

## CHAPTER 93: FIRE PROTECTION

### Section

#### *Scope and Administration*

- [93.001](#) Title
- [93.002](#) Purpose
- [93.003](#) Authority
- [93.004](#) Applicability
- [93.005](#) Conflicting Provisions
- [93.006](#) Severability
- [93.007](#) Minimum Standards
- [93.008](#) Effect of Adoption on Prior Ordinance
- [93.009](#) Organization of the Fire Prevention Bureau
- [93.010](#) Fire Prevention Bureaus Established; Jurisdiction
- [93.011](#) Enforcement Authority
- [93.012](#) Authority at Fires and Emergencies
- [93.013](#) Emergency Lines and Limits
- [93.014](#) Fire Investigations
- [93.015](#) Fire and Life Safety Inspections
- [93.016](#) Emergency Entry
- [93.017](#) Right to Enter Buildings and Premises
- [93.018](#) Fire and Life Safety Inspections; Fees
- [93.019](#) Determination of Violation
- [93.020](#) Notice of Violation
- [93.021](#) Imminent Danger
- [93.022](#) Duty to Correct Violations
- [93.023](#) Time Limit
- [93.024](#) Right of Appeal
- [93.025](#) Records and Reports
- [93.026](#) Legal Assistance
- [93.027](#) Law Enforcement Assistance
- [93.028](#) Civil Service System for Fire Department

#### *Definitions*

- [93.101](#) Definitions

#### *General Requirements*

- [93.201](#) Open Burning Provisions

#### *Emergency Planning*

## Hobart – General Regulations

- [93.301](#) Crowd Manager Training and Qualifications
- [93.302](#) When Required
- [93.303](#) Fire Watch

### *Fire Service Features*

- [93.401](#) Addressing
- [93.402](#) Fire Lane Markings
- [93.403](#) Gates and Barricades
- [93.404](#) Marking of Fire Protection Equipment, Fire Hydrants and Apparatus Access Roads
- [93.405](#) Key Boxes
- [93.406](#) Automatic External Defibrillators
- [93.407](#) Water Supply
- [93.408](#) Fire Flow Requirements
- [93.409](#) Fire Hydrants
- [93.410](#) Emergency Communications

### *Emergency and Standby Power*

- [93.501](#) Emergency Lighting Activation Test
- [93.502](#) Emergency Lighting Activation Test Record
- [93.503](#) Emergency Lighting Power Test Record

### *Fire Protection Systems, Permits and Plan Review*

- [93.601](#) Plan Review
- [93.602](#) Existing Building Modifications
- [93.603](#) Fire Protection Permits
- [93.604](#) Inspection Fees
- [93.605](#) Permit Process
- [93.606](#) Acceptance Testing
- [93.607](#) Appeals Process
- [93.608](#) Validity
- [93.609](#) Installer Information
- [93.610](#) Fire Department Connection Requirements
- [93.611](#) Portable Fire Extinguishers, Where Required
- [93.612](#) Unlawful Interference with Fire Protection Equipment, Barricades, Devices, Signs and Seals
- [93.613](#) Smoke Alarms and Detectors

### *Fire Reporting Systems*

- [93.701](#) Scope of Article
- [93.702](#) Monitoring of Fire Alarm Systems
- [93.703](#) Notification Upon Fire Alarm Activation
- [93.704](#) Faulty Alarms
- [93.705](#) Life Safety and Fire Protection Reports

### *Miscellaneous Provisions*

- [93.801](#) Vacant or Abandoned Buildings; Placarding

**Fire Protection**

***Pyrotechnics Displays***

[93.901](#) Certificate of Insurance Required

***Hazardous Materials Safety***

- [93.1001](#) Purpose
- [93.1002](#) Definitions
- [93.1003](#) Registration of Hazardous Materials
- [93.1004](#) Reporting Changes in Required Information
- [93.1005](#) Renewal of Hazardous Materials Registration
- [93.1006](#) Facility Inspection
- [93.1007](#) Application for Remote Site Hazardous Materials Registration
- [93.1008](#) Issuance of Remote Site Hazardous Material Registration
- [93.1009](#) Revocation of Registration
- [93.1010](#) Cease and Removal of Materials, Notice and Fines
- [93.1011](#) Compliance with Applicable Industry Standards
- [93.1012](#) Reporting Spills, Leaks and Discharges of Hazardous Materials
- [93.1013](#) Hazardous Materials Response
- [93.1014](#) Spill Reporting Required Information
- [93.1015](#) Time Limit for Written Report of Incident
- [93.1016](#) Dumping
- [93.1017](#) Hazardous Materials Response and Cleanup Cost Recovery

