

West's Annotated Code of Maryland [Currentness](#)

Public Safety ([Refs & Annos](#))

▢ [Title 9](#). Fire Protection and Prevention

→ [Subtitle 1](#). Smoke Detection Systems

→ **§ 9-101. Scope of Subtitle**

Applicability in Baltimore City

- (a)(1) Notwithstanding any other provision of this article, this subtitle applies in Baltimore City.
- (2) In Baltimore City, the Baltimore City fire department shall enforce this subtitle.
- (3) In Baltimore City, appeals concerning this subtitle shall be made to the Baltimore City fire board.

Effect of subtitle

- (b) This subtitle does not affect a public local law or regulation that existed on July 1, 1982, that required smoke detectors in occupancies with less than ten dwelling units.

§ 9-102. Installation of smoke detectors required

In general

- (a)(1) Each sleeping area within each occupancy classified residential, as defined in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission, shall be equipped with at least one approved smoke detector that:
 - (i) senses visible or invisible particles of combustion; and
 - (ii) is installed in a manner and location approved by the State Fire Prevention Commission.
- (2) When activated, the smoke detector shall provide an alarm suitable to warn the occupants.

Landlords and tenants

- (b)(1) The landlord shall install smoke detectors as required under subsection (a) of this section.
- (2) On written notification by certified mail by the tenant or on notification in person by the tenant, the landlord shall repair or replace the smoke detector.
- (3) If the tenant personally notifies the landlord of the failure of a smoke detector, the landlord shall provide a written receipt acknowledging the notification.
- (4) A tenant may not remove a smoke detector or render a smoke detector inoperative.
- (5) Except for hotels or motels, a landlord may require a refundable deposit for a smoke detector not exceeding the value of the smoke detector.
- (6) On written request of a tenant who is deaf or hearing impaired, the landlord shall provide a smoke detector that, when activated, provides a signal that:
 - (i) is approved by a nationally recognized testing laboratory for electrical appliances; and
 - (ii) is sufficient to warn the deaf or hearing impaired tenant.

Hotels and motels

- (c)(1) Regardless of the number of units, each hotel or motel shall have available at least one smoke detector for the deaf or hearing impaired for each 50 units or fraction of 50 units.
- (2) The hotel or motel may require a refundable deposit for a portable smoke detector not exceeding the value of the smoke detector.
- (3) The hotel or motel shall post in a conspicuous place at the registration desk a permanent sign that states the availability of smoke detectors for the deaf or hearing impaired.

Residential dwellings

- (d) On or before July 1, 1982, an occupant of a one, two, or three family residential dwelling constructed before July 1, 1975, shall:

(1) equip each occupant's living unit with at least one approved battery or alternating current (AC) primary electric powered smoke detector; and

(2) maintain the smoke detector.

§ 9-103. Construction of new residential dwelling units

Minimum number of smoke detectors

(a) At least one smoke detector shall be installed on each level, including a basement but excluding an attic, of each new residential dwelling unit:

(1) that contains alternating current (AC) electrical service;

(2) that is classified residential, as defined in the most recent edition of the National Fire Protection Association Life Safety Code adopted by the State Fire Prevention Commission; and

(3) for which a building permit is issued for new construction on or after January 1, 1989.

Activation of multiple smoke detectors

(b) If two or more smoke detectors are required under subsection (a) of this section, the smoke detectors shall be of a type and installed in a manner so that activation of one smoke detector causes activation of all other required smoke detectors in the residential dwelling unit.

Operation by battery and electric power

(c) A smoke detector required under this subtitle shall operate both by battery and on an alternating current (AC) primary source of electric power if the smoke detector is installed in a new residential dwelling unit:

(1) that contains alternating current (AC) electrical service;

(2) that is designed to be occupied by one or more families; and

(3) for which a building permit is issued for new construction on or after July 1, 1990.

Enforcement of section; enactment of more stringent laws

(d) This section:

- (1) may be enforced by a county fire chief, fire administrator, or municipal fire chief; and
- (2) does not prevent a county from enacting more stringent laws that relate to smoke detectors.

§ 9-104. General requirements for smoke detectors

Alternating current primary source of electric power; exceptions

- (a)(1) Except as provided in paragraph (2) of this subsection and § 9-102(d) of this subtitle, smoke detection systems shall operate on an alternating current (AC) primary source of electric power.
- (2) Smoke detection systems may operate on approved power supplies other than an alternating current (AC) primary source of electric power if:
 - (i) the power supply is approved by the State Fire Prevention Commission; and
 - (ii) it is clearly evident that reasonable safety is secured.

Lineal or square footage allowances

- (b) Each approved smoke detector shall be installed so as not to exceed the lineal or square footage allowances specified for the smoke detector, based on the generally accepted test standards under which the smoke detector was tested and approved.

Approval and use

- (c) Smoke detection systems, including specialized smoke detectors for the deaf and hearing impaired, shall be approved for the particular system and shall only be used for detection and signaling in the event of fire.

Leases for residential dwelling units

- (d) Each lease for an existing residential dwelling unit that contains alternating current (AC) electric service

shall contain a disclosure in 10-point bold type that states:

“This residential dwelling unit contains alternating current (AC) electric service. In the event of a power outage, an alternating current (AC) powered smoke detector will not provide an alarm. Therefore, the occupant should obtain a dual powered smoke detector or a battery powered smoke detector.”

§ 9-105. Sale and installation of smoke detectors

Compliance with State Fire Prevention Code

(a) A person may sell or install a smoke detection system or specialized smoke detectors for the deaf and hearing impaired only in accordance with the State Fire Prevention Code. [FN1]

Manufacturers to obtain approval

(b)(1) Each manufacturer commercially selling or offering for sale smoke detection systems in the State shall obtain approval of each model of smoke detector from the State Fire Marshal.

(2) An application for approval of each model of smoke detector shall be:

(i) submitted in the manner required by the State Fire Marshal; and

(ii) accompanied by a fee of \$25.

[FN1] COMAR 29.01.06.01 et seq.

§ 9-106. Sprinkler systems

In general

(a) If approved by the State Fire Prevention Commission, an approved automatic fire sprinkler system may be installed instead of a smoke detection system.

Effect on other requirements

(b) Installing an approved automatic fire sprinkler system does not nullify the other requirements of the State

Fire Prevention Code or exempt an occupancy from other requirements that are clearly applicable under the State Fire Prevention Code.

§ 9-107. Property insurance claims

Failure to comply with this subtitle may not be used as a policy defense in the settlement of a property insurance claim.

§ 9-108. Smoke detection installation order

In general

(a) If after investigating a fire in a one, two, or three family residential dwelling the State Fire Marshal or local investigating authority finds the absence of required smoke detectors, the State Fire Marshal or local investigating authority shall issue to the occupant a smoke detection installation order.

Failure to comply with order

(b) A person may not fail to comply with a smoke detection installation order within 15 days of reoccupancy.

Penalty

(c)(1) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50.

(2) The penalty provision of § 9-109 of this subtitle does not apply to this section.

§ 9-109. Violation of Subtitle

Prohibited

(a) A person may not knowingly violate this subtitle.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

END OF DOCUMENT