

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Jennifer Lloyd
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: February 19, 2021
RE: Preliminary Staff Review of the Fire Prevention Ordinance of the City of Bloomington

The above referenced ordinance has been received by the Commission and has been assigned to staff for preliminary review. Staff will review your ordinance for any **duplication, conflict, or overlap** with the fire safety and buildings laws of the state and will provide the results of their review upon completion. Staff may request additional information or clarification of provisions in the ordinance.

Please note, the results of this preliminary staff review are not binding upon the Commission, and additional defects may be found at a later date, which may result in the denial of your ordinance. For this reason, it is strongly recommended that ordinances **follow the Commission's approved templates**. Ordinances that do not follow the templates are likely to duplicate, conflict, and overlap with the fire safety and building laws of the state and take longer to review. If the templates are not followed, **do not repeat language** in your ordinance that is **already required by law** in the Commission's rules (which includes language in the model codes adopted within the Commission's rules) or Indiana Code.

To obtain copies of the Commission's ordinance templates, follow these instructions:

1. Visit the Commission's webpage at this link: <http://www.in.gov/dhs/2375.htm>.
2. Scroll down to the "Ordinance Review" section and click the box to expand its content.
3. Within the expanded contents, there is a section titled "Ordinance Templates" that contains links to the Commission's ordinance templates. Click on the template that you wish to adopt.

Please be advised, **property maintenance codes are very likely to conflict** with the Commission's rules and must be narrowly tailored. The Commission's rules generally allow construction to comply with the codes in effect at the time of construction without needing to be modified to comply with current rules, such as those contained in property maintenance codes.

If after reading this notice you would like to revise your ordinance before it is reviewed, or if you have any questions regarding this process, please email buildingcommisison@dhs.in.gov and reference the title of your ordinance which is contained in the subject line of this correspondence.

Ordinance 21-XX

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

**AND TO AMEND TITLE 14 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “PEACE AND SAFETY”
(To Amend Chapter 14.40 - FALSE EMERGENCY ALARMS
Re: Section 14.40.060 - Violations)**

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, Title 18 was amended in minor part in 2003 with the adoption of Ordinance 03-25 but has not been substantially revised since 1997; 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; and

WHEREAS, the existing Title should be revised in order to improve public safety and to improve the safety and welfare of those who serve as City of Bloomington firefighters; and

WHEREAS, a portion of Title 14, “Peace and Safety,” to-wit, Chapter 14.40 “False Emergency Alarms” is incorporated into the proposed revision of Title 18 by reference, and Section 14.40.060 - “Violation” should be amended for the purpose of deterring false emergency alarms; and

WHEREAS, the City of Bloomington believes this ordinance is in the best interest 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:

- 18.21 Administration and Enforcement**
- 18.22 General Safety Provisions**
- 18.23 Emergency Planning**
- 18.24 Fire Service Features**
- 18.25 Emergency and Standby Power**
- 18.26 Fire Protection Systems**
- 18.27 Consumer Fireworks**
- 18.28 Penalties and Fees**

Chapter 18.21

ADMINISTRATION AND ENFORCEMENT

Sections:

- 18.21.010 Title**
- 18.21.020 Purpose**
- 18.21.030 Applicability**
- 18.21.040 Conflicting Provisions**
- 18.21.050 Severability**
- 18.21.060 Minimum Standards**
- 18.21.070 Effect of Adoption on Prior Bloomington Municipal Code 18.04 *et seq.***
- 18.21.080 Definitions**
- 18.21.090 Authority of the Fire Chief**
- 18.21.100 Right of Entry**
- 18.21.110 Determination of Violation**
- 18.21.120 Time Limit**
- 18.21.130 Notice of Violation**
- 18.21.140 Imminent Danger**
- 18.21.150 Duty to Correct Violations**
- 18.21.160 Appeal From Orders**
- 18.21.170 False Reporting**

18.21.010 - Title

This ordinance and all material included herein by reference shall be known as the “Fire Prevention Ordinance of the City of Bloomington, Indiana” (“Ordinance”).

18.21.020 - Purpose

The purpose of this Ordinance is to protect the life, public safety, health and general welfare of the citizens of Bloomington, Indiana and shall be construed in such a manner as to effectuate this purpose.

18.21.030 - Applicability

The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, and Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Ordinance apply to maintenance of Fire Prevention and Life Safety Features as herein described, and apply to existing conditions as well as to the conditions arising after its adoption.

18.21.040 - Conflicting Provisions

If any provision of this Ordinance is found to be in conflict with any Building, Zoning, Safety, Health, or other applicable law or ordinance of the City of Bloomington or Monroe County, Indiana, whether existing on the effective date of this Ordinance or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

18.21.050 - Severability

If any provision of this Ordinance is declared invalid, by a court of competent jurisdiction, for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision(s), be given their original intended effect in adopting this Ordinance. To this end, the provisions of this Ordinance are severable.

