

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2009-82

REGULATIONS: (R.1.2.3) A by-law to require the installation and maintenance of carbon monoxide alarms in all residential occupancies containing fuel fired appliances and/or attached garages.

WHEREAS Council has authority under Section 10.2 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 carbon monoxide poisoning is a serious health risk to residents of dwellings containing fuel fired appliances;

AND WHEREAS carbon monoxide poisoning is a serious health risk to residents of dwellings with attached garages;

NOW THEREFORE THE COUNCIL of The Corporation of the City of Sault Ste. Marie, 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:

- (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, 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 Appliances" 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 Sault Ste. Marie Fire Services and includes the Fire Chief and any other member of the Sault Ste. Marie Fire Services designated by the Fire Chief;

“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 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” 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 shall install or cause to be installed in accordance with the manufacturer’s instructions 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 where a fuel burning appliance is installed in a service room that is not a suite of residential occupancy, a carbon monoxide detector shall be installed, in each suite of residential occupancy that is adjacent to the service room and in the service room and shall be audible within the floor area; **[AMENDED BY BY-LAW 2009-167]** and
 - (iii) in each Dwelling Unit or Multi Unit Residential Structure which contains an attached garage.
3. Every Owner shall supply a copy of the Carbon Monoxide Alarm manufacturer’s maintenance instructions to the occupant(s) of a Dwelling Unit.
4. The Owner shall ensure that the Carbon Monoxide Alarms required in this by-law are checked and tested annually to ensure that they are in good working order.
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, 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 manufacturer’s 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 manufacturer's 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. 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.
10. This by-law shall come into force and effect on October 1, 2009.
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. This by-law takes effect on the day of its final passing.

Read THREE times and PASSED in open Council this 11th day of May, 2009.

"Bryan Hayes"

ACTING MAYOR – BRYAN HAYES

"Donna Irving"

CITY CLERK – DONNA IRVING