

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: James Roberts
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: October 15, 2020
RE: Commission Review of Ordinance No. 20-40

The above referenced ordinance has been received and will be placed on the Commission's November 4, 2020 meeting agenda for review and consideration.

Ordinances containing fire safety or building laws are not effective until approved by an order of the Commission. The Commission has up to four meetings to make a determination on an ordinance. If an order of approval or denial is not issued by the fourth meeting, the ordinance is automatically approved and effective without an order of the Commission.

The Commission may afford an opportunity for public testimony on the ordinance. Therefore, attendance at the Commission's meeting is encouraged, but not required. To find out when and where the Commission meetings will take place, please visit the Commission's webpage at this link: <https://www.in.gov/dhs/2375.htm>. To obtain a copy of the Commission's agenda for any meeting, visit the Commission's webpage and select the "Meeting Materials" link.

A staff review of your ordinance may be completed prior to a decision being made by the Commission. Any staff reviews that are completed will be provided to you as soon as possible, to allow potential issues to be addressed prior to the Commission meeting. Copies of any staff review will also be delivered to the Commission for consideration.

If the Commission does not make a determination at the meeting, you will be notified and your ordinance will be placed on the agenda for the next meeting until such time as a determination is made or the ordinance is deemed approved.

Following a determination of the Commission, an order will be issued in accordance with IC 4-21.5. If for any reason the Commission issues an order of denial of your ordinance, you may adopt a new ordinance, which addresses the Commission's concerns, and resubmit it for approval.

ORDINANCE 20-40

**ORDINANCE TO ADOPT FIRE PREVENTION ORDINANCE FOR THE
CITY OF WESTFIELD**

WHEREAS, The City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and,

WHEREAS, the Council has the duty and authority to adopt policies and procedures to best assure public safety through the adoption of ordinances related to among other things fire prevention; and,

WHEREAS, the Westfield Fire Chief has reviewed, examined and studied the current ordinances of the City of Westfield and has been charged with making recommendation that will best serve the citizens of the City of Westfield.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Common Council meeting in session as follows:

Section 1. That the Council has been advised and hereby adopts a new and revised Fire Prevention Ordinance for the City of Westfield, attached hereto as Exhibit "A" and incorporated by reference herein to be in effect within the City of Westfield As well as any and all jurisdictions for which the Westfield Fire Department is authorized to operate.

Section 2. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage by the City Council, its publication in accordance with law and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof in conflict herewith are hereby ordered amended or repealed. All acts undertaken or taken pursuant to the adoption of this Ordinance are hereby authorized and/or ratified.

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COPY

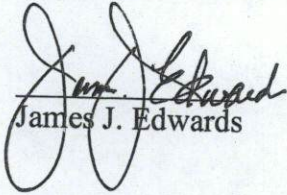
ALL OF WHICH IS ORDAINED THIS 28th DAY OF Sept 2020.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain


James J. Edwards

James J. Edwards

James J. Edwards

Scott Frei

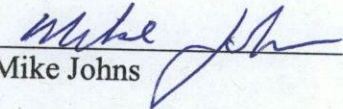
Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert


Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy Spoljaric

Cindy Spoljaric

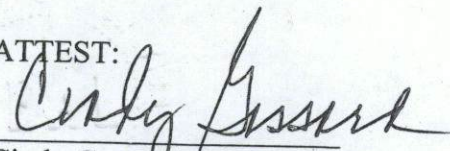
Cindy Spoljaric

Scott Willis

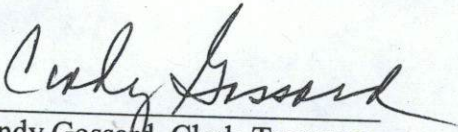
Scott Willis

Scott Willis

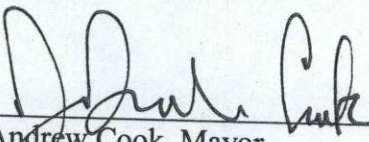
ATTEST:


Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 20-40 was delivered to the Mayor of Westfield
on the 29th day of Sept, 2020, at 10:05A m.


Cindy Gossard, Clerk-Treasurer

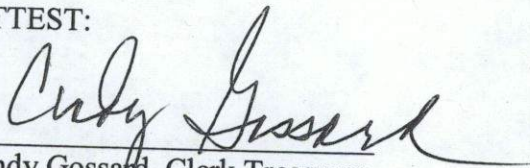
I hereby APPROVE Ordinance 20-40
this 29 day of Sept, 2020.


J. Andrew Cook, Mayor

I hereby VETO Ordinance 20-40
this _____ day of _____, 2020.

J. Andrew Cook, Mayor

ATTEST:


Cindy Gossard, Clerk Treasurer

This document prepared by
Brian J. Zaiger, Esq.
KRIEG DEVAULT, LLP
(317) 238-6266

"I affirm, under the penalties of perjury,
that I have taken reasonable care to redact
each Social Security Number in this
document, unless required by law"

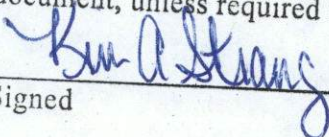

Signed _____

EXHIBIT "A"

City of Westfield Chapter 38 Fire Prevention Ordinance

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- Sec. 38-103 – Authority
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- Sec. 38-105 – Severability
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- Sec. 38-107 – Effect of adoption on prior ordinance
- Sec. 38-108 – Definitions

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- Sec. 38-410 – Fire Hydrants
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- Sec. 38-501 – Construction Documents

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- Sec. 38-502. – Dwellings - smoke detector and smoke alarm requirements
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- Sec. 38-504 – Means of Egress Illumination and exit signs
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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 Westfield, Indiana.

Sec. 38-102 – Purpose

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

Sec. 38-103 – Authority

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

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

The City of Westfield Fire Protection Ordinance shall be enforced throughout the boundaries of the City of Westfield and Washington Township, Hamilton County by the Fire Chief, the Fire Marshal or their designee.

Sec. 38-104 – Applicability

The provisions of this Ordinance shall be supplemental to the fire safety laws adopted by the Commission which are hereby adopted by the City of Westfield. This Ordinance shall apply to all Class 1 structures. Articles and sections shall only apply to Class 2 structures when specifically noted. When any provision of this Ordinance is found to be in conflict with any rule of the Fire Prevention and Building Safety Commission, the rule of the Commission shall prevail. This Ordinance shall apply to, and be in force and effect within all areas of the City of Westfield in Hamilton County, Indiana that is served by the Westfield Fire Department.

Sec. 38-105 – 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. 38-106 – Minimum standards

All rules of the 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 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 (675 IAC 22) or this Ordinance shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code (675 IAC 22), Referenced Standards and as

approved by the Fire Chief, or his 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 Commission.

Sec. 38 – 107 - 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 – 108 - Definitions

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

ALARM SYSTEM OR FIRE ALARM SYSTEM - A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

BUILDING - A Class 1 structure as defined in IC 22-12-1-4 used for shelter, protection, or enclosure of persons, animals, or property and which is permanently affixed to the land.

BUILDING CODE - 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 - Indiana Fire Prevention and Building Safety Commission as established by IC-22-12-2.

DIVISION OF FIRE AND BUILDING SAFETY - Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to IC 10-19-7.

FIRE CHIEF - Is the chief officer of the Westfield Fire Department and the City of Westfield Fire and Life Safety Division.

FIRE CODE - Indiana Fire Code (675 IAC 22).

FIRE WATCH - A fire watch is a person or persons who are assigned to monitor an area for watching for fires and other life safety concerns that may endanger the occupants or building. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires. This person must be familiar with the building, the evacuation procedure, the use of fire extinguishers and trained in Fire Safety and Prevention. Personnel used for fire watch shall be certified as a State of Indiana Firefighter I/II and shall be approved by the Fire Marshal. All costs, including wages paid directly to the fire watch personnel, shall be the responsibility of the building owner.

FIRE AND LIFE SAFETY DIVISION - The Fire and Life Safety Division established by this Ordinance for the City of Westfield.

FIRE MARSHAL - The administrative head of a Fire and Life Safety Division appointed pursuant to Section 38-202 or 38-203 of this Ordinance.

FUEL GAS CODE - Indiana Fuel Gas Code (675 IAC 25).

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

HAZARDOUS CONDITION - 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 - Indiana Administrative Code.

IC - Indiana Code of the Indiana General Assembly.

MECHANICAL CODE – Is the Indiana Mechanical Code (675 IAC 18).

NOTICE OF VIOLATION - A written notice issued by the Westfield 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 - 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.

STRUCTURE - Anything constructed, erected, or established that requires location on or in the ground or is attached to something having a location on or in the ground.

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 Westfield Fire Department Fire and Life Safety Division.

The Fire and Life Safety Division of the Westfield Fire Department shall be under the supervision of the Fire Marshal appointed pursuant to the applicable personnel rules of the Westfield Fire Department under Chapter 38 of the City of Westfield Municipal Code.

Sec. 38-202 - Fire and Life Safety Divisions established; jurisdiction

There is hereby established a local Fire and Life Safety Division within the City of Westfield Fire Department and within Washington Township located within Hamilton County that is not completely within the boundaries of the City of Westfield.

Sec. 38-203 – Enforcement Authority

The Fire Chief, Fire Marshal or their 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 their 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 Westfield 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 Westfield 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

1. Barricades. The Fire Chief or such designated officer of the Westfield 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 Westfield Fire Department to manage and control the emergency and to handle fire apparatus.
2. Obstructing operations. No person shall obstruct the operations of the Westfield 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 Westfield Fire Department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Westfield Fire Department.
3. Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or Westfield Fire Department official in charge of the incident.

Sec. 38-206 – Fire investigations

1. The Fire Chief, or the Fire Chief's designee, shall perform fire investigations pursuant to IC 36-8-17-7. The Fire Chief, or the Fire Chief's designee, is authorized to conduct an origin and cause investigation of all fires and explosions within the Westfield Fire Departments jurisdiction.
2. It shall be unlawful for any person to impede the Fire Chief, or the Fire Chief's designee, from conducting an origin and cause investigation.

Sec. 38-207 – Plan Review

The Westfield Fire Department Fire and Life Safety Division shall perform a review of all pertinent site plans, building plans (construction), fire protection system plans and specifications including sprinkler, fire alarm systems and hood suppression systems of any project within the boundaries of the Westfield Fire Department, in order to determine whether such plans and specifications comply with the applicable rules of the Commission, this

Ordinance and any other codes, standards or rules that may apply. Separate review and permits shall be required for fire protection systems based on the Fire Protection Permit standards in this Ordinance.

1. Plans shall be submitted to the Westfield Fire Department Fire and Life Safety Division in a digital format and have available at the City of Westfield Building and Planning Departments traditional 24"x36" paper form.
2. Fire Department Plan Review shall occur at the following phases: Site Plan, Construction Plan and Fire Protection Systems Plan. This review shall run concurrent to the city plan review and any issues or corrections that need to be made to the plans shall be completed by the developer prior to the approval of the City of Westfield Planning and Building Department and the Westfield Fire Department. No City of Westfield or Westfield Fire Department approvals or permits shall be given or issued until review as provided herein and compliance has occurred.

Sec. 38-208 – Fire and Life Safety Inspections

1. The Fire Chief, Fire Marshal or their designee, shall conduct fire and life safety inspections in Class 1 Structures pursuant to IC 36-8-17-8.
2. Class 1 Structures shall be inspected as often as necessary for the purpose of ascertaining and causing to correct any violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Fuel Gas Code, this Ordinance or any other rule of the Commission.

Sec. 38-209 - Emergency Entry

1. The Westfield 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.
2. At no time will the City of Westfield, Westfield Fire Department or any of its agents be responsible for any damages as a result of an emergency entry, The Westfield Fire Department or the Hamilton County 911 Center will notify the owner / occupant of the event and it will be the responsibility of the owner /occupant to assure that the building is re-secured.

DIVISION 2 - INSPECTIONS AND INVESTIGATIONS

Sec. 38-221 – Right to Enter Buildings

Authorized personnel of the Westfield Fire Department may, at all reasonable hours, enter any Structure (except private dwellings) within the City of Westfield or Washington Township in Hamilton County for the purpose of conducting inspections or investigations pursuant to this ordinance. 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 - Fire and life safety inspections; fees

1. The Westfield Fire Department shall perform fire and life safety inspections in Class 1 Structures under the administrative supervision of the Fire Chief pursuant to IC 36-8-17.
2. The Westfield Fire Department may, as often as may be reasonably necessary inspect every Structure, building, place and public way, except the interiors of private dwellings, for compliance with fire safety laws adopted by the Commission and this Ordinance.
3. Upon the request of an owner or a primary lessee who resides in a private dwelling, the Westfield Fire Department may inspect the interior of the private dwelling to determine compliance with IC 22-11-18-3.5 and all other applicable law and regulations.

4. The fees for Westfield Fire Department inspections performed under this section shall be the current fee /fine structure set by the City of Westfield.
5. Following the issuance of an inspection report that contains a violation of a fire safety law, pursuant to the enforcement procedures under section 38.203 of this ordinance, the Westfield Fire Department may re-inspect a structure, building or place to ensure the violation has been remedied. If a violation cited in the inspection report is not remedied upon the Westfield Fire Department re-inspection, the owner or, if applicable, primary lessee of the Structure, building or place shall be subject to the fee /fine structure set by the City of Westfield for any subsequent re-inspections of such violation.
6. 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.

Sec. 38-223 – Determination of Violation

Whenever the Fire Chief, Fire Marshal 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 Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 Structure within the Westfield Fire Department 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. 38-224 – 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, Fire Marshal 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 Westfield 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 pursuant to IC 4-21.5-3-6.

Sec. 38-225 – Imminent Danger

The Fire Chief, or the Fire Chief's designee, may stop an operation or require the evacuation with the approval of the State Fire Marshal 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.

Sec. 38-226 –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. 38-227 – Time Limit

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

Sec. 38-228 - 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 Commission, may appeal to the Indiana Fire Prevention and Building Safety Commission as set forth by IC 36-8-17.

Sec. 38-229 – Local Ordinance Appeals Process

1. The Fire Chief or Fire Marshal, on the complaint of any person or wherever he or they shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said officers shall find any building or other Structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, or whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he or they shall order such dangerous conditions or materials removed or remedied, and such order shall be complied with by the owner or occupant of such premises or building. If such order is made by the Fire Marshal or any of the Inspectors, such owner or occupant may, within 24 hours, appeal to the Chief of the Westfield 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 Westfield Fire Department.
2. However, an owner or occupant who remains aggrieved by the decision issued pursuant to this Ordinance and the matter involves a rule of the Commission, may appeal to such Commission as set forth by IC 36-8-17.

Sec. 38-230 – Variances

1. An owner or occupant requesting a variance from the provisions of this Ordinance That are not contained in a rule of the Commission shall apply in writing to the applicable fire prevention chief. The granting of a variance shall be considered only upon the written application of the owner of the property, stating that:
 - A. Practical difficulties have been encountered in the implementation of specific requirements of this Ordinance;
 - B. Compliance with specific requirements of this Ordinance will cause unnecessary hardship to the owner; and
 - C. 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.
2. A variance may be granted only if the Fire Prevention Chief determines in writing that:
 - A. The requested use or modification will conform with fundamental requirements for safety; and
 - B. 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 and Life Safety Division.
3. A variance shall be enforced in the same manner as an order issued under Section 38-224 of this ordinance.
4. Whenever the Fire and Life Safety Division 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.
5. 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. 38-231 – Orders to correct violations

1. If an owner or occupant fails to comply with an inspection report issued pursuant to Section 38-223 of this Ordinance or a variance issued pursuant to Section 38-230 of this Ordinance, the Fire Marshal may issue an order to compel compliance with the provisions of this Ordinance.
2. The failure of the Fire and Life Safety Division to inspect or to issue an order in accordance with this Ordinance shall not constitute approval of any violation or noncompliance with the provisions of this Ordinance.

3. Any order issued pursuant to this section shall be served upon the owner, operator, occupant or other person responsible for the building or property. Service of such order shall be by personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises and by mailing a copy thereof to the owner or occupant by first class mail to the owner's or occupants last known address pursuant to IC 4-21.5-3.

Sec. 38-232 – Order forbidding occupancy

1. The Fire Chief or his designee is empowered to issue an order forbidding the occupancy of any structure or part of a structure, in accordance with IC 36-8-17-9.
2. The Fire Chief or his designee is empowered to issue an order forbidding continued construction of a building or structure when the building, structure or property under development is in violation of state or local fire prevention codes and continued work will:
 - A. Conceal a violation of law;
 - B. Be inaccessible to Fire Department apparatus; or
 - C. Provide insufficient water supply as required by this Ordinance.
3. 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. 38-233 – Records and reports

1. The Westfield 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.
2. Companies providing periodic inspections of fire protection systems such as fire sprinklers, fire pumps, fire alarms, kitchen hood suppression or clean agent, upon request, shall submit a copy of their inspection report to the Division of Fire and Life safety of the Westfield Fire Department.

Sec. 38-234 - 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 38-231 of this ordinance. Each day a violation continues, it shall constitute an additional violation.

Sec. 38-235 - Certificate of Occupancy

Prior to the occupancy of any newly constructed Class 1 Structure or tenant area, an inspection and approval must be given by the City of Westfield Building Commissioner and the Fire Chief or the Fire Marshal and/or their respective designees. After the final inspection occurs, a Certificate of Occupancy shall be signed by the City of Westfield Building Commissioner and the Fire Marshal. This will then allow the occupant to start moving into the building. Occupancy prior to the issuance of Certificate of Occupancy shall result in a fine set forth by the current fee /fine structure set by the City of Westfield.

1. Acceptance Testing- Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Westfield 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):
 - A. Fire Alarm System;
 - B. Sprinkler System;
 - C. Special Hazard Fire Suppression System; and
 - D. Type I Hood Exhaust System.

2. Written Verification - Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Westfield 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.
3. Installation Documents - Prior to the issuance of the Certificate of Occupancy for a newly-constructed, renovated, or remodeled Class 1 Structure, the City of Westfield Fire Department requires the following documentation (if applicable):
 - A. Record of Completion for Fire Alarm Systems as required by NFPA 72.
 - B. Contractor's Material and Test Certificate for Aboveground Piping for Sprinkler and Standpipe Systems as required by NFPA 13.
 - C. 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.
 - D. Certificate of Completion / Installation for all Special Hazard Fire Suppression Systems.
 - E. Air Balance Test Report (Type I and II Exhaust Hoods).

DIVISION 3 – ENFORCEMENT RESPONSIBILITY

Sec. 38-241 - Enforcement Authority

1. The Westfield Fire Department shall have the responsibility to enforce all provisions of this Ordinance within its jurisdiction.
2. A Westfield Fire Department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

Sec. 38-242 - Legal assistance

The Fire and Life Safety Division may obtain the services of the City of Westfield attorney in connection with the enforcement of this Ordinance.

Sec. 38-243 - Law enforcement assistance

The Chief of the Westfield Police Department or the Hamilton 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 Westfield Fire Department or the Fire and Life Safety Division in the enforcement of this Ordinance.

ARTICLE III - General Safety Provisions

Sec. 38-301 – Open Burning and Recreational Fire Provisions

The following types of open burning are permitted subject to the limitations found in section (1, B) below:

- Fires used for celebrating Twelfth Night Ceremonies.
 - Fires used for celebrating school pep rallies;
 - Fires used for celebrating scouting activities;
 - Fires used for recreational and cooking purposes, i.e., camp fires.
1. Open Burning- A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this ordinance.
 - A. Burning of leaves shall be strictly prohibited within the corporate boundaries of the City of Westfield
 - B. Clean Wood Disposal Burning - Burning clean wood products as a means of disposal.
 - a. Must have a site visit and receive a permit from the Division of Fire and Life Safety
 - b. Can only be done between sunrise and sunset.
 - c. Must be monitored the entire time.
 - d. Must have an appropriate means of extinguishing the fire.
 - e. Must be at least 100' away from any structure.
 - f. Must be at least 100' away from a power line.

- g. Cannot be done during a strong wind or during humid stagnant conditions where the smoke lingers and does not rise.
- h. Is not permitted at all at a construction site as a means of disposal.

C. Exceptions - Burning with prior approval from the Division of Fire and Life Safety may be authorized for the following:

- a. Burning of refuse consisting of material resulting from a natural disaster.
- b. Burning for purposes of fire training.
- c. Prescribed burning of native vegetation in accordance with the requirements of the Indiana Department of Environmental Management (IDEM) and in accordance with 326 IAC 4.
- d. Agricultural burning on agricultural properties for maintenance purposes in accordance with 326 IAC 4-1-3.
- e. Due to the risks related to the methods of burning defined in Sub-Paragraph (C) above, the Division of Fire and Life Safety may require certain procedures to guarantee public safety including but not limited to:
 - i. Standby fire personnel.
 - ii. Standby fire apparatus and equipment.
 - iii. Increased minimum separation distances and/or specific burning containers.

****The financial costs associated with these additional requirements shall be the responsibility of the petitioner.

- 2. Campfires or Recreational Fires- fires where dry wood products are being used for recreational purposes.
 - a. Are not to be larger than 5' x5' x5' in size unless otherwise permitted by the Division of Fire and Life Safety.
 - b. All fires shall be attended at all times during burning until completely extinguished.
 - c. All fires shall be extinguished if they create a hazard, nuisance, pollution problem or threat to public health or property.
 - d. Fires in an approved container, i.e. metal portable pit, clay chiminea, etc. shall be no closer than 15' from any dwellings.
 - e. Recreational fire on the ground must be at least 15' from a combustible structure.
 - f. Recreational fires shall not be ignited more than 2-hours before the recreational activity and shall be extinguished upon conclusion of the activity.
 - g. The Division of Fire and Life Safety shall be notified at 317-804-3307 at least 24-hours prior when a recreational fire is more than 125-cubic feet (5'x5'x5') in size for a site visit and receive a permit.
- 3. Intentional deviation from this ordinance shall be subject to a fine of up to \$500 for each violation

Sec. 38-302 - Required Fire Protection Systems – Out of Service

Where a required fire protection system is out of service, the fire department shall be notified immediately and the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected, until the fire protection system has been returned to service (IFC 901.7).

- 1. Fire Watch as defined in IFC section 202, qualified individual.
 - A. The person who is on fire watch shall be a State of Indiana certified Firefighter I/II and be able to present current certification documentation (copies) when requested, and approved by the Fire Chief or his designee.
 - B. The fire watch shall have direct ability to communicate with the fire department dispatch center.

ARTICLE IV - FIRE SERVICE FEATURES

Sec. 38-401 – Address Identification

New and Existing buildings shall have approved address numbers, building numbers or approved building identification placed in an approved position that is plainly legible and visible from the street or road fronting the property as well as the rear access or exit doors. These numbers or letters shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers and letters shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inch (IFC 501.2).

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

1. The Fire Chief, or the Fire Chief's designee, is authorized to approve the installation of approved gates or other barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 (IFC 503.5).
2. Approved gates or barricades shall be maintained by the property owner.
3. 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 Westfield 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 – Fire Department Connections, locations, access and signage

The location of the Fire Department Connections shall be approved by the Fire Chief, Fire Marshal 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.

1. Fire Department Connections shall be free standing and remote from the building.
2. The connection shall be a 5" Stortz type connection.
3. The 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 Fire Department Connection.
4. The Fire Department Connection shall be located not more than one hundred (100) feet from the nearest fire hydrant.
5. Where the Fire Department Connection is subject to vehicular damage, the connection shall be protected as follows:
 - A. Protective post(s) shall be four (4) 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 less than thirty-six (36) inches from the Fire Department Connection and shall not interfere with the operation of the Stortz connection.
 - C. Posts shall not be spaced more than 4 feet between posts on center
 - D. Post(s) shall extend above ground to a height at least equal to the top of the Fire Department Connection and not less than 3 feet above the ground.
6. The exposed exterior piping for the 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 Fire Department Connection. The Stortz connection shall not be painted.
7. The Fire Department Connection shall not be more than 25 feet from the curb.
8. Security Caps - When a building is protected by an automatic sprinkler and/or standpipe system and the Fire Department Connection is exposed to undue vandalism the Fire Chief or the Fire Marshal may require that a Knox Security Cap be installed (912.3.1).

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

1. Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the Westfield Fire Department to prevent obstruction by parking and other obstructions.
2. 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 38-502 of the ordinance shall apply.

Sec. 38-406 – Fire Department access roads

1. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45.72 m) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured around the perimeter of the exterior of the building or facility (IFC 503.1.1).
2. Required Fire Department access roads or temporary-surfaced access roads within the construction site shall be installed and made serviceable prior to construction of a building or Structure and shall be maintained during construction for Class 1 and 2 Structures (IFC 501.4).
 - A. Construction. Westfield Fire Department or emergency access roads shall be constructed to the City of Westfield standards and specifications, IFC section 503, and shall be subject to approval by the Fire Chief or the Fire Chief's designee.
 - B. Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 503.2.1).
 - C. Surface. Fire apparatus access roads shall be designed, constructed and maintained to support the imposed live loads of the heaviest piece of Westfield Fire Department apparatus and shall be provided with a surface so as to provide all weather driving capability with required ground clearances from chassis frame and appurtenances (IFC 503.2.3).
 - D. The turning radius of a fire apparatus access road shall be determined after consultation with the Westfield Fire Department and shall be at least equal to the minimum required radius for the fire apparatus. Such roads shall be designed and constructed to permit turning of the longest piece of fire apparatus available to Westfield Fire Department (IFC 503.2.4).
 - E. Dead ends. Dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be designed and constructed so as to allow the turning around of the longest piece of fire apparatus available to the Westfield Fire Department (IFC 503.2.5).
 - F. Bridges. Where a bridge or similar elevated surface is required to be utilized as part of a fire apparatus access road, the bridge shall be constructed and maintained in an approved manner. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers or approved signs shall be installed (IFC 503.2.6).
 - G. Grade. The gradient for a fire apparatus access road shall not exceed the maximum that the apparatus available to the Westfield Fire Department can accommodate (IFC 503.2.7).
 - H. Obstruction and control of fire apparatus access. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles (IFC 503.4). Entrances to roads, trails or other access ways which have been closed with gates and barriers in accordance with Section 38-503 shall not be obstructed by parked vehicles.
 - I. Westfield Fire Department Access - 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

The Fire Chief or the Fire Marshal shall require a Knox box be installed in an approved location(s) on any new Class 1 Structure that is protected by an automatic sprinkler system equipped with a local or transmitted waterflow alarm, or the building is provided with any fire alarm system equipped with an outside audible/visual signaling device, or the building is provided with any fire alarm system where the alarm is transmitted to an off-site location or to the fire alarm center for the servicing fire department, or an area on that property is unduly difficult because of secure openings and where immediate access is necessary for lifesaving or firefighting purposes for property preservation.

All Key boxes shall be purchased from Knox Box Corporation and keyed to the Westfield Fire Department.

1. The key box shall contain:
 - A. Keys to locked points of ingress whether on the interior or exterior of such buildings.
 - B. Keys to locked mechanical equipment rooms;
 - C. Keys to locked electrical rooms;
 - D. Keys to elevator controls
 - E. Keys to other areas as directed by the fire official
 - F. Keys to Post Indicator Valves controlling the water supply for Fire Sprinkler Systems.
 - G. Fire Alarm Control Panels
2. The emergency key box shall be installed on the building no more than three (3) feet to the side of the main building entrance and approximately five (5) feet above grade. Alternate locations shall be approved by the Fire Chief or Fire Marshal. The red reflective, Knox Co. sticker shall be affixed in the upper corner of the main entrance door on the side leading to the key box.

Sec. 38-408 – Water Supply

A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 38-509 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 38-509 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 Westfield Fire Department and be located within one hundred fifty (150) feet of the Class 1 building or 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 Westfield Fire Department prior to final design and construction. For buildings under construction. A water source approved by the Fire Chief or the Fire Marshal 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 Westfield 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, or the Fire Marshal, 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 Marshal.

Sec. 38-410 – Fire Hydrants

1. When determining the number and location of fire hydrants necessary to provide the required fire flow, Fire Chief, the Fire Marshal and/or his designee(s) shall use Appendix C, Fire Hydrant Locations and Distribution of the current Fire Protection and Building Safety Commission adopted fire code.
2. Fire hydrants shall only be used for fire protection, or as so directed by the water utility having jurisdiction.
3. Fire hydrants shall be kept clear and accessible at all times (IFC 507.5.4).
4. Where the codes adopted by the Fire Prevention and Building Safety Commission or this Ordinance requires three (3) or more hydrants for proper fire-flow, those hydrants shall be placed in a 'loop' series in regards to the servicing water mains.
5. Public fire hydrants shall have a standard spacing as specified by the servicing water company as well as the approval of the Westfield Fire Department Division of Fire and Life Safety
6. All public fire hydrants shall remain the standard (consistent) color as provided by the servicing water company.

Private Hydrants

1. All private fire hydrants and water mains shall be installed and maintained as set forth in the adopted Fire Prevention and Building Safety Commission fire code.
2. The proposed location of private fire hydrants to supply the required fire flow shall be approved by the Fire Chief, the Fire Marshal and/or his designee(s) prior to construction of any Class 1 structure.
3. All private fire hydrants shall be painted yellow in color.

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 Westfield 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 (IFC 507.5.2).

Installation Standards

1. Whenever the provisions of the article require the installation of a fire hydrant, whether on public or private property, such hydrant shall meet the following specifications:
 - A. It shall be equipped with a five-and-one-quarter-inch main valve opening
 - B. It shall be constructed with two (2) two-and-one-half-inch hose nozzles, with seven-and-one-half (7&1/2) national standard threads per inch
 - C. It shall be equipped with one (1) four-and-one-half-inch steamer nozzle equipped with a five (5) inch Storz connection
 - D. It shall be constructed to be opened by turning clockwise a national standard pentagon operating nut
 - E. The source of the water supply shall be buried a minimum of five (5) feet below the ground level at the hydrant
 - E. The hydrant shall be constructed with a break-off feature to prevent the hydrant from leaking when damaged by collision
2. All fire hydrants, public or private shall be located not more than eight (8) feet from the edge of a paved area accessible by a fire department pumping apparatus, unless in a construction area.

Out-of-Service Hydrants

1. Fire hydrants that are out of service should be covered with a bag indicating "Out of Service".
2. Nonfunctional hydrants shall be made functional or removed.

Sec. 38-411 – Required water supply for fire protection

In setting the requirements for fire-flow, the fire prevention chief shall use the provisions set forth in

675 IAC 22, as a guide. Notwithstanding the provisions of this subsection, a reduction in required fire-flow, of up to seventy-five (75) percent, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than one thousand (1,000) gallons per minute at twenty (20) psi residual utilizing one (1) test hydrant and one (1) flow hydrant.

Sec. 38-412 – Emergency Radio Responder Coverage (ERRC)

The City of Westfield requires that certain newly constructed buildings have approved levels of emergency radio signal strength (relative to existing levels of public radio coverage available at the exterior). Where the design of the building reduces the level of coverage inside of the building below minimum performance levels, a distributed antenna system, signal booster, or other method approved by Westfield Fire Department (WFD) and Hamilton County Public Safety Communications Center (HCPSCC) shall be provided.

The following building types shall require Emergency Radio Coverage testing prior to Certificate-of-Occupancy:

- Any building with one or more basements or below grade building levels
 - Any underground building
 - Any building more than five stories in height
 - Any building 50,000 square feet or larger
1. Testing: Documentation of testing by a person in possession of a current FCC license, or a current technician certification issued by the Associated Public Safety Communications Officials International (APCO) shall be provided to WFD prior to issuance of Certificate-of-Occupancy.
 - A. Testing shall take place after installation of all roofing systems; exterior walls, glazing and siding/cladding; and all permanent interiors walls, partitions, ceilings, and glazing.
 - B. If the building fails the test, a distributed antenna system with FCC certified signal booster or other approved system shall be installed to achieve the required level of radio coverage. Plans and specifications for ERRC systems must be approved by WFD and HCPSCC prior to installation.
 2. Hamilton County Public Safety Communications Center (HCPSCC) Approval: FCC rules require anyone who has installed or will be installing a device that amplifies and rebroadcasts a public safety frequency must have an agreement with the public safety radio system owner. HCPSCC is the owner of the emergency radio frequency used by WFD and therefore must approve any amplification of these frequencies. HCPSCC has specific criteria that the system must be met and a legal agreement that parties must sign. Contact the Technical Services Manager at Hamilton County Public Safety Communications Center (HCPSCC), 317-776-4401 for forms and information.
 3. Technical Criteria: Please contact the Technical Services Manager at Hamilton County Public Safety Communications Center (HCPSCC), 317-776-4401 for information related to frequencies used, radio sites, etc. necessary for modeling or designing radio coverage or amplification.
 4. Plan Submittal, Inspection and Acceptance Testing (when a system is required): A set of plans for installation of a radio signal enhancement system shall be submitted to Westfield Fire Department Division of Fire and Life safety and the Westfield Building Department. A final acceptance test report shall be provided to the Division of Fire and Life Safety prior to issuance of Certificate-of-Occupancy. Final approval from HCPSCC is required prior to placing any system into service.
 5. Coordination with Building Department: WFD determines when a ERRC system is required and has final authority for all requirements and testing. An ERRC system may only be waived if a determination is made by the Division of Fire and Life Safety. It is important that applicants installing a system coordinate with the City of Westfield Building Department in addition to WFD.

ARTICLE V - FIRE PROTECTION SYSTEMS

Sec. 38-501 – Construction Documents

Plans for fire sprinkler system, fire alarm system, a kitchen hood suppression system and high-piled Storage Arrangements shall be submitted for review to the City of Westfield Building and Planning Departments for review by the Westfield Fire Department Fire and Life Safety Division. Each applicable submittal must contain the following information:

1. Sprinkler / Standpipe Systems:
 - A. Accurate shop drawings of the system.
 - B. Hydraulic calculations.
 - C. Product specification sheets.
 - D. State of Indiana Construction Design Release if required by 675 IAC 12-6.

2. Fire Alarm Systems:
 - A. Accurate shop drawings of the system.
 - B. Battery calculations.
 - C. Product specifications.
 - D. State of Indiana Construction Design Release if required by 675 IAC 12-6.

3. Requirements for Kitchen Hood Fire Suppression System Submissions:
 - A. Hood listing and installation documentation.
 - B. Schematic of the fire suppression system installation and protected equipment.
 - C. Product specification sheets of the nozzles, tanks, piping, agent and other related items.
 - D. State of Indiana Construction Design Release if required by 675 IAC 12-6.

SMOKE DETECTORS AND SMOKE ALARMS

Sec. 38-502- Dwellings - smoke detector and smoke alarm requirements

1. A smoke detector shall be defined for the purpose of this section as a device, which detects visible or invisible products of combustion.
2. A smoke alarm shall be defined for the purpose of this section as an assembly incorporating the detector, the control equipment and the alarm-sounding device in one unit, operated from a power supply either in the unit or obtained at the point of installation.
3. Each smoke detector or smoke alarm shall detect abnormal quantities of smoke that can occur in a residential 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.
4. All dwelling units shall be equipped with a minimum of one 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 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, (IRC 314.3), a smoke detector or smoke alarm shall be installed in each sleeping room, where more than one 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.
5. 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.
6. Smoke detectors or smoke alarms required by 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, 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.

7. 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.
 - A. 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 (2) 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.
 - B. 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 (2) 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.
8. 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 and Section 103-3 of this Ordinance. Each day such violation is permitted to continue may be deemed to constitute a separate offense; provided however the aggregate penalty for any violation shall not exceed two thousand five hundred dollars (\$2,500.00).

Sec. 38-503 – Dwellings - Carbon monoxide detector and alarm requirements (IRC section 315)

1. A carbon monoxide detector / carbon monoxide alarm shall be defined for the purpose of this section as a device, which detects the presence of carbon monoxide (CO) gas which is a colorless, odorless and tasteless compound produced by incomplete combustion.
2. Each carbon monoxide detector / carbon monoxide alarm shall detect abnormal quantities of carbon monoxide that can occur in a dwelling, shall operate in the normal environmental conditions of a household, and shall be in compliance with UL 2034-standard for single and multiple station carbon monoxide alarms or UL 1075-standard for gas and vapor detectors and sensors which are annunciated at a system control panel.
3. All new residential dwelling units which contain fuel-fired appliances and/or attached garages shall be equipped with a minimum of one (1) functional, properly located, labeled and listed carbon monoxide detector or carbon monoxide alarm installed outside each sleeping area in the immediate vicinity of the bedrooms.
4. All equipment shall be installed and maintained in accordance with the current edition of NFPA 720 and the manufacturer's installation and maintenance instructions.

MEANS OF EGRESS

Sec. 38-504– Means of egress illumination and exit signs

1. Means of egress illumination and exit signs shall be provided and maintained in accordance with IFC Section 1006. Means of egress and exit signs shall be kept maintained and illuminated when the building or Structure is occupied.
2. Any replacement of exit signs in existing buildings or Structures or installation of additional exit signs shall meet the requirements of 675 IAC 13.

3. Equipment providing emergency power for the means of egress illumination and exit signs shall be maintained in an operable condition.
4. An activation test of emergency lighting equipment shall be completed monthly. The activation test shall ensure the emergency light activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of thirty (30) seconds.
5. 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 (90) minutes and shall remain sufficiently illuminated for the duration of the test (IFC 604.5.2).
6. Records for the activation test shall be submitted to Division of Fire and Life Safety. The records shall include location of the light unit tested, whether the light unit passed or failed the test, the date the light unit was tested and the trained person completing the test.

Sec. 38-505 – Means of egress continuity

Any member of the police or fire department who shall discover any fire escape or means of egress encumbered or obstructed in any manner shall report such condition to the Fire and Life Safety Division and such the Fire Marshal shall immediately notify the owner or occupant to remove such encumbrance or obstacle.

Sec. 38-506 – Inspection of fire escapes

Exterior fire escapes shall comply with the requirements as set forth in 675 IAC 22. Certification by a professional engineer licensed in the State of Indiana to show compliance with this section shall be filed with the Fire and Life Safety Division upon order of the Fire Marshal.

Sec. 38-507 – 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. 38-508 – Occupant Loads

At no time shall the occupant, owner or person responsible for the event allow overcrowding or the exceeding the maximum occupant load of a Structure. Violation of this section will result in a fine and may result in the immediate evacuation of the Structure until the allowed occupant load is reached (IFC 107.5).

Sec. 38-509 – Portable fire extinguishers

1. Portable fire extinguishers shall be installed and maintained in all Class 1 structures as set forth in the latest edition of NFPA 10 and as required by the Fire Chief, or his designee.
2. In all Group R-2 occupancies, a 2A:20B:C rated fire extinguisher shall be required in each unit or placed at intervals not to exceed seventy-five feet (75') maximum travel distance from each unit in all common areas on each level.

Sec. 38-510 – Requirements for commercial kitchen exhaust equipment and fire protection equipment

1. Any new installation or alteration of existing kitchen fire suppression equipment shall be inspected by the Fire and Life Safety Division prior to the kitchen cooking equipment being placed in-service. The installing company shall:
 - A. Notify the Fire and Life Safety Division at least forty-eight (48) hours in advance of the system being completed for system testing; and
 - B. Provide written documentation to the Fire and Life Safety Division that states the system has been installed per the manufacturer's specifications and successfully tested by the installer.

2. In existing commercial kitchen hood and exhaust systems, the property owner or tenant shall contact the Fire Chief, or his designee, prior to modifying any portion of the kitchen hood or exhaust system (i.e. cutting access panels into existing exhaust ductwork). The Fire Chief, or his designee, shall inspect all work performed on existing systems.

Sec. 38-511 – Unlawful interference with fire protection equipment, barricades, devices, signs and seals

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, Westfield Fire Department equipment, house or building used by the Westfield 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 of Westfield
3. Injuring fire hose - To drive any motor vehicle over any fire hose laid in any street or Westfield 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 Westfield Fire Department. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the Westfield 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.

Sec. 38-512 – Smoke and heat removal systems or equipment; requirements

When smoke and heat removal systems or equipment are required in buildings hereafter constructed, they shall be installed as set forth in section 910 of the IFC.

FIRE ALARM / DETECTION SYSTEMS

Sec. 38-513 – 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. 38-514 – Fire alarm systems

1. The location of the fire alarm devices must match the design professional's approved plans. All deviations without revised plans shall be approved by the Fire Chief, or his designee, and shall be filed with State Plan Review.
2. All required Fire Alarm Systems shall be monitored by an approved supervising station in accordance with NFPA 72.
3. Fire Alarm initiating devices, alarm signaling devices, annunciators, or control panels shall not be concealed, obstructed, or impaired.
4. All Fire Alarm Systems required to be installed per the Indiana Building Code shall be equipped with addressable Fire Alarm Components that can have their respective status individually identified or that is used to individually control other functions.
5. Access panels shall be provided to facilitate the testing, inspection, and cleaning of HVAC Duct Detectors.
6. A posted diagram of all HVAC Duct Detectors shall be provided at the main electrical panel or a location approved by the Fire Chief, or his designee.
7. HVAC Duct Detectors that are not accessible from the finished floor shall be provided with remote test buttons. The location of the remote test buttons shall be approved by the Fire Chief, or his designee.

8. A copy of the as-built Fire Alarm Plans for all required fire alarm installations shall be kept permanently on-site in an approved location near the Fire Alarm Control Panel (FACP).
9. In all newly-constructed Class 1 structures, a listed Fire Alarm notification device shall be required in all walk-in freezers and coolers that exceed one hundred (100) square feet.

Sec. 38-515 – Monitoring of Fire Alarm Systems

Fire Alarm Systems required by 675 IAC 13 and 675 IAC 22 or this Ordinance shall be monitored as set forth in 675 IAC 13, 675 IAC 22, 675 IAC 28-1-28, by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

Sec. 38-516 – Notification upon Fire Alarm activation

1. The Westfield 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.
2. The monitoring company shall notify Hamilton County 911 Center immediately when the alarm is received at all times except as stated in subsection (1) of this section.
3. 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.
4. 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. 38-517 – Faulty alarms

1. 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.
2. 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 twelve-month period. 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.
3. DESCRIBED- A false alarm is categorized as;
 - a. User Error- A training / Education issue. Occupants should have the ability to operate the alarm system.
 - b. System Malfunction- A maintenance issue attributed to faulty detectors, sprinkler head release due to lack of maintenance or failures of alarm components.
 - c. Work done without notification- Failure to notify the alarm company or have the system set on test during maintenance.
 - d. Damage to the system-Any damage to an alarm system either accidental or deliberate.
4. PENALTY - The person or entity in violation of this chapter shall pay as a penalty, this sum shall be subject to the fee /fine structure set by the City of Westfield

ARTICLE VI - MISC. PROVISIONS

Sec. 38-601 – Consumer Fireworks

1. 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 Westfield and Washington Township, Hamilton County, Indiana, 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 PM;
 - B. Between the hours of 10:00 a.m. and 12:00 midnight on July 4
 - C. Between the hours of 10:00 a.m., on December 31 and 1:00 a.m. on January 1;
 - D. Use of fireworks is restricted to property owned or authorized for use by the user;

- E. Fireworks use is not permitted on city owned property, parks, roads, easements or other publicly owned property without specific approval by the Westfield Fire Chief or his designee;
 - F. Nothing in this section shall prevent the fire chief, or his designee, from preventing the use of fireworks due to weather conditions or any other safety concern.
2. Any violations of this section shall be punished by a fine which shall be the current fee /fine structure set by the City of Westfield Code of Ordinances.

Sec. 38-602 – Vacant or abandoned buildings; placarding

The Fire and Life Safety Division 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. 38-603 - Underground storage tanks; notification

Any person who supervises, manages, or directs the installation, retrofitting, removal or closure of underground storage tanks shall notify the Fire and Life Safety Division 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. 38-604 - Use of Grills

1. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.
2. LP-gas burners having a LP-gas container with a water capacity greater than 2.5 pounds shall not be located on combustible balconies or within 10 feet of combustible construction.

Sec. 38-605 – Traffic Signals

Any time a new development is required to install a traffic control signal device, or upgrade an existing signal, the developer shall be responsible for installing the current emergency vehicle preemption signaling equipment used by the Westfield Fire Department on that new signal.