

FILED

FEB 17 2017

GENERAL ORDINANCE NO. 2, 2017

CITY CLERK

AN ORDINANCE AMENDING *TERRE HAUTE CITY CODE* CHAPTER 7, ARTICLE 3. FIRE PREVENTION CODE AND CHAPTER 2, ARTICLE 9. FUNDS AND FISCAL PROCEDURES.

WHEREAS, pursuant to *Indiana Code* § 36-8-2-3, the City of Terre Haute may establish, maintain, and operate a fire prevention system; and,

WHEREAS, pursuant to *Indiana Code* § 36-8-17-8 (b) the fire department shall inspect every place and public way within the jurisdiction of the city for compliance with the fire safety laws; and,

WHEREAS, the City of Terre Haute wishes to promote the health, safety, and well being of its citizens through enforcement of the Fire Prevention Code; and,

WHEREAS, the Common Council of the City of Terre Haute has determined that it is fair and equitable to establish certain fees to fund the administrative and other costs associated with the enforcement of the Fire Prevention Code; and,

WHEREAS, the Common Council of the City of Terre Haute wishes to amend *Terre Haute City Code* Chapter 7, Article 3 to establish fees associated with the implantation and enforcement of the Fire Prevention Code.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute as follows:

Section 1, *Terre Haute City Code* Chapter 7, Article 3, Sections 7-95 through 7-107 are hereby amended by the deletion of the stricken text and addition of the underlined text as follows:

**Sec. ~~7-97~~ 7-95 Definitions.**

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

(a) Wherever the word Municipality, is used in the Fire Prevention Code, it shall be held to mean The City of Terre Haute, Indiana.

(b) Wherever the term Corporation Counsel is used in the Fire Prevention Code, it shall be held to mean the head of the Legal Department. (Gen. Ord. No. 6, 1962, As Amended, § 3, 7-16-63, Journal of Common Council, pp. 93-97)

(a) **Certificate of Compliance.** A certificate issued by the Fire Chief, and/or his designee, upon his/her determination that all fire protection systems in a Class 1 Structure have been successfully tested, inspected and found in compliance with the Fire Prevention Code.

(b) **Certificate of Occupancy.** A certificate issued by the City of Terre Haute Department of Engineering to the owner or tenant of a structure indicating that the building is in proper condition to be occupied.

(c) **Class 1 Structure.** A building and/or structure as defined in I.C. § 22-12-1-4, and any amendment made thereto.

(d) **Class 2 Structure.** A building and/or structure as defined in I.C. § 22-12-1-5, and any amendment made thereto.

(e) **Fire.** The combustion of material other than deliberate combustion for cooking, heating, recreation, incineration, or purposes incidental to normal operation of a property.

(f) **Fire Apparatus.** Vehicles, owned and/or operated by the Terre Haute Fire Department, to include but not limited to pumpers, aerial ladder trucks, elevated platforms, rescues, squads, ambulances, administrative vehicles, or other firefighting or rescue equipment.

(g) **Fire Chief.** The Chief of the City of Terre Haute Fire Department.

(h) **Fire Department.** A department of the City of Terre Haute responsible for preventing and fighting fires.

(i) **Fire Hazard.** Any act or thing which may obstruct, delay, hinder, or interfere with the operations of the Fire Department or the egress of occupants in the event of fire.

(j) **Hazardous Condition.** The presence of a structural condition, equipment, utility connection, or materials that constitute or pose a recognized threat of fire or fire related injury to persons or property.

(k) **Inspection.** Visual inspection of a building, system, design, or installation to verify that it meets the standards of all applicable codes of the jurisdiction relating to fire prevention, and/or is in acceptable operating condition and free of defects as this may relate to fire prevention.

(l) **Fire and Life Safety Inspection.** An inspection of the premises by the Fire Department to verify compliance with standards intended to safeguard persons from fire hazards and from other fire related hazardous conditions.

(m) **Municipality.** The City of Terre Haute, Indiana.

(n) **Notice of Violation.** A written notice issued by the Fire Department, usually in the form of an inspection report, listing violations, issued to owner, operator, occupant, or other person responsible for the building or property.

(o) **Occupant Load.** The number of persons for which the means of egress of a building or portion thereof is designed.

(p) **Occupancy Classification.** As defined by the Indiana Building Code, as set forth in 675 IAC 13, and any amendments made thereto.

(q) **Order.** A written report that orders the property owner, occupant, or tenant to cease and correct identified violations of the Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or this Fire Prevention Code, as these codes may relate to fire prevention and safety.

(r) **Testing.** A functional test of all components to verify proper operation of the system, design, installation, or use.

(s) **Wall-Rough Inspection.** A new construction inspection required by the City of Terre Haute Building Inspection Department prior to installing gypsum board, paneling, or other acceptable material on unfinished walls.

***TERMS NOT DEFINED:** Where terms are not defined in this Fire Prevention Code and are defined in the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, or Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.*

#### **Sec. 7-95 7-96 Purpose and Adoption of Fire Prevention Code by Reference.**

(a) The purpose of this Article is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from fire, explosions, and/or 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 Article.

(b) There is adopted by Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain *Code* known as the *Fire Prevention Code* recommended by the National Board of Fire Underwriters *International Fire Code*, being particularly the 1965 edition most recently adopted version of the *International Fire Code* by the State of Indiana, and any amendments thereto, and the whole thereof, save and accept such portions as are hereinafter deleted, modified or amended (by Sec. 1501.07-7-97 through 7-109 below) of which Code not less than three (3) copies have been and now are filed in the Office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Article shall take effect, the provisions thereof shall be controlling within the City.

**Sec. 7-967-97 Establishment and Duties of Bureau of Fire Prevention. Enforcement of Fire Prevention Code.**

(a) ~~The Fire prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Terre Haute, Indiana which is established and which shall be operated, under the supervision of the Chief of the Fire Department. The Fire Chief, and/or his designee, is authorized to administer and enforce all of the provisions of this Code. Whenever in the Fire Prevention Code, it is provided that anything must be done to the approval of or subject to the direction of the Fire Chief, and/or his designee, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and so such provisions shall not be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.~~

(b) The Fire Chief, and/or his designee, shall have the authority:

(1) To enforce the provisions of this Fire Prevention Code;

(2) To enforce 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 within the City of Terre Haute, as these codes may relate to fire prevention and safety. Such enforcement shall include, but is not limited to:

(A) The prevention of fires;

(B) The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials;

(C) 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;

(D) The location, installation, and maintenance of smoke alarms, fire alarm systems, fire suppression systems, and key box emergency access systems; and

(E) The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.

(3) To issue citations covering the violations 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 as these codes relate to Fire Prevention and Safety. Violators of these codes may be cited into the court having jurisdiction.

~~(e) The Chief Inspector, Terre Haute Fire Department shall be in charge of the Bureau of Fire Prevention and shall be appointed by the Board of Public Works and Safety. The Bureau of Fire Prevention shall be composed of the following additional members:~~

~~(1) Commissioner of Buildings;~~

~~(2) City Engineer;~~

~~(3) City Electrical Inspector; and~~

~~(4) One resident freeholder nominated by the Mayor and appointed by the Board of Public Works and Safety, who shall serve an indefinite term.~~

~~(dc) The Fire Chief of the Fire Department may detail such designate up to five (5) members of the Fire Department as inspectors as shall from time to time be necessary whose duties shall include the implementation and enforcement of the *Fire Prevention Code*. The Chief of the Fire Department shall recommend to the Board of Public Works and Safety the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The Examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.~~

~~(e)(d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this *Code*, with such statistics as the Fire Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend to the Corporation Counsel for drafting and presentation to the Common Council of the municipality any amendments to the *Code* which, in his judgment, shall be desirable. (Gen. Ord. No. 6, 1962, As Amended, § 2, 7-16-63, *Journal of*~~

Common Council, pp. 93-97) The Fire Chief shall compile an annual report for all of the activities and the financial status as they relate to the Fire Prevention Code. This report shall be presented to the City Council no later than March 15 of the following year.

(de) 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.

(ef) At no time will the City of Terre Haute Fire Department or any of its agents be responsible for any damages as a result of an emergency entry. The Fire Department will reasonably attempt to notify the owner, as well as, the operator, occupant, or other person responsible for the building or property of such an event and it will be the responsibility of the owner, occupant, or tenant to assure that the building is re-secured.

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

(gh) The Fire Chief, and/or his designee, shall conduct fire and life safety inspections in Class 1 structures pursuant to I.C. § 36-8-17 with the exception that all Class 1 structures defined as R-2 "Apartment Houses" in the most recently adopted version of the *International Fire Code* by the State of Indiana, shall be exempt from annual fire inspections. However, an inspection of any Class 1 structure may occur upon the request of an owner or occupier of a Class 1 structure or upon any complaint received by the City. In the event an exempt Class 1 structure is inspected at the request of an owner, annual inspection fees shall be assessed in accordance with Section 7-106(h)(2).

(i) The Fire Chief, and/or his designee, shall inspect Class 1 non-exempt 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, as these codes relate to fire prevention and safety. However, no non-exempt Class 1 structure may be inspected more than twice in a calendar year other than for the purpose of the ascertaining the abatement of a previously determined deficiency.

(hj) The Fire Chief, and/or his designee, may stop the operation or require the evacuation of any Class 1 structure or portion thereof under the provisions of I.C. § 36-8-17-9 when it is determined that conduct as defined herein or conditions of the property:

(1) Present a clear and immediate hazard of death or serious bodily injury to any person; or

(2) Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other license required under I.C. § 22-14 or another statute administered by the Indiana Fire Prevention and Building Safety Commission and the license has not been issued, as the aforementioned relate to fire prevention and safety.

(ik) If the Fire Chief, and/or his designee, determine that a violation exists as set forth in subsection h(1) or (2) above, the Fire Chief, and/or his designee, may require the presence of a fire watch in lieu of stopping the operation(s) in a Class 1 structure pursuant to *Indiana Fire Code*.

#### **Sec. 7-98 Applicability.**

The provisions of this Fire Prevention Code shall be supplemental to the 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 Article shall apply to maintenance of fire prevention and life safety features as herein described. The provisions of this Article 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 Article 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, or repaired.

#### **Sec. 7-99 Minimum Standards.**

All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Title 675 of the Indiana Administrative Code are hereby incorporated in this Fire Prevention Code and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

Any special processes or procedures not addressed in the Indiana Fire Code or this Article shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code Referenced Standards and as approved by the Fire Chief, and/or his designee.

Any special processes or procedures not addressed in this Article shall be subject to applications found in the 2014 edition of the *International Fire Code* or other recognized Fire

Safety Standards – subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

A copy of these standards shall be available in the City of Terre Haute Fire Department for inquiry and review by the members of the public during normal business hours.

**Sec. ~~7-98~~ 7-100 Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks Is To Be Prohibited.**

(a) The geographic limits referred to in Section ~~16.22a~~ 5704.2.9.6.1 of the International Fire Code in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows:

(1) The area bounded by Poplar Street, Chestnut Street, First Street, and Fourteenth Street.

(2) The area bounded by Twelfth Street, Fourteenth Street, Barbour Avenue, and Buckeye Street.

(3) The area bounded by Center Street, Eighth Street, Seabury Avenue, and Idaho Street.

(b) The ~~L~~limits referred to in Section ~~16.51~~ 5706.2.4.4 of the ~~Fire Prevention Code~~ International Fire Code, in which new bulk plants for flammable liquids are prohibited, are established as follows: All areas other than those zoned for industrial use.

**Sec. ~~7-99~~ 7-101 Establishment of Limits of Districts in which Bulk Storage of Liquefied Petroleum Gasses Is To Be Restricted.**

The limits referred to in Section ~~21.6a~~ 6104.2 of the ~~Fire Prevention Code~~ International Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: Areas zoned for industrial use only. (Gen. Ord. No. 6, 1962, As Amended, § 5, 7-16-63, *Journal of Common Council*, pp. 93-97)

**Sec. ~~7-100~~ 7-102 Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents Are To Be Prohibited.**

The limits referred to in Section ~~12.6b~~ of the ~~Fire Prevention Code~~, in which storage of explosives and blasting agents is prohibited, are established as follows: All areas other than those zoned for industrial uses. (Gen. Ord. No. 6, 1962, As Amended, § 6, 7-16-63, *Journal of Common Council*, pp. 93-97)

**Sec. 7-103 Miscellaneous Fire Prevention Permits.**



The Fire Department shall be responsible for reviewing and issuing any fire prevention related permits as set forth in the *International Fire Code*. Any required information for said permits shall be determined by the Fire Department through its Fire Chief, and/or his designee, and held on file for public inspection. In all circumstances, the Fire Department shall issue a permit within ten (10) business days from the date of application unless just cause is provided to the applicant, in writing, stating the reason(s) for non-issuance.

**Sec. 7-101 — ~~Amendments Made in the Fire Prevention Code.~~**

~~The National Fire Prevention Code herein adopted is amended in the following respects:~~

~~(a) — Section 1.10 Permits by adding thereto sub-section (f) reading as follows:~~

~~“(f) — There shall be an annual permit.”~~

~~(b) — By adding new Section 1.15, reading as follows, to wit:~~

~~“1.15 False Fire Alarms. No Person shall knowingly or with intent to deceive give any false fire alarm by any means whatever.”~~

~~(c) — By adding new Section 24.25, reading as follows, to wit:~~

~~“24.25 Further Smoking Restrictions. The provisions of Section 1, 2, 3, 5 and 6 of Special Ordinance No. 7, 1953, are specifically readopted. Section 4 thereof is specifically repealed.”~~

~~(d) — The following articles of the National Fire Prevention Code are deleted. Article 17 and Article 23. (Gen. Ord. No. 6, 1962, As Amended, § 7, 7-16-63, *Journal of Common Council*, pp. 93-97)~~

**Sec. 7-102 — ~~Modifications.~~**

~~The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the *Code*, provided that the spirit of the *Code* shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed thereon, shall be entered upon the records of the Department and assigned copy shall be furnished to the applicant. (Special Ord. No. 10, 1978; *1989 Terre Haute Municipal Code*, § 1501.09)~~

**Sec. 7-1037-104      Appeals.**

Whenever the Fire Chief, and/or his designee, Chief of the Fire Department shall ~~disapprove~~ deny an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the eCode do not apply or that the true intent and meaning of the eCode have been misconstrued or wrongly interpreted, the applicant may appeal ~~from~~ the decision of the Fire Chief, and/or his designee, of the Fire Department to the Board of Public Works and Safety within thirty (30) days from the date of the decision ~~appealed~~. Hearing on the appeal before the Board of Public Works and Safety shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the Board of Public Works and Safety shall be final. (Gen. Ord. No. 6, 1962, As Amended, § 9, 7-16-63, *Journal of Common Council*, pp. 93-97)

**Sec. 7-104 — ~~New Materials, Processes or Occupancies which May Require Permits.~~**

~~The Board of Public Works and Safety, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard any new materials, processes or occupancies which shall require permits, in addition to those enumerated in said Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested person.~~ (Gen. Ord. No. 6, 1962, As Amended, § 10, 7-16-63, *Journal of Common Council*, pp. 93-97)

**Sec. 7-105 Penalties.**

(a) Any person who shall violate any of the provisions of the Fire Prevention Code adopted 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 issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Public Works and Safety 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 an ~~infraction-ordinance violation~~, punishable by a fine of not more than ~~Three Hundred Dollars (\$300.00)~~ Two Thousand, Five Hundred Dollars (\$2,500.00). The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (*1989 Terre Haute Municipal Code*, § 16, 1501.99)

(b) ~~The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.~~ (Gen. Ord. No. 6, 1962, As Amended, § 11 b, 7-16-63) Under

I.C. 36-8-17-9, the enforcement 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 as they relate to fire prevention and safety, which is within the jurisdiction, the Fire Department may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this Article 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 Article shall not constitute approval of any violation or non-compliance. Any Notice of Violation or order issued pursuant to this Article shall be conveyed upon the owner, as well as operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service by affixing a copy thereof in a conspicuous place at the entrance of said building or premises, by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to I.C. 4-21.5-3.

(c) The owner and/or person in control of any premises or building upon which a violation or hazard exists shall:

(1) Cease and correct the violation; and,

(2) Protect persons and property from the hazards created as a result of the violation including, but not limited to, requiring persons to leave the area affected by the violation and prohibiting persons from entering the area until the violation is corrected.

#### **Sec. 7-106 Inspection; Fees.**

(a) New construction or work for which Fire Department approval is required shall be subject to plan review and inspection by the Fire Chief, and/or his designee. Prior to the start of construction, plans shall be submitted to the Fire Department for review. Plans should be digitally submitted unless prior approval has been given in writing by the Fire Chief, and/or his designee, approving submission on 24" X 36" paper. No Class 1 structure shall be exempt from new construction inspections and the fees associated thereof.

It shall be the duty of the permit holder or contractor to cause the work to remain accessible and exposed for inspection purposes. Neither the Fire Chief, nor his designee, nor the City of Terre Haute 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. Required inspections include, but are not limited to:

(1) New construction inspections:

- \_\_\_\_\_ A. Site;
- \_\_\_\_\_ B. Rough-in;
- \_\_\_\_\_ C. Sprinkler system rough-in;
- \_\_\_\_\_ D. Fire alarm rough-in;
- \_\_\_\_\_ E. Above ceiling;
- \_\_\_\_\_ F. Pre-final;
- \_\_\_\_\_ G. Sprinkler system final;
- \_\_\_\_\_ H. Fire alarm final; and
- \_\_\_\_\_ I. Certificate of Compliance.
- \_\_\_\_\_ (2) Existing Building Inspections.

\_\_\_\_\_ (b) 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, this Fire Prevention Code, or any other Fire Safety Code of the jurisdiction. Inspections presuming to give authority to violate 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.

\_\_\_\_\_ (c) Prior to the issuance of the Certificate of Occupancy by the City of Terre Haute Building Inspection Department for a Class 1 structure, the Fire Chief, and/or his designee, shall conduct a Final Inspection in conjunction with a building official from the City of Terre Haute. All Fire Protection Systems shall be successfully inspected and tested as necessary prior to the issuance of the Certificate of Occupancy.

\_\_\_\_\_ (d) Whenever the Fire Chief, and/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, 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, and either of which creates a risk of fire or a hindrance to fire prevention, the Fire Chief, and/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 Terre Haute Fire Department may result in a fine up to Two Hundred Fifty Dollars (\$250.00) per day.

(e) 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.

(f) Plans for Fire Alarm Systems, Water-based Fire Protections Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted to the Fire Department prior to the request for the required wall-rough inspection. The request for the wall-rough inspection may be denied by the Building Inspection Department if submission of all required Fire Protection Plans to the Fire Department has not been made. Additionally, applicable inspection, testing, and maintenance reports, relating to any fire protection system(s) in Class 1 structures shall be provided to the Terre Haute Fire Department within ten (10) days of the completion of the inspection, testing, and/or maintenance of said system(s).

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

(h) Inspection Fees.

(1) Fire and Life Safety Inspections shall be conducted by the Fire Chief, and/or his designee, in existing, non-exempt Class 1 structures per I.C. 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, this Fire Prevention Code, 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, and/or his designee.

(2) A fee for inspections shall be charged as follows:

<u>Annual Inspection for non-exempt Class I Structure &lt; 5,000 square feet</u>	<u>\$25.00</u>
<u>Annual Inspection for non-exempt Class I Structure from 5,001- 7,500 square feet</u>	<u>\$35.00</u>
<u>Annual Inspection for non-exempt Class I Structure from 7,501- 10,000 square feet</u>	<u>\$45.00</u>
<u>Annual Inspection for non-exempt Class I Structure &gt;10,000 square feet</u>	<u>\$55.00 ( maximum fee of \$550.00 aggregate annually per deeded owner)</u>
<u>Additional Semi-annual Inspection Fee for Building Housing Kitchen Fire Protection Systems</u>	<u>\$25.00 per system</u>
<u>Second/ Re-inspection (up to 30 days)</u>	<u>\$0.00</u>

<u>Third/ Re-inspection (15 days)</u>	<u>\$25.00</u>
<u>Fourth or More/ Re-inspection (5 days)</u>	<u>\$200.00</u>
<u>Fire Reports Fee (any type i.e. Fire Incident, or Investigation)</u>	<u>\$10.00</u>

(2) New Construction Inspection Fee Schedule:

<u>Plan Review</u>	<u>\$0.02 per square foot (\$25.00 minimum and \$550.00 maximum)</u>
<u>Site Inspections</u>	<u>\$50.00</u>
<u>Fire Alarm / Sprinkler System – Initial Acceptance Test</u>	<u>\$50.00</u>
<u>Hood Suppression System – Initial Acceptance Test</u>	<u>\$50.00</u>
<u>Subsequent Acceptance Test</u>	<u>\$25.00</u>
<u>Certificate of Compliance</u>	<u>\$25.00</u>

(3) Miscellaneous Permits per *International Fire Code* Requirements: \$25.00

(4) General Fees / Fines:

<u>Construction or Installation without a Fire Protection Permit</u>	<u>STOP WORK ORDER plus up to \$50.00 fine</u>
<u>Occupancy without Certificate of Compliance</u>	<u>Up to \$250.00 per day</u>
<u>Occupancy/Operation without Appropriate Permit</u>	<u>Up to \$250.00 per day</u>
<u>Tampering with Life Safety System</u>	<u>Up to \$500.00 each occurrence; notification to Indiana Department of Homeland Security and Terre Haute Police Department</u>

(5) The fees assessed by this Fire Prevention Ordinance are in addition to those fines or fees that may be levied by the State of Indiana, Vigo County, and/or the City of Terre Haute.

(i) All residential day care, child care and pre-school facilities shall register with the Terre Haute Fire Department annually and provide a copy of the state approved evacuation plan. The plan shall be submitted on 8 ½" X 11" graph style paper, depict an accurate floor plan of the structure and indicate the location of all utility shut offs.

**7-107 Disposition of Fees / Monies Collected.**

Monies generated from permit applications, re-inspection fees, fees collected related to the enforcement of a Stop Work Order, or any other fee, fine or damage award collected pursuant to this Terre Haute Fire Prevention Code shall be deposited in the Terre Haute Fire Prevention Non-Reverting Fund.

**Sec. 7-108 through 7-109 Reserved for Future Use.**

...

Section 2. That *Terre Haute City Code* Chapter 2 is hereby amended by insertion of the underlined text as follows:

...

**Sec. 2-123 Terre Haute Fire Department Fire Prevention Non-Reverting Fund.**

(a) A special non-reverting operating account, entitled Terre Haute Fire Department Fire Prevention Non-Reverting Fund, is established in the Terre Haute Fire Department.

(b) The revenues generated by the fees set forth in Chapter 7, Article 3. Fire Prevention Code shall be collected and deposited in the dedicated Terre Haute Fire Department Fire Prevention Non-Reverting Fund.

(c) Any grants or donations specifically designated for fire prevention equipment and/or fire prevention related activity shall be collected and deposited in the dedicated Terre Haute Fire Department Prevention Non-Reverting Fund.

(d) Such funds shall be used solely for costs associated with operation and enforcement of the Terre Haute Fire Prevention Code, including, but not limited to, any and all investigation activities and administrative fees associated thereof.

(e) Such funds shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana.

...

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


Section 4. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana, upon approval of the Mayor and the Indiana Department of Homeland Security Fire Prevention and Building Safety Commission and upon publication as required by law.

Introduced by:  George Azar, Councilman

Passed in open Council this 9<sup>th</sup> day of March, 2017.

 Karrum Nasser, President

ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 10<sup>th</sup> day of March, 2017.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 10<sup>th</sup> day of MARCH, 2017.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk