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MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4461

FILED

JAN 02 2018

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

CREATING ARTICLE VI IN CHAPTER 54 OF THE MICHIGAN CITY MUNICIPAL CODE REQUIRING THE INSTALLATION OF CARBON MONOXIDE DETECTORS IN ALL NEW RESIDENTIAL CONSTRUCTION

WHEREAS, Ordinance No. 4446 entitled *Creating Article VI in Chapter 54 of the Michigan City Municipal Code to Require the Installation of Carbon Monoxide Detectors in All New Construction* was passed by the Michigan City Common Council on October 17, 2017 and signed by the Mayor on October 18, 2017; and

WHEREAS, following the passage of said Ordinance, the Michigan City Fire Marshal and the Michigan City Building Commissioner forwarded the same to the Indiana Fire Prevention and Building Safety Commission for their review and approval as required by I.C. 22-13-2, et seq; and

WHEREAS, the Indiana Fire Prevention and Building Safety Commission rejected Ordinance No. 4446 and has recommended several amendments; and

WHEREAS, the City of Michigan City is desirous of implementing the recommendations of the Indiana Fire Prevention and Building Safety Commission and believes it to be in the best interest of the residents and citizens of Michigan City, Indiana to implement regulations pertaining to installation of carbon monoxide detectors in new residential construction.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that Article VI entitled "Carbon Monoxide Detector(s)" is hereby created in Chapter 54 of the Michigan City Municipal Code and shall read as follows:

ARTICLE VI. CARBON MONOXIDE DETECTOR(S)

Sec. 54-279. Definitions.

- (a). "Carbon monoxide detector(s)" means a device that detects carbon monoxide, alerts occupants via a distinct and audible signal that is either self-contained in the unit or activated via a system connection, and is certified by a nationally recognized testing laboratory to conform to the latest standards of the underwriters laboratories standards.
- (b). "Operational" means working and in service.

Sec. 54-280. Applicability.

- (a). Carbon monoxide detector(s) required. For every Class 2 Structure for which a building permit is issued for new construction on and after the date this Ordinance is approved by the Fire Prevention and Building Safety Commission, and having a fireplace, attached garage, or fossil fuel burning appliance, carbon monoxide detector(s) shall be required. A Certificate of Occupancy shall not issue for any new construction not in compliance with this Article. This Article does not apply to an industrialized building system or mobile structure that is certified under I.C. 22-15-4.
- (b). Maintenance. It shall be unlawful for any person to tamper with or remove any carbon monoxide detector(s) or its batteries except when it is necessary for maintenance or inspection purposes. Any carbon monoxide detector removed for repair or replacement shall be re-installed or replaced so that it is in place with functioning batteries during normal sleeping hours.
- (c). Duties of Owners. Every owner of any Class 2 Structure to which this Article applies shall be responsible for the installation, maintenance, and repair of all carbon monoxide detector(s) in said structure.

CC: Fire Dept. (X2)
Controlley (X3)
Corporate Counsel

Sec. 54-281. Enforcement; Penalties; and Injunctive Relief.

- (a). Enforcement. The Planning and Inspection Department and the Fire Department of the City shall be authorized to inspect any Class 2 Structure to which this Article applies with the consent of the owner or tenant or by order of the court.
- (b). Penalties; Injunctive Relief. Whoever violates any provisions of this Article shall be fined as set forth in Sec. 50-284. Every day a violation occurs shall constitute a separate offense as prescribed in Sec. 1-7. In addition to pursuing monetary penalty as prescribed in Sec. 50-284, the City may bring an action for injunctive relief to enforce any provision of this Article.

Sec. 54-282. Conflict with other standards.

In the event a provision of this Article is found to be in conflict with any provisions set forth by the International Residential Code or with any rule adopted by the Fire Prevention and Building Safety Commission, the provisions of the International Residential Code or the rule adopted by the Fire Prevention and Building Safety Commission shall be deemed to prevail.

Sec. 54-282. Administrative Review of Local Orders and Variances by the Commission.

Any order issued under this Article by the City is subject to administrative review by the Fire Prevention and Building Safety Commission pursuant to I.C. 22-13-2-7. In addition, any variance granted by the City to this Ordinance is not effective until approved by the Commission pursuant to I.C. 22-13-2-7.

This Ordinance shall be submitted to the Fire Prevention and Building Safety Commission within thirty (30) days after adoption by the City of Michigan City, Indiana, and this Ordinance shall be effective upon approval by the Fire Prevention and Building Safety Commission as provided by I.C. 22-13-2-5, and any necessary publication.

INTRODUCED BY: Pat Boy
Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 16th day of January, 2018 by a vote of 9 to 0.

Don Przybylinski
Don Przybylinski, President
Michigan City Common Council

Approved by me, this 17th day of January, 2018.

Ron Meer
Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

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