

ORDINANCE 2022- 6

SHORT TITLE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA AMENDING THE EFFECTIVE DATE OF ORDINANCE 2022-1, WHICH AMENDS CHAPTER 91 OF THE DECATUR CODE OF ORDINANCES OF 2015, AS SUPPLEMENTED, IN ITS ENTIRETY, REGARDING FIRE PREVENTION; FIREWORKS

WHEREAS, the Common Council of the City of Decatur, Indiana ("Common Council") has heretofore established a Fire Code including Standards and Enforcement provisions, heretofore codified as Chapter 91 of the Decatur Code of Ordinances of 2015, as Supplemented; and

WHEREAS, the City Fire Department has determined that the existing Fire Code, as codified, needed to be updated and recommended Chapter 91 of the Decatur Code of Ordinances of 2015, as supplemented be repealed and replaced with the language contained in Exhibit "A" of Ordinance 2022-1, which was adopted the Common Council of the City of Decatur on or about January 18, 2022, and which Exhibit A is attached hereto for reference;

WHEREAS, Ordinance 2022-1 was submitted to the Indiana Fire Prevention and Building Safety Commission for final approval in accordance with I.C. 23-13-2-5, however approval was denied due to the effective date of Ordinance 2022-1 not being subject to final approval by the Indiana Fire Prevention and Building Safety Commission;

WHEREAS, the Common Council desires to amend the effective date of Ordinance 2022-1 to allow for the review and approval of the updated and amended Chapter 91 of the City of Decatur Code of Ordinances of 2015, as Supplemented by the Indiana Fire Prevention and Building Safety Commission and make said Ordinance effective upon approval by both adoption by Common Council and approval of the Commission in accordance with I.C. 23-13-2-5;

WHEREAS, in all other respects not specifically amended herein, the Common Council of the City of Decatur desires to affirm Ordinance 2022-1, amending Chapter 91 of the City of Decatur Code of Ordinances of 2015, as supplemented, in its entirety with respect to fire prevention; fireworks.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA AS FOLLOWS:

1. Purpose. The purpose of this Ordinance is to amend the effective date of Ordinance 2022-1, which amended Chapter 91 of the Decatur Code of Ordinances of 2015, as Supplemented, by repealing the existing Chapter in its entirety and replacing such Chapter with the language contained in Exhibit "A", which is again attached hereto for reference.

2. Amendment to Effective Date of Ordinance 2022-1. The effective date of

Ordinance 2022-1 is hereby amended to read:

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after the date on which both of the following have occurred:

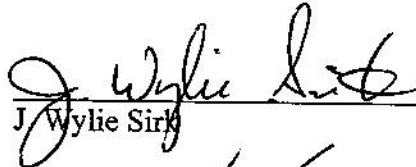
1. The Common Council of the City of Decatur has adopted this ordinance.
2. The Fire Prevention and Building Safety Commission of Indiana has approved of this ordinance as required by IC 22-13-2-5.

7. **Effect of Amendment.** Ordinance 2022-1 amending Chapter 91 of the Decatur Code of Ordinances of 2015, as Supplemented, shall be amended as set forth herein. All other terms and conditions of Ordinance 2022-1, not specifically amended herein, shall remain in full force and effect.

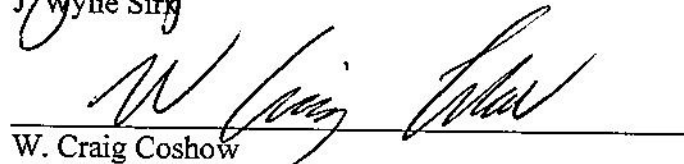
8. **Effective Date.** Upon adoption by the Common Council, approval by the Mayor and publication as may be required by law, this amendment of Ordinance 2022-1, shall go into effect.

ALL OF WHICH IS DULY PASSED, ADOPTED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, ON THIS 15 DAY OF February, 2022.

