

**THE CORPORATION OF THE TOWNSHIP OF TEMAGAMI**

**BY-LAW NO. 97-3 3-7**

**BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF TEMAGAMI RESPECTING DEVICES FOR THE EARLY DETECTION AND SIMULTANEOUS ALARM SIGNALING THE PRESENCE OF FIRE IN AN EARLY STATE.**

WHEREAS by the provisions of Section 210, of the Municipal Act, Chapter M.45, R.S.O. 1990 and amendments thereto, a Municipality may enact by-laws regarding fire matters.

AND WHEREAS Section 210 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 this Act as may be deemed expedient and not contrary to law;

AND WHEREAS Paragraph 41 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, with the owner's consent 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 TOWNSHIP OF TEMAGAMI HEREBY ENACTS AS FOLLOWS:

**DEFINITIONS**

1. In this By-law:

- (a) "building area" means the greatest horizontal area of a building within the outside surface of exterior walls or when a firewall is to be constructed within the outside surface of exterior walls and the centreline of firewalls;
- (b) "building height" means the number of storeys contained between the roof and the floor of the first storey;
- (c) "Town" means the Corporation of the Township of Temagami;
- (d) "Fire Chief" means the Chief of the Fire Department of the "Town;"

(e) "Inspector" means a person who is employed by the Town in the Fire Department of the Town;

(f) "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 or who would so receive the rent if such land and premises were let.

(g) "person" includes, not only an individual, but also a partnership and body corporate and any association;

(h) "residential occupancy" means the occupancy or use of a building or part thereof by person for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained;

(i) "smoke alarm" means a combined smoke detector and audible alarm device that:

(i) is designed to sound an alarm upon the detection or products of combustion;

(ii) is equipped with an indicator which provides a readily visible, audible or other indication that the device is in operating condition, and

(iii) that after January 1, 1997, such device 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 conditions;

(k) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is not floor above it, that portion between the top of such floor and the ceiling above it.

## **GENERAL**

### **Requirements**

2. Every owner of a building containing a residential occupancy shall have installed in the building, one(1) or more alarms, in accordance with the provisions of this by-law.
3. Every owner, and every tenant, if any, of a building containing a residential occupancy shall ensure that each smoke alarm installed in accordance with Section 4 hereof is maintained in good operating condition at all times.
4. Smoke alarms shall be installed:
  - (a) between each sleeping area and the remainder of the building;
  - (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.
5. Where instructions are necessary to describe the maintenance and care required for smoke alarms to ensure continuing satisfactory performance, they shall be posted by the Owner of the building in a location where they will be readily available to the occupants for reference.

## **ENFORCEMENT**

6. The Fire Chief and the Inspectors of the Town are hereby appointed to enforce the provisions of this by-law.
7. The Fire Chief or an Inspector may, with consent of the occupant, between the hours of 9 o'clock in the morning and four o'clock in the afternoon 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.
8. When a building does not conform to the provisions of this by-law, the Fire Chief or an Inspector shall send a Notice to the owner requiring him to conform to the requirements of this by-law.

9. The Notice referred to in Section 8 hereof shall:

- (a) contain
  - (i) the municipal address and legal description of the building;
  - (ii) reasonable particulars of the requirements and
  - (iii) the fifteen (15) day period for compliance, and
- (b) be served or caused to be served,
  - (i) by personal service, or
  - (ii) by prepaid registered mail.

10. 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.

11. Any person who contravenes any of the provisions of the By-law is guilty of an offence and is liable to a fine not more than \$2,000.00, exclusive of costs, to be collected pursuant to the provisions of The Provincial Offences Act

12. When a person has been convicted of an offence under this by-law, the inspector, may, in addition to any other penalty imposed on the person, request 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.

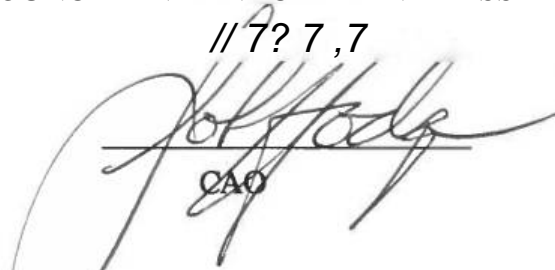
**EFFECTIVE DATE**

13. (1) This by-law comes into force and effect on the first day of May 1997.

READ A FIRST AND SECOND TIME IN OPEN COUNCIL THE IM DAY OF March 1997.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS ~~THIRTEEN~~  
DAY OF April 1997.

  
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