

LEBANON FIRE DEPARTMENT

FIRE PREVENTION CODE 2009

Effective November 30, 2009- Ordinance Number --2009-10

09.00.00

DEFINITIONS

For the purposes of this document, the following terms are defined as follows:

Authority Having Jurisdiction when used throughout this chapter shall mean the Lebanon Fire Department.

Building Official is the officer or other designated authority of the jurisdiction charged with the administration and enforcement of the Indiana Building Code and City of Lebanon Building Code (Lebanon Building Inspectors Office).

Civil Violation. The erection, alteration, enlargement, maintenance or use of Any building, structure or land in violation of any provision of the zoning ordinance, the subdivision control ordinance, the sign ordinance, the weed ordinance, the Fire Prevention Code, any Ordinance of the City of Lebanon, and the building codes of the town applicable to such building, structure or land in the zone in which it is located as determined by the Lebanon Building Inspectors Office.

Class 1 Structure shall be buildings and structures as defined in I.C. 22-12-1-4

A building or structure that is intended to be or is occupied or otherwise used in any part by:

- 1) The public
- 2) Three (3) or more tenants
- 3) One (1) or more persons who act as the employees of another.

Class 2 Structure shall be buildings and structures as defined in I.C. 22-12-1-5

A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

Combustible shall mean materials such as paper, fiber liquids, vegetable matter or any other material, which is readily ignitable and free burning.

Decorative Materials-are materials such as curtains, draperies, streamers and surface covering applied over building interior finishes for decorative, acoustical or other effect, and also cloth, cotton batting, straw, vines, leaves, trees and moss used for decorative effect. They do not include floor coverings, ordinary window shades or materials one twenty-eighth (1/28) inches or less in thickness applied directly to a non-combustible backing.

Extension cord and portable flexible cord-is a flexible cord of any length, which is one male connector on one end, and one or more female connectors on the other, and no built in over current protection.

Fire-is the combustion of material other than deliberate combustion for cooking, heating, recreation, incineration or purposes incidental to normal operation of a property.

Fire Apparatus shall mean vehicles such as fire pumpers, aerial ladder trucks, elevated platforms, rescue squad cars or other firefighting or rescue equipment.

Fire Appliance shall mean equipment provided or installed for use in the event of an emergency.

Fire Department means the Lebanon Fire Department.

Fire Apparatus Access Road shall mean a road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Fire Department Inlet Connection (FDC)-is a connection through which the fire department can pump water into a standpipe and/or sprinkler system.

Fire Hazard shall mean anything or act which increases or may increase the possibility or menace of fire to a greater degree than that customarily recognized as normal by the Lebanon Fire Department; or which may obstruct, delay or hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

Fire Marshal means the administrative head of the Lebanon Fire Department or his designee appointed pursuant to Section 09.02.01 of this code.

Fire Prevention Division means the Fire Prevention Division established by this chapter for the Lebanon Fire Department.

FPBSC shall mean the Fire Prevention and Building Safety Commission of the State of Indiana, as established by IC 22-12-2-1.

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

Grace Period Extension of time granted for correction, termination or cessation of a civil violation of this chapter. Extension of time, as defined herein, shall be granted by the Lebanon Fire Marshall.

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

Inspection shall mean a visual inspection of a building, system, design, or installation, to verify that it meets the standards of the Fire Code, and/or is in acceptable operating condition and free of defects.

NFPA shall mean the National Fire Protection Association, which publishes the volumes of the National Fire Codes.

Notice of Violation- Notice issued by the Department

Permitted Fires shall mean fires used for recreation or cooking, such as bonfires, campfires or barbecues.

Person shall mean person, firm, corporation, partnership, association and bodies political and corporate.

Public Nuisance-is the existence of dry or drying weeds, rubbish and waste material on property and or premises which is dangerous and injurious to that or neighboring property, land or premises and which is detrimental to the welfare of occupants or residents of the vicinity.

Repair-is the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Repeated Civil Violation. A recurring violation at the same location or a similar violation at a different location by the same responsible party.

Responsible Party. Any person, firm or corporation who (which) uses property in violation of this chapter or knowingly permits another person, firm or corporation to do so.

Testing shall mean a functional test of all components to verify proper operation of the system, design, installation or use.

Water Company shall mean that entity its successors and assigns, which

supplies water service to the City of Lebanon.

09.01

GENERAL

09.01- General Provisions

This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the Fire Prevention Code of the City of Lebanon, may be cited as such, and will be referred to herein as the "Fire Code", or the "Code". Upon approval by the City Council of the City of Lebanon, as set out in ordinance shall be effective on _____, 2009. This code shall include in its entirety the most recent edition of the Fire and Building Code adopted by the State of Indiana with Indiana Amendments.

09.01.02 Purpose

The purpose of this chapter is to prescribe regulations consistent with nationally recognized standards for the protection of life, environment, and property from the hazards of fire and explosion; from the hazards arising from the storage, handling, and use of Hazardous substances, from conditions hazardous to life or property in the use or occupancy of new or existing buildings and premises, and to establish appropriate administrative procedures for the enforcement of this chapter.

09.01.03 Severability

If for any reason any article, division, section, subsection, sentence or phrase of this chapter or application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter.

09.01.04 Applicability

The provisions of this Chapter shall be supplemental to the current Indiana Fire Code (IFC), as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this chapter shall apply to maintenance of fire prevention and life safety features as herein described. The provisions of this chapter shall apply to existing conditions as well as to the conditions arising after the adoption thereof. Buildings, systems, uses, processes, and equipment legally in existence on the effective date of this section shall be permitted to continue so long as they are maintained in a condition that is equivalent to the quality and fire resistive characteristics that existed when the building was constructed, altered, added to or repaired.