***SCOPE AND ADMINISTRATION***

**§ 93.001 TITLE.**

This Ordinance and all material included herein by reference shall be known as the Fire Prevention Ordinance of the City of Hobart, Indiana.

**§ 93.002 PURPOSE.**

The purpose of this Ordinance is to protect life, public safety, environment, health and general welfare of the citizens of the City of Hobart in Lake County, Indiana and shall be construed in such a manner as to effectuate this purpose.

**§ 93.003 AUTHORITY.**

The Bureau is hereby authorized and directed to administer and enforce the following: i) All of the provisions of this Ordinance; ii) Variances granted in accordance with I.C. §22-13-2-11; iii) Orders issued under I.C. §22-12-7.

**§ 93.004 APPLICABILITY.**

The provisions of this Ordinance are supplemental to the Indiana General Administrative Rules (GAR), 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 shall apply to maintenance of fire and life safety features as herein described. The provisions of this Ordinance shall apply to existing conditions as well as to the conditions arising after the adoption thereof.

**§ 93.005 CONFLICTING PROVISIONS.**

If any provision of this Ordinance is found to be in conflict with any building, zoning, safety, health, or other applicable law or ordinance of the City of Hobart, Indiana, whether existing on the effective date of this Ordinance<sup>3</sup> or later adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public applies.

**§ 93.006 SEVERABILITY.**

If any provision of this Ordinance be declared invalid, by a court of competent jurisdiction, for any reason, the remaining provisions shall not be affected, if such remaining provisions can, without the invalid provision or provisions be given their original intended effect in adopting this ordinance. To this end, the provisions of this Ordinance are severable.

**§ 93.007 MINIMUM STANDARDS.**

(A) All safety rules of the Commission as set out in Articles 12, 13, 18, 22 and 25 of Title 675 of the Indiana Administrative Code are hereby incorporated in this Ordinance, and shall include later amendments to that article as published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein.

- (1) Any special processes or procedures not addressed in 675 IAC 22 or this Ordinance shall be subject to applications found in the fire safety standards recognized by Indiana Fire Code 675 IAC 22, references standards and as approved by the Bureau.
- (2) 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 standards or other recognized fire safety standards, subject to the rules of the Commission.
- (3) A current copy of these standards shall be available in the office of the Fire Prevention Bureau for inquiry and review by the public during normal business hours.

**§ 93.008 EFFECT OF ADOPTION ON PRIOR ORDINANCE.**

The expressed or implied repeal of 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.

**§ 93.009 ORGANIZATION OF THE FIRE PREVENTION BUREAU.**

The Fire Prevention Bureau of the HFD shall be part of the Community Risk Reduction Division under the supervision of the Fire Marshal, appointed pursuant to the applicable personnel rules of the HFD and the Hobart Fire Civil Service Commission.

**§ 93.010 FIRE PREVENTION BUREAU ESTABLISHED; JURISDICTION.**

As authorized by I.C. §36-8-17, there is hereby established a local Fire Prevention Bureau within the Community Risk Reduction Division of the HFD and within all jurisdictional boundaries of the HFD.

**§ 93.011 ENFORCEMENT AUTHORITY.**

(A) The Bureau shall possess the authority to enforce the provisions of this Ordinance, the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, or any other rule of the Commission within the entirety of its' jurisdiction. 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, 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 existence of recognized hazardous conditions that present a clear and immediate hazard to life and property.

(B) The Bureau shall have the authority to initiate legal action in accordance with locally prescribed remedies applicable to violations of the Indiana General Administrative Rules, Indiana Fire Code, Indiana Building Code, Indiana Mechanical Code, Indiana Fuel Gas Code, this Ordinance, or any other rule of the Commission. Violators of this Ordinance may be cited into any court having jurisdiction.

