

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Charlie Fraker
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: October 22, 2020
RE: Preliminary Staff Review of City of Martinsville's Proposed Fire Prevention Ordinance

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.

City of Martinsville

Chapter 38

Fire Prevention Ordinance

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ARTICLE I. – GENERAL REQUIREMENTS

Sec. 38-101. – Title

This ordinance and all material included herein by reference shall be known as the fire prevention ordinance of Martinsville, Indiana, (Ordinances)

Sec. 38-102. – Purpose

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

Sec. 38-103. – Authority

The Fire Chief, Fire Marshal, or the Fire Chief’s designee, are hereby authorized and directed to administer and enforce the following:

1. All provisions of this Ordinance.
2. Variances granted in accordance with IC 22-13-2-11.
3. Orders issued under IC 22-12-7.

Sec. 38-104. – Applicability.

The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules (GAR), Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Ordinance shall apply to maintenance of fire and life safety features as herein described. The provisions of this Ordinance shall apply to existing conditions as well as to the conditions arising after the adoption thereof.

Sec. 38-105. – 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 Martinsville, 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.

Sec. 38-106. – Severability

If any provision of this Ordinance be 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 or provisions be given their original intended effect in adopting this ordinance. To this end, the provisions of this Ordinance are severable.

Sec. 38-107. – Minimum standards.

- (a) All fire safety 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 hereby incorporated in this Ordinance, and shall include later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

- (b) Any special processes or procedures not addressed in 675 IAC 22 or this Ordinance shall be subject to applications found in the fire safety standards recognized by Indiana Fire Code 675 IAC 22, referenced standards and as approved by the Fire Chief or appointed designee.
- (c) 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 standards or other recognized fire safety standards, subject to the rules of the Indiana Fire Prevention and Building Safety Commission.
- (d) A current copy of these standards shall be available in the office of each Fire Prevention Bureau for inquiry and review by the public during normal business hours.

Sec. 38 – 108. - Effect of Adoption on Prior Ordinance

The expressed or implied repeal of amendment by this ordinance of any other ordinance 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 are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

Sec. 38 – 109. - Definitions

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

"Building Code"; means Indiana Building Code (675 IAC 13).

"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"; means Indiana Fire Prevention and Building Safety Commission as established by IC-22-12-2.

"Crowd Manager"; has the meaning as ascribed in 675 IAC 22.

"Division of Fire and Building Safety"; means Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-7.1.

"Fire Chief"; means the chief officer of the Martinsville Fire Department and the City of Martinsville Fire Prevention Bureau.

"Fire Code"; means Indiana Fire Code (675 IAC 22).

"Fire Prevention Bureau"; means the Fire Prevention Bureau established by this Ordinance for the City of Martinsville.

"Fire Marshal"; means the administrative head of a Fire Prevention Bureau appointed pursuant to Section 38-202 or 38-203 of this Ordinance.

"Fuel Gas Code"; means Indiana Fuel Gas Code (675 IAC 25).

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

"Hazardous condition"; means the presence of a structural condition, equipment, utility connection, or materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

"IAC"; means Indiana Administrative Code.

"IC"; means Indiana Code of the Indiana General Assembly.

"Mechanical Code"; means Indiana Mechanical Code (675 IAC 18).

"Notice of Violation"; means a written notice issued by the Martinsville Fire Department usually in the form of an inspection report listing violation(s).

"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 and 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.

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - Organization

Sec. 38-201. – Organization of the Martinsville Fire Department Fire Prevention Bureau.

The Fire Prevention Bureau of the Martinsville Fire Department shall be under the supervision of the Fire Marshal appointed pursuant to the applicable personnel rules of the Martinsville Fire Department under Chapter 2 of the City of Martinsville Municipal Code.

Sec. 38-202. - Fire Prevention Bureaus established; jurisdiction

There is hereby established a local Fire Prevention Bureau within the City of Martinsville Fire Department and within Washington Township located within Morgan County that is not completely within the boundaries of the City of Martinsville.

Sec. 38-203 – Enforcement Authority

The Fire Chief, Fire Marshal or the Fire Chief's designee, shall possess the authority to enforce the provisions 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. Such enforcement shall include, but is not limited to:

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

The Fire Chief, Fire Marshal, or the Fire Chief's designee, shall have the authority to initiate legal action in

accordance with locally prescribed remedies applicable to violations 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. Violators of this Ordinance may be cited into any court having jurisdiction.

Sec. 38-204. – Authority at fires and emergencies.

The Fire Chief or such designated officer of the Martinsville Fire Department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the Fire Chief is authorized to prohibit any person, vehicle or vessel from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any person vehicle or vessel which could impede or interfere with the operations of the Martinsville Fire Department and, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

Sec. 38-205. – Emergency lines and limits.

- (a) Barricades. The Fire Chief or such designated officer of the Martinsville Fire Department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such emergency so as to prevent accidents or interference with the lawful efforts of the Martinsville Fire Department to manage and control the emergency and to handle fire apparatus.
- (b) Obstructing operations. No person shall obstruct the operations of the Martinsville Fire Department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or officer of the Martinsville Fire Department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Martinsville Fire Department.
- (c) Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or Martinsville Fire Department official in charge of the incident.

Sec. 38-206. – Fire investigations.

- (a) The Fire Chief, Fire Marshal, or Fire Chief's designee shall perform fire investigations pursuant to IC 36-8-17-7. The Fire Chief, Fire Marshal, or the Fire Chief's designee is authorized to conduct an origin and cause investigation of all fires and explosions within the service district of the Fire Territory.
- (b) It shall be unlawful for any person to impede the Fire Chief, Fire Marshal, or the Fire Chief's designee, from conducting an origin and cause investigation.

Sec. 38-207 – Fire and Life Safety Inspections

- (a) (a) The Fire Chief, Fire Marshal, or the Fire Chief's designee shall conduct fire and life safety inspections in Class 1 Structures pursuant to IC 36-8-17-8. Upon the request of an owner or a primary lessee who resides in a private dwelling, the Martinsville Fire Department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5
- (b) The Fire Chief, Fire Marshal or the Fire Chief's designee, shall inspect Class 1 Structures as often as necessary for the purpose of ascertaining and causing to correct any violation of the Indiana General Assembly Rules, Indiana Fire Code, Indiana Building Code, Indiana Fuel Gas Code, this Ordinance or any fire safety law.

