

NOTICE OF HEARING

The Council of Millvale will hold a hearing on December 14, 2021, at 6 p.m. at the Millvale Borough Community Center, 416 Lincoln Avenue, Millvale, PA 15209, to consider proposed Ordinance 2808, which amends Chapter 211 of the Borough Code relating to Property Maintenance. The ordinance desires to require appropriately installed and operational carbon monoxide detectors in residential dwellings and rental properties. The proposed ordinance may be examined Monday thru Friday at the Borough Municipal Building or www.millvalepa.com.

**ORDINANCE NO. 2808
BOROUGH OF MILLVALE
COUNTY OF ALLEGHENY**

AN ORDINANCE OF THE BOROUGH OF MILLVALE, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA AMENDING THE BOROUGH OF MILLVALE CODE, PART II: GENERAL LEGISLATION, CHAPTER 211, PROPERTY MAINTENANCE BY CREATING A NEW ARTICLE V.

WHEREAS, pursuant to Section 1202 of the Pennsylvania Borough Code, the Council of the Borough of Millvale has the right to make such safety regulations as may be necessary for the health, general welfare, cleanliness, beauty, convenience, comfort and safety of the Borough of Millvale; and

WHEREAS, carbon monoxide is a colorless, odorless, tasteless, flammable gas that can be lethal if concentrated in a closed environment; and

WHEREAS, carbon monoxide is a by-product of fuel burning consumer appliances such as furnaces, ranges, water heaters, fireplaces; and automobiles; and

WHEREAS, an average of 170 people die in the United States every year from carbon monoxide poisoning produced by consumer appliances; and

WHEREAS, when properly installed and maintained, a carbon monoxide detector can alert occupants of a residential dwelling to vacate the property when carbon monoxide levels rise to lethal concentrations; and

WHEREAS, to protect the health, safety, and general welfare of Borough residents and their guests, Council desires to amend its Property Maintenance Code to require properly installed and operational carbon monoxide detectors in residential dwellings and rental properties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF MILLVALE AS FOLLOWS:

**Article V
Carbon Monoxide Alarm Standards**

§ 211-23 Title.

This article shall be known and may be cited as the "Carbon Monoxide Alarm Standards Ordinance."

§ 211-24 Definitions.

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

APPROVED CARBON MONOXIDE ALARM

- A. A single station carbon monoxide alarm listed as complying with ANSI/UL2034 installed in accordance with this Part; or
- B. A device that may be combined with a smoke alarm if the combined alarm complies with ANSI/UL2034 for carbon monoxide alarms and ANSI/UL217 for smoke alarms and emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

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 hard-wired 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 in accordance with National Fire Protection Association (NFPA) 720.

MULTI-FAMILY DWELLING

Any building or structure consisting of two or more dwelling units where the occupants are primarily permanent in nature. This definition does not include side by side duplexes or townhouses.

OPERATIONAL

Working and in service.

RESIDENTIAL BUILDING

Any residential building or structure which is not classified as a multi-family dwelling under this section, including accessory structures.

§ 211-25 Administration and Enforcement.

- A. Nothing in this Article 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.

- B. The Borough Manager, Code Enforcement Officer, or Zoning Officer are authorized to enforce this Article.
- C. Tampering or Removal. Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm, except during inspection, maintenance, or replacement of the alarm, is prohibited.

§ 211-26 Carbon Monoxide Alarm Requirements.

- A. Existing Residential Building. Each existing residential building having a fossil fuel-burning heater or appliance, fireplace or an attached garage sold after the effective date of this Part shall have an operational and centrally located carbon monoxide detector installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace. Upon sale of a residential building, the seller or buyer shall negotiate to ensure that the building complies with the provisions of this section. The seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement required by 68 Pa.C.S.A., Chapter 73 (relating to seller disclosures).
- B. Existing Multi-Family Dwellings. Each multi-family dwelling having 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 of each unit and all fossil fuel-burning heaters or fireplaces. ~~within one year of the effective date of this Article.~~

§ 211-27 Carbon Monoxide Alarm Requirements in Rental Properties.

- A. Owner Responsibilities. The owner of a residential building or multi-family 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 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 any required carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable during 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;~~ and
 - (3) Ensure that the batteries 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 residential building used for rental purposes is not responsible for the maintenance, repair or replacement of a 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 residential building and multi-family 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; and
 - (5) Notify the owner or the authorized agent of the owner in writing of any deficiencies pertaining to the carbon monoxide alarm.~~

§ 211-28 Penalties.

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense.

ORDAINED, this 14th day of December 2021 by the Millvale Borough Council in meeting assembled.

ATTEST:

BY: _____ James Machajewski, Jr., Council President

BY: _____ Eddie T. Figas, Manager/Secretary

EXAMINED AND APPROVED on this 14th day of December 2021.

ATTEST:

BY: _____ Brian P. Spoales, Mayor