COMMON COUNCIL OF THE
CITY OF DECATUR, INDIANA



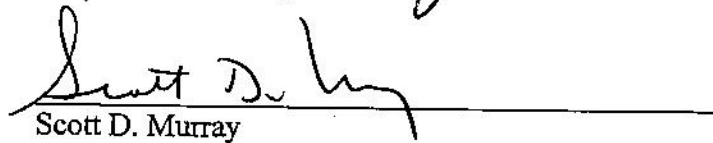
J. Wylie Sirk



W. Craig Coshow



Tyler P. Fullenkamp



Scott D. Murray



Matthew J. Dyer



Daniel L. Rickord, Mayor and Presiding Officer

ATTEST: Phyllis J. Whitright
Phyllis J. Whitright, City Clerk-Treasurer

Presented to Daniel L. Rickord, Mayor of the City of Decatur, Indiana, for approval on this
15th day of February, 2022.

Phyllis J. Whitright
Phyllis J. Whitright, City Clerk-Treasurer

Approved by me, Daniel L. Rickord, as Mayor of the City of Decatur, Indiana, on this 15th
day of February, 2022, at 7:15 o'clock P. M.

D. Rickord

Daniel L. Rickord, Mayor

Approved this _____ day of _____, 2022, by the Fire Prevention and
Building Safety Commission of the State of Indiana.

Chairman Fire Prevention and Building
Safety Commission of the State of Indiana

“EXHIBIT A”

CHAPTER 91: FIRE PREVENTION; FIREWORKS

GENERAL PROVISIONS

§ 91.01 INSPECTION OF PREMISES FOR FIRE HAZARDS; ORDERS.

- (A) The Fire Chief, or his designee, shall conduct fire and life safety inspections in Class 1 structures pursuant to IC 36-8-17-8. The Fire Chief, or his/her designee, shall inspect Class 1 structures as often as necessary for the purpose of ascertaining and causing to be corrected any violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission.
- (B) 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 Fire Prevention Ordinance, or any other rule of the commission, which is within the jurisdiction of the Fire Chief, or his/her designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this code or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue 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 the 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 known address, by fax, or electronic mail pursuant to IC 4-21.5-3.
- (C) The Fire Chief, or his/her designee 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:
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 license required under IC 22-14, another Indiana statute or rule of the Commission; or
 3. Will conceal a violation of law.
- (D) The Fire Chief, or his/her designee shall state in the notice a time in which the means prescribed by the Fire Chief, or his/her designee shall be complied with.
- (E) The first violation shall be given at the time of the inspection. Approximately thirty (30) days after the first violation notice is issued, a second inspection shall occur. In the event the violation is not corrected, a second violation notice shall be issued and a third inspection shall be necessary. The third inspection shall occur approximately fifteen (15) days after the second violation notice is issued. If the violation is not corrected upon the third inspection, a third violation notice shall be issued. Inspections shall occur approximately every five (5) days until the violation is corrected. In the event that the recipient of the notice does not take the necessary action to correct the dangerous condition or code violation as set out in the

notice, the recipient shall be in violation of this section and shall result in a citation. If a violation is not corrected due to extenuating circumstances, a committee of the Fire Chief, Fire Marshal and the Superintendent of Building and Zoning, may grant an extension. Penalty, see §91.99

VIOLATION CLASSIFICATIONS

Violations occurring during inspections shall be determined from one of three violations.

Immediate danger to life safety, Major violation and Minor violation.

Minor violations are classified as violations that do not pose a serious hazard to life safety.

Major violations are classified as serious violations and are listed below:

- IFC 1008.1.10** Panic & fire exit hardware
- IFC 1003.6** Means of egress continuity
- IFC 1008.1.9.3** Locks and latches
- IFC 507.5.4** Obstructions
- IFC 1008.1.9** Door operations
- IFC 901.6.1** Standards (FD connection)
- IFC 1023.1** Exit passageway
- IFC 1030.3** Obstructions
- IFC 315.3.2** Means of egress
- IFC 313.1** General (fuel equipment storage)
- IFC 315.3** Storage in buildings
- IFC 1008.1.9.4** Bolts & locks
- IFC 603.4** Portable unvented heaters
- IFC 703.2** Opening protectives

Immediate danger to life safety violations are violations that need addressed immediately before operations can continue.

