

ORDINANCE NO. 83-4 - 1983

AN ORDINANCE PROVIDING FOR MANDATORY AND/OR RECOMMENDED INSTALLATION, REGISTRATION, MAINTENANCE AND CERTIFICATION OF AUTOMATIC SMOKE DETECTION DEVICES IN SPECIFIED OCCUPANCIES, PROVIDING FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Council of the Borough of West Kittanning, ever cognizant of their responsibility to act in the best interests of all persons within the Borough of West Kittanning; and

WHEREAS, the Council desires to upgrade the life safety and welfare of all persons within the Borough of West Kittanning; and

WHEREAS, the Council desires to reduce the potential of death, injury and property damage from fire; and

WHEREAS, the Council desires to accomplish the same by providing for the systematic installation and maintenance of approved automatic smoke detection devices.

WHEREFORE, BE IT Ordained and Enacted by the Council of the Borough of West Kittanning, and it is hereby Ordained and Enacted by authority of the same.

Section 1. In all occupancies listed in Section 2, unless otherwise stated therein, it shall be mandatory to have not less than one (1) automatic Underwriters Laboratories listed smoke

detection device, properly installed and maintained, which, when activated provides an audible alarm adequate to warn the occupants therein of a possible fire emergency.

Section 2. The following occupancies shall have mandatory installations:

(a) Residential Occupancies. Each dwelling unit or individual apartment within buildings used as multiple dwellings, or in any other dwelling units which are not owner occupied.

(b) Mercantile Occupancy. All buildings or portions thereof used for commercial purposes shall have not less than one smoke detection device installed for each floor, including the basement.

(c) Assembly Occupancy. The occupancy or use of a building or structure or any portion thereof by a gathering of persons shall have not less than one smoke detection device installed for each floor, including the basement.

(d) Business Occupancy. Occupancy or use of a building or structure or any portion thereof for the transaction of business or the rendering or receiving of professional services shall have not less than one smoke detection device installed for each floor, including the basement..

(e) Mixed Occupancy. Two or more occupancies of different classes within the same building or structure shall have not less than one smoke detection device installed in each

of the occupancy classes, as specified.

(f) In all other occupancies and existing buildings upon change of ownership of the real estate upon which the building is erected.

(g) In all newly constructed buildings occupied subsequent to the enactment of the herein Ordinance.

Section 3. It is recommended that in residential occupancies consisting of a dwelling unit occupied by the owner or owners on the date of the enactment of the herein Ordinance that not less than one automatic Underwriters Laboratories listed smoke detection device be properly installed and maintained, which when activated sounds an audible alarm adequate to warn the occupants therein of a possible fire emergency.

Section 4. All installations shall be in accordance with manufacturer's recommendations and latest applicable standards including the current editions of the National Fire Codes issued by the National Fire Protection Association.

Section 5. It shall be the responsibility of the owner to purchase, install and maintain each mandated smoke detection device.

Section 6. Within ten (10) days after the mandated, and/or recommended installation, it shall be the responsibility of the owner or his agent to register such devices and installation

with the Mayor at his office. The registration date shall become the anniversary date for annual re-certification as authorized in Section 7 herein.

Section 7. Annual certification of the operability of each smoke detection device in any of the occupancies listed in Section 2 of the herein Ordinance shall be made by the owner or his agent. Such certification shall be in card form, executed by both the owner or his agent and the tenant of the occupancy, said card to be registered with the Mayor for the Borough of West Kittanning at his office at the Borough Building, West Kittanning, Pennsylvania, within ten (10) days of the anniversary date of the registration date of the original installation. Said registration must be accomplished each and every year.

Section 8. It shall be the duty of a tenant in each occupancy or unit thereof to periodically test the smoke detection device to insure its operability. In the event of malfunctions, it shall be the responsibility of the tenant of the occupancy to immediately inform the owner or his agent or representative of said malfunction. The owner shall be responsible for restoring the smoke detection device to reliable operation.

Section 9. The herein Ordinance is in conformance with the Boca Basic Property Maintenance Code, Article 700.

Section 10. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be

unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

Section 11. All persons being owners of real estate upon which a building is erected who violates any provision of this Ordinance with the exception of Section 3, shall for each and every violation, upon conviction thereof, be subject to a penalty as imposed by a district justice of not more than Three Hundred Dollars (\$300.00), plus costs of prosecution and, in default of payment of such fine and costs, imprisonment of not more than Thirty (30) days.

Section 12. This Ordinance shall take effect

1 JUNE 1983

ORDAINED and ENACTED into law the *14th* day of *MAY 1983*

ATTEST:

BOROUGH OF WEST KITTANNING

*L. J. Brown*  
Secretary

*Donald Morris*  
President of Council

EXAMINED and APPROVED this            day of

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Mayor