

**MUNCIE CITY COUNCIL
ORDINANCE _____-21
AN ORDINANCE AMENDING CHAPTER 91 OF THE CITY OF MUNCIE CODE OF
ORDINANCES ENTITLED “FIRE PREVENTION”**

WHEREAS, Chapter 91 of the City of Muncie Code of Ordinances outlines regulations regarding conditions hazardous to life and property from fire or explosion within the City of Muncie; and

WHEREAS, the State of Indiana reviews and updates new codes through General Administrative Rules 675 I.A.C. 12; and

WHEREAS, the provisions of Chapter 91 of the City of Muncie Code of Ordinances have not been updated for a significant period of time and are out of compliance with the State code; and

WHEREAS, the Common Council of the City of Muncie desires to update the provisions in an effort to promote public health and safety within the City of Muncie; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA THAT:

Section 1. That the City of Muncie Chapter 91 be amended to read as follows:

ARTICLE I: GENERAL REQUIREMENTS

Sec. 91.01 – TITLE. This ordinance and all ordinances supplemental or amended hereto, shall be known as the *Fire Prevention Ordinance of the City of Muncie, Indiana* (“Ordinance”).

Sec. 91.02 – PURPOSE. The purpose of this Ordinance is to protect the life, public safety, health and general welfare of the citizens of Muncie, Indiana, and shall be construed in such a manner as to effectuate this purpose.

Sec. 91.03 – AUTHORITY. The Fire Chief, Chief Inspector, or any designee of the Fire Chief or Chief Inspector, is hereby authorized and directed to administer and enforce the following:

1. All provisions of this Ordinance;
2. Variances granted in accordance with I.C. 22-13-2-11; and
3. Orders issued under I.C. 22-12-7.

Sec. 91.04 – APPLICABILITY.

The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules, 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 Ordinance apply to maintenance of Fire Prevention and Life Safety Features as herein

described. The provisions of this Ordinance apply to existing conditions as well as to the conditions arising after the adoption thereof.

Sec. 91.05 – CONFLICTING PROVISIONS. 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 State of Indiana or the City of Muncie, 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.

Sec. 91.06 – 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.

Sec. 91.07 – MINIMUM STANDARDS.

All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Code are incorporated in this Ordinance and shall include all later amendments to that article as 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 Ordinance 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 Ordinance 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.

1. Any special process or procedures not addressed in this chapter 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 Indiana Fire Prevention and Building Safety Commission.
2. A copy of these standards shall be available in the City of Muncie Fire Prevention Bureau for inquiry and review by the member of the public during normal business hours.

Sec. 91.08 – EFFECT OF ADOPTION ON PRIOR ORDINANCE.

The expressed or implied repeal or 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.

Sec. 91.09. - DEFINITIONS.

A. The following definitions shall apply to Chapter 90 of the City of Muncie Code of Ordinances:

1. **Approved:** Acceptable to the Fire Chief, Chief Inspector or his/her designee.
2. **Building Code:** Indiana Building Code (675 IAC 13).
3. **Burning:** To be on fire, to give forth light and heat during combustion, or to be charred or scorched by action of fire or heat.
4. **Certificate of Occupancy:** A certificate issued by the City of Muncie Building Commissioner with the approval (See "Approved") of the Muncie Fire Department Chief Inspector to the owner or tenant of a Class 1 structure indicating that the building is in proper condition to be occupied. The Certificate of Occupancy shall stay with the building for the lifetime of the building and continue in effect until the building is either demolished, left vacant for 10 or more years, or changes classification.
5. **Chief Inspector:** Merit appointed position who runs the Fire Prevention Bureau and works for and in tandem with the Fire Chief of Muncie.
6. **Class 1 Structure:** Buildings and structures as defined in I.C. 22-12-1-4.
7. **Class 2 Structure:** Buildings and structures as defined in I.C. 22-12-1-5.
8. **Commission:** The meaning ascribed thereto in IC 22-12-1-5.
9. **Consumer Fireworks:** As defined by I.C. 22-11-14.
10. **Division of Fire and Building Safety:** The Division of Fire and Building Safety of the Indiana Department of Homeland Security established pursuant to IC 10-19-7-1.
11. **FPBSC:** The Fire Prevention and Building Safety Commission of the State of Indiana as established by I.C. 22-12-2-1.
12. **Fire:** The rapid oxidation process, a chemical reaction resulting in the evolution of light and heat in varying intensities.
13. **Fire Alarm System:** A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. (675 I.A.C. 22)
14. **Fire Apparatus:** Vehicles, i.e., pumpers, aerial ladder trucks, elevated platforms, rescues, squads, ambulances, administrative vehicles, or other firefighting or rescue equipment.
15. **Fire Chief:** Fire Chief of the City of Muncie Fire Department.
16. **Fire Code:** Indiana Fire Code (675 IAC 22).
17. **Fire Department:** The City of Muncie Fire Department with meaning ascribed thereto in IC 36-8-17-2.
18. **Fire Flow:** The flow rate of water supply (measured or calculated at twenty (20) pounds per square inch (PSI) residual pressure) which is available for firefighting. The Fire Flow shall be checked at an initial inspection and every five (5) years thereafter. See NFPA 921.

19. **Fire Hazard:** Any act or thing which increases or may increase the possibility or menace of fire to a greater degree than that customary recognized as normal by the City of Muncie Fire Department; or which may obstruct, delay, hinder, or interfere with the operations of the Fire Department or the egress of occupants in the event of fire.
20. **Fire Prevention Budget:** The line-item operating expense approved by the City Council for the Chief Inspector to operate the Fire Prevention Bureau.
21. **Fire Prevention Bureau:** Separate branch of the Muncie Fire Department that works jointly with the Fire Chief to meet the Muncie Fire Department Mission Statement.
22. **Fire Prevention Code of the City of Muncie:** The adopted codes by the City Council to work in conjunction with State Code to assist the fire department in meeting the Muncie Fire Department Mission Statement.
23. **Fuel Gas Code:** Indiana Fuel Gas Code (675 IAC 25).
24. **GAR:** General Administrative Rules (675 IAC 12) of the Indiana Fire Prevention and Building Safety Commission.
25. **Hazardous Conditions:** A clear and immediate hazard of death or serious bodily injury to any person other than a trespasser. (IC 36-8-17-9)
26. **IAC:** Indiana Administrative Code.
27. **I.C.:** Indiana Code of the Indiana General Assembly.
28. **Inspection:** Visual inspection of a building, system, design, or installation to verify that it meets the standards of all applicable codes of the jurisdiction, and/or is in acceptable operating condition and free of defects.
29. **Jurisdiction:** Fire service district consisting of the City of Muncie and Center Township.
30. **Mechanical Code:** Indiana Mechanical Code (675 IAC 18).
31. **MFD:** Muncie Fire Department.
32. **Muncie Fire Department Mission Statement:** The mission of the Muncie Fire Department is to protect the lives and property of all those we serve by reducing the effects of fire and by responding to medical emergencies, hazardous materials incidents, technical rescue emergencies, and disasters. Our department shall provide a proactive, highly trained professional service for the city by conducting fire prevention, fire inspection, fire investigation, fire safety education, fire suppression, medical services, technical rescue response, and other related emergency and non-emergency activities. We will actively participate in our community, serving as role models and striving to utilize all the resources at our command effectively and efficiently in order to provide services deemed excellent by our citizens.
33. **NFPA:** National Fire Protection Association (publishes the volumes of the National Fire Codes).
34. **Notice of Violation:** A written notice issued by the Fire Department that lists State and Local violations of Code. Violations of Code shall include financial penalties with rights to whom violation/s are assessed.
35. **Occupant Load:** The number of persons for which the means of egress or a building or portion thereof is designed.
36. **Occupancy Classification:** As defined by the Indiana Building Code (675 IAC 13).

