ORDINANCE NO. 2018-133

AN ORDINANCE AMENDING SECTION 1365.03 “EQUIPMENT AND FACILITY REQUIREMENTS” OF THE KENT CODIFIED ORDINANCES “TITLE SEVEN ENVIRONMENTAL HEALTH AND HOUSING MAINTENANCE CODE”, “PART THIRTEEN-BUILDING CODE”, TO ENSURE ALL NEW AND EXISTING RESIDENTIAL RENTAL UNITS ARE REQUIRED TO COMPLY WITH THE NEW CO DETECTION REGULATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend Section 1365.03 “Equipment and Facility Requirements” of the Kent Codified Ordinances to ensure all new and existing residential rental units are required to comply with the new CO detection regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby amend Section 1365.03 “Equipment and Facility Requirements” of the Kent Codified Ordinances to comply with Exhibit "A", attached hereto and made a part thereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: December 19, 2018

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: December 19, 2018

Tara Grimm, MMC
Clerk of Council

I, TARA GRIMM, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN Whose Custody the Original Files and Records of Said Council Are Required to Be Kept by the Laws of the State of Ohio, Hereby Certify That the Foregoing Is a True and Exact Copy of Ordinance No. ________, Adopted by the Council of the City of Kent on _____________________, 20______

(SEAL)

TARA GRIMM, MMC
CLERK OF COUNCIL
1365.03 EQUIPMENT AND FACILITY REQUIREMENTS

(k) **Carbon Monoxide Alarms Detection.** All residential rental units are required to have carbon monoxide alarm detection if the in new and existing dwelling units that have are served by or the building within which the dwelling units are located contains fuel-fired burning appliances, fuel-burning fireplaces, fuel-burning forced air furnaces, or have attached private garages, and only when any of the conditions described in this section apply.

1. **New Dwelling Units.** In new dwelling units, carbon monoxide detectors are required to be installed in the locations described in 1165.03(k)(3). Carbon monoxide detection shall be installed in new dwelling units in accordance with the Ohio Fire Code (OFC), Subchapter 1301:7-7-09 Fire Protection Systems, Section 915 "Carbon monoxide detection," paragraphs (O)(1)(a)(915.1.1) to (O)(6)(915.6) and Section 901.4 "Installation."

2. **Existing Dwelling Units.** In existing dwelling units, where an application for approval is required for work involving any of the following areas or systems within that dwelling unit, carbon monoxide alarm detection shall be installed in existing dwelling units in accordance with paragraph (C)(9)(1103.9) "Carbon Monoxide alarms" as listed in rule 1301:7-7-11 of the Ohio Administrative Code and are required to be installed in the locations described in 1365.03(k)(3).
   A. The addition or creation of a new sleeping room;
   B. An alteration of a sleeping room;
   C. An alteration in the immediate vicinity outside of a sleeping room;
   D. An addition of, or an alteration to, an attached garage;
   E. An addition, alteration, repair or replacement of a fuel-fired appliance.

3. **Where Required.** In new dwelling units and in existing dwelling units described in 1365.03(k)(2), meeting any of the conditions described in Section 1165.03(k)(2), an approved carbon monoxide alarm detection shall be installed outside of each separate sleeping area in the immediate vicinity of the sleeping rooms in those dwelling units in dwelling units outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom. Installation shall be in accordance with the Ohio Fire Code (OFC), Subchapter 1301:7-7-09 Fire Protection Systems, Section 915 "Carbon monoxide detection," paragraphs (O)(1)(a)(915.1.1) to (O)(6)(915.6) and Section 901.4 "Installation."

4. **Exceptions.** Exceptions to carbon monoxide detection in existing dwelling units described in 1365.03(k)(2) are:
   A. Applicable to forced-air furnaces: Carbon monoxide detection shall not be required in dwelling units where carbon monoxide detection is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.
   B. Applicable to fuel-burning appliances outside of dwelling units and dwelling units with fuel-burning appliances or fuel-burning fireplaces:
      1. Carbon monoxide detection shall not be required in dwelling units, where there are no communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit.
      2. Carbon monoxide detection shall not be required in dwelling units where carbon monoxide detection is provided in an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit.
C. Applicable to dwelling units with attached private garages:
   1. Carbon monoxide detection shall not be required where there are no
      communicating openings between the private garage and the dwelling
      unit.
   2. Carbon monoxide detection shall not be required in dwelling units
      located more than one story above or below a private garage.
   3. Carbon monoxide detection shall not be required where the private
      garage connects to the building through an open-ended corridor.
   4. Where carbon monoxide detection is provided in an approved location
      between openings to a private garage and dwelling units, carbon
      monoxide detection shall not be required in the dwelling units.

(5) Exempt garages. For determining compliance with paragraph (O)(1)(e)(915.1.5) of this
rule, an open parking garage complying with Section 406.5 of the building code as listed in
rule 1301:7-7-80 of the Administrative Code or an enclosed parking garage complying with
Section 406.6 of the building code as listed in rule 1301:7-7-80 of the Administrative Code
shall not be considered a private garage.

(6) Detection equipment. Carbon monoxide detection required by 1365.03(k)(1) “New
    Dwelling Units” and 1365.03(k)(2) “Existing Dwelling Units” shall be provided by carbon
    monoxide alarms complying with the following:
    A. Power source. Carbon monoxide alarms shall receive their primary power from the
       building wiring where such wiring is served from a commercial source, and when
       primary power is interrupted, shall receive power from a battery. Wiring shall be
       permanent and without a disconnecting switch other than that required for overcurrent
       protection.
       1. Exception: Where installed in dwelling units without commercial power,
          battery-powered carbon monoxide alarms shall be an acceptable
          alternative.
    B. Listings. Carbon monoxide alarms shall be listed in accordance with UL 2034 as listed
       in rule 1301:7-7-80 of the Ohio Administrative Code.
    C. Combination alarms. Combination carbon monoxide/smoke alarms shall be an
       acceptable alternative to carbon monoxide alarms. Combination carbon
       monoxide/smoke alarms shall be listed in accordance with UL 2034 and UL 217 as
       listed in rule 1301:7-7-80 of the Ohio Administrative Code.
    D. Carbon monoxide detection systems. Carbon monoxide detection systems shall be an
       acceptable alternative to carbon monoxide alarms and shall comply with the following:
       paragraphs (O)(5)(a)(915.5.1) to (O)(5)(c)(915.5.3) of this rule.
       1. General. Carbon monoxide detection systems shall comply with NFPA 720
          as listed in rule 1301:7-7-80 of the Ohio Administrative Code. Carbon
          monoxide detectors shall be listed in accordance with UL 2075 as listed in
          rule 1301:7-7-80 of the Ohio Administrative Code.
       2. Locations. Carbon monoxide detectors shall be installed in the locations
          specified in 1365.03(k)(3). These locations supersede the locations
          specified in NFPA 720 as listed in rule 1301:7-7-80 of the Ohio
          Administrative Code.
       3. Combination detectors. Combination carbon monoxide/smoke detectors
          installed in carbon monoxide detection systems shall be an acceptable
          alternative to carbon monoxide detectors, provided they are listed in
          accordance with UL 2075 and UL 268 as listed in rule 1301:7-7-80 of the
          Ohio Administrative Code.
(7) **Maintenance.** Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720 as listed in rule 1301:7-7-80 of the Ohio Administrative Code. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

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Insert new section below into TITLE SEVEN to allow for appeals:

1371.021 APPEALS.

All appeals of any requirement provided under “TITLE SEVEN - Environmental Health and Housing Maintenance Code” of “PART THIRTEEN-BUILDING CODE” shall be to the City of Kent Board of Building Appeals as provided in KCO 1309.