

# DEPARTMENT OF FIRE AND RESCUE OPERATIONS



## CITY OF TOLEDO

### **TITLE**

Smoke Detector Requirements for dwelling units

### **PURPOSE**

To provide information on where smoke detectors are required in each residential property per 1301.11 of the Toledo Municipal Code.

### **GUIDELINES**

#### **1301.11. Smoke detector requirements for dwelling units.**

- (a) It shall be the responsibility of the owner of each new and existing one, two, or three family dwelling unit, after the effective date of this section to install smoke detectors as hereinafter provided. At least one smoke detector shall be installed to protect each sleeping area, and there shall be at least one smoke detector installed on each level of the dwelling (that is, cellar, basement, first floor, second floor).
- (b) It shall be the responsibility of the owner of all existing dwelling units greater than three-family to have installed a minimum of one smoke detector in each sleeping area or room and on each level of the dwelling unit (cellar, basement, first floor, second floor) of dwelling units with multiple floors.
- (c) Such smoke detectors shall be capable of sensing visible or invisible particles of combustion and provide a suitable audible alarm thereof, and shall be certified as to having met Underwriters' Laboratories Standards No. 217 for single and multiple stations smoke detectors. All smoke detectors shall be installed in accordance with the manufacturer's directions as to location and installation where they do not conflict with the provisions of this section. A sleeping area is defined as the area or areas of the family unit in which the bedrooms or sleeping rooms are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purpose of this section and shall require protection. When actuated, the smoke detector shall provide a suitable alarm audible within the individual sleeping rooms or areas.
- (d) New Construction or Alteration.
  - (1) In new dwelling units (regardless of number of dwelling units), smoke detectors shall be installed, wired directly (hardwired), and interconnected in accordance with the applicable code adopted in this Part Thirteen.
  - (2) In existing one, two and three family dwelling units where sleeping areas or other habitable areas are added or substantial alterations, as determined by the Building Official occur, smoke detectors shall be required and installed in accordance with the applicable code adopted in this Part Thirteen.
  - (3) In existing dwelling units in buildings greater than three family units where substantial alterations occur, as determined by the Building Official, or where sleeping areas or other habitable areas are added, smoke detectors shall be provided throughout the entire dwelling unit in accordance with paragraph (b) above. Smoke detectors shall not be required to be interconnected and wired directly unless other alteration considerations require removal of

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walls or ceilings to facilitate concealed interconnection and direct wiring. Where smoke detectors are direct wired, the detector shall have a battery backup system. All smoke detectors that are wired directly to the dwelling's power supply (hardwire) shall be installed in accordance with the National Electrical Code.

- (e) After the effective date of this section, at every change of occupancy of every dwelling unit occasioned by or incidental to a sale, rental, lease or sublease of such unit, it shall be the duty of the grantor thereof (that is, the seller, landlord, lessor or sublessor, as the case may be) to certify, before occupancy, to the new occupant that all smoke detectors as required by this section, or other applicable laws, are installed and in proper working condition. Failure to comply with this subsection shall be punishable as set forth herein, provided however, that this subsection shall not be construed to vitiate or render void any contract, lease or sublease subject thereto.
- (f) In all dwelling units the occupant shall be responsible for replacing the battery in battery-operated smoke detector units. In multi-family dwelling units, the property owners shall be responsible for all maintenance other than battery replacement.
- (g) A tenant may not remove or render a smoke detector inoperative.
- (h) As an alternative to self-contained smoke detectors, an approved fire detection system may be installed. Each fire detection system must be individually approved and a permit issued therefor by the Department of Fire and Rescue Operations.
- (i) No smoke detector or alternative system shall be directly connected (permanently wired) to the electrical system of the structure unless an electrical permit has first been obtained from the Building Inspection Division.
- (j) Prohibitions. Whoever violates any of the provisions of Section 1301.11 shall be penalized as follows:
  - (1) A minor misdemeanor for the first offense.
  - (2) A misdemeanor of the third degree for a subsequent offense within four years.
  - (3) A misdemeanor of the first degree if the court finds that serious physical harm (as defined in Section 501.01(e) of the Toledo Municipal Code) or loss of life occurred during the course of a fire in a dwelling unit which failed to meet the requirements of this section.

**(Ord. 350-03. Passed 4-29-03.)**

- (k) This section is intended to be used with and supplemented by the applicable provisions of the National Fire Protection Association Standard 74, current edition, which are hereby incorporated herein; however, if there is any conflict between the statute and the supplemental standard, this statute and any rules and regulations adopted pursuant thereto shall prevail.

**(Ord. 44-95. Passed 1-31-95.)**

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