§ 68. Smoke detecting devices. 1. This section shall apply to all multiple dwellings, whenever constructed, provided however, that for the purposes of this section the term "multiple dwelling" shall also include any dwelling accommodation used as a temporary or permanent residence located in any building owned as a condominium or cooperative.

2. (a) The owner of every multiple dwelling to which the provisions of this section apply shall equip each apartment or other separate living unit in such multiple dwelling with approved and operational smoke detecting devices in conformity with the state fire prevention and building code; provided, however, that any multiple dwelling not subject to the provisions of such code may, in the alternative, be equipped with battery-operated smoke detecting devices of a type accepted by the division of housing and community renewal.

(b) In hotels and other class B multiple dwellings, and in any portion of a class A multiple dwelling used for single room occupancy, at least one smoke detecting device shall be located within each room used for sleeping purposes. In any other multiple dwelling or portion thereof, there shall be at least one smoke detecting device located within each apartment or separate living unit, in an area so that it is clearly audible in each bedroom or other room used for sleeping purposes, with intervening doors closed; provided, however, that no smoke detecting device be located more than ten feet from the entrance to any bedroom or other room used for sleeping purposes.

(c) Each smoke detecting device shall include a test device to permit the occupant to readily determine if it is operational.

(d) In addition to complying with the provisions of this section, the type, location, number, and manner of installation of smoke detecting devices shall be in accordance with standards prescribed by the state fire prevention and building code council.

3. (a) With respect to class A multiple dwellings, other than any portion of any such dwelling used for single room occupancy, and notwithstanding the provisions of section seventy-eight or any other provision of this chapter, or of any law or requirement, state or local, the duties of the owner and tenant with respect to smoke detecting devices installed pursuant to this section shall be as provided in

subdivisions four and five of this section.

(b) With respect to a class B multiple dwelling, or any portion of a class A multiple dwelling used for single room occupancy, the provisions of subdivision five of this section shall not apply, and smoke detecting devices installed as required by this section shall be subject to the provisions of section seventy-eight of this chapter.

(c) The owner of every multiple dwelling shall keep such records as the state fire prevention and building code council shall prescribe relating to the installation and maintenance of smoke detecting devices in the building and make such records available to any local code enforcement official on request.

4. In addition to initially providing and installing the smoke detecting devices, the owner shall:

(a) replace within thirty days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the apartment or other unit;

(b) upon the occurrence of a vacancy, replace or properly equip any such device which has been removed or rendered inoperable, so as to provide operational smoke detecting devices for any new tenant; and

(c) notify tenants in writing, individually or through posting of a notice in a common area of the building, of the respective duties of owners and tenants under this section.

5. Except as provided in paragraph (b) of subdivision three of this section, the tenant shall keep and maintain any smoke detecting device installed pursuant to this section in good repair and replace any such device which becomes inoperable during his occupancy.

6. An owner need not furnish or install a smoke detecting device where one has already been installed, provided that (a) the type of such device and the manner of its installation comply with the provisions of this section and the standards prescribed by the state fire prevention and building code council, (b) the existing device is tested and found to be operational, and (c) the existence of such device in lieu of an owner-furnished device is noted on the records kept by the owner

pursuant to paragraph (c) of subdivision three of this section.

7. This section shall not apply within cities with a population of one million or more, provided however, any local law in such cities relating to smoke detecting devices shall provide for the installation and maintenance of smoke detecting devices in dwelling accommodations located in buildings owned as condominiums or cooperatives.