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

35-5-213.1

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

(2) “CARBON MONOXIDE ALARM” MEANS A DEVICE THAT:

(I) SENSES CARBON MONOXIDE;

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

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

(3) “ENCLOSED PARKING AREA” MEANS A STRUCTURE OR A PORTION OF A STRUCTURE THAT:

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

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

(4) “FUEL BURNING EQUIPMENT” MEANS EQUIPMENT THAT BURNS SOLID, LIQUID, OR GASEOUS FUEL OR ANY COMBINATION OF SOLID, LIQUID, OR
GASEOUS FUELS.

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

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

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

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

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

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

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

(1) NFPA 720; OR

(2) THE MANUFACTURER’S RECOMMENDATION.

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

(F)(1) THE PROPERTY OWNER SHALL:

(I) SUPPLY AND INSTALL ONE OR MORE CARBON MONOXIDE ALARMS;
(II) PROVIDE WRITTEN INFORMATION ON ALARM TESTING AND MAINTENANCE TO AT LEAST ONE ADULT OCCUPANT OF THE HOUSING UNIT; AND

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

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

(G) AN OCCUPANT SHALL:

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

(2) REPLACE BATTERIES AS NEEDED; AND

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

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

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

(I) WIRED INTO AN ALTERNATING CURRENT (AC) POWERLINE
WITH A SECONDARY BATTERY BACKUP;

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

(III) BATTERY POWERED.

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

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

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

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

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

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

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

(1) REMOVE OR DISCONNECT A REQUIRED CARBON MONOXIDE ALARM;
(2) REMOVE BATTERIES FROM A CARBON MONOXIDE ALARM; OR
(3) RENDER A REQUIRED CARBON MONOXIDE ALARM INOPERABLE.

(L) THE PROPERTY OWNER OF A HOUSING UNIT SUBJECT TO THIS SECTION
AND NOT OTHERWISE SUBJECT TO TITLE 12, SUBTITLE 11 OF THE PUBLIC SAFETY
ARTICLE OF THE ANNOTATED CODE OF MARYLAND SHALL CERTIFY TO THE SATISFACTION OF THE CODE OFFICIAL THAT THE HOUSING IS IN COMPLIANCE WITH THIS SECTION NOT MORE THAN 30 DAYS AFTER THE HOUSING UNIT IS SUBJECT TO THIS SECTION.

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

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

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