

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF PONTIAC, MICHIGAN BY AMENDING CHAPTER 62 ENTITLED “FIRE PREVENTION AND PROTECTION”, ARTICLE VII, ENTITLED “SMOKE DETECTORS” BY REPEALING ARTICLE VII IN ITS ENTIRETY AND SUBSTITUTING A NEW ARTICLE VII ENTITLED “SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS”.

Adopted:

Effective:

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF PONTIAC:

PREAMBLE: The intent of this article is to ensure public safety, health and welfare insofar as they are affected by the hazards of fire and carbon monoxide in dwellings, dwelling units and rental units in the city. It is the intent of this article to provide adequate time for compliance with the provisions contained in this article. It is necessary to apply the provisions of this article in other than a prospective manner because the danger of loss of life and injury to the persons and property of the residents of and visitors to the city due to the hazard of fire and carbon monoxide poisoning is so great as to require that the devices known as the smoke detector and the carbon monoxide detector be installed in all dwellings, dwelling units and rental units as quickly as is reasonably possible.

Section 1. This Ordinance shall be known and may be cited as the “Valiente-Carrasco Smoke Detectors and Carbon Monoxide Detectors Ordinance”.

Section 2. That the Municipal Code of Pontiac, Michigan shall be amended by revising Chapter 62 by repealing in its entirety the existing Article VII captioned “Smoke Detectors” and substituting a new Article VII entitled “Smoke Detectors and Carbon Monoxide Detectors” to read as follows:

Section 62-156. Definitions

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling means any building or structure containing one or more dwelling units. It is intended that this definition shall include but not be limited to motels, hotels, lodging houses, boarding houses, tourist houses, and one-family, two-family, and multiple family residences.

Dwelling Unit means: 1) one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with living, sanitary and sleeping facilities, with or without cooking facilities; or 2) a room or group of rooms forming a single unit or intended to be used for living and sleeping on a temporary or permanent basis, whether or not for compensation.

Owner means the owner of the dwelling, dwelling unit and/or rental unit, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, or any other person, business, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or their authorized agent.

Rental Unit means: any building or structure constructed prior to January 1, 1973 containing one or more dwelling units which is/are occupied by any individual, family member or non-family member in return for compensation in cash, services or forbearances to the owner, whether or not paid by the occupying individual(s). It is intended that this definition shall include but not be limited to any dwelling, hotel, motel, boarding house, rooming house, apartment, one or two-family dwelling unit, multiple dwelling unit, group home, half-way house or three-quarter house.

Smoke Detector means a device which includes hush and reset buttons and is capable of sensing visible or invisible products of combustion approved or listed by a recognized independent testing laboratory and, when activated, provides an alarm suitable to warn all occupants within a dwelling, dwelling unit or rental unit of the existence of such products of combustion.

Carbon Monoxide Detector means a device capable of sensing carbon monoxide a colorless, odorless gas that is produced as a result of incomplete burning of carbon-containing fuels approved or listed by a recognized independent testing laboratory and, when activated, provides an alarm suitable to warn all occupants within a dwelling, dwelling unit or rental unit of the colorless, odorless gas.

Section 62-157. Requirement for Dwellings and Dwelling Units.

Each dwelling unit contained within each and every dwelling and dwelling unit in the city shall be provided with a minimum of one smoke detector per bedroom, sleeping area, sleeping unit or room used for sleeping purposes and one additional smoke detector per floor or story including basements but not including crawl spaces and uninhabitable attics within each dwelling unit contained within each and every dwelling and dwelling unit and one carbon monoxide detector on the uppermost floor or story possessed or utilized as living space by the occupants of the dwelling or dwelling unit.

Section 61-158. Approved types for Dwellings and Dwelling Units.

Smoke detectors and carbon monoxide detectors for dwellings and dwelling units required by this article may be either:

(1) Battery operated by a self-monitored battery and the smoke detector and carbon monoxide detector shall emit a signal when the batteries are low;

(2) Lithium battery operated smoke detector that is a sealed device, powered by a self-monitored, non-removable lithium battery that emits a signal when the battery is low, equipped with hush and reset buttons and approved or listed by a recognized independent testing

laboratory;

(3) Operated in a plug-in outlet which is fitted with a plug restrainer device, provided the outlet is not controlled by any switch other than the main electric power supply; or

(4) Wired directly (hard-wired) to the building electric supply not controlled by any switch other than the main electric power supply and equipped with a battery backup and the smoke detectors and carbon monoxide detectors shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Where more than one smoke detector is required to be installed the smoke detectors shall be interconnected in such a manner that the activation of one smoke detector will activate all of the smoke detectors.

Section 62-159. Requirements for Rental Units.

Each dwelling or dwelling unit contained within each and every rental unit in the city shall be provided with a minimum of one smoke detector per bedroom, sleeping area, sleeping unit or room used for sleeping purposes and one additional smoke detector per floor or story including basements but not including crawl spaces and uninhabitable attics within each dwelling or dwelling unit within each and every rental unit and one carbon monoxide detector on the uppermost floor or story possessed or utilized as living space by the occupants of the dwelling or dwelling units within each and every rental unit in the city.

Section 62-160. Approved types for Rental Units.

(1) Carbon monoxide detectors operated by a self-monitored battery that emits a signal when the battery is low.

(2) Lithium battery operated smoke detector that is a sealed device, powered by a self-monitored, non-removable lithium battery that emits a signal when the battery is low, equipped with hush and reset buttons and approved or listed by a recognized independent testing laboratory.

(3) Smoke detectors and carbon monoxide detectors required by Section 62-161 (d) of this article for dwellings and dwelling units within each and every rental unit in the city shall be wired directly (hard-wired) to the building electric supply not controlled by any switch other than the main electric power supply and equipped with a battery backup. The smoke detector and carbon monoxide detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Where more than one smoke detector or carbon monoxide detector is required to be installed in a dwelling or dwelling unit within a rental unit, the smoke detectors and carbon monoxide detectors shall be interconnected in such a manner that the activation of one smoke detector will activate all of the smoke detectors and activation of one of the carbon monoxide detectors will activate all of the carbon monoxide detectors. The detectors shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

When installation of the detecting devices is complete, each detector and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the household warning equipment provisions of the National Fire Prevention Association 72.

Section 62-161. **Time for compliance.**

(a) All dwellings and dwelling units within the city that do not contain rental units shall be equipped with smoke detectors and carbon monoxide detectors in accordance with the provisions of sections 62-157 and 62-158 within one (1) year of the effective date of this article.

(b) All dwellings or dwelling units within each and every rental unit in the city shall be equipped with lithium battery operated smoke detectors and carbon monoxide detectors in accordance with the provisions of sections 62-159 and 62-160 within ninety (90) days of the effective date of this article.

(c) The owners of all dwellings or dwelling units within each and every rental unit in the city shall register their names and places of residence or usual places of business and the location of each and every rental unit in the city with the building and safety engineering division of the City of Pontiac within ninety (90) days of the effective date of this article and each rental unit shall be equipped with lithium battery operated smoke detectors in accordance with the provisions of sections 62-159 and 62-160. Any owner of dwellings or dwelling units within each and every rental unit in the city that fails to comply with the registration and installation requirements of this section shall be required to immediately comply with the provisions of section 62-160 (3).

(d) Hardwired interconnected smoke detectors shall be mandatory commencing three (3) years after the effective date of this ordinance with 1/3 of the rental units of each owner to have the hardwired interconnected smoke detectors installed in year three (3) and an additional 1/3 to have them installed in year four (4) and the remaining 1/3 to have them installed in year five (5). When determining the number of rental units to have the hardwired interconnected smoke detectors installed each year the 1/3 shall be rounded up to the nearest whole number. By way of illustration the following shall help to demonstrate the calculations:

Example 1:

Number of units	37
1/3	12.3
Number to be installed in year 3 =	13
Number to be installed in year 4 =	13
Number to be installed in year 5 =	11

Example 2:

Number of units	5
1/3	1.67

Number to be installed in year 3 = 2
 Number to be installed in year 4 = 2
 Number to be installed in year 5 = 1

Example 3:

Number of units	112
1/3	37.33
Number to be installed in year 3 = 38	
Number to be installed in year 4 = 38	
Number to be installed in year 5 = 36	

(e) Notwithstanding the provisions of subsections (a) through (d) of this section, each dwelling, dwelling unit or rental unit which is hereafter converted from one use to another, reoccupied after having been vacant for 30 days, or altered structurally, shall be immediately brought into compliance with the provisions of sections 62-157, 62-158, 62-159 and 62-160 (3) whichever is applicable.

Section 62-162. Compliance required; penalty for violation of article.

(a) Any person owning or managing a dwelling, dwelling unit or rental unit in the city shall comply with the provisions of this article.

(b) It shall be unlawful for any person to remove batteries from or in any way render inoperable a carbon monoxide detector or smoke detector that is required by the provisions of this article.

(c) Violation of any provisions of this division shall be deemed a municipal civil infraction, punishable by a fine of not less than \$100.00, or more than \$500.00; plus any costs, damages, expenses, and other sanctions. This division is further subject to the repeat offender provision of this Code. This provision states that increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this division. As used in this division, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this article shall be as follows:

- 1) The fine for any offense, which is a first, repeat offense shall be to less than \$300.00, plus costs.
- (2) The fine for any offense, which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs.

Further, each day on which any violation of this division continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition, upon a finding of responsibility the city may seek in the local district court an injunction against an owner, person or company to restrain, prevent, or abate any violation of this division and to compel compliance. This does not bar the City from any other applicable remedy at law or equity.

Section 2. Severability.

This Ordinance and the various parts, sections and clauses are hereby declared to be severable. If any part, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected, impaired or invalidated thereby.

Section 3. Repealer.

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed, to the extent that they are inconsistent with the provisions herein.

Section 4. Inconsistencies.

Any ordinance or parts of ordinances in conflict herewith are hereby repealed, to the extent that they are inconsistent with the provisions hereof provided, however, if any other ordinances of the city or state law shall provide a higher standard of protection of the public health, safety and welfare than the provisions hereof, then those provisions shall prevail.

Section 5. Effective Date.

This ordinance shall take effect immediately upon the date of passage by the City Council pursuant to Section 3.112 (e) of the Home Rule Charter of the City of Pontiac which action is necessary for the immediate preservation of the health and safety of the citizens of and visitors to the City of Pontiac, Michigan.

MADE AND PASSED BY THE CITY COUNCIL OF THE CITY OF PONTIAC,
MICHIGAN, THIS ____ DAY OF _____, 2004

Vivian Spann, City Clerk