09.01.05 Conflicting Provisions

When any provision of this chapter is found to be in conflict with any Building, Zoning, Safety, Health or other applicable law or ordinance of the City of Lebanon existing on the effective date of this code or hereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

09.01.06 Minimum Standards

All fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code and the International Fire Code are hereby incorporated in this chapter, and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative

Code with effective dates as fixed therein: A copy of these standards shall be available in the Fire Prevention Division of the Lebanon Fire Department for inquiry and review by the members of the public during normal business hours.

09.02

Administration and Enforcement

09.02.01 Fire Prevention Division

A fire prevention division is hereby established within the Lebanon Fire Department under the direction of the Fire Chief. The function of this division shall be to assist the Fire Chief in the administration of the City of Lebanon Fire Code and the Indiana Fire Code. The chief may assign personnel to the Division to administer and enforce the provisions of this code. The Fire Prevention Division shall be under the supervision of the Lebanon Fire Marshal appointed by the Lebanon Fire Chief pursuant to the applicable personnel rules of the Lebanon Fire Department.

09.02.02 Enforcement Authority

It shall be the duty and responsibility of the Lebanon Fire Marshal or his authorized representative to enforce the provisions of this code. It shall be the responsibility of the Lebanon Fire Department to enforce all provisions of this chapter within the City of Lebanon. 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, and 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 investigation of the origins, causes and circumstances of fires, and
6. The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property. The fire department shall have such other powers and duties as may be conferred from time to time by law or ordinance.

09.02.03 Legal Assistance

The Lebanon Fire Department may obtain the services of the City Attorney, Boone County Prosecutor or the Office of the State Fire Marshal for legal assistance in connection with the enforcement of this chapter.

09.02.04 Law Enforcement Assistance

Whenever requested to do so by the Lebanon Fire Chief, the Lebanon Chief of Police may assign such available police officers as in his discretion may be necessary to assist the Lebanon Fire Department in enforcing the provisions of this code.

09.02.05 Determination of Violation

Whenever a duly authorized member of the Lebanon Fire Department determines by inspection that a violation of this ordinance or a hazardous condition exists upon any premises within the City of Lebanon, the person making such determination shall issue such orders as may be necessary for the enforcement of fire safety laws and ordinances governing the same and for safeguarding of life, environment and property from fire and explosion.

09.02.06 Notice of Violation

Under IC-36-8-17-9, the enforcement of IFC (675 IAC 22) this chapter or any other provision of this code, which is within the jurisdiction of the Lebanon Fire Department, the Lebanon Fire Department may seek the correction of any violation or the elimination of any hazardous condition, by the methods specified in this code or by any other appropriate remedy or procedure provided by law. The failure of the Lebanon Fire Department to inspect or to issue an order in accordance with this chapter shall not constitute approval of any violation or noncompliance with the provisions of this chapter. Any 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 personal service, or by affixing a copy thereof in a conspicuous place at the entrance of said building or premises or 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.

09.02.07 Imminent Danger

The Lebanon Fire Marshal of the Lebanon Fire Department or his designee may order the operation stopped, order the evacuation, of any premises, building or vehicle or portion thereof under IC 36-8-17-9 or issue a citation for a civil violations in accordance with the civil penalty provisions of Section

92.02.12 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.
2. Is prohibited without a permit, registration, certification, release authorization, variance, exemption, or other license required under IC 22-14 or another statute administered by the Indiana Department of Fire and Building Services or the Lebanon Building Inspectors Office and the license has not been issued;
3. Will conceal a violation of law; or
4. Will interfere with the Lebanon Fire Marshal or his authorized representative to carry out his duties and responsibilities under Section 09.02.02 of the Lebanon Fire Department Fire Prevention Code 2009.

09.02.08 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 any prohibited activity or use and correct the violation; or
2. Protect persons and property from the hazards of the violation and correct the violation or;
3. Require persons to leave the area that is affected by a violation and prohibit person's from entering the area until the violation is corrected.

09.02.09 Appeal from Orders

An owner or occupant who remains aggrieved by the decision issued pursuant to this chapter and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to such Commission as set forth by IC 36-8-17. A copy of such appeal will be made available to the Lebanon Fire Department Inspection Division.

09.02.10 Variances

09.02.10.01 An owner or occupant requesting a variance from state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply for such with the Indiana Fire Prevention and Building Safety Commission in accordance with the 675 IAC 12-5. A copy of said variance request will be made available to the Lebanon Fire Department Inspection Division.

09.02.10.02 An owner or occupant requesting a variance from the provisions of this Chapter that are not part of the state adopted fire and building laws as set forth by IC 22-13-2-11 shall apply in writing to the Lebanon Fire Marshal. The granting of a variance shall be

considered only upon the written application of the owner of the property, stating that:

- (1) Practical difficulties have been encountered in the implementation of specific requirements of this chapter;
- (2) Compliance with specific requirements of this chapter will cause unnecessary hardship to the owner; and
- (3) The owner desires to take advantage of new methods or equipment, which are recognized as adequate for the purpose for which they are to be substituted.

09.02.10.03 A variance may be granted only if the Lebanon Fire Marshal determines in writing that:

- (1) the requested use or modification will conform with fundamental requirements for safety; and
- (2) the granting of the variance does not increase the risk of fire or danger to the public. A copy of any variance granted shall be retained by the division.

