



Thank you for choosing Restaino & Associates as your trusted resource for information on real estate and changes in the marketplace. We have designed this package to assist all of our customers, clients and friends in becoming familiar with the City of Madison Mandatory Smoke Detector Ordinance requirements which took effect August 15, 2009 for non-owner occupied properties and which became mandatory for owner occupied residences on August 15, 2010.

In this package you will find information from a local security provider whose pamphlet includes easy to follow information and drawings as to required placement of approved smoke detectors. You will also find copies of the actual City ordinance, the recent amendment thereto and, for those of you who own non-owner occupied income properties, a lease addendum proposed by the City of Madison Fire Department for use in your rental practices.

Restaino and Associates believes this is an excellent ordinance which will save lives and believes the use of smoke detectors with 10 year tamperproof batteries is something everyone should do. Even if you do not live in the City of Madison, we would urge you to review this information and consider installing smoke detectors which meet the requirements of the City ordinance in your home and any income properties you may own outside of the Madison.

I am pleased to be the source you turn to for information on important real estate matters and trust that you will call me if you have any questions whatsoever on the information included in this packet. Thank you again for your confidence.

Sincerely,

Restaino & Associates

WANT A \$172 TICKET?

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Currently Installed Alarms	New Requirements
110-volt older than 10 years	110-volt with battery back-up
110-volt interconnected older than 10 years	110-volt with battery back-up and interconnected
9-volt	10-year lithium (tamper-resistant or sealed) battery or 110-volt with battery back-up
Bedroom or hallway	Both sides of bedroom doors Hallway must be within 6 feet of the door

Battery back-up may be standard, rechargeable or lithium battery
 Dates: Rental properties – August 15, 2009
 Owner-occupied single-family – August 15, 2010

Get the **Kidde Model 0910** smoke alarm, which has been accepted by the Madison Fire Department to comply with the new Madison ordinance from J & K Security Solutions

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- End of Life Warning
- Tamper Resist
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SMOKE ALARM ORDINANCE COMPLIANCE

You must comply by August 15th



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SMOKE ALARM ORDINANCE UPDATE

On Tuesday, March 3, 2009, the Madison City Council approved a change to the smoke alarm ordinance in the City of Madison. The changes are highlighted below and the ordinance in its entirety is available at: www.madisonfire.org

By August 15, 2009, all residential buildings within the City of Madison, with the exception of owner-occupied single family homes*, shall have smoke alarms in place which meet one of the following requirements:

1. Hardwired smoke alarm with a battery backup
 - Currently installed hardwired smoke alarms with no battery backup shall be allowed to remain in service until such time as the device must be replaced. **No smoke alarm shall remain in service longer than ten years.**
2. Smoke alarm powered by a non-replaceable, non-removable battery capable of powering the smoke alarm for a minimum of ten years.

By August 15, 2009 all residential buildings within the City of Madison, with the exception of owner-occupied single family homes*, shall have smoke alarms installed in the following areas:

- In each bedroom
- In each sleeping area
- Within six feet of each door leading to a bedroom or sleeping area of each unit
- On each floor of the building