18.21.060 - Minimum Standards

All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Code are incorporated in this Ordinance **by reference and are on file in the office of the city clerk for public inspection (per IC 36-1-5-4)** and shall include all later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein. Any special processes or procedures not addressed in the Indiana Fire Code or this Ordinance shall be subject to applications found in Fire Safety Standards recognized by the Indiana Fire Code Referenced Standards and as approved by the Fire Chief or their designee. Any special processes or procedures not addressed in this Ordinance shall be subject to applications found in the current editions of the National Fire Protection Association (NFPA) Standards or other

recognized Fire Safety Standards, subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

18.21.070 - Effect of Adoption on Prior Bloomington Municipal Code 18.04 *et seq.*

The expressed or implied repeal or amendment by this Ordinance of Bloomington Municipal Code 18.04, 18.08, 18.12, 18.16 and/or 18.20, or part of any other ordinance, does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this Ordinance. Such rights, liabilities, and other proceedings shall continue and penalties shall be imposed and enforced under the repealed or amended BMC provisions as if this Ordinance had not been adopted.

18.21.080 - Definitions

“Building Code” means the Indiana Building Code found within 675 IAC 13.

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“Class 1 structure” has the meaning ascribed thereto in IC 22-12-1-4.

“Class 2 structure” has the meaning ascribed thereto in IC 22-12-1-5.

“Commission” refers to the Indiana Fire Prevention and Building Safety Commission as established by IC 22-12-2-1.

“Crowd Manager” has the meaning ascribed thereto in 675 IAC 22-2.5.

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

“Division of Fire and Building Safety” refers to the Division of Fire and Building Safety of the Indiana Department of Homeland Security established pursuant to IC 10-19-7-1.

“Fire Chief” means the chief officer of the City of Bloomington Fire Department.

“Fire Code” refers to the Indiana Fire Code found within 675 IAC 22.

“Fire Department” refers to the City of Bloomington Fire Department unless otherwise stated, and has the meaning ascribed thereto in IC 36-8-17-2.

“Fuel Gas Code” refers to the Indiana Fuel Gas Code found within 675 IAC 25.

“General Administrative Rules” means the General Administrative Rules of the Indiana Fire Prevention and Building Safety Commission found within 675 IAC 12.

“IAC” means the Indiana Administrative Code.

“IC” means the Indiana Code of the Indiana General Assembly.

“Key Box” has the meaning ascribed thereto in 675 IAC 22.

“Mechanical Code” means the Indiana Mechanical Code found within 675 IAC 18.

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

“Owner” has the meaning ascribed thereto in 675 IAC 22.

“Person” has the meaning ascribed thereto in IC 22-12-1-18.

“Qualified Person” means a person who either holds current National Institute for Certification in Engineering Technologies (NICET) certification in the fire protection system being installed, serviced or repaired, or has successfully completed a course of instruction specific to the equipment being installed, serviced or repaired. Such instruction shall have been approved by the manufacturer of the equipment or their authorized representative.

TERMS NOT DEFINED: Where terms are not defined in this Ordinance and are defined in the General Administrative Rules, Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, or Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

18.21.090 - Authority of the Fire Chief

The Fire Chief or their designee, shall have the following authority:

- (a) To administer and enforce the following:
 - (i) All provisions of this Ordinance.
 - (ii) Variances granted in accordance with IC 22-13-2-11.
 - (iii) Orders issued under IC 22-12-7

- (b) At any fire, explosion, rescue, emergency medical or hazardous materials incident, or any other emergency which poses imminent threat to life, environment or property, to direct operations as necessary to control, mitigate or eliminate the emergency. It shall be unlawful for any person to impede or interfere with the emergency operations of the Fire Department.

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

(d) To perform fire investigations pursuant to IC 36-8-17-7 and to conduct an origin and cause investigation of all fires and explosions within the service district of the City of Bloomington Fire Department. It shall be unlawful for any person to impede the Fire Chief or their designee from conducting an origin and cause investigation.

(e) To conduct fire and life safety inspections in Class 1 structures pursuant to IC 36-8-17-8. Such inspections shall be made as often as necessary for the purpose of ascertaining and causing to be corrected any violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission.

(f) To enforce the provisions of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission. Such enforcement shall include, but not be limited to:

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

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

18.21.100 - Right of Entry

Whenever necessary for the purpose of enforcing the provision of this Ordinance, the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code or any other rule of the Commission, or whenever the Fire Chief or their designee 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 their designee 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 Ordinance; provided that if such structure or premises be occupied, the Fire Chief or their designee shall first present proper credentials and request entry. If such entry is refused, the Fire Chief or their designee shall have recourse to every remedy provided by law to secure entry.

18.21.110 - Determination of Violation

Whenever the Fire Chief or their designee determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Ordinance, or any other rule of the Commission, or a hazardous condition exists upon any Class 1 structure within the service district of the Fire Department, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the provision(s) thus violated.

18.21.120 - Time Limit

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

18.21.130 - Notice of Violation

Under IC 36-8-17-9, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance or any other rule of the Commission, which is within the jurisdiction of the Fire Chief or their designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this Ordinance or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue a Notice of Violation or order in accordance with this Ordinance shall not constitute approval of any violation or noncompliance. Any Notice of Violation or order issued pursuant to this Ordinance shall be conveyed upon the owner, operator, occupant or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: personal service by hand delivery or by affixing a copy thereof in a conspicuous place at the entrance of such building or premises; mailing a copy thereof to such responsible person by first class mail to their last known address, fax, or electronic mail pursuant to IC 4-21.5-3.

18.21.140 - Imminent Danger

The Fire Chief or their designee may stop an operation or require the evacuation of any Class 1 structure or portion thereof under the provisions of 36-8-17-9 when it is determined that the conduct or conditions of the property:

- (a) Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser; or
- (b) Are prohibited without a permit, registration, certification, authorization, variance, exemption or other license required under IC 22-14, another Indiana statute or rule of the Commission; or
- (c) Will conceal a violation of law.

