

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Tim Stites
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: March 24, 2021
RE: Preliminary Staff Review of the Fire Prevention Ordinance of the City of Valparaiso, IN

The above referenced ordinance has been received by the Commission and has been assigned to staff for preliminary review. Staff will review your ordinance for any **duplication, conflict, or overlap** with the fire safety and buildings laws of the state and will provide the results of their review upon completion. Staff may request additional information or clarification of provisions in the ordinance.

Please note, the results of this preliminary staff review are not binding upon the Commission, and additional defects may be found at a later date, which may result in the denial of your ordinance. For this reason, it is strongly recommended that ordinances **follow the Commission's approved templates**. Ordinances that do not follow the templates are likely to duplicate, conflict, and overlap with the fire safety and building laws of the state and take longer to review. If the templates are not followed, **do not repeat language** in your ordinance that is **already required by law** in the Commission's rules (which includes language in the model codes adopted within the Commission's rules) or Indiana Code.

To obtain copies of the Commission's ordinance templates, follow these instructions:

1. Visit the Commission's webpage at this link: <http://www.in.gov/dhs/2375.htm>.
2. Scroll down to the "Ordinance Review" section and click the box to expand its content.
3. Within the expanded contents, there is a section titled "Ordinance Templates" that contains links to the Commission's ordinance templates. Click on the template that you wish to adopt.

Please be advised, **property maintenance codes are very likely to conflict** with the Commission's rules and must be narrowly tailored. The Commission's rules generally allow construction to comply with the codes in effect at the time of construction without needing to be modified to comply with current rules, such as those contained in property maintenance codes.

If after reading this notice you would like to revise your ordinance before it is reviewed, or if you have any questions regarding this process, please email buildingcommisison@dhs.in.gov and reference the title of your ordinance which is contained in the subject line of this correspondence.

VALPARAISO FIRE DEPARTMENT

City of Valparaiso

Fire Code

Ordinance 2021-??

Revised ??/??/2021

For all properties located within the City of Valparaiso and Center Township, Porter County Indiana as well as all other areas protected under contract by the Valparaiso Fire Department.



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ARTICLE I. – SCOPE AND ADMINISTRATION

94.101 – Title

A. This Ordinance and all material included herein by reference shall be known as the fire prevention ordinance of the City of Valparaiso, Indiana.

94.102 – Purpose

A. The purpose of this Ordinance is to protect life, public safety, environment, health and general welfare of the citizens of the City of Valparaiso and Center Township in Porter County, Indiana, and shall be construed in such a manner as to effectuate this purpose.

94.103 – Authority

A. The Bureau is hereby authorized and directed to administer and enforce the following:

- i) All of the provisions of this Ordinance.
- ii) Variances granted in accordance with IC 22-13-2-11.
- iii) Orders issued under IC 22-12-7.

94.104 – Applicability

A. The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules (GAR), Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Ordinance shall apply to maintenance of fire and life safety features as herein described. The provisions of this Ordinance shall apply to existing conditions as well as to the conditions arising after the adoption thereof.

94.105 – Conflicting Provisions

A. If any provision of this Ordinance is found to be in conflict with any building, zoning, safety, health, or other applicable law or ordinance of the City of Valparaiso, Indiana, whether existing on the effective date of this Ordinance or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

94.106 – Severability

A. If any provision of this Ordinance be declared invalid, by a court of competent jurisdiction, for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision or provisions be given their original intended effect in adopting this ordinance. To this end, the provisions of this Ordinance are severable.

94.107 – Minimum standards.

A. All safety rules of the Commission as set out in Articles 12, 13, 18, 22, and 25 of Title 675 of the Indiana Administrative Code are hereby incorporated in this Ordinance, and shall include later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

- i) Any special processes or procedures not addressed in 675 IAC 22 or this Ordinance shall be subject to applications found in the fire safety standards recognized by Indiana Fire Code 675 IAC 22, references standards and as approved by the Bureau.
- ii) Any special processes or procedures not addressed in this Ordinance shall be subject to applications found in the current editions of the National Fire Protection Association standards or other recognized fire safety standards, subject to the rules of the Commission.
- iii) A current copy of these standards shall be available in the office of the Fire Prevention Bureau for inquiry and review by the public during normal business hours.

94.108 - Effect of Adoption on Prior Ordinance

- A. The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Such rights, liabilities and other proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

94.109– Organization of the Fire Prevention Bureau

- A. The Fire Prevention Bureau of the VFD shall be part of the Community Risk Reduction Division under the supervision of the Fire Marshal, appointed pursuant to the applicable personnel rules of the VFD.

94.110- Fire Prevention Bureau established; jurisdiction

- A. As authorized by IC 36-8-17, there is hereby established a local Fire Prevention Bureau within the Community Risk Reduction Division of the VFD and within all jurisdictional boundaries of the VFD.

