

CHAPTER 91: FIRE PREVENTION

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GENERAL PROVISIONS

§ 91.01 PURPOSE.

The purpose and the intent of this chapter 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.

(Ord. 1-1990, passed - - 90)

§ 91.02 TITLE AND DEFINITIONS.

(A) This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Fire Prevention Code" of the City of Peru, Indiana, may be cited as such, and will be referred to herein as "this chapter."

(B) The following terms are herein and defined as follows:

(1) **FIRE APPARATUS ACCESS ROAD.** Any road permitting fire apparatus to gain entry to a building or property for fire fighting and rescue purposes.

(2) **FIRE CHIEF.** The duly appointed Chief of the Fire Department of the City of Peru, Indiana.

(3) **SUPERINTENDENT OF THE WATER UTILITY.** The duly appointed Superintendent of the Peru Municipal Utilities of Peru, Indiana.

(Ord. 40-1989, passed 11-6-89)

§ 91.03 APPLICABILITY.

(A) The provisions of this chapter and the building and fire safety rules and regulations of the Indiana Fire Prevention and Building Safety Commission as required to implement Indiana Statutory Laws IC 22-12 through IC 22-15 shall apply equally to new and existing buildings and conditions existing within the city, excepting:

(1) Conditions legally in existence at the adoption of this chapter and not in strict compliance therewith 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.

(2) The transportation of any article or substance under the jurisdiction of and in compliance with the regulations prescribed by the military forces of the United States.

(B) Nothing in the chapter shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by the city governing the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings specifically provided herein. When any provision of this chapter is found to be in conflict with any building, zoning, safety, health, or other applicable law, ordinance, or code of the city existing on the effective date of this chapter or hereinafter adopted, the provisions which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

(C) The planning, design and construction of new buildings and structures to provide egress facilities, fire prevention, and built-in fire protection equipment shall be controlled by the building rules of the Indiana Fire Prevention and Building Safety Commission as set forth in the Indiana Building Code (675 IAC 13) and adopted in § 152.07 of this Code of Ordinances and entitled "construction codes"; any alterations, additions or changes in building required by the provisions of this chapter which are within the scope of the building rules shall be made in accordance therewith.

(D) Buildings built under and 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 and used for such use as originally permitted, shall be exempt from the requirements of this chapter pertaining to any of the following matters:

(1) Fire protection of structural elements.

(2) Exits required, except as provided for existing buildings under this chapter.

(3) Isolation of hazardous operations and mixed uses; provided, however, that the Fire Chief shall require the installation of safety devices or systems (fire extinguishers, fire alarms, fire detection devices, or similar systems) where they are necessary to provide safety to life. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the Fire Chief shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property. Any orders issued by the Fire Chief shall be governed by the provisions of IC 36-8-17-9(d).

(Ord. 40-1989, passed 11-6-89)

§ 91.04 ADOPTION OF FIRE PREVENTION CODES.

(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 into this chapter and shall include later amendments to that Article as the same are published in the Indiana Register or the Indiana Administrative Code with the effective dates as fixed therein:

Article 22 - Fire Codes

(1) Indiana Flammable and Combustible Liquids and Gases Code (675 IAC 22-1)

(2) Indiana Fire Prevention Code (675 IAC 22-2.1).

(B) The National Fire Code Standards as promulgated by the National Fire Protection Association (NFPA), along with any and all references and amendments thereto except those adopted by the State of Indiana is hereby adopted for use when a particular subject matter is not treated within the context of the Rules of the Indiana Fire Prevention and Building Safety

Commission (675 IAC).

(C) Copies of all above referenced fire safety rules codes and standards shall be kept on file and open for public inspection in the Office of the Fire Chief of Peru, Indiana.

(Ord. 40-1989, passed 11-6-89; Am. Ord. 7-1991, passed 6-3-91)

§ 91.05 ADMINISTRATION.

(A) The Chief of the Fire Department or other enforcing officer shall be the ex officio Fire Marshal.