18.21.150 - Duty to Correct Violations

The owner or person in control of any premises or building upon which a violation or hazard exists shall:

- (a) Cease and correct the violation; and
- (b) Protect persons and property from the hazards of the violation.

18.21.160 - Appeal from Orders

- (a) An owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention Ordinance and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission may appeal to the Commission as set forth by IC 36-8-17.
- (b) Whenever the Fire Chief disapproves or refuses to grant a permit applied for or when it is claimed that the provisions of this Ordinance do not apply or that the true intent and meaning of this Ordinance has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief in writing to the Board of Public Safety within thirty days from the date of the decision.

18.21.170 - False Reporting

BMC 14.40 False Emergency Alarms is incorporated herein by reference.

Chapter 18.22

GENERAL SAFETY PROVISIONS

Sections:

- 18.22.010** **Open Burning Regulations**
- 18.22.011** - General
- 18.22.012** - Exemptions
- 18.22.013** - Conditions applicable to open burning
- 18.22.014** - Burning on public or commercial property
- 18.22.015** - Penalty for violation
- 18.22.020** **Vacant or Abandoned Buildings**
- 18.22.030** **Tent and Other Membrane Structures**
- 18.22.031** - Notification required
- 18.22.032** - Penalty for violation

18.22.010 - Open Burning Regulations

The following provisions shall regulate open burning:

18.22.011 - General

(a) No person shall start, kindle, cause, allow or maintain any form of open burning on private or public property, except as specifically authorized by this chapter or as permitted in writing by the Fire Department. The responsible party shall demonstrate that they are in legal control of the lot or parcel of land on which the burning is done. No person shall burn leaves, rubbish or any other similar substances. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning. Burning is prohibited in apartment and condominium complexes.

(b) The Fire Chief or their designee shall extinguish or order the immediate discontinuation of any open burning in violation of this chapter or which is deemed hazardous. The Fire Chief or their designee is empowered to prohibit any and all types of outside burning when deemed necessary.

18.22.012 - Exemptions

Provided that the burning complies with applicable state and federal statutes, regulations or other law, including all rules of the Indiana Department of Natural Resources and the Indiana Department of Environmental Management, the following types of open burning shall be allowed:

(a) Burning with the primary purpose of preparing food, subject to the following conditions:

(i) Burning is limited to charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill, traditional food cooking device, or campfire. Paper or petroleum products may be used for ignition purposes only.

(ii) A minimum clearance of ten (10) feet shall be maintained between the fire and any structure or combustible material, except at a one- or two-family dwelling. However if such food preparation occurs over a campfire, the minimum clearance shall be twenty-five (25) feet without exception.

(b) Private residential recreational burning, where the building contains four or fewer dwelling units. Burning shall be subject to the following conditions:

(i) Burning shall be in a noncombustible container that is sufficiently vented to induce adequate primary combustion and has enclosed sides and a bottom.

(ii) The container must have a metal mesh cover with openings not larger than ¼" square. UL -approved chiminea devices are exempt from the mesh screen requirement.

(iii) Only clean untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.

(iv) A minimum clearance of fifteen (15) feet shall be maintained between the noncombustible container and any combustible material.

(c) Fires used for recreational or ceremonial purposes such as school pep rally fires or the celebration of scout activities. Recreational or ceremonial fires shall meet the following conditions:

(i) Only clean untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.

(ii) The fire shall not be ignited more than two hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.

(iii) The material to be burned shall be less than sixty-five (65) cubic feet, unless the Fire Department has been notified twenty-four (24) hours in advance of a larger quantity of material and has granted written approval. The material to be burned shall not be in more than one pile.

(iv) The fire shall not be for disposal purposes except that ceremonial fires used to retire unserviceable American flags are permitted in accordance with 4 U.S. Code § 8.

(v) The fire shall not be within five hundred (500) feet of any pipeline or fuel storage area.

(vi) The fire shall not be within fifty (50) feet of any structure or combustible material.

(d) Burning by any governmental subdivision or government agency for training or other purposes shall not be prohibited by this chapter.

18.22.013 - Conditions applicable to exempt open burning

The following conditions apply to all open burning permitted under 18.22.012:

(a) Burning shall be done during safe weather conditions. Burning shall not occur during high winds, temperature inversions, air stagnation, when a pollution alert or ozone action day has been declared, or when burn bans are in effect.

(b) Fire must be attended at all times by a person knowledgeable in the use of fire extinguishing equipment. Fire must be attended until completely extinguished.

(c) Fires must be extinguished if, at the discretion of the Fire Department, they create a fire hazard, pollution problem or endanger the health, safety or comfort of the general public.

(d) Firefighting equipment adequate for the size of the fire shall be onsite and nearby during times of burning.

(e) All burning shall comply with other federal, state and local laws, rules and ordinances.

(f) Unless stated otherwise in this Section, all fires shall be a minimum of fifty (50) feet from combustible materials, including any class of structure.

18.22.014 - Burning on public or commercial property

Burning on public or commercial property is prohibited unless a permit is obtained from the Fire Department.

18.22.015 - Penalty for violation

Violation of any provision of this chapter will result in a fine as set forth in the fee/fine schedule in 18.28.010.

18.22.020 - Vacant or Abandoned Buildings

(a) Vacant or abandoned buildings shall be secured against unlawful entry when required by the Fire Chief or their designee. In order to protect a building against unlawful entry or vandalism while it is vacant, an owner may secure the windows and doors of the building by the use of boarding with plywood, oriented strand board, or equivalent material.

(b) Fire alarm, sprinkler and standpipe systems shall be maintained in operable condition at all times unless

(i) All combustible materials and debris have been removed from the building and the Fire Chief or their designee determines that the condition and security of the building do not create a fire hazard; or

(ii) All contents and storage are removed and the building has been secured against unlawful entry and the building is unheated and exposed to freezing temperatures. In this case the Fire Chief and/or his designee may permit fire alarms and sprinkler systems to be placed out of service and standpipes to be maintained as dry systems.

The Fire Department shall identify buildings subject to 18.22.020(b) as required by 675 IAC 22.

18.22.030 - Tent and Other Membrane Structures

The following provisions shall apply to tent and other membrane structures:

18.22.031 - Notification required

(a) The Fire Department shall be notified 24 hours in advance of the erection for any purpose of any tent and/or membrane structure having an area in excess of 400 square feet (37 square meters).

(b) The Fire Department shall be notified 24 hours in advance of the disassembly or removal of any tent and/or membrane structure subject to 18.22.031(a).

18.22.032 - Penalty for violation

Violation of any provision of this chapter will result in a fine as set forth in the fee/fine schedule in 18.28.010. Each day that a violation occurs or continues shall constitute a separate offense.

Chapter 18.23

EMERGENCY PLANNING

Sections:

- 18.23.010** **Crowd Managers**
- 18.23.011** - **Training and qualifications**
- 18.23.012** - **When required**
- 18.23.013** - **Exception**
- 18.23.020** **Fire Watch Personnel**
- 18.23.021** - **Training and qualifications**
- 18.23.022** - **When required**
- 18.23.023** - **Duties**
- 18.23.024** - **Penalty for violation**

18.23.010 - Crowd Managers

The following provisions shall apply to the appointment of crowd managers:

18.23.011 - Training and qualifications

Crowd managers shall receive training, approved by the Fire Chief or their designee, in crowd management techniques. Crowd managers shall be:

- (a) At least 21 years of age
- (b) The owner or operator of the business, or under the direct control and supervision of said owner or operator; and
- (c) Responsible for:
 - (i) Maintaining clear paths of egress, assuring that the facility does not exceed its occupant load limit, initiating a fire alarm if necessary and directing occupants to exits;
 - (ii) Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
 - (iii) Utilizing portable fire extinguishers as necessary.

18.23.012 - When required

One trained crowd manager or crowd manager supervisor shall be provided for assembly occupancies. In the event the occupant load exceeds 250, additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of 1 crowd manager or crowd manager supervisor for every 250 occupants.

18.23.013 - Exception

For assembly occupancies used exclusively for religious worship with an occupant load not exceeding 2,000, the ratio of trained crowd managers to occupants may be reduced if approved by the Fire Chief or their designee, when the existence of an approved, supervised automatic sprinkler system and the nature of the event warrant a reduction. Conversely, the Fire Chief or his designee shall require a fire watch in accordance with 675 IAC 22 if conditions or the nature of the activity warrant.

18.23.020 - Fire Watch Personnel

The following provisions shall apply to the appointment of fire watch personnel:

18.23.021 - Training and qualifications

Whenever it is essential for public safety in any Class 1 structure or other location where people congregate, due to the occupant load or the nature of the activity being conducted, the Fire Chief may require the owner, agent or lessee to employ one or more qualified persons, to be approved by the Fire Chief, to serve as a fire watch at such structure or location. Such persons shall:

- (a) Be subject to the Fire Chief's orders at all times;
- (b) Be in uniform;
- (c) Remain on duty at all times that such Class 1 structure or other location is open to the public; and
- (d) Be provided at the ratio of one qualified person per 500 occupant load.

While on duty, such persons shall not be required or permitted to perform any duties other than fire watch.

18.23.022 - When required

When a required fire protection/alarm system is out of service, the Fire Chief or their designee shall be notified immediately and, if required by the Fire Chief or their designee, the building shall be either 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.

18.23.023 - Duties

Fire watch personnel shall be provided with at least one means for notification of the Fire Department that has been approved by the Fire Chief or their designee, and only duty of fire watch personnel shall be to perform constant patrols of the protected premises and keep watch for fires.

18.23.030 - Penalty For Violation

Violation of any provision of this chapter will result in a fine as set forth in the fee/fine schedule in 18.28.010. Each day that a violation occurs or continues shall constitute a separate offense.

Chapter 18.24

FIRE SERVICE FEATURES

Sections:

18.24.010	Address Identification
18.24.020	Fire Lane Markings
18.24.030	Fire Apparatus Access Roads
18.24.040	Gates or Barricades
18.24.050	Key Boxes
18.24.060	Water Supply
18.24.070	Fire Flow Requirements
18.24.080	Emergency Electrical Disconnects
18.24.090	Emergency Responder Radio Coverage
18.24.100	Smoke Detectors

18.24.010 - Address Identification

(a) New and existing buildings shall have address numbers, building numbers or other building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The numbers shall contrast with their background. Address numbers shall be provided in appropriate locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabetical letters, and shall be a minimum of four inches high with a minimum stroke width of one-half inch. Where access is by means of a private road and the building cannot be viewed from the public right-of-way, a monument, pole or other sign shall be used to identify the structure. Address numbers shall be maintained.

(b) Secured sites staffed with 24-hour onsite response teams to escort responding fire departments may omit address numbers, building numbers or building identification on individual buildings.

(c) For Class 1 structures with three or more separate tenants, where tenants have both a front or main entrance and a rear entrance with an all-weather surface for vehicular traffic that is tenant-specific, such rear entrance shall have a posted address visible from the all-weather surface.

18.24.020 - Fire Lane Markings

(a) Fire lanes, which may also be called emergency vehicle lanes, shall be required and enforced as set forth in Bloomington Municipal Code 15.32.160, Emergency Vehicle Lanes. Fire lanes shall be marked with freestanding signs or marked curbs, sidewalks or other traffic surfaces with the words “Fire Lane - No Parking,” and such markings shall remain in good visible condition as determined by the Fire Chief or their designee. The type and color of approved markings and signage shall be determined by the Fire Chief.

(b) Fire lanes shall be capable of supporting the intended loads of the largest fire apparatus anticipated to be used on the property. Bridges used as access shall be designed and constructed to be capable of carrying imposed loads of fire apparatus.

18.24.030 - Fire Apparatus Access Roads

Fire apparatus access roads shall be provided and maintained in accordance with 675 IAC 22.

18.24.040 - Gates or Barricades

The installation of gates or other barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways, is subject to approval of the Fire Chief or their designee. Approved gates or barricades shall be maintained by the property owner.

18.24.050 - Key Boxes

The Fire Chief or their designee shall require the installation of a key box or other rapid entry product in an approved location(s) at any Class 1 structure that is protected by an automatic sprinkler system or fire alarm system which sends a local or transmitted signal, if access to or within such structure or other area on the property is unduly difficult because of secure openings, and immediate access may be necessary for lifesaving, firefighting, or property preservation

purposes. The key box or rapid entry product manufacturer must be approved by the Fire Chief or their designee.

18.24.060 - Water Supply

A water supply capable of meeting the fire flow requirements of 18.24.070 must be provided to all property upon which a Class 1 structure, a portion of a Class 1 structure, or a Class 2 structure is constructed. The water supply shall be provided as follows:

(a) When a municipal water supply is available to the property, fire hydrants and mains capable of providing the required fire flow shall be installed.

(b) When a municipal water supply is not available, an alternative water supply may be approved by the Fire Chief or their designee. The alternative water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank or other fixed system capable of providing the required fire flow. The means of acquiring the water from an alternative source shall be accessible and the connection(s) shall be approved by the Fire Chief or their designee prior to final design and construction.

18.24.070 - Fire Flow Requirements

The Fire Chief or their designee shall determine the fire flow requirements for a water supply required by 18.24.060. In determining such fire flow requirements, the Fire Chief or their designee shall use 675 IAC 22 Appendix B “Fire Flow Requirements for Buildings” and Appendix C “Fire Hydrant Locations and Distribution” as a guide. The Fire Chief or their designee may not impose requirements that are more stringent than those set forth in Appendices B or C.

18.24.080 - Emergency Electrical Disconnects

All new or remodeled Class 1 structures shall have a clearly identified and readily accessible means of emergency electrical disconnection. The disconnect means shall be accessible on the exterior of the structure or within ten feet of an accessible entrance door.

18.24.090 - Emergency Responder Radio Coverage

(a) All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the jurisdiction’s public safety communication systems at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

(b) An exception to 18.24.090(a) may be made under the following circumstances:

(i) The Fire Chief or their designee determines that a radio coverage system is not needed; or

(ii) The Monroe County Building Inspector and the Fire Chief or their designee permit a wired communication system to be installed and maintained in lieu of an approved radio coverage system in accordance with 675 IAC 22; or

(iii) Emergency radio coverage is required but the normal operations of a facility could be negatively impacted by the emergency radio systems, components or equipment, and the Fire Chief or their designee authorizes the use of an automatically activated emergency responder radio coverage system.

18.24.100 - Smoke Detectors

(a) All dwelling units within the City of Bloomington shall be equipped with a minimum of one functional, properly installed, labeled and UL approved smoke detector as described in NFPA 72 and in accordance with the Indiana and Monroe County building codes.

(b) Each owner, manager or rental agent of the owner is responsible for the installation of required smoke detectors and the repair or replacement of a required smoke detector within two business days of receiving written notification of the need to repair or replace the smoke detector. Residents shall inspect and test all detectors in accordance with the manufacturer's instructions at least monthly.

(c) Tampering with or removing any smoke detector, except as necessary for maintenance or inspection, is illegal. Any smoke detector removed for repair, replacement or remodeling shall be reinstalled or replaced to comply with this section.

(d) Violation of any provision of this chapter will result in a fine as set forth in the fee/fine schedule in 18.28.010. Each day that a violation occurs or continues shall constitute a separate offense. When appropriate, the Fire Department may notify the City of Bloomington Department of Housing and Neighborhood Development and/or any other regulatory agency of the violation.

Chapter 18.25

EMERGENCY AND STANDBY POWER

Sections:

- 18.25.010 Emergency Lighting Activation Test**
- 18.25.020 Emergency Lighting Power Test**

18.25.010 - Emergency Lighting Activation Test

- (a) An activation test of emergency lighting equipment shall be completed monthly. The activation test shall ensure the emergency lighting activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of 30 seconds.
- (b) Records for the activation test shall be maintained on the premises for a minimum of three years and submitted to the Fire Chief or their designee upon request. The record must include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

18.25.020 - Emergency Lighting Power Test

(a) For battery-powered emergency lighting, a power test of the emergency lighting equipment shall be completed annually. The power test shall operate the emergency lighting for a minimum of ninety minutes and shall remain sufficiently illuminated for the duration of the test.

(b) The ninety minute power test record shall be maintained on the premises for a minimum of three years and submitted to the Fire Chief or their designee upon request. The record must include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the person completing the test.

Chapter 18.26

FIRE PROTECTION SYSTEMS

Sections:

- 18.26.010 Construction Documents**
- 18.26.020 Fire Department Connections**
- 18.26.030 Locking Fire Department Connection Caps**
- 18.26.040 Fire Extinguishers**
- 18.26.050 Qualified Contractors**

18.26.010 - Construction Documents

(a) The following plans for new or remodeled Class 1 structures shall be submitted for review to the Fire Department:

- (i) Civil Engineering
 - (A) Site plan with grades
 - (B) Utility plan
 - (C) Access roads and specifications
- (ii) Architectural
 - (A) Complete floor plan (all floors)
 - (B) Elevation of building and stairs
 - (C) Life safety plan with exit travel distance

(b) Plans for Fire Alarms Systems, Water-Based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted to the Fire Department for review upon request. Each applicable submittal must contain the following information:

- (i) Sprinkler/Standpipe Systems:
 - (A) One Full Set of Sprinkler/Standpipe Plans
 - (B) One Full Set of Sprinkler/Standpipe Calculations
 - (C) One Copy of the Sprinkler Construction Design Release

(CDR)

 - (D) One Set of Manufacturer's Cut Sheets for all sprinkler heads in the design.
- (ii) Fire Alarm Systems:
 - (A) One Full Set of Fire Alarm Plans
 - (B) One Set of Battery Calculations
 - (C) One Copy of the Fire Alarm Construction Design Release

(CDR)

- (D) One Set of Manufacturer's Cut Sheets for the Fire Alarm Control Panel (FACP) and Fire Alarm Components
- (E) One Fire Alarm Sequence of Operation Matrix
- (iii) Special Hazard Fire Protection Systems (if applicable):
 - (A) One Set of Plans
 - (B) One Set of Engineering Data
 - (C) One Copy of the Construction Design Release
 - (D) One Set of Manufacturer's Cut Sheets for System Components
- (iv) Fire Pumps

- (A) One Copy of the Manufacturer's Fire Pump Specifications
- (B) One Copy of the Manufacturer's Certified Pump Test Characteristic Curve

- (v) Firestop Systems:
 - (A) Through-Penetration Firestop Systems
 - (B) Membrane-Penetration Firestop Systems
 - (C) Fire-Resistant Joint Systems
 - (D) Perimeter Fire Barrier Systems
 - (E) Fire-Rated Duct and Air-Transfer Openings

18.26.020 - Fire Department Connections

The location of fire department connections shall be approved by the Fire Chief or their designee with respect to fire hydrants, fire department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to fire department connections shall be maintained at all times and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects. No fire hydrant shall be painted except by persons employed or authorized by the City of Bloomington.

18.26.030 - Locking Fire Department Connection Caps

Fire Department connection locking caps shall be permitted with the approval of the Fire Chief or their designee.

18.26.040 - Fire Extinguishers

Portable fire extinguishers shall be installed and maintained in Class 1 structures as set forth in NFPA 10, Standard for Portable Fire Extinguishers.

18.26.050 - Qualified Contractors

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

Chapter 18.27

CONSUMER FIREWORKS

Sections:

18.27.010 Consumer Fireworks

18.27.010 - Consumer Fireworks

Pursuant to Indiana Code § 22-11-14-6(d), Indiana Code § 22-11-14-10.5, and this Ordinance, consumer fireworks may only be used in the City of Bloomington corporate limits during the days and times listed below:

- (a) Between the hours of 5:00 p.m. and two hours after sunset on June 29 through July 3, and July 5 through July 9; however, regardless of what time sunset occurs, no later than 11 p.m.;
- (b) Between 10:00 a.m. and midnight on July 4 and December 31.

In the event that the hours for consumer fireworks listed in Indiana Code § 22-11-14-6(d) or Indiana Code § 22-11-14-10.5 conflict with this Ordinance, state statute shall control.

Chapter 18.28

PENALTIES AND FEES

Sections:

18.28.010 Fee/Fine Schedule

18.28.010 - Fee/Fine Schedule

The Fire Chief or their designee has the authority to assess fees or fines up to the maximum amounts shown in the schedule below. Any violation of this Ordinance is subject to penalty provisions of Bloomington Municipal Code 1.01.130 unless stated otherwise. All fees are assessed by occurrence and all fines are assessed by violation, unless otherwise stated. Each calendar day that a violation continues shall constitute a separate violation.

- (a) Fire Inspection Fees:

First Inspection	No charge
First Reinspection following a failed inspection	\$ 50.00
Second Reinspection	\$ 100.00
Each Subsequent Reinspection	\$ 200.00

- (b) New Construction Inspection Fees

Fire Alarm/Sprinkler System - Initial Acceptance Test	\$ 100.00
Hood Suppression System - Initial Acceptance Test	\$ 100.00

Each Reinspection due to failure of Initial Acceptance Test \$ 250.00

(c)	Other Fees		
	Fire Report/Investigation Report	\$	5.00
(d)	Fines		
	Occupancy in excess of Certificate of Occupancy	\$	500.00
	Failure to notify of Tent or Membrane Structure	\$	100.00
	Failure to provide or maintain required Smoke Detector	\$	100.00
	Tampering with or disabling Smoke Detector	\$	100.00
	Tampering with or disabling other fire safety, alarm or suppression system		Up to \$2,500/day
	Open Burning violation		Up to \$2,500/day
	Failure to provide required Fire Watch		Up to \$2,500/day

SECTION 2. Title 14 of the Bloomington Municipal Code entitled "Peace and Safety," Chapter 14.40 "False Emergency Alarms," Section 14.40.060 "Violation" shall be amended to read as follows:

14.40.060 - Violation

- (a) The Fire Chief and/or their designee or any police officer may issue a notice of ordinance violation after the fourth or subsequent false alarm has been made, to any person who controls the property. Such notice may be served in person or by certified mail.
- (b) The fine for an ordinance violation as the result of the fourth police false alarm or fourth fire false alarm in a calendar year at the same location shall be one hundred and fifty dollars (\$150.00). The fine for the fifth and each subsequent false alarm in each category shall be two hundred dollars (\$200.00) each. The fines shall be paid to the Bloomington Police Department, in the case of a police false alarm, or to the Bloomington Fire Department, in the case of a fire false alarm, within thirty days of the issuance of the citation, in full satisfaction of the assessed penalty. In the event that such payment is not made within the prescribed period, the matter will be referred to the city legal department for appropriate legal proceedings.
- (c) For the purpose of citation accrual, a new period shall start at the beginning of each calendar year.

SECTION 3. 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 4. 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 ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance repeals and replaces the current Title 18. The City's current Fire Prevention Code has not been substantively updated since 1997 and is very basic. Following recommended guidance from the Indiana Fire Prevention and Building Safety Commission, the proposed ordinance accomplishes the following: sets forth a definitions schedule; outlines the authority of the Fire Chief in regard to protecting and directing fire scenes, performing fire investigations and life safety inspections, enforcing the fire code and entering onto property as necessary to do so, issuing violations, and evacuating buildings; expands open burning restrictions and brings them into agreement with Indiana state law; establishes safety requirements for vacant or abandoned buildings; regulates tents and other membrane structures; and establishes requirements for the use of crowd managers and fire watch personnel. It also describes and regulates a number of matters that affect the ability of the Fire Department to access and address fire scenes, including: standardizing street address identification; creating and enforcing fire lanes and fire access roads; outlining the use of key boxes; defining necessary water supply and fire flow requirements; requiring emergency electrical disconnection points and sufficient radio coverage within buildings to enable emergency responder communications; and requiring smoke detectors in all dwelling units within the City. Property owners who are required to have emergency lighting systems in place are required to make regular tests of their power supply and ability to activate as intended. Under the ordinance, the Fire Department has authority to review plans for fire protection and related systems in all new or remodeled Class 1 structures within the City. The location and maintenance of fire hydrants and fire extinguishers is addressed, as well as the review of required qualifications of any persons that service fire protection systems. Consumer fireworks restrictions are restated in accordance with Indiana state law. And finally, a new section is added that sets forth inspection fees, establishes set fines for certain violations, and brings this section of the code into alignment with the provisions of BMC 1.01.130, which states that unless otherwise stated, ordinance violations are subject to penalties of up to \$2,500 per occurrence. The proposed Fire Prevention Code incorporates Bloomington Municipal Code Chapter 14.40 (False Emergency Alarms) and Bloomington Municipal Code Section 15.32.160 (Emergency Vehicle Lanes) by reference, and amends Section 14.40.060 to increase the penalties for the fourth, and fifth and subsequent, false alarms in a calendar year from \$50 to \$150, and \$100 to \$200, respectively.

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

Chapter 14.40 - FALSE EMERGENCY ALARMS

14.40.010 - Reduction of false emergency alarms.

The purpose of this chapter is hereby declared to be the reduction of false burglary and emergency alarms, which waste public safety resources.

(Ord. 90-26 § 1 (part), 1990).

14.40.020 - Definitions.

As used in this chapter, the following terms have the following meanings:

- (a) "Alarm agent" means any person who is employed by an alarm business, whose duties include selling, maintaining, leasing, or repairing an alarm system on or in any building, structure, facility or grounds.
- (b) "Alarm system" means any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the central dispatch facility located in the Bloomington police department.
- (c) For the purpose of this chapter an alarm system shall not include:
 - (1) An alarm designed so that the Bloomington Police Department is not notified until after the occupants, the owner or his agent, or an alarm agent has checked the alarm site and determined that the alarm was the result of the type of activity for which the alarm system was designed to give notice.
 - (2) An alarm which alerts only the occupants of the property on which the alarm is located.
 - (3) An alarm installed upon property occupied by an agency of the United States, the state of Indiana, or any political subdivisions thereof.
- (d) "False alarm" is a burglar, fire or emergency alarm signal received at the central dispatch facility located in the Bloomington police department or the monitoring company that is from causes other than burglary, attempted burglary, fire, smoke or severe weather conditions. Such causes include human error, improper maintenance, improper installation, faulty equipment, electrical or mechanical malfunction, or excessive sensitivity, but do not include signals when a timely and proper call is made to police or central dispatch, canceling any response needed to the alarm.

(Ord. 03-25 § 1, 2003; Ord. 99-41 §§ 1, 2, 1999; Ord. 90-26 § 1 (part), 1990).

14.40.030 - Prohibited activity.

All false alarms are prohibited. A person who controls or occupies property on which an alarm system is installed shall receive a warning from the Bloomington police department and/or from the Bloomington fire department for the first three false alarms in a calendar year issued by such an alarm system in each category.

(Ord. 03-25 § 2, 2003; Ord. 99-41 § 3, 1999; Ord. 90-26 § 1 (part), 1990).

14.40.040 - Automatic telephone dialing devices prohibited.

It is unlawful for any person to use or permit the use of any automatic telephone dialing device or attachment connected to an alarm system which automatically selects any telephone line leading into the central dispatch facility located in the Bloomington police department and then transmits any prerecorded message or signal indicating the activation of the alarm system. This section shall not apply to the use of any automatic dialing device issuing from an alarm located in a building or an office owned or controlled by the city or a department thereof. Any person, firm, or corporation who allows a violation of this section other than from the above-mentioned governmental buildings shall be subject to a fine of one hundred dollars. Each violation of this section shall be deemed a separate offense.

(Ord. 99-41 § 4, 1999; Ord. 91-14 § 1, 1991).

14.40.050 - False fire alarms.

It is unlawful for any person knowingly and with the intent to deceive to give or cause to be given any false alarm of fire by any means.

(Ord. 90-26 § 1 (part), 1990; prior code § 18-11).

14.40.060 - Violation.

- (a) Any police officer may issue a notice of ordinance violation after the fourth or subsequent false alarm has been made, to any person who controls the property. Such notice may be served in person or by certified mail.
- (b) The fine for an ordinance violation as the result of the fourth police false alarm or fourth fire false alarm in a calendar year at the same location shall be fifty dollars. The fine for the fifth and each subsequent false alarm in each category shall be one hundred dollars each. The fines shall be paid to the Bloomington police department within thirty days of the issuance of the citation, in full satisfaction of the assessed penalty. In the event that such payment is not made within the prescribed period, the matter will be referred to the city legal department for appropriate legal proceedings.
- (c) For the purpose of citation accrual, a new period shall start at the beginning of each calendar year.

(Ord. 03-25 §§ 3, 4, 2003; Ord. 99-41 § 5, 1999; Ord. 94-25 § 1, 1994; Ord. 90-50 § 1, 1990; Ord. 90-26 § 1 (part), 1990).

15.32.160 - Emergency vehicle lanes.

- (a) It is unlawful to cause or permit any vehicle or other obstacle to park or remain in any lane, alley, privately owned public parking lot, driveway, or service area, within sixteen feet of any building, accessory structure or sidewalk which is immediately adjacent to or attached to any building, where such building is occupied for commercial, professional, religious, or other type of occupancy or assembly, in such a manner as would obstruct the free passage of fire department vehicles, police cars, emergency or rescue vehicles, or any other vehicles performing a public or emergency function, except for such time as is necessary for the loading or unloading of passengers or merchandise. Where there are areas inaccessible to vehicular traffic between a lane, alley, privately owned public parking lot, driveway, or service area and any building, accessory structure or sidewalk immediately adjacent to or attached to any building, the restricted area of sixteen feet shall be measured from the inaccessible areas abutting the lane, alley, privately owned public parking lot, driveway, or service area and a sixteen-foot emergency vehicle lane established so as to permit free and continuous passage of emergency vehicles.
- (b) The city fire department shall inspect the area surrounding all buildings to which this section applies, and the fire chief with the approval of the transportation and traffic engineer shall determine the location of emergency vehicle lanes and shall notify the affected property owners in writing, together with a notation as to the number of signs deemed necessary by the fire department to properly notify drivers of the existence and location of emergency vehicle lanes. Where it is the opinion of the fire chief that compliance with this subsection would not serve to further the purposes intended by this section, he or she shall advise the affected property owners or managers in writing that such compliance, in part or full, is waived. The erection and maintenance of signs shall be the responsibility of each property owner.
- (c) It shall be the joint duty of the officers of the police and fire departments to enforce the provisions of this section. To aid in enforcement, the fire chief shall obtain from each property owner, lessee or person in possession of property subject to this section an affidavit granting permission and consent to the towing away of any personal property which is obstructing emergency vehicle lanes. The original affidavits shall be kept on file in the city legal department with duplicates filed in the fire chief's office.
- (d) Any person who fails to erect or maintain an emergency vehicle sign as directed by the fire department commits a Class B violation and is subject to the penalty listed in Section 15.64.010(b).
- (e) Any person who permits or suffers a vehicle or obstacle to remain in an emergency vehicle lane in violation of subsection (a) commits a Class C Traffic Violation and is subject to the penalty listed in Section 15.64.010(c) and the enforced removal of the vehicle or obstacle in violation. Each day that a violation continues shall constitute a separate offense.

(Ord. 97-36 § 31, 1997; Ord. 88-36 § 2, 1988; Ord. 82-1 § 1 (part), 1982).

(Ord. No. 14-11, §§ 123, 124, 7-2-2014)