94.111– Enforcement Authority

- A. The Bureau shall possess the authority to enforce the provisions of this Ordinance, the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or any other rule of the Commission withing the entirety of its’ jurisdiction. Such enforcement shall include, but is not limited to:
 - i) The prevention of fires.
 - ii) The handling, storage, sale, and use of flammable liquids, explosives, combustibile, and hazardous materials.
 - iii) The adequacy of means of egress from all places in which numbers of people live, work, or congregate from time to time for any purpose.
 - iv) The location, installation, and maintenance of smoke alarms, Fire Alarm Systems, and fire suppression systems.
 - v) The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.
- B. The Bureau shall have the authority to initiate legal action in accordance with locally prescribed remedies applicable to violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Ordinance, or any other rule of the Commission. Violators of this Ordinance may be cited into any court having jurisdiction.
- C. The VFD shall have such other powers and duties as may be conferred from time to time by law or ordinance.

94.112– Authority at fires and emergencies.

- A. The Fire Chief or such designated officer of the VFD in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty.
- B. In the exercise of such power, the Fire Chief or such designated officer of the VFD is authorized to prohibit any person, vehicle or vessel from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any person vehicle or vessel which could impede or interfere with the operations of the VFD and, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

94.113– Emergency lines and limits.

- A. **Barricades.** The Fire Chief or such designated officer of the VFD in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private

property in the vicinity of such emergency so as to prevent accidents or interference with the lawful efforts of the VFD to manage and control the emergency and to handle fire apparatus.

- B. **Obstructing operations.** No person shall obstruct the operations of the VFD in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or officer of the VFD in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the VFD.
- C. **Systems and devices.** No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or VFD official in charge of the incident.

94.114– Fire investigations.

- A. The Bureau shall perform fire investigations pursuant to IC 36-8-17-7.
- B. The Bureau is authorized to conduct an origin and cause investigation of all fires and explosions within the jurisdiction of the VFD.
- C. It shall be unlawful for any person to impede the Fire Chief, Fire Marshal and/or their designee from conducting an origin and cause investigation.

94.115 – Fire and Life Safety Inspections

- A. The Bureau shall conduct fire and life safety inspections in Class 1 Structures pursuant to IC 36-8-17-8.
- B. The Bureau shall inspect Class 1 Structures as often as necessary for the purpose of ascertaining and causing to correct any violation of the Indiana General Assembly Rules, Indiana Fire Code, Indiana Building Code, Indiana Fuel Gas Code, this Ordinance and/or any other rule of the Commission.

94.116- Emergency Entry

- A. The VFD shall have the right to enter any building or premise without permission or warrant in the event of any emergency constituting a threat to human life, property or public safety for the purpose of eliminating, controlling or abating the dangerous condition or situation.
- B. At no time will the City of Valparaiso, VFD or any of its agents be responsible for any damages as a result of an emergency entry. The VFD or the Porter County Dispatch Center will notify the owner / occupant of the event and it will be the responsibility of the owner /occupant to assure that the building is re-secured.

94.117 – Right to Enter Buildings

- A. Authorized personnel of the VFD may, at all reasonable hours, enter any Class 1 structure (one and two-family dwellings may be entered only with expressed consent) within the jurisdiction of the VFD in Porter County for the purpose of conducting inspections or investigations pursuant to this Ordinance.
- B. The right to enter shall extend to new structures under construction as well as to existing structures being renovated or remodeled. An inspector or investigator may be required by the owner or occupant to produce satisfactory proof of authority or identity.
- C. If an inspector or investigator is denied access, the Bureau may apply to a court of competent jurisdiction for an order allowing inspection.

94.118 - Fire and life safety inspections; fees.

- A. The Bureau shall perform fire and life safety inspections in Class 1 Structures under the administrative supervision of the Fire Chief pursuant to IC 36-8-17.
- B. The Bureau may, as often as may be reasonably necessary inspect every structure, building, place and public way, except the interiors of class 2 Structures, for compliance with fire safety laws adopted by the Commission and this Ordinance.
- C. Upon the request of an owner or a primary lessee who resides in a private dwelling, the Bureau may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5 and all other applicable law and regulations.
- D. The fees for VFD inspections performed under this section shall be provided in Section 94.9999 of the local ordinance that applies.

- E. Following the issuance of an inspection report that contains a violation of a fire safety law, pursuant to the enforcement procedures under section 94.111 of this ordinance, the Bureau may reinspect a structure, building or place to ensure the violation has been remedied. If a violation cited in the inspection report is not remedied upon the Bureau reinspection, the owner or, if applicable, primary lessee of the structure, building or place shall be subject to the fee provided in 94.9999 of the ordinance for any subsequent reinspection's of such violation.

94.119 – Determination of Violation

- A. Whenever the Bureau determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 Structure within the Valparaiso Territory service area, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission.

94.120 – Notice of Violation

- A. Under IC 36-8-17-9, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Bureau may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this Ordinance or by any other appropriate remedy or procedure provided by law.
- B. The failure of the VFD to inspect or to issue a Notice of Violation or order in accordance with this Ordinance shall not constitute approval of any violation or non-compliance.
- C. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to IC 4-21.5-3.

94.121– Imminent Danger.

- A. The Bureau may stop an operation or require the evacuation of any Class 1 Structure or portion thereof under the provisions of IC 36-8-17-9 when it is determined that conduct or conditions of the property:
 - i) Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
 - ii) Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other license required under IC 22-14, another Indiana statute or rule of the Commission; or
 - iii) Will conceal a violation of law.

94.122– Duty to Correct Violations

- A. The owner or person in control of any premises or building upon which a violation or hazard exists shall:
 - i) Cease and correct the violation.
 - ii) Protect persons and property from the hazards of the violation.

94.123 – Time Limit

- A. Orders shall set forth a time limit for compliance dependent upon the hazard created by the violation(s).

94.124 – Right of Appeal

Any person aggrieved by an order issued under this Fire Prevention Ordinance shall have the right to petition for review of any order of the Bureau. The person may file a petition using either, or both, of the following procedures:

(A) *Appeal to the Fire Prevention and Building Safety Commission.*

(1) A person aggrieved by an order issued under this Fire Prevention Ordinance may appeal to the Commission, in accordance with IC36-8-17.

(2) The Commission may modify or reverse any order issued by the Bureau that covers a subject governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety, or a building rule.

(3) The Commission must review orders that concern a Class 2 structure if the person aggrieved by the order petitions for review under IC 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Commission may review all other orders issued under this Fire Prevention Ordinance.

(5) The review of an order by the Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) *Appeal to an established local administrative body or court.* The city, pursuant to I.C. 36-1-6-9, has established by ordinance that a person shall have the right to appeal the Bureau's decision first through the Board of Public Works and Safety of the City of Valparaiso.

94.125 – Records and reports

A. The VFD shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained.

i) Such reports shall be prepared into an annual summary and submitted to the jurisdictional Fire Chief.

The annual summary, together with recommendations for change, shall be submitted, when requested, to the City or appropriate township trustee.

B. The VFD shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies.

C. Companies providing ITM of fire protection systems such as fire sprinklers, fire pumps, fire alarms, kitchen hood suppression or clean agent shall submit a copy of their inspection reporting through a Software as authorized by the VFD.

D. Fire investigation reports shall not be distributed to the public when requested under public record law until the fire investigation, including any criminal investigation has been completed.

i) A criminal investigation is considered to be complete when either formal criminal charge(s) are filed or a decision declining to do so has been made.

E. Persons treated for second- and third-degree chemical, flash and thermal burns to ten percent (10%) or more of the body or any burn to the upper respiratory tract shall be reported to the Office of the State Fire Marshal (the Division) in accordance with IC 35-47-7-3.

94.126 - Legal assistance.

A. The Bureau may obtain the services of the City Attorney, the Porter County Prosecutors Office or any other reasonable legal entity within the State of Indiana in connection with the enforcement and/or application of this ordinance and within the scope of State of Indiana law.

94.127 - Law enforcement assistance.

A. The chief of the Valparaiso Police Department or the Sheriff of the Porter County Sheriff's Department may, upon request of the Bureau, assign such available law enforcement officers as may be necessary to assist the VFD in the enforcement and/or the application of this ordinance or within the scope of State law.

ARTICLE II – DEFINITIONS

94.201 – Definitions

As used in this Ordinance, the following terms shall have the meanings ascribed to them in this section.

"Advanced Structural Components" means lightweight I-joists or lightweight roof trusses that: (1) have less mass cross-sectional area than sawn lumber of equivalent proportions used in an equivalent application; and (2) are assembled from combustible or noncombustible materials, or both. The term does not include a structural assembly, joist, or truss that provides at least one (1) hour of fire resistance when tested in accordance with the ASTM Standard E119."

"Alarm System" or "Fire Alarm System" means any device for the detection of an unauthorized entry or attempted entry into a building, Structure, facility or grounds, or for alerting others of the city of an unlawful act or a fire within a building, Structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Police Department or VFD. For the purposes of this Ordinance, an alarm system shall not include:

- i) An alarm installed on a motor vehicle; or
- ii) An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is a sounding alarm that automatically stops within 15 minutes after activation.

"Approved" or "Approval" means acceptable to the Bureau, with regards to this ordinance

"ASTM" means the American Society for Testing and Materials.

"Building Code" means Indiana Building Code (675 IAC 13).

"Building Commissioner" shall mean the Building Commissioner of the City of Valparaiso.

"Bureau" means the Fire Chief or the Fire Chief's designee of the Valparaiso Fire Department.

"Class 1 Structure" means buildings and Structures as defined in IC 22-12-1-4.

"Class 2 Structure" means buildings and Structures as defined in Concur 2 SEA 393 IC 22-12-1-5.

"Code Official" means an inspector of the Fire Prevention Bureau of the Valparaiso Fire Department or the Valparaiso Building Department.