37. **Open Burn:** Burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.
 38. **Order:** A written report that orders the property owner, occupant, or tenant to cease and correct identified violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Code, or this Fire Prevention Code.
 39. **Owner:** Meaning ascribed thereto in 675 IAC 22.
 40. **Person:** Meaning ascribed thereto in IC 22-12-1-18.
 41. **Public Display of Fireworks:** Supervised display of Class 1.3G firework (non-consumer fireworks) which require a permit from the State of Indiana under I.C. 22-11-14-2.
 42. **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.
- B. Terms Not Defined.
1. Where terms are not defined in this Fire Prevention Code and are defined in the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or Indiana Code, such terms shall have the meanings ascribed to them as in those codes.
 2. 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

Sec. 91.10 – ADMINISTRATION

- A. Fire Prevention Bureau Established.
1. There is hereby established a local Fire Prevention Bureau with the City of Muncie Fire Department.
 2. The Fire Prevention Bureau, established within the City of Muncie Fire Department, shall have jurisdiction within the City of Muncie Fire Services district.
- B. Fire Prevention Bureau Organization.
1. The Fire Prevention Bureau of the City of Muncie shall consist of the Chief Inspector and a Division consisting of two Lieutenant Inspectors provided by the Muncie Fire Chief.
 - i. The Chief Inspector shall be appointed by the Merit Commission on the basis of examination to determine his/her qualifications. His/her appointment shall continue during good behavior and satisfactory service, and he/she shall not be removed from office except for just cause, being morally right and fair, by the Merit Commission.
 - ii. The Fire Chief shall detail such members of the fire department as Lieutenant Inspectors to comply with staffing within the Fire Prevention Bureau. The Fire Chief shall recommend to the Merit Commission the

employment of personnel to the position of Lieutenant Inspector who shall be selected through an examination process. Appointment made after examination shall be for an indefinite term with removal only by the Merit Commission for just cause, being morally right and fair.

- iii. The Fire Prevention Bureau shall operate within the budget approved by the City Council for Fire Prevention. This information will be included in a year-end report to the Mayor, City Controller and Fire Chief.
- iv. There is hereby created a fund entitled the Fire Prevention Fund. Monies collected for Fire Prevention by donations and grants purposed for fire prevention shall be deposited into the Fire Prevention Fund and controlled by the Chief Inspector in meeting the Muncie Fire Department Mission Statement. This information will be included with the year-end report to the Mayor, City Controller and Fire Chief. The balance remaining in the Fund at the end of any calendar year shall not revert to the General Fund but shall remain within the Fund. Expenditures from the Fund shall be without appropriation.

C. Duties of the Fire Prevention Bureau.

1. The Fire Prevention Bureau of the City of Muncie shall be under the supervision of the Chief Inspector and shall work jointly with the Muncie Fire Department and Building Commissioner.
2. The Fire Prevention Bureau shall enforce all applicable codes in new construction.
3. The Fire Prevention Bureau shall enforce all applicable codes in old construction.
4. The Fire Prevention Bureau shall work with the Muncie Fire Department in conducting inspections of Class 1 buildings.
5. The Fire Prevention Bureau shall work within the community to promote fire safety.

D. Fire Investigations.

1. The Fire Chief, or his/her designee, shall perform the fire investigations pursuant to I.C. 36-8-17.
2. The Fire Chief, or his/her designee, is authorized to conduct an origin and cause investigation of all fires and explosions within the service district of the City of Muncie Fire Department.
3. It shall be unlawful for any person to impede the Fire Chief, or his/her designee, from conducting an origin and cause investigation.

E. Fire and Life Safety Inspections.

1. Pursuant to I.C. 36-8-17, the Fire Chief, or his/her designee, shall conduct fire and life safety inspections in Class 1 structures. The fire chief of the fire department shall specify the schedule under which places and public ways are inspected.
2. 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 Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other Fire Safety Code of the jurisdiction.

Sec. 91.11 – AUTHORITY.

A. Imminent Danger

1. The Chief of the Fire Department, the Chief Inspector, or his/her designee may order the operation stopped, order the evacuation, of any premises, building or vehicle or portion thereof under I.C. 36-8-17-9 or issue a citation for a civil violation in accordance with the civil penalty provisions of Section 10.99 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, release authorization, variance, exemption, or other license required under I.C. 22-14 or another statute administered by the department of fire and building services and the license has not been used.
 - iii. Will conceal a violation of law; or
 - iv. Will interfere with the Fire Chief, Chief Inspector, or his/her authorized representative to carry out his duties and responsibilities under Section 90.05(A).
2. The fire department shall have such other powers and duties as may be conferred from time to time by the law or ordinance.

B. Fire Scene Authority.

1. The Fire Chief, or his/her 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.
2. It shall be unlawful for any person to impede the emergency operations of the City of Muncie Fire Department.

C. Emergency Lines and Limits.

1. The Fire Chief, or his/her designee, may establish emergency lines and limits; and, barricade or guard from the general public such emergency lines and limits.
2. The Fire Chief, or his/her 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/her designee, shall be admitted.
3. It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

D. Emergency Entry.

1. The Fire Department shall have the authority to enter any building or premises without permission or warrant in the event of an emergency situation constituting a threat to life, property, or the public safety for the purpose of eliminating, controlling, or abating the hazardous condition or situation.

E. Liability.

1. At no time will the City of Muncie Fire Department or any of its agents be responsible for any damages as a result of an emergency entry.
2. The responsibility of securing a building rests with the owner, occupant and/or tenant.

Sec. 91.12 – ENFORCEMENT.

