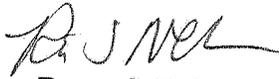


AMENDED



INTRODUCED BY: Renee S. Nelson

DATE: May 5, 2015

AN ORDINANCE

Amending Article 1763 "Property Maintenance Code" of the York City Codified Ordinances to update general definitions to include "fossil fuel," add "life safety" provisions to Ch. 7, and establish Section 706 "Life Safety Systems" to require installation of carbon monoxide detectors in all tenant occupied residential structures.

WHEREAS, the City of York has adopted the Property Maintenance Code of the City of York, Pennsylvania; and

WHEREAS, the expressed intent of the Property Maintenance Code is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; and

WHEREAS, carbon monoxide, often known as the silent killer, poses a significant risk of injury and or death to occupants of structures; and

WHEREAS, there are residents of the City of York that suffer the effects of carbon monoxide poisoning each year; and

WHEREAS, the Commonwealth of Pennsylvania has adopted the "Carbon Monoxide Alarm Standards Act (Act of Dec. 18, 2013, P.L. 1229, No. 121) (hereinafter "the Act"); and

WHEREAS, Section 7 of the Act provides that a municipality may adopt, equal or more stringent requirements relating to carbon monoxide alarms;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the Council hereby approves the following amendment to the Property Maintenance Code of the City of York, Pennsylvania:

SECTION ONE: Amend Article 1763, Chapter 2 – Definitions, to add the following definition:

Chapter 2 - Definitions

- (1) That Section 202 General Definitions be amended as follows:
 - (a) "Code Official" shall mean the Chief of the Department of Fire/Rescue Services or designee.
 - (b) "Building Code Official" shall mean the individual or designee who is charged with the enforcement and administration of the Building Code of the City of York. (Ord. 1-2000. Passed 1-18-00.)
 - (c) "Fossil fuel" shall mean coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.
 - (~~e~~)(d) "Rubbish" shall mean combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, branches, yard waste, metal cans, metals, mineral matter, glass, crockery and dust and other similar materials.
 - (~~d~~)(e) "Sleeping unit" shall mean a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also a part of a dwelling unit are not sleeping units.
 - (~~e~~)(f) "Yard waste" shall mean grass clippings, leaves, twigs, branches, and other garden refuse. (Ord. 1-2010. Passed 2-3-10.)

SECTION TWO: Amend Article 1763, Chapter 7, as follows:

Chapter 7 Fire and Life Safety Requirements

- (1) **701.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire and life safety relating to structures and exterior premises, including fire and life safety facilities and equipment to be provided.
- (2) **701.2 Responsibility.** The owner of the premises shall provide and maintain such fire and life safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner or occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.
- ~~(3)~~ Section 702.3 Number of exits is amended by adding the following additional exceptions to read:
 5. Use Groups R-2, R-3 and R-4 which are existing on the effective date of this ordinance and are equipped with properly installed and maintained single or multiple station smoke alarms.
- ~~(4)~~ Section 705.5 Tests and Maintenance is added to read as follows:

All single and multiple station smoke alarms shall be tested and maintained in accordance with the BOCA National Fire Prevention Code, as is otherwise adopted by the City of York, Pennsylvania. (Ord. 1-2000. Passed 1-18-00.)

(5) Section 706 Life Safety Systems.

706.1 General. All systems, devices and equipment intended to detect carbon monoxide, noxious/poisonous gasses or other threats to life safety shall be installed and maintained in accordance with manufacturer's recommendations and any applicable code as identified in this section.

706.2 Carbon monoxide detectors. All *tenant occupied* residential structures that have fire places, fossil fuel burning appliances or having an attached garage shall be equipped with single or multiple station carbon monoxide detectors complying with the American National Standard for Carbon Monoxide Alarms (ANSI/UL2304) and The American National Standard for Gas and Vapor Detectors and Sensors (ASNI/UL2075) as required by this section.

Exception: Combination carbon monoxide/smoke detectors meeting the following may be installed:

1. Shall comply with the American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034 and the American National Standard for Single and Multiple Station Smoke Alarms (ANSI/UL217).
2. Shall comply with the American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL/2075) and the American National Standard for Safety for Smoke Detectors for Fire Alarm Systems (ANSI/UL268).
3. Shall emit an alarm in a manner that clearly differentiates between the detection of the presence of carbon monoxide and the detection of the presence of smoke.

706.2.1 Installation. All detectors shall be installed in accordance with the Pennsylvania Carbon Monoxide Alarm Standards Act (Act of Dec. 18, 2013, P.L. 1229, No. 121), this section and the manufacturer's recommendations.

706.2.1.1 Detector locations. Carbon monoxide detectors shall be installed in the following locations:

1. In the immediate vicinity of all fossil fuel burning appliances heater or fireplaces.
2. In the vicinity of all sleep rooms or areas.

3. In attached garages and within the immediate vicinity of the interior door to the attached garage on the residence side of the door.
4. In the immediate vicinity of any other appliance or device that may produce carbon monoxide.

Note: If requirements of the above cited references conflict, the most restrictive requirement shall apply.

706.2.2 Power source. The power source for carbon monoxide detectors shall be either AC primary power source or a monitored battery primary power source.

706.2.3 Tampering. Anyone tampering or interfering with the effectiveness of a carbon monoxide detector shall be in violation of this code.

706.2.4 Tests and maintenance. All single and multiple station carbon monoxide detectors shall be tested and maintained in accordance with the manufacture's recommendations but in no circumstance tested less than once each month.

706.2.5 Responsibility. Owner and tenant responsibilities shall be as follows, regardless of any lease agreement(s):

706.2.5.1 Owner's responsibilities. The owner of a tenant occupied residential dwelling shall:

1. Install approved and operating carbon monoxide detectors in accordance with this section.
2. Ensure that carbon monoxide detectors are installed and operating in accordance with this section prior to the commencement of new occupancy of the dwelling.
3. Instruct each new tenant on the operation, testing and battery replacement of the carbon monoxide detectors within the dwelling.
4. Replace any required carbon monoxide detector that is defective and or malfunctioning except in such cases where the defect or malfunction is caused by the tenant.

706.2.5.2 Tenant's responsibilities. The tenant of every dwelling unit shall:

1. Keep and maintain carbon monoxide detectors in good repair.
2. Test each carbon monoxide detector in accordance with the manufacture's recommendations and the requirements of this section.
3. Immediately replace any carbon monoxide detector that is stolen, removed or rendered inoperable or ineffective due to willful or negligent damage.
4. Immediately notify the owner in writing of any missing, defective or malfunctioning carbon monoxide detector(s).
5. Replace batteries as needed.

6. Pay for any re-inspection fee or fines issued by the City of York as a result of tenant's failure to uphold their responsibilities in this section.

706.2.5.3 Owner/Occupant responsibilities. Any person that occupies a residential dwelling as the owner/occupant shall bear the responsibilities of both the owner and tenant as described above.

SECTION THREE: This ordinance shall become effective in accordance with the law.

PASSED FINALLY: May 5, 2015

BY THE FOLLOWING VOTE:

YEAS: Nixon, Satterlee, Nelson - 3, _____, _____

NAYS: None

ABSTAIN: Helfrich, Hill-Evans - 2

Carol Hill-Evans
Carol Hill-Evans, President of Council

ATTEST:

Dianna L. Thompson-Mitchell
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 7th day of May 2015.

APPROVED: A. Kim Bracey Mayor 5/8/15 Date

VETOED: _____ Mayor _____ Date