

OCT 03 2017

GENERAL ORDINANCE NO. 9, 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 conduct inspections 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 wellbeing 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 implementation 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 *Terre Haute City Code* Chapter 7, Article 3, Sections 7-95 through 7-105 are hereby repealed and replaced with the following:

DIVISION I: GENERAL PROVISIONS

Sec. 7-95 Title.

This Fire Prevention Code and all material included herein by reference shall be known as the "Fire Prevention Code of Terre Haute, Indiana".

Sec. 7-95.1 Purpose.

a. The purpose of this Fire Prevention Code is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from fire, explosions, and 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 Fire Prevention Code.

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 most recently adopted version of the *Indiana Fire Code* and any amendments thereto, and the whole thereof, save and accept such portions as are hereinafter deleted, modified or amended (by Sec. 7-97 through 7-109 below) and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Fire Prevention Code shall take effect, the provisions thereof shall be controlling within the City.

Sec. 7-95.2 Authority.

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

- a. All provisions of this Fire Prevention Code.
- b. Variances granted in accordance with I.C. § 22-13-2-11.
- c. Orders issued under I.C. § 22-12-7.

Sec. 7-95.3 Scope.

a. The provisions of this Fire Prevention Code are supplemental to the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, and Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Fire Prevention Code apply to maintenance of Fire Prevention and Life Safety Features as herein described. The provisions of this Fire Prevention Code 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 Fire Prevention Code 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. 7-95.4 Conflicting Provisions; Severability.

a. If any provision of this Fire Prevention Code is found to be in conflict with any Building, Zoning, Safety, Health, other applicable laws or ordinances of Terre Haute, Indiana, whether existing on the effective date of this Fire Prevention Code or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

b. If any provision of this Fire Prevention Code is declared invalid, by a court or governing board or administration 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 Fire Prevention Code. To this end, the provisions of this Fire Prevention Code are severable.

Sec. 7-95.5 Minimum Standards.

a. All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Code are incorporated in this Fire Prevention Code and shall include all later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

b. Any special processes or procedures not addressed in the Indiana Fire Code (675 IAC 22) or this Fire Prevention Code shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code (675 IAC 22), Referenced Standards and as approved by the Fire Chief, or his designee.

c. Any special processes or procedures not addressed in this Fire Prevention Code shall be subject to applications found in the current editions of the National Fire Protection Association (NFPA) Standards or other recognized Fire Safety Standards—subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

Sec. 7-95.6 Effect of Adoption on Prior Fire Prevention Code.

The expressed or implied repeal or amendment by this Fire Prevention Code, 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 Fire Prevention Code. Such rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Fire Prevention Code had not been adopted.

Sec. 7-95.7 Liability.

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.

Sec. 7-95.8 Definitions.

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

Building Code. Means the Indiana Building Code found within 675 IAC 13.

Certificate of Compliance. A certificate issued by the Fire Chief, 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.

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.

Class 1 structure. Has the meaning ascribed thereto in I.C. § 22-12-1-4.

Class 2 structure. Has the meaning ascribed thereto in I.C. § 22-12-1-5.

Commission. Refers to the Indiana Fire Prevention Building Safety Commission as established by I.C. § 22-12-2-1.

Crowd Manager. Has the meaning ascribed thereto in 675 IAC 22-2-5.

Cut Sheet. Means specification sheet that provides and describes the technical specifications of a particular product.

Division of Fire and Building Safety. Refers to the Division of Fire and Building Safety of the Indiana Department of Homeland Security established pursuant to I.C. § 10-19-7-1.

Fire. A rapid oxidation process, which is a chemical reaction resulting in the evolution of light and heat in varying intensities..

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.

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.

Fire Chief. Means the chief officer of the fire department or fire territory serving the jurisdiction.

Fire Code. Refers to the Indiana Fire Code found within 675 IAC 22.

Fire Department. Means the City of Terre Haute Fire Department.

Fire Hazard. Any situation, process, material, or condition that can cause a fire or explosion or that can provide a ready fuel supply to augment the spread or intensity of a fire or explosion, all of which pose a threat to life or property.

Fuel Gas Code. Refers to the Indiana Fuel Gas Code found within 675 IAC 25.

General Administrative Rules. Means the General Administrative Rules of the Indiana Fire Prevention and Building and Safety Commission located at 675 IAC 12.

Hazardous Condition. 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.

IAC. Means the Indiana Administrative Code.

I.C. Means the Indiana Code of the Indiana General Assembly.

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 an acceptable operating condition and free of defects as this may relate to fire prevention.

Key Box. Has the meaning ascribed thereto in 675 IAC 22.

Mechanical Code. Means Indiana Mechanical Code found within 675 IAC 18.

Municipality. The City of Terre Haute, Indiana.

Notice of Violation. Means a written notice issued by the Fire Department usually in the form of an inspection report listing violations.

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

Occupancy Classification. Occupancy classification shall be as specified in the Indiana Building Code in effect at the time of construction, alteration, or change of occupancy.

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.

Owner. Has the meaning ascribed thereto in 675 IAC 22.

Person. Has the meaning ascribed thereto in I.C. § 22-12-1-18.

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

Wall Rough-In 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 General Administrative Rules, the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, or Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.*

DIVISION II. ADMINISTRATION AND ENFORCEMENT

Sec. 7-96 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 Fire Department.

Sec. 7-96.1 Emergency Lines and Limits.

The Fire Chief, or his designee, may establish emergency lines and limits; and, barricade or guard from the general public such emergency lines and limits. The Fire Chief, or his designee, may create an area in which only firefighters; law enforcement personnel; other emergency responders; other people, or agencies having a direct interest in any property threatened by a fire, explosion, hazardous material incident, or other emergency; or 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.

Sec. 7-96.2 Enforcement Authority.

a. The Fire Chief, or his designee, shall possess the authority to enforce the provisions of this Fire Prevention Code. The Fire Chief, or his designee, shall have the authority to enforce provisions of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission. Such enforcement shall include, but is not limited to:

- (1) The prevention of fires;

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

(3) The adequacy of means of egress from all places in which numbers of people live, work, or congregate from time to time for any purpose;

(4) The location, installation, and maintenance of smoke alarms, fire alarm systems, and fire suppression systems; and

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

b. The Fire Chief, or his designee, shall have the authority to institute legal actions in cases of non-compliance, in accordance with locally prescribed avenues covering the violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission. Violators of this Fire Prevention Code may be cited into the court having jurisdiction.

c. The Fire Chief may 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.

d. 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.

e. 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.

f. At no time will the Fire Department or any of its agents be responsible for any damages as a result of an emergency entry or damages as a result of eliminating, controlling, or abating the hazardous condition or situation. 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.

Sec. 7-96.3 Imminent Danger.

a. The Fire Chief, or his designee, may stop an operation by issuing a cease and desist of operations and/or require the evacuation of any Class 1 structure or portion thereof under the provisions of I.C. § 36-8-17-9 when it is determined that conduct or conditions of the property:

1. Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;

2. Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other license required under I.C. § 22-14, another Indiana statute or rule of the Commission; or

3. Will conceal a violation of law.

b. In the event a cease and desist of operations is issued under subsection (a), operations may not continue in/on the premises until such time that the Fire Chief, or his designee, establish that adequate remediation of the hazard has been implemented. Failure to abide by a cease and desist of operations may result in fines of up to One Thousand Dollars (\$1000.00) per day of the offense.

DIVISION III. EMERGENCY PLANNING

Sec. 7-97 Reserved for future use.

Sec. 7-97.1 Child Daycare Emergency Evacuation Plan Required

All residential day care, child care and pre-school facilities shall register with the Terre Haute Fire Department annually. In addition, said facilities shall provide a floor plan of the structure on a minimum size of 8 ½" X 11" graph style paper that also sufficiently indicates all exit locations, sleeping areas, fire extinguishers and utility shut offs.

Sec. 7-97.2 Reserved for future use.

DIVISION IV: FIRE SERVICE FEATURES

Sec. 7-98 Reserved for future use.

Sec. 7-98.1 Reserved for future use.

Sec. 7-98.2 Key Boxes.

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. Violations of this section may result in fines of up to Two Hundred Fifty Dollars (\$250.00) per day.

Sec. 7-98.3 Reserved for future use.

Sec. 7-98.4 Reserved for future use.

DIVISION V: FIRE PROTECTION SYSTEMS

Sec. 7-100 Reserved for future use.

Sec. 7-100.1 **Fire Department Connections.**

The location of the fire department connections shall be approved by the Fire Chief, or his designee, with respect to fire hydrants, fire department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to fire department connections shall be maintained at all times and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.

Sec. 7-100.2 **Fire Extinguishers.**

Portable fire extinguishers shall be installed and maintained in Class I structures as set forth in the referenced edition of NFPA 10 as published by the National Fire Protection Association.

Sec. 7-100.3 **Qualified Contractors.**

Prior to performing installation, service, repair, inspection or maintenance of fire protection systems, the qualified person conducting such function(s) shall have available upon request by the Fire Chief, or his designee, verifying certification, for the company or individual, for each type of fire protection system being installed, serviced, repaired, inspected or maintained. Certification shall conform to the requirements as outlined in each applicable NFPA standard or from the manufacturer of such equipment.

DIVISION VI: FIREWORKS

Sec. 7-101 **Consumer Fireworks.**

The use of fireworks will be governed pursuant to I.C. § 22-11-14-10.5 and I.C. § 22-11-14-10.5(c)(3), and any amendments thereto.

DIVISION VII: INSPECTIONS; FEES AND COSTS; PERMITS

Sec. 7-102 **Fire Investigations.**

The Fire Chief, or his designee, shall perform fire investigations pursuant to I.C. § 36-8-17-7. The Fire Chief, or his designee, is authorized to conduct an origin and cause investigation

of all fires and explosions within the service district of the Fire Department. It shall be unlawful for any person to impede the Fire Chief, or his designee, from conducting an origin and cause investigation.

Sec. 7-102.1 Fire and Life Safety Inspections.

The Fire Chief, or his designee, shall conduct fire and life safety inspections in Class 1 structures pursuant to *I.C. 36-8-17-8*, with the exception that all Class 1 structures defined as R-2 "Apartment Houses" in the most recently adopted version of the Indiana Fire Code by the State of Indiana, shall be exempt from annual fire inspections. The Fire Chief, or his designee, shall inspect Class 1 structures as often as necessary for the purpose of ascertaining and causing to be corrected any violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission. 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. However, no non-exempt Class 1 structure may be inspected more than twice in a calendar year other than for the purpose of ascertaining the abatement of a previously determined deficiency except that in an inspection of any Class 1 structure may occur upon the request of an owner or occupier of the 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 7-105(b).

Sec. 7-102.2 Inspections.

a. Plans for new construction or work for which Fire Department approval is required shall be filed with the Fire Department prior to the issuance of any construction permits. The plans should be digitally submitted unless prior approval has been given in writing by the Fire Chief, or his designee, approving a hard copy submission with a minimum size of 24" X 36" or site appropriate dimensions. No Class 1 structure shall be exempt from new construction inspections and the fees associated thereof. This provision shall in no way replace or satisfy any plan review process(es) as required by the State.

b. 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 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 for new construction include, but are not limited to:

- (1) Site;
- (2) Rough-in;
- (3) Sprinkler system rough-in;

- (4) Fire alarm rough-in;
- (5) Above ceiling;
- (6) Pre-final;
- (7) Sprinkler system final;
- (8) Fire alarm final;
- (9) Certificate of Compliance; and
- (10) Existing Building Inspections.

c. This Fire Prevention Code shall not be construed to hold the City of Terre Haute, 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.

d. 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/her inspection duties.

Sec. 7-102.3 Certificate of Occupancy.

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, 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. A Certificate of Compliance must be issued by the Fire Department prior to the issuance of a Certificate of Occupancy.

Sec. 7-103 Determination of Violation.

Whenever the Fire Chief, or his designee, determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 structure within the City of Terre Haute, Indiana, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission.

Sec. 7-103.1 Notice of Violation.

a. Under *I.C.* § 36-8-17-9, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, 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 Fire Prevention Code or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue a Notice of Violation or order in accordance with this Fire Prevention Code shall not constitute approval of any violation or noncompliance.

b. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to *I.C.* § 4-21.5-3.

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

Sec. 7-103.2 Stop Work Order.

Whenever the Fire Chief, or his designee, finds any work and/or construction 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, 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.

Sec. 7-103.3 Duty to Correct Violations.

The owner or person in control of any premises or building upon which a violation or hazard exists as determined by the Fire Department pursuant to the Fire Prevention Code shall:

1. Cease and correct the violation; and
2. Protect persons and property from the hazards of the violation.

Sec. 7-104 Penalties.

a. Any person who shall violate any of the provisions of the Fire Prevention Code, 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 ordinance violation, punishable by a fine of not more than Two Thousand, Five Hundred Dollars (\$2,500.00).

b. 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 the prohibited conditions are maintained shall constitute a separate offense.

Sec. 7-104.1 Appeal from Orders.

An owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention Code and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to the Indiana Fire Prevention and Building Safety Commission as set forth by *I.C. § 36-8-17*.

Sec. 7-104.2 Local Fire Prevention Code Appeal Process.

a. Whenever the Fire Chief, or his designee, shall deny an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Terre Haute Fire Prevention Code do not apply or that the true intent and meaning of the Terre Haute Fire Prevention Code have been misconstrued or wrongly interpreted, the applicant may, in addition to pursuing any other appeal/complaint process, appeal the decision of the Fire Chief, or his designee, to the Board of Public Works and Safety within thirty (30) days from the date of the decision.

b. The 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.

Sec. 7-105 Costs and Fees.

a. A fee for inspection shall be charged as follows:

<u>Annual Inspection for non-exempt Class I Structure < 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 >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</u>	<u>\$25.00 per system</u>

<u>Systems</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>

b. New Construction Inspection Fee Schedule:

<u>Site Inspections</u>	<u>\$50.00</u>
Fire Alarm / Sprinkler System – Initial Acceptance Test	\$50.00
Hood Suppression System – Initial Acceptance Test	\$50.00
Subsequent Acceptance Test	\$25.00
Certificate of Compliance	\$25.00

a. General Fees / Fines:

Unsafe/Dangerous Construction/Work (Sec. 7-103.2)	STOP WORK ORDER and up to \$250.00 fine per day of offense
Imminent Danger (Sec. 7-96.3)	Cease and Desist of Operations and up to \$1000.00 fine per day of offense
Occupancy without Certificate of Occupancy	Up to \$250.00 per day
Occupancy/Operation without Appropriate Permit	Up to \$250.00 per day
Tampering with Life Safety System	Up to \$500.00 each occurrence; notification to Indiana Department of Homeland Security and Terre Haute Police Department

The fees assessed by this Fire Prevention Code 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.

Sec. 7-105.1 Hazardous Operations Registration.

The Fire Department recognizes that certain commercial business operations create an increased risk of fire and/or in the case of a fire create substantially increased hazards for fire cessation procedures and the public at large. As a result, the following classes of hazardous operations (definitions as listed in the *Indiana Fire Code*) in the City are required to register annually with the Fire Department and a list of which shall be kept on file with the Fire Department:

1. Operation of an Amusement Building or Haunted House

2. Aircraft and Aviation Facilities
3. Fairs, Carnivals, and Festivals
4. Combustible Dust Producing Operations
5. Compressed Gas
6. Cutting and Welding
7. Dry Cleaning
8. Exhibits and Trade Shows
9. Explosives, Public Display
10. Flammable and Combustible Liquids
11. Hazardous Materials
12. High-Piled Storage
13. Industrial Ovens
14. Lumber Yards/Wood Working Plants
15. LP Gas Storage and Selling
16. Magnesium Use or Manufacturing
17. Miscellaneous Combustible Storage

- 18. Repair Garages
- 19. Temporary Membrane Structures
- 20. Scrap and Junk Yards
- 21. Wood Production Facilities

Annual Registration Fee for Hazardous Operations	\$25.00
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The fees assessed by this Fire Prevention Code 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.

Sec. 7-105.3 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 Fire Prevention Code shall be deposited in the Terre Haute Fire Prevention Non-Reverting Fund.

Sec. 7-106 through 7-109 Reserved for Future Use.

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Section 2. Fire Prevention Non-Reverting Fund, is established in the Terre Haute Fire Department.

Sec. 2-123 TERRE HAUTE 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.

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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, upon approval of the Indiana Department of Homeland Security Fire Prevention and Building Safety Commission excluding Sec. 2-123 of this ordinance, and upon publication as required by law.

Introduced by: _____, George Azar, Councilman

Passed in open Council this _____ day of _____, 2017.

_____ Karrum Nasser, President

ATTEST: _____ Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____, 2017.

_____ Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2017.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Charles P. Hanley, City Clerk