



ORDER OF APPROVAL

TO: Shelly Wakefield, C.B.O.
Jacobi, Toombs & Lanz

FROM: Douglas J. Boyle, Director of the Fire Prevention and Building Safety Commission
Indiana Department of Homeland Security

DATE: Friday, January 5, 2018

RE: Order Approving Ordinance No. 2017-35 (Fire Prevention Ordinance of the City of
Rushville, Indiana)

Pursuant to Indiana Code § 22-13-2-5.5, the Fire Prevention and Building Safety Commission, at its Wednesday, January 3, 2018 meeting, **APPROVED** the above listed ordinance. Enclosed is the original copy of the ordinance, endorsed by the Chairman of the Fire Prevention and Building Safety Commission.

EFFECTIVE DATE

Pursuant to Indiana Code § 4-21.5-3-5, this order is effective fifteen (15) days after it is served, unless a petition for review and a petition for stay of effectiveness of this order has been filed.

APPEAL RIGHTS

This order may be appealed in accordance with Indiana Code § 4-21.5-3-7. To qualify for administrative review of this order, you must submit, by U.S. Mail or personal service, a Petition for Review in writing that complies with all of the following requirements:

1. The Petition for Review must state facts demonstrating that you are:
 - a. a person to whom the order is specifically directed;
 - b. aggrieved or adversely affected by the order; or
 - c. entitled to review under any law.

2. The Petition for Review must be filed with the chairperson or secretary of the ultimate authority for the agency issuing the order. If filed by U.S. mail, as opposed to personal service, please address the mailing as follows:

Indiana Department of Homeland Security
Fire Prevention and Building Safety Commission
c/o Secretary
302 W. Washington Street, Rm. E-208
Indianapolis, IN 46204

3. The Petition for Review must be filed within fifteen (15) days after you are given notice of this order. Timeliness is computed by the methods described in Indiana Code § 4-21.5-3-2. Generally, the following rules apply, but review I.C. § 4-21.5-3-2 to ensure timeliness for your specific situation.
 - a. If you are served by United States mail, you will have three (3) additional days to petition for review – extending the period to eighteen (18) days – this time period will be calculated from the date the order was deposited in the United States mail.
 - b. In calculating timeliness, the first day is **not** included, but the last day is.
 - c. If the deadline falls on a: (1) Saturday; (2) Sunday; (3) legal holiday under a state statute; or (4) other day that our office is closed, the deadline will be extended until the first day that does not fall on a: (1) Saturday; (2) Sunday; (3) legal holiday under a state statute; or (4) other day that our office is closed.
 - d. The Petition for Review is deemed filed on the date of the postmark on the envelope containing the Petition for Review or the date the Petition for Review is personally delivered to the above address, whichever occurs first.

Please be advised, if a petition for review is granted any person may obtain notices of prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings by sending a request to receive such notices to the address listed in 2, above.

If you comply with these three requirements, your Petition for Review will be granted and will be assigned to an administrative law judge for review. If a Petition for Review is not timely filed, then this order will become final and you must comply with its requirements.

You may also request an opportunity to informally discuss this matter. However, a request to informally discuss, or actual informal discussion, does not extend the deadline for filing your Petition for Review and, consequently, any request should be made promptly, preferably by telephone, upon receipt of the Order. If you have any questions regarding this order, please contact our Legal Department by phone at (317) 234-9515 or by email at jguedel@dhs.in.gov.

DJB
encl.
cc: File

RECEIVED
JUN 10 2017

BY: IDHS/FPBSC

WHEREAS, the City Council of the City of Rushville has determined that it is necessary pursuant to IC36-8-17, 36-8-17.5, 36-8-12.2, 22-11-14, 22-11-8 and 13-17-9 to adopt an ordinance establishes the Fire Prevention Ordinance of the City of Rushville, Indiana.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSHVILLE, INDIANA, that pursuant to IC36-8-17, 36-8-17.5, 36-8-12.2, 22-11-14, 22-11-8 and 13-17-9 repeals the text of Title IX General Regulations Chapter 93 and inserts to read as follows:

ARTICLE I GENERAL REQUIREMENT

SECTION 1 - TITLE.

This ordinance and all material included herein by reference shall be known as the "Fire Prevention Ordinance of Rushville, Indiana" ("Ordinance").

SECTION 2 - PURPOSE.

The purpose of this ordinance is to protect the life, public safety, health and general welfare of the citizens of Rushville, Indiana with prescribed regulations consistent with nationally-recognized standards for the protection of life, environment, and property from fire, explosions, hazards arising from the storage, handling, and use of hazardous substances, from conditions hazardous to life or property in the use or occupancy of new or existing buildings and premises, and to establish appropriate administrative procedures for the enforcement of this ordinance.

SECTION 3 - AUTHORITY.

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

1. All provisions of this 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 Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code and National Fire Protection Association Standards (NFPA) as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this ordinance shall apply to maintenance of fire prevention and life safety features as herein described. The provisions of this ordinance shall apply to existing conditions as well as to the conditions arising after the adoption thereof. Buildings, systems, uses, processes, and equipment legally in existence on the effective date of this ordinance shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire-resistive

characteristics that existed when the building was constructed, altered, added to, repaired or change of occupancy.

SECTION 5 - 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 City of Rushville, Indiana, whether existing on the effective date of this ordinance or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

SECTION 6 - 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.

SECTION 7 - MINIMUM STANDARDS.

All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 17, 18, 22, 25 and 28 of Title 675 of the Indiana Administrative Code are incorporated in this Ordinance and shall include all later amendments to said 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 chapter 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 editions of the National Fire Protection Association (NFPA) Standards (675 IAC 28) 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 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.

SECTION 9 - DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTOMATED EXTERNAL DEFIBRILLATOR (AED) means a computerized medical device which can check a person's heart rhythm, recognize a rhythm that requires a shock, advise a rescuer when a shock is needed, and uses voice prompts, lights, and text messages to tell the rescuer the steps to take.

BUILDING CODE means the Indiana Building Code as set out in 675 IAC 13.

CLASS 1 STRUCTURE means buildings and structures as defined in IC 22-12-1.

CLASS 2 STRUCTURE means buildings and structures as defined in IC 22-12-1.

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

COMPLIANCE AFFIDAVIT CARD means a card that is issued with a notice of violation wherein the property owner, manager, or other responsible person states that compliance with the notice of violation has been attained.

CONSUMER FIREWORK means a firework as defined in IC 22-11-14.

CROWD MANAGER means as set out in 675 IAC 22

CUT SHEET means a specification sheet that provides and describes the technical specifications of a particular product.

DIVISION OF FIRE AND BUILDING SAFETY means the Division of Fire and Building Safety of the Indiana Department of Homeland Security established pursuant to IC 10-19-7.

ELECTRIC CODE means the Indiana Electric Code as set out in 675 IAC 17.

EMERGENCY VEHICLE LANE (OR, FIRE LANE) means a road or other passageway developed to allow the passage of fire apparatus. An Emergency Vehicle Lane is not necessarily intended for vehicular traffic other than fire apparatus.

FAAP means a fire alarm annunciator panel.

FACP means a fire alarm control panel.

FP&BSC means the Fire Prevention and Building Safety Commission of the State of Indiana as established by IC 22-12-2.

FIRE means the combustion of material other than deliberate combustion for cooking, heating, recreation, incineration, or purposes incidental to normal operation of a property.

FIRE APPARATUS means vehicles, e.g., pumpers, aerial ladder trucks, elevated platforms, rescues, squads, ambulances, administrative vehicles, or other firefighting or rescue equipment.

FIRE CHIEF means the Fire Chief of the City of Rushville Fire Department.

FIRE CODE means the Indiana Fire Code as set out in 675 IAC 22.

FIRE DEPARTMENT means a paid fire department or a volunteer fire department that renders fire prevention or fire protection services to a political subdivision. (IC 36-8-17)

FIRE DEPARTMENT ACCESS ROAD means a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and access roadway.

FIRE DEPARTMENT CONNECTION (FDC) means a connection through which the Fire Department can pump water into a standpipe and/or sprinkler system.

FIRE EXIT HARDWARE means panic hardware that is listed for use on fire-rated door assemblies.

FIRE FLOW means the flow rate of a water supply (measured at 20 pounds per square inch (PSI) residual pressure) which is available for firefighting.

FIRE HAZARD means any act or thing which increases or may increase the possibility or menace of fire to a greater degree than that customarily recognized as normal by the City of Rushville 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.

FUEL GAS CODE means the Indiana Fuel Gas Code as set out in 675 IAC 25.

GENERAL ADMINISTRATIVE RULES (GAR) means the General Administrative Rules of the Indiana Fire Prevention and Building and Safety Commission as set out in 675 IAC 12.

GAS LIGHT means any lighting device that utilizes a flammable or combustible gas (or liquid) to fuel an open flame.

HAZARDOUS CONDITION means the presence of a structural condition, equipment, and utility connection, materials that constitute or pose a recognized threat of fire or other injury to persons or property.

IAC means the Indiana Administrative Code.

IC means the Indiana Code of the Indiana General Assembly.

INSPECTION means the visual inspection of a building, system, design, or installation to verify that it meets the code and/or standards applicable within the jurisdiction, and/or is in acceptable operating condition and free of defects.

JURISDICTION means the Fire Service district consisting of the City of Rushville.

KEY BOX means a secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency (675 IAC 22).

MECHANICAL CODE means Indiana Mechanical Code as set out in 675 IAC 18.

NFPA means the National Fire Protection Association.

NOTICE OF VIOLATION means a written notice issued by the Fire Department usually in the form of an inspection report listing violations.

NOTIFICATION DEVICE means a fire alarm system component that provides audible and/or visual notification upon activation of a fire alarm initiating device.

OCCUPANCY CLASSIFICATION means occupancy classification specified in the Indiana Building Code in effect at the time of construction, addition to, alteration, or change of occupancy (675 IAC 22).

OCCUPANT LOAD means the number of persons for which the means of egress of a building or portion thereof is designed (675 IAC 22).

ORDER means a written report that orders the property owner, occupant, or tenant to cease and correct identified violations of the Indiana Building Code, Indian Fire Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code or this Fire Prevention ordinance.

OWNER means a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question (675 IAC 22).

PANIC HARDWARE means a door latching assembly incorporating a device that releases the latch upon the application of a force in the direction of egress travel.

PERSON has the meaning as set out in IC 22-12-1.

POLITICAL SUBDIVISION has the meaning as set out in IC 36-1-2

PUBLIC DISPLAY OF FIREWORKS means a supervised display of Class 1.3G fireworks (non-consumer fireworks [1.4G]) which requires a permit from the State of Indiana as set out in IC 22-11-14.

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

TESTING means a functional test of all components to verify proper operation of the system, design, installation, or use.

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, Indiana Fuel Gas Code or Indiana Electric 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 INSPECTIONS

SECTION 1 - RIGHT TO ENTER.

As authorized by IC 36-8-17, the Fire Chief of the Rushville Fire Department, or any duly authorized member of such Fire Department may, at all reasonable hours, enter the interior of any Class 1 structure for the purpose of making an inspection. The Fire Chief, or his designee, shall have the authority to inspect or cause to be inspected as often as necessary for ascertaining and causing to be corrected any violation of the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas

Code, Indiana Electric Code, this Fire Prevention ordinance, or any other Fire Safety Code of the jurisdiction.

SECTION 2 - SCOPE OF INSPECTIONS.

New construction, addition to, renovation, change of occupancy, or work for which Fire Department approval is required shall be subject to inspection by the Fire Chief, or his designee. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the Fire Chief, nor his designee, nor the City of Rushville shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. It shall be the duty of the person requesting any required inspections to provide access to and means for proper inspection of such work, e.g., ladder, and the like.

SECTION 3 - INSPECTION APPROVAL.

Approval, as a result of an inspection, shall not be construed to be an approval of a violation of the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code, this Fire Prevention ordinance, or any other Fire Safety Code of the jurisdiction.

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, Indiana Electric Code, this Fire Prevention ordinance, or any other Fire Safety Code of the jurisdiction shall not be valid.

SECTION 4 - OCCUPANCY INFORMATION.

Each building owner, occupant, or tenant is required to supply the City of Rushville Fire Department with emergency contact information. 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. This emergency contact information is required anytime there is a change in the ownership of or new tenants inhabit a Class 1 structure. The required information shall be submitted on the Rushville Fire Department emergency contact form.

SECTION 5 - CERTIFICATE OF OCCUPANCY INSPECTION.

Prior to the issuance of the certificate of occupancy by the City of Rushville Code Enforcement Department for a Class 1 structure, the Fire Chief, or his designee, shall conduct a final inspection with a building official from the City of Rushville's Code Enforcement Department. All fire protection systems shall be successfully inspected and tested prior to the issuance of the certificate of occupancy.

SECTION 6 - STOP WORK ORDER.

Whenever the Fire Chief, or his designee, finds any new construction work in a Class 1 structure regulated by the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code, this Fire Prevention ordinance, 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, or his designee, is authorized to issue a stop work order. A failure to comply with a stop work order issued by the City of Rushville Fire Department may result in a \$250 fine per day.

SECTION 7 - LIABILITY FOR DAMAGES.

This Fire Prevention ordinance 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.

SECTION 8 - WALL ROUGH INSPECTION.

Plans for fire alarm systems, water-based or dry-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 Rushville Fire Department prior to the request for the required wall-rough inspection. The request for the wall rough inspection will not be honored by the City of Rushville Code Enforcement Department without the proper submittal of all required fire protection plans.

SECTION 9 - HINDRANCE TO INSPECTIONS.

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

SECTION 10 - UNDERGROUND INSPECTIONS.

The Fire Chief, or his designee, shall inspect all underground private fire service and underground Fire Department connection installations. The contractor shall notify the Fire Department 48 hours in advance of this required inspection.

ARTICLE III
ADMINISTRATION AND ENFORCEMENT

SECTION 1 - FIRE SCENE AUTHORITY.

The Fire Chief, or his designee, at any fire, explosion, rescue, emergency medical or 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 City of Rushville Fire Department.

SECTION 2 - EMERGENCY LINES AND LIMITS.

The Fire Chief, or his designee, may establish emergency lines and limits; and, barricade or guard from the 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 - LIABILITY.

At no time will the City of Rushville Fire Department or any of its agents be responsible for any damages resulting in an emergency entry. The Fire Department will notify the owner, occupant, or tenant of such an event and it will be the responsibility of the owner, occupant, or tenant to assure that the building is re-secured.

SECTION 4 - FIRE INVESTIGATIONS.

The Fire Chief, or his designee, shall perform fire investigations pursuant to IC 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 Rushville Fire Department.

It shall be unlawful for any person to impede the Fire Chief, or his designee, from conducting an origin and cause investigation.

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, Indiana Electric 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, combustibles, 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, Indiana Electric 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, Indiana Electric Code, this Fire Prevention Ordinance, any other rule of the Commission or a hazardous condition exists upon any Class 1 structure within the City of Rushville, 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, Indiana Electric Code, this Fire Prevention Ordinance, 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 IC 36-8-17, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code, this Fire Prevention Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Fire Chief, or his designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this ordinance or by any other appropriate remedy 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 Ordinance shall not constitute approval of any violation or non-compliance. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property.

Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to IC 4-21.5-3.

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 IC 36-8-17 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 IC 22-14, another Indiana statute or rule of the Commission; or
3. Will conceal a violation of law.

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 – RIGHT OF APPEAL.

Any person aggrieved by an order issued under this Fire Prevention Ordinance shall have the right to petition for a review of any order of the Fire Chief, or his designee.

In accordance with IC 22-13-2-7, Review of variances and orders of a political subdivisions, the Fire Prevention and Building Safety Commission (Commission) may review and modify or reverse any variance or order that:

- (1) Is issued by a political subdivision; and
- (2) Covers a subject governed by IC 22-12, IC 22-13, IC22-14, IC 22-15, a fire safety rule, as defined at IC 22-13-1-3 or a building rule as defined at IC 22-13-1-2.

The Commission shall review variances granted by a political subdivision to the fire safety law, as defined at IC 22-12-1-13 or a building law, as defined at IC 22-12-1-3. The variance is not effective until it is approved by the Commission.

SECTION 12 – RIGHT TO REQUEST WAIVER FROM LOCAL ORDINANCE.

This section is not applicable to subjects governed by IC 22-12, IC 22-13, IC 22-14, IC 22-15, a fire safety rule, as defined at IC 22-13-1-3 or a building rule as defined at IC 22-13-1-2. See section 11, of this article for a person's right to appeals subjects governed by IC 22-12, IC 22-13, IC22-14, IC 22-15, a fire safety rule, as defined at IC 22-13-1-3 or a building rule as defined at IC 22-13-1-2.

This section is only applicable to provision which authority of jurisdiction has been delegated to the City of Rushville by the Indiana Code (statute) or Title 675 of the Indiana Administrative Code.

A person requesting a waiver from specific provision of this ordinance to provisions which are not under the authority of the Fire Prevention and Building Safety Commission shall apply in writing to the Fire Chief, within five (5) working days of the date of the notice of violation.

The granting of a waiver shall be considered only upon the written application of the owner of the property stating that:

1. Practical difficulties have been encountered in the implementation of specific requirements of this ordinance.
2. Compliance with specific requirements of this ordinance will cause unnecessary hardship to the owner.

A waiver may be granted only if the Fire Chief, determines in writing that:

1. The requested modification will conform to fundamental requirements for safety as it pertains to specific under the control of the political subdivision.
2. The granting of the waiver does not increase the risk of fire or danger.

The Fire Chief, within ten (10) business days following receipt of a waiver shall either accept or reject the statement of practical difficulties and the hardship presented.

A copy of accepted waiver granted, and all supporting information shall be retained by the Fire Department.

A written copy of the decision shall be sent by certified mail to the applicant.

Any owner or occupant may appeal the decision of the Fire Chief regarding waiver under this section, shall submit in writing to the Board of Public Works and Safety within ten (10) business days following receipt of a decision rendered by the Fire Chief.

The Board of Public Works and Safety shall hold a hearing after which they shall sustain, modify, or reverse the decision of the Fire Chief. A written copy of the decision shall be sent by certified mail to the applicant.

If the City of Rushville Fire Department learns that a person has violated the terms of a waiver the Fire Chief, or his designee, may order compliance with said waiver.

A person requesting a waiver shall be subject to an administrative fee established in Article XIII Section 2.

SECTION 13 – COMPLIANCE AFFIDAVIT SIGNATURE.

It is a violation of this Fire Prevention Ordinance for a person, firm, or corporation to willfully and knowingly sign a compliance affidavit card or other compliance affidavit document attesting that a code violation has been corrected when such person, firm, or corporation has actual knowledge that the code violation has not been corrected.

SECTION 14 - PRACTICAL DIFFICULTIES.

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

ARTICLE IV EMERGENCY PLANNING

SECTION 1 - CROWD MANAGER TRAINING AND QUALIFICATIONS.

Crowd managers shall receive training, approved by the Fire Chief or his 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

Responsible for:

1. 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;
2. Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
3. Utilizing portable fire extinguishers as necessary.

WHEN REQUIRED.

The number and when crowd managers are required shall be based on the Indiana Fire Code (675 IAC 22).

Exception:

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 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 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.

New and existing buildings and tenant spaces shall have approved street address number, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road frontage fronting the property as outlined in the Indiana Fire Code (675 IAC 22).

Numbers and alphabetical text for Class 2 Structures shall be Arabic numbers and alphabetical characters. Numbers and alphabetical characters shall be a minimum of four-inches (4") in height with minimum stroke width of 0.5 inch.

The following numbers and alphabetical text for Class 1 Structures may be used as a guide to provide an additional location to facilitate emergency response identifying a premise:

Distance from Street to Building		Minimum Figure Size			
Over	To	Height	Width	Stroke of line	Building Placement (max. height)
0'	10'	6"	2"	½"	8'
11'	25'	6"	2 ¼"	½"	10'
26'	35'	7"	2 ½"	½"	12'
36'	45'	10"	3"	5/8"	14'
46'	55'	10"	3 ½"	¾"	16'
56'	65'	10"	4"	¾"	18'
66'	75'	10"	4 ½"	7/8"	20'
76'	85'	12"	5"	1"	22'
86'	95'	12"	5 ½"	1 1/8"	24'
96'	200'	12"	6"	1 ¼"	26'

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 - EMERGENCY VEHICLE LANES.

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, or his 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 as follows:

1 st Offense	\$25.00
2 nd Offense	\$50.00
3 rd Offense	\$75.00
4 th Offense	\$100.00
5 th Offense	\$500.00

In non-emergency situations, the Fire Chief, or his designee, shall obtain from each property owner, lessee, or person in possession of property covered by this Fire Prevention Ordinance, 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 offices of the Fire Chief and Police Chief.

In emergency situations, the Fire Chief, or his 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.

SECTION 4 - 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 5 - KEY BOXES OR RAPID ENTRY KEY BOX.

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, or his designee.

SECTION 6 - ELEVATOR KEY BOXES.

When a building is equipped with an elevator(s) and when required by Safety Codes for Elevators, Escalators, Manlifts and Hoists adopted by the Indiana Fire Prevention and Building Safety Commission to install an elevator key box, the owner, or his duly authorized agent, shall contact the City of Rushville Fire Chief, or his designee for approval of the location of the elevator key box.

After installation, the owner, or his duly authorized agent, shall contact the City of Rushville Fire Chief, or his designee to secure the necessary keys in the box. The necessary keys shall include, but not be limited to, elevator door key, elevator equipment room key, and Fire Department emergency access elevator control keys.

SECTION 7 - SECURITY CAPS.

When a newly constructed Class 1 structure is protected by a water-based fire protection system with a fire department connection (FDC), the Fire Chief, or his designee, shall require the property owner or tenant to install a Knox FDC Plug, FDC Storz Cap, or similar product manufactured by the Knox Company.

SECTION 8 - FIRE PROTECTION EQUIPMENT IDENTIFICATION.

Fire protection equipment including fire hydrants, fire department connections, dry hydrants, and the like, shall be clearly identified in a manner approved by the Fire Chief, or his designee, to prevent obstruction by vehicles or other obstructions.

In all new and existing Class 1 structures, all interior or 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.

SECTION 9 - OBSTRUCTIONS TO FIRE DEPARTMENT ACCESS.

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 Fire Chief, or his designee, to prevent the presence of any obstructions.

SECTION 10 - EXTERIOR DOORS.

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

SECTION 11 - ABATEMENT OF HAZARDS.

Whenever the Fire Chief, or his designee, finds in any Class 1 structure, combustible or explosive matter, dangerous or unnecessary accumulation of rubbish, wastepaper, boxes, shavings, or any highly flammable material that may endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows that may interfere with Fire Department operations or the egress of occupants in case of fire or other emergency, or finds any other fire hazard, the Fire Chief, or his designee, shall order the same to be removed or remedied.

SECTION 12 - FIRE APPARATUS ACCESS.

Plans for fire apparatus access roads shall be submitted to the Fire Chief or his designee for review.

SECTION 13 - MARKING.

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.

SECTION 14 - TURNING RADIUS.

The turning radius of a fire apparatus access road shall be determined after consultation with the City of Rushville's Fire Chief or his designee. Such roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to the Rushville Fire Department.

SECTION 15 - DEAD-ENDS.