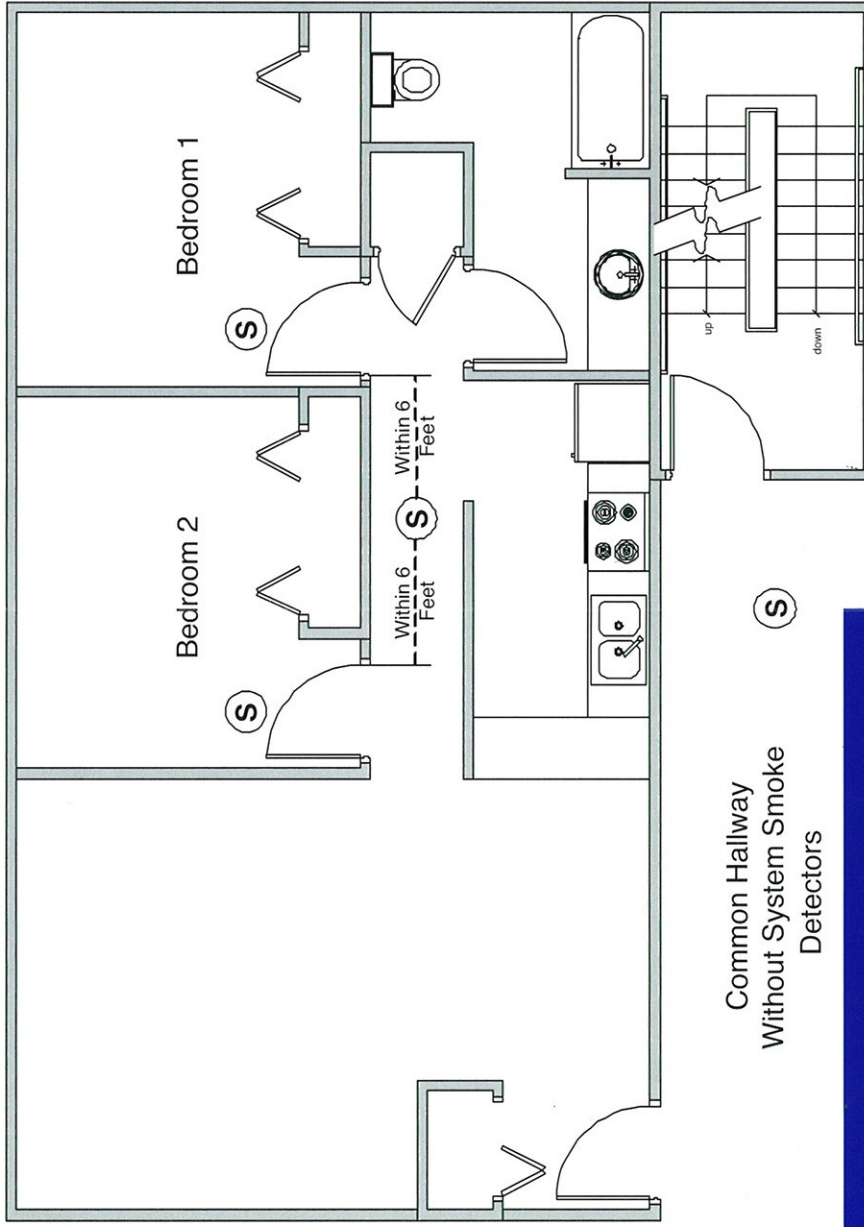
Fire safety education is required for all tenants. Upon each new lease and at least once every 12 months for continuing tenants, the owner shall provide tenants with fire safety educational materials as provided by the Madison Fire Department.

This document merely highlights parts of the approved ordinance and does not cover it in its entirety. Please visit our website at www.madisonfire.org or call (608) 266-4420 for further details.

*Single family homes takes effect Aug. 15, 2010

J & K Security Solutions is available to help you map locations compliant to the City Ordinance.

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WARRANTY



CITY OF MADISON FIRE DEPARTMENT

325 West Johnson St., Madison, WI 53703-2295
(Phone) 608-266-4420 ♦ (FAX) 608-267-1100 ♦ Internet: fire@cityofmadison.com

SMOKE ALARM ORDINANCE UPDATE

On Tuesday, March 3, 2009 the Madison City Council approved a change to the smoke alarm ordinance in the City of Madison. The changes are highlighted below, and the ordinance in its entirety is available at:

