

50-O-07

AN ORDINANCE

**Amending the City Code
by Enacting a New Title 9, Chapter 16,
"Carbon Monoxide Alarm Ordinance"**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the Evanston City Code, 1979, as amended, be
and hereby is further amended by enacting a new Title 9, Chapter 16, "Carbon
Monoxide Alarm Ordinance", to read as follows:

9-16-1: TITLE:

This Chapter shall be titled and referred to as the "Carbon Monoxide Alarm
Ordinance".

9-16-2: DEFINITIONS:

For the purposes of administering this Chapter, these definitions shall apply:

CARBON MONOXIDE ALARM: A carbon monoxide alarm that complies with all
the requirements of the rules and regulations of the Illinois State Fire Marshal,
bears the label of a nationally recognized testing laboratory, and complies with
the most recent standards of the Underwriters Laboratories or the Canadian
Standard Association.

DWELLING UNIT: A room or suite of rooms used for human habitation,
including, but not limited to, a single family residence as well as each living unit
of a multiple family residence and each living unit in a mixed use building.

9-16-3: CARBON MONOXIDE ALARMS REQUIRED:

- (A) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within fifteen feet (15') of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the City code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.
- (B) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within fifteen feet (15') of every room used for sleeping purposes.
- (C) It is the responsibility of the owner of a structure to supply and install all required carbon monoxide alarms. It is the responsibility of a tenant to test and to provide general maintenance for the carbon monoxide alarms within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one (1) tenant per dwelling unit with written information regarding carbon monoxide alarm testing and maintenance. The owner or the authorized agent of the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit and is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant's dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner.
- (D) The carbon monoxide alarms required under this Act may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.

9-16-4: EXEMPTIONS:

The following residential units shall not require carbon monoxide alarms:

- (A) A residential unit in a building that: (a) does not rely on combustion of fossil fuel for heat, ventilation, cooking, or hot water; and (b) is not connected in any way to a garage; and (c) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the City Manager or his/her designee, to receive carbon monoxide from that source.

- (B) A residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the City Manager or his/her designee.

9-16-5: PENALTIES:

- (A) Any person who fails to install or maintain in operating condition any carbon monoxide alarm required by this Chapter shall be guilty of a violation, punishable as follows:
 - (1) The fine for a first violation is seventy five dollars (\$75.00).
 - (2) The fine for a second violation is two hundred dollars (\$200.00).
 - (3) The fine for a third or subsequent violation is three hundred seventy five dollars (\$375.00).
- (B) Any person who tampers with, removes, destroys, disconnects, or removes the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, shall be guilty of a violation, punishable as follows:
 - (1) The fine for a first violation is one hundred fifty dollars (\$150.00).
 - (2) The fine for a second violation is four hundred dollars (\$400.00).
 - (3) The fine for a third or subsequent violation is seven hundred fifty dollars (\$750.00).
- (C) Each day a provision of this Chapter is found to have been violated constitutes a separate violation subject to the fine schedules set forth in Subsections (A) and (B) of this Section.
- (D) The fines provided for herein shall not be construed as limiting the power of a court of competent jurisdiction or an administrative hearing officer to impose other penalties and remedies as provided for by applicable legislation.

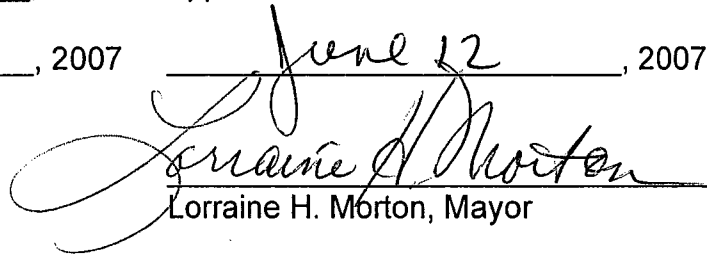
9-16-6: SEVERABILITY:

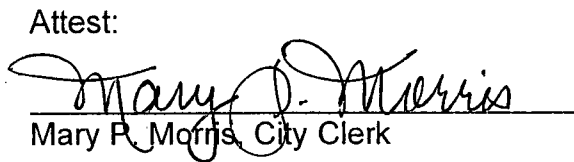
If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.

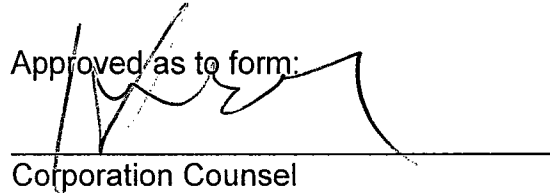
SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: May 29, 2007 Approved:
Adopted: June 11, 2007 June 12, 2007


Lorraine H. Morton, Mayor

Attest:

Mary P. Morris, City Clerk

Approved as to form:

Corporation Counsel