"Commission" means Indiana Fire Prevention and Building Safety Commission as established by IC-22-12-2.

"Crowd Manager" has the meaning as ascribed in 675 IAC 22.

"Division of Fire and Building Safety" means Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-7.1.

- i) May also mean a representative of the Office of the Indiana State Fire Marshal.

"Fire Chief" means the chief officer of the Valparaiso Fire Department.

"Fire Code" means Indiana Fire Code (675 IAC 22).

“Fire Watch” means a person or persons who are assigned to monitor an area for watching fires or the outbreak of fires in accordance with section 94.403 of this Ordinance.

"Fire Prevention Bureau" means the Fire Prevention Bureau established by this Ordinance within the Community Risk Reduction Division of the VFD for the City of Valparaiso.

"Fire Marshal" means the administrative chief of the Community Risk Reduction Division of the Valparaiso Fire Department appointed pursuant to the applicable personnel rules of the VFD.

"Fuel Gas Code" means the Indiana Fuel Gas Code (675 IAC 25).

"GAR" means General Administrative Rules (675 IAC 12) of the Indiana Fire Prevention and Building Safety Commission.

"Hazardous Condition" means the presence of a structural condition, equipment, utility connection, or materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

"IAC" means Indiana Administrative Code.

“IBC” means Indiana Building Code (675 IAC 13)

"IC" means Indiana Code of the Indiana General Assembly.

“IFC” means Indiana Fire Code (675 IAC 22)

“Inspector” means code official of the Fire Prevention Bureau of the Valparaiso Fire Department, unless otherwise noted.

“ITM” means Inspection, Testing and Maintenance.

"Mechanical Code" means Indiana Mechanical Code (675 IAC 18).

"Notice of Violation" means a written notice issued by the VFD usually in the form of an inspection report listing violation(s).

"Owner" has the meaning ascribed thereto in 675 IAC 22.

"Person" has the meaning ascribed thereto in IC 22-12-1-18.

“Qualified Person” means a person who either holds current National Institute for Certification in Engineering Technologies (NICET) certification in the fire protection system being installed, serviced or repaired, or has successfully completed a course of instruction specific to the equipment being installed, serviced or repaired. Such instruction shall have been approved by the manufacturer of the equipment or their authorized representative.

"Qualifying Property" means any property subject to this Ordinance.

“Registered Design Professional” shall mean an architect registered under IC 25-4-1; or a professional engineer registered under IC 25-31.

“Reinspection” shall mean any subsequent inspection that is performed after an order has been issued.

“Software” shall mean any computer applications utilized by the Valparaiso Fire Department.

“State Fire Marshal” shall mean any representative of the Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-7.1.

"Structure"; means a Class 1 or Class 2 Structure.

“VFD”; shall mean the Valparaiso Fire Department

"Valparaiso Fire Territory"; has the meaning given to such term in IC 22-12-1-12 and City of Valparaiso Ordinance 11-2013, specifically means the Valparaiso Fire Department that renders fire prevention and protection services to the City of Valparaiso and Center Township of Porter County, IN, along with any other jurisdictions that it may provide services to.

"Terms not defined": Where terms are not defined in this Ordinance and are defined in the General Administrative Rules, Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code and Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

ARTICLE III – GENERAL REQUIREMENTS

94.301 – Open Burning Provisions

A. Residential Burning

- i) Indiana Department of Environmental Management is the regulatory agency concerning open burning and under the Indiana State Open Burning Regulations (326 IAC 4-1-4.1 (c)), No approval shall be granted at any time for residential burning in Clark, Floyd, Lake, or Porter County.

B. Non-residential burning

- i) 326 IAC 4 is hereby adopted by reference for non-residential burning.

C. Extinguishment authority.

- i) The Fire Chief or the Fire Chief’s designee is hereby authorized to order the extinguishment of any open burning.

ARTICLE IV - EMERGENCY PLANNING

94.401 – Crowd Manager Training and Qualifications

- A. Crowd Managers shall receive training as provided for in the Section 604 of the Indiana Fire Code, approved by the Bureau, in crowd management techniques. Crowd Managers shall be:
- i) At least 21 years of age;
 - ii) The owner or operator of the business, or under the direct control and supervision of said owner or operator; and
 - iii) Responsible for:
 - (a) Maintaining clear paths of egress, assuring that the facility does not exceed its occupant load limit, initiating a fire alarm if necessary, directing occupants to exits;
 - (b) Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
 - (c) Utilizing portable fire extinguishers as necessary.

94.402 – When Required

- A. One trained crowd manager or crowd manager supervisor shall be provided for assembly occupancies. In the event the occupant load exceeds 250, additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of 1 crowd manager or crowd manager supervisor for every 250 occupants.
- i) Exception: For assembly occupancies used exclusively for religious worship with an occupant load not exceeding 2,000, the ratio of trained crowd managers to occupants may be reduced if approved by the Fire Chief or the Fire Chief's designee, when the existence of an approved, supervised automatic sprinkler system and the nature of the event warrant a reduction. Conversely, the Fire Chief, or the Fire Chief's designee, shall require a Fire Watch in accordance with 675 IAC 22 if conditions or the nature of the activity warrant.

