

CHAPTER 92: FIRE PREVENTION

SECTION

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92.01 ADOPTION OF FIRE PREVENTION CODE

There is adopted by the Common Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the Fire Prevention Code recommended by the American Insurance Association, being particularly the applicable edition with applicable revisions. Not less than three copies of this Code have been and now are filed in the office of the City Clerk. The codes are adopted and incorporated as fully as if set out at length herein. (72 Code, 24.01) (Ord. 2688-1972)

92.02 AMENDMENTS TO FIRE PREVENTION CODE

The Fire Prevention Code, as adopted by this chapter is revised as follows.

APPENDIX B. ABANDONMENT OR REMOVAL OF UNDERGROUND TANKS, Part Three - Tanks Rendered Temporarily out of Service, shall read;

- A. With tanks rendered "temporarily out of service."
 - (1) The fill line, gage opening, and pump suction shall be capped and secured against tampering.
 - (2) The vent line shall be left open.

- (3) Tanks shall be temporarily filled with water and carbon tetrachloride with a ratio of one quart carbon tetrachloride to every five hundred gallons of water. ('72 Code, 24.01) (Ord. 2688-1972)

92.03 DUTIES OF BUREAU OF FIRE PREVENTION

- (a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department. The Bureau shall be under the supervision of the Chief of the Fire Department.
- (b) The Chief or Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Board of Public Works and Safety on the recommendation of the Chief of the Fire Department.
- (c) The Chief of the Fire Department may detail such members of the Fire Department as inspectors from time to time as necessary.
- (d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality. It shall contain all proceedings under this Code, with such statistics as the Chief of the Fire Department may wish to include. The Chief of the Fire Department shall also recommend any amendments to the Code which, in his judgement, shall be desirable. ('72 Code, 24.02) (Ord. 2241-1966; Ord. 83-1984)

92.04 DEFINITIONS

- (a) Wherever the word "MUNICIPALITY" is used in the Fire Prevention Code, it shall mean the City of Richmond, Indiana.
- (b) Wherever the term "CORPORATION COUNSEL" is used in the Fire Prevention Code, it shall mean the City Attorney.
- (c) Wherever the term "BUREAU OF FIRE PREVENTION" is used in the Fire Prevention Code, it shall mean the Fire Inspection Unit of the Fire Department. ('72 Code, 24.03) (Ord. 2241-1966)

92.05 ESTABLISHMENT OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The limits referred to in Section 12.5b of the Fire Prevention 1981 Code, in which storage of explosives and blasting agents is prohibited, will be established by the Board of Public Works and Safety, and a copy of the limits filed in the office of the City Clerk together with copies of this Code. ('72 Code, 24.04) (Ord. 2241-1966)

92.06 ESTABLISHMENT OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE, ABOVE-GROUND TANKS IS TO BE PROHIBITED

(a) The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside above-ground tanks is prohibited, will be established by the Board of Public Works and Safety and a copy of the limits filed in the office of the City Clerk.

(b) The limits referred to in Section 16.61 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited, will be established by the Board of Public Works and Safety and a copy of the limits filed in the office of the City Clerk. ('72 Code, 24.05) (Ord. 2241-1966)

92.07 ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED

The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied gas is restricted, will be established by the Board of Public Works and Safety, and a copy of the limits filed in the office of the City Clerk. ('72 Code, 24.06) (Ord. 2241-1967)

92.08 MODIFICATIONS

The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code on application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of the modification when granted or allowed, and the decision of the Chief of the Fire Department shall be entered on the records of the Department and a signed copy shall be furnished the applicant. The powers conferred on the Chief of the Fire Department under this section may be delegated by the Chief of the Fire Department to the Fire Marshal of the Fire Prevention Bureau. ('72 Code, 24.07) (Ord. 2241-1966)

92.09 APPEALS

Whenever the Chief of the Fire Department shall disapprove of an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Public Works and Safety within 30 days from the date of the decision appealed. ('72 Code, 24.08) (Ord. 2241-1966)

92.10 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

(a) The Board of Public Works and Safety shall determine and specify, after giving affected persons an opportunity to be heard, any new materials,

processes, or occupancies which shall require permits, in addition to those now enumerated in the Code.

