

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 19

Bill No. 91-09

Mr. Joseph Bartenfelder, Chairman
By Request of County Executive

By the County Council, November 16, 2009

A BILL
ENTITLED

AN ACT concerning

Livability Code - Carbon Monoxide Alarms

FOR the purpose of amending the Livability Code to require the installation of carbon monoxide alarms in certain housing units; requiring the property owner to install, maintain and repair the carbon monoxide alarms; requiring occupants to test and maintain carbon monoxide alarms; establishing standards for the choice of and location of carbon monoxide alarms; providing for the application of this act; defining certain terms; and generally relating to the installation, repair and replacement of carbon monoxide alarms.

By adding

Section 35-5-213.1
Subtitle 2. Rental Property
Title 5. Livability Code
Article 35. Buildings
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 35-5-213.1 is hereby added to Subtitle 2. Rental Property,
3 of Title 5. Livability Code, of Article 35. Buildings, of the Baltimore County Code, 2003, as
4 amended, to read as follows:

5 35-5-213.1

6 (A)(1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "CARBON MONOXIDE ALARM" MEANS A DEVICE THAT:

9 (I) SENSES CARBON MONOXIDE;

10 (II) WHEN SENSING CARBON MONOXIDE, EMITS A DISTINCT AND
11 AUDIBLE SOUND; AND

12 (III) IS LISTED AND CARRIES THE LISTING OF A NATIONALLY
13 RECOGNIZED TESTING LABORATORY APPROVED BY THE OFFICE OF THE STATE FIRE
14 MARSHAL.

15 (3) "ENCLOSED PARKING AREA" MEANS A STRUCTURE OR A PORTION
16 OF A STRUCTURE THAT:

17 (I) IS DESIGNED TO BE USED FOR THE PARKING OF MOTOR
18 VEHICLES; AND

19 (II) IS NOT MORE THAN 50% OPEN TO THE OUTSIDE AIR ON A
20 CONTINUOUS BASIS.

21 (4) "FUEL BURNING EQUIPMENT" MEANS EQUIPMENT THAT BURNS
22 SOLID, LIQUID, OR GASEOUS FUEL OR ANY COMBINATION OF SOLID, LIQUID, OR

1 GASEOUS FUELS.

2 (5) "HOUSING UNIT" INCLUDES A HOUSING UNIT IN A BOARDING-
3 ROOMING HOUSE AUTHORIZED UNDER § 408B OF THE BALTIMORE COUNTY ZONING
4 REGULATIONS.

5 (6) "NFPA 720" MEANS NFPA 720, STANDARD FOR INSTALLATION OF
6 CARBON MONOXIDE WARNING EQUIPMENT IN DWELLING UNITS, 2005 EDITION.

7 (B) THIS SECTION APPLIES TO A HOUSING UNIT, WHETHER NEWLY
8 CONSTRUCTED OR ALREADY EXISTING:

9 (1) IN WHICH FUEL BURNING EQUIPMENT IS INSTALLED OR THAT IS
10 OTHERWISE HEATED BY FUEL BURNING EQUIPMENT; OR

11 (2) THAT IS ATTACHED TO AN ENCLOSED PARKING AREA.

12 (C) A CARBON MONOXIDE ALARM SHALL BE INSTALLED IN THE COMMON
13 AREA OUTSIDE OF, AND AUDIBLE IN, EACH SLEEPING AREA IN THE HOUSING UNIT.

14 (D) A CARBON MONOXIDE ALARM SHALL BE ATTACHED TO A WALL OR
15 CEILING AND TESTED AND MAINTAINED IN ACCORDANCE WITH:

16 (1) NFPA 720; OR

17 (2) THE MANUFACTURER'S RECOMMENDATION.

18 (E) A CARBON MONOXIDE ALARM SHALL SOUND A DISTINCTIVELY
19 DIFFERENT ALARM THAN A SMOKE ALARM WITHIN THE SAME HOUSING UNIT.

20 (F)(1) THE PROPERTY OWNER SHALL:

21 (I) SUPPLY AND INSTALL ONE OR MORE CARBON MONOXIDE
22 ALARMS;

1 (II) PROVIDE WRITTEN INFORMATION ON ALARM TESTING AND
2 MAINTENANCE TO AT LEAST ONE ADULT OCCUPANT OF THE HOUSING UNIT; AND

3 (III) SECURE AND MAINTAIN THE SIGNATURE OF THE ADULT
4 RECEIVING THE WRITTEN INFORMATION UNDER SUBPARAGRAPH (II) OF THIS
5 PARAGRAPH ACKNOWLEDGING RECEIPT OF THE INFORMATION.

6 (2) UPON RECEIVING A NOTICE UNDER SUBSECTION (G)(3) OF THIS
7 SECTION OR ON TURNOVER, AS APPLICABLE, THE PROPERTY OWNER SHALL BE
8 RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF CARBON MONOXIDE ALARMS.

