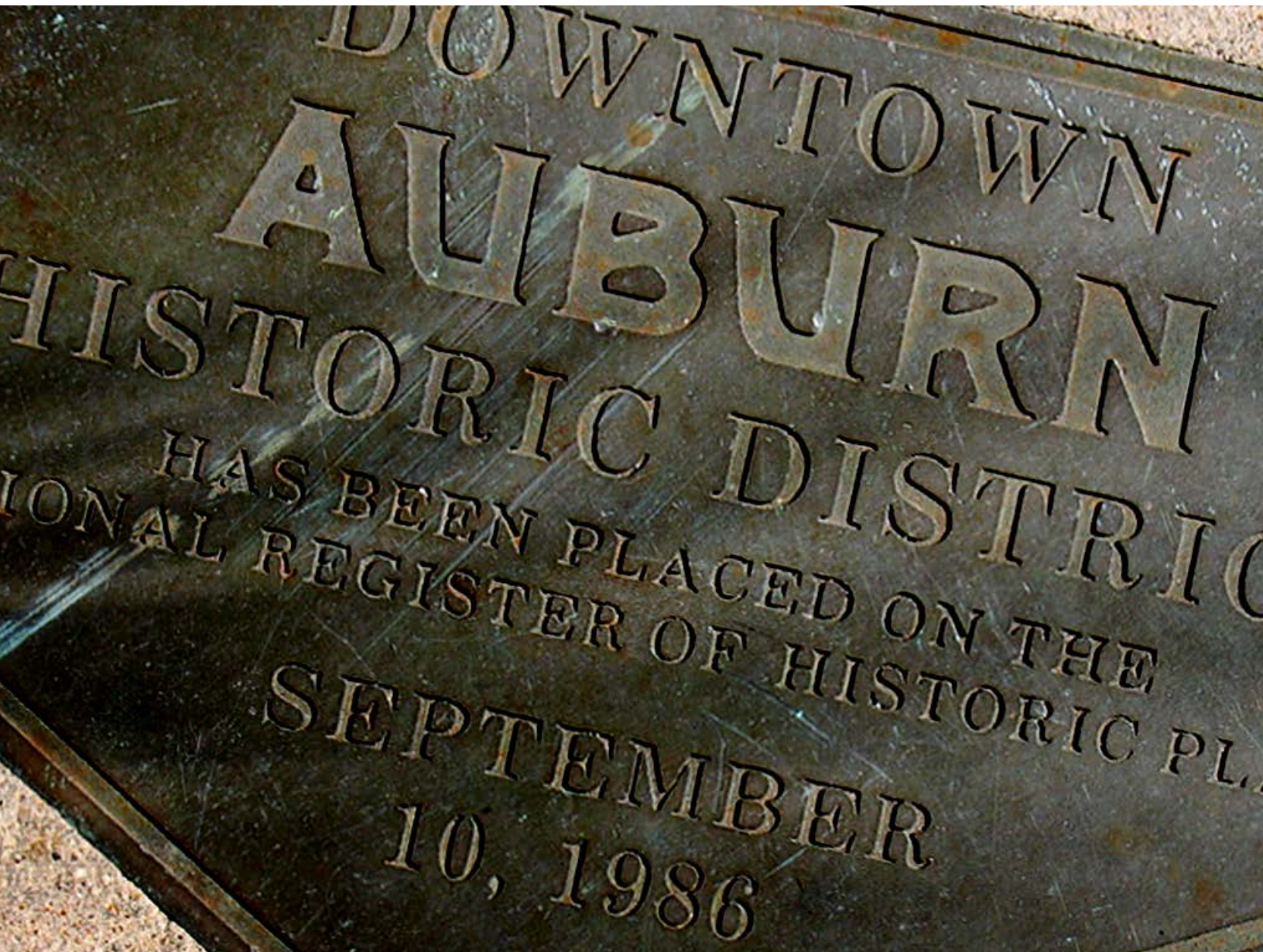




**Code of Ordinances**  
CITY OF AUBURN





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**Fire Prevention Code;  
Smoke Detectors**

CHAPTER  
**154**

**AUBURN**



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## GENERAL PROVISIONS

### 154.01 TITLE

This ordinance and all ordinances supplemental or amendatory hereto, shall be known as the "Fire Prevention Code of the City of Auburn, Indiana", may be cited as such, and will be referred to herein as 'this Code.' To the extent allowable by law this code shall apply to all areas within the legal jurisdiction of the Auburn Fire Department.

