

COUNCIL PENDING ORDINANCE NO. _____
ORDINANCE NO. _Ordinance Final Number is 8158
AS AMENDED _____
CERTIFICATION DATE _____
CERTIFIED BY _____
FAVORABLY _____
UNFAVORABLY _____

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 93
OF THE CODE OF ORDINANCES OF THE CITY OF GARY AND
REQUIRING CARBON MONOXIDE DETECTORS**

WHEREAS, carbon monoxide poisoning is the leading cause of accidental poisoning fatalities in America; and

WHEREAS, hundreds of people are killed annually and thousands of people receive emergency treatment annually as a result of carbon monoxide gas; and

WHEREAS, carbon monoxide poisoning constitutes a serious hazard in the City of Gary and children and adults have died or become seriously ill as a result of its toxic effect; and

WHEREAS, carbon monoxide gas is often the result of faulty or poorly maintained home heating systems; and

WHEREAS, carbon monoxide gas impacts the body by replacing oxygen in the bloodstream after it is inhaled, thereby depriving the body of oxygen; and

WHEREAS, carbon monoxide is odorless and its effects of headache, nausea, dizziness, fatigue, vomiting, impaired vision, loss of consciousness and possible death can be mistaken for flu symptoms or symptoms of other illnesses; and

WHEREAS, Title IX, Chapter 93 of the Code of Ordinances of the City of Gary provides standards for fire prevention and fire safety regulations including the requirement that new construction of residential or mixed occupancy structures shall be equipped with approved smoke detectors approved by the Underwriters Laboratory, Inc.; and

WHEREAS, the Code of Ordinances of the City of Gary does not provide for mandatory installation of carbon monoxide detectors and does otherwise provide for protection from the dangers of carbon monoxide poisoning; and

WHEREAS, the detection of carbon monoxide is no less crucial for a people's health, safety and well being.

NOW THEREFORE BE IT ORDAINED that the Title IX, Chapter 93 of the Code of Ordinances of the City of Gary be and, hereby is, amended to include carbon monoxide detectors, by the addition of Section 93.49 as follows:

§ 93.49 Carbon Monoxide Alarm Devices; Requirements

1. *Location.* Every building of residential or mixed occupancy in which there is one or more residential units shall be equipped with approved carbon monoxide alarms in accordance with this chapter.
 - (A) Not less than one approved carbon monoxide alarm shall be installed in each residential unit and shall be installed within 40 feet of each room used for sleeping purposes and shall be easily audible in all sleeping rooms.
 - (B) Every Carbon Monoxide alarm shall be installed according to the manufacturer's instructions.
 - (C) In every hotel and motel, one approved carbon monoxide alarm shall be installed for every 10,000 square feet of floor area or fraction thereof; one on every floor on which a fossil fuel-burning boiler or furnace is located; and two on every floor on which sleeping rooms are heated by any type of warm air heating system that burns fossil fuel, which floor area shall be computed separately for each floor.
 - (D) All carbon monoxide detectors shall be installed according to the manufacturers' specifications.
2. *Exemptions.* The following residential units and hotels/motels shall not be required to have carbon monoxide alarms:
 - (A) A residential unit in a building, hotel or motel that does not rely on the combustion of fossil fuel for heat, ventilation or hot water, and is not sufficiently close to any ventilation source of carbon monoxide.
 - (B) A residential unit, hotel or motel that (1) is heated by steam, hot water or electric heat, and (2) is not connected by duct work or ventilation shafts to any room containing a fossil fuel-burning boiler or heater, and (3) is not sufficiently close to any ventilated source of carbon monoxide as determined by the city Building Inspector or Fire Prevention Bureau or his, her or its designee, to receive carbon monoxide from that source.

3. *Dwelling units heated by space heaters.* Each dwelling unit, hotel or motel employing space heating equipment that is located within the dwelling unit or hotel or motel and that burns fossil fuel shall be equipped with at least one carbon monoxide alarm which shall be installed according to the manufacturer's specifications.
4. *Standards.* Every approved carbon monoxide alarm shall comply with all applicable federal and state regulations, and shall bear the label of a nationally recognized standard testing laboratory, and shall meet the standards of UL 2034 or its equivalent. The Building Department or Fire Prevention Bureau may issue rules and regulations not inconsistent with the provisions of this chapter for the implementation and administration of the provisions of this chapter relating to carbon monoxide alarms.
5. *Battery removal violations and penalty.* It shall be unlawful for any person to remove batteries from a carbon monoxide alarm required under this chapter, or in any way make inoperable a carbon monoxide alarm required under this chapter, except that this provision shall not apply to any building owner or manager or his agent in the normal procedure of replacing batteries. Any person who violates this section shall be subject to a fine of not less than \$250 per violation.
6. *Owners and tenants responsibilities.* The owner of a structure shall install the carbon monoxide alarm(s) and provide required carbon monoxide testing and maintenance information to at least one adult tenant in each dwelling unit who shall test, provide general maintenance, and replace required batteries for carbon monoxide alarms located in the tenant's dwelling unit.
7. *Building heated by central fossil fuel powered heating unit.* The owner or owner's agent of every residential building with more than one unit within the building that is heated by one main central fossil fuel heating unit, and that is not exempted under this section, shall install one approved carbon monoxide alarm on the floor containing the central heating unit. The owner shall test, provide general maintenance, and replace required batteries for carbon monoxide alarms located in this area. The carbon monoxide alarm shall be installed according to the manufacturer's instructions.
8. *Definition of fossil fuel.* Whenever used in this chapter, the term "fossil fuel" shall include coal, natural gas, kerosene, oil, propane and wood.

9. *Penalties.* Any person who violates any provision of this section, for which a separate penalty is not provided, shall be subject to a fine of not less than \$100 (One Hundred Dollars) and not more than \$500 (Five Hundred Dollars), provided that each day that a violation continues shall constitute a separate and distinct offense.

This ordinance shall be effective from, and after January 1, 2008.

Should any section or part of this ordinance be deemed illegal or invalid, it shall not affect the legality or validity of the remaining parts or sections.

PASSED and **ADOPTED** by the Common Council of the City of Gary, Indiana this _____ day of _____, 2008.

**JEROME PRINCE, PRESIDENT
GARY COMMON COUNCIL**

ATTEST: _____
SUZETTE RAGGS, CITY CLERK

Presented by me to the Mayor of the City of Gary this _____ day of _____, 2008.

SUZETTE RAGGS, CITY CLERK

APPROVED and **SIGNED** by the Mayor of the City of Gary this _____ day of _____, 2007.

**RUDY CLAY, MAYOR
CITY OF GARY**

Sponsored by: Councilwoman Shirley Standford

Prepared by: Attorney William C. Jones

Committee Assignment _____ Reported Out Date _____
1st Reading Date _____ 2nd Reading Date _____
3rd Reading Date _____ Committee Hearing Date _____
Public Hearing Date _____ Final Hearing Date _____
Passed Date _____ Adopted Date _____ Defeated Date _____
Tabled Dated _____ Override Date _____