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SENATE BILL NO. 976

Offered January 17, 1997

A BILL to amend and reenact §§ 15.1-29.9 and 36-99.5:1 of the Code of Virginia, relating to smoke detectors in certain residences and facilities.

Patrons—Whipple and Howell; Delegates: Almand, Connally and Darner

Referred to the Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-29.9 and 36-99.5:1 of the Code of Virginia are amended and reenacted as follows:

§ 15.1-29.9. Smoke detectors in certain buildings.

The governing body of any county, city, or town, notwithstanding any contrary provision of law, general or special, may require by ordinance that smoke detectors be installed in the following structures or buildings: (i) any building containing one or more dwelling units, (ii) any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses regularly used, offered for, or intended to be used to provide overnight sleeping accommodations. Smoke detectors installed pursuant to this section shall be installed in conformance with the provisions of the Uniform Statewide Building Code. ~~The~~ *Until June 30, 1999, the ordinance shall allow the type types of smoke detector to be either battery operated battery-operated or AC powered AC-powered units; however, the ordinance may provide that, notwithstanding this provision, the State Fire Marshal, any local fire marshal, or any other appropriate local code official, may require specific types of smoke detectors to be installed in buildings in which he determines that the owner or management is either unwilling or unable to maintain working smoke detectors. The ordinance may require that AC-powered, with battery backup, smoke detectors shall be installed in all existing Use Group R-2 occupancies in the following locations by July 1, 1999: (i) in the immediate vicinity of bedrooms, (ii) in all bedrooms, and (iii) on each story within a dwelling unit, including basements.* Such ordinance shall require that the owner of any unit which is rented or leased, at the beginning of each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all required smoke detectors are present, have been inspected, and are in good working order. Except for smoke detectors located in hallways, stairwells, and other public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or leased units shall be the responsibility of the tenant; however, the owner shall be obligated to service, repair, or replace any malfunctioning smoke detectors within five days of receipt of written notice from the tenant that such smoke detector is in need of service, repair, or replacement.

§ 36-99.5:1. Smoke detectors in adult care residences, adult day care centers and nursing homes and facilities.

A. Battery- or AC-powered smoke detector devices shall be installed in all adult care residences and adult day care centers licensed by the Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke detectors shall be determined by the Uniform Statewide Building Code. *The governing body of any county, city, or town in which a residence or center is located may require by ordinance that AC-powered, with battery backup, smoke detectors shall be installed in every such residence or center in the following locations by July 1, 1999: (i) in the immediate vicinity of bedrooms, (ii) in all bedrooms, and (iii) on each story within such residences or centers. Any such ordinance may provide that prior to July 1, 1999, notwithstanding this provision, the State Fire Marshal, any local fire marshal, or any other appropriate local code official, may require specific types of smoke detectors to be installed in buildings in which he determines that the owner or management is either unwilling or unable to maintain working smoke detectors.*

The licensee shall obtain a certificate of compliance from the building official of the locality in which the residence or center is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke detector devices in good working order.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) establishing standards for requiring smoke detectors in nursing homes and nursing facilities. All nursing homes and nursing facilities which are already equipped with sprinkler systems shall comply with these regulations. *The governing body of any county, city, or town in which a nursing home or nursing facility is located may require by ordinance that AC-powered, with battery backup, smoke detectors shall be installed in every such nursing home or facility in the following locations by July 1, 1999: (i) in the immediate vicinity of bedrooms, (ii) in all*

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60 bedrooms, and (iii) on each story within such nursing homes or nursing facilities. Any such ordinance
61 may provide that prior to July 1, 1999, notwithstanding this provision, the state Fire Marshal, any local
62 Fire Marshal, or any other appropriate local code official, may require specific types of smoke detectors
63 to be installed in buildings which he determines that the management or owner is unwilling or unable to
64 maintain working smoke detectors.