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To: Adult Family Homes
Community-based Residential Facilities
Residential Care Apartment Complexes
Hospices

AFH 04
CBRF 08
RCAC 03
HSPC 02

From: Kevin Coughlin, Director
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From: Cremear Mims, Director
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Via: Otis Woods, Administrator
Division of Quality Assurance

**Carbon Monoxide Alarms
New Requirements**

Background

As many of you are aware, 2007 Wisconsin Act 205, created section 101.149 of the Wisconsin Statutes, requiring installation of carbon monoxide alarms in most residential buildings which have fuel burning appliances. The Department of Health Services/Division of Quality Assurance is sending this information to all adult family homes, community-based residential facilities, residential care apartment complexes and hospices requesting all administrators, designated service managers and licensees to inform their staff of these new requirements.

The law requires installation of carbon monoxide alarms in most new residential construction beginning October 1, 2008, and in most existing residential buildings by April 1, 2010. If construction of a building was initiated before October 1, 2008, or if the Department of Health Services or the Department of Commerce approved the plans for construction before October 1, 2008, the requirements apply beginning April 1, 2010.

The new law defines “residential building” as a tourist rooming house, a bed and breakfast establishment, or any “public building” used for sleeping or lodging, excluding a nursing home or hospital. The definition of “public building” in section 101.01(12) of the Wisconsin Statutes excludes a previously constructed building used as a Community-based Residential Facility (CBRF) which serves 20 or fewer residents or a previously constructed adult family home.

Residential buildings that will require installation of carbon monoxide alarms include:

- Previously constructed CBRFs for more than 20 residents
- Any new CBRF building whose plans are approved after October 1, 2008 with the first occupancy to be a CBRF, regardless of the number of residents
- Residential care apartment complexes
- Adult family homes constructed after October 1, 2008 with the first occupancy to be an adult family home
- Hospice facilities

Note: Hospice facilities do not include beds licensed as hospital beds or nursing home beds.

Residential buildings that do not require installation of carbon monoxide alarms include:

- A previously constructed building not initially used as an adult family home
- A previously constructed building not initially used as a CBRF for 20 or fewer residents

Department of Commerce Rules

To administer the statute, the Department of Commerce has issued new regulations in ch. Comm 62, Wis. Admin. Code. See s. Comm 62.1200. The new Comm regulations were promulgated as an emergency rule.

It is important to note that not all requirements in 2007 Wisconsin Act 205 and s. 101.149, Stats., are restated in Comm 62.1200. For example, the provisions regarding installation and maintenance contained in s. 101.149 (2) and (3), Stats., are referenced in Comm 62.1200 and addressed in a Note.

The new requirements are summarized below. A copy of the new Department of Commerce Rules, links to 2007 Wisconsin Act 205, and the complete emergency rule are also provided.

Summary of the New Requirements

For new residential buildings receiving plan approval on or after October 1, 2008, or construction beginning on or after October 1, 2008, if plans did not require approval under s. Comm 61.31:

- Installation of carbon monoxide alarms where any type of fuel burning appliances are installed. The alarms shall conform to UL 2034 and be listed and labeled identifying conformance to UL 2034. [Comm 62.1200 (2) (a) and (b)]

Note: Under the permanent rule submitted to the Legislature for approval, conformance and labeling re: UL 2075 would also be permitted.

- Carbon monoxide alarms shall be interconnected and continuously powered by the building's electrical service with battery backup if plans for construction of the building were approved under s. Comm 61.30 on or after October 1, 2008, or if construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30. [Comm 62.1200 (2) (c)]
- Installation requirements specify the number and location of the carbon monoxide detectors. [Comm 62.1200(2)(a) 1. and 2. and 3. and Section 101.149(2), Stats.]
- Maintenance requirements. [Comm 62.1200(2) (a) 1. and Section 101.149(3), Stats.]

For residential buildings existing on October 1, 2008, or receiving plan approval prior to October 1, 2008:

- Installation of carbon monoxide alarms by April 1, 2010 in buildings where any type of fuel burning appliances are installed. The alarms shall conform to UL 2034 and be listed and labeled identifying conformance to UL 2034. [Comm 62.1200(2)(a) 4. and (b)]

Note: Under the permanent rule submitted to the Legislature for approval, conformance and labeling re: UL 2075 would also be permitted.

- No mandatory type of power sources for the carbon monoxide alarms, thereby allowing batteries, electrical outlet plug-ins or wiring to the building's electrical service.
- Omission of carbon monoxide alarms is allowed provided there are no attached garages and all the fuel burning appliances are of sealed combustion type either under warranty or annually inspected for carbon monoxide emissions. [Comm 62.1200(2)(a) 4.]
- Installation requirements specify the number and location of the carbon monoxide detectors. [Comm 62.1200(2)(a) 1. and 2. and 3. and Section 101.149(2), Stats.]
- Maintenance requirements. [Comm 62.1200(2)(a) 1. and Section 101.149(3), Stats.]