### 154.02 PURPOSE

The intent of this code is to prescribe maintenance and operation regulations consistent with nationally recognized good practice 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 or occupancy of buildings or premises.

### 154.03 SCOPE

- A. The provisions of this code shall apply to existing conditions as well as to conditions arising after the adoption thereof. Buildings, Systems, Uses, Special Occupancy Uses, Special Processes, Special Equipment, and Special Subjects legally in existence at the adoption of this code 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.
- B. Nothing in this code shall be interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by the City of Auburn, DeKalb County, Indiana, governing the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings 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 City of Auburn, DeKalb County, Indiana, 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 International Fire Code, with Indiana amendments, and building rules of the State of Indiana Fire and Building Services Department and 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 alteration 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, require the installation of fire safety devices or systems (fire extinguishers, fire alarms, fire detection devices, or similar systems, etc.) 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana,



shall prescribe limitations on 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, to obtain compliance with this subsection shall be governed by the provisions of IC 36-8-17-10.

## **154.04 ADOPTION OF FIRE PREVENTION CODES BY REFERENCE**

- A. The following rules and standards are rules of the Indiana Fire and Building Services Department and City of Auburn, DeKalb County, Indiana, and shall be used in the enforcement of this code for the purpose of fire prevention:
  - 1. All rules of the Indiana Fire Prevention and Building Safety Commission as set out in Articles 13, 18, 22, 25, and Title 675 of Indiana Administrative Code are hereby incorporated in this Fire Prevention Code and shall include later amendments to that article as the same are published in the Indiana Register on the Indiana Administrative Code with effective dates as fixed therein.
  - 2. Those certain documents, being standards, and fire codes, published by the National Fire Protection Association (NFPA), are hereby adopted by reference, and as amended annually, and made a part of this rule.
- B. Within the standards adopted in this section the term “authority having jurisdiction” shall mean the Fire Department, Fire Chief and/or Fire Marshal and/or Building, Planning and Development Department of the City of Auburn, DeKalb County, Indiana. Wherever reference is made to NFPA 101, Life Safety Code, within the standards adopted in this section, such reference is deleted and a reference is made to the Building Code, City of Auburn, DeKalb County, Indiana, and the Indiana Building Code (675 IAC 13-2.4-1) and shall be substituted therefore.
- C. The American Petroleum Institute (API), Bulletin, 1220 L. Street Northwest Washington D.C., 20005, and as listed in this section is hereby adopted by reference subject to the listed deletion and made a part of this rule.
- D. Recommended Practice for Abandonment or Removal of Used Underground Storage Tanks, API Bulletin. The following standards shall be used with regard to underground storage tanks: When the tank is to be removed from the premises, the contaminated water and soil shall be removed and disposed of in accordance with Indiana Department of Environmental Management (IDEM) regulations.
- E. Copies of adopted fire safety rules, regulations, codes, and standards are on file as required by law, in the offices of the Fire Marshal, City of Auburn Fire Department, DeKalb County, Indiana, and the Clerk-Treasurer of the City of Auburn, DeKalb County, Indiana.
- F. In addition, portable fire extinguishers shall be installed in the following locations:
  - 1. In new and existing Group A, B, E, F, H, I M, R-1, R-2, R-4 and S occupancies.

## **154.05 ENFORCEMENT AUTHORITY**

- A. This code shall be enforced by the Division of Fire Prevention in the Auburn Fire Department of the City of Auburn, DeKalb County, Indiana, which is hereby reestablished, and which shall be operated under the direct supervision of the City of Auburn Fire Chief and/or Fire Marshal, DeKalb County, Indiana.
- B. The Fire Chief and/or Fire Marshal of the City of Auburn Fire Department DeKalb County, Indiana, may detail such members of the City of Auburn Fire Department, DeKalb County, Indiana, as inspectors as shall from time to time be necessary.



- C. It shall be the duty and responsibility of the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, or such officer or authorized designee, who is an ex-officio assistant to the State of Indiana Fire Marshal under IC 36-8-17-5 (a), to enforce the provisions of this code.
- D. Only the Fire Chief and/or Fire Marshal may issue monetary citation tickets, after reasonable means to gain compliance have failed and/or with proper justifications.
- E. It is the intent of the Auburn Fire Department to achieve compliance by traditional means of inspection, violation notification, granting reasonable time to comply and re-inspection. A monetary fine citation ticket may be issued only after all reasonable means to gain compliance have failed or, with proper justification, at the discretion of the Fire Marshal and/or Fire Chief. Citations shall be used only where a specific section of the appropriate code or ordinance has occurred and documentation establishing prior efforts to gain compliance is in evidence.

**EXCEPTION:** Citations may be issued for violations which present imminent life hazards including, but not limited to exits locked or blocked by obstructions, failure to maintain fire protection life safety systems, improper storage and use of flammable and combustible liquids, failure to obey lawful orders of the Fire Chief and/or Fire Marshal.

## 154.06 INSPECTIONS AND PENALTIES

### Class 1 Structures Inspection:

The inspection of Class 1 Structures shall be completed by the Fire Marshal of the City of Auburn Fire Department. At the time the inspection occurs, the Fire Marshal will evaluate the premises for violation of the applicable rules of the Indiana Fire Prevention and Building Safety Commission, this Ordinance and other documents as adopted by the IFPBSC. At the completion of the inspection, the Fire Marshall will review the results with the occupant and leave a copy of the inspection report with the occupant. If violations are found, a correction will occur thereafter to determine if the violation(s) has / have been corrected, if the previously cited violations are found to be corrected, no other action shall be necessary. If violations are found to still exist after this first re-inspection, then a copy of the inspection report will be left with the occupant and the results reviewed with the occupant, the occupant shall then forward to the owner. A second re-inspection will occur approximately 15 days after to determine if the violation (s) has or have been corrected. If the previously cited violations are corrected at this re-inspection, then no further action shall be required. If previously cited violations are found a fee as per this ordinance shall be assessed and ta third re-inspection will occur approximately five (5) days after to determine if the violations have been corrected. If previously cited violations are still not corrected, a fee shall be assessed for each re-inspection and those re-inspections will occur every 5 days until the violations are corrected. If at any time the Fire Marshall completes an inspection and finds an immediate fire or life safety hazard, the violation shall be corrected immediately. In the event the violation cannot be corrected immediately, a FIRE/LIFE Safety ORDER will be issued and the violation must be corrected by the date ion the ORDER. Failure to correct the violation by the date on the ORDER will result in a dee and may cause further legal action to be taken against the violator. Please note that fees of this ordinance are in addition to those fees/fines that may be levied by the State of Indian or other entities over the City of Auburn, Indiana.

1. Fire and Life Safety inspections shall be conducted by the Fire Marshal in existing Class 1 structures per Indiana Code Section 36-8-17-8. Upon the discovery of a violation of the Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Fire Prevention Code, or any other Fire Safety Code of the jurisdiction, a re-inspection may be necessary to confirm compliance with a Notice of Violation or an order issued by the Fire Chief and /or Fire Marshal. A fee for re-inspections may be charged as indicated below:



First re-inspection: (Approx. 30 days)	No charge
Second re-inspection: (Approx. 15 days)	No charge
Third re-inspection: (Approx. 5 days)	\$100.00
All subsequent re-inspections: (Approx. 5 days)	\$250.00

2. The fees assessed by this Fire Prevention Ordinance are in addition to those fines or fees that may be levied by the State of Indiana and any other jurisdiction.
3. All payments are due within thirty (30) days from the date of the assessment of the fee. Violators who fail to make payment prior to the payment due date shall be assessed an additional twenty-five dollar (\$25.00) late fee for each outstanding fee and shall be subject to litigation for failure to pay an Ordinance violation fee.

**154.07 RIGHT OF ENTRY**

Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, or their authorized designee, 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, or their authorized designee, 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, by this code; provided that if such structure or premises be occupied, the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, or their authorized designee, shall first present proper identification credentials and request entry. If such entry is refused the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, shall have recourse to every remedy provided by law to secure entry.

**154.08 INVESTIGATION OF FIRES**

The Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, shall investigate, or cause to be investigated, every fire or explosion occurring within the City of Auburn, DeKalb County, Indiana, and any fire protection contractual areas; which involves the loss of life or serious injury, or causes destruction or damage to property of which they are made aware. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of a suspicious nature, the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the 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.

**154.09 FIRE RECORDS AND FIRE REPORTS**

- A. The Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, shall keep a record of all fires and 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, shall submit a report of each fire occurring within the City of Auburn, DeKalb County, Indiana, and any fire protection contractual areas, to the Office of the State Fire Marshal State of Indiana, in accordance with IC 36-8-17-7, and in such form as prescribed by that office.

## **154.10 VIOLATIONS AND ORDERS OF CORRECTION**

- A. Whenever the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, or their authorized designee, observes an apparent or actual violation of a provision of this code or other ordinances, under the Fire Chief's or Fire Marshal's jurisdiction, the Fire Chief and/or Fire Marshal and/or Auburn Fire Department DeKalb County, Indiana, shall prepare a written notice of violation and order describing the condition or conditions deemed unsafe and specifying a reasonable time for the required repairs or improvements to be made to correct such violations. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violations 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/or Fire Marshal and/or Auburn Fire Department DeKalb County, Indiana, and if no review of such order has been initiated under IC 36-8-17-10, the Fire Chief and/or Fire Marshal and/or Auburn Fire Department DeKalb County, Indiana shall request the legal counsel of the City of Auburn 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 buildings or structures in violation of the provisions of this code, or of any order or direction made pursuant thereto.
- C. When the Fire Chief and/or Fire Marshal and/or Auburn Fire Department DeKalb County, Indiana determines there is actual and potential danger to the occupants or those in the proximity of any buildings, structures, 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 and/or Fire Marshal and/or Auburn Fire Department DeKalb County, Indiana, may issue an emergency order for the immediate evacuation of said buildings, structures, or premises. All of the occupants so notified shall immediately leave the buildings, structures, or premises and persons shall not enter or re-enter until authorized to do so by the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana. Any person who shall refuse to leave, or interferes with the operations of the fire department or the evacuation of other occupants, or continues 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.

## **154.11 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE, ABOVE GROUND TANKS IS TO BE PROHIBITED**

- A. The limits referred to in Chapter 34 under the International Fire Code, with Indiana updates, in which the storage of Class 1 and Class 2 liquids in aboveground tanks, outside of buildings is prohibited, are hereby established as follows: Zoning Districts R1, R2, R3 TR, M1, M2, MH, DC, AND C1; except by permit in PR, AG, AC, ER, IS, C2, I1, I2, and HI as defined by Auburn City Code.





B. The limits referred to in Chapter 34, 35 and 36, in which new bulk plants for flammable and combustible liquids are prohibited, are hereby established as follows: Zoning Districts R1, R2, R3, TR M1, M2, MH, DC, and C1; except by permit in PR, AG, AC, ER, IS, C2, I1, I2 and HI as defined by Auburn City Code.

### **154.12 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS RESTRICTED**

Liquefied petroleum gas is restricted, and hereby band as follows: Zoning Districts R1, R2, R3, TR, M1, M2, MH, DC, and C1; except by permit in PR, AG, AC, ER, IS, C2, I1, I2, and HI as defined by Auburn City Code.

### **154.13 ESTABLISHED OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**

Storage of explosives and blasting agents are prohibited, as follows: Zoning Districts PR, ER, R1, R2, R3, TR, M1, M2, MH, IS, DC, C1, C2, and I1 as defined by Auburn City Code.

### **154.14 OUTSIDE BURNING**

Within the City limits of Auburn there shall be no outdoor burning allowed for the purposes of disposing of the following:

1. trash, garbage, rubbish;
2. yard waste;
3. tree limbs, brush, sticks, grass;
4. construction materials;
5. debris; and
6. any other waste product that can be disposed of through
7. recycling, regular trash removal, compost, and / or regional landfill deposit.

All ceremonial, recreational bonfires, and campfires or similar activities requires the following guidelines:

- Recreational fires must be 15 feet away from any structure.
- Recreational fires shall not exceed 4 feet in diameter.
- Fire ring or pit shall be constructed of concrete, brick, stone, or other non-combustible material.
- The bottom of the ring or pit may be sand or earth.
- Recreational fire shall be attended at all times.
- Only “clean” wood or charcoal may be burned.
- The fire shall be extinguished at the end of the activity.
- Fire extinguishing equipment such as buckets, shovels or garden hoses shall be readily available for use at recreational fires.
- No burning shall be conducted during unfavorable weather conditions such as high winds, high humidity, dry conditions, high temperature, etc.
- All fires shall be extinguished if they create hazard, nuisance, pollution problem or threat to public health or property
- All fires shall comply with all other state and local regulations and ordinances.

It shall be prohibited within the City of Auburn, Indiana for any individual or resident to operate a detached device or standalone structure for the purpose of burning and/or providing heat or other energy to a residential structure and/or garage or outbuilding within the City of Auburn, Indiana.

### **154.15 FIRE HYDRANTS**



Within the City limits of Auburn there shall be a minimum of ten (10) feet of unobstructed access to the hose ports of each fire hydrant.

### **154.16 CERTIFICATE OF OCCUPANCY**

All Certificates of Occupancy issued by the City of Auburn Building Commissioner, DeKalb County, Indiana, with the exception of One (1) and Two (2) Family dwellings, shall contain the signatures of the Fire Chief and the Fire Marshall, City of Auburn Fire Department DeKalb County, Indiana.

### **154.17 RIGHT TO APPEAL**

All persons shall have the right to appeal the decision of the Fire Chief and/or Fire Marshal and/or Auburn Fire Department DeKalb County, Indiana, first through the Board of Public Works and Safety of the City of Auburn, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 4-21.5-3 as applicable.

### **154.18 KEY BOX – WHEN REQUIRED**

The Fire Department has instituted a key box emergency access system. A key box compatible with the fire department system shall be installed in an accessible location if:

- A. The building is protected with an automatic sprinkler system equipped with a local or transmitted water-flow alarm, or
- B. The building is provided with any fire alarm system when equipped with an outside audible/visual signaling device, or
- C. The building is provided with any fire alarm system where the alarm is transmitted to an off-site location, or to the fire alarm center of the fire department.

#### Responsibility for Key Box

Key boxes are to be provided by the building owner and shall contain such key/access cards necessary to access all protected areas of the building. Multi-tenant buildings may share an owner provided key box, and the building owner shall assume responsibility for ensuring that keys/cards are updated as appropriate. Tenant provided key boxes may not be shared with any other tenant, and the tenant assumes responsibility for key/card updates for the subject tenant space.

Exception: Key boxes for apartment houses are not required to contain keys/cards to individual dwelling units.

#### Location of Key Box

- A. The key box location shall be determined by the fire department and building owner.
- B. The key box shall be mounted at the height of between 48 inches and 60 inches.
- C. The key box shall be installed by the building owner.

#### Existing Buildings

When a design release is issued by the office of the state building commissioner or a permit by local government when a design release is not required for construction, buildings constructed prior to April 30, 1998, shall not be required to provide a key box(s) under this section. Any new tenancy within space previously occupied by a different tenant shall require that a key box be



provided in accordance with the previous sections. Existing buildings required to install a key box(s) by this Ordinance shall not be in violation of this ordinance.

### **154.19 FIRE DEPARTMENT SPRINKLER CONNECTION ON SPECIFICATIONS**

Fire Department sprinkler connections required on all new construction shall be installed per City of Auburn Fire Department Specifications.

The City of Auburn Fire Department's fire sprinkler connections are in accordance with the regulations specified in the National Fire Protection Association (NFPA) Standard 13, standard for the installation of sprinkler systems.

The City of Auburn Fire Department shall maintain diagrams that are current and consistent with the NFPA standards for the installation of sprinkler systems for the general public. Diagrams outlining and illustrating the City of Auburn Fire Department's mandated specifications for proper sprinkler connections (i.e. building and pit type connections) shall be made available to the general public. All requirements outlined in NFPA 13 Standard shall be met.

### **154.20 REMEDIES**

The attorney for the City of Auburn, DeKalb County, Indiana, upon receipt of a written notice from the Fire Chief and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, that after having issued a lawful notice and order to abate a violation or violations of this code, and after a reasonable time for compliance has expired, shall bring action in the Circuit or Superior Courts of DeKalb 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 and/or Fire Marshal and/or Auburn Fire Department, DeKalb County, Indiana, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

## **SMOKE DETECTORS**

### **154.30 DEFINITIONS**

For the purposes of this subchapter, the following definitions shall apply:

- **ALARM SIGNAL**  
An audible signal indicating the detection of visible or invisible particles or products of combustion other than heat.
- **AUTHORITY HAVING JURISDICTION**  
The City Fire Department shall have enforcement responsibility for this subchapter.
- **FAMILY LIVING UNIT**  
That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living areas only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, or the like.
- **LABELED**  
Equipment or materials to which has been attached a label, symbol or other identifying mark of an organization acceptable to the authority having jurisdiction.
- **LISTED**



Equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

- **NFPA72**  
Standard 72 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MD 02269.
- **RENTAL AGENT**  
Any person, partnership or corporation, who rents, subleases, lets or otherwise grants for a consideration the right to occupy premises not owned by the occupant. This term shall not be construed to mean a real estate agent who is employed for the sole purpose of selling residential units.
- **SHALL**  
Indicates a mandatory requirement.
- **SLEEPING AREAS**  
The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), shall be considered sleeping areas.
- **SMOKE DETECTOR**  
A device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriter's Laboratories, Inc. or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9-volt or it may be powered by a 110-volt alternating current.

