

CARBON MONOXIDE DETECTOR ACT

Public Act 094-0741
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PRESENTER

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APPROVED CARBON MONOXIDE DETECTOR

"Approved carbon monoxide alarm" or "alarm" means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association.

REQUIRED POWER SOURCE

- (d) The carbon monoxide alarms required under this Act maybe either
 - battery powered,
 - plug-in with battery back-up, or
 - wired into the structure's AC power line with secondary battery back-up.

WHERE REQUIRED

- "Dwelling unit" means a room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building.
- OSFM interprets this to include all buildings that contain sleeping units.
- Single family, condominiums and multiple family dwellings, Hotels, Motels, Nursing Homes, Prisons

WHERE REQUIRED

- (b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes.
- The linear measurement is in all directions thus a single unit may cover multiple sleeping rooms on multiple floors.
- Measurement is taken from the door of the sleeping room. Installation in the sleeping room is not necessary.

INSTALLATION

- (c) It is the responsibility of the owner of a structure to supply and install all required alarms.
- The owner is responsible for providing one tenant per dwelling unit with written information regarding alarm testing and maintenance.

MAINTENANCE

- It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct.

BATTERY REPLACEMENT

- The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit.

ACCESS FOR MAINTENANCE

- The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner.

PENALTY

- Section 15. Violation.
- (a) Willful failure to install or maintain in operating condition any carbon monoxide alarm required by this Act is a Class B misdemeanor.

PENALTY

- (b) Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is a Class A misdemeanor in the case of a first conviction and a Class 4 felony in the case of a second or subsequent conviction.

ENFORCEMENT

- (65 ILCS 5/11-1-2) (from Ch. 24, par. 11-1-2)
Sec. 11-1-2. Duties and powers of police officers.
(a) Police officers in municipalities shall be conservators of the peace. They shall have the power (i) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State, (ii) to commit arrested persons for examination, (iii) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and (iv) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.
(b) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any police officer of the municipality. For that purpose, police officers have all the common law and statutory powers of sheriffs.
(c) The corporate authorities of each municipality may prescribe any additional duties and powers of the police officers.
(Source: P.A. 90-540, eff. 12-1-97.)

EXEMPTIONS

- (1) A residential unit in a building that:
- (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water;
- OSFM has interpreted this to include
 - Gas Stoves and Ovens which can be used as heat
 - Kerosene or gas space heaters used for heat
 - Forced Air Heat in Common Areas.
- OSFM has interpreted this to exclude:
 - Direct vent fire places
 - Central boiler rooms which may need a device installed

EXEPMTIONS

- (ii) is not connected in any way to a garage;
and
- OSFM has interpreted this section as follows
 - If a garage is detached, no device is needed
 - If a garage is attached, devices must be installed
 - If a multi-tenant building has an attached garage whose ventilation system is controlled by carbon monoxide detectors than no device is required. Otherwise, devices are required.
- (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner, to receive carbon monoxide from that source.
- This is intended to cover the central boiler rooms

EXEMPTIONS

- (2) A residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building commissioner.