09.02.10.04 A variance shall be enforced in the same manner as an order issued under section 08.04.09 of this chapter.

09.02.10.05 Whenever the Lebanon Fire Department learns that an owner of the property or business, whichever is pertinent, is in violation of the terms of a variance issued pursuant to this section, the Lebanon Fire Marshal or his designee may order compliance as provided in Sec. 92.04.10 with the variance or with this Code.

09.02.11 Liability for Damage

This code shall not be construed to hold the public entity, any of its employees, or any of its lawful agents responsible for any damage to persons or property by reason of the inspection or re-inspection, authorization herein provided or by reason of the approval or disapproval of any equipment or process authorized herein or for any action in connection with the control of extinguishments of any fire or in connection with any other official duties.

09.02.12 Penalties

A. If any person, firm or corporation shall violate any of the provisions of this chapter that are not part of the state adopted fire and building laws as set forth by IC 22-13-2-11, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Lebanon Fire Marshal or his designee, or shall fail, neglect or refuse to obey any lawful order given by the Lebanon Fire Marshal or his designee in connection with the provisions of this chapter that are not part of the state adopted fire and building laws as set forth by IC 22-13-2-11 for each such violation, failure or refusal, such person,

firm or corporation may be fined up to and including the maximum penalty prescribed by IC 36-1-3-8 (10), or may be subject to the civil penalty provisions of division (B) of this section below. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

B. Civil penalty. The City of Lebanon shall impose civil monetary fines or penalties for violations of this chapter which may be enforced by Lebanon Fire Department in accordance with the procedures outlined in Section D below.

C. Civil violations; exceptions. Any person, firm or corporation who (which) uses property in violation of this chapter or knowingly permits another person, firm or corporation to do so shall upon citation by the designated enforcement entity be deemed to have committed a civil violation and shall pay to the city a civil monetary fine in the amount prescribed in division D below.

D. Schedule of monetary fines.

(1) The civil monetary fine for each civil violation shall be \$50 except as provided in division (2) below.

(2) For a repeated civil violation by the same violator, the following fines shall apply:

Second violation \$100

Third violation \$150

Fourth violation \$200

Each Violation in excess of four \$500

(3) These civil violation fines do not preclude the civil violator from responsibility of payment of costs incurred by the city if it is a necessity for the city to enter onto a property to correct, terminate or cease a violation in accordance with procedures outlined in this chapter. All monies collected with the exception of court costs will be placed in the City of Lebanon's Non-reverting fund as set forth in Ordinance #09-02.

E. Citation for civil violations.

(1) The Lebanon Fire Marshal or his duly authorized designees, upon verification of a violation of this chapter, may issue a citation to any responsible party who commits a violation of this chapter. The citation may be served by personal service or by certified mail or by placement in a conspicuous place on the property where the violation occurs. If personal service of a civil violation is made by the Lebanon Fire Marshal or his designees, said Lebanon Fire official will:

- a. Identify himself as an employee of the Lebanon Fire Department.
- b. In a conspicuous manner, wear on his person identification of his employment with the Lebanon Fire Department.

The citation shall serve as notice to the responsible parties that said party has committed a violation of this chapter.

(2) No citation shall be issued unless the violator has been issued a notice of violation with a minimum of one and a maximum of ten days before the issuance of the citation in order to allow the violator the opportunity to correct the violation and to come into compliance with the prescribed section of the pertinent ordinance.

(3) The notice of violation shall include:

- a. The date of issuance;
- b. The name and address of the person charged;
- c. The section number of the pertinent ordinance which has been violated;
- d. The nature of the civil violation;
- e. The place and time at which the civil violation occurred.
- f. The range of fines which could be assessed upon continued noncompliance activity;
- g. The specific time allowed in which to bring the civil violation into compliance;
- h. The name, business address and telephone number of the official issuing the notice of violation; and
- i. The date and time of the notice and the number of days given on the notice.

(4) The citation shall be on a form adopted by the department and shall include:

- a. The date of issuance;
- b. The name and address of the person charged;
- c. The section number of the pertinent ordinance which has been violated;
- d. The nature of the civil violation;
- e. The place and time at which the civil violation occurred;
- f. The schedule of monetary fines to be assessed;
- g. The name, business address and telephone number of the official issuing the citation; and
- h. The date and title of notice given and the number of days given on notice.

(5) The date, time and location of the court in which the civil violation shall be adjudicated shall be determined by the court which will send notification thereof to the violator and the Fire Marshal or his designee.

F. Trial for civil violation.

(1) Upon the issuance of a citation, the Lebanon Fire Marshal or his designee shall forward a copy of the citation to the designated enforcement entity, the Lebanon City Attorney and the Lebanon City Court, Lebanon, Indiana shall schedule the case for trial.

a. The City Attorney, his designee or the Lebanon Fire Department is responsible for the enforcement of chapter.

b. All procedures will be in compliance with the Indiana Rules for Civil Procedure and will adopt court cost recovery for infractions according to the State of Indiana.

(2) In proceedings before the court for a civil violation:

a. By a preponderance of the evidence presented at the trial, the designated enforcement entity has the burden of proving the civil violation and that the violator committed the infraction;

b. The violator may question all witnesses who appear for the designated enforcement entity and may also produce evidence or witnesses on the violator's behalf.

(3) A person found to have committed or caused a civil violation is liable for the fine, court costs and fees. No costs may be assessed against the designated enforcement entity in any such action.