94.403 – Fire Watch

- A. Any time a Fire Watch is required for temporary fire protection, each member of the Fire Watch must be trained by the Fire Prevention Bureau and hold a current certificate of training card from the bureau and signed by the Fire Marshal, which shall also be on file with the Bureau. Every Fire Watch shall have one trained fire watch personnel for every 250 people of occupant load. Fire watch shall be carried out in accordance with 675 IAC 22.

ARTICLE V - FIRE SERVICE FEATURES

94.501 – Addressing

- A. Buildings shall be provided with approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road frontage fronting the property.
- B. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters.
- C. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of .5 inch (12.7mm). Address numbers shall be maintained.

94.502 – Fire Lane Markings

- A. The location of fire lanes shall be established by the Bureau. The Bureau can require signage or striping or any combination. Design of the fire lane markings shall be approved by the Bureau.
- B. The erection of and maintenance of fire lane marking signs and striping shall be the responsibility of the owner of private property upon which such lane marking signs and striping is to be installed.
- C. All markings shall remain in good visible condition as determined by the Bureau.
- D. The parking or standing of any obstruction, including motor vehicles, within established fire lane markings on private or public property shall be prohibited.

94.503 – Gates and Barricades

- A. The Bureau, is authorized to approve the installation of approved gates or other barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways.
- B. Approved gates or barricades shall be maintained by the property owner.
- C. When a property is accessed through a gate or cross arm by means of a key or swipe card, it shall be equipped with a Key switch manufactured by the Knox Company.
- D. The switch will be keyed to the VFD Knox key.
- E. The location to be installed will be determined by the Bureau.
- F. This section shall apply to Class 1 Structures as well.

94.505 - Marking of fire protection equipment, fire hydrants and apparatus access roads.

- A. Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the VFD to prevent obstruction by parking and other obstructions.
 - i) Appendix D of 675 IAC 22 is hereby adopted by reference for fire apparatus access roads.

94.506 – Key Boxes

- A. Any new Class 1 Structure that is protected by an automatic sprinkler system or Fire Alarm System which sends a local or transmitted signal, and access to, or within such Structure, or an area on that property is unduly difficult because of secure openings, and where immediate access is necessary for lifesaving or firefighting purposes or property preservation, the Bureau, shall require a key box or other rapid entry product to be installed in an approved location(s). All Key boxes shall be purchased from Knox Corporation.
 - i) The key box shall contain:
 - (a) Keys to locked points of ingress whether on the interior or exterior of such buildings.
 - (b) Keys to locked mechanical equipment rooms;
 - (c) Keys to locked electrical rooms;
 - (d) Keys to elevator controls
 - (e) Keys to other areas as directed by the fire official
 - (f) Keys to Post Indicator Valves controlling the water supply for Fire Sprinkler Systems.
 - (g) Fire Alarm Control Panels

- B. Alert Decals. Alert decals, approved by the Bureau, to alert fire companies to the presence of security features covered by this ordinance, shall be displayed on any outside doors or windows designated by the fire official.

94.507 – Water Supply

- A. A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 94.508 of this ordinance and must be provided to all premises or property upon which a Class 1 Structure, a portion of a Class 1 Structure or a Class 2 Structure is hereafter constructed. The water supply shall be provided as follows:
 - i) When a municipal water supply is available and contingent to the premises or property, fire hydrants and mains shall be installed and capable of providing the required fire flow as determined by Section 91-509 of this ordinance.
 - ii) When a public water supply is not available to a premises, the water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems, or fire department delivered portable system capable of providing the required fire flow. The on-site water supply shall be accessible to the VFD and be located within one hundred fifty (150) feet of the Class 1 building or Structure being protected with an automatic fire extinguishing system. If the on-site water supply is not within one hundred fifty (150) feet of the Structure being protected, the water supply shall be connected to onsite fire hydrants and mains capable of supplying the required fire flow.
 - iii) The owner shall verify the water supply requirements with the VFD prior to final design and construction. For buildings under construction. A water source approved by the Bureau, that is capable of supplying the required fire flow, shall be made available prior to allowing combustible material to accumulate at the job site. Fire Hydrants shall be located within 400’ of the Structure under construction. Fire hydrants shall be maintained clear and accessible for fire protection during all phases of construction. Water for construction purposes taken from hydrants shall in no way impede the VFD’s use of the hydrants in emergencies.

94.508 – Fire Flow Requirements

- A. In determining the requirements for fire flow, the Bureau shall utilize 675 IAC 22 Appendix B -"Fire Flow Requirements for Buildings" and 675 IAC 22 Appendix C – "Fire Hydrant Locations and Distribution" as a guide. The requirements in Appendix B & C may not be made more stringent by the Bureau.