Contacts

If you have any questions about this information relating to adult family homes, community-based residential facilities, and residential care apartment complexes, please contact the Assisted Living Regional Director for the region in which your facility is located.

If you have any questions about this information relating to hospices, please contact Bill Lauzon, Engineer Consultant, Bureau of Licensing, Technology and Education at (414) 227-4149.

**Text of s. Comm 62.1200 and Related Commerce Rules for
Carbon Monoxide Alarms In Residential Facilities**

Comm 62.1200 Carbon monoxide alarms. These are department rules in addition to the requirements in IBC chapter 12:

(1) DEFINITIONS. In this section:

(a) “Dwelling unit” has the meaning as given in s. 101.61 (1), Stats.

Note: Section 101.61 (1) reads: “Dwelling unit” means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(b) “Fuel-burning appliance” means a device that is permanently installed in a building and burns fossil-fuel or carbon based fuel where carbon monoxide is a combustion by-product, including stoves, ovens, grills, clothes dryers, furnaces, boilers, water heaters, heaters, fireplaces and stoves.

(c) “Residential building” has the meaning as given in s. 101.149 (1) (b), Stats.

Note: Section 101.149 (1) (b) reads: “Residential building” means a tourist rooming house, a bed and breakfast establishment, or any public building that is used for sleeping or lodging purposes. “Residential building” does not include a hospital or nursing home.

(d) “Sealed combustion appliance” means a listed appliance that acquires all air for combustion through a dedicated sealed passage from the outside to a sealed combustion chamber and all combustion products are vented to the outside through a separate dedicated sealed vent.

(e) “Sleeping area” has the meaning as given in s. 101.145 (1) (b), Stats.

Note: Section 101.145 (1) (b) reads: “Sleeping area” means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

(2) INSTALLATION. (a) 1. Listed and labeled carbon monoxide alarms shall be installed at locations specified in s. 101.149 (2), Stats., and maintained in accordance with s. 101.149 (3), Stats., in buildings, including buildings existing on October 1, 2008, which are residential buildings or include residential buildings, and contain fuel-burning appliances, except as provided in subd. 4.

Note: Section 101.149 (2) and (3), Stats., reads:

(2) INSTALLATION REQUIREMENTS. (a) Except as provided in par. (b), the owner of a residential building shall install a carbon monoxide detector in all of the following places not later than the date specified under par. (c):

1. In the basement of the building if the basement has a fuel-burning appliance.
2. Within 15 feet of each sleeping area of a unit that has a fuel-burning appliance.
3. Within 15 feet of each sleeping area of a unit that is immediately adjacent to a unit that has a fuel-burning appliance.
4. In each room that has a fuel-burning appliance and that is not used as a sleeping area. A carbon monoxide detector shall be installed under this subdivision not more than 75 feet from the fuel-burning appliance.
5. In each hallway leading from a unit that has a fuel-burning appliance, in a location that is within 75 feet from the unit, except that, if there is no electrical outlet within this distance, the owner shall place the carbon monoxide detector at the closest available electrical outlet in the hallway.

(b) If a unit is not part of a multiunit building, the owner of the residential building need not install more than one carbon monoxide detector in the unit.

(c) 1. Except as provided under subd. 2., the owner of a residential building shall comply with the requirements of this subsection before the building is occupied.

2. The owner of a residential building shall comply with the requirements of this subsection not later than April 1, 2010, if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. 101.12, Stats., before October 1, 2008.

(d) Any carbon monoxide detector that bears an Underwriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization satisfies the requirements of this subsection.

(e) The owner shall install every carbon monoxide detector required by this subsection according to the directions and specifications of the manufacturer of the carbon monoxide detector.

(3) MAINTENANCE REQUIREMENTS. (a) The owner of a residential building shall reasonably maintain every carbon monoxide detector in the residential building in the manner specified in the instructions for the carbon monoxide detector.

(b) An occupant of a unit in a residential building may give the owner of the residential building written notice that a carbon monoxide detector in the residential building is not functional or has been removed by a person other than the occupant. The owner of the residential building shall repair or replace the nonfunctional or missing carbon monoxide detector within 5 days after receipt of the notice.

(c) The owner of a residential building is not liable for damages resulting from any of the following:

1. A false alarm from a carbon monoxide detector if the carbon monoxide detector was reasonably maintained by the owner of the residential building.

2. The failure of a carbon monoxide detector to operate properly if that failure was the result of tampering with, or removal or destruction of, the carbon monoxide detector by a person other than the owner or the result of a faulty alarm that was reasonably maintained by the owner as required under par. (a).

2. The installation of carbon monoxide alarms in accordance with s. 101.149 (2) and (3), Stats., shall be throughout the entire building where a portion of the building includes a residential building.

3. The 75-foot installation limit specified under s. 101.149 (2) (a) 5., Stats., shall be measured from the door of the unit.

