

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

June 22, 1978

D. C. Law 2-81

"Smoke Detector Act of 1978"

Pursuant to Section 412 of the District of Columbia

Self- Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-157, on first and second readings February 21, 1978 and March 7, 1978, respectively. Following the signature of the Mayor on April 17, 1978, this legislation was assigned Act No. 2-178, published in the April 28, 1978, edition of the D. C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 2-81, effective June 20, 1978.

[Signature]
STERLING TUCKER
Chairman of the Council

(Vol. 24, D. C. Register, 9050, April 28, 1978)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 20, 1978

To require, by statute, the installation of smoke detectors in dwelling units, hotels, motels, hospitals, nursing homes, jails, prisons and residential-custodial care facilities in the District of Columbia; to provide regulations for installation of smoke detectors, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Smoke Detector Act of 1978".

DEFINITIONS

Sec. 2. As used in this act:

(a) The term "dwelling unit" means a structure, building, area, room, or combination of rooms occupied by persons for sleeping or living.

(b) The term "hospital" means a building or part thereof used for the medical, psychiatric, obstetrical or surgical care, on a twenty-four (24) hour basis, of inpatients.

The term "hospital" includes general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such facilities providing inpatient care.

(c) The term "nursing home" means a building or part thereof used for the lodging, boarding and nursing care, on a twenty-four (24) hour basis, of persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person.

The term "nursing home" includes nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries of homes for the aged.

(d) The term "owner" means any person who, alone, or jointly or severally with other persons, has legal title to any premises.

(1) The term "owner" includes any person who has charge, care or control over any premises as (A) an agent, officer, fiduciary, or employee of the owner; (B) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor, or otherwise under a disability; (C) a trustee, elected or appointed, or a person required by law to execute a trust, 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, or other similar representative of the owner or his estate.

(2) The term "owner" does not include a lessee, sublessee or other person who merely has the right to occupy or possess a premises.

(e) The term "residential-custodial care facility" means a building, or part thereof, used for the lodging or boarding of persons who are incapable of self-preservation because of age or physical or mental limitation, or who are detained for correctional purposes.

(1) The term "residential-custodial care facility" includes homes for the aged, nurseries (custodial care for children under six (6) years of age), institutions for the mentally retarded (care institutions) and halfway houses, as well as sheltered living facilities and halfway houses operated by the District of Columbia Department of Corrections and District of Columbia Department of Human Resources.

(2) The term "residential-custodial care facility" does not include day care facilities that do not provide lodging or boarding for institutional occupants.

(f) The term "sleeping area" means a bedroom or room intended for sleeping, or a combination of bedrooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room or

itchen but not a bathroom, hallway or closet. A dwelling unit may have more than one sleeping area.

The term "sleeping area" does not include common usage areas in structures with more than one dwelling unit, such as corridors, lobbies and basements.

(g) The term "smoke detector" means a device which detects visible or invisible particles of combustion.

(h) The term "substantially rehabilitated" means any improvement to a structure which is valued greater than one-half (1/2) of the assessed valuation of the property including the land.

GENERAL REQUIREMENTS

Sec. 3. The owner of each new or existing dwelling unit, hotel, motel, hospital, nursing home and residential-custodial care facility shall install smoke detectors as required by this act. The Mayor shall install smoke detectors in each dwelling unit, hospital, nursing home, jail, prison and residential-custodial care facility owned by the District of Columbia.

(a) The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison and residential-custodial care facility which is constructed or substantially rehabilitated under a building permit issued

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after September 30, 1978, shall install smoke detectors as required by this act.

(b) The owner of each dwelling unit, hotel, motel, hospital, nursing home and residential-custodial care facility, except as provided in subsections (a) and (c) of this section, shall install smoke detectors as required by this act within three (3) years of the effective date of this act.

(c) The Mayor shall install smoke detectors as required by this act in each dwelling unit, hospital, nursing home, jail, prison and residential-custodial care facility owned by the District of Columbia, except as provided in subsection (a) of this section, within two (2) years of the effective date of this act.

LOCATIONS

Sec. 4. (a) The owner of each dwelling unit shall install at least one (1) smoke detector to protect each sleeping area. In an efficiency, the owner shall install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detector outside the bedrooms but in the immediate vicinity of the sleeping area.

