

**BYLAW 59- 2010**  
**OF THE**  
**CORPORATION OF THE CITY OF BRANTOFRD**

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**Being a by-law to require the installation of carbon monoxide detectors in dwelling units**

**THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD HEREBY ENACTS AS FOLLOWS:**

**CARBON MONOXIDE DETECTOR BY-LAW**

WHEREAS Council of the Corporation of the City of Brantford has authority under Section 10 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*") to pass by-laws for the health, safety and well-being of persons;

AND WHEREAS carbon monoxide poisoning is a serious health risk to residents of dwellings containing fuel –burning appliances;

NOW THEREFORE the Council of the Corporation of the City of Brantford, enacts as follows:

- 1. Definitions**
- 2. Compliance required**
- 3. Installation**
- 4. Maintenance of carbon monoxide detectors**
- 5. Audible alarm**
- 6. Electrically powered carbon monoxide detectors**
- 7. Inspection**
- 8. Obstruction**

## **9. Offences**

## **10. Penalties**

## **11. Title**

### **1. Definitions**

**BOARDING OR LODGING HOUSE** — A dwelling in which lodging with or without meals is supplied for gain, but shall not include a hotel, hospital, children's home, nursing home, home for the aged or other similar establishment.

**CARBON MONOXIDE DETECTOR** — A battery or electrically powered 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;
- B. Is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition;
- C. Where electrically powered, has no switch between the detector and the power distribution panel; and
- D. Conforms to the Underwriters' Laboratories and, where electrically powered is approved by the Canadian Standards Association;

**DWELLING UNIT** — A building or part of a building, comprised of a room, series of rooms or suite, operated under a single tenancy as a housekeeping unit, or intended to be used as a domicile by one or more persons and which may contain cooking, eating, living, sleeping and sanitary facilities, and including its respective appurtenant hallways;

**FUEL-BURNING APPLIANCES** — 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 fueled by flammable fuels such as, but not limited to natural gas, propane, heating oil, kerosene, coal, gasoline, wood and charcoal;

**INSPECTOR** — A member of the Fire Prevention Division of the Brantford Fire Department and includes the Fire Chief and any other member of the Brantford Fire Department designated by the Fire Chief or a member of the Building Department of the City of Brantford or a City of Brantford By-law enforcement officer;

**MULTIPLE DWELLING UNITS** — Any building that contains more than one dwelling unit and includes but is not limited to apartment buildings, boarding, lodging and rooming houses, nursing homes, hotels, motels and hospitals;

**OCCUPANT** — Any person or persons, or any firm or corporation, in possession of any dwelling unit.

**OWNER** — Includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person's own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

## **2. Compliance required**

Every owner of a dwelling unit shall conform to the standards for carbon monoxide detectors set out in this By-law.

## **3. Installation**

A minimum of one carbon monoxide detector shall be installed by the owner in each of the following 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. For a building containing multiple dwelling units, each dwelling unit located on the same floor level as a fuel-burning appliance;
- C. For a building containing multiple dwelling units each dwelling unit located on the first and second floor levels of the building above a floor level containing a fuel-burning appliance; or
- C. In each dwelling unit which contains an attached garage or where there are multiple dwelling units on the same level as an attached garage.

## **4. Maintenance and repair of carbon monoxide detectors**

- A. The owner and occupant of a dwelling unit shall ensure that each carbon monoxide detector installed in the dwelling unit is maintained in good operating condition and tested in accordance with the manufacturer's instructions.
- B. The owner shall supply a copy of the carbon monoxide detector manufacturer's maintenance instructions to the occupant(s) of a dwelling unit.

## **5. Audible alarm**

A Carbon monoxide detector shall be equipped with an alarm that is audible within bedrooms when the intervening doors are closed.

## **6. Electrically powered carbon monoxide detectors**

Each electrically powered carbon monoxide detector shall:

- A. Be equipped with visual indications that it is in operating condition; and
- B. Have no power switch between the carbon monoxide detector and the power distribution panel.

## **7. Inspection**

- A. An Inspector may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law or an order or direction issued in accordance with this By-law.
- B. For the purposes of any inspection, the Inspector may:
  - (i) Require the production for inspection of documents or things relevant to the inspection;
  - (ii) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (iii) Require information from any person concerning a matter related to the inspection; and
  - (iv) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- C. No person shall fail or refuse to comply with a request by the Inspector to produce for inspection any document or thing or information relevant to the inspection carried out by the Inspector in accordance with Section 8 of this By-law.
- D. (i) The City or the Inspector may enter upon lands for the purposes of an inspection and the other activities set out in Subsection 8.B under an order issued under section 438 of the *Municipal Act, 2001*.

- (ii) Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the Inspector, shall neglect or refuse to produce or deliver any information or documents or things required by this By-law.

## **8. Obstruction**

- A. No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- B. No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the Inspector, his or her respective designate or any City personnel, agents or contractors who is exercising a power or performing a duty under this By-law or the administration or enforcement of this By-law.

## **9. Offences**

- A. A person is guilty of an offence if the person:
  - (i) Hinders, obstructs or interferes with an Inspector in the exercise of his or her powers and duties;
  - (ii) Prevents an Inspector from entering land or premises in accordance with the *Municipal Act, 2001*, refuses to answer questions on matters relevant to the inspection or provides the Inspector with information, on matters relevant to the inspection, that the person knows, or ought reasonably to know, to be false or misleading;
  - (iii) Fails to comply with an order, direction or other requirement made under this By-law; or
  - (iv) Contravenes any provision of this By-law.
- B. Every director or officer of a corporation who knowingly concurs in the hindering, obstructing or interfering with an Inspector, preventing an Inspector from entering land or premises, refusing to answer questions, furnishing of false information, the failure to comply or the contravention under Subsection 10.A is guilty of an offence.

## **10. Penalties**

- A. Every person who contravenes a provision of this By-law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this By-law, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$50,000 for a first offence and to a fine of not less than \$200 and not more than \$75,000 for any subsequent offence.

- B. Despite Subsection 11.A, if a corporation is convicted of an offence under this By-law, it shall be liable to a fine of not less than \$500 and not more than \$100,000 for a first offence and to a fine of not less than \$500 and not more than \$100,000 for any subsequent offence.
- C. Despite Subsections 11A. and 11.B, every person who contravenes a provision of this By-law and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this By-law, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$10,000 for each day or part day that the offence continues.
- D. Despite Subsections 11.A, 11.B and 11.C, if a corporation is convicted of an offence under any provision of this By-law, it shall be liable to a fine of not less than \$500 and not more than \$10,000 for each day or part day that the offence continues.

## 11. Title

The short title of this By-law is the "Carbon Monoxide Detector By-law."

READ A FIRST TIME:	MAY 10, 2010
READ A SECOND TIME:	MAY 10, 2010
PASSED:	MAY 10, 2010



MAYOR



CITY CLERK