<http://www.madisonfire.org>

Debra H. Amesqua
Fire Chief
608-266-6564

James D. Keiken
Assistant Chief
608-266-5966

Michael C. Dirienzo
Assistant Chief
608-266-5959

Paul T. Bloom
Assistant Chief
608-266-5956

Gregg D. Knudtson
Division Chief
608-266-4203

Ernesto Martinez
Division Chief
608-266-4886

Ronald C. Schwenn
Division Chief
608-267-8674

Jeffrey G. Duppler
Division Chief
608-266-4201

Michael D. Popovich
Division Chief
608-266-5946

Arthur B. Price
Division Chief
608-266-4256

Edwin J. Ruckriegel
Fire Marshal
608-266-4457

Rita A. Johnson
Admin. Services Mgr.
608-266-5957

Fire Investigation
608-266-4488

Visit our web site at:
www.madisonfire.org

- By August 15, 2009 all residential buildings within the City of Madison, with the exception of owner-occupied single family homes shall have smoke alarms in place which meet one of the following requirements:
 - Hardwired smoke alarm with a battery backup
 - Currently installed hardwired smoke alarms with no battery backup shall be allowed to remain in service until such time as the device must be replaced in accordance with manufacturer instructions. Unless otherwise specified by the manufacturer, **no smoke alarm shall remain in service longer than ten years.**
 - Smoke alarm powered by a non-replaceable, non-removable battery capable of powering the smoke alarm for a minimum of ten years.
- By August 15, 2009 all residential buildings within the City of Madison, with the exception of owner-occupied single family homes shall have smoke alarms installed in the following areas:
 - In each bedroom
 - In each sleeping area
 - Within six feet of each door leading to a bedroom or sleeping area of each unit
 - On each floor of the building
- By August 15, 2010 all owner-occupied single-family residences shall install smoke alarms that meet the criteria of this ordinance.
- Any smoke alarms that become inoperable between the date of this ordinance becoming effective and August 15, 2009 shall be replaced with smoke alarms that meet the criteria of this ordinance.
- All smoke alarms installed shall be installed in accordance with all applicable state building codes and NFPA 72 (current edition).
- The owner of any residential building shall replace the battery in **hardwired smoke alarms** that meet the criteria of this ordinance each time the lease is renewed or once each year, whichever time period is shorter, or as recommended by the manufacturer.
- Fire safety education is required for all tenants. Upon each new lease, and at least once every 12 months for continuing tenants, the owner shall provide tenants with fire safety educational materials as provided by the Madison Fire Department.

This document merely highlights parts of the approved ordinance, and does not cover it in its entirety. Please visit our website at <http://www.madisonfire.org> or call us at (608) 266-4420 for further details.

The Madison Fire Department thanks you for your help in making the City of Madison a safer place to live.



City of Madison

Legislative File Number 12575 (version 5)

Title

FOURTH SUBSTITUTE - Creating Sec. 34.42, amending Sec. 27.05(2)(w) and creating Secs. 32.06(2)(a)1.j. and 32.06(4) of the Madison General Ordinances to govern installation and maintenance of smoke alarms in residential buildings.

Body

DRAFTER'S ANALYSIS: This ordinance will govern installation and maintenance of smoke alarms, including placement of alarms, responsibility for maintenance in residential buildings and responsibility for testing and review with tenants and landlords.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 34.42 of the Madison General Ordinances entitled "Smoke Alarms" is hereby created to read as follows:

"34.42 SMOKE ALARMS

(1) Definitions. For the purposes of this section, the following terms are defined as follows:

- (a) "Residential building" means any building located in the City of Madison used in whole or in part for sleeping or lodging purposes including, but not limited to, any single family home, duplex, multifamily house, apartment house, rooming house, hotel, motel, children's home, dormitory, community-based residential facility and any other building used for sleeping or lodging purposes, but does not include a hospital or nursing home.
- (b) "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Sleeping area includes the area within an efficiency unit for sleeping purposes.
- (c) "Smoke alarm" means a single or multiple station alarm system responsive to smoke and not connected to a fire alarm system. Smoke alarms contain an audible warning device. Smoke alarms may use either photoelectric or ionization sensing technology.
- (d) "Smoke detector" means a device, suitable for connection to a circuit, which has a sensor that responds to visible or invisible particles of combustion. Smoke detectors are connected to a fire alarm control panel.
- (e) "Tenant" means an individual with a residential rental agreement whether written or verbal with the owner of the property.

(2) Required Installation.

- (a) By August 15, 2009 all residential buildings, except owner occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
 - 1. A smoke alarm with two independent power sources consisting of

a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.

2. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
- (b) By August 15, 2009 all owners of residential buildings, except owner occupied single family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six feet of each door leading to a bedroom or sleeping area of each unit and on each floor of the building. This subdivision does not apply to owners of hotels and motels.
 - (c) Any smoke alarms that become inoperable between the effective date of this ordinance and August 15, 2009 shall be replaced with smoke alarms meeting the requirements of sub. (2)(a).
 - (d) If the residential building has smoke alarms powered by the building's commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturer's instructions or sub. (3)(h). Replacement smoke alarms must meet the requirements of sub. (2)(a)1.
 - (e) Owner Occupied Single Family Homes. It shall be the responsibility of the owner of an owner occupied single family home to install smoke alarms as required by sub. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.
 - (f) Smoke Alarm Installation. Smoke alarms should be installed in accordance with this section and other applicable state building codes. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
 - (g) Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.
- (3) Maintenance of Smoke Alarms.
- (a) Replacement of Batteries.
 1. The owner of any residential building shall replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
 2. The owner of any residential building shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
 - (b) The owner of any residential building shall provide all tenants with the manufacturer's maintenance and testing instructions.
 - (c) Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
 - (d) The tenant shall be responsible for maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy. The tenant shall be responsible for notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the

- requirements of sub. (2)(a).
- (e) Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.
 - (f) Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer's instructions. Non-operational, damaged, or missing smoke alarms shall be replaced with smoke alarms meeting the requirements of sub. (2)(a).
 - (g) The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.
 - (h) No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.
- (4) Fire Safety Education Required. Upon each new lease and at least once every 12 months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Fire Chief. The Fire Chief shall prepare the text and make the text available for distribution by the owner.
- (5) This ordinance does not apply to any buildings that have smoke detectors installed as required by other codes, ordinances, or standards and located in locations specified in sub. (2)(b).
- (6) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance."

2. Subdivision (w) entitled "Smoke Detectors" of Subsection (2) of Section 27.05 entitled "Safe and Sanitary Maintenance of Property" of the Madison General Ordinances is amended to read as follows:

"(w) ~~Smoke Detectors Alarms.~~ Smoke detectorsalarms shall be installed and maintained in accordance with ~~Sec. 34.42, MGO and with ch. Comm-62Wis. Admin. Code ch. Comm 62, s. Comm-21-09Wis. Admin. Code § Comm 21.09 and S. Comm-28-02, Wis. Admin. Code § Comm 28.02~~ which are hereby incorporated by reference."

3. Subparagraph j. of Paragraph 1. of Subsection (a) of Subdivision (2) entitled "Tenant Rights and Responsibilities" of Section 32.06 entitled "Rental Agreements and Receipts" of the Madison General Ordinances is created to read as follows:

"j. summary of Section 34.42 relating to smoke alarms installation and maintenance"

4. Subsection (4) entitled "Smoke Alarm Responsibility" of Section 32.06 entitled "Rental Agreements and Receipts" of the Madison General Ordinances is created to read as follows:

"(4) Upon each new lease and at least once every 12 months for every continuing tenant, the owner and tenant(s) shall sign a document indicating the required alarms are installed and operating in accordance with this section. The form must state the tenant, by signing the form, understands it is a violation of this section to tamper with, remove, alter, damage or otherwise render any smoke alarm inoperable. In addition the tenant's signature indicates the tenant understands their responsibility for maintenance and testing of the smoke alarm(s). The form shall state the penalties for rendering smoke alarms inoperable or otherwise affecting the performance of the alarm."

Fiscal Note

Inspections and enforcement actions will be conducted through regularly scheduled inspection activities. There may be a minimal increase in revenues as a result of reinspection fees and/or citations.



CITY OF MADISON FIRE DEPARTMENT

325 West Johnson St, Madison, WI 53703-2295

Phone: 608-266-4420 ♦ Fax: 608-267-1100 ♦ E-mail: fire@cityofmadison.com

SMOKE ALARM REQUIREMENTS FOR OWNERS & TENANTS

Madison General Ordinance (MGO) 34.42 (3) Maintenance of Smoke Alarms establishes the following requirements for property owners and tenants relative to the maintenance of smoke alarms:

1) The owner of any residential building shall:

- a) Replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or once each year, whichever time period is shorter, or as recommended by the manufacturer.
- b) Replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
- c) Replace non-operational, damaged, or missing smoke alarms with smoke alarms meeting the requirements of MGO 34.42 (2)(a).
- d) Provide all tenants with the manufacturer's maintenance and testing instructions.
- e) Upon each new lease and at least once every 12 months for every continuing tenant, provide tenants with fire safety educational materials as prescribed by the Fire Chief. Materials are available at www.madisonfire.org.
- f) Upon each new lease and once every 12 months for every continuing tenant, complete and sign this document as prescribed in MGO 32.06(4).