(C) The HFD shall have such other powers and duties as may be conferred from time to time by law or ordinance.

**§ 93.012 AUTHORITY AT FIRES AND EMERGENCIES.**

(A) The Fire Chief or such designated officer of the HFD in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty.

**Hobart – General Regulations**

(B) In the exercise of such power, the Fire Chief or such designated officer of the HFD is authorized to prohibit any person, vehicle or vessel from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any person, vehicle or vessel which could impede or interfere with the operations of the HFD and, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

**§ 93.013 EMERGENCY LINES AND LIMITS.**

(A) *Barricades.* The Fire Chief or such designated officer of the HFD in charge at the scene of an emergency is authorized to place ropers, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such emergency so as to prevent accidents or interference with the lawful efforts of the HFD to manage and control the emergency and to handle fire apparatus.

(B) *Obstructing operations.* No person shall obstruct the operations of the HFD in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or officer of the HFD in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the HFD.

(C) *Systems and devices.* No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or HFD official in charge of the incident.

**§ 93.014 FIRE INVESTIGATIONS.**

(A) The Bureau shall perform fire investigations pursuant to I.C. §36-8-17-7.

(B) The Bureau is authorized to conduct an origin and cause investigation of all fires and explosions within the jurisdiction of the HFD.

(C) It shall be unlawful for any person to impede the Fire Chief, Fire Marshal and/or their designee from conducting an origin and cause investigation.

**§ 93.015 FIRE AND LIFE SAFETY INSPECTIONS.**

(A) The Bureau shall conduct fire and life safety inspections in Class 1 Structures pursuant to I.C. §36-8-17-8.

(B) The Bureau shall inspect Class 1 Structures as often as necessary for the purpose of ascertaining and causing to correct any violation of the Indiana General Assembly Rules, Indiana Fire Code, Indiana Building Code, and Indiana Fuel Gas Code, this Ordinance and/or any other rule of the Commission.

(C) Information that is collected during the inspection process will be used to create pre-fire plans and the issuance of a Life Safety Certificate to the business owner.

(D) Fire and Life Safety Inspections are required for a business to operate. Failure to obtain a Fire and Life Safety Inspection will lead to revocation of the Life Safety Certificate or halt the

## **Fire Protection**

issuance of a Certificate of Occupancy for new businesses.

### **§ 93.016 EMERGENCY ENTRY.**

(A) The HFD shall have the right to enter any building or premise without permission or warrant in the event of any emergency constituting a threat to human life, property or public safety for the purpose of eliminating, controlling or abating the dangerous condition or situation.

(B) At no time will the City of Hobart, HFD or any of its agents be responsible for any damages as a result of an emergency entry. The HFD or the Lake County Dispatch Center will notify the owner/occupant of the event and it will be the responsibility of the owner/occupant to assure that the building is re-secured.

### **§ 93.017 RIGHT TO ENTER BUILDINGS.**

(A) Authorized personnel of the HFD may, at all reasonable hours, enter any Class 1 structure (one- and two-family dwellings may be entered only with expressed consent) within the jurisdiction of the HFD in Lake County for the purpose of conducting inspections or investigations pursuant to this Ordinance.

(B) 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.

(C) If an inspector or investigator is denied access, the Bureau may apply to a court of competent jurisdiction for an order allowing inspection.

### **§ 93.018 FIRE AND LIFE SAFETY INSPECTIONS; FEES.**

(A) The Bureau shall perform fire and life safety inspections in Class 1 Structures under the administrative supervision of the Fire Chief pursuant to I.C. §36-8-17.

(B) The Bureau may, as often as may be reasonably necessary inspect every structure, building, place and public way, except the interiors of Class 2 Structures, for compliance with fire safety laws adopted by the Commission and this Ordinance.

(C) Upon the request of any owner or a primary lessee who resides in a private dwelling, the Bureau may inspect the interior of a private dwelling to determine compliance with I.C. §22-11-18-3.5 and all other applicable law and regulations.

(D) The fees for HFD inspections performed under this section shall be set out in the fee schedule of this code pursuant to §93.604.

