

**CITY OF MUSKEGON HEIGHTS
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

**ORDINANCE #2014-604
AN ORDINANCE TO AMEND CHAPTER 42, "FIRE PREVENTION AND
PROTECTION," OF THE CODE OF ORDINANCES OF THE
CITY OF MUSKEGON HEIGHTS WITH REGARD TO SMOKE ALARMS.**

THE CITY OF MUSKEGON HEIGHTS ORDAINS:

Section 1. Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Muskegon Heights by amending Chapter 42, "Fire Prevention and Protection," of the Code of Ordinances to add regulations relating to smoke alarms.

Section 2. A new Article VI, "Smoke Alarms," is hereby added to Chapter 42, "Fire Prevention and Protection," of the Code of Ordinances to provide as follows:

Sec. 42-51. Smoke alarms required.

Single-station or multiple-station smoke alarms, as specified in this Article, are required and shall be installed and maintained in full operating condition as specified in this Article. Additional approved smoke alarms installed in accordance with National Fire Protection Association recommendations are both recommended and encouraged.

Sec. 42-52. Smoke alarm location and installation date.

(1) Required smoke alarms shall be located in each of the following locations:

- (a) In each bedroom, sleeping room or regular sleeping location.
- (b) Outside of each sleeping area in the immediate vicinity of the bedrooms, sleeping rooms or sleeping locations.
- (c) On every story of the dwelling unit including basements. For purposes of this provision only, in a dwelling unit that has split levels without an intervening door between immediately adjacent levels, a smoke alarm installed on the upper level shall suffice for both the upper and the immediately adjacent lower level provided that the lower level is less than one full story below the upper level.
- (d) Any common hallway or stairwell of a multiunit apartment building.

- (2) The smoke alarms required by this Article shall be required to be installed and fully operational on or before the date indicated:
- (a) For rental dwellings containing three or more dwelling units, after August 1, 2014, at the time that an inspection is requested pursuant to City Code but, in no case, later than September 1, 2014.
 - (b) For two-family dwellings, whether rental dwellings or owner-occupied, not later than October 1, 2014.
 - (c) For single-family rental dwellings, not later than October 1, 2014.

Sec. 42-53. Smoke alarm installation.

All smoke alarms installed as part of work requiring a building permit shall be installed as provided for in the Building Code then in effect and applicable to the work being done. All other smoke alarms shall be installed in accordance with the National Fire Protection Association Part 74 or as mandated in this Article. Installation shall be in a workmanlike manner and shall be in a location and in a manner that accidental or unintentional operation or deactivation shall not occur due to jarring, vibration or the presence of substances other than products of unintended combustion.

Sec. 42-54. Smoke alarm effectiveness.

When activated, all smoke alarms shall provide an alarm suitable to warn the occupants of the individual room or the dwelling unit in which the alarm is installed. If an occupant is deaf or hard of hearing, the smoke alarm shall provide a visual signal upon activation in accordance with the Building Code then in effect. Audible alarms shall produce a sound level of not less than eighty-five (85) dBA as measured three (3) meters from the smoke alarm. It is recommended that installed alarms be tested to determine that they can be heard in all places where occupants are sleeping when other devices frequently used in that area, such as fans, room air conditioners or humidifiers, are in operation.

Sec. 42-55. Smoke alarm power source.

The primary power source for a required smoke alarm shall be household alternating current (AC) or a lithium battery with a functional life expectancy of ten (10) years or more. When a hard-wired household alternating current (AC) alarm is installed, there shall also be lithium battery automatic backup in the event of a failure or interruption of the AC primary power source. When an alarm with a lithium battery with a life expectancy of ten (10) years or more is installed as the primary power source, the alarm unit shall be one in which the battery is sealed within the unit and cannot be removed from the unit without serious damage to the unit. No seriously damaged or inoperative smoke alarm shall meet the requirements of this Article. Mass-market battery powered units, including those powered by alkaline batteries, capable of being used in other consumer applications or those powered by lithium batteries not sealed within the unit do not comply with the requirements of this provision for required alarms. Additional

smoke alarms which are installed but are not required by this Article may be powered by alternating current or a battery.

Sec. 42-56. Tampering with, disconnecting or damaging a smoke alarm.

No person shall tamper with, meddle with, interfere with, damage, disconnect, deactivate or otherwise interfere with the effectiveness of a smoke alarm, except as otherwise permitted in this Article. Parents or other adults shall not disable a smoke alarm in a dwelling unit in which a child lives nor shall any parent or adult remove a battery from any smoke alarm in a dwelling unit in which a child lives unless that battery is immediately replaced by a fully functional battery. Smoke alarms not required by an existing law, ordinance or regulation may be moved, removed or replaced if such action does not result in non-compliance with this provision or another applicable law, ordinance, rule or regulation.

Sec. 42-57. Smoke alarm maintenance.

All smoke alarms installed in a dwelling unit, whether required or not, shall be maintained in full operating condition at all times, except as provided for in this Article.

Sec. 42-58. Smoke alarm required in rental units prior to occupancy.

No person shall rent to, lease to, let or license the occupancy of any property owned by, managed by or within the care, custody or control of that person for residential or sleeping purposes nor shall any person permit the use of any property owned by, managed by or within the care, custody or control of that person to be utilized for any residential or sleeping use unless the provisions of this Article are fully complied with. No person shall sleep or be allowed to sleep in any dwelling unit or other place not complying with the requirements of this provision for the presence of operating smoke alarms.

Sec. 42-59. Occupant of property required to maintain smoke alarms.

No person who leases or rents property from another person, or who occupies or uses the property of another for residential or sleeping purposes shall permit a smoke alarm required by this Article to become inoperative by a failure to do periodic cleaning or maintenance or by failure to replace a battery.

Sec. 42-60. Smoke alarms not required.

This Article shall not apply to structures which are not occupied for any purpose or which are not occupied at any time for sleeping or residential purposes. This Article shall apply to any dwelling unit or sleeping space that is occupied in any structure whether or not the remainder of the structure is occupied. Any institutional use or R-1 occupancy required to meet the requirements of another law, ordinance, rule or regulation providing protection equivalent or similar to the provisions of this Article is exempt from this Article provided that it is in full compliance with the other applicable requirement.

Sec. 42-61. Smoke alarms and fire detection or protection systems to be maintained.

Smoke alarms or other fire detection or fire protection systems installed in compliance with, or not prohibited by, any other law, ordinance, rule or regulation are encouraged and shall be maintained in full operating condition until the requirements of this provision and any other applicable law, ordinance, rule or regulation are met. If any fire detection or fire protection system other than a smoke alarm is deactivated or becomes inoperative, the Fire Chief or Fire Marshall shall be notified. Upon such notification, the Fire Chief or Fire Marshall may conduct an inspection of the premises and may take such action or issue such order as is permitted by law, ordinance, rule or regulation.

Sec. 42-62. Enforcement.

This provision shall be enforced as directed by the City Council, the City Manager or the City Manager's designee.

Sec. 42-63. Approval of smoke alarms.

Approval of smoke alarms, fire detection or fire protection systems permitted by this Article shall be by the Fire Chief or the Fire Chief's designee. Each approved alarm shall have a "hush button" or silencing feature that will allow the alarm to be silenced for a short period of time in the case of nuisance alarms.

Sec. 42-64. Inspection.

Inspections to ensure compliance with this provision shall be conducted in accordance with applicable statutory and constitutional standards and as directed by appropriate employees in the City's administrative structure. Employees enforcing this provision are authorized to enter a structure or premises open to the public when the structure or premises is open to the public for the purpose of inspection, subject to applicable statutes and constitutional provisions. In all other instances, permission to inspect may be sought from an appropriate person or entry may be made as otherwise permitted by law.

Sec. 42-65. Definitions.

As used in this Article, the following terms shall have the indicated meanings:

Multiple Station - a group of single station smoke alarms which are connected so that activation of one causes all the connected alarms to activate.

Single Station - a smoke alarm which operates separately from other detection or alarm devices and is not connected to other such devices.

Smoke Alarm - a device which detects the visible or invisible products of combustion and sounds an alarm and which is approved as provided for in this Section.

Sec. 42-66. Exception.

Notwithstanding any other provision of this Chapter, the provisions of this Article shall not apply to detached single-family owner occupied residences existing at the time of this Article's adoption except as follows:

(1) Not less than one fully operative smoke alarm complying with the current Underwriter's Laboratory (U.L.) standard shall be installed on each level of every existing detached single-family owner occupied residence. On every level which has rooms used for sleeping purposes, a smoke alarm, which may be the alarm required on that level, shall be installed outside of the sleeping area in the immediate vicinity of the bedrooms, sleeping rooms or sleeping locations.

(2) All smoke alarms installed in a dwelling unit, whether required or not, shall be maintained in full operating condition at all times, except as provided for in this Article.

(3) No person shall tamper with, meddle with, interfere with, damage, disconnect, deactivate or otherwise interfere with the effectiveness of a smoke alarm except as otherwise permitted in this Article. Parents or other adults shall not disable a smoke alarm in a dwelling unit in which a child lives nor shall any parent or adult remove a battery from any smoke alarm in a dwelling unit in which a child lives unless that battery is immediately replaced by a fully functional battery. Smoke alarms not required by an existing law, ordinance or regulation may be moved, removed or replaced if such action does not result in non-compliance with this provision or another applicable law, ordinance, rule or regulation.

(4) This provision shall only be applicable when possession is transferred, in whole or in part, by deed or land contract to another individual or entity. The person(s) or entity transferring possession in whole or in part shall be the party responsible under this Section to see that compliance is made.

Sec. 42-67. Penalty for violation.

Failure to comply with this Article will result in civil infraction with a fine of \$250.00.

Section 3. Severability.

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. Ordinance Repeal.

All ordinances or parts of ordinance in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

Section 5. Effective Date.

This Ordinance shall be effective ten (10) days after publication.


Sharon Gibbs
City Clerk

Introduced: July 14, 2014

Adopted: July 14, 2014

Published: July 17, 2014

Effective: July 27, 2014