### **154.31 BASIC REQUIREMENTS**

All family living units within the corporate limits of the city shall be equipped with a minimum of one functional, properly located, labeled and listed, smoke detector, or its equivalent or better, as described in the NFPA72.

### **154.32 INSTALLATION; LOCATION**

- A. A minimum of one smoke detector, or its equivalent or better as described in the NFPA72, shall be installed in each family living unit within the corporate limits of the city.
- B. All smoke detectors must be installed according to the manufacturer's instructions and subject to the approval of the authority having jurisdiction.
- C. The smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity of the sleeping areas, within 15 feet of all rooms used for sleeping areas.
- D. The smoke detector shall be installed on or near the ceiling, not less than six inches from any wall, or on a wall not less than six inches nor more than 12 inches from the ceiling, and its installation shall be subject to approval by the authority having jurisdiction. No detector shall be recessed into the ceiling.
- E. All smoke detectors shall be accessible for servicing and testing.
- F. If a smoke detector is A.C. powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of A.C powered detectors shall conform to all electrical standards adopted by the city. A smoke detector required under this



subchapter shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

### **154.33 MAINTENANCE**

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement shall be re-installed or replaced so that it is operable and in place during normal sleeping hours.

#### **A. Rented residential dwelling units**

Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six-month intervals in every individual residential dwelling unit, and maintained as necessary, to ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is re-occupied.

#### **B. Owner-occupied dwelling units**

Each smoke detector may be tested in accordance with manufacturer's recommendations, but shall be tested at six-month intervals, and maintained as necessary, to ensure it is in operable condition.

### **154.34 DUTY OF PROPERTY OWNER, MANAGER, OR RENTAL AGENT**

Every owner, or the manager or rental agent of such owner of any such residential dwelling unit shall be responsible for the installation of all smoke detectors. It is the responsibility of the tenant to maintain all such smoke detectors provided by the owner in good working order until said tenant vacates the premises unless said smoke detector requires an AC power supply, then the responsibility for maintaining such smoke detector shall be the responsibility of the owner, manager or rental agent of the property.

### **154.35 ENFORCEMENT**

The City Fire Department and/or the City Fire Marshal shall be responsible for monitoring compliance with the terms of this subchapter. They shall have the authority to levy a fine not to exceed \$25 for each violation per day and for petitioning the Board of Public Works and Safety for fines in excess of \$25 for each violation.

### **154.99 SMOKE DETECTOR - PENALTY**

- A. If any person, firm, or corporation shall violate any of the provisions of 154.01 through 154.16, or shall do any act prohibited therein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Fire Chief, Fire Marshal and/or Auburn Fire Department, or shall fail, neglect or refuse to obey any lawful order given by the Fire Chief, Fire Marshal and/or Auburn Fire Department in connection with the provisions of said sections, for each such violation, failure, or refusal, that person, firm, or corporation shall be fined a forfeiture pursuant to the Indiana Fire Prevention Code.
  - 1. Each day of such unlawful activity as is prohibited by division (A)(1) of this section shall constitute a separate offense.
  - 2. Each such citation shall be appealable to the Board of Works and Safety prior to any other appeal allowed by law. Such appeal shall be requested in writing within 10 days of the citation. The Board of Public Works and Safety, after hearing, may affirm, modify or dismiss the citation.
- B. Any person, firm or corporation violating any provisions of 154.30 through 154.35 or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction shall be subject to fines as follows:



1. A fine imposed by the City Fire Department for a violation shall not exceed \$25 for each violation per day.
2. The City Fire Department can petition the Board of Public Works and Safety for imposition of fines in excess of \$25 for each violation per day but not to exceed \$100 for each violation per day.
3. The Board of Public Works and Safety will conduct a hearing on any petition filed for fines in excess of \$25 for each violation.
  - a. Said hearing shall be conducted no less than 20 days after notification of the petition to the offending party.
  - b. The hearing shall set forth the allegations and provide the offender with an opportunity to be heard, present evidence and cross-examine witnesses.
  - c. The decision of the Board of Public Works and Safety shall be final.
  - d. The city shall have authority, through the Clerk-Treasurer, to collect assessed fines through the use of liens on the real estate of the offender.

(2017-03 Fire Prevention Code PASSED 5/1/2017)