(4) Seeking a civil penalty as authorized in this section does not preclude the designated enforcement entity from alternative relief from the court in the same action or from seeking injunctive relief which is available under the law of the State of Indiana or any other remedy in a separate action for the enforcement of the pertinent ordinance.

(5) When a violator has been found to have committed or caused a civil violation, the court may impose additional civil penalties and grant appropriate relief to abate or halt the violation, and the court may direct that payment of the civil monetary fine or additional civil penalties be suspended or deferred under conditions established by the court. If a violator fails to pay the civil

penalty or violates the terms of any other order imposed by the court, the violator may be held in contempt for the refusal to abide by the Court's Orders; and

(6) A change of venue from the Lebanon City Court shall not be granted in such a case.

09.02.12 Inspection Fees

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, or the danger to persons or property posed by such violation. A compliance form will also be left with each inspection report form. When the code violations are corrected, the business shall mail or otherwise deliver the compliance form to the Lebanon Fire Department Fire Prevention Division located at 201 E. Main Indiana. If, after the specified time a compliance form is not received, a re-inspection shall be made of the business to determined code compliance. A re-inspection fee for each re-inspection shall be charged as indicated below;

1st re-inspection \$75.00

2nd re-inspection \$150.00

3rd & all subsequent re-inspections \$500.00

All monies collected from this section will be placed in the Lebanon Fire Department's non-reverting fund as set forth in Lebanon City Ordinance #09-02.

09.02.13 False Reporting

It is a violation of this chapter for a person, firm or corporation to willfully and knowingly sign a compliance card attesting that a code violation has been corrected when such person, firm or corporation has actual knowledge that the code violation has not been corrected or has been disguised or covered without properly mitigating the hazard(s) . All violations under this section shall be subject to the civil penalty provisions of 08.02.12 contained herein. Additionally, any such person who knowingly violates this provision may be subject to criminal prosecution.

09.03

Inspections and Investigations

09.03.01 Right to Enter Buildings

Authorized personnel of the Lebanon Fire Department may, at all reasonable hours, enter any structure (except one and two family dwellings) within the City of Lebanon for the purpose of conducting inspections or investigations pursuant to this chapter. 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 Lebanon Fire Marshal may apply to a court of competent jurisdiction for an order allowing inspection.

09.03.02 Inspections

The Lebanon Fire Department shall perform inspections under the administrative supervision of the fire marshal pursuant to IC 36-8-17. The Lebanon Fire Department may as often as may be reasonably necessary

1. Inspect every place and public way, except the interiors of one and two family dwellings; and,
2. Inspect, upon receipt of a complaint, any building or premises.

In addition the Lebanon Fire Department must be notified of any new business moving into an existing building for purpose of updating emergency contact numbers and inspections.

09.03.03 Investigations

The Lebanon Fire Department shall perform fire investigations under the administrative supervision of the Fire Chief pursuant to IC 36-8-17. The Lebanon Fire Chief or his designee is authorized to investigate the origin, cause and circumstances of unauthorized releases of hazardous materials.

09.03.04 Records and Reports

The Lebanon Fire Department shall keep a record of all incidents and the facts concerning them. Such reports shall be prepared into an annual summary and submitted to the Lebanon Fire Chief. The Lebanon 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.

09.04

Emergency Operations

09.04.01 Authority at Fires and Emergencies

The Lebanon Fire Chief or his designated representative at any fire, explosion or other emergency which poses imminent threat to life, environment or property shall have the authority to direct operations as may be necessary to control, extinguish, perform special operations, and investigate the existence of hazardous conditions in connection with such fire, explosion, or other emergency, or to take other action reasonably necessary to contain, mitigate or eliminate the emergency.

09.04.02 Emergency Lines and Limits

The Lebanon Fire Chief or his designee, or any State of Indiana, Boone County or Lebanon City Law

Enforcement Officer may establish emergency lines and limits and barricade or guard from the general public such emergency lines and limits. The Lebanon Fire Chief or his designee or any Law Enforcement Officer may create an area in which only firefighters, law enforcement and those having a direct interest in any property threatened by the fire, explosion, or other emergency, or other people or agencies at the discretion of the Incident Commander shall be admitted. It shall be unlawful for any unauthorized person to cross such emergency lines or limits.

09.05 The Right to Recover Costs/Fee Structure

The Lebanon Fire Department and the City of Lebanon has established a non-reverting fund for the purpose of recovering costs dealing with fire protection within the corporate Lebanon City Limits for Fire Department operations and from others involved within Lebanon Fire Department operations outside of the corporate Lebanon City Limits as well. See Ordinance #09-02

Schedule of fees by call type for collection: If the Lebanon Fire Department responds to any call for service, assistance, or emergency, the following fees shall be assessed.

- 1. Passenger Car/Truck/ Van \$250.00 + Haz Mat Expense
- 2. Semi Tractor/ Trailer/ Bus \$500.00 + Haz Mat Expense (depending on cargo and duration)
- 3. Special Equipment (will relate to closest scheduled vehicle type) OIC's Discretion
- 4. Residence Fire/Garage Fire \$500.00
- 5. Apartment Fire limited to one (1) unit \$500.00
- 6. Apartment Fire more than one (1) unit \$2000.00
- 7. Commercial Structure less than 4 hours time* \$2500.00
- 8. Commercial Structure more than 4 hours time* \$5000.00
- 9. Large Rubbish/Trash Fire (no state permit) <2hrs. \$500.00
 2-4hrs. \$1000.00
 4hrs + \$1500.00
 + 500.00/hr. after
- 10. Motor vehicle accidents (No power lines down) \$250.00+Haz
- 11. Environmental calls when not hazardous materials \$250.00

An incident lasting over one hour will be charged by the amount of equipment and manpower on scene at a rate established by the State Fire Marshal under allowable Hazardous Materials reimbursement. This call type is also flexible at the discretion of the chief.

