ORDINANCE 86-17

To Amend Title 18 of the Bloomington Municipal Code to Add a New Chapter Requiring Smoke Detectors in Rental Housing Units

WHEREAS, The direct and financial losses suffered from fire and smoke in residential fires can be substantially reduced by the installation and maintenance of smoke detectors, and

WHEREAS, the Common Council has received recommendations and requests from citizens and the Bloomington Fire Department and Housing Code Enforcement Office that smoke detectors should be required, in the interest of public health and safety, in rental residential units when not otherwise required by the Indiana Building Code or One and Two-Family Dwelling Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. Title 18 of the Bloomington Municipal Code entitled "Fire Prevention" shall be amended to add a new Chapter 18.10 entitled "Smoke Detectors":

Chapter 18.10

SMOKE DETECTORS

18.10.010 Definitions. As used in this Chapter, the following terms have the following meanings unless otherwise designated:

(a) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(b) "Owner" means any person, agent, firm, or corporation having a legal or equitable interest in the property.

(c) "Rental building" means a building, or mobile home, containing one or more rental units.

(d) "Rental unit" means a rented dwelling unit, including a rented mobile home, or rooming unit.

(e) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

18.10.020 Smoke Detectors Required. Subject to such exceptions and conditions for compliance as stated herein, six months after the effective date of this Ordinance, smoke detectors shall be required in all rental units rented for occupancy within the City of Bloomington when not otherwise required by the Uniform Building Code and/or the One and Two Family Dwelling Code.

18.10.030 Type and Placement of Smoke Detectors. (a) Only ionization or photo electric type smoke detectors approved by a nationally recognized testing laboratory shall be installed.

(b) Smoke detectors with power sources not directly connected to an AC primary power source may be battery-powered in self-monitored detectors or operated from an electrical outlet which is fitted with a plug restraining device, provided the outlet is not controlled by any switch other than the main power supply; provided further that nothing in this Chapter shall be construed to permit battery-operated smoke detectors when such are otherwise prohibited by the Indiana Building Code, Indiana One and Two Family Dwelling Code, or by state statute.

(c) Smoke detectors shall be placed in accordance with applicable N.F.P.A. (National Fire Protection Association) standards for for the installation, maintenance, and use of household fire warning equipment. Detectors may be ceiling or wall mounted, provided that if wall mounted they shall be within twelve inches, but not closer than six inches of the ceiling; and provided further that the Chief of the

Bloomington Fire Department, or his/her designee, may approve and authorize, in writing, specific placement of smoke detectors in a rental building upon request of an owner. A copy of such written approval shall be provided to the Housing Code Enforcement Officer of the City of Bloomington.

(d) In a dwelling unit which contains a well-defined sleeping room(s) separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. In a dwelling unit where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area.

(e) In a rental building which contains a rooming unit(s), there shall be a smoke detector installed in each sleeping room.

(f) In a rental building containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit, detectors shall be placed in centrally located common areas so that smoke detectors will adequately service all sleeping areas; at a minimum one detector shall be located on each level of a rental building, including basements but excluding crawl spaces and unfinished attics.

18.10.040 Providing, Installing and Maintaining Smoke Detectors.
(a) The owner of a rental building shall be responsible for supplying and installing in an operable condition the required detector(s) and for providing the manufacturer's maintenance and testing instructions to a tenant at the time of execution of a lease or during joint inspection of the premises.

(b) The owner of a rental building shall be responsible for maintenance and testing of detectors, in accordance with manufacturer's instructions, which are located in common areas and/or detectors in dwelling units and/or rooming units where the occupancy of any one tenant is for less than one month.

(c) The tenant in any occupancy of one month or more shall be responsible for maintaining and testing the detector(s), in accordance with manufacturer's instructions, which are within his exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when a detector(s) becomes inoperable, whereafter the owner has ten days in which to repair or replace in operable condition said detector(s). In the battery-operated type of detector, battery replacement shall be the responsibility of the tenant.

(d) At every change of tenancy, where the occupancy of any one tenant is of one month or more, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in operable condition, and if not, the owner shall be responsible for placing them in operable condition.

18.10.050 Enforcement. The Fire Prevention Bureau of the Fire Department, the Engineering Department, and the Bloomington Housing Code Enforcement Office shall enforce this Chapter as part of their regular inspection and enforcement of all city housing, building, and safety codes.

18.10.060 Penalties. Any person who violates any of the provisions of this Chapter or fails to comply herewith, or who violates or fails to comply with any order made hereunder, is severally for each and every such violation and noncompliance, respectively, subject to the penalty provided in Section 1.01.130. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and, all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

Section II. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not

affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

Section III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor and promulgation as required by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16 day of April, 1986.

James C Regester
JAMES C. REGESTER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17 day of April, 1986.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 18 day of April, 1986.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance, sponsored by Councilmember Murphy, establishes a new Chapter in the Bloomington Municipal Code to require smoke detectors in all dwelling and rooming units in rental buildings in the City of Bloomington. Both battery-operated and/or "hard-wired" detectors are permitted. The Owner is responsible for providing that the smoke detectors are functional at the time of occupancy; the tenant is responsible for notifying the owner if the detector(s) becomes inoperable during the life of the lease and is responsible for replacing the battery in battery-operated detectors. A general penalty provision is included.

Signed copies 4/18/86
1. Fire Dept
2. Legal
3. Housing Insp.
4. Ch Fleener
5. Engr - Dean B
6. Dick Wells - IMCAA
7. John Irvine - SLS
8. IUSA - name ?
9. Harold Godsey