Passed: 8-0

ORDINANCE 97-36

TO AMEND TITLE 15 ENTITLED "VEHICLES AND TRAFFIC"
AND TITLE 18 ENTITLED "FIRE PREVENTION"
(Revising Fire Regulations to Reflect Current Laws and Practices)

WHEREAS, the existing version of Chapter 18 of the Bloomington Municipal Code contains several references to outdated National Fire Codes; and

WHEREAS, a recent change has given Monroe County building authority throughout the County, and the local Fire Chief requires authority to inspect buildings for Fire Code compliance; and

WHEREAS, the local Code needs to be amended to reflect changes made at the State and national level or through the Interlocal Agreement.

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

SECTION I. Title 18 Fire Prevention, Chapter 18.04 Fire Prevention Code shall be amended to replace the title of Fire Prevention Code with Administration and Enforcement. in both the Table of Contents and the Chapter heading.

SECTION II. Section 18.04.010 Adoption shall be repealed in its entirety and replaced by Section 18.04.010 Scope and reflected as such in the Table of Contents and the section shall read as follows:

These regulations, and all regulations supplemental or amendatory hereto, shall be known as the "Fire Prevention Code of the City of Bloomington, Indiana," may be cited as such, and will be referred to herein as "this code."

SECTION III. Section 18.04.020 Definitions shall be repealed in its entirety and replaced by Section 18.04.020 Purpose and reflected as such in the Table of Contents and the section shall read as follows:

The purpose and intent of this code is to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises.

SECTION IV. Section 18.04.030 Right of Entry shall be repealed in its entirety and replaced by Section 18.04.030 Applicability and reflected as such in the Table of Contents and the section shall read as follows:

(a) The provisions of this code and the fire safety rules of the Indiana Fire Prevention and Building Safety Commission shall apply to existing buildings and conditions.

Exceptions:

1. Existing conditions which do not constitute a distinct hazard to life or property.
2. The transportation of any articles or substances under the jurisdiction of and in compliance with the regulations prescribed by the Federal Government, armed forces of the United States and the State of Indiana.

(b) Nothing in this code shall be construed or applied to nullify or abolish any law, ordinance or code adopted by the City of Bloomington or Monroe County governing the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and

maintenance of buildings as provided for herein. When any provision of this code is found to be in conflict with any building, zoning, safety, health or other applicable law, ordinance or code of the City of Bloomington or Monroe County existing on the effective date of this code or hereafter adopted, this code shall prevail.

(c) The planning, design and construction of new buildings and structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the building rules of the Indiana Fire Prevention and Building Safety Commission; and any alterations, additions or changes in buildings required by the provisions of this code, within the scope of these building rules, shall be made in accordance with such.

(d) Buildings built in full compliance with the building and fire safety laws and rules in force at the time of construction or alteration thereof, and that have been properly maintained, shall be permitted to be used for such purpose as originally intended..

SECTION V. Section 18.04.040 Section 3.4 deleted--Burning of junked automobiles. shall be repealed in its entirety and replaced by Section 18.04.040 Adoption of Fire Prevention Codes and reflected as such in the Table of Contents and the section shall read as follows:

(a) The following fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code, and shall include later amendments to that Article:

Article 22-Fire Prevention Codes

Rule 1 Indiana Flammable and Combustible Liquids and Gases Code
Rule 2.1 Indiana Fire Prevention Code

(b) Two copies of adopted fire safety rules, codes and standards are on file in the Office of the City Clerk for public inspection and may also be obtained through the office of the Fire Chief.

SECTION VI. Section 18.04.050 Section 28.1. (a) amended--Permit required. shall be repealed in its entirety and replaced by Section 18.04.050 Enforcement Authority and the section shall read as follows:

(a) It shall be the duty and responsibility of the City of Bloomington Fire Chief or designee, as assistant(s) to the State Fire Marshal under Ind. Code §36-8-17-5(a), to enforce the provisions of this code. The designated enforcement officer of this code is herein referred to as the Fire Chief.

(b) The Fire Chief shall cooperate with the Monroe County Building Commissioner and designees responsible for the enforcement of the code of building laws and orders required to be enforced in the City of Bloomington pursuant to Ind. Code §36-7-2-9.

SECTION VII. Section 18.04.060 Section 28.1 (b) amended--Location required. shall be repealed in its entirety and replaced by Section 18.04.060 Inspections. and reflected as such in the Table of Contents and the section shall read as follows:

The Fire Chief shall cause to be inspected all structures and premises except the interiors of private single family dwellings, and dwelling units in two-family and multi-family dwellings for the purpose of ascertaining and causing to be corrected any violation of the provisions or intent of this code affecting fire safety.

SECTION VIII. Section 18.04.070 Section 28.1 (d) amended--Prohibition of outdoor fires. shall be repealed in its entirety and replaced by Section 18.04.070 Right of Entry and reflected as such in the Table of Contents and the section shall read as follows:

Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the Fire Chief or authorized fire inspector has reasonable cause to believe that there exists in any

structure or upon any premises, any condition which makes such structure or premises unsafe, the Fire Chief or fire inspector shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Fire Chief by this code; provided that if such structure or premises be occupied, the Fire Chief or fire inspector shall first present proper credentials and request entry. If such entry is refused, the Fire Chief shall have recourse to every remedy provided by law to secure entry.

SECTION IX. Section 18.04.080 Section 28.11 amended--Fires on land of another. shall be repealed in its entirety and replaced by Section 18.04.080 Violations; Orders and reflected as such in the Table of Contents and the section shall read as follows:

(a) Whenever the Fire Chief observes an apparent or actual violation of a provision of this code or other ordinances under the Fire Chief's jurisdiction, the Fire Chief shall prepare a written notice of violation and order describing the condition deemed unsafe and specify a reasonable time for the required repairs or improvements to be made to correct such violation. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the condition under the violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

(b) If the notice of violation and order is not complied with within the time specified by the Fire Chief, and if no review of such order has been initiated under Ind. Code§ 36-8-17-10, the Fire Chief shall request the legal counsel of the City of Bloomington to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code.

(c) When, in the opinion of the Fire Chief, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the Fire Chief may issue an emergency order, with the oral approval of the State Fire Marshal, for the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or reenter until authorized to do so by the Fire Chief. Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of this code.

SECTION X. Section 18.04.090 Fire department established. shall be deleted in its entirety and reference to this section shall be deleted from the Table of Contents for Chapter 18.04.

SECTION XI. Section 18.04.100 Appeals. shall be deleted in its entirety and reference to this section shall be deleted from the Table of Contents for Chapter 18.04.

SECTION XII. Section 18.04.110 Penalties. shall be deleted in its entirety and reference to this section shall be deleted from the Table of Contents for Chapter 18.04.

SECTION XIII. Title 18 Fire Prevention, Chapter 18.08 Fire Hydrants shall be amended to replace the title of Fire Hydrants with Fire Appliances in both the Table of Contents and the Chapter heading.

SECTION XIV. Section 18.08.010 Obstruction. shall be repealed in its entirety and replaced by Section 18.08.010 Fire Appliance and reflected as such in the Table of Contents and the section shall read as follows:

Any device, fire hydrant, fire department connection, water or sprinkler valve used by the fire department for the purpose of fire fighting activities shall be subject to the requirements of this chapter.

SECTION XV. Section 18.08.020 Painting. shall be repealed in its entirety and replaced by Section 18.08.020 Obstruction and reflected as such in the Table of Contents and the section shall read as follows:

It shall be a violation of this ordinance for any person to place, park, plant, build, erect or maintain any object, plant or material which will obstruct or hinder in any manner the operation or use of any fire appliance within the city.

SECTION XVI. Section 18.08.030 Installation plans--Approval. shall be repealed in its entirely and replaced by Section 18.08.030 Tampering with a Fire Appliance and reflected as such in the Table of Contents and the section shall read as follows:

It shall be a violation of this ordinance for any person to remove, tamper with or otherwise disturb any fire appliance required to be installed or maintained under the provisions of this ordinance except for the purpose of extinguishing fire, training purposes, making necessary repairs or when permitted by the Fire Chief or the City of Bloomington Utilities Director.

Exception: Private fire appliances shall be permitted to be operated for the purposes of performing maintenance or repairs provided the owner or agent of the property notify the fire department at least one hour prior to the initiation of the maintenance procedures.

SECTION XVII. Section 18.08.040 Hydrant Use Approval shall be added to Chapter 18.08 and reflected in the Table of Contents and the section shall read as follows:

No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purposes and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures written authorization from the Fire Chief and the City of Bloomington Utilities Director. This section does not apply to the use of the hydrant or other valves by a person employed by and authorized to make such use by the City of Bloomington Utilities Department.

SECTION XVIII. Section 18.08.050 Painting shall be added to Chapter 18.08 and reflected in the Table of Contents and the section shall read as follows:

No fire hydrant shall be painted except by persons employed by or authorized by the City.

SECTION XIX. Section 18.08.060 Installations and Plans --Approval shall be added to Chapter 18.08 and reflected in the Table of Contents and the section shall read as follows:

Before the installation of any fire hydrant which will use water from the city water system, the plans and specifications of such installation shall be approved by the Fire Chief and the City of Bloomington Utilities Department. All such installations shall be of a type of hydrant designated as suitable by the Fire Chief.

SECTION XX. Chapter 18.10 Smoke Detectors shall be deleted in its entirety and reference to this section shall be deleted from the Table of Contents for Chapter 18.10.

SECTION XXI. A new Chapter 18.12 entitled FIRE LANES AND SMOKE DETECTORS shall be added and reflected as such in the Table of Contents.

SECTION XXII. Section 18.12.010 Fire Lanes shall be added to Chapter 18.12 and reflected in the Table of Contents and the section shall read as follows:

For the purpose of this title, fire lanes, which should also be known as emergency vehicle lanes, shall be required as set forth in Bloomington Municipal Code Section 15.32.160 Emergency

Vehicle Lanes. In addition to the emergency vehicles lanes, fire lanes shall be capable of supporting the intended loads of the largest apparatus anticipated to be used on the property. Where a bridge is required to be used as access, it shall be constructed and maintained using live design loading sufficient to carry imposed loads of fire apparatus. Fire lanes shall be marked with free-standing signs or marked curbs, sidewalks or other traffic surfaces that have the words "FIRE LANE--NO PARKING." The type and color of markings approved shall be determined by the Chief or designee.

SECTION XXIII. Section 18.12.020 Smoke Detection Devices shall be added to Chapter 18.12 and reflected in the Table of Contents and the section shall read as follows:

Smoke detectors shall be installed and maintained in accordance with the building code in effect at the time of construction, and in all structures shall meet the minimum provisions of Ind. Code § 22-11-18-1 through § 22-11-18-6.

SECTION XXIV. A new Chapter 18.16 entitled OPEN BURNING shall be added and reflected as such in the Table of Contents.

SECTION XXV. Section 18.16.010 General shall be added to Chapter 18.16 and reflected in the Table of Contents and the section shall read as follows:

In addition to the requirements of this code, all rules of the Indiana Department of Natural Resources and the Indiana Department of Environmental Management shall be observed at all times.

SECTION XXVI. Section 18.16.020 Permit Required shall be added to Chapter 18.16 and reflected in the Table of Contents and the section shall read as follows:

No person shall kindle or maintain any bonfire or open burning, or authorize any such fire to be kindled or maintained within the city limits without permit or proper authorization from the Fire Chief. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or proper authorization. Any applicant for an open burning permit shall demonstrate that he/she is in legal control of the lot or parcel of land on which the burning is to be done.

Exception: These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food.

SECTION XXVII. Section 18.16.030 Burning on Public Property shall be added to Chapter 18.16 and reflected in the Table of Contents and the section shall read as follows:

Burning on public property shall be prohibited unless a permit is obtained from the Fire Chief.

SECTION XXVIII. A new Chapter 18.20 entitled APPEALS AND PENALTIES shall be added and reflected as such in the Table of Contents.

SECTION XXIX. Section 18.20.010 Appeals shall be added to Chapter 18.20 and reflected in the Table of Contents and the section shall read as follows:

(a) Whenever the Chief of the fire department disapproves or refuses to grant a permit applied for or when it is claimed that the provisions of this code does not apply or that the true intent and meaning of this code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Chief of the fire department to the Board of Public Safety within thirty days from the date of the decision.

(b) A person who feels aggrieved by an order issued pursuant to BMC 18.04.080 of this

code or Ind. Code §36-8-17-9, shall have an opportunity to informally discuss the order with the State Fire Marshal as provided for in Ind. Code §36-8-17-10, who may modify or reverse the order.

(c) An order issued pursuant to BMC 18.04.080 or the Indiana Code, or an order affirmed or modified by the State Fire Marshal may be appealed to the Indiana Fire Prevention and Building Safety Commission, as provided for by Ind. Code §36-8-17-11.

SECTION XXX. Section 18.20.020 Penalties shall be added to Chapter 18.20 and reflected in the Table of Contents and the section shall read as follows:

Unless specific penalties are provided within the Bloomington Municipal Code, any person, firm or corporation who violates any provisions of this Title or does any act prohibited herein, or fails to perform any duty lawfully enjoined, within the time prescribed by the Fire Chief, or fails, neglects or refuses to obey any lawful order given by the Fire Chief in connection with the provisions of this ordinance shall, for each such violation, failure or refusal, be subject to penalties in accordance with BMC § 1.01.130. Each day of such unlawful activity shall constitute a separate offense.

SECTION XXXI. The first sentence in Section 15.32.160 Emergency vehicle lanes (e) shall be amended to remove the words "fails or" and to insert the words "or suffers" after the word "permits"; to replace the words "Class G Traffic Violation" with the words "Class C Traffic Violation"; and, to replace the words "Section 15.64.010 (h)" with the words "Section 15.64.010 (c)" so that the sentence shall read:

Any person who permits or suffers a vehicle or obstacle to remain in an emergency vehicle lane in violation of subsection (a) commits a Class C Traffic Violation and is subject to the penalty listed in Section 15.64.010(c) and the enforced removal of the vehicle or obstacle in violation.

SECTION XXXII. Section 15.64.010 (c) Class C Traffic Violations (Potentially dangerous violations) shall be amended to add 15.32.160 Emergency vehicle lanes.

SECTION XXXIII. Section 15.64.010 (h) Class G Traffic Violations Parking in fire lanes and in resident-only parking spaces shall be amended to delete the words "in fire lanes and" in the title and to delete the citation to 15.32.160 (e) Parking in fire lanes.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 1 day of October, 1997.

ANTHONY PIZZO, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of October, 1997.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2nd day of October, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

Title 18 was enacted in 1976 and is now outdated and inconsistent with the Indiana Code and the Rules of the state Fire Safety and Building Commission. This ordinance revises Title 18 entitled "Fire Prevention" to reflect current laws and practices and makes some minor related changes in Title 15 entitled "Vehicles and Traffic". Additionally, the adoption of the most current state fire code enables the Fire Department to address safety concerns that recently have been raised regarding premises identification with street numbers.

Signed copies to:

BMC File
clerk
CA/CM
Fire Dept
Housing Code
Parking Enforcement
Legal 5
Police Dept
Street Dept
HT legal
Public Works