(b) The owner of each hotel and motel shall install at least one (1) smoke detector to protect each guest room or guest suite. For the purpose of this paragraph, "guest suite" means a combination of rooms that are always occupied as a single unit. The owner of the hotel or motel shall install the smoke detectors as directed by the Fire Chief of the District of Columbia.

(c) The owner of each hospital, nursing home, jail, prison and residential-custodial care facility shall install smoke detectors as directed by the Fire Chief of the District of Columbia and as follows:

(1) in each corridor that is adjacent to a room used for sleeping but in no case may the smoke detectors be spaced further apart than thirty (30) feet or more than fifteen (15) feet from any wall; or

(2) in each room used for sleeping.

(d) An owner subject to this act shall install each smoke detector on the ceiling at a minimum of six (6) inches from the wall, or on a wall at a minimum of six (6) inches from the ceiling.

(e) An owner subject to this act may not install a smoke detector in a dead air space, such as where the ceiling meets the wall.

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EQUIPMENT

Sec. 5. (a) An owner subject to this act shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal. The owner shall install a smoke detector which is of a type approved by the Fire Chief of the District of Columbia consistent with any appropriate federal regulations. The owner shall install a smoke detector in accordance with specifications of the manufacturer or in compliance with the National Fire Protection Association Standards 72-E and 74 (1974 Edition).

(b) Within forty (40) days after the effective date of this act and before approving any type of smoke detector pursuant to this section, the Fire Chief of the District of Columbia or his designated agent, shall hold a public hearing at which he shall consider, in addition to any other matter he considers relevant, any potential radiological danger presented by any of the types of smoke detectors under consideration.

INSTALLATION

Sec. 6. (a) Except as provided in subsections (b) and (c) of this section, the owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison and residential-

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Custodial care facility shall directly wire the smoke detector to the power supply of the building.

(b) In each dwelling unit, hotel, motel, hospital, nursing home, jail, prison and residential-custodial care facility which is in existence on September 30, 1978, or which is constructed under a building permit issued before October 1, 1978, or which is substantially rehabilitated, the owner may install a smoke detector which operates from a plug-in outlet fitted with a plug restrainer device if the outlet is not controlled by an on-off switch and if the cord connecting the smoke detector with the outlet is not controlled by an on-off switch.

(c) In each dwelling unit in a structure with only one (1) dwelling unit which is in existence on September 30, 1978, or which is constructed under a building permit issued before October 1, 1978, or which is substantially rehabilitated, the owner may install a monitored battery powered smoke detector.

MAINTENANCE

Sec. 7. An owner subject to this act shall maintain each smoke detector in a reliable operating condition and shall make periodic inspections and tests to insure that each smoke detector is in proper working condition.

PERMITS

Sec. 8. No owner may permanently wire a smoke detector to the electrical system of a structure without first obtaining an electrical permit from the Permit Division of the Department of Economic Development.

OTHER APPLICABLE STANDARDS

Sec. 9. Any person who installs a smoke detector shall comply with the requirements of this code and the National Fire Protection Association Standards 72-E and 74 (1974 Edition). In the event of a conflict between this act and the National Fire Protection Association Standards 72-E and 74 (1974 Edition), this act takes precedence.

AMENDMENT TO FIRE PREVENTION CODE

Sec. 10. (a) The table of sections for Part 32 of Chapter III of the Fire Prevention Code (Title 7, D.C.R.R.) is amended by adding at the end thereof the following:

"32.10 Smoke Detector Systems."

(b) Part 32 of chapter III of the Fire Prevention Code of the District of Columbia (Title 7, D.C.R.R.) is amended by adding the following new section:

"Sec. 32.10 Smoke Detector Systems.

"The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility shall install smoke detectors

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and comply with the requirements of the Smoke Detector Act of 1978.".

AMENDMENT TO HOUSING REGULATIONS

Sec. 11. Section 3210 (Fire Alarm Systems) of article 320 of the Housing Regulations of the District of Columbia (Title 5G, D.C.R.R.) is amended by adding the following new section:

"3210.4 Each owner or operator of a housing business shall install smoke detectors and comply with the requirements of the Smoke Detector Act of 1978.".