(E) Following the issuance of an inspection report that contains a violation of a fire safety law, pursuant to the enforcement as determined in §93.011 of this ordinance, the Bureau may reinspect a structure, building or place to ensure the violation has been remedied. If a violation cited in the inspection report is not remedied upon the Bureau reinspection, the owner or, if

applicable, primary lessee of the structure, building or place shall be subject to the fee provided in the fee schedule of this code for any subsequent re-inspections of such violation.

**§ 93.019 DETERMINATION OF VIOLATION.**

Whenever the Bureau 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 Hobart service area, 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.

**§ 93.020 NOTICE OF VIOLATION.**

(A) 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 Ordinance, or any other rule of the Commission, which is within the jurisdiction of the Bureau may seek the correction of any violation or the elimination of any hazardous condition by the methods specified in this Ordinance or by any other appropriate remedy or procedure provided by law.

(B) The failure of the HFD 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.

(C) 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.

**§ 93.021 IMMINENT DANGER.**

(A) The Bureau 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:

- (1) Present a clear and immediate hazard of death or serious bodily injury to any person other than a trespasser;
- (2) 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
- (3) Will conceal a violation of law.

**§ 93.022 DUTY TO CORRECT VIOLATIONS.**

## Fire Protection

The owner or person in control of any premises or building upon which a violation or hazard exists shall: i) Cease and correct the violation; ii) Protect persons and property from the hazards of the violation

### **§ 93.023 TIME LIMIT.**

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

### **§ 93.024 RIGHT OF APPEAL.**

Any person aggrieved by an order issued under this Fire Prevention Ordinance shall have the right to petition for review of any order of the Bureau. The person may file a petition using either, or both, of the following procedures:

(A) Appeal to the Fire Prevention and Building Safety Commission.

- (1) A person aggrieved by an order issued under this Fire Prevention Ordinance may appeal to the Commission, in accordance with I.C. § 36-8-17.
- (2) The Commission may modify or reverse any order issued by the Bureau that covers a subject governed by I.C. §22-12, I.C. §22-13, I.C. §22-14, I.C. §22-15, a fire safety, or a building rule.
- (3) The Commission must review orders that concern a Class 2 structure if the person aggrieved by the Order petitions for review under I.C. §4-21.5-3-7 within 30 days after the issuance of the order.
- (4) The Commission may review all other orders issued under this Fire Prevention Ordinance.
- (5) The review of an order by the Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) Appeal to an established local administrative body or court. The City, pursuant to I.C. §36-1-6-9, has established by ordinance that a person shall have the right to appeal the Bureau's decision first through the Board of Public Works and Safety of the City of Hobart.

### **§ 93.025 RECORDS AND REPORTS.**

(A) The HFD shall keep a record of all fires and the facts concerning them, including statistics as to the extent of fires and the losses sustained.

- (1) Such reports shall be prepared into an annual summary and submitted to the jurisdictional Fire Chief. The annual summary, together with recommendations for change, shall be submitted, when requested, to the City.

(B) The HFD 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 occupations.

(C) Companies providing ITM of fire protection systems such as fire sprinklers, fire pumps, fire alarms, kitchen hood suppression or clean agent shall submit a copy of their inspection

reporting through a Software as authorized by the HFD.

(D) Fire investigation reports shall not be distributed to the public when requested under public record law until the fire investigation, including any criminal investigation has been completed.

(1) A criminal investigation is considered to be complete when either formal criminal charge(s) are filed or a decision declining to do so has been made.

(E) Persons treated for second- and third-degree chemical, flash and thermal burns to ten percent (10%) or more of the body or any burn to the upper respiratory tract shall be reported to the Office of the State Fire Marshal (the Division) in accordance with I.C. §35-47-7-3.

**§ 93.026 LEGAL ASSISTANCE.**

The Bureau may obtain the services of the City Attorney, the Lake County Prosecutors Office or any other reasonable legal entity within the State of Indiana in connection with the enforcement and/or application of this ordinance and within the scope of the State of Indiana law.

**§ 93.027 LAW ENFORCEMENT ASSISTANCE.**

The chief of the Hobart Police Department may, upon request of the fire chief, assign such available law enforcement officers as may be necessary to assist the HFD in the enforcement and/or the application of this ordinance or within the scope of State law.

**§ 93.028 CIVIL SERVICE SYSTEM FOR FIRE DEPARTMENT**

(A) *Application of section.* The provisions of this section shall apply to all cities having regularly organized paid Fire Departments and a population of less than 90,000 or more than 125,000 according to the last preceding United States decennial census in counties having 3 or more second class cities, provided, however, that the provisions may be applied to other cities in the counties pursuant to division (T) of this section.

(B) *Civil Service Commission – members – selection – qualifications – vacancies – removal – quorum.* The Civil Service Commission shall be composed of 3 persons to be appointed as follows:

(1) One to be appointed by the Mayor with the approval of the Common Council for the term of 1 year.

(2) One to be elected by the active members of the Fire Department for the term of 2 years in the following manner:

(a) An election to be made by the active members of the Department shall be made at a meeting called specifically for that purpose by the Board of Public Works and Safety. The Board shall give at least 3 weeks notice of the meeting to all active members of the Department by posting the notice in prominent

## Fire Protection

locations in stations of the Department. The notice shall also be read during shift roll calls. The notice must designate the time, place, and purpose of the meeting.

(b) Only active members of the Department may attend the meeting, and at the meeting, 1 of them shall be selected as Chairperson. All voting must be by secret written ballot. The other procedures for holding the meeting may be determined by the Board of Public Works and Safety and shall be posed in accordance with the preceding division.

(3) The third member shall be chosen by the above 2 members for a term of 3 years. In the event that the above 2 members fail to agree within 30 days of their appointment, then, upon the petition of any interested person showing the facts, the judge of the circuit court shall appoint a third member.

(4) Should the Mayor fail to appoint or the Council fail to approve a member as provided in division (B)(1) within 45 days after the effective date (January 21, 1972) of this section or the expiration date of any such members' term as provided hereafter, the Clerk-Treasurer shall make the appointment and members shall be qualified as if appointed by the Mayor and approved by the Council.

(5) The first such election provided for in division (B)(2) shall be conducted within 45 days after the effective date (January 21, 1972) of this law.

(6) Upon the expiration of each of the terms, their successor shall be appointed in a like manner to serve for a term of 3 years. The Commissioners shall be of good moral character, a citizen of the United States, an elector of the county in which he or she resides, and not more than 2 of whom shall be of the same political party. Any member of such Commission may be removed from office for incompetency, dereliction of duty, malfeasance in office, or other good cause by the Mayor with the consent of the Common Council. Provided, however, that no member of the Commission shall be removed until the charges with due notice, have been preferred in writing, and a full hearing had before the Mayor of the City. Provided, further, that the member of the Commission so removed shall have the right of appeal to the circuit court of the county in which that city is located, which court shall thereupon proceed to hear and determine such appeal in a summary manner. The hearing shall be confined to the determination of whether the judgment or the order of removal was or was not made in good faith or cause, and no appeal to such court shall be taken except upon such ground or grounds. Two members of such commission shall constitute a quorum and the votes of any 2 members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission. No person shall be appointed to serve on the Commission who has held any political elective office in the 3 years immediately preceding his or her appointment. (Ord. 97-13, §3)

(C) *Employees of Department included; appointments and promotions, and the like; examinations; investigations, chief.* The classified Civil Service and provisions of this section shall include all full paid employees of the Fire Department of the City, who are members of the Firemen's Pension Fund. All appointments to and promotions in the Department shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigations, providing that such investigation shall apply to applicants for entrance only there shall be no weight given to an oral interview in competitive examinations for appointment, provided, however, that the Chief of the fire force shall be

**Hobart – General Regulations**

appointed by the appointing power or the Board of Public Works and Safety in the manner specified in subsection (1) of this section. In the event that the chief is appointed from the ranks of the officers of the fire force, in the event of removal or demotion of the chief, he or she shall not be demoted to a rank lower than that which he or she had achieved through civil service examination. No person shall be reinstated in, or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this section.