(b) The Chief of the Fire Department shall post the list in a conspicuous place in his office, and he shall deliver to the City Clerk two copies of the list to be filed with the copies of this Code provided for in 92.01. ('72 Code, 24.09) (Ord. 2241-1966)

92.15 SMOKE DETECTORS

(a) Definitions

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

(1) "DWELLING UNIT" - A structure, building, area, room, or combination of rooms occupied by persons for sleeping or living excluding privately owned and occupied single-family dwellings until the time of sale. (Ord. 10-1988)

(2) "HOSPITAL" - A building or part thereof used for medical, psychiatric, obstetrical, or surgical care, on a 24-hour basis, of inpatients. The term "HOSPITAL" includes general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and other such facilities providing inpatient care.

(3) "NURSING HOME" - A building or part thereof used for the lodging, boarding, and nursing care, on a 24-hour basis, of persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person. The term "NURSING HOME" includes nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, and infirmaries or homes for the aged.

(4) "OWNER" - Any person who, alone, jointly or severally with other persons has legal title to any premises; any person who has the charge, care, or control over any premises as an agent, officer, fiduciary, or employee of the owner; the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor, or otherwise under a disability; a trustee, elected or appointed, or a person required by law to execute a trust, other than a trustee under a deed of trust to secure the payment of money; or an executor, administrator, receiver, fiduciary, officer appointed by any court, or other similar representative of the owner or his estate. "OWNER" does not include a lessee, sublessee, or other person who merely has the right to occupy or possess a premises.

(5) "RESIDENTIAL-CUSTODIAL CARE FACILITY" - A building, or part thereof, used for the lodging or boarding of persons who are incapable of self-preservation because of age or physical or mental limitations, or who are detained for correctional purposes; this includes homes for the aged, nurseries (custodial care for children under six years of age), institutions for the mentally retarded (care institutions) and halfway houses, as well as sheltered living facilities and halfway houses. "RESIDENTIAL-CUSTODIAL CARE FACILITY" does not include day-care facilities that do not provide lodging or boarding for institutional occupants.

(6) "SLEEPING AREA" - A bedroom or room intended for sleeping, or a combination of rooms or rooms intended for sleeping within a dwelling unit, which are located on the same floor and are not separated by another habitable room, such as a living room, dining room, or kitchen but not a bathroom, hallway, or closet. A dwelling unit may have more than one sleeping area. "SLEEPING AREA" does not include common usage areas in structures with more than one dwelling unit, such as corridors, lobbies, and basements.

(7) "SMOKE DETECTOR" - A device which detects visible or invisible particles of combustion.

(8) "SUBSTANTIALLY REHABILITATED" - Any improvement to a structure which is valued greater than one-half of the assessed valuation of the property including the land. (Ord. 81-1980)

(b) General requirements

(1) The owner of an existing dwelling unit, hotel, motel, hospital, nursing home, and residential-custodial care facility shall install smoke detectors as required by this section.

(2) The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is constructed or substantially rehabilitated under a building permit issued after November 5, 1980 shall install smoke detectors as required by law.

(3) The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility, except as provided in division (2) above, shall install smoke detectors as required by this section within 180 days from November 5, 1980. (Ord. 81-1980)

(c) Locations

(1) The owner of each dwelling unit shall install at least one smoke detector to protect each sleeping area. In an efficiency, the owner shall

install the smoke detector in the room used for sleeping. In all other dwelling units, the owner shall install the smoke detector outside the bedrooms but in the immediate vicinity of the sleeping area.

(2) The owner of each hotel and motel shall install at least one smoke detector to protect each guest room or guest suite. For the purpose of this division, "GUEST SUITE" means a combination of rooms that are always occupied as a single unit. The owner of the hotel or motel shall install the smoke detectors as directed by the Fire Chief of the city.

(3) The owner of each hospital, nursing home, jail, prison, and residential-custodial care facility shall install smoke detectors as directed by the Fire Chief of the city, and in each corridor that is adjacent to a room used for sleeping, but in no case spaced further apart than 30 feet or more than 15 feet from any wall; or in each room used for sleeping.

(4) An owner subject to the provisions of this section, shall install each smoke detector on the ceiling at a minimum of six inches from the wall, or on a wall at a minimum of six inches from the ceiling. He may not install a smoke detector in a dead air space, such as where the ceiling meets the wall. (Ord. 81-1980)

(5) In addition to any other structures listed in this chapter, smoke detectors shall be installed beginning October 1, 1988 in all structures which have rooms used for sleeping. (Ord. 10-1988)

(d) Equipment

An owner subject to the provisions of this subchapter shall install a smoke detector which is capable of sensing visible or invisible particles of combustion and emitting an audible signal. The owner shall install a smoke detector which is of a type approved by the Fire Chief of the city consistent with any appropriate federal regulations. (Ord. 81-1980)

(e) Installation

(1) The owner of each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility may directly wire the smoke detector to the power supply of the building.

(2) In each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is in existence on November 5, 1980, or which is constructed under a building permit issued 180 days before November 5, 1980, or which is substantially rehabilitated, the owner may install a smoke detector which operates from a plug-in outlet fitted with a plug restrainer device if the outlet is not controlled by

an on-off switch and if the cord connecting the smoke detector with the outlet is not controlled by an on-off switch.

(3) In each dwelling unit, hotel, motel, hospital, nursing home, jail, prison, and residential-custodial care facility which is in existence on November 5, 1980, the owner may install a monitored battery powered smoke detector. (Ord. 81-1980)

(f) Maintenance

An owner subject to the provisions of this subchapter shall maintain each smoke detector in a reliable operating condition and shall make periodic inspections and tests to insure that each smoke detector is in proper working condition, unless the owner and occupant have otherwise agreed in writing between themselves, in which event the occupant shall assume maintenance responsibility. (Ord. 81-1980; Ord. 16-1988)

(g) Permits

No owner may permanently wire a smoke detector to the electrical system of a structure without first obtaining an electrical permit from the building commissioner. (Ord. 81-1980)

(h) Private residences

No residential proxy may be sold or traded in the city unless and until the seller installs or provides for the installation of smoke detectors in accordance with 92.15(b), as applicable. This requirement may be met by the seller placing in the escrow account for the use of the buyer sufficient funds to pay for the installation. (Ord. 81-1980)

92.16 PENALTY

(a) Any person who shall violate any of the provisions of the Fire Prevention Code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department; or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be in violation of this Chapter and subject to guilty of an infraction punishable by a fine of \$100. The procedure for payment is set forth in Section 10.99(h). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy the violation or defects within a reasonable time period. When

not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. (Ord. 12-1987)

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. ('72 Code, 24.10) (Ord. 2241-1966)

92.17 RECOVERY OF COSTS FOR HAZARDOUS MATERIAL SPILLS

(a) Definitions

(1) "SPILL" means any unexpected, unintentional, or unapproved dumping, discharge or other loss of oil, hazardous or otherwise objectionable substance that damages or threatens to damage the public health, safety and welfare.

(2) "MITIGATE" means to take action to reduce the hazard.

(b) Assessment of charges for hazardous waste mitigation

Whenever the Richmond Fire Department mitigates a spill, any party responsible for the spill shall be responsible for and shall be assessed the following charges:

(1) Two hundred fifty dollars (\$250.00) per hour for the first hour for each aerial apparatus and One Hundred Fifty Dollars (\$150.00) per hour for each hour thereafter.

(2) Two hundred fifty dollars (\$250.00) per hour for the first hour for each pumper, rescue unit, hazardous material response vehicle and any support vehicles, and One Hundred Fifty Dollars (\$150.00) per hour for each hour thereafter.

(3) The Richmond Fire Department's actual labor costs.

(4) The actual replacement costs of any expendable materials such as absorption materials, or other agents used in clean-up operations.

(c) Billing of costs

The Fire Department shall refer all information concerning the cost of the clean-up to the City Controller. The City Controller shall prepare and send a statement of the charges to each responsible party, who shall be jointly and severally liable for the cost of the spill. The responsible party shall remit the charges to the Controller within Thirty (30) days after receipt of the statement of charges from the City Controller.

(d) Impoundment

The Fire Department may impound any material or property involved in the spill when necessary for the protection of the public safety and to accomplish the purposes set forth in Sections 92.17(b) and 92.17(c). (Ord. 73-1991)