

**AGENDA**  
**BLOOMINGTON PROPERTY MAINTENANCE REVIEW BOARD**  
**SPECIAL MEETING - 4:00 P.M.**  
**THURSDAY, FEBRUARY 28, 2019**  
**COUNCIL CHAMBERS, CITY HALL**  
**109 EAST OLIVE STREET**  
**BLOOMINGTON, ILLINOIS**

**1. CALL TO ORDER (Chairperson)**

**2. ROLL CALL (City Staff)**

**3. PUBLIC COMMENT**

*A public comment period not to exceed thirty (30) minutes will be held during each Board and Commission meeting, as well as all regularly scheduled City Council meetings, Committee of the Whole meetings, meetings of committees and/or task forces (hereinafter "committees") created by the City Council, work sessions, and special meetings of the City Council. Nothing herein shall prohibit the combination of meetings, at which only one public comment period will be allowed.*

*Anyone desiring to address the Board, Commission, Committee or City Council, as applicable, must complete a public comment card at least five (5) minutes before the start time of the meeting. Public comment cards shall be made available at the location of the meeting by City staff at least 15 minutes prior to the start time of the meeting. The person must include their name, and any other desired contact information, although said person shall not be required to publicly state their address information. If more than five individuals desire to make a public comment, the order of speakers shall be by random draw. If an individual is not able to speak due to the time limitation and said individual still desires to address the individuals at a future meeting of the same type, said individual shall be entitled to speak first at the next meeting of the same type. (Ordinance No. 2015-46)*

**4. REGULAR AGENDA**

- A.** Consideration, review and action on Amending Chapter 45 of the Bloomington City Code to require Carbon Monoxide Detectors.

**5. OLD BUSINESS**

**6. NEW BUSINESS**

**7. ADJOURNMENT**

**For further information contact:**  
**Carey Snedden, Code Enforcement Division Manager**  
**Department of Community Development**  
**Government Center**  
**115 E. Washington Street, Bloomington, IL 61701**  
**Phone: (309) 434-2345 Fax: (309) 434-2801**  
**E-mail: [csnedden@cityblm.org](mailto:csnedden@cityblm.org)**



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TO: Property Maintenance Review Board  
FROM: Bob Mahrt, Community Development Director  
DATE: February 28, 2019  
RE: Consideration, review and action on Amending Chapter 45 of the Bloomington City Code to require Carbon Monoxide Detectors.

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**BACKGROUND:**

The Property Maintenance Review Board has the authority to make recommendations to the City Council concerning text amendments to Chapter 45 - Property Maintenance Code.

The State of Illinois Carbon Monoxide Alarm Detector Act (the "Act") became effective on January 1, 2007. In general, the Act established that every residential occupancy in Illinois is required to have at least one carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Residential occupancies that do not rely on the burning of fuel for heat, ventilation or hot water; are not connected to a garage; and are not near a source of carbon monoxide are not required to install carbon monoxide detectors. While the Act applies statewide, the City of Bloomington does not have the authority to effectively enforce the provisions for existing residential occupancies without adoption of carbon monoxide detector regulations. It should be understood that carbon monoxide alarm detectors are required for new construction under the City adopted International Residential Code 2012 and the International Building Code 2012.

Community Development Staff have reviewed the Act, as well as, regulations established by several regional communities in order to develop regulations that best address our community's needs. The Comparable Communities list provides a general range of example regulations for PMRB consideration. (Please refer to the attached Carbon Monoxide Alarm Detector Act, Statute Interpretation – Office of State Fire Marshall and the Comparable Communities Carbon Monoxide Detector Regulations list).

**ITEMS FOR FURTHER DISCUSSION:**

1. Regulation Placement: Many communities in Illinois have established carbon monoxide regulations within Chapter 7 Fire Safety Requirements of their adopted ICC Property Maintenance Codes. Community Development Staff recommends this standard practice be considered for the City of Bloomington.

2. Regulation Adoption with/without Exemptions: The Act includes various exemptions for residential occupancies related to burning of fuels and/or connection to a garage. In review of the Comparable Communities list, some communities do not provide exemptions and would appear to require all residential occupancies to include a carbon monoxide detector. In contrast, other communities do provide for the exemptions outlined in the Act. In prior discussions with the PMRB, the Board desired to include exemptions in the potential regulations.

3. Interpretation: While the Act is not explicit on fuel-fired appliances, it is the interpretation of the Community Development Department that any residential occupancy with a fuel-fired appliance (i.e. gas stove, gas fireplace, unvented gas heater) would necessitate the installation of a carbon monoxide detector. This standard is consistent with the IRC 2012 and IBC 2012.

**STAFF RECOMMENDATION:** That an ordinance amending Chapter 45 of the Bloomington City Code to require Carbon Monoxide Detectors be recommended by the Property Maintenance Review Board for approval by the City Council. (A draft Ordinance is attached for Board review).



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## Public Act 094-0741

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### Public Act 094-0741

HB5284 Enrolled

LRB094 17775 LCT 53074 b

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Carbon Monoxide Alarm Detector Act.

Section 5. Definitions. In this Act:

"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.

"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.

Section 10. Carbon monoxide detector.

(a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.

(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.

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

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. 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.

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

#### 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.

(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.

Section 20. Exemptions. The following residential units shall not require carbon monoxide detectors:

(1) A residential unit in a building that: (i) does not rely on combustion of fossil fuel for heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (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.

(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.

**Effective Date:** 1/1/2007

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**OFFICE OF THE STATE FIRE MARSHAL**  
**STATE OF ILLINOIS**

Statute, Rule or Standard Policy Interpretation:

Policy Number: O6-FP-001                      Carbon Detector Alarm Act                      Effective Date: October 23, 2006

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Title:                                      Carbon Monoxide Detector Alarm Act  
Part:                                        430 ILCS 135  
Subpart:  
Subpart Title:  
Section Number:  
Section Title:

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Purpose:                                    This instruction provides the agency's technical interpretation of the Carbon Monoxide Detector Alarm Act enacted by PA 094-0741 (430 ILCS 135) and the current administrative rules in effect.

