ORDINANCE NO: 406

THE BOROUGH OF HARMONY

BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF HARMONY, BUTLER COUNTY, PENNSYLVANIA ESTABLISHING STANDARDS FOR CARBON MONOXIDE ALARMS AND IMPOSING PENALTIES

WHEREAS, the Borough of Harmony (the "Borough") has determined that the health, safety, and welfare of the residents of the Borough would be better served by the establishment of standards for carbon monoxide alarms.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Harmony, Butler County, Pennsylvania, and it is hereby ordained and enacted by the authority of

SECTION 1. Purpose.

The Council of the Borough desires to establish standards for carbon monoxide alarms and impose penalties.

SECTION 2. Definitions.

The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Apartment." A room or suite of two or more rooms, occupied or leased for occupation, or intended or designed to be occupied, as a domicile.

"Approved carbon monoxide alarm." The term includes:

(A) A single or multiple station carbon monoxide alarm listed as complying with the Approved American National for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) or a carbon monoxide detector listed as complying with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed in accordance with this Ordinance.

(B) A device that may be combined with a smoke alarm or smoke detector if the combined smoke alarm or detector meets all of the following:

(1) Complies with either of the following:

(i) The Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) for carbon monoxide alarms and the Approved American National Standard for Single and Multiple Station Smoke Alarms (ANSI/UL217) for smoke alarms.

(ii) The Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) for carbon monoxide detectors and the Approved American National Standard for Safety for Smoke Detectors for Fire Alarm Systems (ANSI/UL268) for smoke detectors.

(iii) Emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

(C) A carbon monoxide detection system that includes carbon monoxide detectors and audible notification appliances that are installed and maintained in accordance with the National Fire Alarm and Signaling Code (NFPA 72) and the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720) and are in compliance with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075).

"Fossil fuel." Coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.

"Installed." A carbon monoxide alarm that is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, other than a circuit breaker, or, if the alarm is battery-powered, attached to the wall or ceiling of a residential building, an apartment or a multifamily dwelling, in accordance with the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA) 720.

"Multifamily dwelling." Any house or building, or portion thereof, that is intended or designed to be occupied or leased for occupation, or occupied as a home or residence for three or more households living in separate apartments and doing their cooking on the premises.

"Operational." Working and in service.

"Residential building." Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress, which includes accessory structures.

"Residential Rental Property Dwelling." Any house or building, or portion thereof, that is intended or designed to be occupied or leased for occupation, or occupied as a home or residence for one or two households living in separate apartments and doing their cooking on the premises.

SECTION 3. <u>Carbon monoxide alarm requirements</u>.

(A) <u>Residential building</u>.--Upon the sale of a residential building, the seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement required by 68 Pa.C.S. Ch. 73 (relating to seller disclosures).

(B) <u>Residential rental property dwelling</u>.--Each apartment in a residential rental property dwelling, which uses a fossil fuel-burning heater or appliance, fireplace or an attached garage, must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace within 18 months of the effective date of this act.

(C) <u>Multifamily dwellings</u>.--Each apartment in a multifamily dwelling, which uses a fossil fuel-burning heater or appliance, fireplace or an attached garage, must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace within 18 months of the effective date of this act.

SECTION 4. <u>Carbon monoxide alarm requirements in rental properties</u>.

(A) <u>Owner responsibilities</u>. The owner of a multifamily dwelling or residential rental property dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage used for rental purposes and required to be equipped with one or more approved carbon monoxide alarms shall:

> (1) Provide and install an operational, centrally located and approved carbon monoxide alarm in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace.

> (2) Replace any approved carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the rental property and which has not been replaced by the prior occupant before the commencement of a new occupancy of the rental property.

> (3) Ensure that the batteries in each approved carbon monoxide alarm are in operating condition at the time the new occupant takes residence in the rental property.

(B) <u>Maintenance, repair or replacement</u>. Except as provided in subsection (A), the owner of a multifamily dwelling or residential rental property dwelling used for rental purposes is not responsible for the maintenance, repair or replacement of an approved carbon monoxide alarm or the replacement of batteries while the building is occupied. Responsibility for maintenance and repair of carbon monoxide alarms shall revert to the owner of the building upon vacancy of the rental property.

(C) <u>Occupant responsibilities</u>. The occupant of each multifamily dwelling or residential rental property dwelling used for rental purposes in which an operational and approved carbon monoxide alarm has been provided must:

(1) Keep and maintain the device in good repair.
(2) Test the device.
(3) Replace batteries as needed.
(4) Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the building.
(5) Notify the owner or the authorized agent of the owner in writing of any deficiencies pertaining to the approved carbon monoxide alarm.

SECTION 5. Enforcement.

The Code Enforcement Officer of the Borough of Harmony shall be empowered to enforce this Ordinance.

SECTION 6. Penalty.

Willful failure to install or maintain in operating condition any approved carbon monoxide alarm required by this Ordinance, or failure to adhere to any other provisions of this Ordinance, is a summary offense punishable by a fine of up to $200.00 and/or imprisonment of up to 90 days.
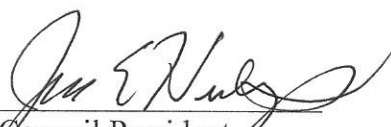
SECTION 7. Effective date.

This Ordinance shall take effect in thirty days as provided by law.

ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF HARMONY THIS ___1___ DAY OF ___JULY___, 2014.

ATTEST   BOROUGH OF HARMONY

_____   By: _____
Secretary   Council President

EXAMINED AND APPROVED BY ME THIS _____1_____ DAY OF _____July_____, 2014.

Cathy Rape
Mayor