

ORDINANCE NO. 8

SERIES 2009

**AN ORDINANCE AMENDING THE TOWN'S BUILDING REGULATIONS CONTAINED IN CHAPTER 18 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REQUIREMENTS THEREIN FOR THE INSTALLATION OF CARBON MONOXIDE DETECTORS/ALARMS IN EXISTING RESIDENTIAL DWELLINGS UNITS AND OTHER APPLICABLE USES AND TO AMEND THE REQUIREMENTS FOR THE INSTALLATION OF CARBON MONOXIDE DETECTORS/ALARMS IN ALL NEW CONSTRUCTION, ADDITIONS, REMODELS AND RENOVATIONS OF RESIDENTIAL DWELLINGS UNITS AND OTHER APPLICABLE STRUCTURES**

**WHEREAS**, the Town of Crested Butte, Colorado ("**Town**"), is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Constitution and laws of the State of Colorado;

**WHEREAS**, the Colorado General Assembly has adopted legislation entitled the "Lofgren and Johnson Families Carbon Monoxide Safety Act" (the "**State Act**") whereby after July 1, 2009 certain new residential dwellings and existing residential dwellings that undergo a change in ownership or a change in tenancy must be outfitted with a carbon monoxide detector/alarm where, as the case may be, such residential dwellings are equipped with fuel-fired heaters, appliances, fireplaces and/or attached garages;

**WHEREAS**, the Town's Building Regulations set forth in Chapter 18 of the Crested Butte Municipal Code (the "**Code**") contain certain requirements for the installation of carbon monoxide detectors/alarms in all new construction, additions, remodels and renovations where gas appliances are installed, and in all mixed use buildings where carbon monoxide exhaust fumes are generated;

**WHEREAS**, the Town staff has determined that the provisions in the Code requiring the installation of carbon monoxide detectors/alarms in all new construction, additions, remodels and renovations should be made more in line with the mandates of the State Act, and such provisions, as amended hereby, should also include requirements for the installation of carbon monoxide detectors/alarms in existing residential dwellings as well and new residential dwellings and other applicable uses;

**WHEREAS**, the Town Council finds that: (1) carbon monoxide poisoning is a leading cause of accidental poisoning fatalities across the United States; (2) nationally, each year, hundreds of persons are killed and thousands receive emergency treatment as a result of carbon monoxide poisoning; (3) carbon monoxide poisoning constitutes a potential hazard to the residents and visitors of Crested Butte and persons may die or

become seriously ill as a result of its toxic effect; and (4) carbon monoxide gas is often the result of faulty or poorly maintained heating systems;

**WHEREAS**, the Town Council finds that the revisions to the Code proposed by the Town staff herein accomplish the goals of protecting the residents and visitors of Crested Butte from the dangers of carbon monoxide poisoning by making the requirements for the installation of carbon monoxide detectors/alarms in all new construction, additions, remodels and renovations currently in the Code more in line with the mandates of the State Act and also including requirements in the Code for the installation of carbon monoxide detectors/alarms in existing residential dwellings and other applicable uses; and

**WHEREAS**, recognizing that the exposure to carbon monoxide, a colorless, odorless gas, can cause headaches, dizziness, nausea, faintness of breath and death, the Town Council finds that the amendments and revisions to the Code proposed herein are adopted for the purposes of protecting the public health, safety and welfare of the residents and visitors of Crested Butte, and that by requiring carbon monoxide alarms in certain structures under certain circumstances as further set forth herein, the Town will reduce the number of injuries and fatalities resulting from carbon monoxide poisoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1. Amending Chapter 18, Article 1, Section 18-1-30.** Subsection (5) of Section 18-1-30 of the Code is hereby deleted in its entirety and replaced with the following new subsection (5):

“(5) Carbon Monoxide Detectors/Alarms shall be installed, operated and maintained in all new construction, additions, remodels and renovations and all existing residential dwellings and certain other uses in accordance with the Carbon Monoxide Detector/Alarm Regulations contained in Article 14 of this Chapter 18.”

**Section 2. Amending Chapter 18, Article 2, Section 18-2-30.** Subsection (6) of Section 18-2-30 of the Code is hereby deleted in its entirety and replaced with the following new subsection (6):

“(6) Carbon Monoxide Detectors/Alarms shall be installed, operated and maintained in all new construction, additions, remodels and renovations and all existing residential dwellings and certain other uses in accordance with the Carbon Monoxide Detector/Alarm Regulations contained in Article 14 of this Chapter 18.”

**Section 3. Adding a New Subsection (7) to Chapter 18, Article 2, Section 18-2-30.** A new subsection (7) is added to Section 18-2-30 of the Code which shall read as follow:

"(7) IRC Section R309.1 (2003 Edition). Doors from garages to living spaces shall be self-closing. Such doors shall close from the full-open position and latch automatically. The door closure device shall exact enough force to close and latch the door from any partially open position."