- 12. Grass/Field Fire (with property damage) \$250.00
- 13. Power Lines down (due to human factor) \$250.00
- 14. Train Fire \$1000.00+Hazmat

Non-hazmat rate is same as State Fire Marshall haz-mat reimbursement rates.

ú Apartment Buildings over 5 units are considered commercial buildings under this policy for purposes of billing.

ú Time spent includes the actual emergency, returning to service time and any time spent on the

investigation/mitigation of the emergency. Commercial structure fire expense may also increase due to the need of using consumables such as hazardous materials containment and clean up items as well as structural fire fighting foam and other materials not listed here but deemed consumable and necessary for the successful completion of the emergency situation. This list is not all inclusive and may change from time to time. There will be a \$10 charge for special requests involving providing fire/EMS run records.

Fires deemed as arson, will result in excess fees of \$25hr/per man due
To amount of time involved with investigations, interviewing and travel.

The Lebanon City Fire Department reserves the right to withhold fire service fees when deemed necessary by the Fire Chief or his designee.

Mitigating a hazardous situation sometimes entails the need for heavy equipment. This professional fee will be forwarded to the individual, business or insurance company responsible the property or mobile property.

09.06

Fire Service Features

09.06.01 Fire Department Access

A minimum of two means of vehicular access shall be provided for:

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

09.06.02 Fire Department Access Roads for Class 1 & 2 Structures

09.06.02.01 Construction

Fire Department or emergency access roads shall be constructed to the City of Lebanon standards and specifications, and shall be subject to approval by the Fire Chief or his designee.

09.06.02.02 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than twenty feet (20') (6096 mm) and an unobstructed vertical clearance of not less than thirteen feet six inches (13'6") (4115 mm).

09.06.02.02 Emergency lanes. Emergency lanes so marked as Fire Lanes whether on Public property of private property will be free of private vehicles except as allowed by the Lebanon City Police or the Lebanon Fire Department. Violation of this law will be enforced by the Lebanon City Police as a parking violation with the appropriate fine schedule. All emergency vehicles where Fire, Police, EMS or other emergency agencies are exempt from this rule as provided for by Indiana State Law.

09.06.02.03 Surface. Fire apparatus access roads shall be designed and constructed to support the imposed live loads of the heaviest piece of fire apparatus available to the servicing fire department and shall be provided with an all weather surface so as to provide all-weather driving capabilities.

09.06.02.04 Turning radius. The turning radius of a fire apparatus access road 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 the Lebanon Fire Department.

09.06.02.05 Dead ends. Dead-end fire apparatus access roads in excess of one hundred fifty feet (150') in length shall be designed and constructed so as to allow the turning around of the longest piece of fire apparatus available to the Lebanon Fire Department.

09.06.02.06 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with nationally recognized standards. The bridge shall be designed constructed and maintained for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges.

09.06.02.07 Grade. The gradient for a fire apparatus access road shall not exceed the maximum that the apparatus available to the Lebanon Fire Department can accommodate.

09.06.02.08 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. Entrances to roads, trails or other access ways which have been closed with gates and barriers in accordance with Section 09.06.02.09 shall not be obstructed by parked vehicles. Additionally, Any person parking in or otherwise obstructing a duly marked fire lane so dedicated shall be subject to the same penalties provided for such parking violation on public streets.

09.06.02.09 Automatic Gates

When a property is accessed through a gate or cross arm by means of a key or swipe card, it shall be equipped with a Key switch manufactured by the Knox Company. The switch will be keyed to the Lebanon Fire Department Knox key. The location to be installed will be determined by the Lebanon Fire Marshall or his designee. This section shall apply to both Class 1 structures and Class 2 structures.

09.06.03 Addressing

This section is to provide requirements to clearly identify and mark proper addresses on building located in the Town of City of Lebanon. This section applies to existing buildings and new buildings, including

buildings under construction.

09.06.03.01 Requirements

Approved numbers or addresses on a contrasting background shall be placed above the doorway or in such a position as to be plainly visible and legible from either direction of approach from the street or road fronting the property. The minimum size dimensions of the numbers shall be as specified in Table 1. Where a building or buildings are set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway or to visual obstructions such as landscaping or architectural features, address or number posting shall be required both at the street driveway serving such buildings and on the buildings. Individual condominiums, commercial suites and apartments shall have numbers or letters installed in accordance with the scope of this policy and Table 1. In addition, minimum 6-inch high numbers must be used to indicate apartment range numbers. On individual dwellings, a minimum 4-inch high number must be used. No cursive numbering systems are allowed.

Table 1

Occupancy	Number Height
Commercial/Industrial	6-12 inches
Multiple Unit Residential	6-12 inches
Single family and Duplex	4 inches

09.06.04 Use and Placement of Key Boxes

09.06.04.01 Installation.

Any commercial building built after May 15, 1991 that is protected by an automatic alarm system and/or sprinkler system, and access to, or within a structure, or an area on that property is unduly difficult because of secured openings, and where immediate access is necessary for lifesaving or firefighting purposes, the Lebanon Fire Official may require a key box to be installed in an approved location. Such request will be made in writing on Lebanon Fire Department Letterhead and hand delivered to the owner of the business of whom the request is being made. If the owner of the business refuses to install a Lebanon Fire Department approved key box for entry to his establishment he/she must acknowledge said refusal in writing to the Lebanon Fire Department Code Enforcement Division. In this case the Lebanon Fire Department and it's officers are not responsible for any damage caused to the structure and/ or contents if entry into the structure is deemed necessary by members of the Lebanon Fire Department. Any new structures that were constructed after May 15, 2003 are required by the Lebanon Fire Department to have an approved key box installed in an approved location.

09.06.04.02 Contents.

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

09.06.04.03 Alert Decals

Alert decals, approved by the Lebanon Fire Chief, to alert fire companies to the presence of security features covered by this ordinance, shall be displayed on any outside doors or windows designated by the fire official. In the case of residential occupancies when residents use oxygen, the appropriate warning decals should be prominently displayed to indicate oxygen usage.

09.06.04.04 Compliance

Voluntary compliance. This section is intended to apply to any new commercial construction within the city. All existing buildings built prior to May 15, 1991 are requested to voluntarily comply with this section and, to that end, the Fire Marshal of the city is instructed to meet with all existing commercial structure owners or occupants for the purpose of informing them of the public health, safety and welfare benefits of the establishment of a key box on their premises. Notwithstanding this provision, any existing building, which is remodeled or structurally altered in any way hereafter, shall comply with the terms and provisions of this section.

09.06.04.05 Security Padlocks

When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life saving or firefighting purposes, the Lebanon Fire Marshal may require a security padlock to be installed at a location approved by the Fire Marshal. The padlock shall be manufactured by the Knox Company and keyed to the Lebanon Fire Department Knox Key.

09.06.05 Required water supply for fire protection

All Class I structures or portions of Class 1 structures hereafter constructed shall be provided with a water supply capable of providing the required fire flow for firefighting purposes for a minimum period

of two (2) hours. In setting the requirements for fire flow, the Lebanon Fire Marshal may use the IFC (675 IAC 22), Appendix B as a guide.

09.06.06 Fire Hydrants

All private hydrants and water mains shall be installed and maintained as set forth in the 2002 edition of NFPA Standard #24. The Lebanon Fire Marshal in determining location and spacing of hydrants may use the 2003 IFC (675 IAC 22) Appendix C as a guide.

09.06.07 Hydrant Locations

The proposed location of private fire hydrants to supply the required fire flow shall be approved by the Lebanon Fire Department prior to construction of any Class 1 structures or any addition to a Class 1 Structure. One Fire Hydrant shall be installed within 100 feet of any fire department connection that serves a standpipe and/or sprinkler system or as required by the Lebanon Fire Chief or his designee.

09.06.08 Hydrant Specifications

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

1. It (hydrant) must meet all City of Lebanon Utility specifications
2. It shall be constructed with two (2) two and one half inch (2 1/2") hose Nozzles.
3. It shall be equipped with one (1) 5 inch (5") Storz connection.
4. It shall be constructed to be opened by turning clockwise a national standard pentagon-operating nut.
5. All privately owned hydrants shall be painted red with top color indicating the water main size. ie:
red - 4 inch (4") main
orange - 6 inch (6") main
white - 8 inch (8") main
green - 10 inch (10") main
blue - 12 inch (12") and above main
6. No private Citizen will be allowed to otherwise paint or alter a hydrant in any way and hydrants must be kept clear from obstructions of any kind for a distance of 3 feet (3').

09.06.09 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 Lebanon 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.

09.06.10 Dead End Water Mains

Six inch (6") or smaller dead end mains are prohibited in commercial and industrial development after the effective date of this Ordinance. All other dead end mains shall be capable of supplying the required fire flow, and shall meet IWC and /or NFPA 24 requirements and be approved. Buildings having a required fire flow of three thousand five hundred (3500) gpm or more shall have hydrants served by a main that loops the building or complex of buildings and reconnects back into a distribution supply main in a separate location when possible as determined by the Lebanon Fire Marshal or his designee and a representative of the Lebanon Utilities.

09.07

Commercial and Residential Buildings Under Construction

09.07.01 Water Supply

A water source approved by the Fire Marshal or his designee that is capable of supplying the required fire flow shall be made available prior to allowing combustible material to accumulate at the job site. Fire Hydrants shall be located within five hundred feet (500') 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 Fire Departments use of the hydrants in emergencies.

09.07.02 Access Roads for Class 1 and Class 2 Structures

Access for use of heavy fire fighting apparatus shall be provided to the immediate job site at the start of construction or the accumulation of combustibles, whichever occurs first. All temporary fire department access, where required, shall be maintained until all construction is completed. Arrangements shall be made to assure immediate and unimpeded Fire Department access to the site when called.

09.08

Fire Protection Systems

09.08.01 Construction Documents

In the event a set of plans and specifications for fire protection systems, including fire alarm systems, automatic sprinkler systems, standpipe systems, and other special types of fire extinguishing or detecting

systems and appurtenances thereto is created, then such documents shall be submitted to the Lebanon Fire Department for information purposes.

09.08.02 Fire Department Connections

The location of fire department connections shall be approved by the Fire Marshal or his designee. Fire department connections shall be installed where required by and in accordance with NFPA 13, Installation of Sprinkler Systems, 1999 Edition, 675 IAC 13-1-8 and NFPA 14, Installation of Standpipe Hose Systems, 2000 Edition, 675 IAC 13-1-9. Additionally, fire department connection specifications shall comply with the following:

1. Fire department hose connections shall be free standing and remote from the building being a distance of at least one and one-half (1½) times the height of the building or structure.
2. The connection shall be a five inch (5") Storz type connection with 45 degree turndown.
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 Storz connection shall be arranged so that the connection is between thirty inches (30") and thirty-six inches (36") above the finished grade, sidewalk, or pit box top or lid at the location of the connection. The Storz connection itself will not be painted. All other piping feeding the Storz connection will be painted red.
5. The fire department hose connection shall be located not more than one hundred (100) feet from the nearest fire hydrant.
6. Where the fire department connection is subject to vehicular damage, the connection shall be protected as follows:
 - a. Protective post(s) shall be three inches (3") in diameter schedule 40 or better steel post set in thirty-six inches (36") of concrete. The inside of the post shall also be filled with concrete.
 - b. Post(s) shall be located no closer than thirty-six inches (36") from the fire department connection and shall not interfere with the operation of the Storz connection.
 - c. Post(s) shall extend above ground to a height at least equal to the

top of the fire department hose connection.

7. Post Indicator Valves (PIV) will be located at least 3 feet away from FDC's but not so far as to not be visible by the engine operator who is supplying the FDC (Fire Department connection). PIV's must not be located in a direct line from the Storz Connection so that it does not interfere with the operation of the FDC.

09.08.02.02 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 Marshal or his designee may require that a Knox Security Cap be installed. All new buildings equipped with an automatic sprinkler and/or standpipe system shall install a Knox Locking Cap on the fire department connection.

09.08.03 Reserved for future use

09.08.04 Reserved for future use

09.08.05 Fire Alarm/Detection Systems, Fire Reporting and False Alarm

This section shall cover installation and maintenance of all manual and automatic fire alarm systems in new and existing buildings. Also, faulty and/or false alarms, and delayed notification of manual or automatic systems.

09.08.05.00 Fines for False Alarms

Any person, firm, corporation or entity having a fire, burglar, holdup, or any type of intrusion alarm shall be charged a fee of \$25.00 for the second false alarm responded to by the Lebanon Police Department or Fire Department within any twelve (12) month period and \$50.00 for each false alarm so responded to thereafter within the same twelve (12) month period. Such fee may be waived if the owner, lessee or possessor of the alarm shows to the satisfaction of the Lebanon Police Chief or Lebanon Fire Department Chief, the Lebanon Fire Marshal or his designee, under penalty of perjury, and within thirty (30) days of occurrence of the false alarm, that the false alarm was not the result of negligence, an intentional act or improper maintenance. Any fines collected for the Lebanon Fire Department under this section will be placed in the non-reverting fund as set forth in Lebanon City Ordinance number 09-02.

09.08.05.01 Supervision of Alarm Systems

Fire alarm systems required by 675 IAC 13, 675 IAC 22 or this Chapter shall be monitored as set forth in 675 IAC 13-2.3-96 and 675 IAC 22-2.2-17; 1996 edition of N.F.P.A. Standard No. 72, by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location. Such remote services shall notify the Boone County Fire Dispatch Center at 765-483-3377 who will, in turn, dispatch the proper Lebanon Fire Station to the site/source of the alarm.

09.08.05.02 Fire Alarm Control Panel

The fire alarm control panel shall be installed near the main entrance in the location required by the fire

department and shall have a constantly visible indicator showing the condition of the system. This position may be changed with approval of the Lebanon Fire Marshal or his designee.

09.08.05.03 Reset Instructions

A set of instructions on methods to reset the alarm after an alarm or trouble condition signal has been given shall be posted adjacent to the panel. The instructions shall be protected from moisture or other damage. The alarm disconnect switch shall be clearly marked within the electrical panel where it is located. There must be made available an employee to reset the alarm and to accept the responsibility of the alarms functionality. An electronic copy of the reset instructions will be made available to the Lebanon Fire Department to keep on file at the stations.

09.08.05.04 Marking of fire protection equipment, fire hydrants, and access roads.

Fire-protection equipment and fire hydrants shall be clearly identified in a manner approved by the Lebanon Fire Department to prevent obstruction by parking and other obstructions.

09.08.05.05 Requirements for commercial kitchen exhaust equipment and fire protection equipment.

Any new installation of kitchen fire suppression equipment shall be inspected by a Lebanon Fire Inspector and Lebanon Building Inspector for the City of Lebanon prior to the kitchen cooking equipment being placed in service. The installing company shall:

- a. Use installers that are qualified individuals by the manufacturer.
- b. Notify the Lebanon Fire Department Fire Prevention Division and the Lebanon Building Inspectors Office at least twenty-four (24) hours in advance of the system being completed for system testing and,
- c. Complete a form stating that the system has been inspected, signed by the installation company's representative. This form is to be kept on file at the Lebanon Fire Department.

09.08.05.06 Fire Watch

Any time a fire watch is required for temporary fire protection, each member of the fire watch must be an Indiana certified Firefighter I / II. If the firefighter is not a member of the Lebanon Fire Department, the certification of the firefighter must be provided to the Lebanon Fire Department prior to the beginning of the fire watch. Every fire watch shall have one firefighter for every 500 people of occupant load. There will be a charge of \$25 per hour per firefighter charged for this service. The firefighter must have at least one means of communication with dispatch at the Boone County Sheriff's Department either through the 800 radio system or through cell phone contact to 765-483-3377.

09.09

09.09.01 Fire protection in motor vehicle sale and storage lots and portable storage lots.

Motor vehicle sales lots, storage lots and portable storage lots hereafter constructed or added to, shall provide and maintain fire hydrants and access roads in accordance with this code.

09.10

General Precautions Against Fire

09.10.01 OPEN BURNING PROHIBITED.

No person shall openly burn any material except as provided in 325 IAC 4-1-3 or 325 IAC 4-1-4.

09.10.02 PRIOR APPROVAL FOR CERTAIN FIRES REQUIRED.

(A) Burning with prior approval of the Indiana Air Pollution Control Board or its designated agent may be authorized for the following:

(1) Emergency burning of spilled petroleum products when all reasonable efforts to recover the spilled material have been made and failure to burn would result in an imminent fire hazard or water pollution problem;

(2) Burning of refuse consisting of material resulting from a natural disaster;

(3) Burning for the purpose of fire training;

(4) Burning of natural growth derived from a clearing operation, i.e., removal of natural growth for change in use of the land;

(5) Burning of highly explosive or other dangerous materials for which no alternative disposal method exists or where transportation of such materials is impossible.

(B) Burning not exempted by 325 IAC 4-1-3 may be permitted with prior receipt of a variance application and approval of the Indiana Air Pollution Control Board or its designated agent.

(C) It is the responsibility of the property owner or business owner, whichever is pertinent, to contact the IAPCB for this approval.

92.10.03 EXEMPTIONS.

The nature and quantity of smoke generated by burning will vary with the material burned and the conditions under which it is burned. However, any smoke will contain pollutants, some of which are toxic and harmful to health. Thus it is the position of the Office of Air Management that any burning that does not serve a useful function, or for which alternatives are available, should be discouraged. It is recognized that burning has traditionally been a quick and cheap means of disposal of unwanted materials. In most instances, given the environmental and health impacts, burning can no longer be justified.

(A) The following types of fires are permitted within the Lebanon City Limits:

(1) Fires used for recreational and cooking purposes, i.e., camp fires; (must notify the Fire Department 24 hours before setting these fires) (cooking grills and backyard fireplaces are exempt from notification):

(2) Residential and commercial burning: burning is absolutely prohibited in apartment complexes, at commercial properties, in downtown areas and at mobile home parks. Burning is allowed where the residence contains three or fewer units:

(a) Burning shall be in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings no larger than 1¹/₂ inch square.

(b) Burning shall be constantly attended by at least one adult having an attached working water hose (garden type) or a 10# ABC Fire Extinguisher present.

(c) Burning shall be conducted starting one-half (½) hour after sunrise and completely extinguished one-half (½) hour before sunset

(d) Burning prohibited in areas that are within 25 feet of any structure or public right-of-way.

(B) All exemptions shall be subject to the following:

(1) Only wood products shall be burned unless otherwise stated above ; ie: limbs, paper and untreated and uncoated lumber. The burning of leaves is prohibited in the City of Lebanon. They are to be raked to the edge of the road for City pick-up. No garbage or tires are to be burned.

(2) Fires shall be attended at all times until completely extinguished;

(3) If fires are determined by members of the Lebanon Fire Department to create an air pollution problem, a nuisance, or a fire hazard, they shall be extinguished; The Lebanon Fire Department shall have the authority to enter on to any property for purposes of extinguishing any fire which creates an air pollution problem, a nuisance, or a fire hazard.

(4) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation, Statewide, Countywide or Citywide Fire Watch/restrictions, etc.

09.10.04 LIABILITY.

Any person who allows the accumulation or existence of combustible material, which constitutes or contributes to a fire causing air pollution or property damage, shall not be excused from responsibility thereof on the basis that said fire was set by vandals, accidental or an act of God.

09.10.05 Pyrotechnics and Indoor Fireworks Prohibited

- a. It shall be unlawful for any person or entity to ignite or otherwise use pyrotechnic special effects material or fireworks inside any building or structure.
- b. It shall be unlawful for the owner, lessee, occupant, or manager of a premise to permit the igniting or other use of pyrotechnic special effects material or fireworks inside any building or structure.
- c. An owner, lessee, occupant, or manager who has control of any entertainment venue or other commercial premise shall include in any agreement for use of the premises that igniting or otherwise using pyrotechnics or fireworks inside any building or structure is prohibited by this chapter.
- d. An owner, lessee, occupant, or manager who has control of the premises that observes the igniting or other use of pyrotechnics or fireworks inside any building or structure on the premises and fails to attempt to stop the use is in violation of this chapter.

09.11

Hazardous Materials

09.11.01 Hazardous Materials Information Vault

An approved hazardous materials information vault shall be provided at all buildings or areas that are subject to hazardous material regulations of the Lebanon Fire Code or the Indiana Fire Prevention Code. The hazardous material information vault shall be of a type approved by the Fire Marshal or his designee. The vault shall be keyed in the same manner as the key boxes in section 09.06.04. The vault shall be placed in a location approved by the Fire Marshal or his designee.

09.11.02 Material Safety Data Sheets (MSDS)

As new materials are brought onto the premises, the Lebanon Fire Department shall be notified. The Lebanon Fire Department shall be notified of any materials that are no longer on site.

09.11.03 Underground storage tanks; notification.

Any person who supervises, manages, or directs the installation, retrofitting, removal or closure of underground liquid storage tanks, flammable, combustible or non-flammable liquids as well as flammable compressed gases shall notify the Lebanon Fire Department Fire Prevention 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. Also, the correct steps must be taken to also contact the gas company and the Lebanon Utilities of such activities as well.