2) The tenant shall be responsible for:

- a) Maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy.
- b) Notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the requirements of MGO 34.42 (2)(a).
- c) Completing and signing this document as prescribed in MGO 32.06(4).
- 3) No person, including tenants or occupants, shall tamper with, remove, alter, damage or otherwise render any smoke alarm inoperable (MGO 34.26).
- 4) Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer's instructions.
- 5) No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.

ANY PERSON WHO VIOLATES ANY PROVISION OF SEC. 34.26 SHALL BE SUBJECT TO MAXIMUM FORFEITURE OF \$172 FOR THE FIRST VIOLATION.

NO DWELLING UNIT OR PREMISES MAY BE OCCUPIED, USED, OR RENTED WHICH DOES NOT COMPLY WITH THIS ORDINANCE.

TENANT

By signing this I state that I have read this document and understand:

1. That the required alarms are installed and operating in accordance with this section.
2. It is a violation to tamper with, remove, alter, damage or otherwise render any smoke alarm inoperable.
3. My responsibilities for the maintenance and testing of smoke alarms as outlined in MGO 34.42.
4. The penalties for rendering smoke alarms inoperable or otherwise affecting the performance of the alarm.

Tenant Name: _____

Address: _____

Signature: _____

Date: _____

OWNER

By signing this I state that I have read this document and understand:

1. That the required alarms are installed and operating in accordance with this section.
2. It is a violation to tamper with, remove, alter, damage or otherwise render any smoke alarm inoperable.
3. My responsibilities for the installation of smoke alarms as outlined in MGO 34.42.
4. The penalties for rendering smoke alarms inoperable or otherwise affecting the performance of the alarm.

Owner Name: _____

Address: _____

Signature: _____

Date: _____

Questions concerning placement and maintenance of smoke alarms should be directed to the Fire Prevention Unit of the Madison Fire Department at (608) 266-4484.

SMOKE ALARMS SAVE LIVES!

NEW CARBON MONOXIDE ALARM RULES FOR RESIDENTIAL BUILDINGS

These rules establish a minimum for the installation and maintenance of carbon monoxide alarms in buildings accommodating residential type occupancies where people sleep or lodge, excluding hospitals and nursing homes.

These rules apply to the following projects:

Tourist rooming houses: See Comm. 21.095. (rental and time-share cabins)

Buildings with 3 or more dwelling or sleeping units: See Comm. 62.1200.

NEW BUILDINGS

Any buildings submitted for review on or after October 1, 2008

- Require installation of carbon monoxide alarms in buildings that contain any type of fuel-burning appliances.
- Require the carbon monoxide alarms to be continuously powered by the building's electrical service with battery backups

EXISTING BUILDINGS

Any building existing on October 1, 2008 or first reviewed prior to October 1, 2008

Tourist rooming houses:

- Require the installation of carbon monoxide alarms by April 1, 2010

Buildings with 3 or more dwelling or sleeping units:

- Require the installation of carbon monoxide alarms by April 1, 2010
- Are not required to be continuously powered by the building's electrical service with a battery backup, thereby allowing batteries, electrical outlet plug-ins, or being wired to the building's electrical service.
- Carbon monoxide alarms may be omitted provided there are no attached garages and all of the fuel burning appliances are of sealed combustion type either under warranty or annually inspected for carbon monoxide emissions.

The rules require carbon monoxide alarms to be listed and labeled identifying conformance to UL 2034, Underwriters Laboratories Inc., Standard for Safety Single and Multiple Station Carbon Monoxide Alarms.

Under the federal Americans with Disabilities Act (ADA) and the federal Fair Housing Law certain carbon monoxide alarms may be required to have both audible and visual alarm features.

See the appropriate Department of Commerce code sections for specifics on installation and maintenance requirements.