

**ORDINANCE NO. 2020-\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF PORTER, INDIANA  
AMENDING CHAPTER 14, ARTICLE VII OF THE PORTER TOWN CODE**

**WHEREAS**, carbon monoxide poses a threat to the health and lives of citizens of the Town; and

**WHEREAS**, smoke detectors do not always provide ample warning of the presence of carbon monoxide; and

**WHEREAS**, it is in the interests of the public health and safety of the residents and visitors of the Town to require the installation of carbon monoxide detectors in certain new construction;

**BE IT, AND IT IS HEREBY ORDAINED** by the Town Council of the Town of Porter, Indiana, as follows:

**Section 1. Amendment of Section 14-385.** Section 14-385 shall be amended by deleting the existing definition of Carbon Monoxide Detector and replacing it with the following:

*Carbon Monoxide Detector* shall be defined as a device that detects the presence of carbon monoxide (CO) gas and emits an audible alarm of at least eighty-five (85) decibels at ten (10) feet, and such alarm shall be capable of persisting for at least four (4) minutes, and conform to the NFPA 720 Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment.

**Section 2. Amendment of Section 14-386.** Section 14-386 shall be amended by deleting the existing text of that Section and replacing it with the following:

**Sec. 14-386. Installation.**

- (a) Smoke Detectors shall be installed in the following properties:
- (1) All new single and multiple family dwellings.
  - (2) All existing two (2) family or multiple family dwellings.
  - (3) All rental dwellings either single or multiple.
  - (4) All new and existing trailer homes.
  - (5) All new and existing apartment homes.
  - (6) All new and existing hotels, motels and rooming houses.
  - (7) All new and existing dwellings above business property.

- (b) Carbon Monoxide Detectors shall be installed in accordance with the manufacturer's specifications and recommendations in the following properties:
  - (1) At least one (1) operational Carbon Monoxide Detector per residential unit, in all buildings of a Class 2 structure (as defined by I.C. § 22-12-1-5, or any successor statute) designed for residential use and having a fireplace, attached garage, or fossil fuel burning appliance, and for which a building permit is issued for new construction after the date this Ordinance is in full force and effect.
- (c) When activated, all smoke detectors shall provide an audible alarm of at least eighty-five (85) decibels at ten (10) feet, and such alarm shall be capable of persisting for at least four (4) minutes.
- (d) If a smoke detector is alternating current powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of alternating current powered smoke detectors shall conform to all electrical standards adopted by the Town. A smoke detector rewired under this article shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any Town electrical standard, the Town electrical standard shall take precedence.

**Section 3. Amendment of Section 14-387.** Section 14-387 shall be amended by deleting any reference to "detector" and replacing it with "smoke detector".

**Section 4. Amendment of Section 14-388.** Section 14-388 shall be amended by deleting the existing text of that Section and replacing it with the following:

Responsibility.

Every owner, manager or agent of any rental dwelling or apartment home shall be responsible for the installation and maintenance of all smoke detectors. This requirement applies to smoke detectors required by any state or federal law as well as by this article, unless otherwise required by state or federal law.

**Section 5. Amendment of Section 14-389.** Section 14-389 shall be amended by deleting the existing text of that Section and replacing it with the following:

Certificates of Compliance.

Between January 1<sup>st</sup> and January 31<sup>st</sup> each year, the owner of each rental dwelling and apartment home, in which a smoke detector has been installed shall certify in writing on forms prescribed by the Town to the Fire Department that the required maintenance has been performed on all smoke detectors in the owner's units, and that the smoke detectors are in good working condition in the owner's units, and that the smoke detectors are in good working condition as of the date of certification. Each owner shall certify to each new occupant of any rental dwelling and apartment home covered by this article that all smoke detectors required have been installed and are in proper working condition.

**Section 6. Conflicting Ordinances.** Any Ordinance or provision of any Ordinance of the Town of Porter Code of Ordinances in conflict with the provisions of this Ordinance is hereby repealed.

**Section 7. Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval by the Indiana State Fire Prevention and Building Safety Commission and publication as provided by law.

**PASSED AND ADOPTED** by the Town Council of the Town of Porter, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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William Lopez, President

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Erik Wagner

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Greg Stinson

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David Phillips

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Brian Finley

ATTEST:

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Carol Pomeroy, Clerk-Treasurer