Sec. 38-208. - Emergency Entry

- (a) The Martinsville Fire Department shall have the right to enter any building or premise without permission or warrant in the event of any emergency situation constituting a threat to human life, property or public safety for the purpose of eliminating, controlling or abating the dangerous condition or situation.

DIVISION II. - INSPECTIONS AND INVESTIGATIONS

Sec. 38-221 – Right to Enter Buildings

Authorized personnel of the Martinsville Fire Department may, at all reasonable hours, enter any Structure private dwellings) within the City of Martinsville or Washington Township in Morgan County for the purpose of conducting inspections or investigations pursuant to this Ordinance. Except for interior of private dwellings, the right to enter shall extend to new Structures under construction as well as to existing Structures being renovated or remodeled. An inspector or investigator may be required by the owner or occupant to produce satisfactory proof of authority or identity. If an inspector or investigator is denied access, the fire marshal may apply to a court of competent jurisdiction for an order allowing inspection.

Sec. 38-222 – Determination of Violation

Whenever the Fire Chief, Fire Marshal, or the Fire Chief's 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 Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 Structure within the City of Martinsville service area, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission.

Sec. 38-223 – 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 Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Fire Chief, Fire Marshal or the Fire Chief's 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 Martinsville 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 non-compliance. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the owner, operator, occupant, or other person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible person by first-class mail to his or her last known address, or any other method permitted under IC 4-21.5-3.

Sec. 38-224 – Imminent Danger.

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

1. Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser.
2. Is 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
3. Will conceal a violation of law.
4. An order under this section, must be approved by the state fire marshal in accordance with IC 36-8-17-9, and shall

be in writing, specifying whether it is applicable to the entire Structure, part of the Structure, or the property under development. The order shall state the reason for issuance and the conditions under which the Structure, part of Structure or property may be occupied, or construction continued. The order shall be posted on the Structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his agent and to any other responsible person supervising work on the premises.

5. The order forbidding occupancy or continued construction shall be in writing, specifying whether it is applicable to the entire Structure, part of the Structure, or the property under development. The order shall state the reason for issuance and the conditions under which the Structure, part of Structure or property may be occupied, or construction continued. The order shall be posted on the Structure in a conspicuous location and if conveniently possible, shall be given to the owner of the property or his agent and to any other responsible person supervising work on the premises.

Sec. 38-225 –Duty to Correct Violations

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

1. Cease and correct the violation.
2. Protect persons and property from the hazards of the violation.

Sec. 38-226 – Time Limit

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

Sec. 38-227 - Appeal from Orders

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 Indiana Fire Prevention and Building Safety Commission as set forth by IC 36-8-17.

Sec. 38-228 – Local Ordinance Appeals Process

- (a) An order enforcing a fire safety law issued by the Fire Marshal or any of the Inspectors may, within 24 hours, to the Chief of the Martinsville Fire Department who shall, within five days, review such order and file his decision thereon, and, unless by his authority the order is revoked or modified, it shall remain in full force and be complied with at the time fixed in said order or decision of the Chief of the Martinsville Fire Department.

Sec. 38-229 – Variances.

- (a) An owner or occupant requesting a variance from state adopted fire and building laws as set forth by IC 22-13-2-11.
- (b) An owner or occupant requesting a variance from the provisions of this Ordinance that are not contained in a rule of the commission set forth by IC 22-13-2-11 shall apply in writing to the applicable fire marshal. The granting of a variance shall be considered only upon the written application of the owner of the property, stating that:
 - (1) Practical difficulties have been encountered in the implementation of specific requirements of this Ordinance;
 - (2) Compliance with specific requirements of this Ordinance will cause unnecessary hardship to the owner; and
 - (3) The owner desires to take advantage of new methods or equipment which is recognized as adequate for the purpose for which they are to be substituted.
- (c) A variance may be granted only if the Fire Marshal determines in writing that:
 - (1) The requested use or modification will conform with fundamental requirements for safety; and

- (2) The granting of the variance does not increase the risk of fire or danger to the public. A copy of any variance granted shall be retained by the Fire Prevention Bureau.
- (d) A variance shall be enforced in the same manner as an order issued under Section 38-224 of this ordinance.
- (e) Whenever a Fire Prevention Bureau learns that an owner is in violation of the terms of a variance issued pursuant to this section, the Fire Marshal may order compliance as provided in Section 38-223 with the variance or with this Ordinance.
- (f) Pursuant to IC 22-13-2-7(c), variances granted by political subdivisions to the fire safety laws and building laws adopted in its ordinances are not effective until it approved by the Commission.

Sec. 38-230 – Records and reports.

- (a) The Martinsville Fire Department shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained. Such reports shall be prepared into an annual summary and submitted to the jurisdictional Fire Chief. The annual summary, together with recommendations for change, shall be submitted, when requested, to the Mayor.
- (b) The Martinsville Fire Department shall maintain files containing reports of all properties that have been inspected, all orders issued, of all complaints and fires investigated, and the location of all buildings containing hazardous occupancies. Reports of inspections shall be submitted to the Division of Fire and Building Safety in accordance with IC 36-8-17-8. Investigations of fires shall be submitted to the Division of Fire and Building Safety in accordance with IC 36-8-17-7.
- (c) Companies providing periodic inspections of fire protection systems such as fire sprinklers, fire pumps, fire alarms, kitchen hood suppression or clean agent shall submit a copy of their inspection reporting through the IWorQ Portal as authorized by the Martinsville Fire Department.
- (d) Fire investigation reports shall not be distributed to the public when requested under public record law until the fire investigation, including any criminal investigation has been completed. A criminal investigation is considered to be complete when either formal criminal charge(s) are filed or a decision declining to do so has been made.
- (e) Persons treated for second and third degree chemical, flash and thermal burns to ten percent (10%) or more of the body or any burn to the upper respiratory tract shall be reported to the Office of the State Fire Marshal in accordance with IC 35-47-7-3.

Sec. 38-231. - Remedies.

Any person who shall violate any provision of this Ordinance or who shall fail to comply with any order issued under this Ordinance, or who shall fail to comply with or to obtain any permit required hereunder, shall be subject to penalties prescribed in Section 38-801(b) of this ordinance. After each day a violation continues, it shall constitute an additional violation.

Sec. 38-232. - Certificate of Occupancy

- (a) Prior to the occupancy of any newly constructed Structure or tenant area, an inspection and approval must be given by the City of Martinsville Building Inspector and the Fire Chief or the Fire Marshal or their respective designees. After the final inspection occurs, a Certificate of Occupancy shall be signed by the City of Martinsville Building Inspector and the Fire Marshal. This will then allow the occupant to start moving into that building. Occupancy prior to the issuance of Certificate of Occupancy shall result in a fine set forth in the City building code.
- (b) Acceptance Testing.

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Martinsville Fire Department is required to witness a successful acceptance or performance test in accordance with the appropriate installation standard or manufacturer's specifications for

the following systems (if applicable):

- (1) Fire Alarm System;
- (2) Sprinkler System;
- (3) Special Hazard Fire Suppression System; and
- (4) Type I Hood Exhaust System.

(c) Written Verification

Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Martinsville Fire Department requires written verification that each Fire Protection and Life-Safety System has been installed in complete agreement with the terms of the listing, manufacturer's instructions, and the applicable installation standards.

(d) Installation Documents

Prior to the issuance of the Certificate of Occupancy for a newly constructed, renovated, or remodeled Class 1 Structure, the City of Martinsville Fire Department requires the following documentation (if applicable):

- (1) Record of Completion for Fire Alarm Systems as required by NFPA 72.
- (2) Contractor's Material and Test Certificate for Aboveground Piping for Sprinkler and Standpipe Systems as required by NFPA 24.
- (3) Contractor's Material and Test Certificate for Underground Piping for Private Fire Service Mains, Fire Hydrants, and Piping as required by NFPA 13 and 24.
- (4) Certificate of Completion / Installation for all Special Hazard Fire Suppression Systems.
- (5) Air Balance Test Report (Type I and II Exhaust Hoods).

DIVISION 3. – ENFORCEMENT RESPONSIBILITY

Sec. 38-233. - Enforcement Authority.

- (a) The Martinsville Fire Department shall have the responsibility to enforce all provisions of this Ordinance within its jurisdiction.
- (b) The Martinsville Fire Department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

Sec. 38-234. - Legal assistance.

Either Fire Prevention Bureau may obtain the services of the city attorney in connection with the enforcement of this Ordinance.

Sec. 38-235. - Law enforcement assistance.

The chief of the Martinsville Police Department or the Morgan County Sherriff may, upon request of the Fire Chief or the Fire Marshal, assign such available law enforcement officers as may be necessary to assist the Martinsville Fire Department or a Fire Prevention Bureau in the enforcement of this Ordinance.

- (a) IC 22-11-21

ARTICLE III. EMERGENCY PLANNING

Sec. 38-301. – Crowd Manager Training and Qualifications

Crowd Managers shall receive training as provided for in the Section 604 of the Indiana Fire Code, approved by the Fire Chief or the Fire Chief's designee, in crowd management techniques. Crowd Managers shall be:

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

Sec. 38-302. – 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.

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 the Fire Chief's 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 the Fire Chief's designee, shall require a Fire Watch in accordance with 675 IAC 22 if conditions or the nature of the activity warrant.

Sec. 91-303 – Fire Watch

Any time a Fire Watch is required for temporary fire protection, each member of the Fire Watch must be approved by the local fire chief or fire marshal. Every Fire Watch shall have one approved person for every 250 people of occupant load. If a firefighter is required for a Fire Watch the rates for each firefighter can be found in Section 902 of this ordinance.

ARTICLE IV: FIRE SERVICE FEATURES

Sec. 38-401 – Address Identification

- (a) This section is to provide requirements to clearly identify and mark proper addresses on building located in the City of Martinsville or Washington Township, Morgan County. This section applies to existing buildings and new buildings, including buildings under construction.
- (b) Requirements.

Approved numbers or addresses on a contrasting background shall be placed above the doorway or in such a position as to be plainly visible and legible from either direction of approach from the street or road fronting the property. The minimum size dimensions of the numbers shall be as specified in Table 1. Where a building or buildings are set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway or to visual obstructions such as landscaping or architectural features, address or number posting shall be required both at the street driveway serving such buildings and on the buildings. Multi-tenant buildings such as commercial strip centers will have the address on the rear door of their business as well. Residential Homes (Single Family), Individual condominiums, commercial suites and apartments shall have numbers or letters installed in accordance with the scope of this policy and Table 1. In addition, minimum

6-inch high numbers, with 7/8-inch stroke, must be used to indicate apartment range numbers. On individual dwellings, a minimum 4-inch high number, with 3/4-inch stroke, must be used.

Table 1

Occupancy	Number Height	Stroke Width
Commercial/Industrial	6-12 inches	1 ½ inches
Multiple Unit Residential (a)	6-12 inches	1 ½ inches
Single family and Duplex	4 inches	¾ inches

Sec. 38-402 – Fire Lane Markings

The location of fire lanes shall be established by the Fire Chief, or the Fire Chief’s designee. The Fire Chief, or his designee, can require signage or striping or any combination. Design of the fire lane markings shall be approved by the Fire Chief, or the Fire Chief’s designee. The erection of and maintenance of fire lane marking signs and striping shall be the responsibility of the owner of private property upon which such lane marking signs and striping is to be installed. All markings shall remain in good visible condition as determined by the Fire Chief or the Fire Chief’s designee. The parking or standing of any obstruction, including motor vehicles, within established fire lane markings on private or public property shall be prohibited.

Sec. 38-403 – Gates and Barricades

- (a) In accordance with this ordinance and section 503.5 of the 2014 Indiana Fire Code, the Fire Chief, or the Fire Chief’s designee, is authorized to approve the installation of require gates or other barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Approved gates or barricades shall be maintained by the property owner.
- (b) 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 manufactured by the Knox Company. The switch will be keyed to the Martinsville Fire Department Knox key. The location to be installed will be determined by the Fire Chief or the Fire Chief’s designee. This section shall apply to Class 1 Structures as well.

Sec. 38-404. – Martinsville Fire Department connections; locations, access, signage.

- (a) Martinsville Fire Department connections shall be located-after consulting with the Martinsville Fire Departments Fire Marshal or the Fire Marshal’s Designee. The location shall be determined with respect to fire hydrants, Martinsville Fire Department access roads, apparatus water supply lines that will not obstruct other incoming apparatus, buildings, utilities and landscaping.
- (b) Immediate access to Martinsville Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or other fixed objects. Clearance and signage shall be in accordance with 675 IAC 22.

Sec. 38-405. - Marking of fire protection equipment, fire hydrants and apparatus access roads.

- (a) Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the Martinsville Fire Department to prevent obstruction by parking and other obstructions.
- (b) Fire apparatus access roads shall be constructed in accordance with the requirements in 675 IAC 22 and shall be identified as fire access roads and the provisions set forth in Section 621-502 of the ordinance shall apply.

Sec. 91-406– Martinsville Fire Department access roads.

(a)

(9) Martinsville Fire Department Access as authorized in 503-1-2

As authorized in section 503.1.2 of the 2014 Indiana Fire Code A minimum of two means of access shall be provided for:

1. Any subdivision with 50 or more single or two-family residential lots;
2. Any development having one or more commercial, multi family, or industrial Structures, three stories or greater in height; or
3. Any development having three or more commercial, multi family, or industrial Structures of any height.

Sec. 38-407 – Key Boxes

(a) Any new Class 1 Structure that is protected by an automatic sprinkler system or Fire Alarm System which sends a local or transmitted signal, and access to, or within such Structure, or an area on that property is unduly difficult because of secure openings, and where immediate access is necessary for lifesaving or firefighting purposes or property preservation, the Fire Chief, or the Fire Chief's designee, shall require a key box or other rapid entry product to be installed in an approved location(s). All Key boxes shall be purchased from Knox Box Corporation.

(b) The key box shall contain:

1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
2. Keys to locked mechanical equipment rooms;
3. Keys to locked electrical rooms;
4. Keys to elevator controls
5. Keys to other areas as directed by the fire official
6. Keys to Post Indicator Valves controlling the water supply for Fire Sprinkler Systems.
7. Fire Alarm Control Panels

(c) Alert Decals. Alert decals, approved by the Fire Chief, to alert fire companies to the presence of security features covered by this ordinance, shall be displayed on any outside doors or windows designated by the fire official.

Sec. 38-408 – Water Supply

(a) A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 91-509 of this ordinance and must be provided to all premises or property upon which a Class 1 Structure, a portion of a Class 1 Structure is hereafter constructed. The water supply shall be provided as follows:

- (1) When a municipal water supply is available and contingent to the premises or property, fire hydrants and mains shall be installed and capable of providing the required fire flow as determined by Section 91-509 of this Article.
- (2) When a public water supply is not available to a premises, the water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems, or fire department delivered portable system capable of providing the required fire flow. The on-site water supply shall be accessible to the Martinsville Fire Department and be located within one hundred fifty (150) feet of the Class 1 Structure being protected with an automatic fire extinguishing system. If the on-site water supply is not within one hundred fifty (150) feet of the Structure being protected, the water supply shall be connected to onsite fire hydrants and mains capable of supplying the required fire flow. The owner shall verify the water supply requirements with the Martinsville Fire Department prior to final design and construction. For buildings under construction. A water source approved by the Fire Chief or the Fire

Chief's designee that is capable of supplying the required fire flow shall be made available prior to allowing combustible material to accumulate at the job site. Fire Hydrants shall be located within 400' of the Structure under construction. Fire hydrants shall be maintained clear and accessible for fire protection during all phases of construction. Water for construction purposes taken from hydrants shall in no way impede the Martinsville Fire Department's use of the hydrants in emergencies.

Sec. 38-409 – Fire Flow Requirements

In determining the requirements for fire flow, the Fire Chief, Fire Marshal or the Fire Chief's designee, shall utilize 675 IAC 22 Appendix B - "Fire Flow Requirements for Buildings" and 675 IAC 22 Appendix C – "Fire Hydrant Locations and Distribution" as a guide. The requirements in Appendix B & C may not be made more stringent by the Fire Chief, or the Fire Chief's designee.

Sec. 38-410 – Fire Hydrants

- (a) All private hydrants and water mains shall be installed and maintained as set forth in current adopted edition of NFPA Standard #24 under the rules of the Commission. The Fire Chief in determining location and spacing of hydrants shall use the 2014 IFC (675 IAC 22) Appendix C as a guide.
- (b) The proposed location of private fire hydrants to supply the required fire flow shall be approved by the Martinsville Fire Department prior to construction of any Class 1 Structures or any addition to a Class 1 Structure. One Fire Hydrant shall be installed within 100 feet of any Martinsville Fire Department connection that serves a standpipe and/or sprinkler system or as required by the Fire Chief or the Fire Chief's designee.
- (c) Fire Hydrant Assemblies (Includes anchor tee, valve, valve box, adapter pipe Stortz connection shall be added to the large hydrant outlet, and hydrant) approved by the City of Martinsville.
 - a. Tee: Mechanical joint with 6" branch line for anchoring and locking hydrant assembly in place without thrust blocks. Clow Part No. F-1217, American Part No. A-10180, or Tyler Pipe Part No. 5-125. Include split gland.
 - b. 6" Valve and Valve Box:
 - c. Adapter Pipe: 6" diameter by 2'-0" long minimum for locking valve to hydrant.
 - d. Hydrant: 4' -5' Bury, 5 ¼ Barrel -. Mueller Super Centurion, 2, 2 ½ Hose Nozzles 1, 4 ½ Steamer and a 1" Square Op Nut-Right Hand Open with a 6" FL Shoe is accepted.
 - e. Pipe Couplings: Suitable for size and gap between pipes being coupled. Dresser styles 38, 138, 40 or accepted substitution.
 - f. #24 sand is the only backfill allowed for all pipe materials and sizes. #8 stone is the only material to be placed around hydrant drain holes.
 - g. Color- Public hydrants will have the barrels painted safety yellow. The 2 1/2" hose caps will be painted the color of the size of the main the hydrant leg is attached.
 - i. Private hydrant will have the barrels painted Red, and the bonnets painted to match the 2 1/2" hose caps. These caps will be painted the color of the size of the main that the hydrant leg is attached.
 - h. Color reference:
 - 1. 20" main- Gold
 - 2. 16" main- Orange
 - 3. 12" main- Yellow
 - 4. 10" main- Black
 - 5. 8" main- Green
 - 6. 6" main- Red
- (d) The installation of private fire service mains shall meet the following criteria:
 - (1) Six (6) inch dead end fire service mains that supply one (1) fire hydrant shall not exceed one hundred fifty (150) feet in length.
 - (2) Eight (8) inch dead end fire service mains that supply one (1) fire hydrant shall not exceed five hundred (500) feet in length.

(3) A dead end fire service main that supplies a building fire protection system and one (1) or more fire hydrants shall be a minimum of eight (8) inches in diameter.

(4) A fire service main that supplies four (4) or more fire hydrants shall be tapped off a distribution supply main in two (2) separate areas (looped).

Whenever the provisions of this Ordinance require the installation of a fire hydrant, whether on public or private property, such hydrant shall meet the following specifications:

(1) It shall be equipped with a 4' -5' Bury, 5 ¼ Barrel-Super Centurion,

(2) It shall be equipped with two (2), two and one-half (2&1/2) inch hose nozzles with seven and one-half (7&1/2) national standard threads per inch.

(3) It shall be equipped with one (1), four and one-half (4&1/2) inch steamer nozzle Stortz Connection

(4) It shall be constructed to be opened by a 1" Square Op Nut- Right Hand Open

(5) The source of water supply shall be buried a minimum of five (5) feet below ground level at the hydrant and shall be constructed with a break-off feature to prevent the hydrant from leaking when damaged by collision.

(6) The hydrant shall be installed so the centerline of the hose outlets is a minimum of eighteen (18) inches above finished grade which shall include final landscaping where applicable.

(e) Nonfunctional hydrants shall not be located within twenty (20) feet of any water line easements.

(f) Only approved hydrant wrenches shall be used to open or close a fire hydrant.

(g) A three-foot clearance must be maintained around a fire hydrant.

(h) Testing of Private Hydrants Private hydrants shall be inspected and tested on an annual basis by a testing company to verify the flow and proper operation. The owner will maintain a copy of the test certification on the premises and send copies to the Martinsville Fire Department. All hydrants shall be maintained in proper working order. Maintenance to be performed by the testing company should consist of greasing outlets, greasing the stem, and flow testing the hydrant. All test records shall be submitted to the Martinsville Fire Department.

(i) Dead End Water Mains All other dead-end mains shall be capable of supplying the required fire flow and shall meet water company and /or NFPA 24 requirements and be approved. Buildings having a required fire flow of three thousand five hundred (3500) gpm or more shall have hydrants served by a main that loops the building or complex of buildings and reconnects back into a distribution supply main in a separate location.

(j) Dry Hydrants For the installation of dry barrel hydrants you shall follow NFPA 1142 edition for installation as referenced by the Commission. Contact the Martinsville Fire Department having jurisdiction for testing after completion of installation.

Sec. 38-411. – Emergency Communications

Any time a Class 1 Structure is being built in the City of Martinsville and in Washington Township, the owner of the building shall contact the Fire Marshal for information on emergency communications equipment that may be required to be installed into the building. This equipment is a radio repeater system that is used to assist fire agencies inside the building. It will allow the Morgan County Emergency Communications radio system to function properly inside their new building.

ARTICLE V: EMERGENCY AND STANDBY POWER

Sec. 38-501 – Emergency Lighting Activation Test

An activation test of the 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.

Sec. 38-502 – Emergency Lighting Activation Test Record

Records for the activation test shall be maintained on the premises for a minimum of three (3) years and submitted to the Fire Chief, or the Fire Chief's 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.

Sec. 38-503 – Emergency Lighting Power Test Record

The annual ninety (90) minute power test shall be maintained on the premises for a minimum of 3 years and submitted to the Fire Chief, or the Fire Chief's designee, upon request. The record shall 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.

ARTICLE VI: FIRE PROTECTION SYSTEMS

Sec. 38-601 – Construction Documents

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 for review to the City of Martinsville Building Department. Each applicable submittal must contain the following information:

- a. Sprinkler / Standpipe Systems:
 - (1) One (1) Full Set of Sprinkler / Standpipe Plans.
 - (2) One (1) Full Set of Sprinkler / Standpipe Calculations.
 - (3) One (1) Copy of the Sprinkler Construction Design Release (CDR).
 - (4) One (1) Set of Manufacturer's *Cut-Sheets* for all sprinkler heads in the design.
- b. Fire Alarm Systems:
 - (1) One (1) Full Set of Fire Alarm Plans.
 - (2) One (1) Set of Battery Calculations.
 - (3) One (1) Copy of the Fire Alarm Construction Design Release (CDR).
 - (4) One (1) Set of Manufacturer's *Cut-Sheets* for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
 - (5) One (1) Fire Alarm Sequence of Operation Matrix.
- c. Special Hazard Fire Protection Systems:
 - (1) One (1) Set of Plans (if applicable).
 - (2) One (1) Set of Engineering Data (if applicable).
 - (3) One (1) Copy of the Construction Design Release (if applicable).
 - (4) One (1) Set of Manufacturer's *Cut-Sheets* for System Components.
- d. Fire Pumps:
 - (1) One (1) Copy of the Manufacturer's Fire Pump specifications.
 - (2) One (1) Copy of the Manufacturer's Certified Pump Test Characteristic Curve
- e. Firestop Systems:
 - (1) Through-Penetration Firestop Systems.
 - (2) Membrane-Penetration Firestop Systems.
 - (3) Fire-Resistant Joint Systems.
 - (4) Perimeter Fire Barrier Systems.
 - (5) Fire-Rated Duct and Air-Transfer Openings.

SMOKE DETECTORS AND SMOKE ALARMS

Sec. 38-602– Dwellings - smoke detector and smoke alarm requirements.

- (a) A smoke detector / smoke alarm shall be defined for the purpose of this section as a device, which detects visible or invisible products of combustion and produces an audible alarm.
- (b) Each smoke detector or smoke alarm shall detect abnormal quantities of smoke that can occur in a dwelling, shall properly operate in the normal environmental conditions of a household, and shall be in compliance with ANSI/UL 268-standard for smoke detectors for Fire Alarm Systems, or ANSI/UL 217- standard for multiple station smoke alarms.
- (c) All dwelling units within the county shall be equipped with a minimum of one (1) functional, properly located, labeled and listed smoke detector or smoke alarm as described in 675 IAC 28-1-28. Smoke detectors or smoke alarms shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of the family living unit, including basements and excluding crawl spaces and unfinished attics. Family living units with one (1) or more split-levels where there is an intervening door between one (1) level and the adjacent lower level, a smoke detector or smoke alarm shall be installed on the lower level. In new construction, a smoke detector or smoke alarm shall be installed in each sleeping room, where more than one (1) smoke detector or smoke alarm is required; the smoke detectors or smoke alarms shall be arranged so that operation of any smoke detector or smoke alarm causes the audible alarm in all smoke detectors or smoke alarms within the dwelling to sound.
- (d) All equipment shall be installed in accordance with the manufacturer's installation requirements and recommendations. If the method of installation is not specified by the manufacturer, the smoke detector or smoke alarm shall be installed on the ceiling at least four (4) inches away from the wall or on a wall with the top of the smoke detector or smoke alarm not less than four (4) inches nor more than twelve (12) inches below the ceiling. Smoke detectors or smoke alarms in rooms with ceiling slopes greater than one (1) foot in eight (8) feet horizontally shall be located at the high side of the room.
- (e) Smoke detectors or smoke alarms required by 675 IAC 13 or 675 IAC 14 shall have a power supply as specified by the respective code. All other residential smoke detectors or smoke alarms may be powered by an AC power source or a battery. If the smoke detector or smoke alarm is solely AC powered and the manufacturer does not supply installation specifications, it shall be directly attached to a junction box with power supplied either from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, such installation shall be in accordance with 675 IAC 17. If the smoke detector or smoke alarm is solely powered by a battery, such battery shall be a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years. For any dwelling unit requiring a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years as provided in this subsection, it shall satisfy the requirements of this subsection that any non-compliant smoke detector or smoke alarm installed in such dwelling unit prior to August 1, 2014, be replaced with a compliant smoke detector or smoke alarm at such time such non-compliant smoke detector or smoke alarm is replaced for any reason. Smoke detectors and fire alarm devices that are connected to a panel as part of a monitored Fire Alarm System, or other devices that use a low-power radio frequency wireless communication signal are exempt from the battery requirements of this section.
- (g) It shall be unlawful for any person to tamper with or remove any smoke detector or smoke alarm, except when it is necessary for maintenance or inspection purposes. Any smoke detector or smoke alarm removed for repair, replacement or local remodeling shall be reinstalled or replaced so that it is in place and operable.
 - (1) Rental dwelling units. Each owner or manager or rental agent of the owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within two (7) business days after the owner, manager or rental agent is given written notification of the need to repair or replace the smoke detector or smoke alarm. Residents shall inspect and test the smoke detector or smoke alarm in accordance with manufacturer's instructions at least monthly.
 - (2) Owner dwelling units. Each owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within two (7) business days of finding it inoperable. An owner shall inspect and test the smoke detector or smoke alarm for power in accordance with manufacturer's instructions at least monthly.

- (h) A person, company, or corporation violating IC 22-11-18-3, IC 22-11-18-3.5 and provisions of this article shall be subject to penalties as specified in IC 22-11-18-5.
- (a) A carbon monoxide system shall be installed according to the Indiana Residential Code.

Sec. 38-603 – Martinsville Fire Department Connections, locations, access and signage

The location of the Martinsville Fire Department connections shall be approved by the Fire Chief, or the Fire Marshal, or the Fire Chief's designee, with respect to fire hydrants, Martinsville Fire Department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to Martinsville 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.

1. Martinsville Fire Department hose connections shall be free standing and remote from the building.
2. The connection shall be a 5" Stortz type connection.
3. The Martinsville Fire Department connection shall be located to the curb cut of the main entrance of the project site or building it serves. The connection shall be arranged to face the street, driveway, or fire access route. This location shall be placed in an area that will not interfere with access to the building when hoses are laid from the closest fire hydrant to the Martinsville Fire Department connection. The connect shall be 1 1/2 times the height of the building away from the building.
4. The Stortz connection shall be arranged so that the connection is between thirty (30) and thirty-six (36) inches above the finished grade, sidewalk, or pit box top or lid at the location of the connection.
5. The Martinsville Fire Department hose connection shall be located not more than one hundred (100) feet from the nearest fire hydrant.
6. Where the Martinsville Fire Department connection is subject to vehicular damage, the connection shall be protected as follows:
 - a. Protective post(s) shall be three (3) in diameter schedule 40 or better steel post set in thirty-six inches (36) of concrete. The inside of the post shall also be filled with concrete.
 - b. Post(s) shall be located no closer than thirty-six (36) inches from the Martinsville Fire Department connection and shall not interfere with the operation of the Stortz connection.
 - c. Post(s) shall extend above ground to a height at least equal to the top of the Martinsville Fire Department hose connection.
7. The exposed exterior piping for the Martinsville Fire Department connection shall be painted red if it supplies a sprinkler system only, yellow if it supplies a combination sprinkler/standpipe system and green if it supplies a standpipe system only. The address for the building shall be on the riser of the Martinsville Fire Department Connection. The Stortz connection shall not be painted.
8. The Martinsville Fire Department Connection shall not be more than 25 feet from the curb.
9. Security Caps - When a building is protected by an automatic sprinkler and/or standpipe system and the Martinsville Fire Department connection is exposed to undue vandalism the Fire Chief or the Fire Chief's designee may require that a Knox Security Cap be installed. All new buildings equipped with an automatic sprinkler and/or standpipe system shall install a Knox Locking Cap on the Martinsville Fire Department connection.

Sec. 38-604– Means of egress continuity.

- (a) Any member of a police agency or Martinsville Fire Department who shall discover any fire escape or means of egress encumbered or obstructed in any manner shall report such condition to the appropriate Fire Prevention

Bureau and such Fire Prevention Bureau shall immediately notify the owner or occupant to remove such encumbrance or obstacle.

Sec. 38-605 – Exit Stairwell Identification

Each required stairwell in a building shall be identified with a letter and number. The letter shall start with A and the number will be the floor level. Example Stairwell A1 would be Stairwell A on the first floor; Stairwell A2 would be Stairwell A on the second floor. Each stairwell will have signage on the interior and exterior of each stairwell door indicating the stairwell letter/number designation. The stairwell with the roof access shall be labeled as well on each floor.

Sec. 38-607 – Portable fire extinguishers; where required.

- (a) Portable fire extinguishers shall be installed in accordance with and where required by the Indiana Fire Code and shall also be installed where required by this section.
- (b) Except for private dwellings, portable fire extinguishers shall be installed and maintained in all occupancies.

Sec. 38-608 – Portable fire extinguishers; servicing.

- (a) Portable fire extinguishers which are required by Section 91-710 shall be serviced and maintained as set forth in 675 IAC 22 and 675 IAC 28-1-2.

Sec. 38-609 – Requirements for commercial kitchen exhaust equipment and fire protection equipment.

- (a) Any new installation or alteration of existing kitchen fire suppression equipment shall be inspected by the Fire Prevention Bureau having jurisdiction prior to the kitchen cooking equipment being placed in-service. The installing company shall:
 - (1) Notify the Fire Prevention Bureau at least forty-eight (48) hours in advance of the system being completed for system testing; and
 - (2) File with the Fire Prevention Bureau a form stating that the system has been inspected, signed by both the fire prevention inspector and the installation company's representative. This form is to be kept on file in the Fire Prevention Bureau.
- (b)

Sec. 38-610 – 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, Fire Marshal or the Fire Chief's designee, verifying qualification, for the company or individual, for each type of fire protection system being installed, serviced, repaired, inspected or maintained. Qualification shall conform to the requirements as outlined in each applicable NFPA standard or from the manufacturer of such equipment.

Sec. 38-611 – Unlawful interference with fire protection equipment, barricades, devices, signs and seals.

- (a) It shall be unlawful for a person to do or permit to be done any of the following acts:
 - (1) *Key box access and fire equipment keys.* To make or cause or permit to be made or have in his or her possession any key for any key box emergency access system, Martinsville Fire Department equipment, house or building used

by the Martinsville Fire Department, except upon the written order of the Fire Chief, or to fail or refuse to surrender possession of any such key upon demand of the Fire Chief;

(2) *Tampering with fire protection systems or equipment.* To tamper, molest, remove or in any manner interfere with, damage or disturb any part of a fire protection system, apparatus, fire equipment, secured gates, barricades, devices, signs and seals in use in the city;

(3) *Injuring fire hose.* To drive any motor vehicle or railroad locomotive over any fire hose laid in any street or Martinsville Fire Department access road in the vicinity of any fire or while in use for any other purpose, or in any other way interfere with the use of such hose; or

(4) *Opening fire hydrants.* To use or operate any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the Martinsville Fire Department. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the Martinsville Fire Department, owners of private hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties.

ARTICLE VII: FIREWORKS

Sec. 38-701 – Consumer Fireworks

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

(1) between the hours of 5:00 P.M. and two hours after sunset on June 29 through July 3 and July 5th through July 9th, however,

(2) between 10:00 A.M. and midnight on July 4th and on December 31st between 10am and 1am. In the event that the hours of use for consumer fireworks listed in I.C. § 22-11-14-6(d) or I.C. § 22-11-14- 10.5(c)(3) conflict with this Ordinance, state statute shall control.

ARTICLE XIII. PENALTIES AND FEES

Sec. 38 -801 – Fire and life safety inspections, Inspection Fees

(a) All code violations will be documented on a fire inspection report form. Each business will be given thirty (30) days to correct code violations. Certain code violations may be given less time to correct due to their severity. The business may also comply online through the City of Martinsville website when the violations have been corrected. If, after the specified time a compliance in not received, a re-inspection shall be made of the business to determine code compliance. A re-inspection fee for each re-inspection shall be charged as indicated in the table listed in section 38-801 (b)

(b) Fees & Fines

Inspection Fees – Existing Structures	
Annual Inspection	\$0.00
First Re-Inspection (Approximately 30 days)	\$0.00
Second Re-Inspection (Approximately 15 days)	\$75.00
Third & All subsequent (Approximately 5 days)	\$150.00

*Exceptions may be given by the Fire Chief or Fire Marshal depending on the violation cited.

Inspection / Permit Fees – New Construction	
	\$0.00
All Site / Construction Inspections	\$0.00
Fire Alarm / Sprinkler System – Initial Acceptance Test	\$0.00

Hood Suppression System – Initial Acceptance Test	\$0.00
All Subsequent Acceptance Test (all types)	\$75.00

General Fees / Fines	
Fire Watch (Firefighter) Hourly Rate	\$50.00 per hour/per person
Failure to Implement a Required Fire Watch	\$350.00 per day/per person – IDHS Notified
Occupancy Without Occupancy Permit	\$250.00 per day
False / Faulty Alarms (4-6 in a calendar year)	\$100.00 each occurrence
False / Faulty Alarms (7-10 in a calendar year)	\$150.00 each occurrence
False / Faulty Alarm (alarms 11 and beyond in a calendar year)	\$250.00 each occurrence
False Alarm (Intentional)	\$500.00 each occurrence & MPD Notified
Tampering with a Life Safety System	\$500.00 each occurrence – IDHS & MPD Notified
Damage to Life Safety Component (i.e. exit, sprinkler, alarm system component etc.)	\$500.00 each occurrence
Fire Lane Violation	\$25.00
Unlawful Open Burning	\$100.00

*A separate fine accrues each day a violation or failure remains uncorrected.

ARTICLE IX. - FIRE REPORTING SYSTEMS

Sec. 38-901 – Scope of article.

This article is applicable to the installation and maintenance of all manual and automatic Fire Alarm Systems in new and existing structures. Also, faulty and/or false alarms, and delayed notification of manual or automatic Fire Alarm Systems.

Sec. 38-902 – Notification upon Fire Alarm activation.

- (a) The Martinsville Fire Department shall be notified immediately upon the activation of any fire alarm, except in the case of a supervised fire drill, periodic testing or maintenance of a system.
- (b) Notwithstanding subsection (a) of this section, such notice shall be required if the alarm is directly transmitted by private line
- (c) The monitoring company shall notify Morgan County Communications Center immediately when the alarm is received at all times except as stated in subsection (a) of this section.
- (d) Upon the receipt of a supervisory signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.
- (e) Upon the receipt of a trouble signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.

Sec. 98-903 – Faulty alarms.

(a) FALSE ALARMS.

The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

(b) EXCESSIVE FALSE ALARMS.

It shall be unlawful for any person or entity who owns or controls property in the city on which an Alarm System is installed to issue, cause to be issued, or permit the issuance of more than three false alarms in a calendar year. A

person or entity who owns or controls property on which the Alarm System is installed shall receive a warning from the city for each false alarm. There shall be no distinction between fire and security false alarms.

(c) PENALTY.

The person or entity who violates section C of this Ordinance shall pay as a penalty as indicated in section 38-801 (b) of this ordinance.

ARTICLE X. - MISCELLANEOUS PROVISIONS
DIVISION 1. - GENERAL SAFETY

Sec. 38-1001 – Vacant or abandoned buildings; placarding.

The applicable Fire Prevention Bureau may implement a program for identifying and placarding vacant or abandoned Class 1 Structures that pose an unreasonable risk hazard to firefighters who forcibly enter a building or Structure for controlling or extinguishing a fire. Unreasonable risk hazards shall include but not be limited to Structure deficiencies such as open roof(s), missing steps or stair(s), holes in floor(s), open wall(s) or shaft(s) or the illegal removal of Structure components of a building or Structure that may cause an entanglement or premature collapse hazard for firefighters.

Sec. 38-1002 – Local Smoking Ordinance

SMOKING PROHIBITED

(a) Except as otherwise provided in this subchapter, smoking shall be prohibited in the following public places and places of employment, including, but not limited to, the following areas:

- (1) Elevators;
- (2) Restrooms, lobbies, reception areas, hallways, and any other common use areas;
- (3) Buses, taxicabs, and other means of public transit under the authority of the city and ticket, boarding and waiting areas of public transit depots;
- (4) Service lines;
- (5) Retail stores;
- (6) All areas available to and customarily used by the general public in all governmental offices, private businesses, and non-profit entities patronized by the public;
- (7) Restaurants;
- (8) Aquariums, galleries, libraries, and museums;
- (9) Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance;
- (10) Sports arenas and convention halls, including bowling facilities;
- (11) Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, Commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
- (12) Hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices;
- (13) Private and semi-private rooms in nursing homes and long-term care facilities;
- (14) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (15) Polling places; and
- (16) Private functions in other public places like restaurants, hotels, and motels.

(b) Notwithstanding any other provisions of this section, any owner, operator, manager, or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment.

POLICIES REGARDING SMOKING IN PLACES OF EMPLOYMENT.

- (a) It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications.
- (b) Within 120 days of the adoption of this subchapter, each employer having an enclosed place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy that shall contain the following requirements:
Smoking shall be prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles with more than one occupant, and all other enclosed facilities.
- (c) The smoking policy shall be communicated to all employees within three weeks of its adoption.
- (d) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.

REASONABLE DISTANCE.

Smoking may occur at a reasonable distance outside any area where smoking is prohibited to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or any other means. It shall be a violation for smoke to be detected in any area where smoking is prohibited.

WHERE SMOKING IS NOT REGULATED.

Notwithstanding any other provision of this subchapter to the contrary, the following areas shall not be subject to the smoking restrictions of this subchapter:

- (1) Private residences, except when used as a licensed childcare, adult day care, or health care facility.
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms.
- (3) Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this subchapter.
- (4) Outdoor areas of places of employment.
- (5) Bar.
- (6) Private club.

Sec. 38-1003. - Underground storage tanks; notification.

Any person who supervises, manages, or directs the installation, retrofitting, removal or closure of underground storage tanks shall notify the appropriate Fire Prevention Bureau fourteen (14) days prior to commencement of work; however, this requirement shall not apply in emergency repair work where fourteen (14) day notification is not possible.

Sec. 38-1004. – Local Open Burning Ordinance

- 1. Open burning is defined as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber
- 2. No person shall start, kindle, cause, allow, or maintain any form of open burning of any materials on private or public property, except as specifically authorized by this ordinance. No person shall allow the accumulation or existence of combustible material that constitutes or contributes to open burning.
- 3. Exemptions: The following types of burning are allowed:
 - a. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill, traditional food cooking devices, or campfires.
 - b. Fires used for recreational or ceremonial purposes such as school pep rally fires or the celebration of scout activities. Recreational or ceremonial shall meet the following conditions:
 - c. Only clean untreated wood or charcoal shall be used. Paper or petroleum products can be used for ignition purposes only.

- d. The fire shall not be ignited more than 2 hours before the recreational activity is to take place and shall be extinguished upon the conclusion of the activity.
- e. The pile to be burned shall be less than 1000 cubic feet (for example: 10ft. x 10ft. x 10ft.).
- f. The local fire department shall be notified 24 hours in advance if the pile to be burned is more than 125 cubic feet (for example: 5ft. x 5ft. x 5ft.).
- g. The fire shall not be for disposal purposes.
- h. The fire shall not be within 500 feet of a pipeline or fuel storage area.

4. Variances. Other types of fires may be approved as follows:

Any other type of fire whereby a citizen of the City of Martinsville has obtained a variance from the provisions of this ordinance by petitioning the Common Council may be allowed. However, the Common Council cannot grant a variance for burning that would otherwise violate the provisions of the 326 Indiana Administrative Code 4-1 et seq. and as amended and Indiana Code 13-17-9.

The following types of fires may be allowed if approved by the Indiana Department of Environmental Management:

- a. Fire fighter training
- b. Fire extinguisher training
- c. Vegetation propagation
- d. Use of an air curtain destructor
- e. Please refer to Attachment A for expanded version of variance situations based on 326 IAC 4-1-3(c)(3-8) and 326 IAC 4-1-4)

The following conditions apply to all exemptions and variances:

- a. Burning shall be done during safe weather conditions. Burning shall not occur, during high winds, temperature inversions, air stagnation, or when a pollution alert or ozone action day has been declared.
- b. Fires must be attended at all times until complete extinguished.
- c. Fires must be extinguished if they create a fire hazard, nuisance, pollution problem, or threat to public health.
- d. Firefighting equipment adequate for the size of the fire shall be on-site and nearby during times of burning.
- e. Burning shall not be for disposal purposes.
- f. All burning shall comply with other federal, state, and local laws, rules, and ordinances.

6. Enforcement: Any person found in violation of this ordinance shall be subject to the following procedures:

- a. The Martinsville Fire Department shall issue a warning notice to a first-time violator stating that he or she is in violation. The person must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in a citation being issued.
- b. Issuance of a citation to the violator shall result in the imposition of a one hundred dollar fine (\$100.00) as administered by the Martinsville Fire Prevention Ordinance Sec. 38-801.
- c. Failure or refusal by the violator to immediately extinguish the fire in violation of this ordinance shall also result in the Fire Department having the authority to go upon private property to extinguish said fire.
- d. Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued, shall be considered a separate offense.
- e. Liability for Fire: Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this ordinance on the basis that said fire was set by vandals, accidental, or act of God.

7. The open burning provisions are enforceable by the duly appointed Fire Chief, Fire Marshal, or Fire Chief's Designee, or law enforcement officers within the City of Martinsville acting on his/her own initiative or at the request of the (Mayor/Council).

ARTICLE XII. - PERMITS

DIVISION 1. PYROTECHNICS DISPLAYS

Sec. 91-1201 – Certificate of insurance required.

- (a) To obtain approval to conduct a public display under IC 22-11-14- a certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than one hundred thousand dollars (\$100,000.00) and to property in an amount of not less than one hundred thousand dollars (\$100,000.00), by reason of the license display, arising from any acts of the licensee, his agents, employees or subcontractors, is required.

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