

**BOROUGH OF CALIFORNIA  
COUNTY OF WASHINGTON  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 551**

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR CARBON MONOXIDE ALARM STANDARDS PURSUANT TO STATE LAW; CONTAINING A DEFINITIONS SECTION; ESTABLISHING CARBON MONOXIDE ALARM REQUIREMENTS IN RESIDENTIAL BUILDINGS AND MULTIFAMILY DWELLINGS; ESTABLISHING CARBON MONOXIDE ALARM REQUIREMENTS IN RENTAL PROPERTIES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; REPEALING PRIOR, INCONSISTENT ORDINANCES AND/OR PORTIONS OF PRIOR, INCONSISTENT ORDINANCES; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Borough Council of the Borough of California has found that the Borough's action of being in compliance with Pennsylvania's Carbon Monoxide Alarm Standards Act, (35 P.S. § 7221-7227), and its regulations, will further the health, safety and welfare of the Borough's residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of California, County of Washington, and the Commonwealth of Pennsylvania, and it is hereby ordained and enacted as follows:

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as the Borough of California "Carbon Monoxide Standards Ordinance" and shall be in accordance with the Pennsylvania Carbon Monoxide Alarm Standards Act

**SECTION 2. DEFINITIONS.**

The following words and phrases when used in this Ordinance act shall have the meanings given to them in the Pennsylvania's Carbon Monoxide Alarm Standards Act and in this section unless the context clearly indicates otherwise:

1. Apartment: A room or suite of two or more rooms, occupied or leased for occupation, or intended or designed to be occupied, as a domicile.
2. Approved Carbon Monoxide Alarm: The term includes the following:
  - (a) A single or multiple station carbon monoxide alarm listed as complying with the Approved American National Standard for Single and Multiple 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 the Carbon Monoxide Alarm Standards Act.

- (b) A device that may be combined with a smoke alarm or smoke detector if the combined alarm or detector meets all of the following:
    - (i) Complies with either of the following:
      - 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.
      - 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 of Smoke Detectors for Fire Alarm Systems (ANSI/UL268) for smoke detectors.
    - (ii) Emits an alarm in a manner that clearly differentiates between directing the presence of carbon monoxide and the presence of smoke.
  - (c) 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).
3. Fossil Fuel: Coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.
  4. 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, or apartment or a multifamily dwelling, in accordance with the standard for the installation of carbon monoxide (CO) detection and warning equipment (NFPA 720).
  5. Multifamily Dwelling: Any house or building, or portion thereof, that is intended or designed to be occupied or leased for occupation, or occupied as a home or residence for three or more households living in separate apartments, and doing their cooking on the premises.
  6. Operational: Working and in service.

7. Residential Building: Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress, which includes accessory structures.

### **SECTION 3. ADMINISTRATION.**

As with the Pennsylvania Carbon Monoxide Alarm Standards Act, nothing in this Ordinance 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.**

1. Residential Building: Upon the sale of a residential building, the seller shall disclose information regarding the installation of carbon monoxide smoke detectors on the property disclosure statement required by 68 Pa.C.S. Ch. 73 (relating to seller disclosures).
2. Multifamily Dwellings: Each apartment 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 of the effective date of the Pennsylvania Carbon Monoxide Alarm Standards Act.

### **SECTION 5. CARBON MONOXIDE ALARM REQUIREMENTS IN RENTAL PROPERTIES.**

1. 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:
  - (a) 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.
  - (b) 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.
  - (c) Ensure that the batteries in each of the approved carbon monoxide alarm are in operating condition at the time the new occupant takes residence in the rental property.

2. Maintenance, Repair or Replacement: Except as provided in subsection (a), the owner of a multi-family 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 being occupied. Responsibility for maintenance and repair of carbon monoxide alarms shall revert to the owner of the building upon vacancy of the rental property.
3. 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:
  - (a) Keep and maintain the device in good repair.
  - (b) Test the device.
  - (c) Replace batteries as needed.
  - (d) Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the building.
  - (e) Notify the owner or the authorized agent of the owner, in writing, of any deficiencies pertaining to the approved carbon monoxide alarm.

#### **SECTION 6. PENALTIES FOR VIOLATION.**

Any person, firm, partnership or corporation that shall violate or fail, neglect or refuse to comply with any of the provisions of this Ordinance, shall, upon conviction of a summary offense by a Magisterial District Judge be fined not less than \$300.00 nor more than \$1,000.00 for each offense and shall be ordered to pay to the Borough any costs incurred by the Borough as provided by this Ordinance, together with the costs of this action, including attorney's fees, and in default of payment thereof, be committed to the Washington County Correctional Facility for a period not to exceed ninety (90) days.

Each day that a violation continues shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute a separate offense as contemplated under this Ordinance.

#### **SECTION 7. REPEALER.**

Any and all prior Ordinances and/or any and all portions of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

**SECTION 8. SAVINGS CLAUSE.**

Should any section of this Ordinance be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The Borough Council hereby declares that it would have enacted this Ordinance, and each section thereof, irrespective of the fact that any one or more sections are subsequently declared unconstitutional.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon adoption by Borough Council.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 14 day of January, 2016.

ATTEST:

BOROUGH OF CALIFORNIA

Shirley Gao  
Borough Secretary

By: Patry J. Alfano  
President of Council

EXAMINED AND APPROVED by me this \_\_\_ day of \_\_\_\_\_, 2016.

BOROUGH OF CALIFORNIA

By: [Signature]  
Mayor