

## **IC 22-11-18**

### Chapter 18. Smoke Detection Devices

#### **IC 22-11-18-1 Definitions** Sec. 1. As used in this chapter:

"Bodily injury" has the meaning set forth in IC 35-41-1-4. "Dwelling" means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1). "Hotels and motels" means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accommodations are furnished for hire for transient guests.

"Landlord" has the meaning set forth in IC 32-31-3-3. "Owner" means a person having control or custody of any building covered by this chapter. "Person" means an individual, corporation, partnership, association, or other legal entity.

"Rental premises" has the meaning set forth in IC 32-31-7-3.

"Rental unit" has the meaning set forth in IC 32-31-3-8. "Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association. "Seasonally occupied dwellings" means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year. "Single level dwellings" means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors, and whose individual rooms have exterior exits.

"Tenant" has the meaning set forth in IC 32-31-3-10.

**IC 22-11-18-2 Application of chapter; exemption** Sec. 2. (a) This chapter applies to all hotels, motels, and dwellings. (b) A totally sprinkled building (conforming to Uniform Building Code standards at the time of construction) is exempt from the requirements of this chapter.

**IC 22-11-18-3 Hotels and motels; installation of smoke detectors** Sec. 3. (a) This section only applies to hotels and motels. (b) All hotels and motels must have functional smoke detectors. (c) Except as provided in subsection (f), a detector must be installed in all interior corridors adjacent to sleeping rooms and must be spaced no farther apart than thirty (30) feet on center, or more than fifteen (15) feet from any wall. (d) The detectors must be hard wired into a building's electrical system, except as provided in subsection (f). (e) The detectors must be wired in a manner that activates all the devices in a corridor when one (1) is activated, except as provided in subsection (f). (f) All single level dwellings, all seasonally occupied dwellings, and all hotels and motels with twelve (12) sleeping rooms or less (and containing no interior corridors) are exempt from the requirements of subsections (c), (d), and (e). In all such units: (1) a detector must be installed in each sleeping room; and (2) the detector may be battery operated. If a battery operated detector is installed, it must contain a tamper resistant cover to protect the batteries. The fire marshal shall adopt rules detailing the specifications for the tamper resistant cover. If a battery operated detector is not installed, the detector must be hard wired into a building's electrical system.

**IC 22-11-18-3.5 Dwellings; installation of smoke detectors** Sec. 3.5. (a) This section only applies to dwellings. (b) A rule or an ordinance is not voided or limited by this section if the rule or ordinance: (1) applies to an occupied dwelling; and (2) is at least as stringent as the requirements of this section. (c) A dwelling must have at least one (1) functional smoke detector installed as follows: (1) According to the manufacturer's instructions. (2) Outside of each sleeping area in the immediate vicinity of the bedrooms. (3) On the ceiling or a wall not less than four (4) inches or more than twelve (12) inches from the ceiling. However, a smoke detector may not be recessed into a ceiling. (4) On each additional story of the dwelling,

including basements, cellars, and habitable attics. Unless there is a door between levels in dwellings with split levels, a smoke detector must be installed only on the upper level if the lower level is less than one (1) full story below the upper level. (d) All smoke detectors must be: (1) battery operated or hard wired into the dwelling's electrical system; (2) accessible for servicing and testing; and (3) maintained and at least one (1) time every six (6) months tested by the occupant to ensure that the smoke detector is in operational condition. (e) Each owner or the manager or rental agent of the owner is responsible for: (1) the installation of a required smoke detector; and (2) the replacement and repair of a required smoke detector within seven (7) working days after the owner, manager, or rental agent is given written notification of the need to replace or repair the smoke detector.

(f) A person may not tamper with or remove a smoke detector except when necessary for maintenance purposes. (g) A unit (as defined in IC 36-1-2-23) may adopt an ordinance concerning dwellings that: (1) includes more stringent or detailed requirements than those set forth in this chapter; and (2) does not conflict with this chapter.

**IC 22-11-18-3.6 Violations; effect on claims** Sec. 3.6. A violation of section 3.5 of this chapter does not constitute grounds for a reduction or denial of a claim under an insurance policy even if the policy contains terms to the contrary.

**IC 22-11-18-4 Compliance with other laws, ordinances, rules, or regulations** Sec. 4. Compliance with this chapter does not relieve the owner from the requirements of any other applicable law, ordinance, rule, or regulation.

**IC 22-11-18-5 Violations; offenses** Sec. 5. (a) An owner of a hotel or motel who violates this chapter commits a Class A infraction, except as provided by subsection (b). (b) An owner of a hotel or motel commits a Class D felony if: (1) the owner knowingly or intentionally violates section 3 of this chapter; and (2) bodily injury or loss of life occurs as a result of a fire in the building. (c) Except as provided in section 5.5 of this chapter, a person who violates section 3.5 of this chapter commits a Class D infraction.

**IC 22-11-18- 5.5.** A landlord who violates section 3.5 of this chapter:

(1) at the time the landlord delivers a rental unit to a tenant;

or

(2) if the smoke detector is hard wired into the rental unit's electrical system, by failing to repair or replace the inoperable smoke detector not later than seven (7) days after receiving written notice by certified mail, return receipt requested, of the need to repair or replace the inoperable smoke detector under section 3.5(e)(2) of this chapter;

commits a Class B infraction. However, the offense is a Class A infraction if the landlord has a prior violation for an offense under this section.

**IC 22-11-18-6 Inspections to determine compliance** Sec. 6. (a) The state fire marshal's office shall, as part of its normal inspection process, conduct inspections of hotels and motels to determine if the detectors are installed and functioning in compliance with this chapter. (b) Except for common areas shared by at least three (3) dwellings, a dwelling may not be inspected solely to determine compliance with section 3.5 of this chapter unless the owner or occupant of the dwelling gives permission. (c) Any evidence of a violation of this chapter shall be turned over to the prosecuting attorney of the county where the violation occurred.

## **IC 32-31-5**

### Chapter 5. Rental Agreements

#### **IC 32-31-5-7**

Sec. 7. (a) At the time a landlord delivers a rental unit to a tenant, the landlord shall require the tenant to acknowledge in writing that the rental unit is equipped with a functional smoke detector.

(b) A landlord and a tenant may not waive, in a rental agreement or a separate writing, the requirements under IC 22-11-18-3.5 concerning smoke detectors.

#### **IC 32-31-7**

### Chapter 7. Tenant Obligations

#### **IC 32-31-7-5**

Sec. 5. A tenant shall do the following:

(1) Comply with all obligations imposed primarily on a tenant by applicable provisions of health and housing codes.

(2) Keep the areas of the rental premises occupied or used by the tenant reasonably clean.

(4) Refrain from defacing, damaging, destroying, impairing, or removing any part of the rental premises.

(5) Comply with all reasonable rules and regulations in existence at the time a rental agreement is entered into. A tenant shall also comply with amended rules and regulations as provided in the rental agreement.

(6) Ensure that each smoke detector installed in the tenant's rental unit remains functional and is not disabled. If the smoke detector is battery operated, the tenant shall replace batteries in the smoke detector as necessary. If the smoke detector is hard wired into the rental unit's electrical system, and the tenant believes that the smoke detector is not functional, the tenant shall provide notice to the landlord

under IC 22-11-18-3.5(e)(2).

This section may not be construed to limit a landlord's obligations under this chapter or IC 32-31-8.

## **IC 36-8-17**

### Chapter 17. Fire Safety Inspections

#### **IC 36-8-17-8**

##### **Inspection program**

(b) The fire department serving an area that includes a city shall inspect every place and public way within the jurisdiction of the city, except the interiors of private dwellings, for compliance with the fire safety laws. Upon the request of an owner or a primary lessee who resides in a private dwelling, the fire department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5.