(B) The Chief of the Fire Department may assign such members of the Fire Department as fire inspectors as shall from time to time be necessary.

(C) A report of the fire prevention activities of the Fire Department shall be made annually and transmitted to the chief executive offices of the municipality; it shall contain all proceedings under this chapter, with such statistics as the Chief of the Fire Department may wish to include therein; The Chief of the Fire Department shall also recommend any amendments to the chapter which in his judgement, shall be desirable.

(Ord. 40-1989, passed 11-6-89)

§ 91.06 ENFORCEMENT AUTHORITY.

(A) It shall be the duty and responsibility of the Chief of the Fire Department or such officer or designee who is an ex officio assistant to the State Fire Marshal under IC 36-8-17-5(a) to enforce the provisions of this chapter. The designated enforcement officer of this chapter is herein referred to as the Fire Chief.

(B) The Fire Chief shall cooperate with the City Engineer/Building Inspector responsible for the enforcement of the code of building laws and orders required to be enforced in the city pursuant to IC 36-7-2-9.

(C) The City Fire Department Inspectors shall have the powers of police officers in the performance of their duties under this code, including the issuance of tickets to violators of the requirements and rules under the Fire Code. The Inspector shall have the option to issue a ticket to Ordinance Violation Bureau or directly to City Court depending on the nature of the offense.

(Ord. 40-1989, passed 11-6-89; Am. Ord. 36-1990, passed 11-5-90)

§ 91.07 INSPECTIONS.

(A) 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 conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this chapter affecting life safety.

(B) Whenever an inspector from any agency or department observes an apparent or actual violation of any law, ordinance or code of the city not within the inspector's jurisdiction to enforce, the inspector shall report the findings to the official having jurisdiction.

(C) Inspections required by this section shall be conducted at least once yearly.

(Ord. 40-1989, passed 11-6-89)

§ 91.08 RIGHT OF ENTRY.

Whenever necessary for the purpose of enforcing the provisions of this chapter, 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 chapter, 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 may apply to a court of competent jurisdiction for an order compelling such inspection, which order such court shall have the authority hereunder to grant.

(Ord. 40-1989, passed 11-6-89)

§ 91.09 ON-SITE FIRE PROTECTION FACILITIES AND FIRE APPARATUS ACCESS ROADS.

(A) The Fire Chief may require that any real estate development include the installation of such on- site fire protection facilities, fire hydrants and access roads as in his judgement are necessary to provide adequate water supplies and access on land to be developed. The installation shall be at the expense of the owner or developer.

(B) All fire protection facilities and fire hydrants required to be installed hereunder shall be approved by and meet the specifications of the Fire Department and Peru Municipal Water Utility as to location, connection, size and type of materials and manner of installation. All hydrant, standpipe, and sprinkler connections shall have Peru Threads (3.310 x 8 TPI). Construction shall be carried out under the inspection of the Fire Department and Municipal Water Utility. When any land is developed in such a manner that all or a substantial part of any building or structure thereon is or becomes in excess of 150

feet distance from the municipal water supply for fire protection the developer shall provide such fire protection facilities and fire hydrants on the land as shall be determined necessary under this section to provide an adequate water supply.

(C) Location of fire hydrants. Fire hydrants shall be located at least 50 feet from buildings but no further than 100 feet from Fire Department connections on buildings equipped with standpipe systems or automatic sprinkler systems nor more than 150 feet from an unsprinkered building. These distances shall be determined by measuring the footage from the building to the fire hydrant using approved fire apparatus access ways.

EXCEPTION: Unsprinklered buildings less than 5,000 square feet in size may be exempt from the above if the building is located no further than 300 feet from a fire hydrant and approved by the Chief.