§ 91.02 FIRE LIMITS

- (A) The fire limits in the city shall consist of all territory lying within the municipal city limit.
 - (B) No person, persons, firm, company or corporation shall erect or cause to be erected any building on any lot or parcel of ground within the territory described in division (A) above, which is not in compliance with the City Building Code.
- (Prior Code, § 91.02) Penalty, see § 91.99

§91.03 DEPOSITING COMBUSTIBLES WITHIN THE CITY.

No person or persons shall deposit or stack any hay, straw, or other combustible substance within 100 feet of any dwelling house, barn, stable, outhouse or building of any description within the limits of the city, without first having obtained permission from the Common Council.

§ 91.04 STORAGE OF COMBUSTIBLE MATERIALS.

No person or persons shall deposit or store combustible substances or materials near a structure which produces conditions that create a nuisance or a hazard to the public health, safety or

welfare.

(Prior Code, § 91.05) Penalty, see § 91.99

§ 91.05 BURNING OF COMBUSTIBLE MATERIALS.

Except as allowed in § 91.41, no person or persons shall burn combustible substances or materials near a structure which produces conditions that create a nuisance or fire hazard.

(Prior Code § 91.06) Penalty, see § 91.99

§ 91.06 CONSUMER FIREWORKS

Pursuant to I.C. § 22-11-14-6(D), I.C. § 22-11-14-10.5, and this Ordinance, consumer fireworks may only be used in the City of Decatur, Indiana, corporate limits during the days and times listed below:

(A). Between the hours of 5:00 P.M. and two hours after sunset on June 29th through July 3rd and July 5th through July 9th, however, regardless of what time sunset occurs, no later than 11 P.M.;

(B). Between 10:00 A.M. and midnight on July 4th and December 31st.

In the event that the hours of use for consumer fireworks listed in I.C. §22-11-14-6(D) or I.C. § 22-11-14-10.5(C)(3) conflict with this Ordinance, state statute shall control.

§ 91.07 RAPID ACCESS KEY BOXES; SECURITY CONNECTIONS CAPS.

(A) Key boxes are required to be installed as provided for in section 506 of the 2014 Indiana Fire Code.

(B) *Apartment Buildings.* Key boxes for apartment buildings are not required to contain keys to individual apartment dwelling units but a key shall be provided for the common area of the apartment.

(C) *Security caps.* When a building is protected by an automatic sprinkler system or standpipe system and the Fire Department connection is exposed to undue vandalism, then the Chief of the City Fire Department may require that a Fire Department connection security cap be installed. The Fire Department connection security cap shall be a type approved by the Chief of the City Fire Department.

§ 91.25 ADOPTION OF FIRE PREVENTION CODES.

(A) The following mechanical and fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in 675 I.A.C. 18, 22 and 25 are hereby incorporated by reference in this Code, and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein: Arts. 18, 22 and 25 – Mechanical and Fire Prevention Codes:

- (1.) Indiana Mechanical Code;
- (2.) Indiana Fire Prevention Code;
- (3.) Indiana Fuel Gas Code.

(B) Copies of the adopted mechanical and fire safety rules, codes and standards are on file in the offices of the City Clerk-Treasurer, the City Engineer, the Chief of the Fire Department and the Superior Court Judge.

(Prior Code, § 91.20)

§ 91.26 ENFORCEMENT OF CODES.

The Fire Prevention Code shall be enforced by the Chief of the Fire Department and/or any other officer of the Fire Department designated by the Chief of the Fire Department. It shall be unlawful for any person properly served with an order or citation under provisions of the Fire Prevention Code to fail to comply with such orders or citations.

(Prior Code, § 91.21) Penalty, see § 91.99.

§ 91.27 INSPECTIONS.

Prior to any new construction, remodeling or change of occupancy of a Class 1 or 2 building, a final inspection by the Fire Department may be conducted and occupancy may not occur until a certificate of occupancy has been issued by the Building Department and countersigned by the Fire Department Inspector.

(Prior Code, § 91.22)

§ 91.28 FIRE DEPARTMENT POLICY ON ENFORCEMENT.

(A) The Fire Department shall be responsible for the enforcement of laws and regulations for safeguarding, to a reasonable degree, of life and property from hazards of fire and/or explosions and from conditions hazardous to life and property in the use or occupancy of buildings or premises and their contents.

(B) It is the intent of the Fire Department to achieve compliance by traditional means of inspection, notification, granting of reasonable time to comply and re-inspection. The citation shall be used only after reasonable means to gain compliance have failed or with proper justification, at the discretion of the Fire Chief or his/her designee.

(Prior Code, § 91.23).

§ 91.29 EMERGENCY LANES AND FIRE ACCESS ROADS ESTABLISHED.

(A) Emergency lanes and fire access roads are required to be installed as provided in section 503 of the 2014 Indiana Fire Code.

(B) The Chief of Police and Chief of the Fire Department of the city are hereby authorized and required to establish and maintain emergency lanes on private commercial property upon the request of the owner thereof.

(C) Location and marking of emergency lanes upon said commercial property shall be subject to the approval of the Chief of Police and the Chief of the Fire Department.

(D) Emergency lanes shall be marked with appropriate yellow marks or lines. Signs designating the emergency lanes shall be marked "No Parking – Emergency Lane"

and shall be placed at least every 50 feet along the curb or side of building wherein the lanes are established.

- (E) It shall be the responsibility of the owner of the commercial property to bear the cost of the signs and marking of said emergency lanes and curbs.
- (F) Police officers and/or fire officials of the city shall remove or cause the removal of any vehicle from any emergency lane established in accordance with this section. Such vehicle shall be impounded into a storage yard. The owner of said vehicle shall pay reasonable towing and storage charges before any vehicle may be released.
- (G) Any person who stops, stands, or parks any vehicle other than an emergency vehicle, whether attended or unattended, in any emergency lane established according to the provisions of this section, shall, upon conviction thereof, be punished as set forth in §91.99 of this chapter.
- (H) Those vehicles displaying a state "Disabled" or other "Disabled" identifying insignia or by attesting officer's certain knowledge of the person in question being "Disabled" or "Handicapped", may stand in an emergency lane while loading or unloading. (Prior Code, § 91.24) Penalty, see § 91.99

OPEN BURNING

§ 91.40 OPEN BURNING RESTRICTED; GENERAL PROHIBITONS.

Open burning is prohibited unless authorized and conducted in accordance with requirements contained in 326 IAC 4-1 and 675 IAC 22.

§ 91.41 ENFORCEMENT OF OPEN BURNING.

The open burning provisions of this subchapter are enforceable by the law enforcement officers, within the corporate limits of the city, acting on his or her own initiative or at the request of the Fire Department or the City Council.

§ 91.99 Penalty

(A)(1) Whoever violates any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certification or permit issued thereunder, shall for each and every such violation and non-compliance respectively, be fined not less than \$10, nor more than \$2,500.

(2) The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(3) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(B) After notice of a violation as described in this chapter, a violator shall be subject to the following:

- a. For MINOR and MAJOR violations: For each re-inspection after a 3rd violation notice is issued, a violator shall be assessed a \$100 re-inspection fee per violation for each subsequent inspection until violations are remedied.
- b. IMMEDIATE DANGER TO LIFE SAFETY - \$250 upon the initial notice of violation, immediate suspension of operations until violations are remedied, and a \$100 re-inspection fee for each subsequent inspection until violations are remedied.

