alarms than photoelectric smoke detectors, and which therefore more often result in occupants disabling the smoke detector by taking out the battery; and

WHEREAS, studies have concluded that ionization smoke detectors respond more slowly to smoldering fires that generate heavy smoke but initially little flame than photoelectric smoke detectors; and

WHEREAS, the Chief of Fire has concluded that photoelectric smoke detectors will provide greater safety in the community than dual or ionization smoke detectors, and has recommended that as residents replace smoke detectors and as a part of the point of sale procedure, the installation of photoelectric smoke detectors should be required.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Sections 909.01, 909.02, and 909.03 of the Fire Prevention Code, of the Codified Ordinances of the City of Shaker Heights, presently in effect are hereby repealed.

Section 2. Sections 909.01, 909.02, and 909.03 of the Fire Prevention Code, of the Codified Ordinances of the City of Shaker Heights, are hereby amended to read as follows:

909.01 DEFINITIONS.

As used in this chapter:

- (a) "Dual sensor smoke detector" means a device that uses ionization and photoelectric technologies to detect smoke.
- (b) "Hard-wired" means directly connected to the electrical power supply of the building, the power source of which is required for smoke detectors.

- (c) "Hearing impaired" means a hearing problem impairing the ability of a person to be awakened by a standard smoke detector, whether or not such person is wearing a hearing aid.
- (d) "Ionization smoke detector" means a device that uses a small amount of radioactive material to detect smoke particles.
- (e) "Occupant" means a person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or a room.
- (f) "Owner" means the owner of the premises, including the holder of title thereto subject to contract of purchase, a land contractor purchaser, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises.
- (g) "Photoelectric smoke detector" means a device that utilizes a light source to detect smoke particles.
- (h) "Primary smoke detectors" means all those smoke detectors installed to meet the requirements of this Chapter.
- (i) "Secondary smoke detector" means any smoke detector installed at the discretion of the owner or occupant that is in addition to, but not instead of, the primary smoke detectors that are required by this Chapter.
- (j) "Sleeping area" means an area of a dwelling containing bedrooms which are separated from each other by no use area other than a bathroom.
- (k) "Smoke detector" means a UL or FM approved device which detects visible or invisible particles of combustion and which emits an audible signal indicating a fire condition or both an audible and a visual signal indicating a fire condition.

**909.02 INSTALLATION OF PHOTOELECTRIC DETECTORS REQUIRED;
PLACEMENT; DEVICES FOR HEARING IMPAIRED PERSONS;
HARD-WIRED DETECTORS.**

(a) Owners of all dwellings shall install a minimum of one smoke detector adjacent to a sleeping area in each dwelling unit. At least one additional smoke detector shall be installed on each additional story of the dwelling, including the basement, but excluding any crawl space or unfinished attic. For one or two-family dwellings or multifamily dwellings with one or more split levels, a smoke detector on an upper level shall suffice for an adjacent lower level, provided that the lower level is less than one full story below the upper level. If a door intervenes between adjacent levels, a smoke detector shall be installed on both levels. In multifamily dwellings and two-family dwellings, smoke detectors shall be installed in all stairwells on each level, in all common space and

hallways, and wherever else the Fire Department deems necessary. Smoke detectors shall be listed with an approved testing agency and shall be installed in a manner and location consistent with the manufacturer's instructions.

(b) Where a dwelling is occupied by a person who is deaf or hearing impaired, a smoke detector shall be installed by the owner which provides a visual or vibrating signal sufficient to warn the deaf or hearing impaired individual when activated.

(c) Any newly constructed dwelling shall have hard-wired smoke detectors, with battery backup, installed as required by the Ohio Building Code and the Ohio Fire Code. When alterations, repairs or additions requiring a Building permit occur and the value of such work is more than 50% of the assessed valuation or when all or most of the electrical wiring is being replaced, hard-wired smoke detectors, with battery backup, shall be installed. Wiring shall be permanent and without a disconnection switch, other than those required for over current protection.

(d) Battery-operated smoke detectors may be installed in existing one and two-family dwellings and multifamily dwellings, unless hard wired smoke detectors have been previously installed. Existing three-family, four-family or multi-family buildings may have installed battery operated smoke detectors, unless hard-wired smoke detectors have been previously installed. Any hard-wired smoke detectors must be maintained to operate as intended.

(e) All smoke detectors shall be listed with an approved testing agency. No smoke detector shall be hard-wired, with battery backup, unless plans for installation have been submitted to, and reviewed by, the Fire Chief or the Chief's designee and an electrical permit has been obtained from the Building Department.

(f) All smoke detectors and the installation shall be in compliance with most recent edition of the National Fire Protection Association (NFPA) Standard No. 72.

(g) Any primary smoke detector that is installed shall be a photoelectric smoke detector. In addition to the primary smoke detectors required to be installed by this Section, secondary smoke detectors may be installed to supplement the required primary detectors. An ionization or dual sensor smoke detector shall not be installed as the primary smoke detector.

(h) All smoke detectors shall be replaced no later than ten (10) years after the date of manufacture of the detector. The replacement of primary smoke detectors shall be with photoelectric smoke detectors.

(i) All primary smoke detectors shall be photoelectric smoke detectors either within five (5) years of the effective date of this ordinance, or within the time period for compliance with the requirements of Chapter 1415 of the Housing Code as set forth in Chapter 1415 and this Section, whichever occurs first.

(j) Prior to the transfer of the title of any residential property in the City, when such transfer is required to be approved by the City under Chapter 1415 of the Housing Code, the transfer shall not be approved by the Department of Housing Inspection unless all primary smoke detectors in the property are photoelectric smoke detectors, or unless the primary smoke detectors are required to be replaced with photoelectric smoke detectors in the Certificate of Inspection issued by said Department. Any existing primary smoke detector that is not a photoelectric smoke detector shall be replaced with a photoelectric smoke detector prior to transfer of title or within the time period for compliance with the requirements of Chapter 1415.

909.03 TESTING AND INSPECTIONS.

(a) Testing of battery operated smoke detectors shall be done by the occupant not less than once a month (National Fire Protection Association (NFPA) Standard No. 72). The owner shall provide the occupant with printed information as to proper testing of the smoke detectors within the dwelling.

(b) At every change of occupancy of every one and two-family dwelling and multifamily dwelling occasioned by, or incidental to, a sale, lease or sublease of such dwelling, it shall be the duty of the owner to inspect the smoke detectors to ensure proper working condition. This subsection shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City in order to immediately encourage the use of the safest smoke detector technology, and therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted January 24, 2011.

Approved this ____ day of _____, 2011.

EARL M. LEIKEN, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council