

THE CORPORATION OF THE TOWNSHIP OF SOUTH DUNDAS

BY-LAW NO. 2011-79

A BY-LAW of the Corporation of the Township of South Dundas to require the installation of Carbon Monoxide Detectors in residential occupancies.

WHEREAS *the Municipal Act, 2001*, as amended, provides that municipal powers shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS *the Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws for the health, safety, morality and welfare of the inhabitants of the municipality;

AND WHEREAS *the Municipal Act, 2001*, provides that a municipality is authorized to pass a by-law for requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident ;

AND WHEREAS By-laws may be passed by Council providing that any person who contravenes any by-law of Council passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS, the Council of the Corporation of the Township of South Dundas considers it necessary, in order to reduce the health risks to occupants, to require carbon monoxide detectors to be installed in residential buildings.

NOW THEREFORE the Council of the Corporation of the Township of South Dundas enacts as follows:

1. DEFINITIONS

In this by-law, unless stated otherwise, certain terms shall be defined as indicated in this section. When the words appear capitalized, the meanings prescribed in this section shall apply. When the words appear in lowercase letters, they should be read as having their ordinary dictionary meaning.

1.1 "Boarding, lodging or rooming house" means a building where:

- a) building height does not exceed 3 storeys and building area does not exceed 600 m² (6460 ft²);
- b) lodging is provided for more than 4 persons in return for remuneration or for the provision of services or for both, and
- c) lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

1.2 "Carbon Monoxide Detector" means an engineered gas detection system designed to detect carbon monoxide levels and that is CSA and/or ULC approved, or a battery or electrically powered device which contains a combined carbon monoxide detector and an audible alarm device that in combination is:

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

- 1.3 “Dwelling Unit” means a room, or suite of rooms operated as a housekeeping unit that is used or intended to be used as a permanent, temporary or seasonal residence by one or more persons and that may contain cooking, eating, living, sleeping and sanitary facilities;
- 1.4 “Fuel-Burning Appliance” means an appliance such as, but not limited to furnaces, refrigerators, clothes dryers, water heaters, boilers, fireplaces, wood stoves, 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;
- 1.5 “Fire Chief” means the Chief of the Fire Department of the Township of South Dundas;
- 1.6 “Fire Prevention Inspector” means a member of the Fire Prevention Division of the Fire Department of the Township and includes the Fire Chief and any other member of the Fire Department designated by the Fire Chief;
- 1.7 “Municipal Law Enforcement Officer” means a Municipal Law Enforcement Officer appointed by the Council of the Township of South Dundas to enforce the Township’s by-laws;
- 1.8 “Occupant” means any person or person over the age of 18 years, or any firm, or corporation in possession of a dwelling unit;
- 1.9 “Owner” includes the registered owner and any person, firm or corporation managing or receiving rent for a dwelling unit, whether on his own account or as an agent, trustee, or representative of the owner, or any other person who so receives the rent if such dwelling unit is leased and includes an owner, occupier, or any person to whom rent is payable;
- 1.10 “Residential occupancy” means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or who are not involuntarily detained;
- 1.11 “Township” means the Corporation of the Township of South Dundas.
- 1.12 “Multiple occupancy” means a building containing more than one occupancy type and/or use.

2. APPLICATION

- 2.1 The provisions of this by-law apply to all dwelling units within the Township.
- 2.2 The provisions of this by-law do not amend, restrict, limit or replace matters governed by Provincial legislation, including the Building Code Act, the Fire Protection and Prevention Act, 1997 and Hotel Fire Safety Act, all amendments thereto and regulations thereunder and the provisions of the by-law shall be construed accordingly.
- 2.3 For the purposes of this by-law, a Boarding House shall be considered to be one dwelling unit.
- 2.4 Every owner of a dwelling unit shall install and maintain in good working order carbon monoxide detectors in every dwelling unit. Failure to comply shall constitute an offence.

- 2.5 A minimum of one (1) carbon monoxide detector shall be installed in each of the following dwelling units, in accordance with the provisions of the by-law, namely;
- a) each dwelling unit containing a fuel burning appliance;
 - b) for building containing multiple occupancies, each dwelling unit connected to the building; or
 - c) for building containing multiple dwelling units, as an alternative to Clause (b), an approved gas detection system engineered to continuously monitor carbon monoxide levels at fuel fired appliances and designed to shut down fuel fired equipment producing carbon monoxide and activate a remote alarm;
 - d) dwelling units where there is an attached enclosed garage, other than an underground parking garage of a multiple dwelling building;
 - e) individual suites located in buildings containing multiple dwelling units that contain fuel fired appliances shall be equipped with a carbon monoxide detector.
- 2.6 Every owner shall supply a copy of the manufacturer's maintenance instructions to the occupant (s) of the dwelling unit, who shall maintain the carbon monoxide detector in operating condition at all times in accordance with the manufacturer's maintenance instructions. Failure to comply shall constitute an offence.
- 2.7 Carbon monoxide detectors shall be equipped with an alarm that is clearly audible within all bedrooms when the intervening doors are closed. Failure to comply shall constitute an offence.

3. INSPECTION AND ENFORCEMENT

- 3.1 A Fire Prevention Inspector or Municipal Law Enforcement Officer may, upon the complaint of an owner or occupant, inspect any residential occupancies or dwelling units, and for such purpose may at all reasonable hours and upon producing proper identification, enter into and upon the building or premises containing the dwelling units for the purpose of examination and ascertaining whether the provisions of this by-law have been obeyed and to enforce or carry into effect the by-law.
- 3.2 Where a Fire Prevention Inspector or Municipal Law Enforcement Officer ascertains that an owner or an occupant has not complied with the requirements of this by-law, he may serve an order to comply to the owner and to the occupant in writing, delivered personally or by registered mail, which order to comply shall included:
- a) The name and address of the person upon whom notice is served.
 - b) The address of premises which is the subject of the non-compliance.
 - c) Reasonable particulars of the requirements of this by-law to which there is non-compliance, and the actions required in order to comply with this by-law.
 - d) A requirement that the person served shall remedy the non-compliance *on or before the date specified in the notice.*
- 3.3 Failure to comply with the requirements of an order to comply pursuant to section 3.2, shall constitute an offence. *Each day that an offence continues may be prosecuted as a separate offence punishable with a separate fine.*

4. OFFENCES

4.1 Every person who contravenes any provisions of this by-law is guilty of an offence and liable upon conviction to a fine in accordance with the Provincial Offences Act, R.S.O. 1990, Chapter P.33 as amended for each offence committed.

5. IMPLEMENTATION

5.1 In the event that any of the provisions of this by-law are deemed invalid or void, in whole or in part, by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

5.2 This by-law shall come into force and effect on January 1, 2012.

READ and passed in open Council, signed and sealed this 1st day of November, 2011.

MAYOR

CLERK