

ORDINANCE NO. 5188

Fire Prevention Ordinance of the City of Goshen, Indiana

WHEREAS, Indiana Code 36-1-3 confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, I.C. § 36-4-6-18 authorizes the Common Council of the City of Goshen, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit;

WHEREAS, the Goshen Fire Department provides fire protection and prevention for the City of Goshen; and

WHEREAS, it is the desire of the Common Council to update and modernize the fire prevention regulations for the City of Goshen to assist the Goshen Fire Department in their mission to protect life and property.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Goshen, Indiana, as follows:

Article I. **General Requirements**

Section 1. Title. This ordinance and all material included herein by reference shall be known as the "Fire Prevention Ordinance of Goshen, Indiana" ("Ordinance").

Section 2. Purpose. The purpose of this Ordinance is to protect the life, public safety, health, and general welfare of the citizens of Goshen, Indiana, and shall be construed in such a manner as to effectuate this purpose.

Section 3. Authority. The Fire Chief, or the Fire Chief's designee, is hereby authorized and directed to administer and enforce the following:

- A. All provisions of this Ordinance.
- B. Variances granted in accordance with I.C. 22-13-2-11.
- C. Orders issued under I.C. 22-12-7.

Section 4. Applicability. The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, and Indiana Fuel Gas Code as adopted by the Indiana Fire Prevention and Building Safety Commission. The provisions of this Ordinance apply to maintenance of Fire Prevention and Life Safety Features as herein described. The provisions of this Ordinance apply to existing conditions as well as to the conditions arising after the adoption thereof.

Section 5. Conflicting Provisions. If any provision of this Ordinance is found to be in conflict with any applicable law or ordinance of the City of Goshen, Indiana, whether existing on the effective date of this Ordinance or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

Section 6. Minimum Standards. All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Code are incorporated in this Ordinance and shall include all later

amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein. Any special processes or procedures not addressed in the Indiana Fire Code (675 I.A.C. 22) or this Ordinance shall be subject to applications found in Fire Safety Standards recognized by Indiana Fire Code (675 I.A.C. 22), Referenced Standards and as approved by the Fire Chief, or the Fire Chief's designee. Any special processes or procedures not addressed in this Ordinance shall be subject to applications found in the current editions of the National Fire Protection Association (NFPA) Standards or other recognized Fire Safety Standards - subject to the rules of the Indiana Fire Prevention and Building Safety Commission.

Section 7. Effect of Adoption on Prior Ordinance. The expressed or implied repeal or amendment by this Ordinance, of any other ordinance or part of any other ordinance, does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this Ordinance. Such rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Ordinance had not been adopted.

Section 8. Definitions.

- A. "Building Code" means the Indiana Building Code found within 675 I.A.C. 13.
- B. "Class 1 Structure" has the meaning ascribed thereto in I.C.22-12-1-4.
- C. "Class 2 Structure" has the meaning ascribed thereto in I.C.22-12-1-5.
- D. "Commission" refers to the Indiana Fire Prevention Building Safety Commission as established by I.C. 22- 12-2-1.
- E. "Crowd Manager" has the meaning ascribed thereto in 675 I.A.C. 22-2.5.
- F. "Fire Chief" means the chief officer of the Goshen Fire Department.
- G. "Fire Code" refers to the Indiana Fire Code found within 675 I.A.C. 22.
- H. "Fire Department" has the meaning ascribed thereto in I.C. 36-8-17-2.
- I. "Fuel Gas Code" refers to the Indiana Fuel Gas Code found within 675 I.A.C. 25.
- J. "General Administrative Rules" means the General Administrative Rules of the Indiana Fire Prevention and Building and Safety Commission located at 675 I.A.C. 12.
- K. "I.A.C." means the Indiana Administrative Code.
- L. "I.C." means the Indiana Code of the Indiana General Assembly.
- M. "Key Box" has the meaning ascribed thereto in 675 I.A.C. 22.
- N. "Mechanical Code" means Indiana Mechanical Code found within 675 I.A.C. 18.
- O. "Notice of Violation" means a written notice issued by the Fire Department usually in the form of an inspection report listing violations.
- P. "Owner" has the meaning ascribed thereto in 675 I.A.C. 22.
- Q. "Person" has the meaning ascribed thereto in I.C. 22-12-1-18.
- R. "Qualified Person" means a person who either holds current National Institute for Certification in Engineering Technologies (NICET) certification in the fire

protection system being installed, serviced, or repaired, or has successfully completed a course of instruction specific to the equipment being installed, serviced, or repaired. Such instruction shall have been approved by the manufacturer of the equipment or their authorized representative.

TERMS NOT DEFINED: Where terms are not defined in this Fire Prevention Code and are defined in the General Administrative Rules, the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, or Indiana Fuel Gas Code, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized, such terms shall have ordinarily accepted meanings such as the context implies.

Article II. **Administration And Enforcement**

- Section 1. **Fire Scene Authority.** The Fire Chief, or the Fire Chief's designee, at any fire, explosion, rescue, emergency medical or hazardous materials incident, or any other emergency which poses imminent threat to life, environment, or property, shall have the authority to direct operations as necessary to control, mitigate, or eliminate the emergency. It shall be unlawful for any Person to impede the emergency operations of the City of Goshen Fire Department.
- Section 2. **Emergency Lines and Limits.** The Fire Chief, or the Fire Chief's designee, may establish emergency lines and limits; and, barricade or guard from the general public such emergency lines and limits. The Fire Chief, or the Fire Chief's designee, may create an area in which only firefighters, law enforcement personnel, other emergency responders, other people, or agencies having a direct interest in any property threatened by a fire, explosion, hazardous material incident, other emergency, other people, or agencies at the discretion of the Fire Chief, or the Fire Chief's designee, shall be admitted. It shall be unlawful for any unauthorized Person to cross such emergency lines or limits.
- Section 3. **Fire Investigations.** The Fire Chief, or the Fire Chief's designee, shall perform fire investigations pursuant to I.C. 36-8-17-7. The Fire Chief, or the Fire Chief's designee, is authorized to conduct an origin and cause investigation of all fires and explosions within the service district of the City of Goshen Fire Department. It shall be unlawful for any Person to impede the Fire Chief, or the Fire Chief's designee, from conducting an origin and cause investigation.
- Section 4. **Fire and Life Safety Inspections.** The Fire Chief, or the Fire Chief's designee, shall conduct fire and life safety inspections in Class 1 Structures pursuant to I.C. 36-8-17-8. The Fire Chief, or the Fire Chief's designee, shall inspect Class 1 Structures as often as necessary for the purpose of ascertaining and causing to be corrected any violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission.
- Section 5. **Enforcement Authority.** The Fire Chief, or the Fire Chief's designee, shall possess the authority to enforce the provisions of this Fire Prevention Ordinance. The Fire Chief, or the Fire Chief's designee, shall have the authority to enforce provisions of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission. Such enforcement shall include, but is not limited to:

- A. The prevention of fires.
- B. The handling, storage, sale, and use of flammable liquids, explosives, combustible, and hazardous materials.
- C. 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.
- D. The location, installation, and maintenance of smoke alarms, fire alarm systems, and fire suppression systems.
- E. The existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.
- F. The Fire Chief, or the Fire Chief's designee, shall have the authority to institute legal actions in cases of non-compliance. The Fire Chief, or the Fire Chief's designee, shall have the authority to initiate legal action in accordance with locally prescribed avenues covering the violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission.

Section 6. Determination of Violation. Whenever the Fire Chief, or the Fire Chief's designee, determines by inspection that an apparent or actual violation of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, any other rule of the Commission or a hazardous condition exists upon any Class 1 Structure within the City of Goshen, Indiana, the person making such determination shall issue such Notice of Violation or order as may be necessary for the enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other rule of the Commission.

Section 7. Time Limit. Orders shall set forth a time limit for compliance dependent upon the hazard created by the violation(s).

Section 8. Notice of Violation. Under I.C. 36-8-17-9, an order of enforcement of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Fire Chief, or the Fire Chief's designee, may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this code or by any other appropriate remedy or procedure provided by law. The failure of the Fire Department to inspect or to issue a Notice of Violation or order in accordance with this Ordinance shall not constitute approval of any violation or non-compliance. Any Notice of Violation or order issued pursuant to this section shall be conveyed upon the Owner, operator, occupant, or other Person responsible for the building or property. Conveyance of such order shall be by one of the following methods: Personal service (by affixing a copy thereof in a conspicuous place at the entrance of said building or premises), by mailing a copy thereof to such responsible Person by first-class mail to his or her last known address, by fax, or electronic mail pursuant to I.C. 4-21.5-3.

- Section 9. Imminent Danger. The Fire Chief, or the Fire Chief's designee, may stop an operation or require the evacuation of any Class 1 Structure or portion thereof under the provisions of I.C. 36-8-17-9 when it is determined that conduct or conditions of the property:
- A. Present a clear and immediate hazard of death or serious bodily injury to any Person other than a trespasser;
 - B. Is prohibited without a permit, registration, certification, authorization, variance, exemption, or other license required under I.C. 22-14, another Indiana statute or rule of the Commission; or
 - C. Will conceal a violation of law.
- Section 10. Duty to Correct Violations. The Owner or Person in control of any premises or building upon which a violation or hazard exists shall:
- A. Cease and correct the violation.
 - B. Protect Persons and property from the hazards of the violation.
- Section 11. Appeal from Orders. An Owner or occupant who remains aggrieved by an order or decision issued pursuant to this Fire Prevention Ordinance, and the matter involves a rule of the Indiana Fire Prevention and Building Safety Commission, may appeal to the Indiana Fire Prevention and Building Safety Commission as set forth by I.C. 36-8-17.
- Section 12. Local Ordinance Appeal Process. Appeals of an interpretation or application of this ordinance may be made in a writing filed with the City of Goshen Clerk-Treasurer not more than 30 calendar days following the challenged interpretation or application and shall be heard and decided by the City Board of Public Works and Safety.

Article III. **Emergency Planning**

- Section 1. Crowd Manager Training and Qualifications. Crowd Managers shall receive training, approved by the Fire Chief or the Fire Chief's designee, in crowd management techniques. Crowd Managers shall be:
- A. At least 21 years of age;
 - B. The Owner or operator of the business, or under the direct control and supervision of said Owner or operator; and
 - C. Responsible for:
 - 1. Maintaining clear paths of egress, assuring that the facility does not exceed its occupant load limit, initiating a fire alarm if necessary, directing occupants to exits;
 - 2. Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
 - 3. Utilizing portable fire extinguishers as necessary.
- Section 2. When Required. One trained Crowd Manager or Crowd Manager supervisor shall be provided for assembly occupancies. In the event the occupant load exceeds 250, additional trained Crowd Managers or Crowd Manager supervisors shall be provided at a ratio of 1 Crowd Manager or Crowd Manager supervisor for every 250 occupants.

Exception: for assembly occupancies used exclusively for religious worship with an occupant load not exceeding 2,000, the ratio of trained Crowd Managers to occupants may be reduced if approved by the Fire Chief or the Fire Chief's designee, when the existence of an approved, supervised automatic sprinkler system and the nature of the event warrant a reduction. Conversely, the Fire Chief, or the Fire Chief's designee, shall require a fire watch in accordance with 675 I.A.C. 22 if conditions or the nature of the activity warrant.

Article IV. **Fire Service Features**

- Section 1. **Fire Lane Markings.** The location of fire lanes shall be established by the Fire Chief, or the Fire Chief's designee. The Fire Chief, or the Fire Chief's designee, can require signage or striping or any combination. Design of the fire lane markings shall be approved by the Fire Chief, or the Fire Chief's designee. The erection of and maintenance of fire lane marking signs and striping shall be the responsibility of the property Owner. All markings shall remain in good visible condition as determined by the Fire Chief or the Fire Chief's designee. The parking or standing of any obstruction, including motor vehicles, within established fire lane markings on private or public property shall be prohibited.
- Section 2. **Gates or Barricades.** The Fire Chief, or the Fire Chief's designee, is authorized to approve the installation of approved gates or other barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Approved gates or barricades shall be maintained by the property Owner.
- Section 3. **Key Boxes.** Any new Class 1 Structure that is protected by an automatic sprinkler system or fire alarm system which sends a local or transmitted signal, and access to, or within such structure, or an area on that property is unduly difficult because of secure openings, and where immediate access is necessary for lifesaving or firefighting purposes or property preservation, the Fire Chief, or the Fire Chief's designee, shall require a Key Box or other rapid entry product to be installed in an approved location(s). The Key Box or rapid entry product manufacturer must be approved by the Fire Chief, or the Fire Chief's designee.
- Section 4. **Water Supply.** A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 5 of this Article, must be provided to all premises or property upon which a Class 1 Structure, a portion of a Class 1 Structure or a Class 2 Structure is hereafter constructed. The water supply shall be provided as follows:
- A. When a municipal water supply is available and contingent to the premises or property, fire hydrants and mains shall be installed and capable of providing the required fire flow as determined by Section 6 of this Article.
 - B. When a municipal water supply is not available, an alternative water supply may be approved. The alternative water supply shall consist of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank or other fixed system capable of providing the required fire flow as determined by Section 5 of this Article. The means of acquiring the water from an alternative water supply shall be accessible and the connection(s) shall be approved by the Fire Chief, or the Fire Chief's designee. The Owner shall verify the fire flow

requirements with the Fire Chief, or the Fire Chief's designee, prior to final design and construction.

Section 5. Fire Flow Requirements. In determining the requirements for fire flow, the Fire Chief, or the Fire Chief's designee, shall utilize 675 I.A.C. 22 Appendix B - "Fire Flow Requirements for Buildings" and 675 I.A.C. 22 Appendix C - "Fire Hydrant Locations and Distribution" as a guide. The requirements in Appendix B & C may not be made more stringent by the Fire Chief, or the Fire Chief's designee.

Article V. **Emergency And Standby Power**

Section 1. Emergency Lighting Activation Test. An activation test of the emergency lighting equipment shall be completed monthly. The activation test shall ensure the emergency lighting activates automatically upon normal electrical disconnect and stays sufficiently illuminated for a minimum of 30 seconds.

Section 2. Emergency Lighting Activation Test Record. Records for the activation test shall be maintained on the premises for a minimum of three (3) years and submitted to the Fire Chief, or the Fire Chief's designee, upon request. The record must include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the Person completing the test.

Section 3. Emergency Lighting Power Test Record. The ninety (90) minute power test shall be maintained on the premises for a minimum of 3 years and submitted to the Fire Chief, or the Fire Chief's designee, upon request. The record shall include the location of the emergency lighting tested, whether the unit passed or failed, the date of the test, and the Person completing the test.

Article VI. **Fire Protection Systems**

Section 1. Construction Documents. Plans for Fire Alarms Systems, Water-Based Fire Protection Systems, Fire Pumps, Special Hazard Fire Suppression Systems, High-piled Storage Arrangements and Firestop Systems shall be submitted for review. Each applicable submittal must contain the following information:

A. Sprinkler / Standpipe Systems:

1. One (1) Full Set of Sprinkler / Standpipe Plans.
2. One (1) Full Set of Sprinkler / Standpipe Calculations.
3. One (1) Copy of the Sprinkler Construction Design Release (CDR).
4. One (1) Set of Manufacturer's *Cut-Sheets* for all sprinkler heads in the design.

B. Fire Alarm Systems:

1. One (1) Full Set of Fire Alarm Plans.
2. One (1) Set of Battery Calculations.
3. One (1) Copy of the Fire Alarm Construction Design Release (CDR).
4. One (1) Set of Manufacturer's *Cut-Sheets* for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
5. One (1) Fire Alarm Sequence of Operation Matrix.

- C. Special Hazard Fire Protection Systems:
 - 1. One (1) Set of Plans (if applicable).
 - 2. One (1) Set of Engineering Data (if applicable).
 - 3. One (1) Copy of the Construction Design Release (if applicable).
 - 4. One (1) Set of Manufacturer's *Cut-Sheets* for System Components.
- D. Fire Pumps:
 - 1. One (1) Copy of the Manufacturer's Fire Pump Specifications.
 - 2. One (1) Copy of the Manufacturer's Certified Pump Test Characteristic Curve
- E. Firestop Systems:
 - 1. Through-Penetration Firestop Systems.
 - 2. Membrane-Penetration Firestop Systems.
 - 3. Fire-Resistant Joint Systems.
 - 4. Perimeter Fire Barrier Systems.
 - 5. Fire-Rated Duct and Air-Transfer Openings.

Section 2. Fire Department Connections. The location of the Fire Department connections shall be approved by the Fire Chief, or the Fire Chief's designee, with respect to fire hydrants, Fire Department access roads, fire apparatus water supply lines, buildings, utilities and landscaping. Immediate access to Fire Department connections shall be maintained at all times and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.

Section 3. Fire Extinguishers. Portable fire extinguishers shall be installed and maintained in Class 1 Structures as set forth in the referenced edition of NFPA 10 as published by the National Fire Protection Association.

Section 4. Qualified Contractors. Prior to performing installation, service, repair, inspection or maintenance of fire protection systems, the Qualified Person conducting such function(s) shall submit documentation to the fire chief, or the Fire Chief's designee, verifying certification, for the company or individual, for each type of fire protection system being installed, serviced, repaired, inspected or maintained. Certification shall conform to the requirements as outlined in each applicable NFPA standard or from the manufacturer of such equipment.

Article VII. **Enforcement, Penalties. And Fees**

Section 1. This Ordinance may be enforced in the City's Ordinance Violations Bureau. A person who violates this Ordinance shall on the first offense be ordered to pay a Civil Penalty in the amount of \$175.00. A person who violates this Ordinance a second time within a Twelve (12) month period shall be ordered to pay a Civil Penalty of \$225.00, and a person will be ordered to pay \$250.00 for a third violation within that Twelve (12) month period.

Section 2. The City may enforce this Ordinance by filing an action in any court of general jurisdiction to recover a fine in a sum not to exceed \$2,500.00.

Section 3. Each day of violating this Ordinance shall be construed as a separate violation.

Article VIII. Miscellaneous

Section 1. Other Ordinances.

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of the inconsistency or conflict.

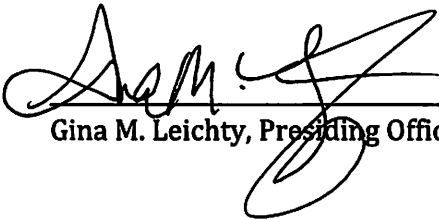
Section 2. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 3. Effective Date.

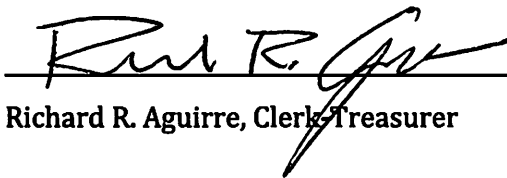
This Ordinance shall be in full force and effect from and after its passage, approval, and adoption according to the laws of the State of Indiana.

ADOPTED, PASSED, AND ORDAINED by the Goshen Common Council this 10th day of June, 2024.



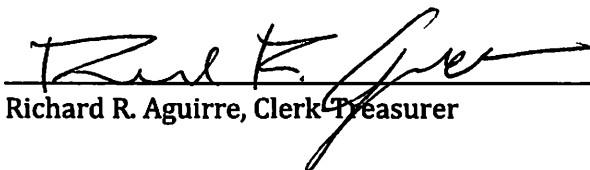
Gina M. Leichthy, Presiding Officer

ATTEST:



Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on June 10, 2024, at the hour of 8:50 P.m.



Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on June 10, 2024.



Gina M. Leichthy, Mayor