

SAMPLE FIRE PREVENTION ORDINANCE

This template of a Fire Prevention Ordinance is provided for guidance only. Questions should be directed to: Legal and Code Services Section
Indiana Department of Homeland Security
Indiana Government Center South
302 West Washington Street, Room W246
Indianapolis, IN 46204
(317) 233-5341

WHETHER OR NOT THIS TEMPLATE IS USED, IT IS STRONGLY RECOMMENDED THAT A FIRE PREVENTION ORDINANCE BE PROVIDED TO THE FIRE AND BUILDING CODE ENFORCEMENT SECTION FOR REVIEW PRIOR TO ITS ADOPTION BY THE LOCAL LEGISLATIVE BODY. A FIRE PREVENTION ORDINANCE MAY BE REQUIRED TO BE APPROVED BY THE FIRE PREVENTION AND BUILDING SAFETY COMMISSION BEFORE IT CAN BE ENFORCED.

ORDINANCE NO. _____

Insert Locally Required Legal Language

ARTICLE I. GENERAL REQUIREMENTS

SECTION 1. TITLE. This ordinance and all material included herein by reference shall be known as the "Fire Prevention Ordinance of _____, Indiana."

SECTION 2. PURPOSE. The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of _____, Indiana, and shall be construed in such a manner as to effectuate this purpose.

SECTION 3: AUTHORITY. The Fire Chief, or his designee, is hereby authorized and directed to administer and enforce the following:

1. All of the provisions of this Fire Prevention Ordinance.
2. Variances granted in accordance with IC 22-13-2-11.
3. Orders issued under IC 22-12-7.

SECTION 4: APPLICABILITY. The provisions of this Fire Prevention Ordinance shall be supplemental to the Indiana General Administrative Rules (GAR), Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, and Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this chapter shall apply to maintenance of Fire Prevention and Life Safety Features as herein described. The provisions of this chapter shall apply to existing conditions as well as to the conditions arising after the adoption thereof.

SECTION 5: CONFLICTING PROVISIONS. When any provision of this chapter is found to be in conflict with any Building, Zoning, Safety, Health, or other applicable law or Ordinance of the _____, Indiana existing on the effective date of this code or hereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

SECTION 6. SEVERABILITY. Should any provision (section, clause, phrase, word, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 7. MINIMUM STANDARDS. All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22, 25, and Title 675 of the Indiana Administrative Code are hereby incorporated in this Fire Prevention Ordinance 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. Any special processes or procedures not addressed in the Indiana Fire Code (675 IAC 22) or this chapter shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code (675 IAC 22), Referenced Standards and as approved by the Fire Chief, or his designee. Any special processes or procedures not addressed in this chapter shall be subject to applications 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.

SECTION 8. EFFECT OF ADOPTION ON PRIOR ORDINANCE. 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.

SECTION 9. DEFINITIONS.

“Building Code”: Indiana Building Code (675 IAC 13).

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

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

“Commission”: Indiana Fire Prevention Building Safety Commission as established by IC-22-12-2.

“Crowd Manager”: has the meaning ascribed thereto in 675 IAC 22.

“Cut Sheet”: A specification sheet that provides and describes the technical specifications of a particular product.

“Division of Fire and Building Safety”: Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-2.

“Fire Chief”: The chief officer of the fire department or fire territory serving the jurisdiction.

“Fire Code”: Indiana Fire Code (675 IAC 22).

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

“Fuel Gas Code”: Indiana Fuel Gas Code (675 IAC 25).

“GAR”: General Administrative Rules (675 IAC 12) of the Indiana Fire Prevention and Building and Safety Commission.

“IAC”: Indiana Administrative Code.

“I.C.”: Indiana Code of the Indiana General Assembly.

“Key Box”: has the meaning ascribed thereto in 675 IAC 22.

“Mechanical Code”: Indiana Mechanical Code (675 IAC 18).

“Notice of Violation”: A written notice issued by the Fire Department usually in the form of an inspection report listing violations.

“Owner”: has the meaning ascribed thereto in 675 IAC 22.

“Person”: has the meaning ascribed thereto in IC 22-12-1-18.

“Qualified Person”: 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.

***TERMS NOT DEFINED:** Where terms are not defined in this Fire Prevention Code and are defined in the General Administrative Rules, the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, or 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 II. ADMINISTRATION AND ENFORCEMENT

SECTION 1. FIRE SCENE AUTHORITY: The Fire Chief, or his designee, at any fire, explosion, rescue, emergency medical, hazardous materials incident, or any other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as necessary to control, mitigate, or eliminate the emergency. It shall be unlawful for any person to impede the emergency operations of the _____ Fire Department (or Fire Territory).

SECTION 2. EMERGENCY LINES AND LIMITS: The Fire Chief, or his designee, may establish emergency lines and limits; and, barricade or guard from the general public such emergency lines and limits. The Fire Chief, or his designee, may create an area in which only firefighters, law enforcement personnel, other emergency responders, other people, or agencies having a direct interest in any property threatened by a fire, explosion, hazardous material incident, other emergency, other people, or agencies at the discretion of the Fire Chief, or his designee, shall be admitted. It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

SECTION 3. FIRE INVESTIGATIONS: The Fire Chief, or his designee, shall perform fire investigations pursuant to I.C. 36-8-17. The Fire Chief, or his designee, is authorized to conduct an origin and cause investigation of all fires and explosions within the service district of the _____ Fire Department (or Fire Territory). It shall be unlawful for any person to impede the Fire Chief, or his designee, from conducting an origin and cause investigation.

SECTION 4. FIRE AND LIFE SAFETY INSPECTIONS: The Fire Chief, or his designee, shall conduct fire and life safety inspections in Class 1 structures pursuant to I.C. 36-8-17. The Fire Chief, or his 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.

SECTION 5. ENFORCEMENT AUTHORITY: The Fire Chief, or his designee, shall possess the authority to enforce the provisions of this Fire Prevention Ordinance. The Fire Chief, or his designee, shall have the authority to enforce provisions 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. Such enforcement shall include, but is not limited to:

1. The prevention of fires.
2. The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials.
3. 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.
4. The location, installation, and maintenance of smoke 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. The Fire Chief, or his designee, shall have the authority to initiate legal action in accordance with locally prescribed avenues covering the violations 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. Violators of this local ordinance may be cited into the court having jurisdiction.

SECTION 6. 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 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 _____, Indiana, 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.

SECTION 7. TIME LIMIT: Orders shall set forth a time limit for compliance dependent upon the hazard created by the violation(s).

SECTION 8. NOTICE OF VIOLATION: Under I.C. -36-8-17-9, the 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, 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 code or by any other appropriate remedy or 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 chapter 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 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 I.C. 4-21.5-3.

Commented [JH1]: This does not seem like a grammatically correct sentence.

SECTION 9. 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. Present 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 I.C. 22-14, another Indiana statute or rule of the Commission.

SECTION 10. 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.
2. Protect persons and property from the hazards of the violation.

SECTION 11. APPEAL FROM ORDERS: An owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention 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 I.C. 36-8-17.

SECTION 12. LOCAL ORDINANCE APPEAL PROCESS

Insert Local Language

SECTION 13. FALSE REPORTING

Insert Local Language

ARTICLE III. GENERAL SAFETY PROVISIONS

SECTION 1. OPEN BURNING REGULATIONS

Insert Local Language

Refer to 326 IAC 4

Refer to 675 IAC 22

SECTION 2. VACANT OR ABANDONED BUILDINGS

Insert Local Language

Refer to 675 IAC 22

ARTICLE IV. EMERGENCY PLANNING

SECTION 1. CROWD MANAGERS: The crowd manager shall receive training, which is approved by the Fire Chief or his designee, in crowd management techniques. A crowd manager shall be at least 21 years of age, shall be the owner or operator of the business, or under the direct control and supervision of said owner or operator, and shall be responsible for all of the following:

- 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.
- c. Utilizing portable fire extinguishers as necessary.

Crowd Managers are required as follows: Assembly occupancies shall be provided with a minimum of one trained crowd manager or crowd manager supervisor. Where 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. Exception: assembly occupancies used exclusively for religious worship with an occupant load not exceeding 2,000. The ratio of trained crowd managers to occupants shall be permitted to be reduced, where approved by the Fire Chief or his 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 his designee, shall be require a fire watch in accordance with 675 IAC 22 if conditions or the nature of the activity warrant.

ARTICLE V. FIRE SERVICE FEATURES

SECTION 1. ADDRESS IDENTIFICATION

Insert Local Language

Refer to 675 IAC 22

SECTION 2. FIRE LANE MARKINGS: The location of fire lanes shall be established by the Fire Chief, or his designee. The Fire Chief, or his designee, can require signage or striping or any combination. Design of the fire lane markings shall be approved by the Fire Chief, or his designee. The erection of and maintenance of fire lane marking signs and striping shall be the responsibility of the property owner. All markings shall remain in good visible condition as determined by the Fire Chief or his designee. The parking or standing of any obstruction, including motor vehicles, within established fire lane markings on private or public property shall be prohibited.

SECTION 3. GATES OR BARRICADES: The Fire Chief, or his designee, 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. Approved gates or barricades shall be maintained by the property owner.

SECTION 4. KEY BOXES: Any new Class I 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 Fire Chief, or his designee, shall require a key box or other rapid entry product to be installed in an approved location(s). The key box or rapid entry product manufacturer shall be approved by the Fire Chief, or his designee.

SECTION 5. WATER SUPPLY: A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 6 of this Article, shall 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:

1. 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 6 of this Article.

2. When a municipal water supply is not available, an alternative water supply may be approved. The alternative water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank or other fixed system capable of providing the required fire flow as determined by Section 6 of this Article. The means of acquiring the water from an alternative water supply shall be accessible and the connection(s) shall be approved by the Fire Chief, or his designee. The owner shall verify the fire flow requirements with the Fire Chief, or his designee, prior to final design and construction.

SECTION 6. FIRE FLOW REQUIREMENTS: In determining the requirements for fire flow, the Fire Chief, or his designee, 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 shall not be exceeded.]

