



A G E N D A
COMMON COUNCIL - REGULAR MEETING
Tuesday, January 2, 2018

Meeting to be held at 6:30 p.m., local time,
in the Common Council Chambers, City Hall Building
100 East Michigan Boulevard, Michigan City, Indiana

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

ELECTION OF OFFICERS

President

Vice-President

APPROVAL OF MINUTES

Regular Meeting December 19, 2017

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

CLAIMS DOCKET

**Fund #9000 – Riverboat – Claims - \$ 29,400.35
Fund #0417 – Boyd Development – \$ 3,534.23**

PETITIONS

COMMUNICATIONS

RESOLUTIONS

ORDINANCES

**ORDINANCE
2nd Reading**

**CREATING ARTICLE VI IN CHAPTER 54 OF THE MICHIGAN
CITY MUNICIPAL CODE REQUIRING THE INSTALLATION OF
CARBON MONOXIDE DETECTORS IN ALL NEW RESIDENTIAL
CONSTRUCTION**

Introduced by: Pat Boy

**ORDINANCE
3rd Reading**

**AMENDING CERTAIN SECTIONS IN CHAPTER 2 OF THE
MICHIGAN CITY MUNICIPAL CODE ENTITLED
“ADMINISTRATION”**

**Introduced by: Sharon Carnes
Co-Sponsor: Pat Boy
Candice Silvas**

**UNFINISHED
BUSINESS**

NEW BUSINESS

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT

Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

**Agenda January 2, 2018
Posted December 27, 2017**

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

CREATING ARTICLE VI IN CHAPTER 54 OF THE MICHIGAN CITY MUNICIPAL CODE REQUIRING THE INSTALLATION OF CARBON MONOXIDE DETECTORS IN ALL NEW RESIDENTIAL CONSTRUCTION

WHEREAS, Ordinance No. 4446 entitled *Creating Article VI in Chapter 54 of the Michigan City Municipal Code to Require the Installation of Carbon Monoxide Detectors in All New Construction* was passed by the Michigan City Common Council on October 17, 2017 and signed by the Mayor on October 18, 2017; and

WHEREAS, following the passage of said Ordinance, the Michigan City Fire Marshal and the Michigan City Building Commissioner forwarded the same to the Indiana Fire Prevention and Building Safety Commission for their review and approval as required by I.C. 22-13-2, et seq; and

WHEREAS, the Indiana Fire Prevention and Building Safety Commission rejected Ordinance No. 4446 and has recommended several amendments; and

WHEREAS, the City of Michigan City is desirous of implementing the recommendations of the Indiana Fire Prevention and Building Safety Commission and believes it to be in the best interest of the residents and citizens of Michigan City, Indiana to implement regulations pertaining to installation of carbon monoxide detectors in new residential construction.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that Article VI entitled "Carbon Monoxide Detector(s)" is hereby created in Chapter 54 of the Michigan City Municipal Code and shall read as follows:

ARTICLE VI. CARBON MONOXIDE DETECTOR(S)

Sec. 54-279. Definitions.

- (a). "Carbon monoxide detector(s)" means a device that detects carbon monoxide, alerts occupants via a distinct and audible signal that is either self-contained in the unit or activated via a system connection, and is certified by a nationally recognized testing laboratory to conform to the latest standards of the underwriters laboratories standards.
- (b). "Operational" means working and in service.

Sec. 54-280. Applicability.

- (a). Carbon monoxide detector(s) required. For every Class 2 Structure for which a building permit is issued for new construction on and after the date this Ordinance is approved by the Fire Prevention and Building Safety Commission, and having a fireplace, attached garage, or fossil fuel burning appliance, carbon monoxide detector(s) shall be required. A Certificate of Occupancy shall not issue for any new construction not in compliance with this Article. This Article does not apply to an industrialized building system or mobile structure that is certified under I.C. 22-15-4.
- (b). Maintenance. It shall be unlawful for any person to tamper with or remove any carbon monoxide detector(s) or its batteries except when it is necessary for maintenance or inspection purposes. Any carbon monoxide detector removed for repair or replacement shall be re-installed or replaced so that it is in place with functioning batteries during normal sleeping hours.
- (c). Duties of Owners. Every owner of any Class 2 Structure to which this Article applies shall be responsible for the installation, maintenance, and repair of all carbon monoxide detector(s) in said structure.