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- (G) 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 Fire Prevention Ordinance, or any other rule of the commission, which is within the jurisdiction of the Fire Chief, or his/her designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this code or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue 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 the 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 known address, by fax, or electronic mail pursuant to IC 4-21.5-3.
- (H) The Fire Chief, or his/her designee 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:
4. Presents a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
 5. 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
 6. Will conceal a violation of law.
- (I) The Fire Chief, or his/her designee shall state in the notice a time in which the means prescribed by the Fire Chief, or his/her designee shall be complied with.
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(Prior Code § 91.06) Penalty, see § 91.99

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(B) Copies of the adopted mechanical and fire safety rules, codes and standards are on file in the offices of the City Clerk-Treasurer, the City Engineer, the Chief of the Fire Department and the Superior Court Judge.

(Prior Code, § 91.20)

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The Fire Prevention Code shall be enforced by the Chief of the Fire Department and/or any other officer of the Fire Department designated by the Chief of the Fire Department. It shall be unlawful for any person properly served with an order or citation under provisions of the Fire Prevention Code to fail to comply with such orders or citations.

(Prior Code, § 91.21) Penalty, see § 91.99.

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(Prior Code, § 91.23).

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(J) The Chief of Police and Chief of the Fire Department of the city are hereby authorized and required to establish and maintain emergency lanes on private commercial property upon the request of the owner thereof.

(K) Location and marking of emergency lanes upon said commercial property shall be subject to the approval of the Chief of Police and the Chief of the Fire Department.

(L) Emergency lanes shall be marked with appropriate yellow marks or lines. Signs designating the emergency lanes shall be marked "No Parking – Emergency Lane"

and shall be placed at least every 50 feet along the curb or side of building wherein the lanes are established.

- (M) It shall be the responsibility of the owner of the commercial property to bear the cost of the signs and marking of said emergency lanes and curbs.
- (N) Police officers and/or fire officials of the city shall remove or cause the removal of any vehicle from any emergency lane established in accordance with this section. Such vehicle shall be impounded into a storage yard. The owner of said vehicle shall pay reasonable towing and storage charges before any vehicle may be released.
- (O) Any person who stops, stands, or parks any vehicle other than an emergency vehicle, whether attended or unattended, in any emergency lane established according to the provisions of this section, shall, upon conviction thereof, be punished as set forth in §91.99 of this chapter.
- (P) Those vehicles displaying a state "Disabled" or other "Disabled" identifying insignia or by attesting officer's certain knowledge of the person in question being "Disabled" or "Handicapped", may stand in an emergency lane while loading or unloading.
(Prior Code, § 91.24) Penalty, see § 91.99

OPEN BURNING

§ 91.40 OPEN BURNING RESTRICTED; GENERAL PROHIBITONS.

Open burning is prohibited unless authorized and conducted in accordance with requirements contained in 326 IAC 4-1 and 675 IAC 22.

§ 91.41 ENFORCEMENT OF OPEN BURNING.

The open burning provisions of this subchapter are enforceable by the law enforcement officers, within the corporate limits of the city, acting on his or her own initiative or at the request of the Fire Department or the City Council.

§ 91.99 Penalty

(C) (1) Whoever violates any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certification or permit issued thereunder, shall for each and every such violation and non-compliance respectively, be fined not less than \$10, nor more than \$2,500.

(2) The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(3) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(D) After notice of a violation as described in this chapter, a violator shall be subject to the following:

- a. For MINOR and MAJOR violations: For each re-inspection after a 3rd violation notice is issued, a violator shall be assessed a \$100 re-inspection fee per violation for each subsequent inspection until violations are remedied.
- b. IMMEDIATE DANGER TO LIFE SAFETY - \$250 upon the initial notice of violation, immediate suspension of operations until violations are remedied, and a \$100 re-inspection fee for each subsequent inspection until violations are remedied.