94.509 – Fire Hydrants

- A. All private hydrants and water mains shall be installed and maintained as set forth in current adopted edition of NFPA 24 under the rules of the Commission. The Bureau, in determining location and spacing of hydrants shall use the 2014 IFC (675 IAC 22) Appendix C as a guide. Private hydrants shall be painted red in color.
- B. The proposed location of private fire hydrants to supply the required fire flow shall be approved by the VFD prior to construction of any Class 1 Structures or any addition to a Class 1 Structure
- C. Fire Hydrant Assemblies shall meet Valparaiso Utilities specs.
- D. The installation of private fire service mains shall meet Valparaiso Utilities specs.

94.510 – Emergency Communications

- A. Any time a Class 1 Structure is being built in the City of Valparaiso and in Center Township, the owner of the building shall contact the Fire Marshal for information on emergency communications equipment that may be required to be installed into the building. This equipment is a radio repeater system that is used to assist fire agencies inside the building. It will allow the Porter County Emergency Communications radio system to function properly inside their new building.

ARTICLE VI: EMERGENCY AND STANDBY POWER

94.601 – Emergency Lighting Activation Test

- A. An activation test of the emergency lighting equipment shall be completed monthly. The activation test shall ensure the emergency lighting activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of 30 seconds.

94.602 – Emergency Lighting Activation Test Record

- A. Records for the activation test shall be maintained on the premises for a minimum of three (3) years and submitted to the Bureau, upon request. The record must include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

94.603 – Emergency Lighting Power Test Record

- A. The annual ninety (90) minute power test shall be maintained on the premises for a minimum of 3 years and submitted to the Bureau, upon request. The record shall include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

ARTICLE VII: FIRE PROTECTION SYSTEMS, PERMITS AND PLAN REVIEW

94.701 – Plan Review

- A. The Bureau shall perform a review of all pertinent site plans, building plans (construction), fire protection system plans and specifications including sprinkler, fire alarm systems and hood suppression systems of any project within the boundaries of the VFD, in order to determine whether such plans and specifications comply with the applicable rules of the Fire Prevention and Building Safety Commission (FPBSC), this Ordinance and any other codes, standards or rules that may apply. *Separate review and permits shall be required for fire protection systems based on the Fire Protection Permit standards in this Ordinance.*
- B. Plans shall be submitted in traditional 24"x36" paper form.
- C. In addition to paper form, plans shall be submitted in digital format compatible with current VFD software in order to assist the Department in the pre-fire planning of that structure.
- D. Fire Department Plan Review shall occur at the following phases: Site Plan, Construction Plan and Fire Protection Systems Plan. This review shall run concurrent to the City plan review and any issues or corrections that need to be made to the plans shall be completed. No Valparaiso Fire Department release or permit shall be given or issued until review as provided herein and compliance has occurred.

94.702 - Existing Building Modifications.

- A. Plans shall be submitted to the Fire Marshal prior to any alteration, remodel, addition or demolition of any part of a building that is equipped with an Automatic Fire Suppression System and / or Automatic Fire Detection and/or Fire Alarm System.

94.703- Fire Protection Permits

- A. Plans and specifications for Class 1 structures containing fire protection systems shall be submitted to the Fire Marshal prior to the system installation for review in accordance with the rules of the FPBSC and this Ordinance. No person shall install a Fire Protection System without first obtaining a Fire Protection Permit from the Fire Marshal. A Fire Protection Permit shall also be required anytime a structure listed is equipped with a fire protection system; including a fire sprinkler system, fire alarm system or a kitchen hood suppression system.

- i) An application for a Fire Protection Permit shall be submitted on the fire department's prescribed forms and include all documentation required by the applicable NFPA standard adopted by the FPBSC, but shall not be less than the following:
 - (a) Sprinkler / Standpipe Systems:
 - (i) One (1) Full Set of Sprinkler / Standpipe Plans.
 - (ii) One (1) Full Set of Sprinkler / Standpipe Calculations.
 - (iii) One (1) Copy of the Sprinkler Construction Design Release (CDR).
 - (iv) One (1) Set of Manufacturer's *Cut-Sheets* for all sprinkler heads in the design.
 - (b) Fire Alarm Systems:
 - (i) One (1) Full Set of Fire Alarm Plans.
 - (ii) One (1) Set of Battery Calculations.
 - (iii) One (1) Copy of the Fire Alarm Construction Design Release (CDR).
 - (c) One (1) Set of Manufacturer's *Cut-Sheets* for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
 - (i) One (1) Fire Alarm Sequence of Operation Matrix.
 - (d) Special Hazard Fire Protection Systems:
 - (i) One (1) Set of Plans (if applicable).
 - (ii) One (1) Set of Engineering Data (if applicable).
 - (iii) One (1) Copy of the Construction Design Release (if applicable).
 - (iv) One (1) Set of Manufacturer's *Cut-Sheets* for System Components.
 - (e) Fire Pumps:
 - (i) One (1) Copy of the Manufacturer's Fire Pump specifications.
 - (ii) One (1) Copy of the Manufacturer's Certified Pump Test Characteristic Curve
 - (f) Firestop Systems:
 - (i) Through-Penetration Firestop Systems.
 - (ii) Membrane-Penetration Firestop Systems.
 - (iii) Fire-Resistant Joint Systems.
 - (iv) Perimeter Fire Barrier Systems.
 - (v) Fire-Rated Duct and Air-Transfer Openings.

