

# MARKHAM

## BY - LAW

30-1999

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 provides that a 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 Municipal Act provides that a 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 Markham 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 Markham enacts as follows:

### Definitions

1. In this By-law, the following terms shall have the following meanings:
  - (a) "Approved" means approved by the Chief Fire Official;
  - (b) "Carbon Monoxide Detector" means a combined carbon monoxide detector and audible alarm device that:
    - (i) is designed to sound an audible alarm upon detection of excessive concentrations of carbon monoxide; and
    - (ii) 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";
  - (c) "Dwelling Unit" means a building or part of a building, comprised of a room, series of rooms, or suite where such entities are operated under a single tenancy as a housekeeping unit or are designed or intended to be used as a domicile by one or more persons;
  - (d) "Fire Chief" means the Chief of the Fire and Emergency Services Department of the Town of Markham;
  - (e) "Fire Prevention Officer" means a member of the Fire Prevention Division of the Fire and Emergency Services Department of the Town of Markham and includes the Fire Chief, and any other member of the Fire and Emergency Services Department as designated by the Fire Chief;

- (f) "Fuel Burning Appliances" means appliances 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 carbon based fuels such as, but not limited to natural gas, propane, heating oil, kerosene, coal, gasoline, wood and charcoal;
- (g) "Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed by the Council of the Town of Markham to enforce the Town's by-laws;
- (h) "Occupant" means any person over the age of eighteen, or any firm or corporation in possession of any dwelling unit;
- (i) "Owner" includes the registered owner or 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 receives the rent if such dwelling unit is leased and includes any other person to whom rent is payable;
- (j) "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 they ensure that a minimum of one (1) Carbon Monoxide Detector is installed and maintained in each of the following types of dwelling units, in accordance with the provisions of this By-law and the manufacturer's instructions:
  - (a) each dwelling unit containing a fuel burning appliance;
  - (b) each dwelling unit containing an attached enclosed garage, other than an underground parking garage of a multiple dwelling building;
  - (c) for a building containing multiple occupancies, each dwelling unit located on the same floor level as a fuel burning appliance and additionally in each dwelling unit located on the first and second floor levels of the building above such floor level;
- 2.2 No person, being the occupant of a dwelling unit, shall occupy such dwelling unit unless they ensure that a Carbon Monoxide Detector is maintained in operating condition at all times in that dwelling unit in accordance with the manufacturer's instructions;
- 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 the provisions of this By-law, for buildings containing multiple occupancies, carbon monoxide monitoring equipment that is acceptable to the Fire Chief and that is designed to send an alarm to an approved remote location in the building may be installed in rooms that contain fuel burning equipment in lieu of the installation of Carbon Monoxide Detectors otherwise required in this By-law.

- 2.5 No person may intentionally disable a Carbon Monoxide Detector so as to make it inoperable.

#### **Applicable Regulations**

- 3.1 No person being the owner or occupant of a dwelling unit, shall use or permit the use of such dwelling unit unless a Carbon Monoxide Detector is installed and maintained therein in accordance with the following regulations:
- (a) Carbon Monoxide Detectors shall be installed on all levels in the dwelling unit where sleeping accommodations are provided;
  - (b) Carbon Monoxide Detectors shall be equipped with an alarm that is clearly audible within all bedrooms when the intervening doors are closed;
  - (d) Every owner shall supply a copy of the manufacturer's maintenance instructions to the occupant(s) of the dwelling unit;
  - (e) Carbon Monoxide Detectors shall be equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition;
  - (f) Carbon Monoxide Detectors, where electrically powered, shall have no switch between the detector and the power distribution panel;
  - (g) Carbon Monoxide Detectors shall be installed in accordance with the manufacturer's instructions.

#### **Inspection and Enforcement**

- 4.1 Every Fire Prevention Officer and Municipal Law Enforcement Officer may enforce the provisions of this By-law.
- 4.2 Where a Fire Prevention Officer or a Municipal Law Enforcement Officer ascertains that the owner or occupant has not complied with the requirements of this By-law, they may serve notice to comply to the owner and to the occupant in writing, delivered personally or by registered mail, which notice shall include:
- (a) the name and address of the person upon whom the notice is served;
  - (b) the address of the premises which is the subject of 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**

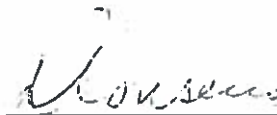
- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33 (as amended or successor legislation thereto) and, upon conviction, is liable to a fine of up to \$5,000 or to the maximum fine that may now or hereinafter be applicable pursuant to that legislation.

**General Matters**

- 6.1 The provisions of this By-law shall apply to all lands and premises within the Town of Markham.
- 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 and the Building Code, The Fire Protection and Prevention Act and the Fire Code and the Hotel Fire Safety Act, all amendments thereto and regulations thereunder and the provisions of the By-law shall be construed accordingly.
- 6.3 This By-law shall come into force and effect on July 1, 1999.
- 6.4 The short title of this By-law shall be the Carbon Monoxide Detector By-law.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
23RD DAY OF FEBRUARY, 1999.

  
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BOB PANIZZA, TOWN CLERK

  
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DON COUSENS, MAYOR