

# **A by-law to require the installation and maintenance of Carbon Monoxide Detectors in all residential occupancies containing fuel fired appliances**

WHEREAS Council has authority under Section 102 of the Municipal Act. R.S.O. 1990, c.M.45, as amended to pass by-laws for the health, safety, morality and welfare of the inhabitants of the municipality;

AND WHEREAS carbon monoxide poisoning is a serious health risk to residents of dwellings containing fuel fired appliances;

NOW THEREFORE the Council of the City of Greater Sudbury ENACTS as follows:

1. In this By-law,

“Carbon Monoxide Detector” means a device which initiates an audible signal either locally or to a supervised location, when excessive concentrations of carbon monoxide are detected, and which is listed as conforming to CAN/CGA 6.19 or UL 2034 standards;

“Check” means visual observation to ensure the device or system is in place and is not obviously damaged or obstructed ;( 403-99)

“Dwelling Unit” means a building or part of a building, comprised of a room or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and which may contain cooking, eating, living, sleeping and sanitary facilities, and including its respective appurtenant hallways;

“Fuel Burning Appliance” means appliances such as, but not limited to furnaces, refrigerators, clothes dryers, water heaters, boilers, fireplaces, woodstoves, charcoal grills, gas ranges and space heaters, which are fired by flammable fuels such as, but not limited to natural gas, propane, heating oil, kerosene, coal, gasoline, wood and charcoal;

“Multi Unit Residential Structure” means any building that contains more than one Dwelling Unit and includes but is not limited to apartment buildings, boarding, lodging and rooming houses, nursing homes, hotels, motels and hospitals;

“Ontario Building Code” means Ontario Regulation 403/97, issued pursuant to the Building Code Act, S.O. 1992, c/23, as amended from time to time and includes any successor legislation or regulation;

“Owner” includes any person, firm or corporation having control over any portion of a Dwelling Unit or a Multi Unit Residential Structure and includes the persons in occupation of a Dwelling Unit or a Multi Unit Residential Structure;

“Service Room” means any room containing a Fuel Burning Appliance, located in a Multi Unit Residential Structure, which is not a Dwelling Unit or within a Dwelling Unit.

“Test” means the operation of a device or system to ensure that it will perform in accordance with its intended operation or function; (403-99)

2. Every Owner of a Dwelling Unit and a Multi Unit Residential Structure shall operate and maintain heating, ventilating and air conditioning systems, including appliances, chimneys and flue pipes, so as not to create a hazardous condition.

3. Every Owner shall install or cause to be installed a minimum of one (1) Carbon Monoxide Detector;

(a) in each Dwelling Unit which contains a Fuel Burning Appliance; and

(b) in the case of a Multi Unit Residential Structure, in each Dwelling Unit located on the same floor level as a Fuel Burning Appliance and in each Service Room, provided that the detector installed in each Service Room shall be equipped with a remote signal, visible and audible in a supervised or conspicuous location.

(c) Every owner shall supply a copy of the carbon monoxide detectors manufacturer’s maintenance instructions to the occupant(s) of a dwelling unit.(403-99)

(d) The occupant(s) of a dwelling unit shall maintain the carbon monoxide detector in operating condition at all times in accordance with the manufacturer’s maintenance instructions.(403-99)

(e) The owner shall ensure that the carbon monoxide detectors required in this by-law are checked and tested and are in good working order, at least annually.(403-99)

4. If a Carbon Monoxide Detector is required and has been installed in a Dwelling Unit in accordance with the requirements of the Ontario Building Code, then the Dwelling Unit shall be deemed to comply with this by-law.

5. Every Owner of a Dwelling Unit or a Multi Unit Residential Structure shall ensure that each Carbon Monoxide Detector installed in a Dwelling Unit or a Service Room is installed in accordance with the manufacturers’ instructions and shall be equipped with an alarm that is audible within all bedrooms when the intervening doors are closed.

6. Every Owner of a Dwelling Unit or a Multi Unit Residential Structure shall ensure that each Carbon Monoxide Detector installed in a Dwelling Unit or a Service Room is maintained in good operating condition and in accordance with the manufacturers’ instructions.

7. Every Owner shall ensure that where an electrically powered Carbon Monoxide Detector is installed, each such Carbon Monoxide Detector shall;

(a) be equipped with visual indications that it is in operating condition; and

(b) have no power switch between the Carbon Monoxide Detector and the power distribution panel.

8. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction, is liable to a fine of not more than \$5,000.00 exclusive of costs.

9. This by-law shall come into force on December 1, 2010.

10. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law be applied and enforced in accordance with its terms to the extent possible according to law.

11. This short title of this by-law is “The Carbon Monoxide Detector By-law”.

ENACTED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.