**Section 4. Adding a New Article 14 to Chapter 18.** A new Article 14 entitled "Carbon Monoxide Detector/Alarm Regulations" is hereby added to the Code and shall read as follows:

## **"ARTICLE 14**

### **Carbon Monoxide Detector/Alarm Regulations**

**Sec. 18-14-10. Definitions.** For purposes of this Article 14 only, the following capitalized terms shall have the following meanings ascribed thereto:

"Adjacent" shall mean directly above, below or next to.

"Carbon Monoxide Detector/Alarm" shall mean any single or multiple station carbon monoxide detector and alarm listed by a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

"Dwelling Unit" shall mean one or more rooms or other spaces, arranged for use by one or more persons, on a permanent, temporary or transient basis, for sleeping or living, located in one or more of the following use categories: R1, R2, R3 and R4.

"Enclosed Parking Area" shall mean a structure or portion thereof utilized for the parking of motor vehicles and other carbon monoxide emitting equipment which is less than fifty percent (50%) open at all times to outside air.

"Fuel Burning Device" shall mean any equipment that burns solid, liquid or gaseous fuel or a combination thereof, including, without limitation, a gas-fueled stove, wood stove, coal stove, natural gas/heating oil heater, natural gas/heating oil boiler, natural gas/heating oil furnace and any equipment that burns wood, coal, natural gas, kerosene, petroleum or hydrocarbon products indoors.

"NFPA 720" shall mean the NFPA 720 Standard for the Installation of Carbon Monoxide Detection and Warning Equipment.

"Other Applicable Uses" shall mean one or more rooms arranged for use by one or more persons, on a permanent, temporary or transient basis, for sleeping or living, located in one or more of the following use categories: E, I1, I2, I3 and I4. Other

Applicable Uses shall include, but shall not be limited to, day-care, hospital, medical and assisted living facilities.

**Sec. 18-14-20. Installation Guidelines.**

(a) All existing Dwelling Units and existing Other Applicable Uses or those undergoing new construction, additions, remodels and renovations where (1) a Fuel Burning Device is or will be installed therein or Adjacent thereto, and/or (2) an Enclosed Parking Area is Adjacent thereto, shall contain a Carbon Monoxide Detector/Alarm.

(b) A Carbon Monoxide Detector/Alarm shall be installed in any room or space that is not otherwise considered a Dwelling Unit or other Applicable Use under this Article 14 but that is (i) fifty (50) square feet or less and that contains a Fuel Burning Device, and/or (ii) generally utilized as a central location of one or more Fuel Burning Devices.

(c) In Dwelling Units and Other Applicable Uses a Carbon Monoxide Detector/Alarm shall be installed within fifteen (15) feet of the entrance to each room lawfully used at any time for sleeping.

(d) Dwelling Units and Other Applicable Uses shall have a Carbon Monoxide Detector/Alarm installed on each story of the structure and in such other locations as deemed necessary by the Building Official.

(e) Carbon Monoxide Detectors/Alarms for existing Dwelling Units and other Applicable Uses and those undergoing new construction, additions, remodels and renovations shall carry the listing of a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

(f) All Carbon Monoxide Detectors/Alarms shall be installed in accordance with NFPA 720 standards and the manufacturer's recommended installation requirements, except as otherwise provided in this Section.

(g) All Dwelling Units and Other Applicable Uses undergoing new construction, additions, remodels and renovations where a Carbon Monoxide Detector/Alarm is required shall have primary (i.e., hard wired) and secondary (e.g., battery back-up) power sources for all Carbon Monoxide Detectors/Alarms. All multiple-station Carbon Monoxide Detectors/Alarms required by this Section shall be interconnected.

(h) All existing Dwelling Units and Other Applicable Uses where a Carbon Monoxide Detector/Alarm is required must comply with NFPA 720 standards, or, in lieu of an NFPA 720 standard Carbon Monoxide Detector/Alarm, a plug-in (without a switch and with battery back-up) or battery operated Carbon Monoxide Detector/Alarm

shall be installed which shall carry the listing of a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

(i) In all structures with multiple Dwelling Units and Other Applicable Uses where the structure contains a central fire alarm system, Carbon Monoxide Detectors/Alarms shall be connected to the structure's central fire alarm system and shall be audible in each Dwelling Unit within the structure. Such Carbon Monoxide Detectors/Alarms shall initiate a supervisory signal at the fire alarm panel and provide an audible alarm at the device upon the detection of carbon monoxide. Such Carbon Monoxide Detectors/Alarms shall be initiated to a monitoring agency or be an audible / visual alarm located in a conspicuous place on the exterior of the structure.