Dead-end fire apparatus access roads more than 150 feet in length shall be designed and constructed to allow the turning around of the longest piece of fire apparatus available to the Rushville Fire Department. The installation, method of construction, and material of the turnaround must be approved by the Fire Chief, or his designee.

SECTION 16 - ONE-OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS.

Developments of subdivision for one- or two-family dwellings having more than 100 dwelling units shall be equipped with two or more separate fire apparatus access roads that enter the development.

SECTION 17 - TIMING OF INSTALLATION.

Required fire hydrants and temporary-surfaced access roads within sites shall be installed and made serviceable prior to construction of a building or structure and such hydrants and roads shall be maintained during construction.

SECTION 18 - WATER SUPPLY.

A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 19 of this Ordinance, must be provided to all premises or property upon which a Class 1 structure, a portion of a Class 1 structure or a Class 2 structure is hereafter constructed. The water supply shall be provided as follows:

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 19 of this Ordinance.
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 19 of this ordinance. 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 19 - FIRE FLOW REQUIREMENTS.

In determining the requirements for fire flow, the Fire Chief, or his designee, shall utilize the Indiana Fire Code (675 IAC 22) Appendix B - "Fire Flow Requirements for Buildings" and Appendix C - "Fire Hydrant Locations and Distribution" as a guide. The requirements in Appendix B & C may not be made more stringent by the Fire Chief, or his designee.

SECTION 20 - FIRE HYDRANTS.

In determining the location and spacing of fire hydrants, the Fire Chief, or his designee, may utilize the Indiana Fire Code (675 IAC 22), in effect, Appendix C entitled "Fire Hydrant Locations and Distribution" as a guide.

All fire hydrants required by the Fire Chief or his designee, shall be accepted by the water utility having jurisdiction prior to any construction beyond the foundation.

Within the fire protection district of the Rushville Fire Department, all new and existing fire hydrants shall be equipped with connections that are compatible with the Rushville Fire Department hydrant adapters.

Whenever the provisions of this ordinance requires the installation of a public or private fire hydrant, such hydrant shall meet the specifications outlined in the

Rushville City Utilities Standards.

ARTICLE VI
EMERGENCY AND STANDBY POWER

SECTION 1 - EMERGENCY LIGHTING ACTIVATION TEST.

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.

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 must include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

SECTION 3 - EMERGENCY LIGHTING POWER TEST RECORD.

The ninety (90) minute power 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.

ARTICLE VII
GENERAL SAFETY PROVISIONS

SECTION 1 - OPEN BURNING REGULATIONS.

Open burning shall be regulated as set out in 326 IAC 4.

SECTION 2- SPECIAL EVENTS WITH OPEN FLAMES.

Any community or civic special events that include any type of open flame shall be approved only by the Fire Chief, or his designee. The Fire Chief, or his designee, has the authority to disallow open flames if the Fire Chief, or his designee, finds that the open flame may be detrimental to the safety of bystanders, the community, or emergency responders.

SECTION 3 - GAS LIGHTS.

In all new and existing premises, including Class 1 structures and one and two-family dwellings, the use of gas lights, gas lamps, gas lanterns, and gas torches shall be installed and maintained in accordance with the manufacturer's recommendations, the Indiana Fuel Gas Code (675 IAC 25), and the gas utility having jurisdiction.

ARTICLE VIII FIRE PROTECTION SYSTEMS AND EQUIPMENT

SECTION 1 - COMMERCIAL KITCHEN EXHAUST AND FIXED FIRE SUPPRESSION SYSTEMS.

Any new installation of a fixed-fire suppression system installed under a Type I exhaust hood shall be inspected by the Fire Chief, or his designee, prior to the cooking equipment being placed into service.

The installer of the fixed-fire suppression system shall:

1. Adhere to all manufacturers' recommendations for the installation.
2. Notify the City of Rushville Fire Department at least 48 hours in advance of the system being completed for system testing.
3. Provide written documentation to the City of Rushville Fire Department that states the system has been installed per the manufacturer's specifications and successfully tested by the installer.

In existing commercial kitchen hood and exhaust systems, the property owner or tenant shall contact the Fire Chief, or his designee, prior to modifying any portion of the kitchen hood or exhaust system (e.g. cutting access panels into existing exhaust ductwork). The Fire Chief, or his designee, shall inspect all work performed on existing systems.

SECTION 2 - FIRE EXTINGUISHERS.

Portable fire extinguishers shall be installed and maintained in all Class 1 structures as set forth in the NFPA 10, edition as adopted by the Fire Prevention and Building Safety Commission.

In all Group R-2 occupancies, a 2A:20B:C rated fire extinguisher shall be required in each unit or placed at intervals not to exceed 75 feet maximum travel distance from each unit in all common areas on each level.

SECTION 3 - PLANS FOR FIRE PROTECTION EQUIPMENT.

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 to the

Rushville Fire Chief or his designee prior to the request for a required wall rough inspection. Each respective submittal shall contain the following information:

Sprinkler systems:

1. One full set of sprinkler/standpipe plans.
2. One full set of sprinkler/standpipe calculations.
3. One copy of the sprinkler construction design release (CDR).
4. One set of manufacturer's cut-sheets for all sprinkler heads in the design.

Fire alarm systems:

1. One full set of fire alarm plans (1/8" - 1' scale).
2. One set of battery calculations.
3. One copy of the fire alarm construction design release (CDR).
4. One set of manufacturer's cut-sheets for the fire alarm control panel (FACP) and fire alarm components.
5. One fire alarm performance matrix.

Special hazard fire protection systems:

1. One set of plans (if applicable).
2. One set of engineering data (if applicable).
3. One copy of the construction design release (if applicable).
4. One set of manufacturer's cut-sheets for system components.

Fire pumps:

1. One copy of the manufacturer's fire pump specifications.
2. One copy of the manufacturer's certified pump test characteristic curve.

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 4 - FIRE ALARM SYSTEMS.

The location of the fire alarm devices must match the design professional's approved plans. All deviations without revised plans shall be approved by the Fire Chief, or his designee, and shall be filed with the Indiana Department of Homeland Security, Division of Fire and Building Safety, Plan Review Section.

All required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72.

Fire alarm initiating devices, alarm signaling devices, annunciators, or control panels shall not be concealed, obstructed, or impaired.

All fire alarm systems required to be installed per the Indiana Building Code (675 IAC 13) shall be equipped with addressable fire alarm components that can have their respective status individually identified or that is used to individually control other functions.

Access panels shall be provided to facilitate the testing, inspection, and cleaning of HVAC duct detectors.

A posted diagram of all HVAC duct detectors shall be provided at the main electrical panel or a location approved by the Fire Chief, or his designee.

HVAC duct 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 Fire Chief, or his designee.

A copy of 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 (FACP).

In all newly-constructed Class 1 structures, a listed fire alarm notification device shall be required in all walk-in freezers and coolers that exceed 100 square feet.

Duties of Fire Alarm Users.

An alarm user shall:

1. Maintain the premises fire alarm system in a manner that will minimize or eliminate false alarms;
2. Review all fire alarm system operating instructions;
3. Take reasonable action to ensure the Fire Department is notified of the non-emergency nature of a false alarm as soon as the alarm user is aware of the false alarm, and;
4. Refrain from manually activating the fire alarm system, except when needing the fire department to respond to an emergency

False Alarm Determination Procedure.

Whenever a fire alarm system is activated and results in the dispatch and arrival of the Fire Department, the senior officer responding to the premises where the alarm system is activated shall inspect the area protected by the fire alarm and shall determine whether there exists reasonable apparent evidence of fire, threatened fire or other circumstances that would warrant a call for immediate fire assistance.

If the senior officer determines there exists no such evidence, the officer shall make a false alarm report by conveying the time, date, location and circumstances of the false alarm to Central Dispatch. The Fire Chief or his designee shall maintain records of false alarms and those records, when properly authenticated, shall be presumptively valid as proof of the false alarm sounding in any ordinance violation proceeding based thereon.

False Alarm Unlawful.

It is unlawful for an alarm user to sound a false alarm or permit a false alarm to be sounded upon their property, whether by negligence or otherwise.

Upon each false alarm the Fire Chief or his designee, shall:

1. Notify the property owner and/or tenant in writing that a false alarm was sounded,
2. Identify the property by address;
3. The date and time of the false alarm.

Each notification shall include false alarms in excess of 6 calls per calendar year may result in the imposition of fines. Additional educational information is to be included to assist in minimizing future false alarms and the possibility of subsequent fines.

Upon the seventh (7th) and any subsequent false alarm for identified properties, the Fire Chief, or his designee shall forward notification of the false alarm to the property owner and/or tenant and said notice shall specify the amount of the fine assessed and information that additional false alarms shall result in additional fines and may in the necessary legal action to correct the false alarm reporting.

Penalty/Fines for False Fire Alarms.

The owner and/or tenant shall pay penalty/fines in accordance with the following schedule based on a calendar year:

Up to and including 6 th false alarm	No penalty/fine
7 th false alarm up to and including 10 th false alarm	\$50.00 each
11 th false alarm up to and including 14 th false alarm	\$100.00 each
15 th false alarm up to and including 19 th false alarm	\$200.00 each
20 th false alarm up to and including 24 th false alarm	\$300.00 each
25 th false alarm and above	\$500.00 each

SECTION 5 - SPRINKLER SYSTEMS.

If a sprinkler system has multiple zones, an approved zone diagram or map shall be mounted adjacent to the sprinkler riser.

A copy of the as-built sprinkler plans and hydraulic calculations for every sprinkler system shall be kept permanently on-site in an approved location.

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.

SECTION 6 - SMOKE DETECTORS.

Smoke detectors and smoke alarms shall be installed as required by the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code, Indiana Residential Code, IC 22-11-18, and any other code of the jurisdiction.

If required by the Indiana Building Code, Indiana Fire Code, this Fire Prevention ordinance or any other Fire Safety Code of the jurisdiction, single-station and multi-station smoke alarms shall be installed as follows:

1. R-2 occupancies shall be equipped with a minimum of one ionization smoke alarm and one photoelectric smoke alarm. Alternatively, one ionization/photoelectric combination smoke alarm may be used instead.
2. The location of these smoke alarms shall be approved by the Fire Chief or his or her designee.

SECTION 7 - FIRE PROTECTION SYSTEM REMOVAL.

No person shall interfere with, tamper with, or remove any 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 designee and such removal in accordance with the Indiana General Administrative Rules set out at 675 IAC 12-4.

SECTION 8 - CLASS 1 STANDPIPE SYSTEMS.

Whenever a Class 1 standpipe system is installed in a Class 1 structure, the standpipe connection(s) shall be equipped with an approved two and one-half inch to one and one-half inch reducer. The one and one-half inch connection(s) shall be supplied with an approved cap.

ARTICLE IX
MEANS OF EGRESS

SECTION 1 - MEANS OF EGRESS ILLUMINATION AND EXIT SIGNS.

Means of egress illumination shall be provided and maintained in accordance with the Indiana Building Code (675 IAC 13) and the Indiana Fire Code (675 IAC 22) in effect at the time of construction, alternation or change of occupancy, as set out in 675 IAC 12-4.

Means of egress shall be illuminated and exit signs shall be maintained when any Class 1 structure is occupied, in accordance with the Indiana Building Code (675 IAC 13) and the Indiana Fire Code (675 IAC 22) in effect at the time of construction, alternation, or change of occupancy, as set out in 675 IAC 12-6-4

Equipment providing emergency power for means of egress illumination and exit signs shall be maintained in an operable condition (675 IAC 22).

In all newly-constructed, altered, or change of occupancy in Class 1 structures, exit signs shall be placed in accordance with the Indiana Building Code (675 IAC 13) and the Indiana Fire Code (675 IAC 22) in effect at the time of construction, alternation or change of occupancy, as set out in 675 IAC 12-4.

The face of a photoluminescent sign shall be continually illuminated while the building is occupied. The illumination levels on the face of the photoluminescent sign shall be in accordance with its listing. The charging light source shall be of a type specified in the product markings.

SECTION 2 - ACCEPTANCE TEST.

Prior to the issuance of the certificate of occupancy for a newly-constructed, renovated, remodeled or change of occupancy of a Class 1 structure, the City of Rushville Fire Department 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.
5. Fire pump.
6. Smoke control system.
7. Above-ground piping hydrostatic test.
8. Emergency lighting system.
9. Underground storage tank tightness test.
10. Grease duct leakage test (Type I Hood Exhaust System)

SECTION 3 - WRITTEN VERIFICATION.

Prior to the issuance of the certificate of occupancy for a newly-constructed, renovated, remodeled, or change of occupancy of a Class 1 structure, the City of Rushville 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.

SECTION 4 - INSTALLATION DOCUMENTATION.

Prior to the issuance of the certificate of occupancy for a newly-constructed, renovated, remodeled, or change of occupancy of a Class 1 structure, the City of Rushville 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 and 24.
4. Certificate of completion/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 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).
13. Prepared fire safety and evacuation plan.
14. Safety data sheets (formerly known as Material Safety Data Sheets) for all flammable and combustible liquids.
15. Electronic as-built construction drawings on a media such as computer disk or flash drive.
16. Completed Rushville 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 Rushville alarm permit application.
20. Fire stopping affidavit including the specific firestop systems utilized for each application.

ARTICLE X FIREWORKS

SECTION 1 - PUBLIC DISPLAYS OF FIREWORKS.

The documentation requirements for providing a public display of fireworks within the City of Rushville are listed below:

A copy of the completed fireworks permit application from the Office of the Indiana Department of Homeland Security (IDHS) as required by IC 22-11-14.

A letter of intent to display fireworks. This letter of intent to display fireworks shall include:

1. Name of the sponsoring organization.
2. Day, date, and time of the display.
3. Location of the display.
4. Number and maximum diameter size of aerial display shell.
5. Types and amounts of ground materials and locations.
6. Timetable of operations including delivery set-up and time of the "live load."
7. A statement that only materials listed and approved by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms (ATF) will be utilized.
8. 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 Rushville will be in accordance with NFPA 1123.
9. A list of personnel who will be representing the fireworks vendor, their function, experience, and qualification.
10. A site plan of the proposed display site.
11. A copy of the certificate of insurance as required by IC 22-11-14.
12. A copy of the contract between the sponsor and the fireworks vendor.

SECTION 2 - CONSUMER FIREWORKS.

Fireworks may be used, ignited or discharged within the City of Rushville corporate limits as set out in IC 22-11-14-10.5.

ARTICLE XI PUBLIC ASSEMBLY AND EVENTS

SECTION 1 - FIRE WATCH.

Fire Watch as set out in 675 IC 22 shall be used to determine if a fire watch is warranted and the personnel to be used during a fire watch.

Persons who are deemed qualified by the Fire Chief to service as fire watch personnel shall be compensate at a rate of \$35 an hour.

If compensation to qualified persons goes unpaid legal action may be taken to recover unpaid compensation including an accumulate interest at an annual rate of 8% plus reasonable attorney's fees and legal costs of collection.

In the event of an excessive number of accidental or undetermined alarm activations, the Fire Chief, or his designee, is authorized to require the property owner, tenant, or occupant to provide an approved

fire watch until the accidental or undetermined alarm activations has been repaired or restored to service.

Any property owner or tenant that does not comply with a fire watch order issued by the City of Rushville Fire Department may be fined \$500 per day.

ARTICLE XII PERMITS

SECTION 1 - BUILDING PERMIT

No building permit for the construction of, alteration, addition or change of occupancy to a Class 1 structure shall be issued by the City of Rushville Code Enforcement Department without the prior life safety plan review of the Fire Chief, or his designee.

All information deemed necessary for a complete life safety plan review shall be submitted by the design professional upon request prior to release of the building permit.

No building permit shall be issued by the City of Rushville Code Enforcement Department 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 Fire Chief, or his designee.

No building permit shall be issued by the City of Rushville Code Enforcement Department until such time that notification has been received by the City of Rushville Fire Department indicating that fire apparatus access roads have been constructed and approved; and, the temporary or permanent street signs have been installed.

No improvement location permit (ILP) shall be issued by the City of Rushville Planning Department until such time that the Fire Chief, or his designee, has received approved site and utility plans for all projects that require approval.

ARTICLE XIII FEES

SECTION 1 - INSPECTION FEES.

Fire and life safety inspections shall be conducted by the Fire Chief, or his designee, in existing Class 1 structures per IC 36-8-17.8. Upon the discovery of a violation of the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, Indiana Fuel Gas Code, Indiana Electric Code, this Fire Prevention ordinance, or any other Fire Safety Code of the jurisdiction, a re-inspection may be necessary to confirm compliance with a notice of violation or an order issued by the Fire Chief, or his designee. A fee for re-inspections may be charged as indicated below:

1. First re-inspection: No charge.
2. Second re-inspection: \$100.
3. All subsequent re-inspections: \$250.

The fees assessed by this ordinance are in addition to those fines or fees that may be levied by the State of Indiana, and/or the City of Rushville.

All payments are due within 30 days from the date or the assessment of the fee. Violators who fail to make payment prior to the payment due date shall be assessed an additional \$25 late fee for each outstanding fee and shall be subject to legal action for failure to pay an ordinance violation fee.

SECTION 2 - ADDITIONAL FEES/SUMMARY OF FEES.

Fee Type	Amount
Request for Waiver	\$100.00
Fire Investigation Report	\$50.00
Fire Investigation Report with pictures	\$75.00
Fire NFIRS Report	\$5.00
Fire Watch	\$35.00/hour
Violation of Fire Watch Order	\$500.00
Violation of Stop Work Order	\$250.00
Fire Lane Violation	See Article V Section 3
Driving Over Fire Hose	\$100.00/incident
Late Fee	\$100.00
Non-Compliance with Fire Watch Order	\$500.00
False Fire Alarms	See Article VIII Section 4

SECTION 3 - DISPOSITION OF FEE/FINES – MONIES COLLECTED

Monies generated from fees, fine or damage award collected pursuant to this ordinance shall be deposited in the Fire Prevention Enforcement Fund.

Monies deposited in the Fire Prevention Enforcement Fund shall be used by the Rushville Fire Department to pay for education, training, and enforcement material required by the personnel of the Fire Department.

SECTION 4 - PENALTY

If any person, firm, or corporation shall violate any of the provisions of this Fire Prevention ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined within the time prescribed by the Fire Chief, or his designee, or shall fail, neglect, or refuse to obey any lawful notice of violation or any order by the Fire Chief, or his designee, in connection with the provisions of this Fire Prevention ordinance or any other Fire Safety Code of the jurisdiction for each such violation, failure, or refusal, such person, firm, or corporation may be cited into the court having jurisdiction and fined up to an including the maximum penalty prescribed by IC 36-1-3-8(10).

The Fire Chief, or his designee, shall have the authority to levy fees or issue citations covering violations of this Fire Prevention ordinance. Violators shall be fined and/or cited into the court having jurisdiction.

The Fire Chief, or his designee, shall have the authority to cause improvement location permits (ILP) and building permits to be held and not released by the City of Rushville Code Enforcement Department or the Rushville Planning Department for all projects that require Fire Department approval until all required or requested information is received by the City of Rushville Fire Department.

Fire watch order. Any property owner or tenant that does not comply with a fire watch order issued by the City of Rushville Fire Department may be fined \$500 per day. Each day during which violation of this section takes place shall be deemed to be a separate violation.

Emergency vehicle lanes. 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, or his designee, or police enforcement officer. The owner of such property shall be responsible for all tow-in charges and resulting storage charges from such violation. The owner of any personal property or motor vehicle found in violation of this section shall be subject to a fines set out in Article V, Section 3.

Fire hose. It is unlawful for a vehicle to drive over an unprotected fire hose owned and operated by the Rushville Fire Department that has been laid down on a public or private street, a private driveway, or parking lot without the consent of the Fire Chief, or his designee. The driver of any motor vehicle that violates this section shall be subject to a fine in the amount of \$100 per incident.

ARTICLE XIV AUTOMATIC EXTERNAL DEFIBRILLATOR

SECTION 1 - PLACEMENT REQUIREMENTS.

Automatic External Defibrillator's (AED) shall be located in new building whose construction is started after the effect date of this ordinance as follows:

1. Group A with an occupant load that exceeds 300.
2. Group B with an occupant load that exceeds 300.
3. Group E with an occupant load that exceeds 300.
4. Group H.
5. Group's I-1, I-2 and I-3.
6. Group M with an occupant load that exceeds 1,000.
7. Group R-I, three stories or great in height.
8. Covered malls exceeding 50,000 square feet.
9. Single-tenant Class 1 structures exceeding 60,000 square feet.
10. Class 1 structures where the floor level of the highest story is located more than 30 feet above the lowest level of Fire Department vehicle access.

The following are exceptions to the location of Automatic External Defibrillator's (AED):

1. Group A occupancies used exclusively for purposes of religious worship that have an occupant load less than 1,000 in the sanctuary.
2. Self-storage facilities.

AED devices, where required, shall be installed in sufficient numbers and in locations so that an AED device shall be accessible, at a minimum, within three (3) minutes or 500 feet maximum travel distance in the event of an emergency in accordance with the American Heart Association recommendations.

AED devices, where required, are to be wall mounted and installed so that they are clearly visible to staff and visitors.

The Fire Chief, or his designee, shall review and approve the number and installation locations for AED devices; and, shall inspect the establishment to confirm the AED installation as approved prior to the issuance of a certificate of occupancy.

The installation and maintenance of the AED device(s) and periodic training on the use of the AED device(s) shall be the responsibility of the owner. A business, institution, or other entity which is required to install AED devices shall train one or more persons in the use of an AED.

All AED installations shall be subject to annual inspections by the Fire Chief, or his designee.

A business, institution, or other entity which is required to install AEDs can appeal to the Fire Chief, or his designee, for relief from this section if it can be demonstrated that an undue hardship will exist from complying with the conditions of this section.

AED devices shall be installed in newly constructed Class 1 structures as required in this Fire Prevention ordinance. The intent of this Fire Prevention ordinance is not to require AED devices in Class 1 structures in existence prior to the adoption of this ordinance.

SECTION 2 – PENALTY.

Automatic external defibrillator requirement. Any person, firm, or corporation violating the requirement for an AED upon conviction, be fined \$250 for the first offense and an additional \$250 shall be assessed for each 45-day period thereafter in which compliance has not occurred.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF RUSHVILLE, INDIANA this Ordinance will be in full force and effect from and after its passage and signature by the Rushville, Indiana City Council and as provided by law, and upon any further requirements under Indiana law.

DULY ORDERED BY THE CITY COUNCIL OF THE CITY OF RUSHVILLE this 19th day of December, 2017.

CITY COUNCIL, CITY OF RUSHVILLE:

Robert M. Bridges, President



Bradley A. Berkemeier



Gary Cameron



Brian G. Conner



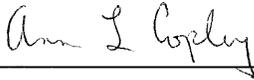
Craig Smith

PRESENTED TO ME FOR APPROVAL AND APPROVED THIS 19th day of December, 2017, at _____
o'clock p.m.



Michael P. Pavey, Mayor
City of Rushville, Indiana

ATTEST:



Ann L. Copley, Clerk-Treasurer

Approved this 3rd day of January 2018, by the Fire Prevention and Building Safety
Commission of the State of Indiana.



Robert E. Nicoson, Chairman
Fire Prevention and Building Safety Commission