

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK
BY-LAW NUMBER 89-33 (CON-1)

BEING A BY-LAW TO AUTHORIZE AND DIRECT CITIZENS TO ACQUIRE AND PLACE APPROVED SMOKE ALARM DETECTORS IN ALL RESIDENTIAL DWELLING UNITS, AND FOR THE ENFORCEMENT OF THIS BY-LAW AND INSPECTION OF ALL DWELLING UNITS.

WHEREAS Paragraph 42 of Section 210 of the Municipal Act, R.S.O. 1980, Chapter 302, and amendments thereto, empowers the Council to enact by-laws for making such other regulations for preventing fires and the spread of fires as the Council considers necessary; and

WHEREAS Section 104 of the said Municipal Act empowers the Council to pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and not contrary to law; and

WHEREAS paragraph 39 of Section 210 of the said Municipal Act empowers the Council to enact by-laws for authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whether the provisions of the by-law are obeyed and to enforce or carry into effect the by-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA ENACTS AS FOLLOWS:

1. For the purposes of this by-law, the following definitions shall apply:
 - (a) "Council", means the Council of the Corporation of the Town of Georgina;
 - (b) "Corporation", means The Corporation of the Town of Georgina;
 - (c) "Dwelling Unit", means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
 - (d) "Fire Chief", means the Chief of the Fire Department of the Corporation;
 - (e) "Fire Prevention Officer", means a person who is assigned to Fire Prevention by the Fire Chief of the Fire Department of the Corporation;
 - (f) "Municipal Law Enforcement Officer", means a person appointed by by-law to enforce the Corporation's by-laws;
 - (g) "Owner", includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person who

would so receive the rent if such land and premises were let;

- (h) "Person", includes, not only an individual, but also a partnership and body corporate and any association;
 - (i) "Smoke Alarm", means a combined smoke detector and audible alarm device that:
 - i) is designated to sound an alarm upon the detection of products of combustion;
 - ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
 - iii) has been approved by the Underwriters' Laboratories of Canada, and, where electrically powered, by the Canadian Standards Association;
 - (j) "Smoke Detector", means a device for sensing the presence of visible or invisible particles produced by combustion, and automatically initiating a signal indicating this condition;
2. Words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and the converse.
 3. No owner of a building containing one or more dwelling units shall occupy or allow such building to be occupied unless one or more smoke alarms have been installed in each dwelling unit.
 4. No owner of a building containing one or more dwelling units shall occupy or allow such building to be occupied unless each smoke alarm, installed in accordance with Section 3, is maintained in good operating condition at all times.
 5. No owner of a building containing one or more dwelling units shall occupy or allow such building to be occupied unless one or more smoke alarms have been installed in accordance with the following provisions:
 - (a) between each sleeping area and the remainder of the dwelling unit,
 - (b) where a sleeping area is served by a hallway, in the hallway, and
 - (c) on, or near the ceiling in accordance with the manufacturer's installation instructions, or as directed by the Fire Chief, Deputy Fire Chief, Fire Prevention Officer or Municipal Law Enforcement Officer.
 - (d) where electrically powered, shall -
 - i) be equipped with visual indication that they are in operating condition,

- ii) be permanently mounted on a standard outlet box on the ceiling or on the walls between 6 and 12 inches (15 cm. And 30 cm.) below the ceiling, and
 - iii) not have a switch between the smoke alarm and the distribution panel.
- 6. No owner of a building containing one or more dwelling units shall occupy, or allow such building to be occupied, unless instructions, where necessary to describe the maintenance and care required for smoke alarms to continue to perform satisfactorily, have been posted in a location where they will be readily available to the occupants for reference.
- 7. The Fire Chief, Deputy Fire Chief, Fire Prevention Officer and Municipal Law Enforcement Officer, are hereby appointed to enforce the provisions of the by-law.
- 8. The Fire Chief, Deputy Fire Chief and Fire Prevention Officer or Municipal law Enforcement Officer may, at all reasonable times, and upon producing proper identification, enter and inspect any building in order to ascertain whether the provisions of this by-law are complied with and to enforce or carry into effect the by-law.
- 9. When a building does not conform to the provisions of this by-law, the Fire Chief, Deputy Fire Chief and Fire Prevention Officer or Municipal law Enforcement Officer shall personally serve Notice to the owner requiring him to conform to the requirements of this by-law. If the Notice is sent by prepaid, registered mail to the last known address of the owner, such Notice shall be deemed to have been served on the owner five days after it has been sent.
- 10. The Notice referred to in the preceding paragraph shall:
 - (a) contain;
 - i) the municipal addresses or legal description of the building,
 - ii) reasonable particulars of the requirements, and
 - iii) the period for compliance, and
 - (b) be served or caused to be served;
 - i) by personal service, or
 - ii) by prepaid registered mail.
- 11. Every person to whom a Notice is sent or who is required to do anything by or pursuant to this by-law, shall obey such notice or do such thing as required.
- 12. Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine of not more than five hundred (\$500.) Dollars, exclusive of costs.

13. When a person has been convicted of an offence under this by-law:
- (a) the Provincial Offences Court of the Judicial District of the Regional Municipality of York, or
 - (b) any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

By-law No. 88-019 (F1-1) is hereby repealed.

By-law read a First and Second time this 9th day of February, 1989.

By-law read a Third time and finally passed this 9th day of February, 1989.

Mayor Robert D. Johnston

Clerk, Larry Simpson