AMENDMENT TO ELECTRICAL CODE

Sec. 12. Section 690-84 (Automatic Detectors) of article 690 of the 1977 Electrical Code of the District of Columbia (Title 5B-2, D.C.R.R.) is amended as follows:

(a) by inserting "or smoke" immediately after "heat" in the first sentence of the first paragraph; and

(b) by amending the first sentence of the fourth paragraph to read as follows:

"Heat or smoke detectors may be installed in loops or circuits to cover a designated area.".

AMENDMENT TO BUILDING CODE

Sec. 13. Article 12 of the Second Amendment to the 1972 Building Code for the District of Columbia (Title 5A-1, D.C.R.R.) is amended by deleting sections 1205.0, 1205.1,

1205.2 and 1205.3 and inserting in lieu thereof the following:

*Section 1205.0--Smoke Detectors

*Sections

*1205.1 Smoke Detectors

Sec. 1205.1 The owner of a structure classified as Group L (residential) and Group H (institutional) in accordance with the use classifications in sections 202.8 and 202.9 of these regulations shall install smoke detectors and comply with the Smoke Detector Act of 1978.

AMENDMENT TO HEALTH CARE FACILITIES REGULATION

Sec. 14. Section 20(d) of Title V of the Health Care Facilities Regulation, approved June 14, 1974 (Regulation 74-15), is amended by adding the following new paragraph (3):

"(3) Each owner of a health care facility shall install smoke detectors and comply with the requirements for nursing homes in the Smoke Detector Act of 1978."

AMENDMENT TO COMMUNITY RESIDENCE FACILITIES LICENSURE ACT OF 1977

Sec. 15. Section 14(d) of the Community Residence Facilities Licensure Act of 1977 (D.C. Law 2-35) is amended to read as follows:

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"(d) Smoke Detection System

"Each community residence facility shall install smoke detectors and comply with the requirements for residential-custodial care facilities in the Smoke Detector Act of 1978."

EFFECTIVE DATE

Sec. 16. This act shall take effect after the thirty (30) day period provided for Congressional review of acts of the Council of the District of Columbia in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act (37 Stat. 814; D.C. Code, sec. 1-

147(c)(1)).

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: Bill 2-157

First Reading Action: 2-21-78

VOICE VOTE: Adopted Unanimously (2abs) Winter, JMoore

Patricia E. Miner
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.
TUCKER					MASON					SPAULDING				
BARRY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLASK									
DIXON					SACKETT									
X - Indication Yes A - Absent X - Not Voting														

Secretary to the Council

Amended First Reading Action: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.
TUCKER					MASON					SPAULDING				
BARRY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLASK									
DIXON					SACKETT									
X - Indication Yes A - Absent X - Not Voting														

Secretary to the Council

Final Reading or Emergency Action: 3-7-78

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.
TUCKER	X				MASON	X				SPAULDING	X			
BARRY				X	MOORE, D.	X				WILSON	X			
BARRY			X		MOORE, J.	X				WINTER			X	
CLARKE	X				ROLASK	X								
DIXON	X				SACKETT	X								
X - Indication Yes A - Absent X - Not Voting														

Patricia E. Miner
Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: Bill 2-157

Presented to the Mayor: APR 8 1978

Katrina E. Newman
Secretary to the Council

Action of the Mayor: 17 APR 1978

- Approved: Disapproved:
 Disapproved in part --*Reference Document:
 *Budget: Admons.

Walter A. Rife 17 APR 1978
Mayor of the District of Columbia

Returned Without Action _____
 _____ Executive Secretary, D. C.

Enacted without Mayor's Signature _____
 _____ Secretary to the Council

Council Reenactment: _____

VOICE VOTE: _____

 Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.A.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					ROLARK									
DEKON					SHACKLETON									

X—Inclined Vote A—Absent N.Y.—Not Voting

 Secretary to the Council

Presented to the President: _____

 Secretary to the Council

Action of the President: _____

- Reenactment Approved
 Mayor's Veto Sustained

 President of the U. S.-

Submitted to the Congress: APR 21 1978

Robert A. Wilson
Secretary to the Council

Senate Action: _____
 Resolution Number: _____

House Action: _____
 Resolution Number: _____

 Secretary of the Senate

 Clerk of the House

Enacted Without Congressional Action: _____

D. C. Law No. _____ Effective Date _____

 Secretary to the Council

The Council of the District of Columbia