4. The installation of carbon monoxide alarms is not required in buildings if construction of the building was initiated before October 1, 2008, or if the department approved the plans for the construction of the building under s. Comm 61.30, provided the building does not have an attached enclosed garage and either of the following circumstances applies:

a. All of the fuel-burning appliances in the building are of a sealed-combustion type that are covered by the manufacturers' warranties against defects.

b. All of the fuel-burning appliances in the building are of sealed-combustion type that are inspected in accordance with sub. (3) or rules promulgated by the department of health services under s. 254.74 (1) (am), Stats.

(b) 1. Carbon monoxide alarms shall conform to UL 2034.

2. Carbon monoxide alarms shall be listed and labeled identifying conformance to UL 2034.

(c) Carbon monoxide alarms to be installed in a building shall be wired to the building's electrical service and include battery secondary power supplies, if either of the following conditions applies:

1. Plans for the construction of the building were submitted for review under s. Comm 61.30 on or after October 1, 2008.

2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30.

(d) Carbon monoxide alarms to be installed within a dwelling unit shall be interconnected so that activation of one alarm will cause activation of all alarms within the dwelling unit, if either of the following conditions applies:

1. Plans for the construction of the building were submitted for review under s. Comm 61.30 on or after October 1, 2008.

2. Construction of the building was initiated on or after October 1, 2008, if plans were not required to be submitted and approved under s. Comm 61.30.

(3) INSPECTION OF SEALED COMBUSTION APPLIANCES. (a) The owner of a building shall be responsible for arranging the inspection of sealed combustion appliances and the vents and chimneys serving the appliances under subd. (2) (a) 4. b.

(b) Pursuant to subd. (2) (a) 4. b., the inspection of the sealed combustion appliances, vents and chimneys shall be for the purpose of determining carbon monoxide emission levels.

(c) Pursuant to subd. (2) (a) 4. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed at least once a year.

(d) For the propose of subd. (2) (a) 4. b., the inspection of the sealed combustion appliances, vents and chimneys shall be performed by an individual who holds a certification issued under ch. Comm 5 as an HVAC qualifier.

(e) If upon inspection the carbon monoxide emissions from a fuel burning appliance, vent or chimney are not within manufacturer's specifications, the appliance may not be operated until repaired or carbon monoxide alarms are installed in accordance with s. 101.149 (2) and (3), Stats.

(4) PENALTIES. Violation of the provisions of this section shall be subject to the penalties provided under s. 101.149 (8), Stats.

Note: Section 101.149 (8), Stats., reads:

(8) PENALTIES. (a) If the department of commerce or the department of health and family services determines after an inspection of a building under this section or s. 254.74 (1g) that the

owner of the building has violated sub. (2) or (3), the respective department shall issue an order requiring the person to correct the violation within 5 days or within such shorter period as the respective department determines is necessary to protect public health and safety. If the person does not correct the violation within the time required, he or she shall forfeit \$50 for each day of violation occurring after the date on which the respective department finds that the violation was not corrected.

(b) If a person is charged with more than one violation of sub. (2) or (3) arising out of an inspection of a building owned by that person, those violations shall be counted as a single violation for the purpose of determining the amount of a forfeiture under par. (a).

(c) Whoever violates sub. (4) is subject to the following penalties:

1. For a first offense, the person may be fined not more than \$10,000 or imprisoned for not more than 9 months, or both.

2. For a 2nd or subsequent offense, the person is guilty of a Class I felony.

SECTION 5. Comm 62.3500 (3) (e) is created to read:

Comm 62.3500 (3) (e) UL 2034 – 2005, Single and Multiple State Carbon Monoxide Alarms.

SECTION 6. Comm 62.3500 (3) Note is amended to read:

Comm 62.3500 (3) Note: ANSI/ASAE standards may be purchased from the American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085–9659. ASTM standards may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959. NFPA standards may be purchased from the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269–9101. UL standards may be purchased for Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, IL 60062- 2096.

Copies of the standards adopted under this section are on file in the offices of the department and the legislative reference bureau.

SECTION 7. Comm 66.0911 is renumbered Comm 66.0911 (1).

SECTION 8. Comm 66.0911 (1) (title) is created to read:

Comm 66.0911 Other requirements. (1) ELEVATOR RECALL.

SECTION 9. Comm 66.0911 (2) is created to read:

Comm 66.0911 (2) CARBON MONOXIDE ALARMS. This is a department rule in addition to the requirements in IEBC section 911: A building or a portion of a building changed to be or include a residential building as defined under s. 101.149 (1) (b), Stats., shall be provided with carbon monoxide alarms in accordance with s. Comm 62.1200.

The complete text of the Emergency Rule can be found at the following link:

<http://www.legis.state.wi.us/rsb/code/com/com062.pdf>.

The text of 2007 Wisconsin Act 205 can be found at the following link:

<http://www.legis.state.wi.us/2007/data/acts/07Act205.pdf>.