

2022 OCT 31 AM 8:18

October 28, 2022 AKRON CITY COUNCIL 13 - 0

Offered by: MAYOR HORRIGAN, COUNCIL WOMAN HOLLAND, AND COUNCILMAN FUSCO MALIK

ORDINANCE NO. 304 -2022 amending and/or enacting Title 9 "General Provisions," Chapter 93 "Fire Prevention," Article 2 "Definitions," Section 93.30 "Definitions" of the Code of Ordinances of the City of Akron; amending and/or enacting Title 9 "General Provisions," Chapter 93 "Fire Prevention," Article 3 "General Regulations," Section 93.51 "Carbon monoxide detectors in new and existing residential structures" to require carbon monoxide detection devices in residential structures in the City of Akron; and declaring an emergency.

WHEREAS, carbon monoxide ("CO") is a deadly, colorless, odorless, poisonous gas that is undetectable to the human senses; and

WHEREAS, CO is produced by the incomplete burning of various fuels, and is often produced by malfunctioning appliances such as furnaces, ranges, water heaters, boilers, room heaters, and fireplaces; and

WHEREAS, when produced by malfunctioning home appliances, CO can build up indoors and poison people and animals who breathe it; and

WHEREAS, because CO is undetectable to the human senses, CO poisoning can result in death before symptoms even appear; and

WHEREAS, CO detection devices prevent CO poisoning by alerting individuals of the presence of CO; and

WHEREAS, recently, a defective boiler in an apartment complex was the source of CO that led to the death of one woman and sickened others in Akron; and

WHEREAS, this tragedy could have been avoided had CO detection devices been installed in the apartment complex; and

WHEREAS, the City of Akron has an interest in protecting its residents by requiring CO detection devices in residential structures.

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. Title 9 "General Provisions," Chapter 93 "Fire Prevention," Article 2 "Definitions," Section 93.30 "Definitions" of the Code of Ordinances of the City of Akron be, and is hereby, amended to read as follows:

93.30 Definitions.

A. For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "-Approved-" When applied to materials, type of construction, and appliances, refers to approval by the Chief of the Bureau of Fire Prevention as a result of investigations and tests conducted by him or by reason of accepted principles qualifying under tests performed by any approved testing agency.
2. **"Carbon monoxide detector."** A device which detects the presence of carbon monoxide and which emits audible and visual signals indicating the presence of unhealthy or lethal levels of carbon monoxide.
3. "-Closely built sections of the city-" Any area within the City limits which, in the opinion of the Chief of the Bureau of Fire Prevention, constitutes an unusual hazard to life and/or property due to:
 - a. ~~A~~-High concentrations of people; or
 - b. ~~B~~-Close proximity of building to each other; or
 - c. ~~C~~-Buildings and/or businesses that share a common wall.
4. "-Distinct hazard-" A hazardous or dangerous condition, which, in the opinion of the Chief of the Bureau of Fire Prevention, presents an immediate, or potential danger to persons or property in or about a structure.
5. "-Exterminant-" Any substance not a fumigant, under whatever name known, used for the destruction or control of insects, vermin, rodents, or other pests.
6. "-Fire alarm systems-" A functionally related group of devices that when either automatically or manually activated will sound an audio or visual device on or off the protected premises.
7. **"Fuel-burning appliance."** A device, apparatus, furnace, fireplace, or boiler that burns coal, wood, charcoal, oil, kerosene, propane, natural gas, or fossil fuels and that produces carbon monoxide as a combustion by-product.
8. "-Fumigant-" Any substance which by itself or in combination with any other substance emits or liberates a gas, fumes, or vapors, which gas, fumes, or vapors, when liberated and used for the destruction or control of insects, vermin, rodents, or other pests, are lethal, poisonous, noxious, or dangerous to human life.
9. "-Public cooking operation-" A cooking operation that is located at a public assembly, exhibition hall, carnival, demonstration, display or similar location.

10. "-Sleeping area-." The area or areas of the dwelling unit in which the bedrooms or sleeping rooms are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purpose of this section and shall require protection.
11. "-Smoke alarm-." A single station device capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm thereof within the area to be protected and certified as having met Underwriter's Laboratories Standard No. 217 for single and multiple station smoke alarms.

Section 2. Title 9 "General Provisions," Chapter 93 "Fire Prevention," Article 3 "General Regulations," Section 93.51 "Carbon monoxide detectors in new and existing residential structures" be, and is hereby, amended to read as follows:

93.51 – Carbon monoxide detectors in new and existing residential structures-Reserved.

- A. **The owner of each new and existing dwelling unit or units within which fuel-burning appliances are present, within new and existing structures that utilize 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 install carbon monoxide detection devices as hereinafter provided.**
- B. **Carbon monoxide detectors shall be installed outside of each separate sleeping area in the immediate vicinity of each sleeping area and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke alarm shall be installed on each level.**
- C. **Carbon monoxide detectors shall be installed in every bedroom of all foster homes.**
- D. **In existing dwelling units, power supply of the carbon monoxide detector may be provided by a self-monitored battery or the carbon monoxide detector may be wired directly to the dwelling's power supply (hardwired) in accordance with the National Fire Protection Association, Standard No. 70, National Electric Code, 2023 Edition, as amended from time to time.**
- E. **As an alternative to self-contained carbon monoxide detectors, an approved carbon monoxide detection system may be installed.**
- F. **Permit Required. No carbon monoxide detector or alternative carbon monoxide detection system shall be directly connected (hardwired) to the electrical system of the structure unless it has been individually approved and an electrical permit has first been obtained from the Summit County Division of Building Standards.**

G. The occupant of any dwelling unit shall be responsible for replacing the battery in battery-operated carbon monoxide detectors.

H. The property owner(s) shall be responsible for all maintenance of carbon monoxide detectors other than battery replacement.

I. No person shall remove or render a carbon monoxide detector inoperative.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is immediately necessary to protect residents from carbon monoxide poisoning, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed November 7, 2022

Dana R. Biviano
Clerk of Council

Ray Samuel
President of Council

Approved 11/8, 2022

[Signature]
MAYOR