

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

Ordinance No. __04-18__

AN ORDINANCE OF THE TOWNSHIP
OF SOUTH MIDDLETON, CUMBERLAND COUNTY,
PENNSYLVANIA, REQUIRING THE
INSTALLATION AND MAINTENANCE OF
SMOKE DETECTORS IN DWELLING UNITS
AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania pursuant to their power to promote public safety and welfare, hereby ordain and enact the following ordinance:

BE IT ENACTED AND ORDAINED, by the Supervisors of South Middleton Township, Cumberland County, Pennsylvania, pursuant to the authority granted to said Board of Supervisors by the Legislature of the Commonwealth of Pennsylvania, as follows:

1. Short Title – This ordinance shall be known and may be cited as “The South Middleton Township Smoke Detector Ordinance”.
2. Declaration of Purpose – This ordinance is adopted for the purpose of promoting the public health, safety, welfare, and reasonable and safe use of property, within the community of South Middleton Township, Cumberland County, Pennsylvania.
3. Definitions – Certain words and terms are used in this ordinance for the purpose hereof and are defined as follows:
 - a. Unless the context clearly indicates to the contrary words used in the present tense include the future, the singular numbers include the plural, and the plural the singular, and the masculine includes the feminine and neuter, and neuter includes the masculine and feminine, and the feminine includes the masculine and neuter.
 - b. The term “person” shall include an individual, organization, corporation, partnership, government or governmental subdivision or agency, business trust, estate, association, and any other legal or commercial entity.
 - c. Leased and/or Rented Residential Dwelling Unit – Any dwelling designed for permanent living quarters including but not limited to:
 - (1) Single-family detached;
 - (2) Single-family semi-detached;
 - (3) Single-family attached;
 - (4) Two family attached;
 - (5) Two family semi-detached;
 - (6) Garden apartments;

- (7) Mid-rise apartments;
- (8) Group dwellings.

- d. Owner – Person, persons, or entity which holds legal title to real estate in questions, according to the records in the Cumberland County Recorder of Deeds Office.
 - e. Smoke Detector – A device which emits an audible signal when activated by smoke or fire. The smoke detector must meet or exceed the standards set forth by Underwriter’s Laboratories or Federal Mutual Testing Laboratories. The smoke detector must have a self-contained power supply.
 - f. Residential Dwelling – Any dwelling designed for permanent living quarters.
 - g. Sleeping Area – The area or areas of a residential dwelling unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms habitually used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this ordinance.
4. Violation – Strict compliance with each and every provision of this ordinance shall be required, and any person violating any provision of this ordinance shall be subject to the penalties herein provided. A violation of any provision of this ordinance on each and every day shall constitute a separate offense. The violation of any one or more provisions of this ordinance shall constitute a violation of this ordinance.
5. Smoke Detectors Required – The owner of each and every residential dwelling unit within South Middleton Township shall install smoke detectors in each such residential dwelling unit under the following conditions:
- a. Prior to the occupancy of each new residential dwelling or addition in accordance with The Uniform Construction Code, Ordinance 11 of 2004 as adopted and amended.
 - b. In the case of leased and/or rented dwelling units and facilities offering overnight sleeping facilities within thirty (30) days of enactment of this ordinance.
 - c. Upon the sale or transfer of title to any residential dwelling unit.
 - d. When a Zoning Permit is required to be issued under the Township Zoning Ordinance.
6. Installation of Smoke Detectors Within Residential Dwelling Units – All smoke detectors required under this ordinance shall be installed in accordance with manufacturer’s instructions and current state of art practices. Any alarm system installed to comply with this ordinance shall be installed in accordance with all

applicable national, state, and local codes and standards. It shall be the installer's responsibility to document the adequacy of such installations.

South Middleton Township, its officials, agents, and employees shall not be liable or responsible for the installation of any smoke detector unit or the failure of any property owner to install a smoke detector as required by the provisions of this ordinance. Further, the Township, its officials, agents and employees shall not be responsible or liable for the manner or method of installation nor any inadequacy or deficiency related to such installation.

- a. At least one smoke detector shall be installed to protect each sleeping area.
- b. At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area.

7. Responsibility of Maintenance –

- a. It shall be the owner's responsibility and duty to:
 1. Install smoke detectors when required under this ordinance.
 2. Annually inspect said smoke detectors to ensure that they are in working condition.
 3. Maintain said smoke detectors in proper working condition.
 4. To inform all persons residing in the dwelling unit of the presence and purpose of said detectors.
- b. It shall be a tenant's responsibility in any leased or rental unit to refrain from interfering with the maintenance or proper operation of any smoke detector.
- c. It shall be the right of any tenant in any leased or rental unit to file a complaint with South Middleton Township when he or she has reason to believe that his or her landlord has violated the terms of this section.

8. Penalties for Tampering With Smoke Detector – Any person convicted of tampering with a smoke detector so as to render said smoke detector inoperable shall, upon conviction, be subject to a fine of not more than ONE HUNDRED DOLLARS (\$100.00).

9. Penalties for Failure to Comply - Should the owner of any residential dwelling unit or any leased or rented residential dwelling unit fail to comply with the terms of this Ordinance within five (5) days of being notified of violation, said owner, upon conviction, shall be subject to the following fines:

- A. First Offense – no more than \$100.00 fine;
- B. Second Offense – no more than a \$200.00 fine;

C. Each Additional Offense – a fine in an amount of not less than \$200.00 nor more than \$300.00.

10. Severability – The provision of this Ordinance shall be severable, and if any of the provisions or sections shall be declared unconstitutional or illegal by a Court of competent jurisdiction, the decision of such Court shall not affect the validity of the remaining provisions or sections of this ordinance.
11. Related Regulations – This Ordinance shall be construed and enforced consistent with the ICC International Building Codes, Ordinance No. 11 of 2004 as adopted and amended.

This ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 23rd day of November 2004.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

RONALD L. REEDER, Chairman

THOMAS E. FALEY, Vice Chairman

JAMES N. BAKER

PHYLLIS W. GIVLER

BRYAN A. GEMBUSIA

ATTEST:

SANDRA A. QUICKEL, Secretary