

ORDINANCE NO. 2020- 16

**AN ORDINANCE CREATING CHAPTER 4.15 OF
TITLE 4 "HEALTH AND SANITATION" OF THE TOWN OF
FERDINAND MUNICIPAL CODE REGARDING FAULTY HOTEL AND MOTEL
SMOKE ALARMS AND FIRE ALARMS AND MALFUNCTIONING ALARM SYSTEMS**

WHEREAS, the Town Council determines that, within the past few years, there has been a notable increase in the number of fire runs unnecessarily made to hotels and motels due to faulty smoke alarms, faulty fire alarms and/or malfunctioning alarm systems. The Town Council further understands and appreciates that a great number of these fire runs are due to faulty alarms which are triggered by unintentional conduct at hotels and motels such as steam from showers which should not trigger an alarm. The Town Council is further mindful that when the Ferdinand Volunteer Fire Department makes repeated and unnecessary runs within the corporate limits of the Town of Ferdinand the department members and the department equipment are not readily available and this poses a substantial risk to the public health, safety and welfare and the quality of life of the citizens of the Town, who may, at the same time, need the fire department for a legitimate fire run.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Ferdinand, Indiana that:

THE TOWN COUNCIL OF THE TOWN OF FERDINAND, DUBOIS COUNTY, INDIANA, DOES ORDAIN THAT CHAPTER 4.15 OF THE FERDINAND MUNICIPAL CODE BE CREATED TO READ AS FOLLOWS:

"Chapter 4.15.

FAULTY HOTEL AND MOTEL FIRE ALARMS AND SMOKE ALARMS AND MALFUNCTIONING ALARM SYSTEMS PROHIBITED.

1. SECTION 010. Hotels and motels within the corporate limits of the Town of Ferdinand are responsible for inspecting, repairing, replacing, or relocating any alarms or systems which have resulted in at least two false alarm fire runs within any twelve month period and provide evidence of the same if and when requested by the Town of Ferdinand.

2. SECTION 020. A person or entity which owns or controls such a hotel or motel shall be subject to the following procedures and penalties for a violation or violations hereof.

3. SECTION 030. For the first two false alarm in a rolling twelve month calendar, the person or entity which owns or controls such a hotel or motel shall receive a written warning which shall describe the penalties for continued violations. After the second false alarm in a rolling twelve month calendar year, the owner must show proof that the faulty alarm(s) and/or malfunctioning alarm systems have been inspected, and then repaired, replaced or relocated.

4. SECTION 040. Violation of this Ordinance shall result in a fine in the amount of One Hundred Dollars (\$100.00) for the third offense; a fine in the amount of One Hundred Fifty Dollars (\$150.00) for the fourth offense; and a fine of Two Hundred Fifty Dollars (\$250.00) for the fifth offense and subsequent offenses. Alternatively, at the Town's option, the violations may be referred to initiation of a civil action to collect all costs associated with the unnecessary fire runs including equipment usage and manpower costs and attorney fees if the Town prevails in its action. In no event shall the number of false alarms under this chapter include any false alarm issued within thirty (30) days after the date the alarm system is first used, nor shall it include any false alarms occurring in any prior twelve month rolling calendar year.

5. Section 050. All violations of this Ordinance shall be issued in writing by the Ferdinand Police Department upon the person or entity which owns or controls the hotel or motel on an "Official Citation" form in essential conformity with the form located in Chapter 1.12 of the municipal code. A copy of the citation shall be filed with the Town's Ordinance Violations Clerk.

6. Section 060. Said fine shall be paid within ten (10) days of the issuance of the citation to the Town's Ordinance Violations Clerk at the Town Hall, who shall issue a receipt in duplicate to the payer.

7. Section 070. The Town may collect in addition to any fines owed to the Town, all costs and attorney fees incurred to enforce this Chapter."


8. This ordinance shall take effect upon its adoption and publication.

DULY ADOPTED by the Town Council of the Town of Ferdinand, Indiana, this 20th day of OCTOBER, 2020.

TOWN COUNCIL OF THE
TOWN OF FERDINAND, INDIANA


KENNETH J. SICARD, President


RON WEYER, Member


DEBRA JOHNSON, Member

ATTEST


TAMARA M. MILLER, Clerk-Treasurer