9 (G) AN OCCUPANT SHALL:

10 (1) TEST AND MAINTAIN CARBON MONOXIDE ALARMS ACCORDING TO
11 THE MANUFACTURER'S GUIDELINES;

12 (2) REPLACE BATTERIES AS NEEDED; AND

13 (3) IMMEDIATELY NOTIFY THE PROPERTY OWNER, BY CERTIFIED MAIL,
14 OF ANY MALFUNCTION OR OTHER PROBLEM OF THE CARBON MONOXIDE ALARM.

15 (H)(1) IF TITLE 12, SUBTITLE 11 OF THE PUBLIC SAFETY ARTICLE OF THE
16 ANNOTATED CODE OF MARYLAND APPLIES TO THE HOUSING UNIT, THE CARBON
17 MONOXIDE ALARM SHALL BE WIRED INTO AN ALTERNATING CURRENT (AC)
18 POWERLINE WITH A SECONDARY BATTERY BACKUP.

19 (2) IF TITLE 12, SUBTITLE 11 OF THE PUBLIC SAFETY ARTICLE OF THE
20 ANNOTATED CODE OF MARYLAND DOES NOT APPLY TO THE HOUSING UNIT, THE
21 CARBON MONOXIDE ALARM SHALL BE:

22 (I) WIRED INTO AN ALTERNATING CURRENT (AC) POWERLINE

1 WITH A SECONDARY BATTERY BACKUP;

2 (II) PLUGGED INTO AN ELECTRICAL OUTLET NOT CONTROLLED
3 BY A SWITCH, WITH SECONDARY BATTERY BACKUP; OR

4 (III) BATTERY POWERED.

5 (I) A CARBON MONOXIDE ALARM MAY BE COMBINED WITH A SMOKE ALARM
6 IF THE COMBINED DEVICE COMPLIES WITH:

7 (1) ALL STATE AND LOCAL LAWS THAT GOVERN THE INSTALLATION
8 OF THE DEVICE AT THE TIME OF INSTALLATION; AND

9 (2) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND 2034.

10 (J) THE PROPERTY OWNER SHALL PROVIDE A CARBON MONOXIDE ALARM
11 THAT IS DESIGNED TO ALERT INDIVIDUALS WITH HEARING IMPAIRMENTS IF:

12 (1) THE HOUSING UNIT IS OCCUPIED BY AN INDIVIDUAL WHO IS
13 HEARING IMPAIRED; AND

14 (2) AN OCCUPANT HAS REQUESTED THE INSTALLATION OF THE ALARM
15 IN WRITING BY CERTIFIED MAIL.

16 (K) EXCEPT AS NEEDED FOR REPAIR OR ROUTINE MAINTENANCE, A PERSON
17 MAY NOT:

18 (1) REMOVE OR DISCONNECT A REQUIRED CARBON MONOXIDE ALARM;

19 (2) REMOVE BATTERIES FROM A CARBON MONOXIDE ALARM; OR

20 (3) RENDER A REQUIRED CARBON MONOXIDE ALARM INOPERABLE.

21 (L) THE PROPERTY OWNER OF A HOUSING UNIT SUBJECT TO THIS SECTION
22 AND NOT OTHERWISE SUBJECT TO TITLE 12, SUBTITLE 11 OF THE PUBLIC SAFETY

1 ARTICLE OF THE ANNOTATED CODE OF MARYLAND SHALL CERTIFY TO THE
2 SATISFACTION OF THE CODE OFFICIAL THAT THE HOUSING IS IN COMPLIANCE WITH
3 THIS SECTION NOT MORE THAN 30 DAYS AFTER THE HOUSING UNIT IS SUBJECT TO
4 THIS SECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, that notwithstanding § 35-5-213.1(l) of
6 the Baltimore County Code, 2003, a property owner of any housing unit not otherwise subject to
7 Title 12, Subtitle 11 of the Public Safety Article of the Annotated Code of Maryland shall certify
8 to the satisfaction of the Code Official, as defined in § 35-1-101 of the Baltimore County Code,
9 2003, that the housing unit is in compliance with § 35-5-213.1 of the Baltimore County Code, 2003
10 not more than ~~12~~ 8 months after the effective date of this Act, unless otherwise extended by the
11 Director of Permits and Development Management for a period not exceeding 60 days upon a
12 finding of good cause.

13 SECTION 3. AND BE IT FURTHER ENACTED, that, Subject to Section 2 of this Act, the
14 Director of Permits and Development Management shall amend any rule, regulation or guideline
15 adopted in accordance with Article 35, Title 6 of the Baltimore County Code, 2003 so that such rule,
16 regulation or guideline shall require compliance with this Act.

17 SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
18 from the date of its enactment.

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