

The Corporation of the City of Pickering

By-Law No. 7049/10

A by-law to require the installation of carbon monoxide detectors in residential occupancies.

WHEREAS paragraph 6 of subsection 11(2) of the *Municipal Act, 2001* authorizes lower-tier municipalities to pass by-laws respecting the health, safety and well-being of persons; and

WHEREAS the City considers it necessary to require carbon monoxide detectors to be installed in residential buildings in order to reduce the health risks to occupants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

PART I – INTERPRETATION

Definitions

1. In this by-law,

“carbon monoxide detector” means a carbon monoxide detector that is installed in the manner required by the Ontario Building Code and conforms to the standards set out in the Ontario Building Code;

“City” means The Corporation of The City of Pickering or the geographic area of the City of Pickering, as the context requires;

“dwelling unit” means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Fire Chief” means the Chief of the City’s Fire Services Division or a designate;

“fuel-burning appliance” means a furnace, refrigerator, clothes dryer, water heater, boiler, fireplace, wood stove, charcoal grill, gas range, space heater and any other appliance that is fired by a flammable fuel such as natural gas, propane, heating oil, kerosene, coal, gasoline, wood or charcoal;

“occupant” means any lessee, tenant, mortgagee in possession or any other person who appears to have care and control of any property;

“officer” means a member of the Fire Prevention Section of the City’s Fire Services Division and includes the Fire Chief;

"Ontario Building Code" means Ontario Regulation 350/06 issued under the *Building Code Act, 1992*;

"owner" means the person identified in the most recent tax roll as the owner of any property;

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

"residential occupancy" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided including persons who are harboured or detained to receive medical care or treatment or are involuntarily detained;

"storage garage" means a building or part of a building that is intended for the storage or parking of motor vehicles and that contains no provision for the repair or servicing of motor vehicles; and

"suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, as well as individual stores and individual or complementary rooms for business and personal services occupancies.

References to Legislation

2. In this by-law, reference to any Act, regulation or by-law is reference to that Act, regulation or by-law as it is amended or re-enacted from time to time.

Word Usage

3. This by-law shall be read with all changes in gender or number as the context may require.
4. A grammatical variation of a word or expression defined has a corresponding meaning.

Construction

5. Headings in this by-law are for convenience of reference only and shall not affect the construction or interpretation of this by-law.
6. Unless otherwise specified, references in this by-law to sections and schedules are to sections and schedules in this by-law.

Conflicts

7. If a provision of this by-law conflicts with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

PART II – REGULATIONS

Application

8. This Part applies to every building that,
 - (a) contains a residential occupancy; and
 - (b) contains a fuel-burning appliance or a storage garage.

Location of Carbon Monoxide Detectors

9. Where a fuel-burning appliance is installed in a suite of residential occupancy, the owner of the suite shall install or cause to be installed a carbon monoxide detector adjacent to each sleeping area in the suite.
10. Where a fuel-burning appliance is installed in a service room that is adjacent to a suite of residential occupancy, the owner of the suite shall install or cause to be installed a carbon monoxide detector,
 - (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.
11. Where a storage garage is located in a building containing a residential occupancy, the owner of the building shall install or cause to be installed a carbon monoxide detector adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.
12. Where a storage garage serves only the dwelling unit to which it is attached or built in, the owner of the dwelling unit shall install or cause to be installed a carbon monoxide detector adjacent to each sleeping area in the dwelling unit.

Maintenance

13. Every occupant shall maintain all carbon monoxide detectors located in their suite of residential occupancy in proper operating condition at all times.
14. No person shall disable a carbon monoxide detector so as to make it inoperable.

PART III - ENFORCEMENT

Inspections

- 15. An officer may, at any reasonable time, enter upon any land for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
- 16. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer.

Offences and Penalties

- 17. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*.

PART IV – GENERAL

Short Title

- 18. This by-law may be referred to as the "Carbon Monoxide Detectors By-law".

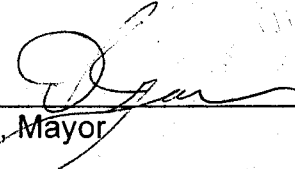
Repeal

- 19. By-law No. 5247/98 is repealed in its entirety.


Effective Date

- 20. This by-law shall come into force on the day of its passing.

BY-LAW read a first, second and third time and finally passed this 17th day of May, 2010.



David Ryan, Mayor



Debbie Shields, City Clerk