

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-16

**BEING A BY-LAW TO REQUIRE THE INSTALLATION
AND MAINTENANCE OF CARBON MONOXIDE ALARMS IN ALL
RESIDENTIAL OCCUPANCIES CONTAINING FUEL FIRED
APPLIANCES AND/OR HAVE ATTACHED GARAGE(S)**

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 Council passed Resolution No. 2008-811 at its Regular Meeting held on Monday, December 15, 2008 requiring carbon monoxide alarms be installed in residential buildings;

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

1. In this By-law,

"Carbon Monoxide Alarm" means a battery or electrically powered combined carbon monoxide detector and audible alarm device that:

- (i) is designed to sound an audible alarm upon detection of excessive concentrations of carbon monoxide; and
- (ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
- (iii) where electrically powered, has no switch between the detector and the power distribution panel; and
- (iv) conforms 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;

"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;

"Inspector" means a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief; Chief Building Official, Building Inspector and Property Standard Inspectors;

"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;

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 Alarm;
 - (i) in each Dwelling Unit which contains a Fuel Burning Appliance; and
 - (ii) 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 the alarm installed in each Service Room shall be equipped with a remote signal, visible and audible in a supervised or conspicuous location;
 - (iii) in each Dwelling Unit or Multi Unit Residential Structure which contains an attached garage;
 - (iv) Every owner shall supply a copy of the Carbon Monoxide Alarm manufacturer’s maintenance instructions to the occupant(s) of a dwelling unit;
 - (v) The occupant(s) of a dwelling unit shall maintain the Carbon Monoxide Alarm in operating condition at all times in accordance with the manufacturer’s maintenance instructions;
 - (vi) The owner shall ensure that the Carbon Monoxide Alarms required in this by-law are checked and tested and are in good working order, at least annually.
4. Each occupant of a dwelling unit shall maintain the Carbon Monoxide Alarm in good operating condition at all times and, in accordance with the manufacturer’s maintenance instructions;
5. If a Carbon Monoxide Alarm 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.
6. Every Owner of a Dwelling Unit or a Multi Unit Residential Structure shall ensure that each Carbon Monoxide Alarm 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.
7. Every Owner of a dwelling Unit or a Multi Unit Residential Structure shall ensure that each Carbon Monoxide Alarm installed in a Dwelling Unit or a Service Room is maintained in good operating condition and in accordance with the manufacturers’ instructions.
8. Every Owner shall ensure that where an electrically powered Carbon Monoxide Alarm is installed, each such Carbon Monoxide alarm shall:
 - (i) be equipped with visual indications that it is in operating condition; and

- (ii) have no power switch between the Carbon Monoxide Alarm and the power distribution panel.
- 9. The Inspectors, acting under the Fire Chief's or Chief Building Official's instructions are hereby appointed for the purposes of administering and enforcing the provisions of this by-law.
- 10. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33 as amended.
- 11. This by-law shall come into force and effect on October 1, 2009.
- 12. 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.
- 13. The short title of this By-law is the "Carbon Monoxide Alarm By-law".

READ A FIRST TIME IN OPEN COUNCIL THIS 2ND DAY OF FEBRUARY, 2009.

READ A SECOND TIME IN OPEN COUNCIL THIS 16TH DAY OF MARCH, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16TH DAY OF MARCH, 2009.

"original signature on file"

MAYOR VIC FEDELI

"original signature on file"

CITY CLERK CATHERINE CONRAD