A. Enforcement

1. The Fire Chief, Chief Inspector or designee, shall possess the authority to enforce the provisions of this Fire Prevention Ordinance. The Fire Chief, Chief Inspector or 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:
 - i. The prevention of fires.
 - ii. The handling, storage, sale, and use of flammable liquids, explosives, combustible, 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 Fire Chief or Chief Inspector shall have the authority to institute legal actions in cases of non-compliance. The Fire Chief or Chief Inspector 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.

C. The Fire Chief, Chief Inspector, or his/her designee, shall have the authority to issue citations covering the violations of the provisions of this Fire Prevention Code, the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or any other code of this jurisdiction. Violators of these codes may be cited into the court having jurisdiction.

D. Determination of Violation

1. Whenever the Fire Chief, Chief Inspector or his/her designee, determines by inspection that a violation of this ordinance or a hazardous condition exists upon any premises within the jurisdiction of the Muncie Fire Department, the person making such determination shall issue such orders as may be necessary for the enforcement of fire safety laws and ordinances governing the same and for the safeguarding of life, environment and property from fire and explosion.

E. Time Limit

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

F. Notice of Violation

1. Under I.C. 36-8-17-9, the enforcement of IFC (375 IAC 22) this chapter or any other provision of this code, which is within the jurisdiction of the fire department, the Fire Department may seek the correction of any violation of the elimination of any hazardous condition, by the methods specified in this code or by any other appropriate remedy or procedure provided by law.

2. The failure of the Fire Department to inspect or to issue an order in accordance with this chapter shall not constitute approval of any violation or noncompliance with the provisions of this chapter.
3. Any order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building and property.
4. Conveyance of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or by mailing a copy thereof to such responsible person by first class mail to his or her last known address.

G. Duty to Correct Violations

1. 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 and correct the violation; or
 - iii. Require persons to leave the area that is affected by a violation and prohibit persons from entering the area until the violation is corrected.

H. Fire Watch

1. The Fire Chief or the Chief Inspector shall have the authority to impose a fire watch under 675 IAC 22-2.5-5, Authority IC 22-13-2-2.
2. The Common Council of the City of Muncie designates the Muncie Fire Department as the department authorized to administer acts of the City under this Section and 675 IAC 22.
3. Whenever it is essential for public safety due to the number of persons or the nature of the activity being conducted, the Chief of the Muncie Fire Department or Chief Inspector may require the owner or lessee to employ one (1) or more qualified persons to be approved by the Fire Chief or Chief Inspector to be on-duty in such to serve as a Fire Watch. Such person(s) shall:
 - i. Be subject to the orders of the Chief, or Chief Inspector, at all times.
 - ii. Be in uniform.
 - iii. Have in possession a radio to communicate directly with the Muncie Fire Department and Dispatch.
 - iv. Remain on-duty at all times that such Class 1 structure is open to the public.
 - v. Be purposed with the sole responsibility of the fire watch and act in no other capacity than conducting a continual fire watch.
4. If the qualified person deployed by the Fire Chief, Chief Inspector or his/her designee, to serve as Fire Watch is a City of Muncie Fire Department employee, the employee shall be considered on-duty and acting within the scope or course of the qualified person's duties on behalf of the City for purposes of medical treatment provisions of the worker's compensation laws for injuries and for coverage under the general liability insurance provisions.
5. If the qualified person deployed by the Fire Chief, Chief Inspector or his/her designee, to serve as Fire Watch is a City of Muncie Fire Department employee, the owner or lessee of the Class 1 structure shall compensate the City at a rate of Forty Dollars (\$40.00) an hour for each City employee deployed. Unpaid

reimbursement entitles the City to charge and accumulate interest at an annual rate of eight percent (8%) plus reasonable attorney's fees and legal costs of collection.

6. In the event of an excessive number of accidental or undetermined alarm activations, the Fire Chief, Chief Inspector, or his/her designee, is authorized to require the property owner, tenant, or occupant to provide an approved Fire Watch until the system is repaired or restored to service.
7. Any property owner or tenant that does not comply with a Fire Watch Order issued by the City of Muncie Fire Department may be fined Nine Hundred and Sixty Dollars (\$960.00) per day.

I. Appeal from Orders

1. An owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention Code 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.

J. Variances

1. An owner or occupant requesting a variance from Indiana Adopted Fire and Building Laws as set forth by I.C. 22-13-2-11 shall apply for the variance with the Indiana Fire Prevention and Building Safety Commission in accordance with 675 IAC 12-5.
2. An owner or occupant requesting a variance from a specific provision of this Fire Prevention Code or an appeal from a Notice of Violations or order that are not part of the state adopted fire and building laws as set forth by I.C. 22-13-11 shall apply in writing to the Chief Inspector, or his/her designee, within five (5) working days of the date of the Notice of Violation or order. The granting of a variance shall be considered only upon the written application of the owner of the property stating that:
 - i. Practical difficulties have been encountered in the implementation of specific requirements of this chapter.
 - ii. Compliance with specific requirements of this chapter will cause unnecessary hardship to the owner.
 - iii. The owner desires to take advantage of the new methods of equipment which are recognized as adequate for the purpose for which they are to be substituted.
3. A variance may be granted only if the Chief Inspector, or his/her designee, determines in writing that:
 - i. The requested modifications will conform to fundamental requirements for safety.
 - ii. The granting of the variance does not increase the risk of fire or danger to the public. A copy of any variance granted shall be retained by the Fire Prevention Bureau.
4. The Chief Inspector, within ten (10) business days following receipt of a variance or an appeal made under this section, shall either sustain or overrule the order(s). A written copy of the decision shall be sent by certified mail to the appellant.
5. Any owner or occupant may appeal the decision of the Chief Inspector. Such an appeal shall be made in writing to the Board of Public Works and Safety within

ten (10) business days following receipt of a decision rendered by the Chief Inspector.

6. The Board of Public Works and Safety shall hold a hearing after which they shall sustain, modify, or override the decision of the Chief Inspector. A written copy of the decision shall be sent by certified mail to the appellant. Decisions rendered by the Board of Public Works and Safety shall be final.
7. A variance pertaining to the requirements of this Fire Prevention Code shall be enforced in the same manner as a Notice of Violation or order issued under this Fire Prevention Code.
8. Whenever the City of Muncie Fire Department learns that an owner is in violation of the terms of the variance issued pursuant to this section, Chief Inspector may order compliance as provided in the Fire Prevention Code.
9. An owner or occupant requesting a variance or an appeal from a specific provision of this Fire Prevention Code that are not part of the state adopted fire and building laws as set forth by I.C. 22-13-2-11 shall be subject to an administrative fee of One Hundred Dollars (\$100.00).

K. Practical Difficulties

1. The Chief Inspector is authorized to modify any of the provisions of this Fire Prevention Code upon application in writing by the owner, lessee, or duly authorized representative where there is a practical difficulty in the way of carrying out the provisions of this Fire Prevention Code provided that the intent of the code shall be complied with and the public safety is secured.

Sec. 91.13 – FALSE REPORTING.

- A. No person shall give or cause to be given any false alarm of fire or shout a false call of fire.
- B. Fire Alarm Systems that malfunction and go into alarm shall be subject to a financial penalty of Five Hundred Dollars (\$500.00) for each alarm over three (3) in a calendar year. Imposition of corrective action can be imposed by the Fire Chief, Chief Inspector, or his/her designee. Corrective action may include, but is not limited to, a fire watch and/or system inspection.

Sec. 91.14 – OPEN BURNING REGULATIONS.

- A. Open Burning, Bonfires, Recreational Fires & Portable Outdoor Fireplaces are regulated by the following:
 1. 326 I.A.C. Article 4. Burning Regulations
 2. 675 I.A.C. 22 Sec. 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces
 3. In addition to the requirements of this code, all rules of the Indiana Department of Natural Resources and the Indiana Department of Environmental Management shall be observed at all times.
- B. Open Burning, Bonfires, Recreational Fires & Portable Outdoor Fireplaces may be extinguished by the Muncie Fire Department if the fire creates:

1. A pollution problem;
2. A threat to public health;
3. A nuisance; or
4. A fire hazard.

C. Liability

1. Failure to comply with this subchapter does not constitute fault and does not limit the liability of an insurer. Evidence of the failure to comply with this subchapter may not be admitted in any civil action to mitigate damages.
2. This chapter shall not be construed to hold the city, or any officer or employee, responsible for any damage to persons or property by reason of inspection or re-inspection or lack of inspection authorized herein, or by reason of approval or disapproval of any equipment, material, or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

Sec. 91.15 – SMOKE DETECTORS.

A. Requirements

1. All single-family dwelling units, multifamily dwelling units, and mobile home units shall have smoke detectors installed and maintained in operating order.
2. All structures with sleeping rooms for three or more occupants who are not members of a family group shall have a smoke detector in each individual sleeping room.
3. All structures occupied solely by members of a family group shall have a smoke detector in the hallway, corridor, or other area giving access to the sleeping rooms.
4. Smoke detectors and smoke alarms shall be installed as required by IC 22-11-18.
5. Landlord shall provide written acknowledgement by tenant of working smoke detectors as required by IC 22-31-5-7.
6. Tenant shall be responsible to ensure each smoke detector remains functional in accordance with IC 32-31-7-5 sec.5(6).

B. Location

1. Smoke Detectors shall be mounted on the ceiling or wall.
 - i. Mounted on the ceiling, they shall be not less than four inches from any wall.
 - ii. Mounted on the wall, they shall be no less than four nor more than 12 inches down from the ceiling.
2. Smoke detectors mounted in a hallway or corridor shall be within 15 feet of a sleeping rooms protected.
3. No smoke detectors shall be recessed into a wall or ceiling.

C. Determination of Compliance

1. Inspection for compliance in a related family group-occupied single-family, multifamily, or mobile home dwelling unit, shall only be made in the instance of fire department personnel or other personnel, authorized by city regulations, being

already on or in the property as a result of fire or other emergency, or by invitation or complaint by any occupant, whether he be owner, renter, or lessee.

D. Liability

1. Failure to comply with this subchapter does not constitute fault and does not limit the liability of an insurer. Evidence of the failure to comply with this subchapter may not be admitted in any civil action to mitigate damages.
2. This chapter shall not be construed to hold the city, or any officer or employee, responsible for any damage to persons or property by reason of inspection or re-inspection or lack of inspection authorized herein, or by reason of approval or disapproval of any equipment, material, or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

E. Fire Protection System Removal

1. No person shall interfere with, tamper with, or remove the fire protection system, emergency lighting system, fire hydrant, or any other firefighting equipment without first obtaining a written approval from the Fire Chief, or his/her designee.

Sec. 91.16 – CROWD MANAGER TRAINING AND QUALIFICATIONS.

A. Crowd managers shall receive training, approved by Fire Chief or his/her designee, in crowd management techniques. Crowd managers shall be:

1. At least 21 years of age;
2. The owner or operator of the business, or under the direct control and supervision of said owner or operator; and
3. Responsible for:
 - i. 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;
 - ii. Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
 - iii. Utilizing portable fire extinguishers as necessary.

B. 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. 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 his/her 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/her designee, shall require a fire watch in accordance with 675 I.A.C. 22 if conditions or the nature of the activity warrant.

Sec. 91.17 – FIRE SERVICE WATER SUPPLY.

A. Water Mains

1. All water mains hereafter installed in or adjacent to the City of Muncie or Center Township with respect to which fire protection shall be required or requested for the benefit of owners of property adjoining or served from such mains shall be made with approved pipe of not less than six inches (6") inside diameter.

B. Required Water Supply for Fire Protection:

1. All Class 1 structures or portions of Class 1 structures hereafter constructed shall be provided with a water supply capable of providing the required fire flow for firefighting purposes for a minimum of two (2) hours.
2. In setting the requirements for required fire flow, the following shall be used:
 - i. Adopted International Fire Code, Appendix B entitled "Fire Flow Requirements for Buildings". The adoption of Appendix B shall replace "Fire Chief" with "Chief Inspector" in all references of Appendix B.
 - ii. The Chief Inspector may use discretion in application of Appendix B where water flow requirements cannot be achieved and supplemental measures are taken to achieve maximum safety.

C. Fire Hydrants

1. All new private fire hydrants and water mains shall be installed as set forth in the most current NFPA 24 Edition. Maintenance of private hydrants shall be maintained as to requirements of NFPA 24 in effect at installation.
2. The location and spacing of fire hydrants shall utilize the following
 - i. Adopted International Fire Code (IFC), Appendix C entitled "Fire Hydrant Locations and Distributions". The adoption of Appendix C shall replace "Fire Chief" with "Chief Inspector" in all references of Appendix C.
 - ii. The Chief Inspector may use discretion in application of Appendix C where achievable standards cannot be met.
3. All fire hydrants required by the Chief Inspector or his/her designee, shall be approved by the City of Muncie's Fire Prevention Bureau and accepted by the water utility having jurisdiction prior to any construction above the foundation.
4. Within the fire protection district of the Muncie Fire Department, all new and existing fire hydrants shall be equipped with 5-inch Storz connections that are compatible with the Muncie Fire Department. Existing hydrants shall be allowed to exist for a period of 7 years after the adoption of this ordinance.
5. Whenever the provision of this Ordinance requires the installation of a public or private fire hydrant, such hydrant shall meet the specifications outlined in the Muncie's Fire Department Fire Hydrant Specifications list which is maintained at the office of the Muncie Fire Prevention Bureau Inspection Division.

D. Dead-End Water Mains

1. Six-inch (6") dead-end private water mains that supply one (1) fire hydrant shall not exceed one hundred fifty feet (150').
2. An eight-inch (8") dead-end private water main that supplies one (1) fire hydrant shall not exceed fire hundred feet (500').
3. A dead-end private water main that supplies a fire sprinkler system (and/or a standpipe system) and two (2) or three (3) fire hydrant shall have a minimum inner diameter of eight inches (8").

4. A fire service private water main that supplies four (4) or more fire hydrants shall be tapped off a distribution supply main in two (2) separate areas (looped).
5. A Class 1 structure with private water mains that has a required fire flow of four thousand (4,000) gallons per minute (GPM), regardless of the number of required fire hydrants, shall be designed as a loop system. When determining the required fire flow, the Fire Chief, or his/her designee, shall utilize the International Fire Code Appendix B, "Fire Flow Requirements for Buildings" as a guide.

Sec. 91.18 – FIRE DEPARTMENT ACCESS.

A. Gates or Barricades

1. The Fire Chief, Chief Inspector, or his/her designee, shall 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.

B. Key Boxes

1. 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 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 must be approved by the Fire Chief, Chief Inspector, or his/her designee.

C. Alert Decals

1. Alert decals to advise fire companies to the presence of access features covered by this Ordinance shall be displayed on any outside door or window as approved by the Fire Chief, or his/her designee.

D. Elevator Key Boxes

1. When a building is equipped with an elevator(s), the owner, or his duly authorized agent, shall contact the City of Muncie Fire Department for approval of the location of the elevator key box.

E. Identification of Fire Service Equipment

1. Fire protection equipment, including, but not limited to, fire hydrants, Fire Department connections, and dry hydrants shall be clearly marked in a manner approved by the Chief Inspector or designee,

F. Emergency Vehicle Lanes

1. The location of emergency vehicle lanes shall be established by the Chief Inspector or designee. The Chief Inspector or designee, can require signage or striping, or any combination.
2. The parking, stopping, or standing of any object or personal property, including motor vehicles, or any other obstruction in established fire lanes on private or public property, shall be prohibited.
3. Any vehicle or personal property found to be obstructing an emergency vehicle lane shall, with the consent of the owner, lessee, or other person in possession or control of the real estate where the emergency vehicle lane has been established, be towed

away or removed at the request of the Fire Chief, Chief Inspector, or his/her designee, or law enforcement officer. The owner of the towed or removed property shall be responsible for all towing charges and resulting storage charges incurred during the process of removing the obstruction. The owner of any personal property or motor vehicle found in violation of this section shall be subject to a fine in the amount of One Hundred Dollars (\$100.00) up to a maximum of Five Hundred Dollars (\$500.00).

4. In non-emergency situations, the Fire Chief, Chief Inspector, or his/her designee, shall obtain from each property owner, lessee, or person in possession of property covered by this Fire Prevention Code, an affidavit granting permission and their consent to the towing away or removal of any obstruction or personal property which is obstructing emergency vehicle lanes. The original affidavit from each property owner shall be filed in the Clerk-Treasurer's Office with copies on file in the office of the Fire Chief and the Police Chief.
5. In emergency situations, the Fire Chief, Chief Inspector, or his/her designee, can order the towing away or removal of any obstruction or personal property which is obstructing emergency vehicle lanes without permission from the property owner or lessee.

G. Marking

1. Approved signage, including signage for vertical hazards, shall be provided and maintained for Fire Department access roads to identify such roads and prohibit the obstruction of these access roads.

H. Fire Protection Equipment Identification

1. Fire protection equipment including fire hydrants, Fire Department connections, dry hydrants, etc., shall be clearly identified in a manner approved by the Fire Chief, or his/her designee, to prevent obstruction by vehicles or other obstructions.
2. All new and existing Class 1 structures, all interior and exterior doors that lead to fire protection equipment, electrical panels or equipment, HVAC equipment, elevator equipment, hazardous materials storage or process areas, interior roof access, or equipment that controls other building functions shall be identified for use by the Fire Department.

I. Exterior Doors

1. Exterior doors, or their function, shall not be eliminated without prior approval of the Fire Chief, or his/her designee.
2. Exterior doors which have been rendered non-functional, as approved by the Fire Chief, or his/her designee, and which retain a functional door appearance shall have a sign affixed to the exterior of the door stating, "THIS DOOR BLOCKED."
3. Required exit doors or Fire Department access doors shall not be eliminated.

J. Traffic Signals

1. Any time a new development is required to install a traffic control signal device, or upgrade an existing signal, the developer shall be responsible for installing approved emergency vehicle pre-emption signaling equipment on the new signal.
2. Approved product identification and signaling information is available from the City of Muncie Fire Department.

K. Fire Apparatus Access

1. Plans for fire apparatus access roads shall be submitted to the Fire Department for review.
 2. Turning Radius
 - i. The turning radius of a fire apparatus access road shall be determined after the consultation with the City of Muncie Fire Department and shall be designed and constructed to permit turning of all Muncie Fire Department apparatus. The turning requirements shall be maintained in the office of the Muncie Fire Department.
- L. One or Two-Family Residential Developments
1. Developments of one (1) or two (2) family dwellings having more than one-hundred (100) dwelling units shall be equipped with two (2) or more separate fire apparatus access roads that enter the development.
- M. Dead-Ends
1. Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') in length shall be designed and constructed to allow the turning of all Muncie Fire Department apparatus.
 2. The installation, method of construction, and material on the turnaround must be approved by the Chief Inspector or his/her designee.

Sec. 91.19 – FIRE PROTECTION SYSTEMS AND EQUIPMENT.

A. Construction Documents.

1. 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 must contain the following information:

- i. 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

- ii. 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

- iii. 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
- iv. 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
- v. 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

B. Fire Alarm Systems

1. The location of the fire alarm devices must match the design professional's approved plan. All deviations without revised plans shall be approved by the Chief Inspector or designee, and shall be filed with State Plan Review.
2. All required Fire Alarm Systems shall be monitored by an approved supervising station in accordance with NFPA 72.
3. All central station system monitoring shall be done in accordance with NFPA 72 and a UL Certificate of Compliance shall be provided for acceptable proof of compliance.
 - i. Acceptable compliance letter from UL shall list UUFX [Signal and Fire Alarm Equipment and Services] (Protective Signaling Services) Central Station.
 - ii. Noncompliance with this requirement shall result in a fine to the tenant and building owner.
4. Fire Alarm initiating devices, alarm signaling devices, annunciators, or control panels shall not be concealed, obstructed, or impaired.
5. Access panels shall be provided to facilitate the testing, inspection, and cleaning of HVAC Duct Detectors.
6. A posted diagram of all HVAC Duct Detectors shall be provided at the main electrical panel or a location approved by the Chief Inspector or designee.
7. HVAC Dust Detectors that are not accessible from the finished floor shall be provided with remote test buttons. The location of the remote test buttons shall be approved by the Chief Inspector or designee.
8. A copy of the as-built Fire Alarm Plans for all required fire alarm installations shall be kept permanently on-site in an approved location near the Fire Alarm Control Panel (FACU).
9. Fire Alarm Building Schematics
 - i. Building schematics shall be permanently mounted at the Fire Alarm Remote Annunciator Panel. Where this is not practical due to size of building, a dedicated Fire Department Box shall be mounted in the vicinity of the Fire Alarm Remote Annunciator Panel.
 - ii. If a dedicated Fire Department Box is provided, a key for the box shall be kept in the Fire Department Knox Box.

- iii. The Fire Alarm Building Schematics is to correspond to all addressable locations of the fire alarm system.
 - 10. The Muncie Fire Department shall be notified whenever the fire alarm system is not functioning as designed.
 - i. A fire watch may be imposed by the Chief Inspector if there is concern about safety.
- C. Sprinkler Systems
 - 1. If a sprinkler system has multiple zones, an approved zone diagram or map shall be mounted adjacent to the sprinkler riser.
 - 2. A copy of the as-built sprinkler plans and hydraulic calculations for every sprinkler system shall be kept permanently on-sit in an approved location.
 - 3. The location of the fire department sprinkler connection shall be approved by the Chief Inspector.
 - i. Shall not be fixed on the building unless approved by the Chief Inspector.
 - ii. Shall be on a 30-degree angle from parallel.
 - iii. Shall use a 5-inch Storz connection.
 - 4. Instructions for the assignment of an impairment coordinator shall be posted adjacent to the sprinkler riser(s). An impairment coordinator shall be assigned when required by the Indiana Fire Code.
 - i. A fire watch may be imposed by the Chief Inspector if there is concern about safety.
- D. Fire pumps
 - 1. A copy of the Manufacturer's Fire Pump Specifications shall remain with the Fire Pump in a secured folder.
 - 2. A copy of the Manufacturer's Certified Pump Test Characteristic Curve shall remain with the Fire Pump in a secured folder.
- E. Commercial Kitchen Exhaust and Fixed Fire Suppression Systems
 - 1. Any new installation of a fixed-fire suppression system installed under a Type I exhaust hood shall be inspected by the Chief Inspector or designee, prior to cooking equipment being placed into service. The installer of the fixed-fire suppression system shall:
 - i. Adhere to all manufacturers' recommendations for the installation.
 - ii. Notify the City of Muncie Fire Department Inspection Division at least forty-eight (48) hours in advance of the system being completed for system testing.
 - iii. Provide written documentation to the City of Muncie Fire Department that states the system has been installed per the manufacturer's specifications and successfully tested by the installer.
- F. Fire Extinguishers.
 - 1. Portable fire extinguishers shall be installed and maintained in Class 1 structures as set forth in the referenced adopted edition of NFPA 10 as published by the National Fire Protection Association.

Sec. 91.20 – EMERGENCY AND STANDBY POWER.

- A. Emergency Lighting Activation Test.

1. 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.
- B. Emergency Lighting Power Test Record.
1. Documentation of an annual ninety (90) minute power test shall be maintained on the premises for a minimum of 3 years and submitted to the Fire Chief, Chief Inspector, or his/her 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.

Sec. 91.21 – FIREWORKS.

A. Public Displays of Fireworks

1. The documentation requirements for providing a public display of fireworks within the City of Muncie or Center Township are listed below:
 - i. A copy of the completed Fireworks Permit Application from the Office of the Indiana Department of Homeland Security (IDHS) as required by I.C. 22-11-14-2.
 - ii. A letter of Intent to Display Fireworks. This letter of intent to Display Fireworks shall include:
 - a. Name of the sponsoring organization.
 - b. Day, date, and time of the display.
 - c. Location of the display.
 - d. Number and maximum diameter size of aerial display shell.
 - e. Types and amounts of ground materials and locations.
 - f. Timetable of operations including delivery set-up and time of the "live load."
 - g. A statement that only materials listed and approved by the
 - h. U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF) will be utilized.
 - i. A statement attesting to be the understanding of all the rules and regulations governing public fireworks displays and that the display located in the City of Muncie will be in accordance with NFPA 1123.
 - j. A list of personnel who will be representing the fireworks vendor, their function, experience, and qualification.
 - k. A Site Plan of the proposed display site.
 - l. A copy of the Certificate of Insurance as required by I.C. 22-11-14-3.
 - m. A copy of the contract between the sponsor and the Fireworks Vendor.

Sec. 91.22 – FLAMMABLE LIQUIDS AND HAZARDOUS WASTE

- A. Establishment of districts in which storage of flammable liquids in outside aboveground tanks is prohibited.

1. Storage of flammable liquids in outside aboveground tanks is prohibited in the following districts:
 - i. The number 1 fire zone, beginning at the center line of Franklin Street and the south bank of White River; thence east along the bank of White River to the east side of High Street; thence northeast along the bank of White River for a distance of 4,000 feet; thence directly east to the center line of Walnut Street; thence south to North Street; thence east to Mulberry Street; thence south on Mulberry Street to Gilbert Street, thence east on Gilbert Street to the alley; thence south in the alley to Washington Street; thence east on Washington Street to Madison Street; thence south on Madison Street to Adams Street; thence west on Adams Street to the alley nearest Elm Street; thence south in the alley to Charles Street; thence west on Charles Street to Elm Street; thence south on Elm Street to the C.C.C. & ST. L. Railroad; thence west on the Big Four Railroad tracks to a point 130 feet east of the east line of Walnut Street; thence south parallel with and 130 feet from the east line of Walnut Street to Ninth Street; thence west on Ninth Street to a point 130 feet west of the west line of Walnut Street; thence north parallel with and 130 feet distant from the west line of Walnut Street to the Big Four Railroad tracks to Franklin Street; thence north on Franklin Street to the place of beginning.
 2. The establishment of new bulk plants for flammable liquids are prohibited in the following districts:
 - i. The number 1 fire zone, beginning at the center line of Franklin Street and the south bank of White River; thence east along the bank of White River to the east side of High Street; thence northeast along the bank of White River for a distance of 4,000 feet; thence directly east to the center line of Walnut Street; thence south to North Street; thence east to Mulberry Street; thence south on Mulberry Street to Gilbert Street, thence east on Gilbert Street to the alley; thence south in the alley to Washington Street; thence east on Washington Street to Madison Street; thence south on Madison Street to Adams Street; thence west on Adams Street to the alley nearest Elm Street; thence south in the alley to Charles Street; thence west on Charles Street to Elm Street; thence south on Elm Street to the C.C.C. & ST. L. Railroad; thence west on the Big Four Railroad tracks to a point 130 feet east of the east line of Walnut Street; thence south parallel with and 130 feet from the east line of Walnut Street to Ninth Street; thence west on Ninth Street to a point 130 feet west of the west line of Walnut Street; thence north parallel with and 130 feet distant from the west line of Walnut Street to the Big Four Railroad tracks to Franklin Street; thence north on Franklin Street to the place of beginning.
- B. Establishment of limits in which bulk storage of liquefied petroleum gases is to be restricted.
1. Bulk storage of liquefied petroleum gas is restricted in the following districts:

- i. The number 1 fire zone, beginning at the center line of Franklin Street and the south bank of White River; thence east along the bank of White River to the east side of High Street; thence northeast along the bank of White River for a distance of 4,000 feet; thence directly east to the center line of Walnut Street; thence south to North Street; thence east to Mulberry Street; thence south on Mulberry Street to Gilbert Street, thence east on Gilbert Street to the alley; thence south in the alley to Washington Street; thence east on Washington Street to Madison Street; thence south on Madison Street to Adams Street; thence west on Adams Street to the alley nearest Elm Street; thence south in the alley to Charles Street; thence west on Charles Street to Elm Street; thence south on Elm Street to the C.C.C. & ST. L. Railroad; thence west on the Big Four Railroad tracks to a point 130 feet east of the east line of Walnut Street; thence south parallel with and 130 feet from the east line of Walnut Street to Ninth Street; thence west on Ninth Street to a point 130 feet west of the west line of Walnut Street; thence north parallel with and 130 feet distant from the west line of Walnut Street to the Big Four Railroad tracks to Franklin Street; thence north on Franklin Street to the place of beginning.
- C. Establishment of limits of districts in which storage of explosives and blasting agents is prohibited.
1. Storage of explosives and blasting agents is prohibited within the corporate limits of the City of Muncie.
- D. Storage of Extra Hazardous Explosives.
1. No person, without permission of the Board of Public Works and Safety, shall keep, store, or transport within the corporate limits of the City any dynamite, nitroglycerine, or other extra hazardous explosives.

Sec. 91.23 – FIRE DRILLS

- A. Fire drills will be conducted as prescribed in Indiana Fire Code (675 IAC) Table 405.2 FIRE AND EVACUATION DRILL FREQUENCY AND PARTICIPATION.
- B. Fire drills will be conducted as prescribed by IC 20-34-3-20 Emergency Preparedness drills.
- C. Any conflicting discrepancies between the Indiana Code and the Indiana Fire Code, the Indiana Code shall supersede the Indiana Fire Code.
- D. All schools of Muncie shall notify the Muncie Fire Department by at least 2 hours prior to conducting any fire drills.
- E. The Fire Prevention Bureau shall have the authority to conduct a fire drill after consulting with the Principal of the school. At the discretion of the Chief Inspector or designee, the staff may not be notified prior to the drill.

Sec. 91.24 – PENALTIES AND FEES.

- A. Any person who shall violate any of the provisions of the fire prevention code adopted or other provisions of this chapter for which no other penalty is provided; or fail 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 certificate or permit issues thereunder, and from which no appeal has been taken; or who shall fail to comply with an order as affirmed or modified by the bureau of fire prevention or by a court of competent jurisdiction, within the time fixed herein, shall, severally for each and every such violation and noncompliance respectively, be guilty of a punishable violation, punishable by a fine of not less than \$10.00 nor more than \$1,000.00.
 - a. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the penalty in subsection (A) above shall not be held to prevent the enforced removal of prohibited conditions.
- C. Any person who shall violate any of the provisions of the Muncie Fire Prevention Code, governing smoke detectors; or who shall violate or fail to comply with any order pertaining thereto as issued, affirmed, or modified by the fire department or a court of competent jurisdiction, with the time fixed in such order; shall severally and for each and every such violation and noncompliance respectively, be guilty of a punishable violation, punishable by a fine of not more than \$1,000.00.
 - a. 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.
 - b. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

Sec. 91.25 – PERMITTING AND INSPECTIONS.

A. Building Permit

1. No building permit for the construction of, alternation, or addition to a Class 1 structure shall be issued by the City of Muncie Building Commissioner without approval of the Muncie Fire Prevention Bureau.
2. All information deemed necessary for the complete Life Safety Plan Review shall be submitted by the design professional upon request prior to release of the building permit.
3. No building permit shall be issued by the City of Muncie Building Commissioner until such time that notification has been received from the water utility having jurisdiction for a project stating the water mains have been accepted and are in service; and, the fire hydrant connections and locations have been approved by the Muncie Fire Prevention Bureau.
4. No building permit shall be issued by the City of Muncie Building Commissioner until such time that notification has been received by the Muncie Fire Prevention Bureau indicating that fire apparatus access roads have been approved.

5. No Improvement Location Permit (ILP) shall be issued by the City of Muncie's Building Commissioner until such time that the Muncie Fire Prevention Bureau has received and approved site and utility plans for the project.
- B. Inspection - Right to Enter
1. Authorized personnel of the Muncie Fire Department may, at all reasonable hours, enter any structure within the City of Muncie for the purpose of conducting inspections pursuant to this chapter.
 2. The right to enter shall extend to new structures under construction as well as to existing structures being renovated or remodeled.
 3. An inspector may be required by the owner or occupant to produce satisfactory proof of authority or identity.
 4. If an inspector is denied access, the inspector or investigator may prepare a request for an administrative warrant and present it to a judge for legal approval to require an inspection to proceed.
- C. Scope of Inspections
1. New construction or work for which Fire Department approval is required shall be subject to inspection by the Chief Inspector or his/her designee.
 2. It shall be the duty of the permit applicant or contractor to both cause the work to remain accessible and exposed for inspection purposes.
 3. Neither the Fire Chief, Chief Inspector, nor designee, nor the City of Muncie shall be liable for expense entailed to the removal or replacement of any material required to allow inspection.
 4. It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work, i.e., ladder, etc.
- D. Inspection Approval
1. Approval, as a result of an inspection, shall not be construed to be an approval of a violation of the General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other Fire Safety Code of this jurisdiction.
 2. Inspections presuming to give authority to violate or cancel provisions of the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other Fire Safety Code of the jurisdiction shall not be valid.
- E. Occupant Information
1. Each building owner, occupant, or tenant is required to supply the City of Muncie Fire Department with Emergency Contact Information.
 2. For new construction projects, it is the responsibility of the building owner, occupant, or tenant to provide this information prior to the issuance of the Certificate of Occupancy.
 3. This emergency contact information is required anytime there is a change in the ownership of or new tenants inhabit a Class 1 structure.
 4. The required information shall be submitted to the Muncie Fire Department office located at City Hall. Copies of the Muncie Fire Department Emergency Contact Information form can be obtained at City Hall.
- F. Certificate of Occupancy Inspection