94.704 - Fees

- A. Any fees for a Fire Protection Permit issued pursuant to this article shall be as approved by the city council and shall be adopted by reference in this ordinance.

94.705– Permit Process

- A. The Bureau shall review the system plans and process the application within 10 days of receiving a completed permit application and all applicable fees.
 - ii) A Fire Protection Permit issued pursuant to this Article shall not be transferable, and any change in use or occupancy prior to the acceptance test shall require a new permit.
 - iii) A Fire Protection Permit may be issued for individual portions of a structure based on need and items submitted to the Fire Marshal. Examples:
 - (a) New construction on a structure requiring a sprinkler system, fire alarm system and a kitchen hood suppression system.
 - (b) Items for construction may be submitted at the same time. Fire Protection Permits may be granted for the sprinkler systems without the attachment of the fire alarm system and a kitchen hood suppression system.
 - (c) Applicable fees would apply but work may only be done on the area with the issued permit.

94.706– Acceptance testing

- A. An acceptance test according to NFPA standards of the system shall be conducted and witnessed by the Bureau prior to occupancy of the building or use of the protected area.
 - i) All systems must completely pass to obtain occupancy of the building or protected area.
- B. If during the initial acceptance test, deficiencies are discovered that require the system to be tested at a later date to ensure code compliance, a reinspection fee as determined by the referenced standard shall be paid prior to each reinspection.
- C. The installer shall contact the Bureau, at least 48 hours prior to schedule an acceptance test.
- D. Once acceptance tests are satisfactorily completed, a Certificate of Completion shall be given to the Bureau for their records.

94.707– Appeals Process

- A. When the Bureau fails to grant a permit required by this Article, or when it is claimed that provisions of this Article or articles of the Fire Protection Ordinance do not apply, the person may appeal the decision according to section 94.124 of this Ordinance.

94.708– Validity

- A. Each permit granted under the provisions of this Article shall be valid for 1 (one) year if the installed system remains as designed. If the system is modified, the new design must be approved by the Bureau, and new items submitted as required by this Article.
- B. A permit issued pursuant to this Article shall at all times be posted in a conspicuous place on the premises as designated in the permit and shall at all times be subject to inspection by the Bureau.

94.709– Installer Information

- A. All installers must be qualified professionals and registered with the City of Valparaiso.
- B. Installers must notify the Bureau at least forty-eight (48) hours in advance of the system being completed for system testing.
- C. Any items and/or personnel needed for acceptance testing shall be provided by the installing company.

94.710 – Fire Department Connection Requirements

The location of the fire department connections shall be approved by the Bureau, with respect to fire hydrants, fire department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to fire department connections shall always be maintained and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.

94.711 – Locking FDC caps

When a newly constructed class 1 structure is protected by a water-based fire protection system with a Fire Department Connection (FDC), the Bureau shall require the property owner or tenant to install a locking FDC cap compatible with the type of FDC being installed. The locking caps shall be purchased through the Knox Company.

94.712 – Portable fire extinguishers; where required.

- A. Except for private dwellings, portable fire extinguishers shall be installed and maintained in all occupancies and follow NFPA 10-Standard for Portable Fire Extinguishers. A minimum of a 5lb - 3A, 40BC shall be installed in all small commercial Structures or suites.
- B. Notwithstanding other provisions of this Ordinance, portable fire extinguisher equipment required for Class 1 residential apartment buildings shall be as follows:
 - i) A minimum 2-A, 10-BC rated dry chemical extinguisher shall be placed within seventy-five (75) feet maximum travel distance on each floor level in all common areas of all apartments.

- ii) Each laundry room and/or storage area shall have a minimum 2-A, 10BC rated dry chemical extinguisher.

94.713 – Unlawful interference with fire protection equipment, barricades, devices, signs and seals.

- A. It shall be unlawful for a person to do or permit to be done any of the following acts:
 - i) *Key box access and fire equipment keys.* To make or cause or permit to be made or have in his or her possession any key for any key box emergency access system, VFD equipment, house or building used by the VFD, except upon the written order of the Fire Chief, or to fail or refuse to surrender possession of any such key upon demand of the Fire Chief;
 - ii) *Tampering with fire protection systems or equipment.* To tamper, molest, remove or in any manner interfere with, damage or disturb any part of a fire protection system, apparatus, fire equipment, secured gates, barricades, devices, signs and seals in use in the county;
 - iii) *Injuring fire hose.* To drive any motor vehicle or railroad locomotive over any fire hose laid in any street or VFD access road in the vicinity of any fire or while in use for any other purpose, or in any other way interfere with the use of such hose; or
 - iv) *Opening fire hydrants.* To use or operate any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the VFD. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the VFD, owners of private hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties.

