

ORDINANCE NO. 2016-1

AN ORDINANCE AMENDING THE  
BOROUGH OF McSHERRYSTOWN  
CODE OF ORDINANCES BY ADDING  
CHAPTER 84 ENTITLED HEALTH AND SAFETY  
AND PROVIDING FOR SMOKE DETECTORS

CHAPTER 84  
HEALTH AND SAFETY

AN ORDINANCE OF THE BOROUGH OF  
MCSHERRYSTOWN ADOPTED TO REQUIRE SMOKE  
DETECTORS IN BUILDINGS

Sec. 84-1. Definitions

- a. **Sleeping Area** – Any area of a residential building that is used for persons to sleep. Where bedrooms or rooms habitually used for sleeping are separated by other use areas, such as kitchens, living rooms or dining rooms, they shall be considered as separate sleeping areas.
- b. **Residential Building** – Any building that serves as a dwelling for persons for any period of time. It includes, but is not limited to, single-family dwellings, multifamily dwellings, multifamily apartment houses, boardinghouses, lodging homes, rooming houses, tourist homes, bed-and-breakfast homes, dormitories, hotels and motels.
- c. **Owner** – Any person who, alone, or jointly or severally with other persons, has legal title to any premises. This includes

any person who has charge, care or control over any premises as (a) an agent, officer, fiduciary, or employee of the owners; (b) the committee, conservator, or legal guardian of an owner who is incompetent, a minor or otherwise under a disability; (c) a trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money; or (d) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner or his or her estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises.

- d. **Smoke Detector** – A device which detects visible or invisible particles of combustion, is capable of providing a suitable audible alarm of at least 85 decibels at 10 feet and has received the Underwriters Laboratories, Inc. approval.
- e. **Tenant** – A person or persons other than the owner or owners occupying a residential building within the Borough of McSherrystown whether or not they pay rent.

Sec. 84-2. **Requirements for Smoke Detectors**

- a. The owner of all residential buildings shall have the responsibility to install a smoke detector on every level of the

building and in every sleeping area.

- b. The owner of all other types of buildings shall have the responsibility to install smoke detectors in accordance with the standards of Chapter 4 of the National Fire Code, 1987 Edition, published by the National Fire Protection Association, Inc.
- c. Tenants shall be responsible for maintaining smoke detectors in operable condition and shall be responsible for changing batteries in all battery operated smoke detectors as needed, and to advise the owner or owners in writing if a smoke detector is not working for reasons other than battery replacement.

Sec. 84-3. **Time of Installation.** The smoke detectors shall be installed as above in all residential dwellings within 60 days of the date of this ordinance and shall be installed, by the owner, in all other buildings within the Borough not later than upon change of ownership of the real estate upon which the building is erected.

Sec. 84-4. **Violations and Penalties.** Any person, firm or legal entity who violates this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00, imprisonment for a term not to exceed 30 days and/or payment of costs of prosecution for each offense. Each day that a violation continues shall be

deemed a separate offense.

Sec. 84-5. **Repealer.** The Borough Ordinances that are inconsistent with the provisions of this Ordinance are hereby deemed null and void.

**Effective Date.** This Ordinance shall become effective on the 14<sup>th</sup> day of December, 2016.

ORDAINED AND ENACTED as an addition to the McSherrystown Borough Code this 14<sup>th</sup> day of December, 2016.

ATTEST:

McSHERRYSTOWN BOROUGH COUNCIL

  
*Deanne M. King*  
Secretary

By: *Sabrina D. McJim Fortner*  
President

Approved this 14<sup>th</sup> day of December, 2016.

*Anthony Deane*  
Mayor