

OFFICE CONSOLIDATION

This is a consolidation of the Town's Carbon Monoxide By-law, being By-law 2000-14 as amended by By-law Number 2000-26 prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2000-14 and 2000-26, the By-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2000-14

Being a by-law to require and regulate
the installation and maintenance of
Carbon Monoxide Detectors in
residential dwelling units

WHEREAS section 102 of the **Municipal Act**, R.S.O. 1990, c. M.45, as amended (the "**Act**"), provides that the council of a local municipality may pass by-laws for the health, safety, morality and welfare of the inhabitants of the municipality;

AND WHEREAS section 210, paragraph 44, of the **Act** provides that the council of a local municipality is authorized to pass by-laws requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident;

AND WHEREAS the Council of the Corporation of the Town of Caledon 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 Town of Caledon 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; *{Amended by By-law 2000-26}*

“Fire Chief” means the Chief of the Fire & Emergency Services Department of the Corporation of the Town of Caledon;

“Fire Prevention Officer” means a member of the Fire & Emergency Services Department of the Corporation of the Town of Caledon 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 property standards officer employed by the Town of Caledon and a building inspector employed by the Town of Caledon to enforce the Town’s by-laws;

“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. *{Amended by By-law 2000-26}*
- 2.2 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 conditions at all times in that dwelling unit in accordance with the manufacturer’s instructions. *{Amended by By-law 2000-26}*
- 2.3 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.
- 2.4 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. *{Amended by By-law 2000-26}*
- 2.5 No person may intentionally 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: *{Amended by By-law 2000-26}*
 - (a) Carbon Monoxide Detectors shall be installed
 - (i) in the dwelling unit, on all levels where sleeping accommodations are provided, and on every floor level containing a fuel burning appliance, and on every floor level attached to an enclosed garage; or
 - (ii) in accordance with the requirements of the Fire Chief where the building contains multiple dwelling units and is not a semi-detached house or a townhouse;
 - (b) Carbon Monoxide Detectors shall be equipped with an alarm that is clearly audible within all bedrooms when the intervening doors are closed;
 - (c) Every owner shall supply a copy of the manufacturer's maintenance instructions to the occupant(s) of the dwelling unit;
 - (d) Carbon Monoxide Detectors shall be equipped with an indicator that provides a readily visible or audible indication that the device is in operating condition;
 - (e) Carbon Monoxide Detectors, where electrically powered, shall have no switch between the detector and the power distribution panel; and
 - (f) Carbon Monoxide Detectors shall be installed in accordance with the manufacturer's instructions.

INSPECTION AND ENFORCEMENT

- 4.1 Every Fire Prevention Officer and Municipal By-law Enforcement Officer may enforce the provisions of this By-law.
- 4.2 Where a Fire Prevention Officer or a Municipal By-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 notice 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 Town of Caledon 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 thereunder, 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, SECOND AND THIRD TIME

AND PASSED IN OPEN COUNCIL THIS

24th DAY OF January, 2000

"Carol Seglins"
Mayor Seglins

"M.Morden"
Marjory Morden - Clerk