94.717 - Smoke Alarms and Detectors

- A. Smoke detectors or smoke alarms required by 675 IAC 13 or 675 IAC 14 shall have a power supply as specified by the respective code. All other residential smoke detectors or smoke alarms may be powered by an AC power source or a battery. If the smoke detector or smoke alarm is solely AC powered and the manufacturer does not supply installation specifications, it shall be directly attached to a junction box with power supplied either from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, such installation shall be in accordance with 675 IAC 17. If the smoke detector or smoke alarm is solely powered by a battery, such battery shall be a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years. For any dwelling unit requiring a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years as provided in this subsection, it shall satisfy the requirements of this subsection that any non-compliant smoke detector or smoke alarm installed in such dwelling unit prior to August 1, 2014, be replaced with a compliant smoke detector or smoke alarm at such time such non-compliant smoke detector or smoke alarm is replaced for any reason. Smoke detectors and fire alarm devices that are connected to a panel as part of a monitored Fire Alarm System, or other devices that use a low-power radio frequency wireless communication signal are exempt from the battery requirements of this section.
- B. It shall be unlawful for any person to tamper with or remove any smoke detector or smoke alarm, except when it is necessary for maintenance or inspection purposes. Any smoke detector or smoke alarm removed for repair, replacement or local remodeling shall be reinstalled or replaced so that it is in place and operable.
 - i) Rental dwelling units. Each owner or manager or rental agent of the owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within seven (7) business days after the owner, manager or rental agent is given written notification of the need to repair or replace the smoke detector or smoke alarm. Residents shall inspect and test the smoke detector or smoke alarm in accordance with manufacturer's instructions at least monthly.

- ii) Owner dwelling units. Each owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within seven (7) business days of finding it inoperable. An owner shall inspect and test the smoke detector or smoke alarm for power in accordance with manufacturer's instructions at least monthly.
- C. A person, company, or corporation violating IC 22-11-18-3, IC 22-11-18-3.5 and provisions of this article shall be subject to penalties as specified in IC 22-11-18-5.

ARTICLE VIII - FIRE REPORTING SYSTEMS

94.801 – Scope of article.

- A. This article is applicable to the installation and maintenance of all manual and automatic Fire Alarm Systems in new and existing Structures.

94.802 – Monitoring of Fire Alarm Systems.

- A. Fire Alarm Systems required by 675 IAC 13 and 675 IAC 22 or this Ordinance shall be monitored as set forth in 675 IAC 13, 675 IAC 22, 675 IAC 28-1-28, by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

94.803 – Notification upon Fire Alarm activation.

- A. The VFD shall be notified immediately upon the activation of any fire alarm, except in the case of a supervised fire drill, periodic testing or maintenance of a system.
- B. Notwithstanding subsection (i) of this section, such notice shall be required if the alarm is directly transmitted by private line
 - i) The monitoring company shall notify Porter County 911 Communications Center immediately when the alarm is always received except as stated in subsection (a) of this section.
- C. Upon the receipt of a supervisory signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.
- D. Upon the receipt of a trouble signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.

94.804 – Faulty alarms

A. FALSE ALARMS.

The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

B. EXCESSIVE FALSE ALARMS.

It shall be unlawful for any person or entity who owns or controls property in the city on which an Alarm System is installed to issue, cause to be issued, or permit the issuance of more than three false alarms in a calendar year. A person or entity who owns or controls property on which the Alarm System is installed shall receive a warning from the city for each false alarm. There shall be no distinction between fire and security false alarms.

C. PENALTY.

The person or entity who violates section B of this Ordinance shall pay as a penalty as indicated in Section 94.9999.

ARTICLE IX - MISCELLANEOUS PROVISIONS

94.901 – Vacant or abandoned buildings; placarding.

- A. The Bureau may implement a program for identifying and placarding vacant or abandoned Class 1 Structures that pose an unreasonable risk hazard to firefighters who forcibly enter a building or Structure for controlling or extinguishing a fire. Unreasonable risk hazards shall include but not be limited to Structure deficiencies such as open roof(s), missing steps or stair(s), holes in floor(s), open wall(s) or shaft(s) or the illegal removal of Structure components of a building or Structure that may cause an entanglement or premature collapse hazard for firefighters.

ARTICLE X – PYROTECHNICS DISPLAYS

94.1001 – Certificate of insurance required.

- A. Fireworks and temporary storage, use, handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with IC 22-11-14,675 IAC 13 and 675 IAC 22.
- B. A certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than one hundred thousand dollars (\$100,000.00) and to property in an amount of not less than one hundred thousand dollars (\$100,000.00), by reason of the license display, arising from any acts of the licensee, his agents, employees or subcontractors.