Commented [JH2]: Does this really mean this, or does it mean that the local AHJ cannot require something more restrictive than in the appendix. If my insurance company is Factory Mutual and I have to meet their stricter requirements, this section would require a variance to exceed the code.

ARTICLE VI. EMERGENCY AND STANDBY POWER

SECTION 1. EMERGENCY LIGHTING ACTIVATION TEST: An activation test of the emergency lighting equipment shall be completed semi-annually. The activation test shall ensure the emergency lighting activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of 30 seconds.

SECTION 2. EMERGENCY LIGHTING ACTIVATION TEST RECORD: Records for the activation test shall be maintained on the premises for a minimum of three (3) years and submitted to the Fire Chief, or his designee, 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.

SECTION 3. EMERGENCY LIGHTING POWER TEST RECORD: [The ninety (90) minute power test] shall be maintained on the premises for a minimum of 3 years and submitted to the Fire Chief, or his designee, 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.

Commented [JH3]: What 90 minute power test? Is this for a generator?

ARTICLE VII. FIRE PROTECTION SYSTEMS

SECTION 1. CONSTRUCTION DOCUMENTS. Plans for Fire Alarms Systems, Water-Based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted for review. Each applicable submittal shall contain the following information:

- a. Sprinkler / Standpipe Systems:
 - (1) One (1) Full Set of Sprinkler / Standpipe Plans.
 - (2) One (1) Full Set of Sprinkler / Standpipe Calculations.

- (3) One (1) Copy of the Sprinkler Construction Design Release (CDR).
- (4) One (1) Set of Manufacturer's *Cut-Sheets* for all sprinkler heads in the design.

b. Fire Alarm Systems:

- (1) One (1) Full Set of Fire Alarm Plans.
- (2) One (1) Set of Battery Calculations.
- (3) One (1) Copy of the Fire Alarm Construction Design Release (CDR).
- (4) One (1) Set of Manufacturer's *Cut-Sheets* for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
- (5) One (1) Fire Alarm Sequence of Operation Matrix.

c. Special Hazard Fire Protection Systems:

- (1) One (1) Set of Plans (if applicable).
- (2) One (1) Set of Engineering Data (if applicable).
- (3) One (1) Copy of the Construction Design Release (if applicable).
- (4) One (1) Set of Manufacturer's *Cut-Sheets* for System Components.

d. Fire Pumps:

- (1) One (1) Copy of the Manufacturer's Fire Pump Specifications.
- (2) One (1) Copy of the Manufacturer's Certified Pump Test Characteristic Curve

e. Firestop Systems:

- (1) Through-Penetration Firestop Systems.
- (2) Membrane-Penetration Firestop Systems.
- (3) Fire-Resistant Joint Systems.
- (4) Perimeter Fire Barrier Systems.
- (5) Fire-Rated Duct and Air-Transfer Openings.

SECTION 2. FIRE DEPARTMENT CONNECTIONS. [The location of the fire department connections shall be approved by the Fire Chief, or his designee, 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 be maintained at all times and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.]

Commented [JH4]: This may be an unascertainable standard, and conflict with the building code.

SECTION 3. FIRE EXTINGUISHERS. [Portable fire extinguishers shall be installed and maintained in Class 1 structures as set forth in the referenced edition of NFPA 10 as published by the National Fire Protection Association.]

Commented [JH5]: Do we want to require fire extinguishers in class 1 buildings with sprinklers and fire alarm systems? Do we want occupants fighting fires in these buildings?

SECTION 4. QUALIFIED CONTRACTORS. Prior to performing installation, service, repair, inspection or maintenance of fire protection systems, the qualified person conducting such function(s) shall submit documentation to the fire chief, or his designee, verifying certification, for the company or individual, for each type of fire protection system being installed, serviced, repaired, inspected or maintained. Certification shall conform to the requirements as outlined in each applicable NFPA standard or from the manufacturer of such equipment.

ARTICLE VIII. FIREWORKS

SECTION 1. CONSUMER FIREWORKS. Pursuant to I.C. 22-11-14-10.5, consumer fireworks may only be used in the _____, Indiana, corporate limits during the days and times listed in I.C. 22-11-14-10.5(c)(3) which are listed below:

- a. Between the hours of 5:00 P.M. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9.
- b. Between the hours of 10:00 A.M. and 12:00 midnight on July 4.
- c. Between the hours of 10:00 A.M. on December 31 and 1:00 A.M. on January 1.

In the event that the hours of use for consumer fireworks listed in I.C. 22-11-14-10.5(c) (3) are amended, the state statute shall control.

ARTICLE IX. PENALTIES AND FEES

Insert Local Legal Language

OTHER ORDINANCE CONSIDERATIONS:

FALSE ALARMS

AEDs

EMERGENCY RESPONDER RADIO COVERAGE

PUBLIC DISPLAY OF FIREWORKS

LOCKING FDC CAPS

INSPECTIONS

PERMITTING

CERTIFICATE OF OCCUPANCY REQUIREMENTS

