

TITLE XVI: FIRE PREVENTION

Chapter

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CHAPTER 160: FIRE PREVENTION ORDINANCE

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ORDINANCE 2019- 2

AN ORDINANCE AMENDING THE TOWN ORDINANCE OF THE TOWN OF KOUTS CREATING A NEW TITLE XVI, FIRE PREVENTION, CHAPTER 160

WHEREAS, it is in the best interests of the Town of Kouts to protect the life, public safety, health and general welfare of the citizens of the Town of Kouts, Indiana; and

WHEREAS, the Town's fire prevention enforcement will be of great value to the health and safety of the residents and visitors to the Town of Kouts; and

WHEREAS, the fire prevention goal is to raise the town's standards and enforce state standards for Fire Prevention.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KOUTS, PORTER COUNTY, INDIANA, that a new Ordinance shall be added to the Municipal Ordinance of the Town of Kouts titled and hereinafter called Title XVI Fire Prevention Ordinance

160. FIRE PREVENTION ORDINANCE.

§ 160.01 TITLE.

This subchapter, and all Ordinance supplemental or amendatory hereto, shall be known as the "Fire Prevention Ordinance of the Town of Kouts, Indiana," and be cited as such and will be referred to herein as "this Ordinance."

§ 160.02 AUTHORITY.

This Ordinance shall hereinafter authorize the Town of Kouts to enter into contract with the Fire Department on behalf of its citizens. The Fire Chief, or his designee, is hereby authorized and directed to administer and enforce the following:

- (A) All provisions of this Ordinance.
- (B) Variances granted in accordance with I.C. 22-13-2-11.
- (C) Orders issued under I.C. 22-12-7.

§ 160.03 APPLICABILITY.

The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules, Indiana Fire Ordinance, Indiana Building Ordinance, Indiana Mechanical Ordinance, and Indiana Fuel Gas Ordinance as adopted by the Indiana Fire Prevention and Life Safety Feature , which are incorporated herein for reference. The provisions of this Ordinance apply to existing conditions as well as to the conditions arising after the adoption thereof.

§ 160.04 CONFLICTING PROVISIONS.

If any provision of this Ordinance is found to conflict with any Building, Zoning, Safety, Health, or other applicable Ordinance of the Town of Kouts, 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.

§ 160.05 MINIMUM STANDARDS.

All rules of the Indiana Fire Prevention and Building Safety Commission here and after as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Ordinance are incorporated in this Ordinance and shall include all later amendments to that article as published in the Indiana Register or the Indiana Administrative Ordinance with effective dates as fixed therein. Any special processes or procedures not addressed in the Indiana Fire Ordinance (675 I.A.C. 22) or this Ordinance shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Ordinance (675 I.A.C. 22), Referenced Standards and as approved by the Fire Chief, or his designee. Any special processes or procedure not addressed in this Ordinance shall be subject to application found in the current editions of the National Fire Protection Association (NFPA) Standards or other recognized Fire Safety Standards—subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

§ 160.06 DEFINITIONS.

“Building Ordinance” means the Town’s Building regulation and the Indiana Building Ordinance found within 675 IAC 13.

Carbon Monoxide Detector shall be defined as a device that detects the presence of Carbon Monoxide (CO) gas and emits an audible alarm of at least eighty-five (85) decibels at ten (10) feet, and such alarm shall be capable of persisting for at least four (4) minutes, and conform to the NFPA 720 Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment.

“Class 1 structure” has the meaning ascribed thereto in I.C. 22-12-1-4.

“Class 2 structure” has the meaning ascribed thereto in I.C. 22-12-1-5.

“Days” and “Months” refers to U.S. calendar days and months, unless otherwise expressly stated.

“Division of Fire and Building Safety” refers to the Division of Fire and Building Safety of the Indiana Department of Homeland Security established pursuant to IC 10-19-7-1.

“Fire Chief” refers to the chief officer of the Fire Department or fire territory serving the jurisdiction.

“Fire-flow requirement” is the quantity of water in gallons per minute needed to control an anticipated fire in a building or group of buildings.

“Fire Ordinance” refers to the Indiana Fire Ordinance found within 675 I.A.C. 22.

“Fire Department” has the meaning ascribed thereto in I.C. 36-8-17-2.

“Fuel Gas Ordinance” refers to the Indiana Fuel Gas Ordinance found within 675 I.A.C. 25.

“Generated Administrative Rules” refers to the General Administrative Rules of the Indiana Fire Prevention and Building and Safety Commission located at 675 I.A.C. 12.

“IAC” means the Indiana Administrative Ordinance.

“I.C.” means the Indiana Ordinance of the Indiana General Assembly.

