

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-193

**BEING A BY-LAW TO AMEND
CARBON MONOXIDE ALARM
BY-LAW NO. 2009-16**

WHEREAS Council has authority under Section 10.2 of the Municipal Act R.S.O. 2001, c. M. 45, as amended (the "Act") to pass by-laws for the health, safety and well-being of persons;

AND WHEREAS section 425.(1) of the Act provides that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

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

AND WHEREAS the Canadian Gas Association sold its standards and certification business to the Canadian Standards Association;

AND WHEREAS further guidance is required for the installation requirements of carbon monoxide alarms;

AND WHEREAS Council passed By-Law No. 2009-16 at its Regular meeting held on Monday, March 16th, 2009 requiring carbon monoxide alarms to be installed in residential buildings;

AND WHEREAS Council passed Resolution No. 2009-575 on Tuesday, September 8, 2009 authorizing the amendment;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACT AS FOLLOWS:

1. That Section 1 of By-Law No. 2009-16 is amended by deleting subsection (iv) under the definition for "Carbon Monoxide Alarm" and inserting the following in its place:

"(iv) conforms to the CAN/CSA or CAN/CGA or UL standard that was in effect at the time of purchase of the Carbon Monoxide Alarm;"

2. That Section 1 of By-Law No. 2009-16 is amended by striking out "Ontario Regulation 403/97" under the definition for "Ontario Building Code" and inserting in its place "Ontario Regulation 350/06";

3. That Section 1 of By-Law No. 2009-16 is amended by adding to each defined term an alphabetic subsection for referencing purposes.

4. That Section 3 of By-Law No. 2009-16 is amended by deleting subsection (ii) and inserting the following in its place:

"(b) in the case of a Multi Unit Residential Structure, which contains a fuel burning appliance

(i) containing six (6) or fewer Dwelling Units, in each Dwelling Unit;

(ii) containing more than six (6) Dwelling Units, in each Dwelling Unit that is adjacent to a Service Room;

(iii) containing more than six (6) Dwelling Units, in each Dwelling Unit that has air carrying ducts or air carrying vents directly connected to a Service Room;

(iv) containing more than six (6) Dwelling Units, in each Dwelling Unit that has air carrying ducts or air carrying vents directly connected to a Dwelling Unit which contains a Fuel Burning Appliance;"

5. That Section 3 of By-Law No. 2009-16 is amended by deleting subsection (iii) and inserting the following in its place:

"(c) in each Dwelling Unit or in each Dwelling Unit within a Multi Unit Residential Structure with interior access to an attached garage or that shares a common wall or floor with the attached garage, or has air carrying ducts or air carrying vents directly connecting the attached garage with the Dwelling Unit."

6. That Section 3 of By-Law No. 2009-16 is amended by inserting the following subsection:

"(g) No person shall intentionally disable a carbon monoxide alarm so as to make it inoperable."

7. That Section 3 of By-Law No. 2009-16 is amended by replacing its roman numeric subsections with alphabetic subsections.

8. That Section 6 of By-Law No. 2009-16 is amended by striking out the words "or a Service Room".

9. That Section 7 of By-Law No. 2009-16 is amended by striking out the words "or a Service Room".

10. That Section 10 of By-Law No. 2009-16 be amended by deleting the entire section and replacing it with the following:

"Any person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine, penalty or order as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, or any successor thereof, or in the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or any successor thereof.

11. That Sections 14, 15 and 16 be added to By-Law No. 2009-16 to read as follows:

"14. Subject to section 437 of the *Municipal Act, 2001*, as to entry of dwelling units, the Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- a) this by-law is being complied with;
- b) a direction or order of the City made pursuant to the *Municipal Act, 2001* or any successor thereof or made pursuant to a by-law of the City is being complied with;
- c) a condition of a licence issued under a by-law of the City is being complied with; or
- d) an order made pursuant to Section 431 of the *Municipal Act, 2001* which prohibits the continuation of repetition of an offence is being complied with.

15. An Inspector may for the purposes of an inspection:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect or remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) acquire information from any person concerning a matter related to the inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

16. The Inspector may undertake inspections pursuant to orders which are made pursuant to Section 438(2) of the *Municipal Act, 2001*."

READ A FIRST TIME IN OPEN COUNCIL THIS 21st DAY OF SEPTEMBER, 2009

READ A SECOND TIME IN OPEN COUNCIL THIS 21st DAY OF SEPTEMBER, 2009

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 21st DAY OF SEPTEMBER, 2009.

"original signature on file"
MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD