



January 5, 2007

TO: Mayor and City Council

FROM: Mari E. Macomber, City Manager *MEM*

SUBJECT: Study Session – **January 10, 2007**

The City Council will convene in Study Session at 5:30 p.m. in the second floor Conference Room of City Hall on Wednesday, January 10, 2007. The following are the agenda items for the 5:30 p.m. meeting.

The first two agenda items included work from two existing committees working on projects for Kirksville. This next agenda item has proven to be one of great interest among many residents of the community and surrounding area. Since, I am not sure how many individuals will be in attendance, I have slated the meeting for the second floor Conference Room. If we determine there is a larger crowd, the City Council can move the meeting to Council Chambers.

- 1. UPDATE WATERSHED MANAGEMENT PLAN**
- 2. REVIEW PROPOSED ROTARY PARK MASTER PLAN**
- 3. FINALIZE PROPOSED NO SMOKING ORDINANCE**
- 4. CARBON MONOXIDE DETECTORS**
- 5. REVIEW NEWSLETTER – January 6, 2007**

**1. UPDATE WATERSHED MANAGEMENT PLAN**

It has been a few months since the City Council has received an update from Chairman Dillavou regarding the status of the Watershed Management Plan. Mr. Dillavou will be in attendance on Wednesday evening.

Since its appointment, the Watershed Management Commission has met 12 times and has been working diligently to determine the expectations and requirements of the

Missouri Department of Natural Resources, to better understand the conditions of each watershed area, and to determine the best watershed management plan for each area.

We will have copies of the document for the City Council on Wednesday evening, but a review of its content is not necessary at this time. We will be bringing the entire document back in the near future for a complete overview with the City Council. Since your last review, we have been fine tuning its content.

**RECOMMENDATION:** It is recommended that the Council listen to a presentation from Chairman Clayton Dillavou.

## **2. REVIEW PROPOSED ROTARY PARK MASTER PLAN**

The Rotary Park Committee has submitted a proposed park plan to both the noon Rotary Club and the Lakes, Parks and Recreation Committee. We will bring this to the Study Session for a review by the City Council. When the Rotary Club partnered with the City, the Club pledged a five-year effort to support the park in anyway they could. Attached to this Study Session Packet is a copy of a three year plan for the park that has been developed by the Rotary Park Planning Committee. As a reminder members of both the Rotary Club and the City's LPRC participated in its development, along with City staff.

The master plan has been approved by the Rotary Parks Committee, the Rotary Club and the Lakes, Parks and Recreation Commission. Final approval will be made by the City Council.

It is our goal that if the City Council is agreeable with the concepts of the Park, that it will be on the January 17 agenda for formal approval by the City Council. Keep in mind that the approval is adopting the Plan, but the Plan will remain fluid and will be contingent upon the identification of funds to pay for the improvements.

**Recommendation:** It is recommended that the City Council review the plans. Members of the Rotary Park Committee have been invited to attend the meeting. If they attend, the City Council may wish to ask for input or feedback from them on the process they followed.

## **3. FINALIZE PROPOSED NO SMOKING ORDINANCE**

### The Ordinance

In December, when the City Council considered whether or not to pass an Ordinance that would eliminate smoking in certain public places, a question was raised regarding the content or intent of the language as it relates to private residences. At the time, the

City Attorney had stated that this would have to be reviewed and changes made if necessary to insure that the intent of the Ordinance as required by the City Council was written into the Ordinance.

Since that meeting, a question arose regarding the actual Ordinance, which would be adopted by the City Council. Since, the Council placed the issue on the ballot to learn from the citizens whether or not they would want such an Ordinance, it was understood that an Ordinance would need to be passed after the election.

To insure that all citizens have access to the same information and that the City Council shares with these same citizens a document, which could be reviewed to allow the citizens the opportunity to make the most informed decision, a follow-up review has been completed by the City Attorney and City Manager.

This revised Ordinance is attached to this Study Session packet. Many of the changes that you see are intended to clean up the language while working to insure the intent of the City Council was followed. There is a proposed change that was not discussed with the City Council, but one that came up after further thinking through various scenarios. The Ordinance has been modified to include **bed and breakfast** establishments. The reason for this inclusion is the catering function, though minimal, that occurs at both existing facilities.

One other change that has been added is the actual reference to the reason the City Council is passing the Ordinance, a reference to the vote of the people. This language at the front of the Ordinance, could serve as a reminder to future City Councils that the citizens favored this legislation. Even though there is nothing that would prohibit other Councils from appealing the Ordinance, it would serve as a possible deterrent.

Another change that was not discussed is the penalty provisions. Previous Ordinance established a \$50 fine for the individual smoking and a progressive fine for the business manager, owner, etc. Language has been added that would make the penalty provision for both parties progressive. This makes sense.

Clarifying that both amusement places and banquet facilities are primarily open to the public (see actual bold language) in Counsels opinion will address the issue.

Some of the other changes in the definition section eliminated the word "public" when referring to city owned buildings. Bottom line is that all buildings used by the City will be smoke free. The language regarding food at bars is not necessary. We clarified that someone must "possess" as oppose to "carry" lighted smoking materials, and since we defined what smoking means, than we do not need the first full sentence in Section 18-89 Prohibition of Smoking.

The effective date was changed to June 30, 2007. This would provide almost two months notice to businesses.

The only other change that has been brought to my attention concerns the distance from the entrances of a business. The City Council will need to discuss this in detail so that if language is added it is clear. For example: Much of the discussion concerning this did center on the impact of downtown. If a person is smoking outside of a business would it be the intent of the Ordinance that the business operator be fined or responsible for enforcing this?

This is really the only issue that staff expressed objections to because the language in the original ordinance referenced "actively passing." A clear understanding of who is responsible and what is expected needs to be developed.

### Council Action

There are two issues which I want to discuss with the City Council. The first is simply the approach of getting information out to the public. Our focus of the April election will be to educate voters on the importance of the ¼ cent Capital Improvements (CIP) Sales Tax. However, making sure that people have access to information is important. I would propose that the Ordinance as it is after the meeting on Wednesday is made available to citizens in two ways. First copies would be available at City Hall and second we would post the Ordinance on the Internet. As we make presentations to clubs and organizations, we can certainly have copies of the Ordinance available, but our focus will be on the CIP Sales Tax.

The second matter concerns the approach which the City Council wishes to use to adopt the Ordinance. The City Council needs to make sure that the wishes of the citizens are heard. If the ballot regarding the smoking ban is supported by a majority of voters, the City Council will want to consider the adoption of this Ordinance relatively soon after the election. It is suggested that the City Council take this matter up as its first item after the election prior to the reorganization of the City Council.

Council member Newton has asked that a Resolution be adopted by the City Council which would state this approach. This is possible, there are no legal issues prohibiting the City Council. However, the action would not be binding on any member of the City Council. If you would like to express your concerns in the form of a Resolution, I could have it available for your consideration on January 17.

**Recommendation:** It is recommended that the City Council review the changes as outlined in the attached Ordinance. Discuss these changes and other changes you believe need to be made and direct the City Manager accordingly. In the matter of Council action, again, discuss how as a City Council you wish to implement the Ordinance should a favorable result occur on April 3.

## **4. CARBON MONOXIDE DETECTORS**

The issue of whether or not to require carbon monoxide detectors for residential structures, specifically rental housing, is one that has been previously discussed by the City Council. The results of these discussions did not yield any changes to existing cod.

First, though this issue is being raised due to the deaths that occurred in December and the references to carbon monoxide, there have been no findings regarding this case and whether or not detectors would have made a difference in the outcome. In addition, we will not be discussing any of the details of this case. To remind the City Council, this unit had all electric service.

According the Code Administrator Paul Frazier, currently, the International Building Codes do not have language that requires carbon monoxide detectors in new or existing residential housing and/or construction. However, if the city council were to consider the requirement where carbon monoxide detectors are required, the building codes could easily be amended to contain the proper language.

The most recent attempt to require carbon monoxide detectors was approximately four years ago. At that time the city was working on a rental housing code and the carbon monoxide detector issue was debated. However, the rental housing code did not contain language that required carbon monoxide detectors. It is worthy to note; that during the rental housing code development, a renter check list was produced which contained a check off box regarding whether carbon monoxide detectors were installed in the residence

If you wish to require carbon monoxide detectors:

- All residential units should have a carbon monoxide detector(s), (if the building that they are located in has any heating source that could produce carbon monoxide.)
- Any building containing residential units that has an attached motor vehicle garage that could produce carbon monoxide should have a carbon monoxide detector(s).

The Code Administrator has put together an amendment that would incorporate the items above for all residential units, new and existing. If after discussion, the City Council wishes to pursue the matter further, this draft could be revised to address effective dates etc. Should the Council wish to pursue this further, the draft ordinance that is attached has been reviewed by both the Code Administrator and the Fire Chief.

Should you implement an Ordinance requiring carbon monoxide detectors, we will have to discuss the enforcement aspect. The rental inspection checklist that was developed through the Rental Housing Committee can be used prior to someone moving into a rental unit and asks a question about the detectors. A copy of the rental inspection form is attached to this Study Session packet.

This form could be modified to address all types of dwelling units.

There are places that have implemented the requirement for carbon monoxide detectors for all units and ones that require it for those with fuel sources other than electrical.

If you chose to limit the City's involvement, you may want to consider public information campaign to educate people, or an annual event for example maybe during Fire Prevention Week.

**Recommendation:** The City Council will want to discuss this in more detail and determine what course of action you wish to take if any.

## **5. REVIEW NEWSLETTER – - January 5, 2007**

### **Attachments**

Rotary Park Plan – pgs. 7-8

Smoking Ban Ordinance – pgs. – 9 - 14

Smart Renters Checklist – pg. 15

Carbon Monoxide Ordinance – pgs. 16 -18

# Memo

To: Mari Macomber, City Manager  
From: Steve Bell, Community Services Director  
Date: January 5, 2007  
Re: Rotary Park Master Plan

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City staff has been working with members from the LPRC and the Rotary Club on a master plan for Rotary Park. The plan is now complete. The plan details trails, shelters, community room, landscaping, recreation facilities and lighting. The final Rotary Park Master Plan has been approved by the Rotary Park subcommittee, LPRC and the Rotary Board. The revised master plan for the park is attached.

Staff had written a grant to DNR for the trails in Rotary Park. The Aquatic Center, the Adair County Veterans Memorial Plaza, three shelters, the playground area, the Rotary Centennial Amphitheater and the Adair County Public Library would be connected by the trail system. Unfortunately we did not receive funding this year. Staff will submit the project again next year.

The Rotary Park Subcommittee has put together a timeline and proposed responsibilities for implementation of the Master Plan:

## 2007

- Finish Electrical Work and the Lights (Rotary)
- Finish and Install Donor Signage (Rotary) \$1000
- Develop and Install Entrance Signs (Rotary) \$1,000
- Design Signage and put Rotary Emblem and Name Signs on Amphitheater (Rotary)
- Design and Build a 9-Hole Disk Golf Course - \$9,000-\$10,000 (Rotary Club, A.T. Still and Truman Rotaract Cubs)
- Complete Aquatic Center Landscaping (City)
- Complete Circle Gardens (City)
- Build Sand Volleyball Court - \$1,000 (City & Rotary)
- Build Horseshoe Pits – 2 @ \$500 (Rotary)
- Help Get ¼ Cent Capital Improvement Tax Passed (All)

- On Passage of Tax, Lobby City Council to Pave the Amphitheater Parking Lot - \$68,000 (City)
- Rock Trail from Veterans Memorial to Park (City)

#### 2008

- Work with City on Developing a Community Room (or Work with City, County, Truman and Private Groups to Develop a “Show Me Center” as part of Pershing Building Expansion and Renovation - \$260,000 (Multiple)
- Apply for Trail Grants (City)
- Amphitheater Side Curtains, Sound Stage, Theater Lights - TBD

#### 2009

- New Playground - \$25,000 plus installation costs
- Story Area - \$8,000
- Shelter House - \$10,000 (material only)

#### Additional Projects

- Goal Setter Hoops and Pad - \$10,000
- South Parking - \$70,000
- Amphitheater Concessions (& Restrooms) -\$60,000
- Trail Extension - \$120,000
- Shelter Houses – 2 @ \$10,000 each (material only)
- Gates and Fencing - \$3,500
- Parameter Plantings - \$9,000

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 18, ARTICLE V – OFFENSES AGAINST PUBLIC HEALTH AND SAFETY - OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, BY ADDING A SECTION ENTITLED “SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES”.**

**WHEREAS, on April 3, 2007, a majority of voters in the municipal election affirmatively voted in favor of smoking ban in certain public places; and**

WHEREAS, the smoking of tobacco is a form of air pollution, and is a danger to health, and a material public nuisance; and

WHEREAS, the City of Kirksville wishes to promote the public health and welfare of its citizens and community visitors by decreasing exposure to secondhand smoke caused from tobacco; and

WHEREAS, the City of Kirksville understands the health impact of second hand smoke in the workplace and wishes to protect employees where high exposure of second hand smoke exists; and

WHEREAS, the City Council of the City of Kirksville finds and declares that the purpose of this Ordinance is to protect the public health and welfare by prohibiting smoking in certain public places.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, ADAIR COUNTY, MISSOURI, AS FOLLOWS:**

Section 1. That Chapter 18, Article V, of the Code of Ordinances of the City of Kirksville, Missouri, be amended to read as follows:

**Division 3. SMOKING PROHIBITED IN CERTAIN PUBLIC PLACES.**

**Section 18-88. Definitions.**

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

1. *Amusement Place* means a building used for billiards, bowling or roller skating and other similar entertainment, **open to the public.**

2. *Banquet Facility* means a stand alone building when used **primarily** for private **or public** gatherings or entertainment.
3. *Bar* means an establishment that serves alcoholic beverages for consumption by guests on the premises, **including and** all indoor and outdoor areas thereof ~~and in which the serving of food is only incidental to the consumption of those beverages,~~ including but not limited to, taverns, nightclubs, cocktail lounges and cabarets.
4. *City Operated Facility* means any **public** building located within the city limits of the city, which is owned, leased or under control of the city for **providing** city services.
5. *Control* means to exercise authority or influence over.
6. *Employee* means any person who performs services for an employer for compensation.
7. *Employer* means a person, partnership, association, corporation, trust, or other organized group of individuals, which utilizes the services of one (1) or more employees.
8. *Membership Association* means a private organization which;
  - a. is organized primarily for the benefit of its members; and
  - b. its members are required to pay dues; and
  - c. is organized primarily as:
    - 1) a charitable or benevolent association; or
    - 2) a recreational association; or
    - 3) a fraternal association; or
    - 4) an athletic association; or
    - 5) a military veterans association; or
    - 6) a religious association; or
    - 7) a kindred association; and
  - d. is a not-for-profit organization under the laws of the State of Missouri; and
  - e. is managed and operated by a board consisting entirely of its members; and
  - f. is not primarily engaged in the preparation and serving of alcoholic beverages by the drink and/or food.
9. *Owner* means a person, partnership, association, corporation, trust, or other organized group of individuals.
10. *Recreation Facility* means any public park, playground, recreation center or recreation area, whether it be improved or unimproved real property located within the city limits of the city, which is owned, leased or under control of the city for recreational purposes, including all indoor and outdoor areas.
11. *Restaurant* means an eating establishment **thereof, including and** all indoor and outdoor areas thereof, including but not limited to, coffee shops, cafeterias, sandwich stands, **bed and breakfast establishments** and private and public school cafeterias, which gives or offers for sale food to the public. The term "restaurant" shall include an attached bar.

12. *Smoking* means inhaling, exhaling, burning or ~~carrying~~ **possessing** any lighted cigar, cigarette, pipe, weed, plant, or other tobacco product or possessing any lighted cigar, cigarette or pipe containing a combustible and burning substance other than tobacco.

#### **Section 18-89. Prohibition of smoking.**

~~The possession of lighted smoking materials in any form, including but not limited to the possession of lighted cigarettes, cigars, pipes or other tobacco products,~~ **Smoking** is prohibited in all bars, city operated facilities, recreation facilities, restaurants, amusement places and banquet facilities when employees are present and working at the banquet facility, provided however, that smoking is not prohibited in facilities owned and/or operated by a membership association or under the control of a membership association if such facility is used primarily for its members.

#### **Section 18-90. Responsibilities of proprietors, owners and managers.**

- a. Any person(s) who owns, manages, operates, or otherwise has control of a ~~public place listed in Section 18-89~~ **an area where smoking is prohibited by the provisions of this ordinance**, shall not permit, cause, suffer or allow any person to violate the provisions of this ordinance in that place.
- b. It shall be an affirmative defense to an alleged violation of this subsection if the person who owns, manages, operates or otherwise controls a public place listed in Section 18-89 does the following:
  1. Immediately requests that the person in possession of lighted smoking materials extinguish the same; and
  2. If the lighted smoking materials are not extinguished, immediately requests that the person in possession of such lighted smoking materials leave the area where smoking is prohibited by the provisions of this Ordinance; and
  3. If the person in possession of such lighted smoking materials does not leave the area where smoking is prohibited by the provisions of this Ordinance, immediately notifies the City enforcement officers of the violation of Section 18-89.
- c. A person who owns, manages, operates, or otherwise has control of a public place listed in Section 18-89 shall clearly and conspicuously post "No Smoking" signs, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it), near all entrances where smoking is prohibited by this Ordinance. Such signage shall consist of letters not less than one inch, (1") in height.

#### **Section 18-91. Penalty for violation of this Ordinance.**

a. A person, who smokes in an area where smoking is prohibited by the provisions of this Ordinance, shall be guilty of an ordinance violation, punishable by: ~~a fine not exceeding fifty dollars (\$50.00) for the first violation.~~

1. A fine not less than one hundred dollars (\$100) for a first violation.
2. A fine not less than two hundred dollars (\$200) for a second violation within a ~~one-year~~ period **of twelve (12) consecutive months.**
3. A fine in the amount of five hundred dollars (\$500) for a third or subsequent violation within a period of twelve (12) consecutive months, or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

b. Any person(s), ~~having control of~~ **who owns, manages, operates, or otherwise has control of** an area where smoking is prohibited by the provisions of this Ordinance, who fails to comply with the provisions of this Ordinance shall be guilty of an ordinance violation, punishable by:

1. A fine not less than one hundred dollars (\$100) for a first violation.
2. A fine not less than two hundred dollars (\$200) for a second violation within a ~~one (1)-year~~ period **of twelve (12) consecutive months.**
3. A fine in the amount of five hundred dollars (\$500) for a third or subsequent violation within a period of twelve (12) consecutive months, or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

c. Each incident ~~on~~ **for** which a violation of this Ordinance occurs shall be a separate and distinct violation.

#### **Section 18-92. Other applicable laws.**

a. This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

#### **Section 18-93. Effective dates.**

a. This Ordinance will become effective on ~~January 31~~ **June 30**, 2007.

#### **Section 18-94. Enforcement of Ordinance.**

- a. The authority to administer the provisions of this Ordinance is vested with the City Manager and his/her duly authorized representatives.
- b. Whenever the need arises, the City Manager may call upon the police, fire and codes departments and other departments of the City to aid in the enforcement of the provisions of this Ordinance.
- c. Notice of the provisions of this Ordinance shall be given to all applicants who have applied for a business license in the City of Kirksville, Missouri.

Section 2. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

~~This ordinance shall be in full force and effect from and after January 31, 2007.~~

Passed by the City Council, and signed by the Mayor this \_\_\_\_\_ day of April, 2007.

\_\_\_\_\_  
Martha Rowe, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Brumbaugh, City Clerk



## The Smart Renter's Checklist

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the external area of the dwelling free of trash, debris, and/or any other obtrusions? COMMENTS: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do all the lights and light switches operate properly and include switch plate and outlet plate cover? COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do the entry/exit doors and security locks work properly? COMMENTS: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is there any evidence the roof has leaked? In other words, are there stains or deterioration evidence in the ceiling area? COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are any of the windows cracked or broken? COMMENTS: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do the windows include screens to reduce the risk of insect infestation? COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do all the windows include workable window locks? COMMENTS: _____ _____ _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If stairways are present either outside or inside the dwelling? Do they have adequate handrails? COMMENTS: _____ Are there any loose or rotting boards? COMMENTS: _____ Any loose or detached carpeting? COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	When viewing the dwelling from the interior, are there any excessive spaces around the windows or door perimeters that could allow entry of insects or loss of internal heating and cooling? COMMENTS: _____ _____ _____ _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are there alternative exits (egress areas) other than the exterior entry door? (Examples: a window or windows capable of being utilized as an emergency escape and accessible from the outside for emergency personnel, or an alternative exit door.) COMMENTS: _____  <b>NOTE: Properties constructed or significantly remodeled prior to 1975, are not required to have a second means of escape (such as a basement area) however, other means of notifying and/or protecting the occupants in the event of a fire are recommended, such as sprinkler system or additional smoke detector, etc.</b>  Are multiple exits available? COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is there at least one (1) operable smoke alarm per level in the dwelling? (battery or hard-wired) COMMENTS: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do the plumbing fixtures operate properly? (Examples: leaky faucets, drains flow freely, toilet flush properly, hot/cold water?) COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If the dwelling contains a fuel burning appliance and/or attached garage, is there an operable carbon monoxide detector? COMMENTS: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are there any foul or unusual odors in the dwelling that could indicate a health or safety hazard? Examples: a natural gas leak, faulty or shorted electrical wiring, plumbing problems, a general unclean or bacterial laden environment, a deteriorating animal carcass, previous pet contamination, etc. COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the electrical fuse/circuit breaker panel readily and easily accessible in the dwelling? COMMENTS: _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the dwelling generally clean, well kept (interior and exterior) and maintained? (Examples: Stove and oven clean? Refrigerator clean? Any chipped or flaking paint?) COMMENTS: _____
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are there 'any' exposed bare electrical wires either inside or outside the dwelling in an accessible location? COMMENTS: _____	<p>Please note any additional safety/health or other concerns or comments.</p> <hr/> <hr/> <hr/> <hr/>		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are the house/apartment numbers clearly visible from the street view of the dwelling? COMMENTS: _____			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the heating system operate properly? COMMENTS: _____			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If so equipped, does the air conditioning system operate properly? COMMENTS: _____			

**BILL NO.:** \_\_\_\_\_

**ORDINANCE NO.:** \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 6 ARTICLES VI, IX, X, OF THE CITY CODE REGARDING CARBON MONOXIDE ALARMS.**

**WHEREAS**, the City Council has adopted the provisions of Chapter 6 of the City Code, regarding the International Property Maintenance Code, The International Residential Code, and the International Fire Code, regarding Minimum standards and requirements in those Articles and Sections of that Chapter; and

**WHEREAS**, carbon monoxide poisoning constitutes a serious hazard in the City of Kirksville; and

**WHEREAS**, during the past years, several people have become seriously ill or have died from carbon monoxide poisoning within the City of Kirksville; and

**WHEREAS**, one of the most effective safeguards against carbon monoxide poisoning is installing a carbon monoxide alarm in residential housing; and

**WHEREAS**, the City Council deems it necessary and proper to amend Chapter 6, Articles IV, IX, and X by adding the requirements contained in this ordinance to the pertinent articles and sections of Chapter 6 of the City Code.

**THE COUNCIL OF THE City of Kirksville HEREBY ORDAINS:**

**Section 1.**Chapter 6 of the City Code is hereby amended by adding to Article IV,IX and X therefore new Section's 6-87-(F), 6-147-(G) and 6-162-(J) to read as follows:

**Carbon Monoxide alarm devices; requirements.**

- (1) All residential dwellings and every building which contains a residential unit(s) shall be equipped with approved carbon monoxide alarm(s) if within that building there exists any heat source that burns fossil fuels that produces carbon monoxide.
- (2) Any residence or any building which contains a residential unit and has an attached motor vehicle garage shall install carbon monoxide alarms in accordance with this chapter.
- (3) Location. Not less than one approved carbon monoxide alarm shall be installed in each residential unit. At least one such alarm shall be installed within 40 feet of each room used for sleeping purposes. The carbon monoxide alarm should be placed so it will be easily audible in all sleeping rooms. The carbon monoxide alarm shall be installed according to the manufacturer's instructions.

- (4) Standards. Every approved carbon monoxide alarm shall comply with all applicable federal and state regulations, and shall bear the label of a nationally recognized standard testing laboratory, and shall meet the standards of UL 2034 or its equivalent. The Code Administrator may issue rules and regulations not inconsistent with the provisions of this chapter, for the implementation and administration of the provisions of this chapter relating to carbon monoxide alarms.
- (5) Battery removal violations—Penalty. It shall be unlawful for any person to remove batteries from a carbon monoxide alarm required under this chapter, or in any way to make inoperable a carbon monoxide alarm required under this chapter, except that this provision shall not apply to any building owner or manager or his agent in the normal procedures of replacing batteries. Any person who violates this section shall be punished by a fine of not less than \$500.00 per violation.
- (6) Owner's tenant's responsibilities. The owner of a structure shall install the carbon monoxide alarm(s) and supply required carbon monoxide testing and maintenance information to at least one adult tenant in each dwelling unit. The tenant shall conduct periodic tests, provide general maintenance, and replace required batteries for carbon monoxide alarms located in the tenant's dwelling unit.
- (7) The owner or owners agent of any building which contains a residential unit or the owner or the owner's agent of any residential building that has more than one unit and is heated by a central heating source which uses fossil fuel for its heating shall install one approved carbon monoxide alarm on the floor containing the central heating unit. The owner shall test, provide general maintenance, and replace the required batteries for carbon monoxide alarms located in this area. The carbon monoxide alarm shall be installed according to the manufacturer's instructions.
- (8) Fossil fuel defined. Whenever used in this chapter, the term "fossil fuel" shall include but not limited to; coal, natural gas, kerosene, oil, propane and wood.
- (9) Penalties. Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor, punishable as provided in Section 1-7 of this Code.

**Section 2.** This ordinance shall become effective following passage by the City Council and signed by the Mayor.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

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Martha Rowe, Mayor

ATTEST:

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Vickie Brumbaugh, City Clerk