“Mechanical Ordinance” refers to the Indiana Mechanical Ordinance found within 675 I.A.C. 18.

Monetary amounts are in U.S. dollars.

"Owner" has the meaning ascribed thereto in 675 I.A.C. 22.

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

Smoke Detector shall be defined as a device that detects particles or products of combustion other than heat, approved by Underwriters' Laboratories, Inc., or Factory Mutual, equipped with a test button, and may be either battery powered, minimum nine-volt, or 110-volt A.C. and which conforms to the Uniform Building Code Standard No. 43-6, as amended from time to time.

"Volunteer Fire Department" has the meaning set forth in I.C. 36-8-12-2.

TERMS NOT DEFINED. *Where terms are not defined in this Ordinance and are defined in the General Administrative Rules, the Indiana Building Ordinance, Indiana Fire Ordinance, Indiana Mechanical Ordinance, or Indiana Fuel Gas Ordinance, such terms shall have the meaning ascribed to them as in those Ordinances. Where terms are not defined through the methods authorized, such terms shall have the ordinary accepted meanings such as the context implies.*

§ 160.07 REVIEW OF BUILDING PLANS/CERTIFICATE OF BUILDING OCCUPANCY BY ORDINANCE ENFORCEMENT OFFICER AND FIRE DEPARTMENT

(A) Except as otherwise determined by the Fire Chief, or his designee, the plans submitted to the city building department in support of an application for a building permit to construct or modify any commercial or public building, shall be submitted to the Fire Department for review. Plans submitted must contain the official design release stamp of the Indiana State Building Commissioner.

(B) When any plans are submitted under subsection (a), the Fire Chief shall review and determine whether such plans conform to the rules and regulations of this Ordinance. A fifty-dollar (\$50.00) Fire Department Plan Review Fee must be paid upon submission of the plans to the Clerk's Office. The plan review fee shall be deposited into the Fire Prevention Fund.

(C) A certificate of occupancy must be signed by the Building Commission and the Fire Department after a final inspection of the building or structure is made. No building or structure shall be used or occupied until a certificate of occupancy has been issued. Issuance of a certificate of occupancy shall not be construed as an approval of any violation of the provision of this Ordinance, other Ordinances of the town or rules, or regulations of the state fire prevention and building safety commission.

§ 160.08 RIGHT OF ENTRY.

Whenever necessary for the purpose of enforcing the provisions of this Ordinance, or whenever the Fire Chief or authorized Fire inspector has reasonable cause to believe that there exists any unsafe premises, the Fire Chief, or his designee, shall be permitted to enter such structure or premises at all reasonable times to inspect or to perform any duty imposed upon by the Fire Chief

or by this Ordinance. However, if such structure or premises is occupied, the Fire Chief, or his designee, shall first present proper credentials and request entry. If such entry is refused, the Fire Chief shall have recourse to every remedy provided by law to secure entry.

§ 160.09 FIRE AND LIFE SAFETY INSPECTIONS.

The Fire Chief, or his designee, may conduct fire and life safety inspections in Class 1 structures pursuant to IC 36-8-17-8. The Fire Chief, or his designee, shall inspect Class 1 structures as often as necessary but not more than once per annum for the purpose of ascertaining and causing to be corrected any violation of the Indiana General Administrative Rules, Indiana Fire Ordinance, Indiana Building Ordinance, Indiana Mechanical Ordinance, Indiana Fuel Gas Ordinance, Ordinance, or any other rule. The Fire Department shall charge a fee according to the following structure for inspections:

A Class (Assembly)	\$100	100 or more people;
	\$75	50-99 people;
	\$30	49 or fewer people
B Class (Business)	\$75	2,500 sq. ft. and larger;
	\$30	2,499 sq. ft. and less
C Class (Educational)	\$100	2,500 sq. ft. and larger;
	\$60	2,499 sq. ft. and less
F Class (Factory, Industrial)	\$125	10,000 sq. ft. and larger;
	\$75	2,500-9,999 sq. ft.
	\$30	2,499 sq. ft. or less
H Class (Hazardous)	\$125	
I Class (Institutional)	\$100	
M Class (Mercantile)	\$125	10,000 sq. ft. and larger;
	\$75	2,500-9,999 sq. ft.
	\$30	2,499 sq. ft. or less
R Class (Residential)	\$60	
	\$10	

additional for every structure used for residential occupancy associated with the complex

S Class (Storage) \$30

U Class (Utility and Misc.) \$20

§ 160.10 ENFORCEMENT AUTHORITY.

