

Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on April 8, 2010
by the Date prior to or same as filing date

Office of State Fire Marshal	Division 047	Chapter 837
Agency and Division Number		Administrative Rules Chapter

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Rules Coordinator	Address	Telephone

to become effective [July 1, 2010] through [December 28, 2010].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Create new provisions for carbon monoxide alarms and detectors as directed by House Bill 3540, 2009 Legislative Assembly.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT: OAR 837-047-0100, 837-047-0110, 837-047-0120, 837-047-0130, 837-047-0140, 837-047-0150, 837-047-0160, 837-047-0170

AMEND:

SUSPEND:

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

Other Auth.:

RULE SUMMARY

The purpose of these rules is to establish minimum standards for the design, inspection, testing, placement and location and maintenance of carbon monoxide alarms and detectors in one and two family dwellings, manufactured dwellings, and multifamily housing.



	Pat Carroll	April 6, 2010
Authorized Signer	Printed name	Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Office of State Fire Marshal

Chapter 837

Agency and Division

Administrative Rules Chapter Number

In the Matter of: OAR 837-047-0100, 837-047-0110, 837-047-0120, 837-047-0130, 837-047-0140, 837-047-0150, 837-047-0160, 837-047-0170

Create new provisions for carbon monoxide alarms and detectors as directed by House Bill 3540, 2009 Legislative Assembly

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS 476.725

Other Authority:

Stats. Implemented: ORS 476.725

Need for the Temporary Rule(s):

The purpose of these rules is to establish minimum standards for the design, inspection, testing, placement and location and maintenance of carbon monoxide alarms and detectors in one and two family dwellings, manufactured dwellings, and multifamily housing.

Documents Relied Upon, and where they are available:

Notes from House Bill 3450 (2009) Carbon Monoxide Rules workgroup, meeting minutes, and draft rules documents

Justification of Temporary Rule(s):

The 2009 Oregon Legislature passed HB 3450, the Lofgren and Zander Memorial Act, requiring the installation of carbon monoxide alarms in specific residential applications with a carbon monoxide source. The purpose of the bill is to reduce deaths and poisonings from carbon monoxide.



Pat Carroll

April 6, 2010

Authorized Signer

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005

DIVISION 47
Carbon Monoxide Alarms and Detectors

837-047-0100

Purpose and Scope

The purpose of these rules is to establish minimum standards for the design, inspection, testing, placement and location and maintenance of carbon monoxide alarms in one and two family dwellings, manufactured dwellings, and multifamily housing.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0110

Definitions

“Attached garage” means a garage with a door, ductwork, or ventilation shaft communicating directly with a living space and does not include:

- 1) A carport;
- 2) An open parking garage; or
- 3) An enclosed parking garage ventilated in accordance with Section 404 of the State Mechanical Code.

“Bedroom” means a room designed or intended for sleeping.

“Carbon monoxide alarm” means a device that:

- 1) (a) Detects carbon monoxide;
- (b) Produces a distinctive audible alert when carbon monoxide is detected;
- (c) Is listed by Underwriters Laboratories as complying with ANSI/UL 2034 or 2075 or any other nationally recognized testing laboratory or an equivalent organization; and
- (d) Operates as a distinct unit, as two or more single station units wired to operate in conjunction with each other or as part of a system that includes carbon monoxide detectors.
- 2) For the purposes of these rules, “carbon monoxide detectors that are part of a system that produces a distinctive audible alert and are listed as complying with ANSI/UL 2075 shall be considered carbon monoxide alarms.

“Carbon monoxide source” means:

- (a) A heater, fireplace, furnace, appliance or cooking source that uses coal, wood, petroleum products, and other fuels that emit carbon monoxide as a by-product of combustion. Petroleum products include, but are not limited to, kerosene, natural gas, or propane.
- (b) An attached garage with a door, ductwork, or ventilation shaft that communicates directly with a living space.

“Landlord” means the owner, lessor, or sublessor of the rental dwelling unit or the building or premises of which it is a part. “Landlord” includes but is not limited to a person who is authorized by the owner, lessor, or sublessor to manage the premises or to enter into a rental agreement.

“Manufactured Dwelling” means a dwelling as defined in ORS 446.

“Multifamily housing” means a building, excluding townhouses, in which three or more residential dwelling units each have space for eating, living, sleeping, and permanent provisions for cooking and sanitation.

