

BY-LAW 2011-47

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

WHEREAS Council has the authority under section 10 of the *Municipal Act, 2001. S.O. 2001, c. 25*, as amended (the "Act") to pass by-laws for the health, safety and well-being of persons;

AND WHEREAS section 425 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/or having attached garages;

AND WHEREAS Resolution No. 2010-30 was recommended by Policy Committee and ratified by Council at its Regular Meeting held on June 23, 2010, requiring that carbon monoxide alarms be installed in certain residential buildings;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS 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:

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

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

“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 for temporary or long-term living accommodations by one or more persons and which may contain cooking, eating, living, sleeping and sanitary facilities, and includes 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 Greater Sudbury Fire Services and includes the Fire Chief and any other member of the Fire Services designated by the Fire Chief; Chief Building Official, Building Inspector and Municipal By-law Enforcement Officers;

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

“Occupant” means any person or persons over the age of 18 years, or any firm or corporation, in possession of any Dwelling Unit;

“Ontario Building Code” means Ontario Regulation 350/06, 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” means the registered owner of the Dwelling Unit or Multi-Unit Residential Structure and includes, without limitation, any person, firm or corporation for the time being managing or receiving the rent of the Dwelling Unit(s), whether on the person, firm or corporation’s own account or as agent or trustee of another, or who would so receive the rent if such Dwelling Unit(s) were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in question;

“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, ventilation 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;
 - (a) in each Dwelling Unit which contains a Fuel Burning Appliance or an attached garage;
 - (b) in the case of a Multi-Unit Residential Structure containing at least one fuel burning appliance:
 - (i) where the Multi-Unit Residential Structure is comprised of six (6) or fewer Dwelling Units, in each Dwelling Unit; or

- (ii) where the Multi-Unit Residential Structure is comprised of more than six (6) Dwelling Units, in each Dwelling Unit:
 - (1) that is adjacent to a Service Room;
 - (2) that has air carrying ducts or air carrying vents directly connected to a Service Room; or
 - (3) that has air carrying ducts or air carrying vents directly connected to a Dwelling Unit which contains a Fuel Burning Appliance;
- (c) in the case of a Multi-Unit Residential Structure containing an attached garage, in each Dwelling Unit:
 - (i) that has interior access to an attached garage;
 - (ii) that shares a common wall or floor with the attached garage; or
 - (iii) that has air carrying ducts or air carrying vents directly connecting the attached garage with the Dwelling Unit.

4. Every Owner shall:

- (a) ensure that all installed Carbon Monoxide Alarms are equipped with an alarm that is audible within all bedrooms of the Dwelling Unit when the intervening doors are closed;
- (b) ensure that each Carbon Monoxide Alarm installed in a Dwelling Unit is installed in accordance with the manufacturers' instructions;
- (c) supply a copy of the Carbon Monoxide Alarm manufacturer's maintenance instructions to the Occupant(s) of a Dwelling Unit;
- (d) ensure that the Carbon Monoxide Alarms required in this by-law are tested and are in good working order, at least annually; and

- (e) 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.

5. 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.

6. No person shall intentionally disable a Carbon Monoxide Alarm so as to make it inoperable.

7. If a Carbon Monoxide Alarm 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.

8. The Inspectors, acting under the Fire Chief's or Chief Building Official's instructions, are hereby authorized to administer and enforce the provisions of this by-law.

9. 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 section 429 of the *Municipal Act*, 2001. S.O. 2001, c. 25, as amended.


10. A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.


11. 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.

12. The short title of this by-law is the "Carbon Monoxide Alarm By-law".

13. This by-law shall come into force and effect immediately upon its passing.

READ AND PASSED IN OPEN COUNCIL this 23rd day of February, 2011.

 Mayor

 Clerk