The Fire Chief, or his designee, shall possess the authority to enforce the provisions of this Ordinance. The Fire Chief, or his designee, shall have the authority to enforce provisions of the Indiana General Administrative Rules, Indiana Fire Ordinance, Indiana Building Ordinance, Indiana Mechanical Ordinance, Indiana Fuel Gas Ordinance, this Fire Prevention Ordinance, or any other rule of the Commission. Such enforcement shall include, but is not limited to:

- 1) The prevention of fire.
- 2) The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials.
- 3) The adequacy for means of egress from all places where people work or congregate from time to time for any purpose.
- 4) The location, installation, and maintenance of smoke alarms, carbon monoxide alarms, fire alarm systems, and fire suppression systems.
- 5) The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.

The Fire Chief, or his designee, shall have the authority to institute legal actions in cases of non-compliance through this Ordinance granted by the Ordinance Violations Bureau pursuant to I.C. 33-36-2-1. The Fire Chief, or his designee, shall have the authority to initiate legal action with the Town Attorney in accordance with locally prescribed avenues covering the violations of the Indiana General Administrative Rules, Indiana Fire Ordinance, Indiana Building Ordinance, Indiana Mechanical Ordinance, Indiana Fuel Gas Ordinance, this Ordinance, or any other rule of the Commission. Violators of this Ordinance may be cited into the court having jurisdiction.

§ 160.11 DETERMINATION OF VIOLATION.

Whenever the Fire Chief, or his designee, determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Ordinance, Indiana Building Ordinance, Indiana Mechanical Ordinance, Indiana Fuel Gas Ordinance, this Ordinance, or any other rule of the Commission or a hazardous condition exists upon any Class 1 structure within the Town, the Fire Chief, or his designee, shall issue such Notice of Violation or order as may be necessary for the enforcement with the assessed fine immediately per the above mentioned binding Rules and Ordinances.

§ 160.12 NOTICE OF VIOLATION.

Under IC 36-8-17-9, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Ordinance, Indiana Building Ordinance, Indiana Mechanical Ordinance, Indiana Fuel Gas Ordinance, this Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Fire Chief, or his designee, 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 of procedure provided by law. The failure of the Fire Department 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. 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 such a conspicuous place at the entrance of said building or premises or handing to the property owner directly), by mailing a copy thereof to such responsible person by first-class to his or her last known address, by fax, or electronic mail pursuant to IC 4-21.5-3.

§ 160.13 TIME LIMIT.

Violation orders shall set forth a time limit for compliance dependent upon the hazard created by the violation(s).

§ 160.14 FINES.

The Fire Chief, or his designee, will assess fines immediately upon discovery of a violation and if there is continued non-compliance the property owner will incur additional fines as stated below. Failure to have a smoke detector or carbon monoxide shall result in a fine of one-hundred dollars (\$100.00) for the first offense. Smoke detector or carbon monoxide tampering shall result in a fine of one-hundred dollars (\$100.00) for the first offense. Failure to maintain a fire hydrant shall result in a fine of hundred dollars (\$100.00) for the first offense. Failure to obey this Ordinance or state provisions may result in a fine pursuant to Kouts Ordinance Chapter X, § 10.99 General Penalty which provides for penalties of up to two-thousand five hundred dollars (\$2,500) per day per violation. Each day a new violation occurs for noncompliance. If the fine is not paid to the town within ten days of fine deadline, then the matter is referred to the proper jurisdiction.

§ 160.15 IMMINENT DANGER.

The Fire Chief, or his designee, may stop an operation or require the evacuation of any Class 1 structure or portion thereof under the provisions of I.C. 36-8-17-9 when it is determined that conduct or conditions of the property:

1. Presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser.
2. Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other required under I.C. 22-14, another Indiana statute or rule of the Commission; or
3. Will conceal a violation or law.

§ 160.16 DUTY TO CORRECT VIOLATIONS.

The owner or person in control of any premises or building upon which a violation or hazard exists shall:

1. Cease and correct the violation; and
2. Protect persons and property from the hazards of the violation.

§ 160.17 APPEAL FROM ORDERS.

An owner or occupant who believes he is aggrieved by an order or decision issued pursuant to this Ordinance and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to the Indiana Fire Prevention and Building Safety Commission as set forth by IC 36-8-17.

§ 160.18 LOCAL ORDINANCE APPEAL PROCESS.

A person who believes he is aggrieved by an order pursuant to section 12,13, or 14 of this Ordinance or IC 36-8-17-9, shall have an opportunity to discuss the order with the Fire Chief, or his designee, who may modify or reverse the order.

§ 160.19 FIRE FUND.