"Nationally Recognized Testing Laboratory" means a nationally recognized testing laboratory (NRTL) that is U.S. Occupational Safety and Health Administration (OSHA) accredited to test and certify to American National Standards Institute (ANSI) standards.

“One and two family dwelling” means a residential building that is regulated under the state building code as a one and two family dwelling and includes a townhouse.

"Owner" includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary, lessor or sublessor and/or a person having a vested or contingent interest in the property in question.

"Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations or subdivisions.

"State Fire Marshal" means the State Fire Marshal appointed under ORS 476.020 and the Chief Deputy State Fire Marshal and Deputy State Fire Marshals appointed by the State Fire Marshal under ORS 476.040.

“Townhouse” means a single-family dwelling unit constructed in a group of three or more attached units in which each extends from the foundation to the roof and at least two sides abut open space.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0120

Carbon Monoxide Alarm Requirements

(1) Properly functioning carbon monoxide alarms shall be required when:

(a) A person conveys fee title to a one and two family dwelling or multifamily housing containing a carbon monoxide source on or after April 1, 2011; or

(b) A person transfers possession under a land sale contract of a one and two family dwelling or multifamily housing containing a carbon monoxide source on or after April 1, 2011; or

(c) A person transfers ownership of a manufactured dwelling containing a carbon monoxide source on or after April 1, 2011; or

(d) A landlord enters into a rental agreement for a dwelling unit subject to these rules on or after July 1, 2010.

(2) By April 1, 2011, every rental dwelling unit subject to these rules must contain properly functioning carbon monoxide alarms.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0130

Installation and Location of Carbon Monoxide Alarms and Detectors

(1) All carbon monoxide alarms or detectors must be installed in accordance with the manufacturer's recommended instructions and located in accordance with these rules and applicable building code at the time of construction or alteration of the dwelling.

(2) One and Two Family Dwellings and Manufactured Dwellings:

A properly functioning carbon monoxide alarm must be located within each bedroom or within 15 feet outside of each bedroom door. Bedrooms on separate floors in a structure containing two or more stories require separate carbon monoxide alarms.

(3) Multi Family Housing: A properly functioning carbon monoxide alarm must be located within each bedroom or within 15 feet outside of each bedroom door. Bedrooms on separate floors in a structure containing two or more stories require separate carbon monoxide alarms. A carbon monoxide alarm must also be installed in any enclosed common area within the building if the common area is connected by a door, ductwork, or ventilation shaft to:

- (a) A room containing a carbon monoxide source; and
- (b) A dwelling unit.

(4) EXEMPTIONS:

(a) A carbon monoxide alarm is not required in a dwelling unit if:

- (A) The dwelling unit does not contain a carbon monoxide source; and
- (B) The dwelling unit is not connected by a door, ductwork, or ventilation shaft to a room containing a carbon monoxide source.

(b) A landlord who rents a space for a manufactured dwelling or who rents moorage space for a floating home as defined in ORS 830.700, but does not rent the manufactured dwelling home or floating home is exempt from these rules.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0140

Power Source

Carbon monoxide alarms must be battery operated or receive their primary power source from the building wiring.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0150

Testing and Maintenance of Carbon Monoxide Alarms

Carbon monoxide alarms and systems must be maintained and tested according to the manufacturer's recommended instructions.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0160

Rental Dwelling Units Subject to ORS Chapter 90

(1) Effective July 1, 2010, before a landlord transfers possession of a dwelling unit subject to these rules to a tenant, the landlord must:

- (a) Install a properly functioning carbon monoxide alarm;
- (b) Provide working batteries if a carbon monoxide alarm is battery operated or has a battery operated backup system; and
- (c) Provide the new tenant with alarm testing instructions.

(2) If the landlord receives written notice from the tenant of a deficiency of a carbon monoxide alarm, other than dead batteries, the landlord must repair or replace the alarm.

(3) A tenant must test, at least every six months, and replace batteries as needed in any carbon monoxide alarm provided by the landlord and notify the landlord in writing of any operating deficiencies.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

837-047-0170

Tampering with a Carbon Monoxide Alarm Prohibited

A person may not remove or tamper with a carbon monoxide alarm installed in accordance with these rules. Tampering includes removal of working batteries.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725