

ORDINANCE # 50-10-09

**AN ORDINANCE AMENDING ORDINANCE 3-1-09 WHICH REVISED
THE NOBLESVILLE FIRE PREVENTION CODE §92
OF THE NOBLESVILLE CODE OF ORDINANCES**

WITNESS THAT:

WHEREAS, Ordinance 3-1-09, which substantially overhauled the City's Fire Prevention Code, was passed by the City of Noblesville Common Council on February 10,; and,

WHEREAS, Ordinance 3-1-09 was then sent on to the State Fire Prevention and Building Safety Commission; and,

WHEREAS, the Fire Prevention and Building Safety Commission recommended the amendment of certain provisions of Ordinance 3-1-09; and

WHEREAS, the recommended amendments have been made and are incorporated into Ordinance 50-10-09 for consideration by Council.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana (meeting in regular session), as follows:

- A. That this Ordinance be adopted and codified under Chapter 92 of the Noblesville Code of Ordinances.
- B. This Ordinance shall be in full force and effect from and upon its adoption, publication, and approval by the Fire Prevention and Building Safety Commission in accordance with the law.
- C. The intent of the Noblesville Common Council is to ensure that the City is not left without a Fire Code during the timeframe before Ordinance 50-10-09 becomes effective. Therefore, upon adoption by the Common Council, publication and approval by the Fire Prevention and Building Safety Commission of this new, revised Fire Prevention Code, established by Ordinance 50-10-09, and at such time as Ordinance 50-10-09 becomes legally effective and enforceable, the prior provisions of the old Fire Prevention Code codified under Chapter 92 shall be repealed and replaced by the provisions of Ordinance 50-10-09.

- D. The City’s Fire Watch Code, created by Ordinance 78-10-5 and passed by the Common Council on October 28, 2005, currently codified as Chapter 35.32 in the Noblesville Code of Ordinances, is recreated in this Ordinance 50-10-09. Therefore, upon adoption by the Common Council, publication, and approval by the Fire Prevention and Building Safety Commission of this new, revised Fire Prevention Code, established by Ordinance 50-10-09, and at such time as Ordinance 50-10-09 becomes legally effective and enforceable, Ordinance 78-10-5 shall be repealed.

- E. The City’s Controlled Burning Code, originally established by Ordinance 1506, which was passed on November 14, 1983, and later amended by Ordinance 29-8-99, which passed on September 13, 1999, and which is currently codified in Chapter 95 in the Noblesville Code of Ordinances, is recreated in this Ordinance 50-10-09. Therefore, upon adoption by the Common Council, publication, and approval by the Fire Prevention and Building Safety Commission of this new, revised Fire Prevention Code, established by Ordinance 50-10-09, and at such time as Ordinance 50-10-09 becomes legally effective and enforceable, Ordinances 1506 and 29-8-99 shall be repealed.

- F. There is hereby created a fund entitled the Fire Prevention Enforcement Fund (hereinafter referred to as “the Fund”). Monies collected pursuant to the enforcement of the provisions of this Ordinance shall be deposited in the Fund. The balance remaining in the Fund at the end of any calendar year shall not revert to the General Fund but shall remain within the Fund. Expenditures from the Fund shall be without appropriation.

§92.01 – GENERAL PROVISIONS

This Ordinance and all Ordinances supplemental or amended hereto, shall be known as the *Fire Prevention Code of the City of Noblesville*.

A. **PURPOSE:**

The purpose of this chapter is to prescribe 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 chapter.

B. **SEVERABILITY:**

If, for any reason, any article, division, section, sub-section, sentence, or phrase of this chapter, or application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter.

C. 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 chapter shall apply to maintenance of Fire Prevention and Life Safety Features as herein described. The provisions of this chapter shall apply to existing conditions as well as to the conditions arising after the adoption thereof. Buildings, systems, uses, processes, and equipment legally in existence on the effective date of this section 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.

D. CONFLICTING PROVISIONS:

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

E. MINIMUM STANDARDS:

All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 13, 18, 22, 25, and 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 (675 IAC 22) or this chapter shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code (675 IAC 22) Referenced Standards and as approved by the Fire Chief, or his designee, of the City of Noblesville Fire Department.

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

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

§92.02 - DEFINITIONS

For the purposes of this chapter, the following terms are defined as follows:

Automated External Defibrillator (AED): 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.

Approved: Acceptable to the Fire Chief, or his designee.

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

Burning: To be on fire, to give forth light and heat during combustion, or to be charred or scorched by action of fire or heat.

Certificate of Occupancy: A certificate issued by the City of Noblesville Planning Department to the owner or tenant of a Class 1 structure indicating that the building is in proper condition to be occupied.

Class 1 Structure: Buildings and structures as defined in I.C. 22-12-1-4.

Class 2 Structure: Buildings and structures as defined in I.C. 22-12-1-5.

Compliance Affidavit Card: A card that is issued with a Notice of Violation wherein the property owner, manager, or other responsible person states that compliance with said Notice of Violation has been attained.

Consumer Fireworks: As defined by I.C. 22-11-14.

Emergency Vehicle Lane (or, Fire Lane): 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: A Fire Alarm Annunciator Panel.

FACP: A Fire Alarm Control Panel.

FPBSC: The Fire Prevention and Building Safety Commission of the State of Indiana as established by I.C. 22-12-2-1.

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

Fire Apparatus: Vehicles, i.e., pumpers, aerial ladder trucks, elevated platforms, rescues, squads, ambulances, administrative vehicles, or other firefighting or rescue equipment.

Fire Chief: Fire Chief of the City of Noblesville Fire Department.

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

Fire Department: The City of Noblesville Fire Department.

Fire Department Access Road: 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): A connection through which the Fire Department can pump water into a standpipe and/or sprinkler system.

Fire Exit Hardware: Panic Hardware that is listed for use on fire-rated door assemblies.

Fire Flow: The flow rate of a water supply (measured at twenty (20) pounds per square inch (PSI) residual pressure) which is available for firefighting.

Fire Hazard: 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 Noblesville 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: Indiana Fuel Gas Code (675 IAC 25).

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

Garbage: Food wastes such as fruit, vegetables, meat, cooking greases, dried cereal, bread, beverages, and semi-solid waste resulting from processing, handling, preparation, and cooking of dead animals, animal waste, and the like.

Gas Light: Any lighting device that utilizes a flammable or combustible gas (or liquid) to fuel an open flame.

Hazardous Condition: The presence of a structural condition, equipment, utility connection, materials that constitute or pose a recognized threat of fire or other injury to persons or property.

IAC: Indiana Administrative Code.

I.C.: 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, and/or is in acceptable operating condition and free of defects.

Jurisdiction: Fire service district consisting of the City of Noblesville and Noblesville Township.

Knox Company: A private organization that supplies the rapid entry systems for the City of Noblesville.

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

NFD: Noblesville Fire Department.

NFPA: National Fire Protection Association (publishes the volumes of the National Fire Codes).

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

Notification Device: A Fire Alarm System component that provides audible and/or visual notification upon activation of a fire alarm initiating device.

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

Occupancy Classification: As defined by the Indiana Building Code (675 IAC 13).

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.

Panic Hardware: A door latching assembly incorporating a device that releases the latch upon the application of a force in the direction of egress travel.

Person: Shall mean person, firm, corporation, partnership, association and bodies—political and corporate.

Prohibit: To stop or prevent.

Public Display of Fireworks: Supervised display of Class 1.3G fireworks (non-consumer fireworks) which requires a permit from the State of Indiana under I.C. 22-11-14-2.

Rubbish: Any substance that is not readily combustible such as rubber, oily liquids, cloth, plastics, glass, metal, aluminum, and leather.

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

Trash: Something readily flammable that would not emit toxic or offensive substances or would emit them in quantities too small to be annoying or dangerous to health or safety.

Wall-Rough Inspection: A new construction inspection required by the City of Noblesville Planning Department prior to installing gypsum board, paneling, or other acceptable material on unfinished walls.

Yard Waste: Leaves, grass, weeds, brush, and the like.

***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.*

§92.03 – ADMINISTRATION

A. **FIRE PREVENTION BUREAU ESTABLISHED:**

There is hereby established a local Fire Prevention Bureau within the City of Noblesville Fire Department. The Fire Prevention Bureau, established within the City of Noblesville Fire Department, shall have jurisdiction within the Noblesville Fire Services district.

B. **FIRE PREVENTION BUREAU ORGANIZATION:**

The Fire Prevention Bureau of the City of Noblesville Fire Department shall be under the supervision of the Administrative Assistant Chief and consist of an Inspection Division and an Investigation/Fire Prevention Division.

C. **FIRE SCENE AUTHORITY:**

The Fire Chief, or his designee, at any fire, explosion, rescue, emergency medical, hazardous materials incident, or any other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as necessary to control, mitigate, or eliminate the emergency. It shall be unlawful for any person to impede the emergency operations of the City of Noblesville Fire Department.

D. **EMERGENCY LINES AND LIMITS:**

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

E. EMERGENCY ENTRY:

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. LIABILITY:

At no time will the City of Noblesville Fire Department or any of its agents be responsible for any damages as a result of 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.

G. FIRE INVESTIGATIONS:

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

H. FIRE AND LIFE SAFETY INSPECTIONS:

The Fire Chief, or his designee, shall conduct fire and life safety inspections in Class 1 structures pursuant to I.C. 36-8-17. The Fire Chief, or his designee, shall inspect Class 1 structures as often as necessary for the purpose of ascertaining and causing to be corrected any violation of the Indiana 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.

§92.04 – ENFORCEMENT

A. ENFORCEMENT AUTHORITY:

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 Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other code of the jurisdiction within the City of Noblesville and Noblesville Township. Such enforcement shall include, but is not limited to:

1. The prevention of fires.
2. The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials.
3. The adequacy of means of egress from all places in which numbers of people live, work, or congregate from time to time for any purpose.
4. The location, installation, and maintenance of smoke alarms, fire alarm systems, and fire suppression systems.
5. The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.

The Fire Chief, or his designee, shall have the authority to institute legal actions in cases of non-compliance. The Fire Chief, or his designee, shall have the authority to 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. Violators of these codes may be cited into the court having jurisdiction.

B. DETERMINATION OF VIOLATION:

Whenever a duly authorized member of the City of Noblesville Fire Department determines by inspection that a violation of the Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, any other Fire Safety Code of the jurisdiction or a hazardous condition exists upon any Class 1 structure within the City of Noblesville and Noblesville Township, the person making such determination shall issue such Notice of Violation or order as may be necessary for 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.

C. TIME LIMIT:

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

D. NOTICE OF VIOLATION:

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, 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 code or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue a Notice of Violation or order in accordance

with this chapter shall not constitute approval of any violation or non-compliance. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to I.C. 4-21.5-3.

E. IMMINENT DANGER:

The Chief of the Fire Department, 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 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 or another statute administered by the Department of Fire and Building Services and the license has not been issued; or, will conceal a violation of law.

F. 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 and correct the violation.
3. Require persons to leave the area that is affected by a violation and prohibit people from entering the area until the violation is corrected.

G. 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.

H. VARIANCES/APPEAL:

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

6. The Board of Public Works and Safety shall hold a hearing after which they shall sustain, modify, or override the decision of the Fire Chief, or his designee. A written copy of the decision shall be sent by certified mail to the appellant. Decisions rendered by the Board of Public Works and Safety shall be final.
7. A variance pertaining to the requirements of this Fire Prevention Code shall be enforced in the same manner as a Notice of Violation or order issued under this Fire Prevention Code.
8. Whenever the City of Noblesville Fire Department learns that an owner is in violation of the terms of a variance issued pursuant to this section, the Fire Chief, or his designee, may order compliance as provided in the Fire Prevention Code.
9. An owner or occupant requesting a variance or an appeal from a specific provision of this Fire Prevention Code that are not part of the state adopted fire and building laws as set forth by I.C. 22-13-2-11 shall be subject to an administrative fee of Fifty Dollars (\$50.00).

I. **FALSE REPORTING:**

It is a violation of this Fire Prevention Code 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.

J. **PRACTICAL DIFFICULTIES:**

The Fire Chief, or his designee, is authorized to modify any of the provisions of this Fire Prevention Code 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 Code provided that the intent of the code shall be complied with and public safety is secured.

§92.05 – WATER SUPPLY

A. **WATER MAINS:**

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

B. REQUIRED WATER SUPPLY FOR FIRE PROTECTION:

All Class 1 structures or portions of Class 1 structures hereafter constructed shall be provided with a water supply capable of providing the required fire flow for firefighting purposes for a minimum of two (2) hours. In setting the requirements for the fire flow, the Fire Chief, or his designee, may utilize the International Fire Code (IFC), as in effect from time to time, Appendix B entitled "Fire Flow Requirements for Buildings" as a guide.

C. FIRE HYDRANTS:

1. All private fire hydrants and water mains shall be installed and maintained as set forth in the NFPA 24 2007 Edition. In determining the location and spacing of fire hydrants, the Fire Chief, or his designee, may utilize the International Fire Code (IFC), as in effect from time to time, Appendix C entitled "Fire Hydrant Locations and Distribution" as a guide.
2. All fire hydrants required by the Fire Chief or his designee, shall be approved by the City of Noblesville Fire Department and accepted by the water utility having jurisdiction prior to any construction above the foundation.
3. Within the fire protection district of the Noblesville Fire Department, all new and existing fire hydrants shall be equipped with connections that are compatible with the Noblesville Fire Department hydrant adapters.
4. Whenever the provisions of this Ordinance require the installation of a public or private fire hydrant, such hydrant shall meet the specifications outlined in the Noblesville Fire Department Fire Hydrant Specifications list which is maintained at the office of the Noblesville Fire Prevention Bureau Inspection Division.

D. DEAD-END WATER MAINS:

1. Six inch (6") dead-end private water mains that supply one (1) fire hydrant shall not exceed one hundred fifty feet (150').
2. An eight inch (8") dead-end private water main that supplies one (1) fire hydrant shall not exceed five hundred feet (500').
3. A dead-end private water main that supplies a fire sprinkler system (and/or a standpipe system) and two (2) or three (3) fire hydrants shall have a minimum inner diameter of eight inches (8").
4. A fire service private water main that supplies four (4) or more fire hydrants shall be tapped off a distribution supply main in two (2) separate areas (looped).

5. A Class 1 structure with private water mains that has a required fire flow of four thousand (4,000) gallons per minute (GPM), regardless of the number of required fire hydrants, shall be designed as a loop system. When determining the required fire flow, the Fire Chief, or his designee, shall utilize the International Fire Code Appendix B, "Fire Flow Requirements for Buildings" as a guide.

E. NFPA 24 – PRIVATE FIRE SERVICE MAINS:

NFPA 24: The Standard for the Installation of Private Fire Service Mains and their Appurtenances 2007 Edition is hereby adopted as the minimum standard to be applied pursuant to this Fire Prevention Code.

§92.06 – FIRE DEPARTMENT ACCESS

A. RAPID ENTRY KEY BOXES:

Any Class 1 structure built after May 17, 2003, that is protected by an automatic sprinkler system and/or fire alarm system, and access to, or within a structure, or an area on that property is unduly difficult because of secured 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 to be installed in an approved location; *e.g., a secured community pool area*. The key box shall be manufactured by the Knox Company and be compatible with the system utilized by the Noblesville Fire Department. The key box shall house a key for each area protected by the automatic sprinkler and/or fire alarm system, key(s) to locked points of ingress whether on the interior or exterior of such buildings, and key(s) to the Fire Alarm Control Panel (FACP), Fire Alarm Annunciator Panel (FAAP) and manual pull stations (*if applicable*).

B. SECURITY GATES:

When a property is protected by a locked fence or gate and where immediate access to the property of a Class 1 structure or residential neighborhood is necessary for life saving, firefighting purposes, or property preservation, the Fire Chief, or his designee, shall require a Knox Key Switch, Knox Padlock, or other approved device to be installed at a location approved by the Fire Chief, or his designee. The electric key switch or padlock shall be manufactured by the Knox Company and keyed to the Noblesville Fire Department Knox Key.

C. ALERT DECALS:

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

D. 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.

E. ELEVATOR KEY BOXES:

When a building is equipped with an elevator(s) and required by local, state, or national code to install an elevator key box, the owner, or his duly authorized agent, shall contact the City of Noblesville Fire Department for approval of the location of the elevator key box. After installation, the owner, or his duly authorized agent, shall contact the City of Noblesville Fire Department 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.

F. 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.

G. EMERGENCY VEHICLE LANES:

1. The location of emergency vehicle 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. When striping is required by the Fire Chief, or his designee, Emergency Vehicle Lanes shall comply with the specification outlined in the Noblesville Fire Department Fire Lane Specifications List which is maintained at the office of the Noblesville Fire Prevention Bureau Inspection Division. The erection and maintenance of emergency lane 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.
2. The parking, stopping, or standing of any object or personal property, including motor vehicles, or any other obstruction in established fire lanes on private or public property, shall be prohibited.

3. Any vehicle or personal property found to be obstructing an emergency vehicle lane shall, with the consent of the owner, lessee, or other person in possession or control of the real estate where the emergency vehicle lane has been established, be towed away or removed at the request of the Fire Chief, 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 in the amount of Fifteen Dollars (\$15.00)—up to a maximum of One Hundred Dollars (\$100.00).
4. 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 Code, an affidavit granting permission and their consent to the towing away or removal of any obstruction or personal property which is obstructing emergency vehicle lanes. The original affidavit from each property owner shall be filed in the Clerk-Treasurer's Office with copies on file in the offices of the Fire Chief and the Police Chief.
5. 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.

H. 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.

I. FIRE PROTECTION EQUIPMENT IDENTIFICATION:

1. Fire protection equipment including fire hydrants, Fire Department connections, dry hydrants, etc., shall be clearly identified in a manner approved by the Fire Chief, or his designee, to prevent obstruction by vehicles or other obstructions.
2. 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.

J. 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 non-functional, 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.

K. 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.

L. HIGH-RISE FIRE SAFETY PLAN:

In a high-rise structure, as defined by the Indiana Building Code, a complete, updated copy of the required Fire Safety and Evacuation Plan shall be kept in the Fire Command Center or other approved location.

M. TRAFFIC SIGNALS:

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

N. FIRE APPARATUS ACCESS:

Plans for fire apparatus access roads shall be submitted to the Fire Department for review.

O. TIMING OF INSTALLATION:

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

P. ONE OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS:

Developments of one (1) or two (2) family dwellings having more than one-hundred (100) dwelling units shall be equipped with two (2) or more separate fire apparatus access roads that enter the development.

Q. TURNING RADIUS:

The turning radius of a fire apparatus access road shall be determined after the consultation with the City of Noblesville Fire Department. Such roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to the Noblesville Fire Department.

R. DEAD-ENDS:

Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') in length shall be designed and constructed to allow the turning around of the longest piece of fire apparatus available to the Noblesville Fire Department. The installation, method of construction, and material of the turnaround must be approved by the Fire Chief, or his designee, and the City of Noblesville Planning Department.

§92.07 – FIRE PROTECTION SYSTEMS AND EQUIPMENT

A. COMMERCIAL KITCHEN EXHAUST AND FIXED FIRE SUPPRESSION SYSTEMS:

1. Any new installation of a fixed-fire suppression system installed under a Type I exhaust hood shall be inspected by the Fire Chief, or his designee, prior to the cooking equipment being placed into service. The installer of the fixed-fire suppression system shall:
 - a. Adhere to all manufacturers' recommendations for the installation.
 - b. Notify the City of Noblesville Fire Department Inspection Division at least forty eight (48) hours in advance of the system being completed for system testing.
 - c. Provide written documentation to the City of Noblesville Fire Department that states the system has been installed per the manufacturer's specifications and successfully tested by the installer.
2. 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 (i.e. cutting

access panels into existing exhaust ductwork). The Fire Chief, or his designee, shall inspect all work performed on existing systems.

B. FIRE EXTINGUISHERS:

1. Portable fire extinguishers shall be installed and maintained in all Class 1 structures as set forth in the latest edition of NFPA 10 and as required by the Fire Chief, or his designee.
2. 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 seventy-five feet (75') maximum travel distance from each unit in all common areas on each level.

C. PLANS FOR FIRE PROTECTION EQUIPMENT:

1. Plans for Fire Alarms Systems, Water-Based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted to the City of Noblesville Fire Department prior to the request for a required *wall rough* inspection. Each respective submittal shall contain the following information:

a. Sprinkler Systems:

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

b. Fire Alarm Systems:

- (1) One (1) Full Set of Fire Alarm Plans (1/8" – 1' Scale).
- (2) One (1) Set of Battery Calculations.
- (3) One (1) Copy of the Fire Alarm Construction Design Release (CDR).
- (4) One (1) Set of Manufacturer's *Cut-Sheets* for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
- (5) One (1) Fire Alarm Performance Matrix.

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

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

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

D. FIRE ALARM SYSTEMS:

- 1. 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 State Plan Review.
- 2. All required Fire Alarm Systems shall be monitored by an approved supervising station in accordance with NFPA 72.
- 3. Fire Alarm initiating devices, alarm signaling devices, annunciators, or control panels shall not be concealed, obstructed, or impaired.
- 4. All Fire Alarm Systems required to be installed per the Indiana Building Code 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.

5. Access panels shall be provided to facilitate the testing, inspection, and cleaning of HVAC Duct Detectors.
6. A posted diagram of all HVAC Duct Detectors shall be provided at the main electrical panel or a location approved by the Fire Chief, or his designee.
7. 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.
8. A copy of the as-built Fire Alarm Plans for all required fire alarm installations shall be kept permanently on-site in an approved location near the Fire Alarm Control Panel (FACP).
9. 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 one hundred (100) square feet.

E. SPRINKLER SYSTEMS:

1. If a sprinkler system has multiple zones, an approved zone diagram or map shall be mounted adjacent to the sprinkler riser.
2. A copy of the as-built sprinkler plans and hydraulic calculations for every sprinkler system shall be kept permanently on-site in an approved location.
3. 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.

F. SMOKE DETECTORS:

1. 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 Residential Code, I.C. 22-11-18, and any other code of the jurisdiction.
2. If required by the Indiana Building Code, Indiana Fire Code, this Fire Prevention Code or any other Fire Safety Code of the jurisdiction, single-station and multi-station smoke alarms shall be installed as follows:
 - a. R-2 occupancies shall be equipped with a minimum of one (1) ionization smoke alarm and one photoelectric smoke alarm. Alternatively, one (1) ionization/photoelectric combination smoke alarm may be used instead.

- b. The location of these smoke alarms shall be approved by the Fire Chief or his designee.

G. 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.

H. ALARM ORDINANCE #65-8-03:

Any person, entity, or corporation that operates a private emergency alarm system within the jurisdiction of the City of Noblesville Fire Department shall be subject to the provisions of City of Noblesville Ordinance #65-8-03, now codified in §110 of the Noblesville Code of Ordinances.

I. 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 (2 ½”) to one and one-half inch (1½”) reducer. The one and one-half inch (1½”) connection(s) shall be supplied with an approved cap.

§92.08 – MEANS OF EGRESS

- A. Means of egress illumination shall be provided and maintained in accordance with 675 IAC 13 and 675 IAC 22. Means of egress shall be illuminated and exit signs shall be maintained when any Class 1 structure is occupied.
- B. Equipment providing emergency power for means of egress illumination and exit signs shall be maintained in an operable condition.
- C. In all newly-constructed Class 1 structures, exit signs shall be placed to identify a clear and unambiguous path of travel to the exit discharge.
- D. 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.

§92.09 – CERTIFICATE OF OCCUPANCY REQUIREMENTS

A. **ACCEPTANCE TEST:**

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 structure, the City of Noblesville 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)

B. **WRITTEN VERIFICATION:**

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 structure, the City of Noblesville 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.

C. **INSTALLATION DOCUMENTATION:**

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 structure, the City of Noblesville 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 (ninety) 90-Minute Emergency Lighting Test for all emergency lighting systems.
10. Smoke Control System Engineered Analysis and Test Report.
11. Tank Tightness Report for all Underground Storage Tank installations for Flammable and Combustible Liquids.
12. Architect's Statement of Substantial Completion (*if a design professional is required by 675 IAC 12-6-9*).
13. Prepared Fire Safety and Evacuation Plan.
14. Material Safety Data Sheets for all Flammable and Combustible Liquids.
15. As-Built Construction Drawings on computer disk.
16. Completed Noblesville 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 Noblesville Alarm Permit Application.
20. Fire Stopping Affidavit including the specific firestop systems utilized for each application.

§92.10 – FIREWORKS

A. PUBLIC DISPLAYS OF FIREWORKS:

1. The documentation requirements for providing a public display of fireworks within the City of Noblesville or Noblesville Township are listed below:
 - a. A copy of the completed Fireworks Permit Application from the Office of the Indiana Department of Homeland Security (IDHS) as required by I.C. 22-11-14-2.
 - b. 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 (BATF) 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 Noblesville 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 I.C. 22-11-14-3.
 - (12) A copy of the contract between the sponsor and the Fireworks Vendor.

B. CONSUMER FIREWORKS:

1. Pursuant to I.C. 22-11-14-10.5, consumer fireworks may only be used in the City of Noblesville, Indiana, corporate limits during the days and times listed in I.C. 22-11-14-10.5(c)(3) which are listed below:
 - a. Between the hours of 5:00 P.M. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9.
 - b. Between the hours of 10:00 A.M. and 12:00 midnight on July 4.
 - c. Between the hours of 10:00 A.M. on December 31 and 1:00 A.M. on January 1.
2. In the event that the hours of use for consumer fireworks listed in I.C. 22-11-14-10.5(c) (3) are amended, the state statute shall control.

§92.11 – FIRE WATCH

A. FIRE WATCH:

1. Under the provisions of I.C. 22-13-2-3 (b) and 675 IAC 22, as amended, there is established the City of Noblesville Fire Watch Code.
2. If the provisions of this section conflict with the provisions of the I.C. 22-13-2-2, the state statute controls as required by I.C. 22-13-2-3.
3. The definition of a Class 1 structure contained in the provisions of 675 IAC 12-6-2 is adopted by this section and incorporated by reference in this section as if copied in full.
4. For purposes of this section, a qualified person shall be a firefighter with a State of Indiana Certified Firefighter I Certification.
5. The Common Council of the City of Noblesville designates the Noblesville Fire Department as the department authorized to administer acts of the City under this Section and 675 IAC 22.
6. Whenever it is essential for public safety in any Class 1 structure, due to the number of persons or the nature of the activity being conducted, the Chief of the Noblesville Fire Department may require the owner or lessee to employ one (1) or more qualified persons to be approved by the Chief, or his designee, to be on-duty in such Class 1 structure to serve as a Fire Watch. Such person(s) shall:

- a. Be subject to the orders of the Chief, or his designee, at all times.
- b. Be in uniform.
- c. Remain on-duty at all times that such Class 1 structure is open to the public.

Such persons shall not be required or permitted while on-duty to perform any duties other than the Fire Watch. Such persons shall be provided at the ration of one (1) qualified person per five hundred (500) occupant load.

7. If the qualified person deployed by the Chief, or his designee, to serve as Fire Watch is a City of Noblesville Fire Department employee, the employee shall be considered on-duty and acting within the scope or course of the qualified person's duties on behalf of the City for purposes of medical treatment provisions of the worker's compensation laws for injuries and for coverage under the general liability insurance provisions.
8. If the qualified person deployed by the Chief, or his designee, to serve as Fire Watch is a City of Noblesville Fire Department employee, the owner or lessee of the Class 1 structure shall compensate the City at a rate of Thirty-five Dollars (\$35.00) an hour for each City employee deployed. Unpaid reimbursement entitles the City to charge and accumulate interest at an annual rate of eight percent (8%) plus reasonable attorney's fees and legal costs of collection.
9. This section is not intended to prevent the owner or lessee of a Class 1 structure from employing a qualified person to perform a Fire Watch function that is not a City of Noblesville Fire Department employee. If the qualified person employed by the owner of the Class 1 structure is not a City of Noblesville Fire Department employee, the qualified person shall be paid directly by the owner of the Class 1 structure under such terms as are agreeable between the qualified person and the owner.
10. 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 system is repaired or restored to service.
11. Any property owner or tenant that does not comply with a Fire Watch Order issued by the City of Noblesville Fire Department may be fined Five Hundred Dollars (\$500.00) per day.

§92.12 – CONTROLLED BURNING

A. RESPONSIBILITIES:

No person within the City shall burn any rubbish, trash, garbage, yard waste, leaves, construction materials, tree limbs, shrubbery trimmings, or dangerous materials at any time within the City limits.

B. EXCEPTIONS:

1. The following types of fires are permitted with prior approval of the Fire Chief, or his designee:
 - a. Fires used for celebrating Twelfth Night Ceremonies.
 - b. Fires used for celebrating school pep rallies.
 - c. Fires used for celebrating scouting activities.
 - d. Fires used for recreational or cooking purposes.
2. All exempted fires, including fires for cooking or recreational purposes, shall be subject to the following:
 - a. Only wood products shall be burned.
 - b. Fires shall be attended at all times—until completely extinguished.
 - c. If fires create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished.
 - d. No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, and the like.
 - e. Burning shall be a minimum of twenty-five feet (25') from any combustible material or any structure.
3. Burning with prior approval of the Fire Chief, or his designee, may be authorized for the following:
 - a. Burning of refuse consisting of material resulting from a natural disaster.
 - b. Burning for purposes of fire training.

- c. Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problems.
- d. Burning of highly-explosive or other dangerous materials for which no alternative method exists or where transportation of such materials is impossible.
- e. Prescribed burning of native vegetation, i.e., prairie grass, in accordance with the requirements of the Indiana Department of Environmental Management (IDEM) and in accordance with 326 IAC 4.
- f. Agricultural burning on agricultural properties for maintenance purposes in accordance with 326 IAC 4-1-3.
- g. Old or tattered American Flags, which are not in a condition to provide a fitting emblem for display, shall be destroyed in a dignified manner. Cotton flags may be burned in an appropriate manner by an approved organization in a Flag Burning Ceremony. Approved organizations include Veterans of Foreign Wars (VFW), the American Legion, the Knights of Columbus, the Elk's Lodge, the Boy Scouts of America, and the Girl Scouts of America. The Indiana Department of Environmental Management (IDEM) does not allow the burning of nylon flags in the State of Indiana. The City of Noblesville Fire Department encourages the recycling of all nylon flags.
- h. Due to the unique hazards associated with the methods of burning described in Sub-Paragraph (3) above, the Fire Chief, or his designee, may require additional measures to ensure the public safety including but not limited to:
 - (1) Standby fire personnel.
 - (2) Standby fire apparatus and equipment.
 - (3) Increased minimum separation distances and/or specific burning containers.

The financial costs associated with these additional requirements shall be the responsibility of the petitioner.

C. NON-RESIDENTIAL BURNING:

1. All burning taking place which is non-residential in nature must comply with the following conditions:
 - a. All burning must meet the guidelines and restrictions of the Indiana Department Environmental Management on incinerator limitations.
 - b. All such burning must utilize a stationary incinerator and shall not take place in any portable incinerator or homemade incinerators unless approved by the Indiana Department of Environmental Management.
 - c. All burning shall take place between the hours of 7:00 A.M. and 7:00 P.M.
 - d. All incinerators in which burning takes place shall be maintained properly as specified by the manufacturer and shall be operated only according to the manufacturer's recommendations.

D. OPEN BURNING PERMITS:

Prior approval from the Fire Chief, or his designee, is required for recreational open burning in the City of Noblesville. Prior approval is further defined in this section as requiring an Open Burn Permit issued by the City of Noblesville Fire Department. The required burn permit shall be kept at the site of the fire during burning operations.

E. 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.

§92.13 – GENERAL PRECAUTION AGAINST FIRE

A. GAS LIGHTS:

In all new and existing premises, including Class 1 structures and one (1) and two (2) 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.

§92.14 – INSPECTION AND PERMITTING

I. INSPECTION

A. RIGHT TO ENTER:

As authorized by I.C. 36-8-17, the Chief of the Noblesville 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 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.

B. SCOPE OF INSPECTIONS:

New construction 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 to both cause the work to remain accessible and exposed for inspection purposes. Neither the Fire Chief, nor his designee, nor the City of Noblesville 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, i.e., ladder, etc.

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

D. OCCUPANT INFORMATION:

Each building owner, occupant, or tenant is required to supply the City of Noblesville 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 NFD Emergency Contact Form.

E. CERTIFICATE OF OCCUPANCY INSPECTION:

Prior to the issuance of the Certificate of Occupancy by the City of Noblesville Planning 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 Noblesville. All Fire Protection Systems shall be successfully inspected and tested prior to the issuance of the Certificate of Occupancy.

F. 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, this Fire Prevention Code, or any other code of the jurisdiction being performed in a manner contrary to the provisions of those codes or in a dangerous or unsafe manner, the Fire Chief, 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 Noblesville Fire Department may result in a Two Hundred Fifty Dollar (\$250.00) fine per day.

G. LIABILITY FOR DAMAGES:

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.

H. WALL ROUGH INSPECTIONS:

Plans for Fire Alarm Systems, Water-based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted to the City of Noblesville 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 Noblesville Planning Department without the proper submittal of all required Fire Protection Plans.

I. HINDERANCE 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/her inspection duties.

J. 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 forty-eight (48) hours in advance of this required inspection.

II. PERMITTING

A. BUILDING PERMIT:

1. No building permit for the construction of, alteration, or addition to a Class 1 structure shall be issued by the City of Noblesville Planning Department without the prior Life Safety Plan Review of the Fire Chief, or his designee.
2. 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.
3. No building permit shall be issued by the City of Noblesville Planning 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. (Ordinance #42-5-05).
4. No building permit shall be issued by the City of Noblesville Planning Department until such time that notification has been received by the City of Noblesville Fire Department indicating that fire apparatus access roads have been constructed and approved; and, the temporary or permanent street signs have been installed.
5. No Improvement Location Permit (ILP) shall be issued by the City of Noblesville 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.

B. OPEN BURING PERMITS:

As required by this Fire Prevention Code, prior approval from the Fire Chief, or his designee, is required for recreational open burning. Prior approval is further defined in this section as requiring an Open Burn Permit issued by the City of Noblesville Fire Department. The required Burn Permit shall be kept at the site of the fire during burning operations.

§92.15 – AUTOMATIC EXTERNAL DEFIBRILLATORS

- A. 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 five hundred feet (500') maximum travel distance in the event of an emergency in accordance with the American Heart Association recommendations.
- B. AED devices, where required, are to be wall mounted and installed so that they are clearly visible to staff and visitors.
- C. 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.
- D. 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 (1) or more persons in the use of an AED.
- E. All AED installations shall be subject to annual inspections by the Fire Chief, or his designee.
- F. 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.
- G. AED devices shall be installed in newly constructed Class 1 structures as required in this Fire Prevention Code. The intent of this Fire Prevention Code is not to require AED devices in Class 1 structures in existence prior to the adoption of this Code.
- H. **AED PLACEMENT REQUIREMENTS:**
 - 1. Group A with an occupant load that exceeds three hundred (300).
 - 2. Group B with an occupant load that exceeds three hundred (300).
 - 3. Group E with an occupant load that exceeds three hundred (300).
 - 4. Group H.
 - 5. Group I-1 Assisted Living Facilities.
 - 6. Group I-2 and I-3.

7. Group M with an occupant load that exceeds one thousand (1,000).
8. Group R-1, three (3) stories or great in height.
9. Covered malls exceeding fifty thousand (50,000) square feet.
10. Single-tenant Class 1 structures exceeding sixty thousand (60,000) square feet.
11. Class 1 structures where the floor level of the highest story is located more than 30 feet (30') above the lowest level of Fire Department vehicle access.

I. EXCEPTIONS:

1. Group A occupancies used exclusively for purposes of religious worship that have an occupant load less than one thousand (1,000) in the sanctuary.
2. Self-storage facilities.
3. Parking garages and Group U Occupancies.

§92.99 – PENALTIES AND FEES

A. PENALTIES:

1. If any person, firm, or corporation shall violate any of the provisions of this Fire Prevention Code, 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 Code 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 I.C. 36-1-3-8(10).
2. The Fire Chief, or his designee, shall have the authority to levy fees or issue citations covering violations of this Fire Prevention Code. Violators shall be fined and/or cited into the court having jurisdiction.
3. 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 Noblesville Planning Department for all projects that require Fire Department approval until all required or requested information is received by the City of Noblesville Fire Department.

B. INSPECTION FEES:

1. Fire and Life Safety Inspections shall be conducted by the Fire Chief, or his designee, in existing 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, or his designee. A fee for re-inspections may be charged as indicated below:
 - a. First re-inspection: No charge
 - b. Second re-inspection: \$100.00
 - c. All subsequent re-inspections: \$250.00
2. 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, Hamilton County, and/or the City of Noblesville.
3. All payments are due within thirty (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 Twenty-five Dollars (\$25.00) late fee for each outstanding fee and shall be subject to litigation for failure to pay an Ordinance violation fee.

C. FIRE WATCH ORDER:

Any Property Owner or tenant that does not comply with a Fire Watch Order issued by the City of Noblesville Fire Department pursuant to §92.11 may be fined Five Hundred Dollars (\$500.00) per day. Each day during which violation of this Ordinance takes place shall be deemed to be a separate violation.

D. CONTROLLED BURNING:

Any person, firm, or corporation violating any provision of §92.12 (Controlled Burning) shall, upon conviction, be fined up to Two Hundred Dollars (\$200.00) for each offense. Each day during which a violation of this Ordinance takes place shall be deemed to be a separate violation.

E. 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 fine in the amount of Fifteen Dollars (\$15.00) up to a maximum of One Hundred Dollars (\$100.00).

F. FIRE HOSE:

It is unlawful for a vehicle to drive over an unprotected fire hose owned and operated by the 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 Fifty Dollars (\$50.00).

G. AUTOMATIC EXTERNAL DEFIBRILLATOR REQUIREMENT:

Any person, firm, or corporation violating any provision of §92.15 (Automatic External Defibrillators) shall, upon conviction, be fined One Hundred Dollars (\$100.00) for the first offense and an additional One Hundred Dollars (\$100.00) shall be assessed for each forty-five (45) day period thereafter in which compliance has not occurred.

ADDITIONAL FEE SCHEDULE / FEE SUMMARY

Administrative Review (Appeal) / Variance:	\$50.00
Fire Investigation Report:	\$20.00
Fire Investigation Report with Pictures:	\$25.00
Fire NFIRS Report:	\$5.00
Fire Watch Fee	\$35.00 / Hour
Violation of Fire Watch Order:	\$500.00 / Day
Violation of Stop Work Order:	\$250.00 / Day
Open Burning Violation	\$200.00 / Day
Fire Lane Violation:	\$15.00 - \$100.00
Driving over a Fire Hose Violation:	\$50.00 per incident
Re-inspection Fees:	See Above
Late Fees:	\$25.00
False Fire Alarms (65-8-03):	Section 10 of Alarm Ordinance
AED Violation:	\$100.00 for 1 st offense with additional \$100.00 for each 45-day period of non-compliance thereafter.

H. DISPOSITION OF FEES / MONIES COLLECTED:

1. Monies generated from permit applications, re-inspection fees, fees collected related to the enforcement of a Fire Watch Order, variance request fees or any other fee, fine or damage award collected pursuant to this Noblesville Fire Prevention Code shall be deposited in the Fire Prevention Enforcement Fund.
2. Monies deposited in the Fire Prevention Enforcement Fund shall be used by the Noblesville Fire Department to pay for education, training, and enforcement material required by the personnel of the Fire Department.

ALL OF WHICH IS ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, this 27th day of October, 2009.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

Aye

Nay

_____	Brian Ayer	_____
_____	Mark Boice	_____
_____	Roy Johnson	_____
_____	Greg O'Connor	_____
_____	Mary Sue Rowland	_____
_____	Stephen C. Wood	_____
_____	Dale Snelling	_____

APPROVED and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana, this 27th day of October, 2009.

John Ditslear, Mayor
City of Noblesville, Indiana

ATTEST:

Janet Jaros, Clerk-Treasurer
City of Noblesville, Indiana