There is hereby created a fund to be designated as the "Fire Fund" as provided for by Indiana Ordinance 36-8-14-2. Any balance remaining at the end of any fiscal year shall be carried forward to the following year and shall not revert to the general fund. All fees, response reimbursements, fines, and donations that are received pursuant to this Ordinance shall be collected and deposited into the Fire Fund and shall not be deposited into the general fund. Monies deposited into the Fire Fund shall be solely for expenses related to the operation of the Kouts Fire Department. Such expenses include the enforcement of this Ordinance and performance of its Fire Protection/Emergency Service obligations as defined in the Fire Protection Agreement between the Town and Kouts Volunteer Fire Department, Inc.

§ 160.20 OPERATIONS AT FIRE OR OTHER EMERGENCIES.

(A) The Fire Chief, or his designee, in charge at the scene of a fire or other emergency involving the protection of life and/or property, shall have the power and authority to direct such operations as may be 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 the taking of any other action necessary in the reasonable performance of their duties. In the exercise of such power, the Fire Chief, or his designee, may prohibit or remove any person, vehicle, vessel or thing from the scene of an emergency which may impede or interfere with the operations of the Fire Department. The Fire Chief, or his designee, may also prohibit or remove any person who is not actually and usefully employed in the extinguishment of such fire or in the preservation of life or property in the vicinity thereof.

(B) Any person who obstructs the Fire Department in connection with extinguishing any fire, or other emergency, who disobeys any lawful command of the Fire Chief or Officer of the Fire Department or any police officer assisting the Fire Department, shall be in violation hereof and subject to penalties.

(C) The Fire Chief or other officer of the Fire Department in charge at the scene of an emergency, shall have the authority to place ropes, guards, barricades, or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the Fire Department to manage and control the emergency and to handle fire apparatus.

§ 160.21 FIRE DEPARTMENT ACCESS ROADS.

(A) When a bridge is required to be used as access under this section, it shall be the property owner's responsibility to construct and maintain.

(B) When a fire apparatus access road exceeds 150 feet in length and serves multiple buildings or complexes, additional fire apparatus access roads may be required by the Fire Chief, or his designee, and shall be installed and maintained by the property owner(s).

(C) Any business owner, lessee or, other person in charge of the premises shall be required at the time to remove snow from sidewalks, parking areas, and all access roads required under this section. Such snow clearance shall not cause any fire hydrant or fire department connection to become obstructed.

CHAPTER 161: PRIVATELY OWNED FIRE HYDRANTS

Section

161.01 Title

161.02 Authority and Establishment

161.03 Installation

161.04 Protection of Hydrants

161.05 Visibility

161.06 Maintenance

161.07 Non-Conforming Hydrants

161.08 Ownership and Maintenance Responsibility

161.09 Fire-flow Requirements for Buildings

161.10 Violations and Fines

161.11 Severability

161. PRIVATELY OWNED FIRE HYDRANTS

§ 161.01 TITLE.

This subchapter, and all Ordinance supplemental or amendatory hereto, shall be known as the "Privately Owned Fire Hydrants Ordinance of the Town of Kouts, Indiana," and be cited as such and will be referred to herein as "this Ordinance."

§ 161.02 AUTHORITY AND ESTABLISHMENT.

Private hydrants shall be made available for use by the Fire Department.

§ 161.03 INSTALLATION.

All private hydrants shall be in accordance with the following standards. Hydrants shall stand plumb, be set to the established grade with the center of the lowest outlet of the hydrant no less than eighteen (18) inches above the grade, and the top of the hydrant not to exceed thirty-six (36) inches, and no less than a thirty-six-inch radius of clear level area around the hydrant for clearance

of the hydrant wrench on both outlets and on the control valve per the National Fire Protection Association (NFPA). The pumper port shall face the street and the hydrant shall be painted red.

§ 161.04 PROTECTION OF HYDRANTS.

Where needed, the fire chief, or his designee, may require that a hydrant be protected by two (2) or more posts, each eight (8) inches in diameter by five (5) feet in length, to be installed with thirty (30) inches above ground level. Posts are to be made of either reinforced concrete or steel and located as directed by the fire chief, or his designee.

§ 161.05 VISIBILITY.

(a) The curb shall be painted yellow or otherwise appropriately marked by the owner or other person in charge of the premises to prohibit parking for a distance of fifteen (15) feet in either direction of the hydrant. Where curbs do not exist, there shall be appropriate markings on the pavement or signs erected giving notice.

(b) No person shall place or keep a post, fence, wall, tree, plant, or obstruction near a fire hydrant that would prevent equipment being immediately discernible or in a manner that would deter or hinder the Fire Department from gaining immediate access to said equipment.

§ 161.06 MAINTENANCE.

