

**Ordinance 08-10**

**TO AMEND TITLE 18 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
"FIRE PREVENTION"  
(To Repeal and Re-Enact Said Title)**

- WHEREAS, a review of City records reveals that Chapter 11 of the 1957 Bloomington Municipal Code declared an intent to codify a Fire Prevention Code and that the City eventually adopted the 1971 Edition of the Fire Prevention Code with the approval of Ordinance 71-20, which amended Title 18 of the Bloomington Municipal Code entitled "Fire Prevention"; and
- WHEREAS, Title 18 was repealed and re-enacted in 1976 with the adoption of Ordinance 76-48 and then extensively revised in 1997 with the adoption of Ordinance 97-36; and
- WHEREAS, the City of Bloomington Fire Department has been working to update Title 18 in order to improve public safety by promoting the control and regulation of fire hazards in the City of Bloomington;
- WHEREAS, certain provisions in the existing Title should be revised in order to improve public safety and others should be revised to improve the safety and welfare of those men and women who serve as City of Bloomington firefighters;
- WHEREAS, the City of Bloomington believes this ordinance is in the best interests of the citizens, residents and business owners of the City of Bloomington;

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

SECTION 1. Title 18 of the Bloomington Municipal Code entitled "Fire Prevention" shall be repealed and re-enacted and shall read as follows:

**Title 18**

**FIRE PREVENTION**

**Chapters:**

- 18.04 Administration and Enforcement**
- 18.08 Emergency Services, Devices and Appliances**
- 18.12 Fire Protection Equipment, Commercial Kitchens, Fire Lanes and Other Fire Protection Measures**
- 18.16 Open Burning**
- 18.20 Penalties and Appeals**

## Chapter 18.04

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

18.04.010	Title and Purpose
18.04.020	Definitions
18.04.030	Applicability
18.04.040	Minimum Standards
18.04.050	Enforcement Authority
18.04.060	Right of Entry
18.04.070	Inspections
18.04.080	Fire Investigations
18.04.090	Records
18.04.100	Enforcement
18.04.110	Legal Assistance
18.04.120	Law Enforcement Assistance
18.04.130	Notice of Violation
18.04.140	Inspection Report
18.04.150	Imminent Danger
18.04.160	Duty to Correct
18.04.170	Orders to Correct
18.04.180	Orders Forbidding Occupancy or Construction

#### 18.04.010 Title and Purpose

(a) This Chapter shall be known as the "Fire Prevention Code of the City of Bloomington, Indiana".

(b) The purpose of this Chapter is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from the hazards of fire and explosion, from the hazards arising from the storage, handling and use of hazardous materials, from conditions hazardous to life or property in the use or occupancy of new or existing buildings, sheds, tents, lots and/or premises, and to establish appropriate administrative procedures for the enforcement of this Chapter.

#### 18.04.020 Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this section.

- (a) Chief means the Chief of the City of Bloomington Fire Department
- (b) Fire Department means the City of Bloomington Fire Department.
- (c) Fire Service Features include, but are not limited to the following, hydrants, connections, Post Indicator Valves, key boxes, access road, fire lanes, roof openings, door openings and Fire Department equipment.
- (d) Hazardous condition means the presence of a structural condition, equipment, utility connection, or materials which constitute or pose a recognized threat of fire or other injury to persons or property.
- (e) Private dwelling means a building used exclusively as the personal residence of one (1) or two (2) families.

#### 18.04.030 Applicability

(a) The provisions of this Chapter shall be supplemental to the Indiana Fire Code, as adopted by the Indiana Fire Prevention and Building Safety Commission.

(b) The provisions of this Chapter shall apply to maintenance of fire prevention and life safety features as herein described.

(c) The provisions of this Chapter shall not apply to private dwellings.

(d) 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 or Monroe County existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

(e) 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 in existence on the effective date of this Chapter 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.

**18.04.040 Minimum Standards**

(a) All fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set forth in Article 22 of Title 675 of the Indiana Administrative Code applicable to Monroe County are hereby incorporated in this Chapter. This Chapter 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.

(b) Two copies of these standards shall be available in the office of the City Clerk public inspection pursuant to I.C. 36-1-5-4.

**18.04.050 Enforcement Authority**

(a) It shall be the duty and responsibility of the Chief, or his/her designee(s), as assistant(s) to the Indiana State Fire Marshall, to enforce the provisions of this Code.

(b) The Chief, or his/her designee(s), shall cooperate with the Monroe County Building Department, the City of Bloomington Planning Department, the City of Bloomington Housing and Neighborhood Development Department and all other agencies who may have an interest in fire protection or safety for the enforcement of all applicable codes and laws required to be enforced by the City of Bloomington.

**18.04.060 Right of Entry**

(a) Pursuant to IC 36-8-17, authorized personnel of the Fire Department may, at all reasonable hours, enter any structure (except private dwellings) within its jurisdiction for the purpose of conducting inspections or investigations pursuant to this Chapter. The right to enter shall extend to new structures under construction as well as to existing structures being renovated or remodeled.

(b) An inspector or investigator shall be required to produce satisfactory proof of his/her authority or identity.

(c) If an inspector or investigator is denied access, the Chief, or his/her designee(s), with the assistance of the City of Bloomington Legal Department, may apply to any court of record in Monroe County for an order allowing inspection or investigation.

**18.04.070 Inspections**

(a) The Fire Department shall perform yearly inspections under the administrative supervision of the Chief pursuant to IC 36-8-17 et. seq.

(b) The Fire Department may, as often as may be reasonably necessary:

(1) Inspect every place and public way, except the interiors of private dwellings annually; and,

(2) Inspect, upon receipt of a complaint, any building or premises, except interiors of private dwellings.

(d) Inspection Fees shall be as follows:

(1) Initial inspections are free of charge.

(2) The first reinspection is free of charge if all violations noted in the initial inspection have been remedied.

(3) An inspection fee of one hundred dollars (\$100.00) shall be charged for the first resinspection if any of the violations noted in the initial inspection have not been remedied.

(4) If a second or subsequent reinspection is required within twelve (12) months of the initial inspection, the inspection fee for such second or subsequent inspection shall be two hundred dollars (\$200.00).

(5) For inspections of fire protection systems that are performed solely in response to the request of the owner or occupant of a building or structure, the inspection shall be free of charge.

**18.04.080 Fire Investigations**

(a) The Fire Department shall perform fire investigations under the administrative supervision of the Chief pursuant to IC 36-8-17.

(b) The Fire Department shall investigate, assist in the prosecution of, and support suppression of arson and other crimes associated with the destruction or attempted destruction of property by fire in its respective jurisdiction; and, shall take immediate charge of the physical evidence, notify any other authorities designated by law to assist in the investigation of such

matters, and cooperate with such other authorities in the prosecution of the case. Reports prepared pursuant to this section shall be in the form prescribed by the Chief and shall contain a statement of all facts relating to the origin, cause and circumstances of the fire, the extent of damage, and any other appropriate information concerning the fire.

**18.04.090 Records**

(a) The Fire Department shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained. Such reports shall be compiled into an annual summary and submitted when requested to the City of Bloomington Board of Public Safety.

(b) The Fire Department shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies.

**18.04.100 Enforcement**

(a) It shall be the responsibility of the Fire Department to enforce all provisions of this Chapter within its jurisdiction.

(b) The Fire Department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

**18.04.110 Legal Assistance**

The Fire Department may obtain the services of the City of Bloomington Legal Department for legal assistance in connection with the enforcement of this Chapter.

**18.04.120 Law Enforcement Assistance**

The Chief or the City of Bloomington Police Department or other law enforcement agencies recognized by the State of Indiana, upon request of the Chief, or his/her designee(s), may assign such available law enforcement officers as may be necessary to assist the Fire Department in the enforcement of this Chapter.

**18.04.130 Notice of Violation**

Under IC 36-8-17-9, when enforcing 675 IAC 22, this Chapter or any other provision of this Code, which is within the jurisdiction of the Fire Department, the Fire Department shall seek the correction of any violation or the elimination of any hazardous condition, by the methods specified in this Chapter or by any other appropriate remedy or procedure provided by law.

**18.04.140 Inspection Report**

A copy of the inspection report with violations and safety recommendations shall be served upon the owner, operator, occupant and/or other person responsible for the building or property, depending on the nature of the violation(s) found. Service of such report shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address.

**18.04.150 Imminent Danger**

The Chief, or his/her designee(s), may order the operation or use stopped, or any premises, building or vehicle or portion thereof evacuated in accordance with IC 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) Are prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the Fire Prevention and Building Safety Commission and the license has not been issued; or,
- (3) Will conceal a violation of law.

Said order must first be approved by the State Fire Marshal.

**18.04.160 Duty to Correct**

In the event of imminent danger, the owner or person in control of any premises or building upon which a violation or hazard exists may be required to:

- (1) Cease and correct the violation or hazard;

- (2) Protect persons and property from the hazards of the violation and correct the violation or hazard; and,
- (3) Require persons to leave the area that is affected by a violation or hazard and prohibit persons from entering the area until the violation is corrected.

**18.04.170 Orders to Correct**

- (a) If an owner or occupant fails to comply with an inspection report issued pursuant to this Code, the Fire Department may issue an order to compel compliance with the provisions of this Chapter.
- (b) The failure of the Fire Department to inspect or to issue an order in accordance with this Chapter shall not constitute approval of any violation or the noncompliance with the provisions of this Chapter.
- (c) Any order issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address.

**18.04.180 Order Forbidding Occupancy or Construction**

- (a) The Chief, or his/her designee(s), is empowered to issue an order forbidding the occupancy of any structure or part of any structure, in accordance with IC 36-8-17-9.
- (b) The Chief, or his/her designee(s), is empowered to issue an order forbidding continued construction of a building or structure in accordance with IC 36-8-17-9 when the building, structure or property under development is in violation of state or local fire prevention codes and continued work will:
  - (1) Conceal a violation of law;
  - (2) Result in a building or structure being inaccessible to servicing by fire department apparatus; or,
  - (3) Result in a building or structure with insufficient water supply as required by this Code.
- (c) The order forbidding occupancy or continued construction shall be in writing, specifying whether it is applicable to the entire structure, part of the structure, or the property under development. The order shall state the reason for issuance and the conditions under which construction may be continued or the structure, part of the structure or property may be occupied. The order shall be posted on the structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his/her agent and to any other responsible person supervising work on the premises. It shall be unlawful for any person to remove a posted order.

**Chapter 18.08**

**EMERGENCY SERVICES, DEVICES AND APPLIANCES**

**Sections:**

- 18.08.010 Authority at Fires and Emergencies**
- 18.08.020 Emergency Lines**
- 18.08.030 Unlawful Interference with Fire Protection Equipment**
- 18.04.040 Painting**
- 18.04.050 Installation and Plans—Approval**

**18.08.010 Authority at Fires and Emergencies**

The Chief, or his/her designee(s), at any fire, explosion, or other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as may be necessary to control, extinguish, perform special operations, and investigate the existence of hazardous conditions in connection with such fire, explosion, or other emergency, or to take other action reasonably necessary to contain, mitigate, or eliminate the emergency.

**18.08.020 Emergency Lines**

(a) The Chief, or his/her designee(s), the incident commander, or any law enforcement officer may establish emergency lines and limits and barricade or otherwise keep the general public from emergency lines and limits. The Chief, or his/her designee(s), the incident commander, or any law enforcement officer may create an area in which only the following shall

be admitted: firefighters, law enforcement officers and those having a direct interest in any property threatened by the fire, explosion, or other emergency, or other people or agencies at the discretion of the incident commander.

(b) It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

**18.08.030 Unlawful Interference with Fire Service Features**

It shall be unlawful for a person to do or permit to be done any of the following acts:

(a) Tampering with fire service features which includes, but is not limited to tampering, molesting, destroying or removing or in any manner interfering with, damaging or disturbing any part of the fire service feature, apparatus, equipment or devices in the City of Bloomington;

(b) Injuring fire hose which includes, but is not limited to, driving any motor vehicle or railroad locomotive over any fire hose laid in any street in the vicinity of any fire or while in use for any other purpose, or in any other way interfering with the use of such hose; or,

(c) Opening fire hydrants which includes, but is not limited to, using or operating any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the servicing fire department.

Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the servicing fire department, owners of private fire hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties.

(d) Obstruction which includes, but is not limited to placing, parking, planting, building, erecting or maintaining any object, plant or material which will obstruct or hinder in any manner the operation of use of any fire appliance within the City of Bloomington.

**18.08.040 Painting**

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

**18.04.050 Installations and Plans--Approval**

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

(b) Every privately owned fire hydrant shall be tested according to procedures approved by the Utilities Department at least once every two years. If the testing is not performed by the City of Bloomington or its agents, then the owner shall provide documentation of the testing to the Utilities Department.

**Chapter 18.12**

**FIRE PROTECTION EQUIPMENT, COMMERCIAL KITCHENS, FIRE LANES AND OTHER FIRE PROTECTION MEASURES**

**Sections:**

- 18.12.010 Plans for Fire Protection Systems**
- 18.12.020 Requirements for Commercial Kitchen Exhaust Equipment and Fire Protection Equipment**
- 18.12.030 Fire Lanes**
- 18.12.040 Emergency Exit Markings**
- 18.12.060 Locked, Chained, or Inoperable Emergency Exits**

**18.12.010 Plans for Fire Protection Systems**

In the event a set of plans and specifications for fire protection systems, including fire alarm systems, automatic sprinkler systems, standpipe systems, and other special types of fire extinguishing or detecting systems and appurtenances thereto is created, then such documents shall be submitted to the Fire Department for information purposes. Failure to submit such documents as required by this section shall constitute a violation of the Code.

**18.12.020 Requirements for Commercial Kitchen Exhaust Equipment and Fire Protection Equipment**

Any new installation of kitchen fire suppression equipment shall be inspected by the Fire Department prior to the kitchen cooking equipment being placed in-service. The installing company shall:

- (a) Use installers that are certified by the manufacturer;
- (b) Provide a copy of the plans for the system to the Fire Department for approval prior to installation;
- (c) Notify the Fire Department at least twenty-four (24) hours in advance of the system being completed for system testing; and,
- (d) File with the Fire Department a form stating that the system has been inspected, signed by both a representative of the Fire Department and the installation company's representative. This form is to be kept on file in the Fire Department.

**18.12.030 Fire Lanes**

For the purposes of this Title, fire lanes, which shall also be known as emergency vehicle lanes, shall be required as set forth in Bloomington Municipal Code Section 15.32.160 Emergency Vehicle Lanes.

- (a) Fire lanes shall be capable of supporting the intended loads of the largest apparatus anticipated to be used on the property.
- (b) Where a bridge is required to be used as access to a property, it shall be constructed and maintained using live design loading sufficient to carry imposed loads of fire apparatus.
- (c) Fire lanes shall be marked with freestanding signs or marked curbs, sidewalks or other traffic surfaces that have the words "Fire Lane—No Parking." The type and color of markings shall be approved by the Fire Department.

**18.12.040 Emergency Exit Markings**

All exit doors used solely for emergency egress serving areas of assembly with occupancy loads of over fifty but less than one thousand persons shall be framed by a swath of luminescent or reflective tape or paint no less than three inches in width. This luminescent paint or tape shall be of a color that contrasts with the color of adjacent surfaces.

**18.12.060 Locked, Chained, or Inoperable Emergency Exits**

No person shall lock, chain or otherwise render inoperable an emergency exit. Each exit where this occurs shall be treated as a separate violation.

**Chapter 18.16**

**OPEN BURNING**

**Sections:**

- 18.16.010 General**
- 18.16.020 Permit Required**
- 18.16.030 Burning on Public Property**
- 18.16.040 Hazardous or Objectionable Situation**

**18.16.010 General**

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.

**18.16.020 Permit Required**

- (a) No person shall start, kindle or maintain any bonfire or open burning, or authorize or allow any such fire to be started, kindled or maintained with the City of Bloomington without having first obtained a permit from Fire Department.
- (b) During the construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning without having first obtained a permit from the Fire Department.
- (c) 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 occur.

(d) These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food or the use of small, moveable outdoor fire places under conditions set forth in Section 18.16.050.

**18.16.030 Burning on Public Property**

Burning on public property shall be prohibited unless a permit has first been obtained from the Fire Department.

**18.16.040 Hazardous or Objectionable Situation**

The Fire Department is authorized to order the extinguishment of an open burn or extinguish the open burn itself upon a determination that the open burn creates or adds to a hazardous or objectionable situation. This section applies to those persons granted a permit under sections 18.16.020 and 18.16.030.

**18.16.050 Chimenea, fire pits and other small, moveable outdoor fire places**

Chimeneas, fire pits and other small, moveable outdoor fire places may be used, provided the unit:

- (a) must be used following the manufacturer's guidelines;
- (b) must be placed outside and cannot be located under a roof or any type of balcony;
- (c) must be placed on an approved noncombustible surface such as a "UL listed stove mat" or "hearth board," if used on a wooden deck or other combustible surface;
- (d) shall not be placed within four (4) feet to any combustible material;
- (e) shall be attended at all times while burning
- (f) should be fitted with a protective screen over all openings, if wood is used that causes "crackle and sparks;" and
- (g) shall not be used for heating indoor areas.

**Chapter 18.20**

**PENALTIES AND APPEALS**

**Sections:**

- 18.20.010 Penalties**
- 18.20.020 Appeals**

**18.20.010 Penalties**

(a) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this Chapter. A violation continues to exist until corrected.

(b) Any violation of this Chapter shall be subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) for each such violation, and not more than seven thousand five hundred dollars (\$7,500.00) for the second and any subsequent violation within twelve months of the first violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(c) The following violations of this Chapter shall be subject to the fines listed in the table below for the first offense. Except as set forth in the table, if a responsible party commits a second or subsequent violation of the same provision of this Chapter within twelve (12) months of the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in *Subsection 18.20.010(b)*. (For example, a violation that is subject to a one hundred dollar (\$100.00) fine per the table will be subject to a two hundred dollar (\$200.00) fine for the second offense, a four hundred dollar (\$400.00) fine for the third offense, and so forth.)

<b>Fire Prevention Code</b>	<b>Fine</b>
Failure to Properly Mark Emergency Exit (BMC 18.12.040)	\$50.00
Failure to Service Extinguishers	\$50.00
Exit Lights Not Working Properly	\$50.00
Emergency Lighting Not Working Properly	\$50.00
Fire Stoppage/Penetration Violations	\$50.00
Failure to Post Occupant Load	\$100.00

Electrical Hazard Violations	\$100.00
Combustibles Stored in Mechanical Rooms	\$500.00
Failure to Service Fire Alarm(s)	\$500.00
Failure to Service Sprinkler System(s)	\$500.00
Crossing Emergency Line or Limit	\$500.00
Failure to Service/Clean Commercial Kitchen Hoods	\$1,000.00
Tampering, Obstructing, Hindering or Obstructing Access to Fire Service Features	\$1,000.00
Violation of Occupancy Limitation	\$2,500.00
Blocking Any Marked Exit	\$2,500.00
Disabling Sprinkler System	\$2,500.00
Open Burning	\$2,500.00
Locking, Chaining or Rendering Inoperable Any Marked Exit	\$2,500.00 (\$7,500 for second and subsequent violations within 12 months of the first violation)
Any Other Violation	Up to \$2,500.00

**18.20.020 Appeals**

(a) Whenever the Fire Department disapproves or refuses to grant a permit applied for, the applicant may appeal the decision of the Fire Department to the Board of Public Safety or whenever the Fire Department assesses a fine for a violation of this Code, said fine may be appealed to the Board of Public Safety.

- (1) The appeal must be in writing.
- (2) The appeal must be submitted to the City of Bloomington Legal Department within fourteen (14) calendar days of the denial of the permit or the issuance of the fine.
- (3) The Board of Public Safety, in its discretion, may review the appeal in writing or may review the appeal via an open hearing. The applicant will be notified by the City of Bloomington Legal Department whether a hearing will be held.

(b) An owner or occupant who remains aggrieved by the decision issued pursuant to this Chapter and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to such Commission in accordance with the Indiana Code.

SECTION 2. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, publication in accordance with State law and approval by the Indiana State Fire Prevention and Building Safety Commission.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17<sup>th</sup> day of July, 2008.

  
 SUSAN SANDBERG, President  
 Bloomington Common Council

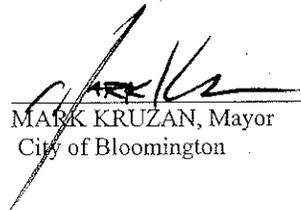
ATTEST:

  
 REGINA MOORE, Clerk  
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18<sup>th</sup> day of JULY, 2008.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 18<sup>th</sup> day of JULY, 2008.

  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

This ordinance repeals and replaces the current Title 18. The current Fire Prevention Code for the City is very basic. This proposed ordinance creates the following: a definition section, language specifying the availability of assistance from law enforcement, procedures for the investigation of fires, new procedures for inspections and how reports are to be maintained. A new inspection fee system has been added wherein: the first inspection is free; the first reinspection is free provided all violations from the prior inspection have been remedied; the first reinspection results in a fee of \$100 if the violations from the prior inspection have not been remedied; all additional reinspections result in a fee of \$200; and courtesy inspections of fire protection systems are free of charge. The new ordinance specifically states that the Fire Chief, with the approval of the State Fire Marshal, has the authority to close a noncompliant building or cease a building from being built if it is noncompliant. New language has been added making it an offense to disturb or destroy fire appliances and to cross emergency lines. The fine section has been overhauled; the new section has specific fines for specific offenses and a general catch-all fine for all other fines not listed.

*Note: At the 16 July 2008 Regular Session, the Council adopted Am-01, Am-02, Am-04 & Am-06 which are attached to the ordinance.*

*Note: This ordinance must be approved by the Indiana Fire Prevention and Building Safety Commission and published before it goes into effect.*

Signed copies to:  
legale (0)  
controller  
web mistress  
Fire Chief  
Police Chief  
CA/CA (3)  
check - 2  
file - 2  
BMC recipients (30)



MITCHELL E. DANIELS, Jr., Governor  
**STATE OF INDIANA**

DEPARTMENT OF HOMELAND SECURITY      JOSEPH E. WAINSCOTT JR., EXECUTIVE DIRECTOR

*Indiana Department of Homeland Security  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204  
317-232-3980*

October 8, 2009

Patricia Mulvihill  
Assistant City Attorney  
City of Bloomington  
401 N. Morton Street  
Bloomington, IN 47404

RE:      Fire Ordinance No. 08-10  
            Bloomington, Indiana

Dear Ms. Mulvihill;

Pursuant to IC 22-13-2-5 and 675 IAC 12-10-8, the Fire Prevention and Building Safety Commission, on October 6, 2009, did not approve the above listed Ordinance due to the provisions listed in the staff memo dated September 4, 2009. A copy of the memo is enclosed.

You are advised that if you desire an administrative review of this action, you must file a written petition for review at the above address with the Fire Prevention and Building Safety Commission. Your petition must fully identify the matter for which you seek review no later than eighteen days from the above-stated date of this letter, unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during the regular business hours; in which case the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during the regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this action will be final.

Sincerely,

Mara Snyder  
Director, Legal and Code Services  
Department of Homeland Security

MJS/bas  
Encl  
Cc:      Code Enforcement & Plan Review  
            File



MITCHELL E. DANIELS, Jr., Governor  
**STATE OF INDIANA**

DEPARTMENT OF HOMELAND SECURITY      JOSEPH E. WAINSCOTT JR., EXECUTIVE DIRECTOR

*Indiana Department of Homeland Security  
Indiana Government Center South  
302 West Washington Street  
Indianapolis, IN 46204  
317-232-3980*

## MEMORANDUM

**To:** Members of the Fire Prevention and Building Safety Commission

**From:** Mara Snyder

**Date:** September 4, 2009

**Subject:** City of Bloomington Fire Code

Attached for your review is the City of Bloomington Fire Prevention Code ("BFPC"). It does not apply to "private dwellings". As you know, the Commission must approve a local ordinance that contains building or fire safety laws before that local ordinance may be enforced. The primary purpose of that requirement is to maintain the "statewide" nature of building and fire safety laws.

I've identified the following provisions of the BFPC that, in my opinion, are different than comparable provisions of the 2008 Indiana Fire Code or other Indiana fire safety laws:

1. Sec. 18.04.030(e) – This subsection is similar to the General Administrative Rules, with 1 primary difference. The GAR require compliance with the applicable code in effect when new construction, alterations or additions are performed. Subsection (e) creates a requirement for compliance with the code in effect when "repairs" are made. Under the Commission's rules, repairs are permitted to maintain the structure in accordance with the code(s) in effect when the building was built, altered or added to; they're not required to be performed in accordance with the code(s) in effect when the repair is made.
2. Sec. 18.04.150 – This allows the closure of any "premises, building or vehicle" under the conditions prescribed in IC 36-8-17-9 (this gives local units of government the authority to issue administrative orders to enforce Indiana fire safety laws). IC 36-8-17-9 doesn't apply to vehicles.
3. Sec. 18.04.180 – This section recites the conditions under which the local fire official may request authorization from the State Fire Marshal to forbid occupancy of a building or structure under an emergency order. It includes 2 conditions that are not a legal basis for the State Fire Marshal to take action: where continued work will "[r]esult in a building or structure being inaccessible to servicing by fire department apparatus; or, [r]esult in a building or structure with insufficient water supply as required by [the BFPC]".

4. Sec. 18.12.040 – This section requires every exit door in an assembly occupancy serving an occupant load of between 51 and 999 to be “framed by a swath of luminescent or reflective tape or paint no less than three inches in width. This luminescent paint or tape shall be of a color that contrasts with the color of adjacent surfaces.” This is a requirement that is in addition to the provisions of the Commission rules.

5. Sec. 18.16.050 – This section addresses the use of “[c]himenias, fire pits and other small, moveable outdoor fire places”. These types of open flame, non-cooking objects are not regulated under the 2008 Indiana Fire Code and the BFPC seeks to regulate them.

Under the Commission’s authority in IC 22-13-2-3(c):

*(c) A city, town, or county may adopt an ordinance that includes more stringent or detailed requirements that do not conflict with the commission's rules, but the ordinance is subject to approval [by the Commission].*

Item 1 clearly is in conflict with the GAR. Items 2 and 3 are in conflict with Indiana statutes that permit enforcement of the Commission’s rules. Items 4 and 5 add requirements not currently contained in the Commission’s rules.

**Ordinance 08-10**

**TO AMEND TITLE 18 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
"FIRE PREVENTION"  
(To Repeal and Re-Enact Said Title)**

- WHEREAS, a review of City records reveals that Chapter 11 of the 1957 Bloomington Municipal Code declared an intent to codify a Fire Prevention Code and that the City eventually adopted the 1971 Edition of the Fire Prevention Code with the approval of Ordinance 71-20, which amended Title 18 of the Bloomington Municipal Code entitled "Fire Prevention"; and
- WHEREAS, Title 18 was repealed and re-enacted in 1976 with the adoption of Ordinance 76-48 and then extensively revised in 1997 with the adoption of Ordinance 97-36; and
- WHEREAS, the City of Bloomington Fire Department has been working to update Title 18 in order to improve public safety by promoting the control and regulation of fire hazards in the City of Bloomington;
- WHEREAS, certain provisions in the existing Title should be revised in order to improve public safety and others should be revised to improve the safety and welfare of those men and women who serve as City of Bloomington firefighters;
- WHEREAS, the City of Bloomington believes this ordinance is in the best interests of the citizens, residents and business owners of the City of Bloomington;

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

SECTION 1. Title 18 of the Bloomington Municipal Code entitled "Fire Prevention" shall be repealed and re-enacted and shall read as follows:

**Title 18**

**FIRE PREVENTION**

**Chapters:**

- 18.04 Administration and Enforcement**
- 18.08 Emergency Services, Devices and Appliances**
- 18.12 Fire Protection Equipment, Commercial Kitchens, Fire Lanes and Other Fire Protection Measures**
- 18.16 Open Burning**
- 18.20 Penalties and Appeals**

## Chapter 18.04

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

18.04.010	Title and Purpose
18.04.020	Definitions
18.04.030	Applicability
18.04.040	Minimum Standards
18.04.050	Enforcement Authority
18.04.060	Right of Entry
18.04.070	Inspections
18.04.080	Fire Investigations
18.04.090	Records
18.04.100	Enforcement
18.04.110	Legal Assistance
18.04.120	Law Enforcement Assistance
18.04.130	Notice of Violation
18.04.140	Inspection Report
18.04.150	Imminent Danger
18.04.160	Duty to Correct
18.04.170	Orders to Correct
18.04.180	Orders Forbidding Occupancy or Construction

#### 18.04.010 Title and Purpose

(a) This Chapter shall be known as the "Fire Prevention Code of the City of Bloomington, Indiana".

(b) The purpose of this Chapter is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from the hazards of fire and explosion, from the hazards arising from the storage, handling and use of hazardous materials, from conditions hazardous to life or property in the use or occupancy of new or existing buildings, sheds, tents, lots and/or premises, and to establish appropriate administrative procedures for the enforcement of this Chapter.

#### 18.04.020 Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this section.

- (a) Chief means the Chief of the City of Bloomington Fire Department
- (b) Fire Department means the City of Bloomington Fire Department.
- (c) Fire Service Features include, but are not limited to the following, hydrants, connections, Post Indicator Valves, key boxes, access road, fire lanes, roof openings, door openings and Fire Department equipment.
- (d) Hazardous condition means the presence of a structural condition, equipment, utility connection, or materials which constitute or pose a recognized threat of fire or other injury to persons or property.
- (e) Private dwelling means a building used exclusively as the personal residence of one (1) or two (2) families.

#### 18.04.030 Applicability

- (a) The provisions of this Chapter shall be supplemental to the Indiana Fire Code, as adopted by the Indiana Fire Prevention and Building Safety Commission.
- (b) The provisions of this Chapter shall apply to maintenance of fire prevention and life safety features as herein described.
- (c) The provisions of this Chapter shall not apply to private dwellings.
- (d) 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 or Monroe County existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.
- (e) 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 in existence on the effective date of this Chapter 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.

**18.04.040 Minimum Standards**

(a) All fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set forth in Article 22 of Title 675 of the Indiana Administrative Code applicable to Monroe County are hereby incorporated in this Chapter. This Chapter 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.

(b) Two copies of these standards shall be available in the office of the City Clerk public inspection pursuant to I.C. 36-1-5-4.

**18.04.050 Enforcement Authority**

(a) It shall be the duty and responsibility of the Chief, or his/her designee(s), as assistant(s) to the Indiana State Fire Marshal, to enforce the provisions of this Code.

(b) The Chief, or his/her designee(s), shall cooperate with the Monroe County Building Department, the City of Bloomington Planning Department, the City of Bloomington Housing and Neighborhood Development Department and all other agencies who may have an interest in fire protection or safety for the enforcement of all applicable codes and laws required to be enforced by the City of Bloomington.

**18.04.060 Right of Entry**

(a) Pursuant to IC 36-8-17, authorized personnel of the Fire Department may, at all reasonable hours, enter any structure (except private dwellings) within its jurisdiction for the purpose of conducting inspections or investigations pursuant to this Chapter. The right to enter shall extend to new structures under construction as well as to existing structures being renovated or remodeled.

(b) An inspector or investigator shall be required to produce satisfactory proof of his/her authority or identity.

(c) If an inspector or investigator is denied access, the Chief, or his/her designee(s), with the assistance of the City of Bloomington Legal Department, may apply to any court of record in Monroe County for an order allowing inspection or investigation.

**18.04.070 Inspections**

(a) The Fire Department shall perform yearly inspections under the administrative supervision of the Chief pursuant to IC 36-8-17 et. seq.

(b) The Fire Department may, as often as may be reasonably necessary:  
(1) Inspect every place and public way, except the interiors of private dwellings annually; and,

(2) Inspect, upon receipt of a complaint, any building or premises, except interiors of private dwellings.

(d) Inspection Fees shall be as follows:

(1) Initial inspections are free of charge.  
(2) The first reinspection is free of charge if all violations noted in the initial inspection have been remedied.

(3) An inspection fee of one hundred dollars (\$100.00) shall be charged for the first reinspection if any of the violations noted in the initial inspection have not been remedied.

(4) If a second or subsequent reinspection is required within twelve (12) months of the initial inspection, the inspection fee for such second or subsequent inspection shall be two hundred dollars (\$200.00).

(5) For inspections of fire protection systems that are performed solely in response to the request of the owner or occupant of a building or structure, the inspection shall be free of charge.

**18.04.080 Fire Investigations**

(a) The Fire Department shall perform fire investigations under the administrative supervision of the Chief pursuant to IC 36-8-17.

(b) The Fire Department shall investigate, assist in the prosecution of, and support suppression of arson and other crimes associated with the destruction or attempted destruction of property by fire in its respective jurisdiction; and, shall take immediate charge of the physical evidence, notify any other authorities designated by law to assist in the investigation of such

matters, and cooperate with such other authorities in the prosecution of the case. Reports prepared pursuant to this section shall be in the form prescribed by the Chief and shall contain a statement of all facts relating to the origin, cause and circumstances of the fire, the extent of damage, and any other appropriate information concerning the fire.

**18.04.090 Records**

(a) The Fire Department shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained. Such reports shall be compiled into an annual summary and submitted when requested to the City of Bloomington Board of Public Safety.

(b) The Fire Department shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies.

**18.04.100 Enforcement**

(a) It shall be the responsibility of the Fire Department to enforce all provisions of this Chapter within its jurisdiction.

(b) The Fire Department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

**18.04.110 Legal Assistance**

The Fire Department may obtain the services of the City of Bloomington Legal Department for legal assistance in connection with the enforcement of this Chapter.

**18.04.120 Law Enforcement Assistance**

The Chief or the City of Bloomington Police Department or other law enforcement agencies recognized by the State of Indiana, upon request of the Chief, or his/her designee(s), may assign such available law enforcement officers as may be necessary to assist the Fire Department in the enforcement of this Chapter.

**18.04.130 Notice of Violation**

Under IC 36-8-17-9, when enforcing 675 IAC 22, this Chapter or any other provision of this Code, which is within the jurisdiction of the Fire Department, the Fire Department shall seek the correction of any violation or the elimination of any hazardous condition, by the methods specified in this Chapter or by any other appropriate remedy or procedure provided by law.

**18.04.140 Inspection Report**

A copy of the inspection report with violations and safety recommendations shall be served upon the owner, operator, occupant and/or other person responsible for the building or property, depending on the nature of the violation(s) found. Service of such report shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address.

**18.04.150 Imminent Danger**

The Chief, or his/her designee(s), may order the operation or use stopped, or any premises, building or vehicle or portion thereof evacuated in accordance with IC 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) Are prohibited without a permit, registration, certification, release, authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the Fire Prevention and Building Safety Commission and the license has not been issued; or,
- (3) Will conceal a violation of law.

Said order must first be approved by the State Fire Marshal.

**18.04.160 Duty to Correct**

In the event of imminent danger, the owner or person in control of any premises or building upon which a violation or hazard exists may be required to:

- (1) Cease and correct the violation or hazard;

- (2) Protect persons and property from the hazards of the violation and correct the violation or hazard; and,
- (3) Require persons to leave the area that is affected by a violation or hazard and prohibit persons from entering the area until the violation is corrected.

**18.04.170 Orders to Correct**

- (a) If an owner or occupant fails to comply with an inspection report issued pursuant to this Code, the Fire Department may issue an order to compel compliance with the provisions of this Chapter.
- (b) The failure of the Fire Department to inspect or to issue an order in accordance with this Chapter shall not constitute approval of any violation or the noncompliance with the provisions of this Chapter.
- (c) Any order issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupant's last known address.

**18.04.180 Order Forbidding Occupancy or Construction**

- (a) The Chief, or his/her designee(s), is empowered to issue an order forbidding the occupancy of any structure or part of any structure, in accordance with IC 36-8-17-9.
- (b) The Chief, or his/her designee(s), is empowered to issue an order forbidding continued construction of a building or structure in accordance with IC 36-8-17-9 when the building, structure or property under development is in violation of state or local fire prevention codes and continued work will:
  - (1) Conceal a violation of law;
  - (2) Result in a building or structure being inaccessible to servicing by fire department apparatus; or,
  - (3) Result in a building or structure with insufficient water supply as required by this Code.
- (c) The order forbidding occupancy or continued construction shall be in writing, specifying whether it is applicable to the entire structure, part of the structure, or the property under development. The order shall state the reason for issuance and the conditions under which construction may be continued or the structure, part of the structure or property may be occupied. The order shall be posted on the structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his/her agent and to any other responsible person supervising work on the premises. It shall be unlawful for any person to remove a posted order.

**Chapter 18.08**

**EMERGENCY SERVICES, DEVICES AND APPLIANCES**

**Sections:**

- 18.08.010 Authority at Fires and Emergencies**
- 18.08.020 Emergency Lines**
- 18.08.030 Unlawful Interference with Fire Protection Equipment**
- 18.04.040 Painting**
- 18.04.050 Installation and Plans—Approval**

**18.08.010 Authority at Fires and Emergencies**

The Chief, or his/her designee(s), at any fire, explosion, or other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as may be necessary to control, extinguish, perform special operations, and investigate the existence of hazardous conditions in connection with such fire, explosion, or other emergency, or to take other action reasonably necessary to contain, mitigate, or eliminate the emergency.

**18.08.020 Emergency Lines**

(a) The Chief, or his/her designee(s), the incident commander, or any law enforcement officer may establish emergency lines and limits and barricade or otherwise keep the general public from emergency lines and limits. The Chief, or his/her designee(s), the incident commander, or any law enforcement officer may create an area in which only the following shall

be admitted: firefighters, law enforcement officers and those having a direct interest in any property threatened by the fire, explosion, or other emergency, or other people or agencies at the discretion of the incident commander.

(b) It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

**18.08.030 Unlawful Interference with Fire Service Features**

It shall be unlawful for a person to do or permit to be done any of the following acts:

(a) Tampering with fire service features which includes, but is not limited to tampering, molesting, destroying or removing or in any manner interfering with, damaging or disturbing any part of the fire service feature, apparatus, equipment or devices in the City of Bloomington;

(b) Injuring fire hose which includes, but is not limited to, driving any motor vehicle or railroad locomotive over any fire hose laid in any street in the vicinity of any fire or while in use for any other purpose, or in any other way interfering with the use of such hose; or,

(c) Opening fire hydrants which includes, but is not limited to, using or operating any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the servicing fire department.

Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the servicing fire department, owners of private fire hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties.

(d) Obstruction which includes, but is not limited to placing, parking, planting, building, erecting or maintaining any object, plant or material which will obstruct or hinder in any manner the operation of use of any fire appliance within the City of Bloomington.

**18.08.040 Painting**

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

**18.04.050 Installations and Plans--Approval**

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

(b) Every privately owned fire hydrant shall be tested according to procedures approved by the Utilities Department at least once every two years. If the testing is not performed by the City of Bloomington or its agents, then the owner shall provide documentation of the testing to the Utilities Department.

**Chapter 18.12**

**FIRE PROTECTION EQUIPMENT, COMMERCIAL KITCHENS, FIRE LANES AND OTHER FIRE PROTECTION MEASURES**

**Sections:**

- 18.12.010 Plans for Fire Protection Systems**
- 18.12.020 Requirements for Commercial Kitchen Exhaust Equipment and Fire Protection Equipment**
- 18.12.030 Fire Lanes**
- 18.12.040 Emergency Exit Markings**
- 18.12.060 Locked, Chained, or Inoperable Emergency Exits**

**18.12.010 Plans for Fire Protection Systems**

In the event a set of plans and specifications for fire protection systems, including fire alarm systems, automatic sprinkler systems, standpipe systems, and other special types of fire extinguishing or detecting systems and appurtenances thereto is created, then such documents shall be submitted to the Fire Department for information purposes. Failure to submit such documents as required by this section shall constitute a violation of the Code.

**18.12.020 Requirements for Commercial Kitchen Exhaust Equipment and Fire Protection Equipment**

Any new installation of kitchen fire suppression equipment shall be inspected by the Fire Department prior to the kitchen cooking equipment being placed in-service. The installing company shall:

- (a) Use installers that are certified by the manufacturer;
- (b) Provide a copy of the plans for the system to the Fire Department for approval prior to installation;
- (c) Notify the Fire Department at least twenty-four (24) hours in advance of the system being completed for system testing; and,
- (d) File with the Fire Department a form stating that the system has been inspected, signed by both a representative of the Fire Department and the installation company's representative. This form is to be kept on file in the Fire Department.

**18.12.030 Fire Lanes**

For the purposes of this Title, fire lanes, which shall also be known as emergency vehicle lanes, shall be required as set forth in Bloomington Municipal Code Section 15.32.160 Emergency Vehicle Lanes.

- (a) Fire lanes shall be capable of supporting the intended loads of the largest apparatus anticipated to be used on the property.
- (b) Where a bridge is required to be used as access to a property, it shall be constructed and maintained using live design loading sufficient to carry imposed loads of fire apparatus.
- (c) Fire lanes shall be marked with freestanding signs or marked curbs, sidewalks or other traffic surfaces that have the words "Fire Lane—No Parking." The type and color of markings shall be approved by the Fire Department.

**18.12.040 Emergency Exit Markings**

All exit doors used solely for emergency egress serving areas of assembly with occupancy loads of over fifty but less than one thousand persons shall be framed by a swath of luminescent or reflective tape or paint no less than three inches in width. This luminescent paint or tape shall be of a color that contrasts with the color of adjacent surfaces.

**18.12.060 Locked, Chained, or Inoperable Emergency Exits**

No person shall lock, chain or otherwise render inoperable an emergency exit. Each exit where this occurs shall be treated as a separate violation.

**Chapter 18.16**

**OPEN BURNING**

**Sections:**

- 18.16.010 General**
- 18.16.020 Permit Required**
- 18.16.030 Burning on Public Property**
- 18.16.040 Hazardous or Objectionable Situation**

**18.16.010 General**

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.

**18.16.020 Permit Required**

- (a) No person shall start, kindle or maintain any bonfire or open burning, or authorize or allow any such fire to be started, kindled or maintained with the City of Bloomington without having first obtained a permit from Fire Department.
- (b) During the construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning without having first obtained a permit from the Fire Department.
- (c) 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 occur.

(d) These restrictions do not prohibit outdoor fires in pits or grills used solely for the preparation of food or the use of small, moveable outdoor fire places under conditions set forth in Section 18.16.050.

**18.16.030 Burning on Public Property**

Burning on public property shall be prohibited unless a permit has first been obtained from the Fire Department.

**18.16.040 Hazardous or Objectionable Situation**

The Fire Department is authorized to order the extinguishment of an open burn or extinguish the open burn itself upon a determination that the open burn creates or adds to a hazardous or objectionable situation. This section applies to those persons granted a permit under sections 18.16.020 and 18.16.030.

**18.16.050 Chimenea, fire pits and other small, moveable outdoor fire places**

Chimeneas, fire pits and other small, moveable outdoor fire places may be used, provided the unit:

- (a) must be used following the manufacturer's guidelines;
- (b) must be placed outside and cannot be located under a roof or any type of balcony;
- (c) must be placed on an approved noncombustible surface such as a "UL listed stove mat" or "hearth board," if used on a wooden deck or other combustible surface;
- (d) shall not be placed within four (4) feet to any combustible material;
- (e) shall be attended at all times while burning
- (f) should be fitted with a protective screen over all openings, if wood is used that causes "crackle and sparks;" and
- (g) shall not be used for heating indoor areas.

**Chapter 18.20**

**PENALTIES AND APPEALS**

**Sections:**

- 18.20.010 Penalties**
- 18.20.020 Appeals**

**18.20.010 Penalties**

(a) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this Chapter. A violation continues to exist until corrected.

(b) Any violation of this Chapter shall be subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) for each such violation, and not more than seven thousand five hundred dollars (\$7,500.00) for the second and any subsequent violation within twelve months of the first violation, in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.

(c) The following violations of this Chapter shall be subject to the fines listed in the table below for the first offense. Except as set forth in the table, if a responsible party commits a second or subsequent violation of the same provision of this Chapter within twelve (12) months of the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in *Subsection 18.20.010(b)*. (For example, a violation that is subject to a one hundred dollar (\$100.00) fine per the table will be subject to a two hundred dollar (\$200.00) fine for the second offense, a four hundred dollar (\$400.00) fine for the third offense, and so forth.)

<b>Fire Prevention Code</b>	<b>Fine</b>
Failure to Properly Mark Emergency Exit (BMC 18.12.040)	\$50.00
Failure to Service Extinguishers	\$50.00
Exit Lights Not Working Properly	\$50.00
Emergency Lighting Not Working Properly	\$50.00
Fire Stoppage/Penetration Violations	\$50.00
Failure to Post Occupant Load	\$100.00

Electrical Hazard Violations	\$100.00
Combustibles Stored in Mechanical Rooms	\$500.00
Failure to Service Fire Alarm(s)	\$500.00
Failure to Service Sprinkler System(s)	\$500.00
Crossing Emergency Line or Limit	\$500.00
Failure to Service/Clean Commercial Kitchen Hoods	\$1,000.00
Tampering, Obstructing, Hindering or Obstructing Access to Fire Service Features	\$1,000.00
Violation of Occupancy Limitation	\$2,500.00
Blocking Any Marked Exit	\$2,500.00
Disabling Sprinkler System	\$2,500.00
Open Burning	\$2,500.00
Locking, Chaining or Rendering Inoperable Any Marked Exit	\$2,500.00 (\$7,500 for second and subsequent violations within 12 months of the first violation)
Any Other Violation	Up to \$2,500.00

**18.20.020 Appeals**

(a) Whenever the Fire Department disapproves or refuses to grant a permit applied for, the applicant may appeal the decision of the Fire Department to the Board of Public Safety or whenever the Fire Department assesses a fine for a violation of this Code, said fine may be appealed to the Board of Public Safety.

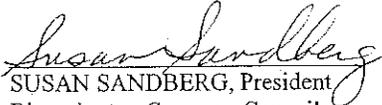
- (1) The appeal must be in writing.
- (2) The appeal must be submitted to the City of Bloomington Legal Department within fourteen (14) calendar days of the denial of the permit or the issuance of the fine.
- (3) The Board of Public Safety, in its discretion, may review the appeal in writing or may review the appeal via an open hearing. The applicant will be notified by the City of Bloomington Legal Department whether a hearing will be held.

(b) An owner or occupant who remains aggrieved by the decision issued pursuant to this Chapter and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to such Commission in accordance with the Indiana Code.

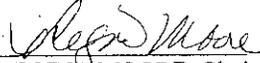
SECTION 2. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, publication in accordance with State law and approval by the Indiana State Fire Prevention and Building Safety Commission.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17<sup>th</sup> day of July, 2008.

  
 SUSAN SANDBERG, President  
 Bloomington Common Council

ATTEST:

  
 REGINA MOORE, Clerk  
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18<sup>th</sup> day of JULY, 2008.

Regina Moore  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 18<sup>th</sup> day of JULY, 2008.

Mark Krizan  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance repeals and replaces the current Title 18. The current Fire Prevention Code for the City is very basic. This proposed ordinance creates the following: a definition section, language specifying the availability of assistance from law enforcement, procedures for the investigation of fires, new procedures for inspections and how reports are to be maintained. A new inspection fee system has been added wherein: the first inspection is free; the first reinspection is free provided all violations from the prior inspection have been remedied; the first reinspection results in a fee of \$100 if the violations from the prior inspection have not been remedied; all additional reinspections result in a fee of \$200; and courtesy inspections of fire protection systems are free of charge. The new ordinance specifically states that the Fire Chief, with the approval of the State Fire Marshal, has the authority to close a noncompliant building or cease a building from being built if it is noncompliant. New language has been added making it an offense to disturb or destroy fire appliances and to cross emergency lines. The fine section has been overhauled; the new section has specific fines for specific offenses and a general catch-all fine for all other fines not listed.

*Note: At the 16 July 2008 Regular Session, the Council adopted Am-01, Am-02, Am-04 & Am-06 which are attached to the ordinance.*

*Note: This ordinance must be approved by the Indiana Fire Prevention and Building Safety Commission and published before it goes into effect.*

Signed copies to:

Legal (6)

Controller

web mistress

Fire Chief

Police Chief

CA/CA (3)

clerk - 2

file - 2

BMC recipients (30)