Sec. 54-281. Enforcement; Penalties; and Injunctive Relief.

- (a). Enforcement. The Planning and Inspection Department and the Fire Department of the City shall be authorized to inspect any Class 2 Structure to which this Article applies with the consent of the owner or tenant or by order of the court.
- (b). Penalties; Injunctive Relief. Whoever violates any provisions of this Article shall be fined as set forth in Sec. 50-284. Every day a violation occurs shall constitute a separate offense as prescribed in Sec. 1-7. In addition to pursuing monetary penalty as prescribed in Sec. 50-284, the City may bring an action for injunctive relief to enforce any provision of this Article.

Sec. 54-282. Conflict with other standards.

In the event a provision of this Article is found to be in conflict with any provisions set forth by the International Residential Code or with any rule adopted by the Fire Prevention and Building Safety Commission, the provisions of the International Residential Code or the rule adopted by the Fire Prevention and Building Safety Commission shall be deemed to prevail.

Sec. 54-282. Administrative Review of Local Orders and Variances by the Commission.

Any order issued under this Article by the City is subject to administrative review by the Fire Prevention and Building Safety Commission pursuant to I.C. 22-13-2-7. In addition, any variance granted by the City to this Ordinance is not effective until approved by the Commission pursuant to I.C. 22-13-2-7.

This Ordinance shall be submitted to the Fire Prevention and Building Safety Commission within thirty (30) days after adoption by the City of Michigan City, Indiana, and this Ordinance shall be effective upon approval by the Fire Prevention and Building Safety Commission as provided by I.C. 22-13-2-5, and any necessary publication.

INTRODUCED BY: _____
Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2018 by a vote of _____ to _____.

Don Przybylinski, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2018.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING CERTAIN SECTIONS IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE ENTITLED "ADMINISTRATION"

WHEREAS, the Michigan City Common Council finds that from time to time, it becomes necessary to amend the Municipal Code to suit changing situations; and

WHEREAS, a member of the Michigan City Common Council has recommended changes to Section 2-57; and

WHEREAS, the Michigan City Common Council desires to adopt these changes as they provide clarity and uniformity, and are in the best interest of the city.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, LaPorte County, Indiana, as follows:

Sec. 2-57 of the Michigan City Municipal Code shall be amended to read as follows:

Sec. 2-57. - Procedure for ordinance enactment.

(a)

Every ordinance shall receive three readings in council before passage, one at each of three successive meetings. The first and second readings shall be by title, unless the council shall otherwise order in any case. No ordinance shall be amended until it has been read twice. It shall not be in order on the third reading of an ordinance to propose amendments, unless by unanimous consent, but it shall be in order before the passage of any ordinance to move its recommitment. A motion to recommit shall not be open to amendment except to add instructions. The third reading shall be verbatim, except as specified in section 2-51. No ordinance shall receive its third reading or be passed at the same meeting at which it was introduced, except by a suspension of the rules as provided for in section 2-51(b).

(b)

No ordinance or resolution shall be introduced unless the requirements of Council Resolution No. 4365 have been fulfilled and unless a copy has been delivered via electronic mail to the e-mail address of each council member at least 96 hours prior to the meeting.

(c)

When a blank is to be filled in, the question shall be taken on the highest number or sum proposed, or longest time stated.

This ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY _____

Sharon Carnes, Member
Michigan City Common Council

CO-SPONSOR: _____

Patricia Boy, Member
Michigan City Common Council

Candice Silvas, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana