

Staff Report

CARBON MONOXIDE ALARMS

August 27, 2019

BACKGROUND:

During Council's discussion of the guest lodging ordinance at the Council Meeting on July 23, 2019, a motion was approved to *'include a carbon monoxide detector requirement proposal from staff'* the next time the ordinance was discussed. This staff report explains the existing carbon monoxide alarm requirements and the steps that would be needed if Council decided to add requirements to the guest lodging ordinance.

CURRENT CODE:

The Rental Code does not require carbon monoxide alarms in rental dwellings unless the property has more than one unit and the units share a common furnace.

The Building and Fire Codes both require carbon monoxide alarms in all new construction. However, since these are construction codes and not maintenance codes, they do not apply to existing buildings unless triggered by an addition or alteration.

In 2016, the State Legislature amended the smoke detector statute to require carbon monoxide alarms in all residential buildings that contain fuel-burning appliances or an attached garage. These amendments went into effect on July 1, 2018; pursuant to the amended statute, in February 2018, the State Fire Marshal adopted regulations addressing carbon monoxide alarms that also went into effect on July 1, 2018. Buildings affected by the amendments and regulations include both rental and owner-occupied dwellings. Every residential dwelling is required to be in compliance with these standards even though the City has not adopted an ordinance. Violations of the statute and regulations would be subject to the penalties set out by the State of Iowa.

MOVING FORWARD:

The City Council has the ability to adopt the State's language on carbon monoxide alarms and implement an enforcement program. Should Council decide to pursue requirements for carbon monoxide alarms they will need to determine which properties they want the regulations applied to at the local level (all properties are subject to them at the State level). The different options include:

- 1.) Adopting carbon monoxide alarm requirements for guest lodging only; or
- 2.) Adopting carbon monoxide alarm requirements for guest lodging and all registered rental properties; or

3.) Adopting carbon monoxide alarm requirements for all residential dwellings.

Option 1 would require carbon monoxide alarms in dwellings used for guest lodging. Guest lodging dwellings not in compliance with the local standards would be subject to a Municipal Infraction Citation or revocation of their guest lodging permit. They would also be subject to any State enforcement if they are reported to the State. Registered rentals without a guest lodging permit would not be subject to the carbon monoxide alarm requirements. This option would require language to be added to the guest lodging ordinance/checklist.

If Council wants to move forward quickly with the guest lodging ordinance and wants to include a carbon monoxide detector requirement, it would be best to choose Option 1 and reference the State Code. The process for this amendment would be much quicker than an amendment to the Rental Code.

Option 2 would require carbon monoxide alarms in all registered rentals and all dwellings used as guest lodging. **This option will take more time because it would be an amendment to the Rental Code and would require staff to provide outreach to the rental community, draft the ordinance, and go through three readings.** The guest lodging ordinance already references the code section that the ordinance would be added to so there would be no need to change the guest lodging ordinance

Option 3 is the equivalent of the State ordinance. It would require each owner-occupied dwelling and all registered rentals to install carbon monoxide alarms. Enforcement on owner-occupied dwellings would likely be conducted on a complaint basis or in addition to other building/trade inspections. Again, this is already in place at the State level, but is not being enforced locally since it hasn't been adopted into the Municipal Code. Enforcement of this option would be nearly impossible to enforce given the number of dwellings.

STAFF COMMENTS:

Staff is supportive of Option 2 because it provides for an extra level of safety for all registered rental units. Since the adoption of this second option would lead to the incorporation of the new requirement into the existing rental inspection process, there would be no additional processes or procedures needed.