

SMOKE DETECTORS

Chapter 86**SMOKE DETECTORS**

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[HISTORY; Adopted by the Council of the Town of Middleburg 7-8-82, as amended 1-9-86. Other amendments noted where applicable.]

GENERAL REFERENCES

Alarms – See Ch. 27.

Building, plumbing and electrical – See Ch. 36.

Fire protection and prevention – See Ch. 46.

§ 86-1. Prohibition; penalties. [Amended 5/14/98]

In accordance with the authority specified in §§ 15.2-922, Code of Virginia, smoke detectors shall be installed in the following structures:

- A. Any building containing one (1) or more dwelling units.
- B. Any hotel or motel regularly used, offered for or intended to be used to provide overnight sleeping accommodations for one (1) or more persons.
- C. Rooming houses regularly used, offered for or intended to be used to provide overnight sleeping accommodations.

§ 86-2. Definitions

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

DWELLING UNIT – A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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HOTELS or MOTELS – Include any building containing guest rooms intended or designed to be used, or which are used, rented or hired for sleeping purposes by guests, and other public or common areas.

OWNER – One (1) or more persons, jointly or severally, in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises, and the term includes a mortgagee in possession.

ROOMING HOUSES, GROUP HOMES, DORMITORIES and OTHER PUBLIC LODGINGS – Include any sleeping area and public and common areas.

SMOKE DETECTORS – Mechanical devices powered by batteries or alternating current capable of sensing visible or invisible products of combustion that sound an audible alarm.

§ 86-3. Installation requirements.

- A. The smoke detectors installed must be capable of sensing visible or invisible products of combustion, providing a suitable alarm and satisfying the requirements of the BOCA Basic Building Code.
- B. Permits must be secured from Loudoun County for the installation of the smoke detectors powered by alternating current. No fee will be charged for the permit.
- C. The smoke detectors shall be installed in locations specified in the applicable section of the Virginia Uniform Statewide Building Code.

§ 86-4. Responsibilities of owners and tenants.

- A. The owner or agent of the owner of a residential building containing one (1) or more dwelling units shall, in addition to dwelling units, provide smoke detectors as required by §§ 86-1 in hallways, stairwells and other public or common areas and shall maintain them in good working order.
- B. The owner or agent of the owner of a dwelling unit, which is rented or leased in a multifamily residential building containing one (1) or more dwelling units, shall furnish the tenant at the beginning of each tenancy and at least annually thereafter, with written certification that all smoke detectors required by §§ 86-1 have been inspected and are in good working order.
- C. The tenant shall be responsible for reasonable care for the smoke detectors in accordance with §§ 55-248.16, Code of Virginia, and for interim testing

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and for providing written notice to the owner for repair or any malfunctioning smoke detector. In accordance with §§ 55-248.13, Code of Virginia, the owner shall be obligated to provide and pay for service, repair or replacement of any malfunctioning smoke detector. Such service, repair or replacement must occur within five (5) days of receipt of written notice from the tenant that a smoke detector is in need of repair.

- D. The owner or agent of the owner of a dwelling unit, which is rented or leased, shall provide written notification to the tenant of the responsibilities and duties imposed by Subsection C of this section.

§ 86-5. Exemption.

Any building containing fewer than four (4) dwelling units and which was not in compliance with this chapter on July 1, 1985, shall be exempt from the requirements of this chapter until such time as that building or dwelling unit therein is sold or rented to another person after July 1, 1986.

§ 86-6. Enforcement.

The Building Official, Fire Marshal or their duly authorized representatives, are authorized to administer and enforce this chapter.

§ 86-7. Effect of state provisions.

Nothing in this chapter shall excuse any owner of the required buildings from compliance with all other applicable provisions of the Virginia Uniform Statewide Building Code.

§ 86-8. Violations and penalties.

Violation of this chapter shall constitute a Class 3 misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.).