

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 3 - 2016

FEBRUARY 3, 2016

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AN ORDINANCE

Amending the Property Rehabilitation and Maintenance Code, Article 1745.08 Fire Alarm and Detection Systems, by adding provisions for certain multifamily dwellings or attached garages to install carbon monoxide detectors in the vicinity of bedrooms or the appliance where the presence of fossil burning fuels exist to bring the code into compliance with State Act 121.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That pursuant to Article 1745.08, **PROPERTY REHABILITATION & MAINTENANCE CODE Fire Alarm and Detection Systems** of the Codified Ordinances of the City of Allentown, amendment is hereby adopted.

**ARTICLE 1745**

**1745.08 FIRE ALARM AND DETECTION SYSTEMS**

- A. **Single Family Buildings.** In all single family residential buildings smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room and on every story of the dwelling unit, including basements. Smoke detectors may be battery operated.
- B. **2 to 12 Unit Residential Buildings.** In two (2) to twelve (12) unit residential buildings, interconnected smoke detectors shall be required in common public use areas such as halls, corridors, stairways, stair towers, lobbies, basements or similar common areas. Approved smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room, and on each floor level, including the basement. Smoke detectors inside dwelling units may be battery operated. Smoke detectors in common areas are required to be connected to the common area system and must be hard-wired with battery back-up.
- C. **13 or more unit Residential Buildings.** Any building containing thirteen (13) or more residential units must comply with the most recently adopted International Fire Code. Approved smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room, and on each floor level, including the basement. Smoke detectors inside dwelling units may be battery operated. Smoke detectors in common areas are required to be connected to the common area system and must be hard-wired with battery back-up.
- D. **Mixed Use Buildings.** In mixed-use buildings containing any non-residential use and any residential unit(s) interconnected smoke detectors shall be required serving the non-residential use and common use areas such as

halls, corridors, stairways, stair towers, lobbies, basements or similar common areas. In residential unit(s) in mixed use buildings approved smoke detectors shall be required in each sleeping room, in the immediate area outside of each sleeping room, and on each floor level, including the basement. Smoke detectors inside dwelling units may be battery operated. Smoke detectors in common areas are required to be connected to the common area system and must be hard-wired with battery back-up.

**EXCEPTION 1:** Buildings that comply with the currently adopted International Fire Prevention Code and were constructed or converted by alteration to a different use and occupancy by meeting the standards of the Pennsylvania Uniform Construction Code or prior Building Codes adopted by the City of Allentown.

**EXCEPTION 2:** Buildings that are sprinklered in a manner approved by the International Fire Prevention Code, as amended, will be permitted the following exceptions:

- A. Common public use area smoke detection is not required other than in the basement.
- B. Smoke detectors will not be retroactively required inside sleeping rooms, providing that an approved smoke detector is installed in the immediate vicinity outside each sleeping room. This exception does not apply to rooming units or similar sleeping units. All dwelling units must have at least one approved smoke detector installed inside that unit.

NOTE: Immediate area outside each sleeping room shall mean approximately fifteen (15) linear feet.

NOTE: The smoke detector(s) installed to protect the area outside of each sleeping room satisfies the requirement of one smoke detector per floor within that unit.

- E. The City of Allentown Shall at all times comply in all respects with Pennsylvania Act No. 121, as amended; also known as Carbon Monoxide alarm Standards Act.

Providing standards for carbon monoxide alarms; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

#### Section 1. Short title.

This act shall be known and may be cited as the Carbon Monoxide Alarm Standards Act.

#### Section 2. Definitions.

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

"Dwelling Unit." A group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking & eating for the exclusive use of the occupants thereof.

"Approved carbon monoxide alarm." The term includes:

(1) A single or multiple station carbon monoxide alarm listed as complying with the Approved American National Standard 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 act.

(2) 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:

(i) Complies with either of the following:

(A) 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.

(B) 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.

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

(3) 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).

"Multi-unit dwelling." means in each dwelling or part thereof containing two (2) or more dwelling unit.

"Operational." Working and in service.

### Section 3. Administration.

Nothing in this act is intended to modify the authority and responsibilities of the Department of Labor and Industry under the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

### Section 4. Carbon monoxide alarm requirements.

(a) Residential building –Upon sale of a residential building, the seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement require by 68 Pa C.S. 73 (relating to seller disclosures).

(b) Multifamily dwellings.—Each dwelling unit 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 5. Carbon monoxide alarm requirements in rental properties.

(a) Owner responsibilities.--The owner of a multifamily 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, in accordance with this act, 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) Maintenance, repair or replacement.--Except as provided in subsection (a), the owner of a multifamily dwelling used for rental purposes is not responsible for the maintenance, repair or replacement of an approved carbon monoxide alarm or the care and 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) Occupant responsibilities.--The occupant of each multifamily 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 6. Enforcement.

Willful failure to install or maintain in operating condition any approved carbon monoxide alarm required by this act is a summary offense punishable by a fine of up to \$50.

#### Section 7. Municipal requirements.

Nothing in this act shall be construed to prevent a municipality from adopting, by resolution, equal or more stringent requirements relating to carbon monoxide alarms.

#### Section 20. Effective date.

This act shall take effect immediately.