(D) All on-site fire protection facilities and fire hydrants whether installed before or after the effective date of this section, shall at all times be maintained in good working order by the owner thereof. To this end, the Fire Chief is empowered to mandate that the owner conduct periodic tests and inspections of the facilities by a contractor trained to conduct such tests and fire inspections. Results of such tests shall be forwarded to the Fire Chief and if the Fire Chief determines that the facilities are not being reasonably maintained as required by this section, he shall order that the owner or lessee of the land make the necessary repairs or changes within ten days or such longer time as in his judgement is reasonable. It shall be unlawful for any person to fail or refuse to comply with any such order.

(E) No on-site fire protection facilities and fire hydrants whether installed before or after the effective date of this section, may be altered or repaired without the written approval of the Fire Chief and the Superintendent of the Water Utility, provided that such alterations or repairs shall be carried out in conformity with the provisions of § 91.09(b).

(F) Whenever any on-site fire protection facilities or fire hydrants have been installed as provided in this section either pursuant hereto or prior to the effective date hereof, the following provision shall be applicable.

(1) Hydrants - parking prohibited. With respect to hydrants located along private access ways where curbs exist, the curbs shall be painted yellow or otherwise appropriately marked by the owner, lessee, or other person in charge of the premises, to prohibit parking for a distance of ten feet in either direction from any such hydrant. In such cases where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that parking is prohibited for a distance of ten feet from any hydrant. When the areas are signed or marked as provided herein, no person shall park or leave standing a vehicle within ten feet of any hydrant.

(2) No person shall obstruct any fire hydrant or other Fire Department connection or place or deposit any lumber, rack, sand, debris or other substance within ten feet to the front or either side of any such fire hydrant or Fire Department connection, or any walls, fences, hedges, screen planting, or any obstruction of any kind either three feet to the rear or side of the hydrant or connection on any public or private property in the city.

(G) Fire apparatus access roads. All fire apparatus access roads as defined in §91.02 shall be approved by and meet the following specifications of the Fire Department.

(1) Where required. Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is more than 150 feet from a Fire Department vehicle access road.

EXCEPTION: When buildings are completely protected with an approved automatic fire sprinkler system.

(2) Permissible modifications. Clearances or widths required by this section may be increased during the review process set forth in § 91.13 of this code when, in the opinion of the Fire Chief, minimum clearances or widths are not adequate to provide fire apparatus access.

(3) Surface. Fire apparatus access roads shall be designed and maintained to support a 20-ton apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(4) Width. The minimum unobstructed width of a fire apparatus access road shall not be less than 20 feet.

(5) Vertical clearance. All fire apparatus access roads shall have unobstructed vertical clearance not less than 13.5 feet.

(6) Turning radius. The turning radius of a fire apparatus access road shall not be less than 20 feet.

(7) Turnabouts. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for turning around of fire apparatus. The turning radius shall not be less than 47 feet.

(8) Bridges. When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with design criteria of the American Association of Highway Transportation Officials for an HS20-44 complying structure.

(9) Grade. The gradient for fire apparatus access road shall not exceed eight degrees.

(10) Number of access roads. When a fire apparatus access road exceeds 150 feet in length and serves multiple building complexes, additional fire apparatus roads may be required if in the opinion of the Fire Chief a single access road may be blocked endangering lives and buildings beyond the blockage.

(11) Signs. Approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

(12) Access - obstruction prohibited. No owner or lessee of the land or proprietor, partner, officer, director, manager, or agent of any business or other activity carried on upon the land, permit otherwise allow, and no person shall cause any activity, practice, or condition to occur or exist or continue to exist upon land which shall lessen, obstruct or impair the access required under this section.

(13) Access - snow clearance. When excessive snow fall warrants the clearance of snow from sidewalks and parking areas of any business, the owner, lessee or other person in charge of the premises shall be required at the same time to remove snow from all access required under this section. Such snow clearance shall not cause any fire hydrant or Fire Department connection to become obstructed in accordance with § 91.09 (F)(2).

(14) Access - parking prohibited. If in the judgement of the Fire Chief it is necessary to prohibit vehicular parking along private access roads in order to keep them clear and unobstructed, he may require the owner, lessee, or other person in charge of the premises to paint the curbs yellow or install signs or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall thereafter be unlawful for the owner, lessee, or other person in charge to fail to install and maintain in good condition the form of notice prescribed. When such areas are marked or signed as provided herein, no person shall park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

(H) Construction facilities. Fire protection facilities and fire apparatus access roads are to be provided during initial stages of construction. When it is deemed that the fire protection facilities and fire apparatus access roads are required to be installed as required by this section by the developer, the facilities and roads as may be required shall be installed and made serviceable prior to or at the time any combustible construction begins on the land, unless, in the opinion of the Fire Chief, the nature of the circumstances of the facilities and roads make it impractical.

(Ord. 40-1989, passed 11-6-89) Penalty, see § 91.99

§ 91.11 SMOKE DETECTORS.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MANUFACTURED HOME. Any dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971.

SINGLE- AND MULTIPLE-FAMILY DWELLING UNIT. Any building that contains living quarters and shall include but not be limited to hotels, motels, boarding houses, sleeping rooms, buildings of mixed occupancy, having residential units, nursing homes, convalescent homes, licensed half-way houses, residences, private homes, or lodging houses.

SLEEPING AREA. The area of a unit in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate "sleeping areas", but bedrooms or sleeping rooms separated by a bathroom are not separate "sleeping-areas".

SMOKE DETECTOR. A device which detects particles or products of combustion other than heat, approved by Underwriters Laboratories, Inc., or Factory Mutual. The "Smoke Detector" device may be either battery powered it may be powered by a 110 volt alternating current.

(B) *Required.* All single and multiple family dwelling units and all manufactured homes shall be equipped with smoke detectors.

(C) *Location; installation.* Smoke detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to the rooms used for sleeping purposes. Where a common hallway is used, smoke detectors shall be placed not more than 25 feet apart in the hallway. All smoke detectors shall be located either on the ceiling, not less than six inches from any wall, or on a wall not less than six nor more than 12 inches from the ceiling, and within 15 feet of all rooms used for sleeping. No smoke detectors shall be recessed into the ceiling. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C. powered smoke detectors shall conform to the Indiana Electrical Code as adopted by the city in § 152.07(E). A smoke detector required under this section shall be installed in accordance with the directions and specifications of the manufacturer, but if in conflict with any city electrical standard, the city electrical standard shall take precedence.

(D) *Maintenance.* It shall be unlawful for any person in any rental unit to tamper with or remove any smoke detector except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be reinstalled or replaced so that it is in place during normal sleeping hours. At every change of tenant, in every dwelling unit or manufactured home rental, smoke detectors shall be tested by the owner, manager, or agent and made operable. Failure to do so will constitute a violation of this code.

(E) *Duty of rental property owner, manager, or agent.* Every owner, manager, or agent of single or multiple family rental unit or manufactured home rental shall be responsible for the installation and maintenance of all smoke detectors. This requirement applies to smoke detectors required by any state or federal law as well as this section, unless otherwise required by state or federal law.

(F) *Certificates of compliance.* Between January 1, and January 31 of each year, the owner of each rental dwelling unit and manufactured home rental in which smoke detectors are required in accordance with this section, shall certify in writing on forms prescribed by the city to the Fire Department that the required maintenance has been performed on all smoke detectors in the owners units and that the smoke detectors are in good working condition as of the date of certification. Each

owner shall certify to each new occupant of any rental dwelling unit or mobile home rental covered by this section that all smoke detectors required have been installed and are in proper working condition.

(G) Duty of non-rental single family dwelling and manufactured home owners. It shall be the duty of the owners of a non-rental single family dwelling or manufactured home that upon the sale of such dwelling or manufactured home that the seller provide to the Fire Department, proof of compliance with the applicable provisions of this section by providing a certificate of compliance as described in division (F) above.

(Ord. 40-1989, passed 11-6-89) Penalty, see § 91.99

§ 91.12 REVIEW OF BUILDING SITE PLANS BY FIRE DEPARTMENT AND FINAL INSPECTION.

(A) Except as otherwise determined by the Chief of the Fire Department, a copy of the site plans submitted to the City Zoning Administrator in support of an application for a building permit to construct any building shall be submitted to the Fire Department for review and approval. When any plans are submitted, the Fire Chief shall cause a review of them and determine whether any building or structure on the land to be developed is, or will by virtue of the development, become in violation of the requirements of § 91.09(C) and/or § 91.09(G)(1) for fire hydrants and fire apparatus access roads. This shall also include review for compliance with the provisions of the Indiana Fire Code § 10.301. If, on review it is determined either that the fire protection facilities or access roads are not required or that they are adequately provided for in the plans, the Fire Chief or his designee shall endorse his approval thereon. If adequate provision for such facilities or roads is not made, the Fire Chief or his designee shall either disapprove the plans and indicate to the City Planning Department in writing wherein they are deficient (in which case any revised plans shall be resubmitted to the Fire Department) or approve the plans subject to conditions.

(B) No final inspection under the Code of Ordinances as to all or any portion of the development shall be deemed completed unless and until the installation of the prescribed facilities and access ways has been completed and the final approval thereof of the Fire Department given as provided therein. The final inspection shall be conducted solely to implement the enforcement of the provisions of this section and shall in no manner be deemed an assurance on the part of the city that these facilities and access ways are or will continue to be in working order.

(Ord. 40-1989, passed 11-6-89)

§ 91.13 REVIEW OF BUILDING PLANS BY FIRE DEPARTMENT AND CERTIFICATE OF OCCUPANCY.

(A) Except as otherwise determined by the Chief of the Fire Department, the plans submitted to the City Engineer/Building Inspector in support of an application for a building permit to construct any building shall also be submitted to the Fire Department for approval. Plans submitted must contain the official stamp of the Indiana State Building Commissioner.

(B) When any plans are submitted under division (A) above the Fire Department shall cause a review of them and determine whether such plans conform to the rules and regulations of the State of Indiana Fire Prevention and Building Safety Commission (675 IAC) and the Peru Fire Prevention Ordinance.

(C) Certificate of occupancy. A certificate of occupancy must be obtained from the City Building Department. This certificate must be signed by both the Building Department and the Fire Department, after a final inspection of the building or structure is made. No building or structure shall be used or occupied until this certificate of occupancy has been issued. Issuance of a certificate of occupancy shall not be construed as an approval of any violations of the provisions of this code or of other ordinances the city and regulations of the State of Indiana Fire Prevention and Building Safety Commission.

(Ord. 40-1989, passed 11-6-89)

§ 91.14 SETTING OF FIRE AND TRASH ON STREETS.

(A) It shall be unlawful for any person to set fire to any leaves, paper, or trash of any kind or character on the streets, lawns, or sidewalks within the corporate boundaries of the city.

(Ord. 40-1989, passed 11-6-89) Penalty, see § 91.99

§ 91.15 INVESTIGATION OF FIRES.

The Fire Chief shall investigate, or cause to be investigated, every fire or explosion occurring within the city that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of suspicious nature, the Fire Chief shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such buildings, structure or premises until such evidence has been properly processed. The Fire Chief shall notify the office of the State Fire Marshal pursuant to IC 36-8-17-7 for further investigations into such matters and shall further cooperate with said office in the collection of evidence and prosecution of the case.

(Ord. 40-1989, passed 11-6-89)

§ 91.16 FIRE RECORDS; REPORTS.

(A) The Fire Chief shall keep a record of all fires and all facts concerning the same, including investigation findings and

statistics and information as to the cause, origin and the extent of such fires and the damage caused thereby.

(B) The Fire Chief shall submit a report of each fire occurring within the city the office of the State Fire Marshal in accordance with IC 36-8-17-7, and in such form as prescribed by that office.

(Ord. 40-1989, passed 11-6-89)

§ 91.17 FIRE WATCH WHEN FIRE PROTECTION SYSTEMS ARE OUT OF SERVICE.

(A) (1) Indiana Fire Prevention Code Chapter 9, § 901.7 states that where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately; and

(2) Where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.

(3) In Chapter 4, § 403.1, Fire Watch Personnel, states that in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

(4) In § 403.1.1, fire watch personnel shall keep diligent watch for fires, obstructions to means of egress and other hazards during the time such place is open to the public or such activity is being conducted and take prompt measures for remediation of hazards, extinguishment of fires that occur and assist in the evacuation of the public from the structures.

(B) The City of Peru Fire Department will be the required fire watch personnel; furthermore, the department shall charge back to the agency the cost of the wage per hour, plus any additional overtime compensation as set per the city wage ordinance for the given year.

(Ord. 6, 2014, passed 1-13-14)

ALARM SYSTEMS

§ 91.51 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM USER. Any mechanism, equipment or device which is designed or used for the detection of a fire within a building, structure, facility or enclosed area, or both, and which emits a sound or transmits a signal or message when activated; this definition shall include local fire alarm systems.

ALARM USER. Any natural person, firm, association, partnership, limited partnership, sole proprietorship or corporation, which is in control of any building, structure, or facility wherein a fire alarm system is installed, operated or maintained.

FALSE ALARM. The activation of an alarm system eliciting a response by the Fire Department which is not in response to actual or threatened danger to persons or damage to property. **FALSE ALARM** also means the activation of any such alarm system through mechanical failure, malfunction, improper installation or maintenance, or negligence of the alarm user or his employees or violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user or alarm system installer or servicer.

LOCAL ALARM SYSTEM. A signaling system which when activated causes an audible and/or visual signaling device to be activated only in or on the premises in which the system is installed, operated or maintained.

NOTICE. Written notice either by certified mail, return receipt requested, or by personal service upon the addressee at his last known address.

(Ord. 40-1989, passed 11-6-89)

§ 91.52 RESPONSE TO ALARM; DETERMINATION OF VALIDITY.

(A) Whenever an alarm system is activated in the city which results in an emergency response to the premises by its Fire Department, the officer on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was required or was a false alarm.

(B) If the officer at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm, notice of which shall be sent to the alarm user at the address of the premises, or at the last known address of the alarm user, if different from the premises address.

(C) The Fire Chief of the city or his designee, shall have the right to inspect the premises to which a response has been made and may cause such inspection to be made at any reasonable time after the occupance of a false alarm.

(Ord. 40-1989, passed 11-6-89)

§ 91.53 FALSE ALARM.

(A) Whenever an alarm user issues, causes to be issued, or permits the issuance of a false alarm, this section shall apply.

(B) The Fire Department of the city shall maintain appropriate records of all false alarms to which the department responds. After the department responds to three false alarms at one location on or after January 1 and before December 31 of any calendar year, the department shall charge the alarm user a user fee for each false alarm response in the amount of \$25 as reasonable compensation for the cost of the department's personnel, equipment, and overhead for the response.

(Ord. 40-1989, passed 11-6-89)

§ 91.54 (RESERVED).

§ 91.55 ALARM SILENCER REQUIRED.

(A) No local fire alarm system and no regular fire alarm shall be installed on any premises in the city which does not have an operable automatic resetting device to silence the alarm audible sounder within 30 minutes after activation and to prevent the alarm sounding again as a result of the same event that caused the original activator.

(Ord. 40-1989, passed 11-6-89)

§ 91.59 PENALTIES.

(A) Any person who violates or fails to comply with any of the provisions of this subchapter shall be liable to the city for a civil forfeiture of \$50 for the first violation and \$200 for each violation thereafter. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) Any alarm system installed, operated, or maintained in violation of this chapter is hereby declared to be a nuisance and may be abated in the manner as nuisances are now or may hereafter be abated under existing law.

(C) The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. 40-1989, passed 11-6-89)

§ 91.60 RAPID ACCESS SYSTEM ESTABLISHED.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIRE CHIEF. Refers to the duly appointed Fire Chief or his or her designee.

FIRE DISTRICT. Refers to the normal protection district covered by the Peru Fire Department.

KEY BOX. Refers to a UL-type box, size and style approved by the Fire Chief.

KEY SWITCH. Refers to a UL-type switch approved by the Fire Chief.

RESPONSIBLE PARTY. Refers to the person(s) charged with the responsibility for the possessory right of the building (i.e., owner, lessee, assignee, and the like).

SECURITY CAP. Refers to an FDC cap approved by the Fire Chief.

SECURITY PADLOCK. Refers to a UL-type padlock approved by the Fire Chief.

(B) *Locks and keys, when required.*

(1) *Key boxes.*

(a) Where access to or within a structure or an area is restricted because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes, the code official is authorized to require a key box to be installed in an accessible location.

(b) The key box shall be of an approved type, and shall contain keys to gain access as required by the Fire Chief.

(2) *Locks.* An approved lock shall be installed on gates or similar barriers, when required by the Fire Chief.

(C) *Key boxes for standpipe systems.*

(1) All buildings within the City of Peru District are protected by an automatic fire suppression and/or standpipe system.

(2) Every building having an alarm, sprinkler or standpipe system shall be equipped with a key box, installed at a location approved by the Fire Chief.

(D) *Key boxes for automatic alarm systems.* When a building is protected by an automatic alarm system and/or access to or within a building, or an area within that building, is unduly difficult because of secured openings, and where immediate access is necessary for lifesaving and/or firefighting purposes, it shall be equipped with a key box, installed at a location approved by the Fire Chief.

(E) *Automatic gates.* When a property is accessed through a gate or cross arm by means of a key or swipe card, it shall be equipped with a key switch, installed at a location approved by the Fire Chief.

(F) *Security padlock.*

(1) When a property is protected by a locked fence or gate, and where immediate access to the property is necessary for lifesaving and/or firefighting purposes, it shall be equipped with a security padlock, installed at a location approved by the Fire Chief.

(2) It shall then be the responsibility of the responsible party to see that the fence or gate is secured properly so that the security padlock is accessible.

(G) *Security caps.* When a building is protected by an automatic sprinkler and/or standpipe system, and the Fire Department connection is exposed to the public, the Fire Chief may require that a security cap be installed.

(H) *Non-applicability to certain dwellings.* This section shall not apply to owner-occupied, one- and two-family dwellings.

(I) *Key box contents.*

(1) *List of items.* The key boxes shall contain, but not be limited to, the following items:

- (a) Labeled keys to locked points of entry and exit, whether in the interior or the exterior of such buildings;
- (b) Labeled keys to the locked mechanical rooms;
- (c) Labeled keys to any fence or secured areas not covered in divisions (E), (F) or (G);
- (d) Labeled keys to any other areas required by the Fire Chief;
- (e) A display card containing the emergency contact person and phone numbers.

(2) *Additional information.* The Fire Chief may also require:

- (a) Floor plans of rooms within the building, showing locations of shut offs;
- (b) Hazardous materials information.

(J) *Alert decals.* Alert decals, approved by the Fire Chief, to alert fire companies of the presence of security features covered by this section, shall be displayed on outside doors or windows as designated by the Fire Chief.

(K) *Compliance.*

(1) All newly constructed buildings, not yet occupied, or buildings currently under construction, and all buildings or businesses that are described in IFC 902.4, when applying for a certificate of occupancy or building permits, may be required to comply with this section.

(2) All costs associated with implementation of items described above shall be borne by the responsible party.

(Ord. 14, 2003, passed 7-7-03)

FIREWORKS

§ 91.70 REGULATION OF CONSUMER FIREWORKS.

(A) *Definition.* For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CONSUMER FIREWORKS. Consumer fireworks as defined by IC 22-11-14-1.

(B) *Days and hours of use.* Consumer fireworks may not be used, ignited or discharged within the corporate limits of the city, except during the following times:

- (1) Between the hours of 5:00 p.m. and two 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;
- (2) Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
- (3) Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

(C) State law has defined Chinese Sky Lantern as consumer fireworks. The city chooses to ban such devices.

(Ord. 22, 2014, passed 7-7-14) Penalty, see § 91.99

§ 91.71 SUPERVISED PUBLIC DISPLAYS.

(A) PMC § 91.70 shall not apply to supervised public displays of fireworks by use of municipalities, fair associations, amusement parks and other organizations or groups of individuals all of which are and shall constitute and shall continue to be subject to applicable permitting requirements, and state statutes such as IC 22-11-14-3, 22-11-44-3.5, and 22-11-14-4.

(B) The use, ignition or discharge of consumer fireworks other than during the above time periods prescribed by PMC §

91.70 shall constitute an ordinance violation and shall be subject to civil penalties as described in PMC § 36.02.

(Ord. 22, 2014, passed 7-7-14; Am. Ord. 8, 2018, passed 3-5-18) Penalty, see § 91.99

§ 91.96 VIOLATIONS; ORDERS.

(A) Whenever the Fire Chief observes an apparent or actual violation of a provision of this code or of 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 specifying a reasonable time for the required repairs or improvements to be made to correct such violation. The written notice of violation of this chapter shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under 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 address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises. In the event the person in violation fails to respond in the specified time, the Fire Chief shall deliver a second notice by certified mail allowing ten days for a response.

(B) If the notice of violation and order is not complied with within the time allowed by division (A), and no review of such order has been initiated under IC 36-8-17-10, the Fire Chief shall request the legal counsel of the city to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

(C) Temporary or emergency orders issued by the Fire Chief under IC 36-5-17-9(b) shall first be approved by the State Fire Marshal.

(D) When, in the opinion of the Fire Chief, there is actual and potential danger to the occupants or those in proximity of any building, structure or premises because unsafe structural conditions, or inadequacy of any means of egress, the presence of toxic fumes, gases or materials, the Fire Chief may issue an emergency order, with 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 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 chapter.

(Ord. 40-1989, passed 11-6-89)

§ 91.97 ADMINISTRATIVE REVIEW; APPEALS.

(A) A person who is aggrieved by an order issued pursuant to §91.96 of this chapter or IC 36-8-17-9, shall have an opportunity to informally discuss the order with the State Fire Marshal in accordance with IC 36-8-17-10.

(B) An order issued pursuant to §91.96 of this Code or IC 36-8-17-9, or an order affirmed or modified by the State Fire Marshal may be appealed to the Indiana Fire Prevention and Building Safety Commission pursuant to IC 4-21.5-3-7 as may be from time to time amended.

(Ord. 40-1989, passed 11-6-89)

§ 91.98 REMEDIES.

The attorney for the city after all appellate review is complete and upon receipt of a written notice from the Fire Chief that after having issued a lawful notice and order to abate a violation of this chapter, and after a reasonable time for compliance has expired, shall bring action in the Circuit Court or Superior Court of Miami County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Fire Chief, and any such action for mandatory or injunctive relief may be joined with an action to recover the civil forfeitures provided for in this chapter.

(Ord. 40-1989, passed 11-6-89)

§ 91.99 PENALTIES.

Whoever shall violate any of the provisions of this chapter, 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 shall fail, neglect or refuse to obey any lawful order given by the Fire Chief, in connection with the provisions of this chapter, subject to the general penalty provisions for this Code in accordance with the provisions of PMC § 10.99, or to the civil penalties as described in PMC §36.02. Each day of such unlawful activity as is prohibited by this section shall constitute a separate offense.

(Ord. 40-1989, passed 11-6-89; Am. Ord. 36-1990, passed 11-5-90; Am. Ord. 22, 2014, passed 7-7-14; Am. Ord. 8, 2018, passed 3-5-18)