Scope:                                    Effective statewide on January 1, 2007

Current Code:                            N/A

Policy Interpretation: Approved CO Detector: The detector or combination detector (combined CO and smoke detection) must bear the label of a nationally recognized testing laboratory and shall meet the standard of UL 2034.

Type of CO Detector: The detector may be either a battery powered, plug-in with a battery back-up, or hardwired with a battery back-up.

Occupancies: Any occupancy or structure that has a room used for sleeping.

Location: A detector must be installed within 15' of every room used for sleeping.

Owner's Responsibility: The owner must supply and install the detector and provide written information regarding the detector testing and maintenance to the occupant.

Tenant's Responsibility: The tenant must test, maintain and replace the batteries when needed in the detector. The tenant must notify the owner in writing of any problem and permit the owner access to the detector to correct the problem.

Exemption to the Requirement: An occupancy or structure that meets the following conditions does not need a carbon monoxide detector:

The occupancy or structure does not:

- 1) rely on combustion of fossil fuel to cook, heat, ventilate or produce hot water [see note below];
- 2) is not connected in any way to an *enclosed garage*; and
- 3) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner or authority having jurisdiction, to receive carbon monoxide from that source.

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**STATE OF ILLINOIS**

Note. An occupancy or structure that uses a fossil fuel fired boiler to heat the building and/or provide hot water for the entire building is exempt from this statute provided the boiler is located in a separate room that is ventilated to the outside of the building; is not connected by ductwork or ventilation shafts to the other areas of the building; and the building is not connected in any way to an *enclosed garage* or sufficiently close to any ventilated source of carbon monoxide, as determined by the local building commissioner or authority having jurisdiction, to receive carbon monoxide from that source.

Enclosed Garage is a parking structure that is not considered an "Open-Air Parking" structure as defined by NFPA 101 (2000 Edition) Life Safety Code in Section 3.3.197.6. "Open-Air Parking" is a structure used for the parking or storage of motor vehicles that have (1) uniformly distributed openings in exterior walls on not less than two sides totaling not less than 40 percent of the building perimeter, (2) aggregate areas of such openings in exterior walls in each level not less than 20 percent of the total perimeter wall area of each level, and (3) interior wall lines and columns not less than 20 percent open with openings distributed to allow ventilation".

Repealed Date:

Superseded:



## COMPARABLE COMMUNITIES

### CARBON MONOXIDE DETECTOR REGULATIONS

#### NORMAL:

##### **Section 704.5 Carbon Monoxide Detectors.** (Added Section to ICC PMC 2015)

Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes.

#### CHAMPAIGN:

##### **Sec. 22-704.5. Carbon monoxide detectors.**

Carbon monoxide detectors shall be installed and maintained in all residential occupancies within fifteen (15) feet of every room used for sleeping purposes in buildings that are directly connected to a garage or rely on combustion of fossil fuel for heat, ventilation or hot water.

#### SPRINGFIELD:

##### **170.11.09. Habitable room requirements for residences.**

(a) For all new residential bedrooms and recreation rooms which are created by remodeling an existing residence:

(4) For bedrooms, a carbon monoxide detector is required within 15 feet 0 inches of the bedroom as per state law.

(c) For all existing residential bedrooms:

(4) A carbon monoxide detector is required within 15 feet 0 inches of the bedroom as per state law.

#### DECATUR:

##### **Section 704.5 Carbon Monoxide Alarm Detectors.** (Added Section to ICC PMC 2015)

Definitions: (i) "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. (ii) Dwelling Unit. 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. (iii) Section 1. Carbon Monoxide Detector. (a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard. (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. (c) It is the responsibility of the owner of a structure to supply and install all required alarms. 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. The owner is responsible for providing one tenant per dwelling unit the written information regarding alarm testing and maintenance. 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. 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. (d) The carbon monoxide alarms required may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up. Exemptions: The following residential units shall not require carbon monoxide detectors: (1) a residential unit in a building that: (i) does not rely on combustion of fossil fuel for Chapter 70 heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building official, to receive carbon monoxide from that source. (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 official.

**DRAFT**

ORDINANCE NO. 2019 - \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 45 OF THE BLOOMINGTON CITY CODE TO REQUIRE CARBON MONOXIDE DETECTORS**

WHEREAS, as a home-rule municipality, the City of Bloomington has the authority to legislate to protect the public health, safety, and welfare; and

WHEREAS, undetected carbon monoxide can pose a serious risk to public health; and

WHEREAS, the Bloomington Property Maintenance Review Board has recommended that the Bloomington Property Maintenance Code be amended to require the presence of carbon monoxide detectors in dwelling units under certain circumstances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

**Section 1.** That Chapter 45, Article II of the Bloomington City Code is hereby amended by adding Section 704.5 to read as follows:

Section 704.5 Carbon Monoxide Detectors.

Carbon monoxide detectors shall be installed and maintained in all residential occupancies within fifteen (15) feet of every room used for sleeping purposes in buildings that rely on combustion of fossil fuel for heat, ventilation or hot water, or that are directly connected to a garage.

**Section 2.** Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

**Section 3.** The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

**Section 4.** This Ordinance shall take effect ten (10) days after its publication as provided by law.

PASSED this \_\_\_\_ day of March, 2019.

APPROVED this \_\_\_\_ day of March, 2019.

APPROVED:

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Tari Renner  
Mayor

ATTEST:

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Leslie Smith-Yocum  
Interim City Clerk