

ORDINANCE NO. 23-100

BY: Tres Roeder

Enacting new Chapter 910 of the Fire Code and Section 1411.31 of the Housing Code, and amending Sections 1415.02 and 1415.03 of the Housing Code, of the Codified Ordinances of the City regarding carbon monoxide detection.

WHEREAS, the Ohio Fire Code was amended on December 15, 2017 to require that carbon monoxide detectors or detection systems be installed in new and existing residential dwellings in the State; and

WHEREAS, in order to authorize the City's Building and Housing and Fire inspectors to make inspections and enforce the requirements for the installation of carbon monoxide detectors, certain additions and amendments are required to the codified ordinances; and

WHEREAS, Sections 1415.02 and 1415.03 were enacted by Ordinance 17-92, on November 13, 2017, regarding point of sale inspections; and

WHEREAS, the Director of Building and Housing and Chief of Fire have recommended that Council amend the Fire and Housing Codes of the City to authorize the City's Building and Housing and Fire inspectors to make inspections and enforce the requirements for the installation of carbon monoxide detectors.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. Sections 1415.02 and 1415.03 of the Housing Code of the Codified Ordinances of the City of Shaker Heights as heretofore in effect are hereby repealed.

Section 2. New Chapter 910 of the Fire Code, new Section 1411.31 of the Housing Code, and amended Sections 1415.02 and 1415.03 of the Housing Code of the Codified Ordinances of the City of Shaker Heights are hereby enacted, as follows:

Chapter 910 CARBON MONOXIDE DETECTIONS

910.01 CARBON MONOXIDE DETECTION REQUIRED; INSTALLATION.

(a) All residential dwelling units are required to have carbon monoxide detection if the new and/or existing dwelling units are served by, or the building within which the dwelling units are located contains, fuel burning appliances, fuel-burning fireplaces, fuel-burning forced air furnaces, or have attached private garages.

(1) New Dwelling Units. Carbon monoxide detection shall be installed in new dwelling units in accordance with the Ohio Fire Code, the Ohio Building Code and the Residential Code of Ohio.

(2) Existing Dwelling Units. Carbon monoxide detection shall be installed in existing dwelling units in accordance with the Ohio Fire Code and are required to be installed in the locations described below. Existing Dwelling Units, for the purposes of this Chapter, are those dwelling units in

existence, constructed or officially authorized by the issuance of building permits prior to December 15, 2017, as set forth in the Ohio Fire Code.

(3) Where Required. In existing dwelling units, carbon monoxide detection shall be installed in dwelling units outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom. Installation shall be in accordance with the Ohio Fire Code.

(4) Exceptions. Exceptions to carbon monoxide detection in existing dwelling units described in Section 910.01 are:

A. Applicable to buildings with forced-air furnaces:

Carbon monoxide detection shall not be required in dwelling units where carbon monoxide detection is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.

B. Applicable to buildings with fuel-burning appliances outside of dwelling units and dwelling units with fuel-burning appliances or fuel-burning fireplaces:

1. Carbon monoxide detection shall not be required in dwelling units, where there are no communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit.

2. Carbon monoxide detection shall not be required in dwelling units where carbon monoxide detection is provided in an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit.

C. Applicable to dwelling units with attached private garages:

1. Carbon monoxide detection shall not be required where there are no communicating openings between the private garage and the dwelling unit.

2. Carbon monoxide detection shall not be required in dwelling units located more than one story above or below a private garage.

3. Carbon monoxide detection shall not be required where the private garage connects to the building through an open-ended corridor.

4. Where carbon monoxide detection is provided in an approved location between openings to a private garage and dwelling units, carbon monoxide detection shall not be required in the dwelling units.

910.02 DETECTION EQUIPMENT.

(a) Power source. Carbon monoxide alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other

than that required for overcurrent protection. Where installed in dwelling units without commercial power, or in existing buildings, battery-powered carbon monoxide alarms shall be an acceptable alternative.

(b) Listings. Carbon monoxide alarms shall be listed in accordance with the appropriate UL as listed in the Ohio Fire Code.

(c) Combination alarms. Combination carbon monoxide/smoke alarms shall be an acceptable alternative to carbon monoxide alarms, if the alarms otherwise comply with Chapter 909 and this Chapter. Combination carbon monoxide/smoke alarms shall be listed in accordance with the appropriate ULs as listed in the Ohio Fire Code.

(d) Carbon monoxide detection systems. Carbon monoxide detection systems shall be an acceptable alternative to carbon monoxide alarms and shall comply with the Ohio Fire Code.

(1) General. Carbon monoxide detection systems shall comply with National Fire Protection Association (NFPA) 72 as listed in the Ohio Fire Code. Carbon monoxide detectors shall be listed in accordance with the appropriate UL as listed in the Ohio Fire Code.

(2) Locations. Carbon monoxide detectors shall be installed in the locations specified in Section 910. These locations supersede the locations specified in NFPA 72 as listed in the Ohio Fire Code.

(3) Combination detectors. Combination carbon monoxide/smoke detectors installed in carbon monoxide detection systems shall be an acceptable alternative to carbon monoxide detectors, provided they are listed in accordance with the appropriate UL as listed in the Ohio Fire Code.

(e) Maintenance. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 72 as listed in the Ohio Fire Code. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

1411.31 FIRE SAFETY REQUIREMENTS; CARBON MONOXIDE AND SMOKE DETECTION.

(a) Carbon Monoxide Detection. Carbon Monoxide detectors and alarms in residential dwelling units shall conform with the requirements in Section 910 of the Fire Code of the Codified Ordinances, subject to the exceptions as listed therein. With certain exceptions set forth in Section 910 of the Fire Code, every residential dwelling unit within which fuel-burning appliances are present, that utilizes fuel-burning appliances for the heating of a dwelling unit or units, or within a dwelling unit that is located in a structure with an attached garage, shall be equipped with carbon monoxide detectors.

(b) Smoke Detectors. Smoke detectors in residential dwelling units shall conform with the requirements in Section 909.02 of the Fire Code. Every residential dwelling unit shall be equipped with a minimum of one photoelectric smoke detector adjacent to a sleeping area. At least one additional photoelectric smoke detector shall be installed on each additional story of the dwelling, including the basement, but excluding any crawl space or unfinished attic. In multi-family dwellings and two-family dwellings, photoelectric smoke detectors shall be installed in all stairwells on each level, in all common space and hallways, and wherever else the Fire Department deems necessary. These required photoelectric smoke detectors are also known as "primary smoke detectors."

(c) Combination Carbon Monoxide-Smoke Detectors. Combination carbon monoxide and smoke detectors are approved devices, provided smoke detection is achieved with a photoelectric sensor.

(d) Installation; Maintenance. Carbon monoxide, smoke detectors, and combination carbon monoxide-smoke detectors shall be listed with an approved testing agency, in accordance with the Ohio Fire Code as incorporated in Chapter 9 of the Codified Ordinances, and shall be installed in a manner and location consistent with the manufacturer's instructions. If a detector is hard-wired with battery backup, installation plans must be first approved by the Fire Chief or the Chief's designee and an electrical permit must be obtained from the Building and Housing Department. No person shall remove or render a carbon monoxide or smoke detector inoperative.

(e) Authority to Enforce. Both the Director of Building and Housing, or the Director's designee, and the Chief of Fire or the Chief's designee, shall have concurrent jurisdiction to enforce this Section, including the authority to conduct inspections and issue notices of violation where appropriate and as further authorized by these Codified Ordinances.

1415.02 APPLICATION FOR INSPECTION.

(a) Application for the certificate of inspection required by this chapter shall be made by the owner, or an agent for the owner, upon forms provided by the Director of Building and Housing. If the owner is a business entity, domestic or foreign, using a name other than an individual's own personal name, the applicant shall provide proof that the owner is registered with the Ohio Secretary of State, as required under Title XVII of the Ohio Revised Code.

(b) If the applicant consents to the inspection, the parties shall agree on a time during regular business hours of the Building and Housing Department. The inspection shall be conducted by one or more members of the Department of Building and Housing and a Fire Safety Inspector may also be present on such inspection.

(c) If, after application, the owner, authorized agent, or occupant refuses to consent to an inspection of the subject property or consent is otherwise unobtainable, the Director may make such inspection after first obtaining a search warrant as provided in Section 1409.02.

1415.03 ORDERS FOR CORRECTION.

(a) Except in the case of immediate danger to the public health or safety, the Certificate of Housing Inspection shall contain the order of the Director of Building and Housing for the correction of any Code violations noted on the certificate, to include violations of the City's Fire Code, which shall be corrected by the owner of the property within ninety days of the issuance of the certificate, unless, for good cause shown, the Director of Building and Housing has extended the time for such completion.

(b) As to property purchased at a Sheriff's sale, or other court-ordered auction, if violations noted in the certificate of inspection have not been corrected within ninety days as set forth in subsection (a) hereof, the Director of Building and Housing may extend such time for completion, but shall require a performance bond or equivalent financial guarantee in form satisfactory and approved by the Director of Law, issued to the City in an amount reasonably calculated, as determined by the Director, to ensure the correction of such violations.

Section 3. This Ordinance shall be effective on the earliest date permitted by law.

Enacted November 27, 2023

Approved this ____ day of _____, 2023.

DAVID E. WEISS, Mayor

Attest:

WILLIAM M. ONDREY GRUBER
Clerk of Council Pro Tem
Coun23/1026-CODetectors-CODORD