

Bill No. 81-17  
As Amended 11.14.17

ORDINANCE NO. 77-18-17

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE IX OF  
THE ST. JOSEPH COUNTY CODE BY AMENDING CHAPTER 92,

CARBON MONOXIDE DETECTORS

STATEMENT OF PURPOSE  
AND INTENT

The purpose and intent of this Ordinance is to amend Title IX of the St. Joseph County Code so as to add thereto provisions requiring the installation and maintenance of carbon monoxide detectors within all single and multiple family rental dwelling units within St. Joseph County, and to adjust the title of Chapter 92 accordingly.

NOW, THEREFORE, IT IS ORDAINED BY THE ST. JOSEPH COUNTY COUNCIL,  
THAT:

SECTION 1. The St. Joseph County Code is hereby amended by amending the title of Chapter 92 "Fire Protection and Prevention", to read "Community Risk Reduction", and by adding the following sections:

- 92.18 Definitions
- 92.19 Carbon Monoxide Detectors required
- 92.20 Location of Carbon Monoxide Detectors
- 92.21 Installations
- 92.22 Maintenance
- 92.23 Responsibility
- 92.24 Certificate of Compliance
- 92.98 Penalties

§ 92.18      DEFINITIONS

(a) CARBON MONOXIDE DETECTOR shall be defined as a device that detects the presence of the carbon monoxide (CO) gas in order to prevent carbon monoxide poisoning.

(b) SINGLE AND MULTIPLE FAMILY DWELLING RENTAL UNIT shall be defined as any building that contains living quarters for rent or lease for occupancy, and shall include hotels, motels, boarding houses, sleeping room houses, building or mixed occupancy, having any residential units, nursing homes, convalescent homes, licensed half-way houses, or lodging houses.

(c) MOBILE HOME RENTAL shall be defined as any mobile home or trailer occupied by or offered for occupancy to an individual or individuals as a residence on a rental basis.

(d) SLEEPING AREA shall be defined as the area of a unit in which 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.

#### § 92.19 CARBON MONOXIDE DETECTORS REQUIRED

All single and multiple family dwelling rental units and all mobile home rentals shall be equipped with carbon monoxide detectors. For all such buildings occupied for residential use for which rent or lease is collected, this requirement shall be effective after December 31, 2017. And, any single and multiple family dwelling rental unit or mobile home rental which has a fireplace, wood-burning stove, attached garage, or fossil fuel burning appliance, shall have at least one (1) operational carbon monoxide detector per unit.

#### § 92.20 LOCATION OF CARBON MONOXIDE DETECTORS

Carbon Monoxide Detectors shall be located per manufacturer's recommendations.

#### § 92.21 INSTALLATIONS

Carbon Monoxide Detectors shall be installed per manufacturer's specifications.

#### § 92.22 MAINTENANCE

It shall be unlawful for any person to tamper with or remove any carbon monoxide detector except when it is necessary for maintenance or inspection purposes. Any carbon monoxide detector removed for repair or replacement shall be reinstalled or replaced so that it is in place during normal sleeping hours. At every change of tenant in every single and multiple family dwelling unit or mobile home rental, carbon monoxide detectors shall be tested to determine that they are in operable condition.

§ 92.23      RESPONSIBILITY

Every owner, manager or agent of any single and multiple family dwelling rental unit or mobile home rental shall be responsible for the installation and maintenance of all carbon monoxide detectors. This requirement applies to carbon monoxide detectors required by any state or federal law as well as by this ordinance.

§ 92.24      CERTIFICATES OF COMPLIANCE

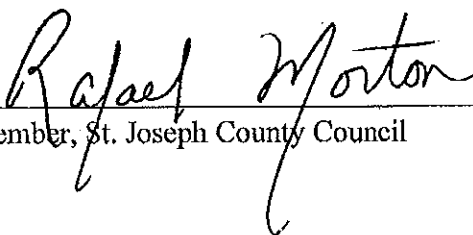
Between January 1 and January 31 of each year, the owner, manager or agent of each dwelling unit and mobile home in which a carbon monoxide detector has been installed shall certify, in writing, on forms prescribed by the County Building Department, to the Fire Inspector or Community Risk Reduction Division of the local Fire Department where the residence is located, that the required maintenance has been performed on all detectors in the owner's, manager's or agent's units and that the detectors are in good working condition as of the date of certification. Each owner, manager or agent shall certify to each new occupant of any dwelling unit and mobile home covered by this Ordinance that all carbon monoxide detectors required have been installed and are in proper working condition.

§ 92.98      PENALTIES

Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Chief of the local Fire Department or by the St. Joseph County Building Department or by a Court of competent jurisdiction, may be fined up to \$100.

SECTION 2. The provisions of this article of this chapter are severable and if any sentence, section or other part of this article shall be found invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

SECTION 3. This Ordinance shall be in full force and effect beginning ninety (90) days after its approval by the Indiana Fire Prevention and Building Safety Commission.

  
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Member, St. Joseph County Council

Bill No. 81-17

*No Amendment*

AMENDMENT NO. \_\_\_\_\_

ORDINANCE NO. 7718

*revised to 77-17*

AN ORDINANCE OF THE ST. JOSEPH COUNTY COUNCIL AMENDING TITLE IX OF THE ST. JOSEPH COUNTY CODE BY AMENDING CHAPTER 92, CARBON MONOXIDE DETECTORS

PETITIONER(S): MARK CATANZARITE, DAVE CHERRONE AND DOT KESLING

This bill came before the St. Joseph County Council the 14 th day of November, 2017, and was voted to duly pass/not to pass, this Ordinance.

*Rafael Martin*  
President, County Council

VOTES

YES 7

NO 2

*Against: Mr. Telloyan ; Mr. O'Brien*

ATTEST:

*M. J. ...*  
Auditor, St. Joseph County

Presented by me to the Board of Commissioners of the County of St. Joseph, Indiana, this 15 th day of November, 2017, at the hour of 2 o'clock P.M.

This Ordinance approved and signed by the Board of County Commissioners of St. Joseph County, Indiana, on the 21 th day of November, 2017, at the hour of 10 o'clock A. M.

*Amber T. ...*  
President, County Commissioners

*Abigail ...*  
Vice President, County Commissioners

*Don ...*  
Member, County Commissioners