



**By-Law 72-2012
of The Corporation of the City of Oshawa**

being a by-law to require the installation and maintenance of Carbon Monoxide Alarms in all dwelling units containing fuel burning appliances and/or having attached garage(s).

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the authority to enact by-laws for the health, safety and well-being of persons and for the safety of persons and property;

AND WHEREAS carbon monoxide poisoning is a serious health risk to residents of dwellings containing fuel burning appliances and/or having attached garages;

AND WHEREAS the Council of The Corporation of the City of Oshawa deems it important to ensure that City residents have a working carbon monoxide detector in their residences to provide for the early detection of carbon monoxide.

NOW THEREFORE the Council of The Corporation of the City of Oshawa enacts as follows:

1. SHORT TITLE:

1.1 This by-law may be cited as the "Carbon Monoxide Alarm By-law".

2. INTERPRETATION:

In this by-law:

2.1 **"Carbon Monoxide Alarm"** means a combined carbon monoxide detector and audible alarm device that:

- (a) conforms with ULC 2034 "Single and Multiple Station Carbon Monoxide Detectors" or CAN/CGA-6.19 "Residential Carbon Monoxide Detectors",
- (b) is equipped with a visual indicator that it is in operating condition, and
- (c) where connected permanently to an electrical circuit shall have no disconnect switch between the overcurrent device and the carbon monoxide detector.

2.2 **"City"** means The Corporation of the City of Oshawa.

2.3 **"Director"** means the City's Director, Municipal Law Enforcement and Licensing Services.

2.4 **"Dwelling Unit"** means a building or part of a building occupied or intended to be occupied as a home or sleeping place by one or more Persons.

2.5 **"Fuel Burning Appliance"** includes, without limitation: furnaces, refrigerators, clothes dryers, water heaters, boilers, fireplaces, woodstoves, charcoal grills, gas ranges or space heaters, which are fired by flammable fuels, including, without limitation: natural gas, propane, heating oil, kerosene, coal, gasoline, wood or charcoal.

2.6 **Deleted by By-law 63-2013.**

2.7 **"Occupant"** means any person or persons over the age of 18 years, or any firm or corporation, in possession of any Dwelling Unit.

- 2.8 **“Officer”** means a Municipal Law Enforcement Officer appointed to enforce the by-laws of the City and a Fire Prevention Officer from the Fire Prevention Division of the Oshawa Fire Services, including the Fire Chief and any member of the Oshawa Fire Services designated by the Fire Chief.
- 2.9 **“Owner”** means the registered owner of a Dwelling Unit 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 agents 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.
- 2.10 **Deleted by By-law 63-2013.**
- 2.11 **“Person”** means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the Person to whom the context can apply.

3. INSTALLATION AND MAINTENANCE OF CARBON MONOXIDE ALARMS:

- 3.1 No Owner shall permit a Dwelling Unit to be occupied by a Person except pursuant to this By-law and pursuant to the following conditions:
- (a) Carbon Monoxide Alarms are installed on each level of a Dwelling Unit where sleeping occurs and in as many locations as is necessary to ensure that a Carbon Monoxide Alarm is audible in every bedroom in the Dwelling Unit when the intervening doors are closed;
 - (b) a minimum of one (1) Carbon Monoxide Alarm is installed in each Dwelling Unit:
 - (i) containing a Fuel Burning Appliance or an attached garage; or
 - (ii) containing an access doorway from the Dwelling Unit to an attached garage;
 - (c) in premises with multiple Dwelling Units, a minimum of one (1) Carbon Monoxide Alarm is installed in each Dwelling Unit:
 - (i) located on the same floor as a Fuel Burning Appliance;
 - (ii) located in the first and second levels of the building above a floor containing a Fuel Burning Appliance; and
 - (iii) at the access doorway between a Dwelling Unit and its attached underground parking garage on the residential occupancy side;
 - (c) all Carbon Monoxide Alarms must be installed in accordance with the manufacturer’s installation instructions;
 - (d) a copy of the Carbon Monoxide Alarm manufacturers’ maintenance instructions must be supplied to the Occupant(s) of a Dwelling Unit;
 - (e) the Carbon Monoxide Alarms required in this by-law must be tested to ensure that they are in good working order after installation and thereafter at least annually;
 - (f) all Carbon Monoxide Alarms shall be located so that accidental operation will not be caused by jarring or vibration;
 - (g) all Carbon Monoxide Alarms shall be restored to their normal mode of operation after each alarm or test; and

- (h) when alarm notification appliances for the deaf or hard of hearing are provided, each initiating device shall cause the operation of a visible alarm signal or the operation of a listed tactile notification appliance.
- 3.2 No Occupant of a Dwelling Unit shall fail to maintain all Carbon Monoxide Alarms installed in the Dwelling Unit in good operating condition and in accordance with manufacturer's instructions.
- 3.3 No Person shall disable a Carbon Monoxide Alarm so as to make it inoperable.
- 4. ADMINISTRATIVE PENALTIES:**
 - 4.1 Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this By-law. (63-2013)
 - 4.2 Each person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty in the amount of \$250 for each day on which the contravention occurs or continues. (63-2013)
- 5. (Deleted by By-law 63-2013)**
- 6. OFFENCES:**
 - 6.1 Each Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of:
 - (a) not less than \$300 and not more than \$5,000;
 - (b) not less than \$400 and not more than \$10,000 for a second conviction of the same offence; and
 - (c) not less than \$500 and not more than \$25,000 for a third or subsequent conviction of the same offence.
- 7. GENERAL:**
 - 7.1 For the purpose of section 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that the powers delegated to the Hearings Officer and to the Director pursuant to this by-law are of a minor nature, having regard to the number of people, the size of geographic area and the time period affected by the exercise of the delegated powers.
- 8. CONFLICT:**
 - 8.1 This by-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
 - 8.2 If there is a conflict between a provision of this by-law and a provision of any other City by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.
- 9. SEVERABILITY:**
 - 9.1 If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in certain circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 10. EFFECTIVE DATE:**
 - 10.1 This By-law is effective on the date of its passing.

10.2 By-law 54-99 is hereby repealed.

By-law passed this twenty-fifth day of June, 2012.

Original Signed by: _____
Mayor

Original signed by: _____
City Clerk

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