

ORDINANCE NO. 18-5(2)

AN ORDINANCE TO AMEND CHAPTER 5, BUILDING REGULATIONS, ARTICLE 4, SMOKE DETECTORS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 5, Building Regulations, Article 4, Smoke Detectors, is hereby amended and reordained as follows:

By Amending and Renaming:

- Sec. 5-400 ~~Applicability~~ Smoke alarms required in certain buildings.
- Sec. 5-401 ~~Smoke detector required~~ Installation of smoke alarms.
- Sec. 5-402 Certificate that smoke ~~detector~~ alarm is in working order.
- Sec. 5-403 Interim testing, repairing, and maintaining a smoke ~~detector~~ alarm.

Chapter 5. Building Regulations

Article 4. Smoke ~~Detectors~~ Alarms

Sec. 5-400 ~~Applicability~~ Smoke alarms in certain buildings.

~~The following buildings and structures shall have smoke detectors installed as provided in this article:~~
Smoke alarms shall be installed in the following structures or buildings if smoke alarms have not been installed in accordance with the Building Code:

- A. *Dwelling units.* Any building containing one or more dwelling units.
- B. *Hotels and motels.* Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- C. *Rooming houses.* Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-400, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

~~State law reference-~~Virginia Code § 15.2-922.

Sec. 5-401 ~~Smoke detector required~~ Installation of smoke alarms.

~~Smoke detectors shall be installed in each building or structure identified in County Code § 5-400 in conformance with the provisions of the Building Code. The type of smoke detector may be either battery operated or AC powered units.~~

Smoke alarms required to be installed pursuant to County Code § 5-400 shall be installed only in conformance with the provisions of the Building Code. In addition:

- A. *Power.* Smoke alarms may be either battery operated or AC powered.
- B. *Wiring.* The installation of smoke alarms shall not require new or additional wiring.
- C. *Maintenance.* Smoke alarms shall be maintained in accordance with the Statewide Fire Prevention Code (Virginia Code § 27-94 *et seq.*) and Virginia Code § 36-105(C)(6), Part III of the Uniform Statewide Building Code.
- D. *Upgrading not required.* Nothing in this article shall be construed to require the upgrading of any smoke alarms provided by the Building Code in effect at the time of the last renovation of the building, for which a building permit was required, or as otherwise provided in the Building Code.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-401, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

Sec. 5-402 Certificate that smoke detector alarm is in working order.

~~At the beginning of each tenancy and at least annually thereafter, the owner of each rented or leased dwelling unit shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order.~~

The owner of a rental unit shall provide the tenant a certificate that all smoke alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-402, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

Sec. 5-403 Interim testing, repairing, and maintaining a smoke detector alarm.

~~The tenant and the owner of a rented or leased dwelling unit is responsible to test, service, repair, maintain, or replace a smoke detector as follows:~~

~~A. *Responsibility of the tenant.* The tenant is responsible for interim testing, repairing, and maintaining any smoke detector within the dwelling unit. The tenant is not responsible for interim testing, repairing, or maintaining any smoke detector in any hallway, stairwell, or other public or common area of a multifamily dwelling.~~

~~B. *Responsibility of the owner.* The owner is responsible to service, repair, or replace any malfunctioning smoke detector within five days after receiving written notice from a tenant that a smoke detector needs service, repair, or replacement.~~

Except for smoke alarms located in public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke alarms in rented or leased dwelling units shall be the responsibility of the tenant in accordance with Virginia Code § 55-225.4 or 55-248.16, as applicable.

(§ 5-6.1, 12-9-81; 4-13-88; Code 1988, § 5-6.1; § 5-403, Ord. 98-A(1), 8-5-98; Ord. 18-5(1), 3-14-18)

State law reference-Virginia Code § 15.2-922.

This ordinance shall be effective on and after July 1, 2018.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____