



ORDER OF APPROVAL

TO: L. Charles Lukmann, III, Esq.
Town Attorney for the Town of Chesterton, Indiana
Harris, Welsh & Lukmann, Attorneys at Law

FROM: Douglas J. Boyle, Director of the Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security

DATE: Friday, January 5, 2018

RE: Order Approving Ordinance No. 2017-12 (Town of Chesterton)

Pursuant to Indiana Code § 22-13-2-5.5, the Fire Prevention and Building Safety Commission, at its Wednesday, January 3, 2018 meeting, **APPROVED** the above listed ordinance. Enclosed is the original copy of the ordinance, endorsed by the Chairman of the Fire Prevention and Building Safety Commission.

EFFECTIVE DATE

Pursuant to Indiana Code § 4-21.5-3-5, this order is effective fifteen (15) days after it is served, unless a petition for review and a petition for stay of effectiveness of this order has been filed.

APPEAL RIGHTS

This order may be appealed in accordance with Indiana Code § 4-21.5-3-7. To qualify for administrative review of this order, you must submit, by U.S. Mail or personal service, a Petition for Review in writing that complies with all of the following requirements:

1. The Petition for Review must state facts demonstrating that you are:
 - a. a person to whom the order is specifically directed;
 - b. aggrieved or adversely affected by the order; or
 - c. entitled to review under any law.

2. The Petition for Review must be filed with the chairperson or secretary of the ultimate authority for the agency issuing the order. If filed by U.S. mail, as opposed to personal service, please address the mailing as follows:

Indiana Department of Homeland Security

Fire Prevention and Building Safety Commission
c/o Secretary
302 W. Washington Street, Rm. E-208
Indianapolis, IN 46204

3. The Petition for Review must be filed within fifteen (15) days after you are given notice of this order. Timeliness is computed by the methods described in Indiana Code § 4-21.5-3-2. Generally, the following rules apply, but review I.C. § 4-21.5-3-2 to ensure timeliness for your specific situation.
 - a. If you are served by United States mail, you will have three (3) additional days to petition for review – extending the period to eighteen (18) days – this time period will be calculated from the date the order was deposited in the United States mail.
 - b. In calculating timeliness, the first day is **not** included, but the last day is.
 - c. If the deadline falls on a: (1) Saturday; (2) Sunday; (3) legal holiday under a state statute; or (4) other day that our office is closed, the deadline will be extended until the first day that does not fall on a: (1) Saturday; (2) Sunday; (3) legal holiday under a state statute; or (4) other day that our office is closed.
 - d. The Petition for Review is deemed filed on the date of the postmark on the envelope containing the Petition for Review or the date the Petition for Review is personally delivered to the above address, whichever occurs first.

Please be advised, if a petition for review is granted any person may obtain notices of prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by sending a request to receive such notices to the address listed in 2, above.

If you comply with these three requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. If a Petition for Review is not timely filed, then this order will become final and you must comply with its requirements.

You may also request an opportunity to informally discuss this matter. However, a request to informally discuss, or actual informal discussion, does not extend the deadline for filing your Petition for Review and, consequently, any request should be made promptly, preferably by telephone, upon receipt of the Order. If you have any questions regarding this order, please contact our Legal Department by phone at (317) 234-9515 or by email at jguedel@dhs.in.gov.

DJB
encl.
cc: File

ORDINANCE NO. 2017-12

**AN ORDINANCE OF THE CHESTERTON TOWN
COUNCIL AMENDING THE CHESTERTON TOWN CODE
TO REQUIRE CARBON MONOXIDE DETECTORS IN
CERTAIN NEW RESIDENTIAL CONSTRUCTION**

WHEREAS, the laws and rules of the State of Indiana and the Town of Chesterton regulate the use and installation of smoke detectors;

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 Chesterton Town Council:

SECTION 1. The title of Chapter 8 Article II is hereby deleted, and replaced with the following:

ARTICLE II. SMOKE AND CARBON MONOXIDE DETECTORS

SECTION 2. A new definition to Chapter 8 Article II Section 8-2 is hereby added and shall read as follows:

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 3. Sec. 8-3(A) is hereby deleted in its entirety and replaced with the following language:

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.

SECTION 4. A new subsection D. to Chapter 8 Article II Section 8-3 is hereby added and shall read as follows:

Carbon Monoxide Detectors shall be installed in the following properties:

1. At least one (1) operational Carbon Monoxide Detector (as defined in Sec. 8-2 of the Town Code), 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 have a fireplace, attached garage, or fossil fuel burning appliance, and for which a building permit is issued for new construction after the date that this Ordinance is in full force and effect.

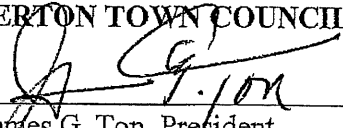
SECTION 5. A new subsection D. to Chapter 5 Article II Section 5-50 is hereby added and shall read as follows:

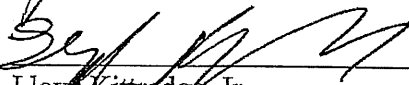
Carbon Monoxide Detector Requirement – For all buildings of a Class 2 structure (as defined by I.C. § 22-12-1-5, or any subsequent statute) designed for residential use and having a fireplace, attached garage, or fossil fuel burning appliance, and for which a building permit is issued for new construction after the date that this Ordinance is in full force and effect, shall have at least one (1) operational Carbon Monoxide Detector (as defined in Sec. 8-2 of the Town Code) per residential unit. Installation of the Carbon Monoxide Detector shall be in accordance with the Manufacturer's specifications and recommendations.

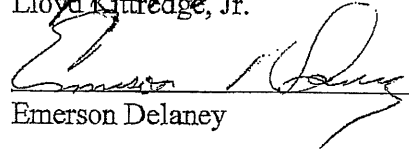
SECTION 6. This Ordinance shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission, and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Chesterton Town Council this 24th day of July, 2017.

CHESTERTON TOWN COUNCIL

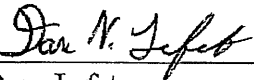

James G. Ton, President


Lloyd Kittredge, Jr.


Emerson Delaney

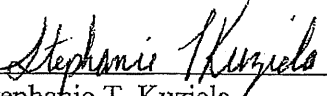


Nathan Cobbs

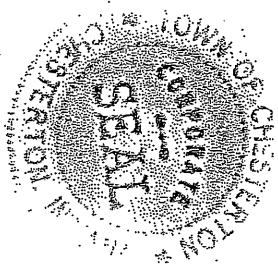


Dane Lafata

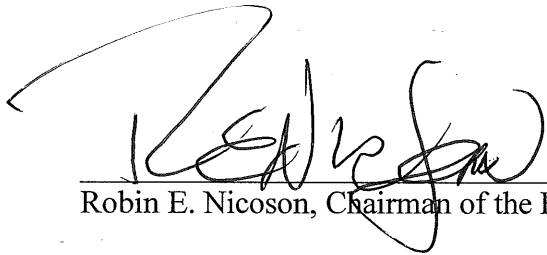
ATTEST:



Stephanie T. Kuziela
Clerk-Treasurer, Town of Chesterton



Approved this day, the 3rd of January, 2018, by the Fire Prevention and Building Safety Commission of the State of Indiana.

A handwritten signature in black ink, appearing to read "Robin E. Nicoson", written over a horizontal line.

Robin E. Nicoson, Chairman of the Fire Prevention and Building Safety Commission