

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 949

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OF OCCUPANCY OF BUILDINGS OR PREMISES, PROVIDING PENALTIES FOR VIOLATIONS HEREOF, AND REPEALING ALL ORDINANCES, OR PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the existing regulations within the Town for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises within the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised by the State of Indiana Department Fire and Building Services that existing regulations for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises, should be updated and made current and consistent with the State of Indiana Fire Safety Laws, as amended from time to time; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the recommendations of the State of Indiana Department of Fire and Building Services regarding the establishment of current regulations consistent with Indiana Fire Safety Laws for a safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has determined, after its review, that it is necessary to establish current regulations consistent with the State of Indiana Fire Safety Laws for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises in the Town of St. John, and particularly, so that the public health, safety, and general welfare and well-being of the Town of St. John will be preserved, promoted, and enhanced.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA:

SECTION ONE: TITLE. The Ordinance, and all Ordinances supplemental or amendatory hereto, shall be known as the "Fire Prevention Code of the Town of St. John, Indiana", may be cited as such, and will be referred to herein as "this Code".

SECTION TWO: PURPOSE. The purpose and the intent of this Code is to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use of occupancy of buildings, structures, sheds, tents, lots or premises.

SECTION THREE: APPLICABILITY.

A. The provisions of this Code and the fire safety rules of the Indiana Fire Prevention and Building Safety Commission shall apply to existing buildings and conditions, except as provided hereinafter.

Exceptions:

1. Existing conditions which do not constitute a distinct hazard to life or property.
2. The transportation of any articles or substances under the jurisdiction of and in compliance with the regulations prescribed by the armed forces of the United States.

B. Nothing in this Code shall be construed, interpreted or applied to abrogate, nullify or abolish any Law, Ordinance or Code adopted by the Town of St. John, Indiana, governing the construction, alteration, addition, repair, removal, demolition, use location, occupancy and maintenance of building specifically provided herein. When any provision of this Code is found to be in conflict with any building, zoning, safety, health or other applicable Law, Ordinance or Code of the Town of St. John 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.

C. The planning, design and construction of new buildings and structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the building rules of the Indiana Fire Prevention and Building Safety Commission. Any alterations, additions or changes in buildings required by the provisions of this Code which are within the scope of the said building rules shall be made in accordance therewith.

D. Buildings built under and in full compliance with the Building and Fire Safety Laws and Rules in force at the time of construction or alterations thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this Code pertaining to any of the following matters:

1. Fire protection of structural elements.
2. Exits required, except as provided for existing buildings under this Code.
3. Isolation of hazardous operations and mixed uses; provided, however, that the Fire Chief shall require the installation of fire safety devices or systems (fire extinguisher, fire alarms, fire detection devices, or similar systems) where they are necessary to provide safety to life. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the Fire Chief shall prescribe limitations of the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property. Any orders issued by the Fire Chief to obtain compliance with this subsection shall be governed by the provisions of Indiana Code 36-8-17-10(d), as amended from time to time.

SECTION FOUR: ADOPTION OF FIRE PREVENTION CODES.

A. The following 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 are hereby incorporated by reference in this Code, and shall include later amendments to that Article as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein:

Article 22-Fire Prevention Codes

- (1) Indiana Flammable and Combustible Liquids and Gases Code
- (2) Indiana Fire Prevention Code

B. Copies of adopted fire safety rules, codes and standards are on file in the Office of the Town Planning and Building Department and the Town Fire Department.

SECTION FIVE: ENFORCEMENT AUTHORITY.

A. It shall be the duty and responsibility of the Chief of the St. John Fire Department or such officer or duly designated representative, who is an ex-officio assistant to the State Fire Marshall under Indiana Code 36-8-17-5(a), as amended from time to time, to enforce the provisions of this Code. The duly designated enforcement officer of this Code is herein referred to as the Fire Chief.

B. The Fire Chief shall cooperate with the Town Building Commissioner responsible for the enforcement of the Code of Building Laws and Orders required to be enforced in the Town of St. John, pursuant to Indiana Code 36-7-2-9, as amended from time to time.

SECTION SIX: INSPECTIONS.

A. The Fire Chief shall cause to be inspected all structures and premises except the interiors of private Single-Family dwellings, and dwelling units in Two-Family and Multi-Family dwellings for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this Code affecting fire safety.

B. Whenever in the enforcement of this code the responsibility of more than One (1) official of the Town of St. John is involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting Orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provisions of some Law, Ordinance or Code of the Town of St. John not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction.

SECTION SEVEN: RIGHT TO ENTRY. Whenever necessary for the purpose of enforcing the provisions of this Code, or whenever the Fire Chief or authorized Fire Inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the Fire Chief or Fire Inspector shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Fire Chief by this Code. However, in the event that such structure or premises is occupied, the Fire Chief or Fire Inspector shall first present proper credentials and request entry. If such entry is refused, the Fire Chief shall have recourse to every remedy provided by Law to secure entry.

SECTION EIGHT: INVESTIGATION OF FIRES. The Fire Chief shall investigate, or cause to be investigated, every fire or explosion occurring within the Town of St. John that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion. In the event it appears that such an occurrence is of a suspicious nature, the Fire Chief shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause of origin of such fire or explosion, take means to prevent access by any person or persons to such buildings, structures or premises until such evidence has been

properly processed. The Fire Chief shall notify the Office of the State Fire Marshall, pursuant to Indiana Code 36-8-17-7, as amended from time to time, for further investigations into such matters and shall further cooperate with said office in the collection of evidence and prosecution of the case.

SECTION NINE: FIRE RECORDS; REPORTS.

A. The Fire Chief shall keep a record of all fires and all facts concerning the same, including investigation findings and statistics and information as to the cause, origin and the extent of such fires and the damage caused thereby.

B. The Fire Chief shall submit a report on each fire occurring within the Town of St. John to the Office of the State of Fire Marshall in accordance with Indiana Code 36-8-17-7, as amended from time to time, and in such form as prescribed by that Office.

SECTION TEN: VIOLATIONS; ORDERS.

A. Whenever the Fire Chief observes an apparent or actual violation of a provision of this Code or other Ordinances under the Fire Chief's jurisdiction, the Fire Chief shall prepare a written notice of violation and order describing the condition deemed unsafe and specifying a reasonable time for the required repairs or improvements to be made to correct such violation. The written notice of violation of this Code shall be served upon the owner, a duly authorized agent or upon the occupant or other persons responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access and such procedure shall be deemed the equivalent of personal notice.

B. If the notice of violation and Order is not complied with within the time specified by the Fire Chief, and if no review of such Order has been initiated under Indiana Code 36-8-17-10, as amended from time to time, the Fire Chief shall request the Town Attorney to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of any Order or direction made pursuant thereto.

C. Temporary or emergency Orders issued by the Fire Chief under Indiana Code 36-8-17-9(b), as amended from time to time, shall first be approved by the State Fire Marshall.

D. When, in the opinion of the Fire Chief, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the Fire Chief may issue an emergency Order, with oral approval of the State Fire Marshall, for the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or reenter until authorized to do so by the Fire Chief. Any Person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation Order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of this Code.

SECTION ELEVEN: ADMINISTRATIVE REVIEW; APPEALS.

A. A Person who is aggrieved by an Order issued pursuant to Section Ten (10) of this Code, or Indiana Code 36-8-17-9, as amended from time to time, shall have opportunity to informally discuss the Order with the State Fire Marshall, who may modify or reverse the Order.

B. An Order issued pursuant to Section Ten (10) of the Code, or Indiana Code 36-8-17-9, as amended from time to time, or an Order affirmed or modified by the State Fire Marshall may be appealed to the Indiana Fire Prevention and Building Safety Commission under Indiana Code 4-21.5-3.7, as amended from time to time.

SECTION TWELVE: REMEDIES. The Town Attorney, upon receipt of a written notice from the Fire Chief, that after having issued a lawful notice and Order to abate a violation of this Code, and after a reasonable time for compliance has expired, shall bring action in the Circuit or Superior Courts of Lake County, Indiana, for mandatory and injunctive relief in the enforcement of, and to secure compliance with, any Order or Orders made by the Fire Chief, any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Ordinance, as amended from time to time.

SECTION THIRTEEN: PENALTIES. If any Person, Firm or Corporation shall violate any of the provisions of this Ordinance, as amended from time to time, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Fire Chief, or shall fail, neglect or refuse to obey any lawful Order given by the Fire Chief in connection with the provisions of this Ordinance, as amended from time to time, for each such violation, failure or refusal, such Person, Firm or Corporation shall be fined in any sum not less than Twenty-Five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00). Each day of such unlawful activity as is prohibited by the provisions of this Section shall constitute a separate offense.

SECTION FOURTEEN: That all existing Ordinances, Guidelines, Regulations, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FIFTEEN: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance.

SECTION SIXTEEN: EFFECTIVE DATE. That this Ordinance shall take effect, and be in full force and effect from and after its passage by the Town Council of the Town of St. John, its approval by the Indiana Fire Prevention and Building Safety Commission, and publication as required by applicable law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, THIS 25th DAY OF April, 1994.

TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL

Carl Brown

President

James G. [Signature]

Vice President

Doyle [Signature]

Member

ATTEST:

Judith L. Companik

Judith L. Companik, Clerk-Treasurer

ENDORSEMENT:

APPROVED this 6th day of July, 1994, by the Fire Prevention and Building Safety Commission of the State of Indiana.

Howard W. Cundiff

Chairman

Gene [Signature]

Secretary