

VILLAGE OF EDWARDSBURG

CASS COUNTY, MICHIGAN

SMOKE ALARM ORDINANCE

NO. 126

AN ORDINANCE TO REQUIRE PROPERLY OPERATING AND LOCATED SMOKE DETECTORS IN ALL DWELLINGS OFFERED FOR LET OR HIRE; TO PLACE THE RESPONSIBILITY ON LANDLORDS FOR INSTALLING AND MAINTAINING SMOKE DETECTORS IN ALL RENTAL DWELLING UNITS; TO REQUIRE ANNUAL INSPECTIONS AND TESTING TO DETERMINE IF THE SMOKE DETECTORS ARE FUNCTIONING PROPERLY AND ARE PROPERLY LOCATED; AND TO PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN ORDAINS:

SECTION 1. PURPOSE AND POLICY

The purpose of this ordinance is to protect health, safety, and welfare of occupants of residential buildings which are occupied pursuant to a verbal or written lease agreement in which the payment of rent is the consideration for the occupancy.

SECTION 2. SMOKE DETECTORS REQUIRED.

All dwelling(s) located in the Village of Edwardsburg, Cass County, Michigan, whether the same shall be a house, an apartment, a room, or any other type of residency, which are offered for let or hire shall at all times be equipped with properly functioning and properly located smoke detectors or alarms. All owners of land in the Village of Edwardsburg, Cass County, Michigan who rent or lease any residence or dwelling shall be responsible for installing and maintaining such smoke detectors or alarms in good working order and in proper locations within the rental residence or dwelling.

SECTION 3. INSPECTIONS AND TESTING.

Landlords or their property designated agents shall personally inspect the smoke detectors or alarms at intervals of not less than twelve (12) months in order (1) to identify missing detectors, detectors with impeded smoke entry, dirty detectors, and detectors no longer properly located because of occupancy or structure changes, (2) to assure that each smoke detector or alarm is operative and produces the intended response by causing the detector to initiate an alarm at the installed location with smoke or other aerosol acceptable to the manufacturer in order to demonstrate that smoke can enter the chamber and initiate an alarm. The performance and results of such inspections and testings shall be reported in writing by the landlords or their agents to the Village's Building Official.

SECTION 4. RESPONSIBILITY FOR ENFORCEMENT.

The Building Official of the Village of Edwardsburg, Cass County, Michigan shall be responsible for enforcing this ordinance.

SECTION 5. PENALTIES FOR VIOLATIONS.

A person violating any of the provisions of this ordinance shall be punished by a fine of not exceeding Five Hundred (\$500.00) Dollars and costs of prosecution, by confinement in the County jail for a period of not exceeding ninety (90) days, or both such fine and costs and such confinement in the discretion of the Court. Each day that a violation of this ordinance is continued or is permitted to continue or exist shall constitute a separate offense; provided, however, that no person shall be confined or jailed for a single but continuing violation for a period longer than ninety (90) days.

SECTION 6. SEVERABILITY.

If any provision, section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or inoperative by a court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 7. REPEALER PROVISION.

All other Village ordinances of parts or ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE.

The provisions of this amendment ordinance shall take effect and be in force from and after 30 days after publication of this ordinance.

SECTION 9. ADOPTION PROVISION.

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Edwardsburg, Cass County, Michigan at a regular meeting held on the 19th day of July, A.D., 1993, and is ordered to be given publication in the manner prescribed by law.

MOTION TO ADOPT ORDINANCE

Motion by George Monaghan and supported by Albert Strukel that the foregoing ordinance be adopted.

Votes:


Yes 6

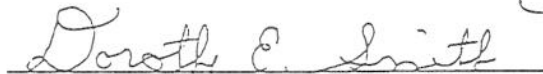
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Ordinance declared adopted July 19, 1993.

CERTIFICATION

I hereby certify that the foregoing is a true copy of Ordinance duly adopted by the Village Council of the Village of Edwardsburg, Cass County, Michigan, on July 19, 1993, and published in the Edwardsburg Argus on July 29, 1993.


Bernadine Tilbury
Village Clerk


Dorothy E. Smith
Village President