

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rule(s) adopted on December 1, 2010 by the \_\_\_\_\_ Date prior to or same as filing date

|   |                                      |
|---|--------------------------------------|
| Office of State Fire Marshal, Division 47 | 837                                  |
| Agency and Division                       | Administrative Rules Chapter Number  |
| Pat Carroll                               | 4760 Portland Rd. NE Salem, OR 97305 |
| Rules Coordinator                         | Address Telephone                    |

to become effective December 28, 2010 Rulemaking Notice was published in the November, 2010 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**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 or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** OAR 837-047-0100, 837-047-0110, 837-047-0120, 837-047-0130, 837-047-0135, 837-047-0140, 837-047-0150, 837-047-0160, 837-047-0170

**AMEND:**

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 476.725

Other Auth.:

Stats. Implemented: ORS 476.725

**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 in existing structures prior to conveyance of fee title or transfer possession under land sales contract and rental property agreement.



|                   |                   |
|-------------------|-------------------|
| Pat Carroll       | December 1, 2010  |
| Authorized Signer | Printed name Date |

\*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. \*\*The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005

**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 or connected to 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 ANSI/UL 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.

**“Dwelling unit”** means: A structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

**“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 containing a carbon monoxide source 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) A properly functioning carbon monoxide alarm must be located within each bedroom or within 15 feet outside of each bedroom door in dwelling units containing a carbon monoxide source or are connected to a common area containing a carbon monoxide source. Bedrooms on separate floors in a structure containing two or more stories require separate carbon monoxide alarms.

(b) A carbon monoxide alarm must 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 carbon monoxide source located within or attached to the structure.

Stat. Auth.: ORS 476.725

Stats. Implemented: ORS 476.725

### **837-047-0135**

#### **EXEMPTION:**

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 with a battery back-up. Plug in devices must have a battery back-up.

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