(j) Compliance with the requirements of this Article 14 shall be irrespective of the occupancy of a Dwelling Unit or Other Applicable Use.

**Sec. 18-14-30. Exception to Installation Requirements.** For any existing Dwelling Unit or Other Applicable Use and those undergoing new construction, additions, remodels and renovations where a Carbon Monoxide Detector/Alarm is required by this Article 14, the Building Official may exempt such Dwelling Unit or Other Applicable Uses from having to install a Carbon Monoxide Detector/Alarm where good cause is shown.

**Sec. 18-14-40. Time for Compliance.** All Dwelling Units and Other Applicable Uses undergoing new construction, additions, remodels and renovations where Carbon Monoxide Detectors/Alarms are required under this Article 14 shall be in compliance with these Carbon Monoxide Detectors/Alarm Regulations at the time of such construction, additions, remodels and renovations. All existing Dwelling Units and Other Applicable Uses where Carbon Monoxide Detectors/Alarms are required under this Article 14 shall have six (6) months from the effective date of these Carbon Monoxide Detector/Alarm Regulations or a change in tenancy of the Dwelling Unit or Other Applicable Use, whichever occurs first, to comply with the requirements hereof.

**Sec. 18-14-50. Testing, Inspection and Maintenance of Carbon Monoxide Detector/Alarms.**

(a) All Carbon Monoxide Detector/Alarms shall be tested, inspected and maintained in accordance with NFPA 720 standards, or shall carry the listing of a nationally recognized, independent product-safety testing and certification laboratory to conform to the standards for carbon monoxide alarms issued by such laboratory or any successor standards.

(b) Subject to the obligations of a tenant in any tenancy as described in subsection (d) of this Section, the owner of any Dwelling Unit or Other Applicable Use where a Carbon Monoxide Detector/Alarm is required under this Article 14 shall be

responsible for the installation, testing, inspection, maintenance, repair and/or replacement of such Carbon Monoxide Detector/Alarm.

(c) Prior to the commencement of any tenancy in any Dwelling Unit, the owner shall replace any Carbon Monoxide Detector/Alarm that has been stolen, removed, missing or is found to be not operational by the Owner. At the time of the commencement of the tenancy for the Dwelling Unit, the owner shall ensure that any batteries necessary to make the Carbon Monoxide Detector/Alarm operational are provided to the tenant at the time the tenant takes residence in the Dwelling Unit. The Owner shall replace any Carbon Monoxide Detector/Alarm if notified by a tenant as specified in subsection (d) of this Section that any Carbon Monoxide Detector/Alarm was stolen, removed, missing or is found to be not operational during the tenant's occupancy. The owner shall correct any deficiency in any Carbon Monoxide Detector/Alarm if notified by a tenant in accordance with subsection (d).

(d) Tenant of any rental property shall (i) keep, test and maintain all Carbon Monoxide Detector/Alarms in good repair; (ii) notify, in writing, the owner of the Dwelling Unit or the owner's authorized agent, as applicable, if the batteries of any Carbon Monoxide Detector/Alarm require replacement; (iii) notify, in writing, the owner of the Dwelling Unit or the owner's authorized representative if any Carbon Monoxide Detector/Alarm is stolen, removed, missing or is found to be not operational during the tenant's occupancy; and (iv) notify, in writing, the owner of the Dwelling Unit or the owner's authorized representative of any deficiency in any Carbon Monoxide Detector/Alarm that the tenant cannot correct.

(e) No person shall remove batteries from, or in any way render inoperable, a Carbon Monoxide Detector/Alarm, except as part of a process to inspect, maintain, test, repair or replace the Carbon Monoxide Detector/Alarm or replace the batteries in the Carbon Monoxide Detector/Alarm.

**Sec. 18-14-60. Limitation of Liability.** No person shall have a claim for relief against any property owner, an authorized agent of a property owner, a person in possession of real property and/or an installer of any Carbon Monoxide Detector/Alarm for any damages resulting from the installation, operation, maintenance or effectiveness of a Carbon Monoxide Detector/Alarm if the property owner, authorized agent, person in possession of real property and/or installer installs, operates, maintains and tests the Carbon Monoxide Detector/Alarm in accordance with the manufacturer's published instructions and the provisions of these Carbon Monoxide Detector/Alarm Regulations."

**Section 4. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 5. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of any of the Code which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

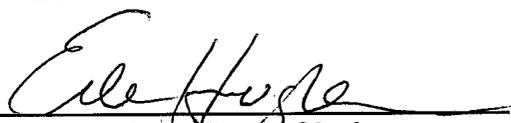
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 1<sup>ST</sup> DAY OF June, 2009.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 15<sup>M</sup> DAY OF JUNE, 2009.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Alan Bernholtz, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk