

BY-LAW NUMBER 54-12

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THE CORPORATION OF THE COUNTY OF BRANT

To require and regulate the installation and maintenance of carbon monoxide detectors in residential dwelling units

WHEREAS Section 10 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Act”) provides that the Council of a single-tier municipality may pass by-laws respecting 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 the Council of the Corporation of the County of Brant considers it necessary, in order to reduce the health risks to occupants, to require Carbon Monoxide Detectors to be installed in residential dwelling units;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

DEFINITIONS

1. In this By-law, the following terms shall have the following meanings:

“approved” means approved by the Chief Fire Official

“Carbon Monoxide Detector” means a 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; and
- (b) conforms to and is listed by the Underwriters’ Laboratories Standard 2034, as amended, “Single and Multiple Station Carbon Monoxide Detectors” or conforms to and is certified by Canadian Standards Association Can/CGA 6.19-M93 Standard, as amended, “Residential Carbon Monoxide Detectors”:

“dwelling unit” means a building, or part of a building, comprised of a room, or a series of rooms or a suite, which entities are operated under a single tenancy or as a dwelling unit or are designed or intended to be used as a domicile by one or more persons;

“Fire Chief” means the Chief of the Fire & Emergency Services Department of the Corporation of the County of Brant;

“Fire Prevention Officer” means a member of the Fire & Emergency Services Department of the Corporation of the County of Brant and includes the Fire Chief and Deputy Fire Chief;

“fuel burning appliance” means an appliance such as, but not limited to, a furnace, refrigerator, clothes dryer, water heater, boiler, fireplace, wood stove, charcoal grill, gas range and space heater, which are fired by carbon-based fuels such as, but not limited to, natural gas, propane, heating oil, kerosene, coal, gasoline, wood and charcoal;

“Municipal Law Enforcement Officer” means a Municipal Law Enforcement Officer of the Council of the Corporation of the County of Brant;

“occupant” means any person over the age of eighteen (18) years or any firm or corporation in possession of any dwelling unit;

“owner” includes the registered owner or any person, firm or corporation managing or receiving rent for a dwelling unit, whether on his or her own account or as an agent, trustee or representative of the owner, or any other person who receives the rent if such dwelling unit is leased and includes any other person to whom rent is payable; and

“person” includes a natural individual and a corporation, partnership, trustee or a receiver in possession or control of any premises.

GENERAL PROHIBITIONS

- 2.1 No person, being the owner of a dwelling unit, shall use or permit the use of such dwelling unit unless he ensures that a minimum of one (1) Carbon Monoxide Detector is installed and maintained in such dwelling unit in accordance with the regulations contained in this By-law and in accordance with the manufacturer’s instructions.
- 2.2 No person, being the owner of a dwelling unit, shall fail to supply a copy of the manufacturer’s maintenance instructions to the occupant(s) of the dwelling unit;
- 2.3 No person, being the occupant of a dwelling unit, shall occupy such dwelling unit unless he ensures that a Carbon Monoxide Detector is maintained in operating condition at all times in that dwelling unit in accordance with the manufacturer’s instructions.
- 2.4 No person, being the owner or occupant of a dwelling unit, shall use or permit the use of such dwelling unit unless they operate and maintain its heating, ventilating and air-conditioning systems, including appliances, chimneys and flue pipes so as not to create a hazardous condition.
- 2.5 Notwithstanding any other provision of this by-law, for buildings containing multiple dwelling units, other than buildings which are semi-detached houses or which are townhouses, carbon monoxide detection equipment of a design and type acceptable to the Fire Chief may be installed in a location acceptable to the Fire Chief in lieu of the installation of Carbon Monoxide Detectors as required by this By-law, provided that the purpose and intent of this by-law is maintained.
- 2.6 No person shall disable a Carbon Monoxide Detector so as to make it inoperable.

APPLICABLE LEGISLATION

3. No person shall install or maintain Carbon Monoxide Detectors unless such detectors are installed and maintained in accordance with the following regulations:
 - (a) Carbon Monoxide Detectors shall be installed as follows:
 - (i) Where a fuel-burning appliance is installed in a suite of residential occupancy, a carbon monoxide detector shall be installed adjacent to each sleeping area in the suite.
 - (ii) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a carbon monoxide detector shall be installed:
 - A. adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the service room, and
 - B. in the service room.
 - (iii) Where a storage garage is located in a building containing a residential occupancy, a carbon monoxide detector shall be installed adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.
 - (iv) Where a storage garage serves only the dwelling unit to which it is attached or built in, a carbon monoxide detector shall be installed adjacent to each sleeping area in the dwelling unit.
 - (b) Carbon Monoxide Detectors shall be equipped with an alarm that is clearly audible within all bedrooms when the intervening doors are closed;
 - (c) Carbon Monoxide Detectors shall be equipped with an indicator that provides a readily visible or audible indication that the device is in operating condition;
 - (d) Carbon Monoxide Detectors, where electrically powered, shall have no switch between the detector and the power distribution panel; and
 - (e) Carbon Monoxide Detectors shall be installed in accordance with the manufacturer's instructions.

INSPECTION AND ENFORCEMENT

- 4.1 Every Fire Prevention Officer and Municipal Law Enforcement Officer may enforce the provisions of this By-law.
- 4.2 Where a Fire Prevention Officer or a Municipal Law Enforcement Officer ascertains that the owner or occupant has not complied with the requirements of this By-law, they may, in addition to or as an alternative to any law enforcement mechanism, serve an order to comply on the owner and on the occupant in writing, which notice is to be delivered personally or by registered mail and shall include:

- (a) the name and address of the person upon whom the notice is served;
- (b) the address of the premises that is the subject of the non-compliance;
- (c) a reasonable description of the non-compliance with this By-law and the actions required in order to comply with this By-law; and
- (d) a requirement that the person served shall remedy the non-compliance forthwith.

OFFENCE AND PENALTY

5. Every person who contravenes any provision of this By-law is guilty of an offence and, on conviction under the Provincial Offences Act, is liable to a fine of not more than \$5,000.00.

GENERAL

- 6.1 The provisions of this By-law shall apply to all lands and premises within the Corporation of the County of Brant and shall come into force thirty (30) days following the enactment of the By-law.
- 6.2 The provisions of this By-law do not apply in a manner that is inconsistent with provincial legislation, including the Ontario Building Code Act, S.O. 1992, c. 23 and the Building Code, the Fire Protection and Prevention Act, 1997, S.O. 1997, c.21 and the Fire Code, all amendments thereto and regulations there under, and the provisions of this by-law shall be construed accordingly.
- 6.3 The short title of this By-law shall be the Carbon Monoxide Detector By-law.

READ a first time, this 20th day of March, 2012.

READ a second time, this 3rd day of April, 2012.

READ a third time and finally passed in Council, this 3rd day of April, 2012.

THE CORPORATION OF THE COUNTY OF BRANT

Mayor

Clerk