1. Prior to the issuance of the Certificate of Occupancy by the City of Muncie Building Commissioner for a Class 1 structure, the Chief Inspector, or his/her designee, shall conduct a Final Inspection with a building official from the City of Muncie. Approval of Certificate of Occupancy is contingent upon approval of the Muncie Fire Prevention Bureau.
2. Plans for Fire Alarm Systems, Water-based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted to the City of Muncie Fire Prevention Bureau prior to approval.
3. All Fire Protection Systems shall be successfully inspected and tested prior to the issuance of the Certificate of Occupancy.
4. Acceptance Test
 - i. Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 structure, the City of Muncie Fire Prevention Bureau is required to witness a successful acceptance or performance test in accordance with the appropriate installation standard or manufacturer's specifications for the following systems:
 1. Fire Alarm System.
 2. Sprinkler and Standpipe System.
 3. Special Hazard Fire Suppression System.
 4. Private Fire Service Underground Piping Hydrostatic Test and Flush Fire Pump.
 5. Smoke Control System.
 6. Above-Ground Piping Hydrostatic Test.
 7. Emergency Lighting System.
 8. Underground Storage Tank Tightness Test.
 9. Grease Duct Leakage Test (Type 1 Hood Exhaust System).
 10. Water flow test of hydrants with fire flow calculations. Two hydrants shall be operated in performing water flow calculations.
5. Written Verification
 - i. Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 structure, the City of Muncie Fire Department requires written verification that each Fire Protection and Life-Safety System has been installed in complete agreement with the terms of the listing, manufacturer's instructions, and the applicable installation standard.
6. Installation Documentation
 - i. Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 structure, the City of Muncie Fire Department requires the following documentation (if applicable):
 1. Record of Completion for Fire Alarm Systems as required by NFPA 72.
 2. Contractor's Material and Test Certificate for Aboveground Piping for Sprinkler and Standpipe Systems as required by NFPA 13.

3. Contractor's Material and Test Certificate for Underground Piping for Private Fire Service Mains, Fire Hydrants, and Piping as required by NFPA 13.
4. Certificate of Completion I Installation for all Special Hazard Automatic Fire Extinguishing Systems.
5. Field Acceptance Test Report and Manufacturer's Certified Test Characteristic Curve for Fire Pumps as required by NFPA 20.
6. Air Balance Test Report (Type I and II Exhaust Hoods).
7. Verification on the non-combustibility or flame-resistance of all applicable Interior Finish, Decorative Materials, and Furnishings.
8. Inspection and Drop Test Record for vertically and horizontally closing fire-rated doors and shutters.
9. Affidavit for (ninety) 90-Minute Emergency Lighting Test for all emergency lighting systems.
10. Smoke Control System Engineered Analysis and Test Report.
11. Tank Tightness Report for all Underground Storage Tank installations for Flammable and Combustible Liquids.
12. Architect's Statement of Substantial Completion (if a design professional is required by 675 IAC 12-6-9).
13. Prepared Fire Safety and Evacuation Plan.
14. Material Safety Data Sheets for all Flammable and Combustible Liquids.
15. As-Built Construction Drawings on computer disk.
16. Completed Muncie Fire Department Emergency Contact Form.
17. Backflow Prevention Test Certification.
18. Grease Duct Leakage Test Report (Type I Hood Exhaust Systems)
19. Completed City of Muncie Permit Application.
20. Fire Stopping Affidavit including the specific firestop systems utilized for each application.

G. Stop Work Order

1. Whenever the Fire Chief, Chief Inspector or his/her designee, finds a new construction work in a Class 1 structure regulated by the Indiana Fire Code, General Administrative Rules, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other code of the jurisdiction being performed in a manner contrary to the provisions of those codes or in a dangerous or unsafe manner, the Fire Chief, Chief Inspector or his/her designee, is authorized to issue a Stop Work Order.
2. Any construction or work done within the Muncie Fire Department Territory without a permit by the Muncie Building Commissioner or Delaware County Building Commissioner is subject to a Stop Work Order by the Chief Inspector or his/her designee.
3. A failure to comply with a Stop Work Order issued by the City of Muncie Fire Department may result in an initial fine up to \$2,500 and a fine of up to \$7,500 for each subsequent violation. (I.C. 36-1-3-8(10)).
4. A Stop Work Order notice shall be placed on the property in a conspicuous place. If practical, the Stop Work Order notice will be placed near the building entrance.

5. A Stop Work Order shall require persons to secure and leave the area until the Stop Work Order has been rescinded.

H. Liability for Damages

1. This Fire Prevention Code shall not be construed to hold the public entity, any officer, or employee responsible for any damage to persons or property by reason of the inspection authorization herein provided or by reason of the approval or disapproval of any equipment or process authorized herein.

I. Inspection Fees

1. Fees for inspections shall be in accordance with the following:
 - i. Initial Inspection: Free of charge
 - ii. 1st follow-up inspection with corrected violation(s): Free of charge
 - iii. 1st follow up inspection with violation(s): One Hundred Dollars (\$100.00)
 - iv. 2nd follow up inspection with corrected violation(s): Free of charge
 - v. 2nd follow up inspection with violation(s): Two Hundred Fifty Dollars (\$250.00)
 - vi. 3rd follow up inspection with corrected violation(s): Free of Charge
 - vii. 3rd follow up inspection with violation(s): Business closure through the State of Indiana

J. Interference with Inspections

1. It shall be unlawful for any person to prevent, interfere with, or in any manner hinder the Fire Chief, or his/her designee, while engaged in the discharge of his/her inspection duties.

Section 2. That this Ordinance shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

Passed by the Common Council of the City of Muncie, Indiana this _____ day of _____, 2021.

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Ray Dudley	_____	_____	_____	_____
Brad Polk	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Anitra Davis	_____	_____	_____	_____

Aaron Clark _____
Ro Selvey _____
Troy Ingram _____

President Muncie Common Council

Presented by me to the Mayor for his approval, this _____ day of _____, 2021.

Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2021.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson, Muncie City Clerk of the Common Council

This Ordinance is proposed by Council Member _____

This Ordinance is approved in form by Controller _____

This Ordinance is approved in form by Legal Counsel _____