Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of carbon monoxide detecting devices in buildings classified in occupancy groups G, H-2, J-1, J-2 and J-3.

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Int. No. 251

By the Speaker (Council Member Miller) and Council Members Comrie, DeBlasio, Felder, Gennaro, Nelson, Quinn, Rivera, Serrano, Vann and Foster; also Council Member Sears

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of carbon monoxide detecting devices in buildings classified in occupancy groups G, H-2, J-1, J-2 and J-3.

Be it enacted by the Council as follows:

Section 1. Subchapter seventeen of chapter one of title twenty-seven of the administrative code of the city of New York is amended by adding a new article seven to read as follows:

Article 7

Carbon Monoxide Detecting Devices

§27-981.1 Definitions. For the purpose of this article: a. "Appliance" shall mean any mechanical device designed for cooking or heating including, but not limited to, a cooking stove or oven, laundry stove, range or water heater, furnace or boiler.

b. "Fossil fuel" shall mean coal, petroleum products and fuel gases.

c. "Fuel gases" shall include, but not be limited to, methane, natural gas, liquefied natural gas and manufactured fuel gases.

§27-981.2 Carbon monoxide detecting devices; where required. a. On and after October 1, 2003, every dwelling unit in a building within occupancy groups J-1, J-2 or J-3 shall be equipped with approved and operational carbon monoxide detecting devices in accordance with rules promulgated by the commissioner, provided that there shall be installed at least one approved and operational carbon monoxide detecting device within ten feet of each room lawfully used for sleeping purposes.

b. On and after October 1, 2003, at least one approved and operational carbon monoxide detecting device shall be installed for every ten thousand square feet of space or fraction thereof on every floor in buildings classified in occupancy group G and occupancy group H-2 where a fossil fuel-burning appliance or wood-burning device is located.

§27-981.3 Exemptions. Any dwelling unit in a building otherwise subject to the provisions of section 27-981.2 of this article which receives heat from any source that does not rely directly on the combustion of fossil fuel or wood for the production of heat, ventilation or hot water including, but not limited to, steam, hot water or electricity, and is not in close proximity to any ventilated source of carbon monoxide, as such proximity is established by rules promulgated by the commissioner, shall be exempt from the provisions of this article.

§27-981.4 General requirements for carbon monoxide detecting devices. All carbon monoxide detecting devices required to be provided and installed pursuant to this article shall be of a type authorized by rules promulgated by the commissioner.

§2. Article eleven of subchapter two of chapter two of title twenty-seven of the administrative code of the city of New York is amended by adding a new section 27-1046.1 to read as follows:

§27-2046.1 Duties of owner and occupant with respect to installation and maintenance of carbon

monoxide detecting devices in multiple dwellings. a. It shall be the duty of the owner of a multiple dwelling which is required to be equipped with one or more carbon monoxide detecting devices pursuant to article seven of subchapter seventeen of chapter one of this title to:

(1) provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit;

(2) post a notice in a form approved by the commissioner in a common area of the building informing the occupants of such building that the owner is required by law to install one or more approved and operational carbon monoxide detecting devices in each dwelling unit in the building;

(3) replace any carbon monoxide detecting device which has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit;

(4) replace within thirty calendar days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit;

(5) provide written information regarding the testing and maintenance of carbon monoxide detecting devices to at least one adult occupant of each dwelling unit; and

(6) keep such records as the commissioner shall prescribe relating to the installation and maintenance of carbon monoxide detecting devices in the building and make such records available to the commissioner upon request.

b. Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006 of this chapter, it shall be the sole duty of the occupant of each dwelling unit in a multiple dwelling in which a carbon monoxide detecting device has been provided and installed by the owner pursuant to the provisions of article seven of subchapter seventeen of chapter one of this title to:

(1) keep and maintain such device in good repair; and

(2) replace any device which is either stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

c. Except as otherwise provided in paragraphs three and four of subdivision a of this section, an owner of a multiple dwelling who has provided and installed a carbon monoxide detecting device in a dwelling unit pursuant to this section shall not be required to keep and maintain such device in good repair or to replace any such device which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit.

d. It shall be unlawful for any person to remove batteries from or in any way render inoperable a carbon monoxide detecting device that is required under article seven of subchapter seventeen of chapter one of this title.

§3. This local law shall take effect immediately.

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