Should a private fire hydrant be inoperable for any reason, the owner of the private fire hydrant system shall immediately inform the Fire Department and the Town Clerk's office of the inoperable condition within a reasonable period of time, the anticipated date the hydrant will be repaired, and notify the Fire Department and the Town Clerk's office as soon as practicable once the repairs are completed.

§ 161.07 NONCONFORMING HYDRANTS.

When a fire hydrant does not conform to the requirements, the hydrant must be repaired or replaced within one hundred eighty (180) days of being placed on notice of such non-conformity by the Fire Department. All fire hydrants must be bagged when out of service so the Fire Responders know the hydrant is not operable.

§ 161.08 OWNERSHIP AND MAINTENANCE RESPONSIBILITIES.

Except as specifically set forth herein, nothing in this section shall change the property owner's responsibility for the maintenance of the hydrants and auxiliary valves within the Town. Hydrants designed to protect private commercial development shall be located on private property. Hydrants required on private property shall be located in accordance with the approved site plan. The owner of the private hydrants shall be responsible for the costs of inspection, maintenance, and flushing of hydrants located on private property. The owner of the private hydrants shall be responsible for hiring a town approved specialty licensed contractor at the cost of the hydrant owner, per all local and state requirements. Property owners must show proof to the town that

the hydrant passed inspection to the Clerk's office and the Fire Department within thirty (30) days of the testing. Testing is required to be done once per annum by property owners.

§ 161.09 FIRE-FLOW REQUIREMENTS FOR BUILDINGS.

The town water utility and Kouts Fire Department shall establish the minimum residual pressure and the flow duration to be used when determining fire-flow. The required fire-flow may be reduced up to 50 percent when the building is provided with an approved automatic fire sprinkler system.

§ 161.10 VIOLATIONS AND FINES.

For fines and violations, see Chapter XVI, § 160.15.

§ 161.11 SEVERABILITY.

If any provision of this Ordinance is 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.

CHAPTER 162: SMOKE AND CARBON MONOXIDE DETECTORS

Section

162.01 Carbon Monoxide Detector Requirement

162.02 Smoke Detectors shall be installed in the following properties

162.03 Certificate of Compliance

§ 162. SMOKE AND CARBON MONOXIDE DETECTORS.

Section 1. Carbon Monoxide Detector Requirement. For all Class 2 structures (as defined by I.C. § 22-12-1-5, or any successor statute) having a fireplace, attached garage, or fossil fuel burning appliance, and for which a building permit is issued for new construction after the date that this Ordinance is in full force and effect, shall have at least one (1) operational Carbon Monoxide Detector per residential unit. Installation of the Carbon Monoxide Detector shall be in accordance with the Manufacturer's specifications and recommendations.

Section 2. Smoke Detectors shall be installed in the following properties:

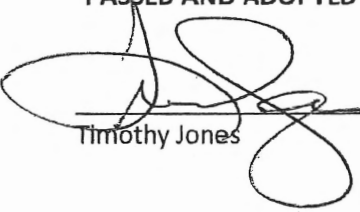
- a. All new single and multiple family dwellings;
- b. All existing two (2)-family or multiple dwellings;
- c. All rental dwellings, either single or multiple;
- d. All new and existing apartment homes;
- e. All new and existing hotels, motels, and rooming houses;
- f. All new and existing dwellings above business property.

Section 3. Certificate of Compliance. Between January 1st and January 31st each year the owner of each dwelling unit in which a smoke detector has been installed shall certify in writing on the forms prescribed by the Town to the Fire Inspection Division of the Kouts Fire Department that the required Maintenance has been performed on all detectors in the owner's units and that the detectors are in good working condition in the owners' units and that the detectors are in good working condition as of the date of certification. Each owner shall certify to each new occupancy on any dwelling unit covered by this ordinance that all smoke detectors required have been installed and are in proper working condition.

NOW, THEREFORE, BE IT FURTHER ORDAINED that any and all such Ordinances or parts of Ordinances of the Town of Kouts that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect upon its adoption by the Town Council of the Town of Kouts and posting in accord with IC § 36-5-2-10, and approval by the Fire Prevention and Building Safety Commission of the State of Indiana per IC § 22-13-2-5 and IC § 36-7-8-3.

PASSED AND ADOPTED by the Town Council for the Town of Kouts, Porter County, Indiana this 18 day of February, 2019.



Timothy Jones



R. Steve Howard

Nicole Markovich
Nicole Markovich

absent
Blake Jefferson

Kevin Salyer
Kevin Salyer

Laurie Tribble

ATTEST:
Laurie Tribble,
Clerk Treasurer