- (1) A person appointed fire chief must have had at least five (5) years of continuous service with the department immediately before his or her appointment. However, this requirement may be waived by a majority vote of the Common Council upon request of the City Executive, although the person must still have at least five (5) years service with a full-time, paid fire department or agency. (Ord. 2013-38)

*(D) Commission; officers; powers and duties; rules and regulations.*

- (1) Immediately after appointment, the Commission shall organize by electing 1 of its members Chairperson and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.
- (2) They shall appoint a secretary and chief examiner, who shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.
- (3) The secretary and chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the state, or promotional and limited to person already in the service of the Fire Department, as the Commission may decide. The secretary and chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the Fire Department. It shall be the duty of the Civil Service Commission:
  - (a) To make suitable rules and regulations not inconsistent with the provisions of this section. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made; and may, also, provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this section, or which may be found to be in the interest of good personnel administration. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;
  - (b) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of the person examined to perform

## Fire Protection

duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

- (c) The rules and regulations adopted by the Commission shall provide for a credit of 10% in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States. These credits apply to entrance examinations only;
- (d) The Commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, department, offices, places, positions and employments affected by this chapter; and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the Commission or by any Commissioner designated by the Commission for that purpose. Not only may these investigations be made by the commission as aforesaid, but the Commission shall make like investigation on petition of a citizen duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the Commission or designated commissioner, or chief examiner shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production of them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within the state to be taken, in the manner prescribed by law for like depositions in civil actions. The oaths administered by a circuit judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this section, and punishable as such;
- (e) All hearings and investigations before the Commission or chief examiner shall be governed by the rules of civil procedure and any fireman charged with violation upon his or her request, be given a public hearing. He or she shall have the right to call witnesses and question his or her accuser under oath and employ counsel. In all hearing wherein the fireman may be discharged, demoted, or suspended for a period in excess of 15 calendar days, the Commission shall cause the evidence to be taken by a court reporter whose transcript shall form a permanent part of the records of the proceedings. A copy of the transcript shall be furnished to the fireman, free of charge, for use on appeal at the request of the fireman;
- (f) To hear and determine appeals or complaints respecting the administrative work of the Personnel Department; appeals upon the allocation of position; the rejection of an examination, and such other matters as may be referred to the Commission;

**Hobart – General Regulations**

- (g) Establish and maintain in card or other suitable form a roster of officers and employees;
- (h) Provide for, formulate, and hold competitive tests to determine the relative qualification of person who seek employment in any class or position, and, as a result thereof, establish eligible lists for the various classes of position, and to provide that member laid off because of curtailment of expenditures, reduction in force, and for like causes, shall be the last members, including probationers, that have been appointed to the Fire Department. Such removal shall be accomplished by suspending in numerical order, commencing with the last members appointed to the Fire Department, all recent appointees to the Fire Department, until such reductions necessary shall have been accomplished. Provided, further, that in the event the Fire Department shall again be increased in numbers, the firemen suspended under the terms of this chapter, shall be reinstated before any new appointments to the Fire Department shall be made; and
- (i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Any such temporary appointment shall be terminated whenever the first person becomes available for appointment from the regular list.

(E) *Firemen and officers to continue to hold positions; examination; promotions.* Any fulltime fireman except those on probation who is serving upon the Fire Department upon the adoption of the civil service system in any municipality shall be deemed to be a permanent member of the civil service system without examination or other acts on their part as if such person had been permanently appointed thereto under civil service after examination and investigation. The officers of such Fire Department shall continue to hold the positions that they held at the time of the adoption of the civil system; until examinations are held. Examinations shall be held within 2 years of adoption of civil service system. Provided, however, that to be eligible for promotion beyond such rank they shall be required to take the civil service examinations for promotion.

(F) *Tenure; reasons or grounds for removal, discharge, suspension or demotion.* The tenure of anyone holding an office, place or position or employment under the provisions of this section shall be only during good behavior, and any such person may be removed, discharged or suspended, suspended without pay, demoted or reduced in rank, for the following reasons:

- (1) Any fireman may be suspended without pay not to exceed 30 days, demoted or reduced in rank, or fined not exceeding \$50 for the violation of the written rules and regulations of the Commission. Any fine so levied shall be paid into the firemen's pension fund.
- (2) A fireman may be suspended for more than 30 days or may be removed only upon 1 of the following grounds:

## Fire Protection

- (a) Drunkenness or the use of narcotics while on duty to such an extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee and which prevents the employee from properly performing the functions and duties of any position under civil service;
- (b) Willful failure to carry out the direct lawful orders of a superior officer;
- (c) Failure to report for duty at the time scheduled without giving notice of inability to report: provided, however, that such failure to report is not caused by sudden illness, accident or other circumstances beyond his or her control that would prevent him or her from giving such notice.
- (d) Failure to report for duty when directly ordered to do so: provided, that the fireman is well and able to carry out his or her duties. Examinations and opinion of any physician appointed by the Commission shall be conclusive in this regard;
- (e) Solicitation or acceptance of a bribe;
- (f) Conviction of a felony;
- (g) Willful and repeated violations of the rules and regulations adopted by the Commission: provided, however, that repeated violations shall be the conviction of more than 2 violations in any 1 year; and
- (h) Cowardice while on duty.

(G) *Removal, discharge, suspension or demotion of persons in classified service; procedures; appeal.*

- (1) No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this section, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission. The Chief of the Fire Department may suspend a member pending the confirmation of the suspension by the regular appointing power under the section which must be within 3 days. Any person so removed, suspended, demoted or discharged may, within 10 days from the time of his or her removal, suspension, demotion or discharge, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause. After such investigation, the Commission may, if in its estimation the evidence is conclusive, affirm the removal, or if it shall find that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, shall, order immediate

**Hobart – General Regulations**

reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The Commission, upon such investigation in lieu of affirming the removal, suspension, demotion or discharge, may modify the order of removal, suspension, demotion or discharge by directing a suspension without pay for a given period; and subsequent restoration of duty, or demotion in classification, grade, or pay, the findings of the Commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

- (2) All investigations made by the Commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the Commission or a majority thereof, the accused may appeal therefrom to the circuit court of the county wherein he or she resides. Such appeal shall be taken by servicing the Commission, within 30 days after the entry of such judgment or order, be filed by the Commission with such court. The commission shall, within 10 days, after the filing of such notice, make, certify and file such transcript with such court. The circuit court shall thereupon proceed to hear and determine such appeal in a summary manner: provided, however, that such hearing be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the Commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

(H) *Inspection of city books or records by Commission.* It shall be the duty of all officers and employees of any such city to aid in all proper ways of carrying out the provisions of this section, and such rules and regulations as may, from time to time, be prescribed by the Commission thereunder and to afford the Commission, its members and employees, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce the books, papers, documents and accounts, and attend and testify, whenever required so to do by the Commission or any Commissioner; provided, however, that nothing in this section shall be construed so as to require, nor permit the inspection of the books or the records of the firefighters' union.

(I) *Filling of vacancies: temporary appointees; probationary period; procedures.*

- (1) Whenever a position in the classified service becomes vacant, the appointing power shall make requisition upon the Commission for the name and address of a person eligible for appointment thereto. The Commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the Commission shall certify the name of the person standing highest on the list

## Fire Protection

held appropriate for such class. If more than 1 vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

- (2) Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the Commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and the appointing power shall forthwith appoint the person so certified to the position. No person so certified shall be laid off; suspended, or given leave of absence from duty, transferred or reduced in pay or grade except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the Commission and then only with its consent and approval.
- (3) To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of 6 to 12 months' probationary service, as may be provided in the rules of the Civil Service Commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the Department. Whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon the duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided herefor, whereupon the appointment, employment or promotion shall be deemed to be complete: provided; however, that no person shall receive a permanent appointment unless he or she is accepted as a permanent member by the Board of Trustees of the firemen's pension fund and any person who fails to be accepted by the pension fund at the end of the probationary period shall be forthwith discharged, upon receipt of a resolution of the pension fund trustees that the person is unfit physically or mentally for permanent employment.

(J) *Promotions: examinations; seniority; required rank; review.* All promotions shall be made pursuant to written and oral examinations and based upon seniority. Seniority shall count for 60% of the eligibility for promotion,  $\frac{1}{4}$  of a point shall be given for each month of service including probationary period up to a maximum of 60 points, the written examination for 30% and the oral examination for 10%; provided, however, that no candidate for promotion shall be considered who fails to achieve a passing score, as defined by the Commission or examining officer, on the written examination.

- (1) All promotions to any rank shall be from the next mediate lower rank and provided that the person to be promoted shall have qualified in time of service as designated by the Commission; provided, however, that the Chief of the Fire Department be appointed in the manner expressed in division (C) of this section.

**Hobart – General Regulations**

- (2) All applicants for promotion shall be given an identical examination in the presence of each other, which promotional examination shall be entirely in writing, and all of the questions asked therein shall be prepared and composed in such a manner that the grading of the examination papers can be promptly completed immediately after the holding of the examination. When 1 of the applicants taking an examination for promotion has completed his or her answers, the grading of such examination shall begin, and all of the examination papers shall be graded as they are completed, at the place where the examination is given and in the presence of any applicants who wish to remain during the grading. Each applicant shall have the opportunity to examine his or her examination and his or her answers thereto together with the grading thereof and if dissatisfied, shall, within 5 days, appeal the same to the Commission for review.

(K) *Power of appointment and to fix compensation not infringed.* All officers, places, positions and employments coming within the purview of this chapter, shall be created by the person or group of persons who, acting singly, or in conjunction, as a Mayor, Chief, Common Council, Commission or otherwise, is or are vested by law at and prior to the taking effect of this law, with power and authority to select, appoint, or employ any person coming within the purview of this section, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employees employed hereunder.

(L) *Certificate of Commission required for payment of compensation.* No treasurer, auditor, comptroller or other officer or employee of any city, town, or municipality in which this section is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary wage or other compensation for services, to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation containing the names of persons to be paid, the amount to be paid to each such person, the services on account of which same is paid, and any other information which, in the judgment of the Civil Service Commission, should be furnished on the payroll, bears the certificate of the Civil Service Commission or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this section and with the rules of the Commission, and that the payroll, estimate or accounts is, so far as known to the Commission, a true and accurate statement. The Commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who shall willfully or through culpable negligence violate or fail to comply with this section or with the rules of the Commission.

(M) *Leave of absence without pay: temporary employment.* Leave of absence, without pay, may be granted by any appointing power to any person under civil service: provided, that such appointing power shall give notice of such leave to the Commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

(N) *Enforcement of chapter and rules.* The Commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of this section and of the rules of the Commission. The Commission shall be represented in such suits by the chief legal officer of the city, but the Commission may in any case be represented by special counsel appointed by it.

## Fire Protection

(O) *Denial of applicant's rights prohibited.* No Commissioner or any other person shall, by himself or herself or in cooperation with 1 or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this section, or falsely mark, grade, estimate or report upon the examination of proper standing of any person examined, registered or certified pursuant to the provisions of this section, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or persuade any other person, or permit or aid in any manner other person to impersonate him or her in connection with examination or registration or application or request to be examined or registered.

(P) *Political contributions or services barred.* No person holding any office, place, position, or employment subject to civil service, shall be under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade, or salary, or otherwise prejudiced for refusing to do so. No public officer, whether elected or appointed, shall discharge, promote, demote or in any manner change the official rank, employment, or compensation of any person under civil service, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money, or service, or any other valuable thing, for any political purpose.

(Q) *Offices, supplies and equipment and clerical assistance for Commission.* The duly constituted authorities of each and every city coming within the purview of this section, shall provide the Commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the Commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in each such city coming within the purview of this section.

(R) *Commission to implement chapter; failure to do so as violation.* Each Commission appointed subject to the provisions of this section, shall immediately organize and see to it that the provisions thereof are carried into effect, and to this end make suitable rules and regulations not inconsistent with the purpose of this section, for the purpose of putting the provisions thereof into effect; and the failure upon the part of the Commission or any individual member thereof to do so shall be deemed a violation of this section, and shall be punishable as such.

(S) *Violations.* A person who knowingly violates this section commits a Class A misdemeanor.

(T) *Definitions.* As used in this section, the following mentioned terms shall have the following described meanings:

**COMMISSION.** The term means the Civil Service Commission herein created, and the term **COMMISSIONERS** means any 1 of the 3 Commissioners of that Commission.

**APPOINTING POWER.** The term includes every person or group of persons who, acting singly or in conjunction, as a Mayor, Common Council, Commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

**Hobart – General Regulations**

**APPOINTMENT.** The term includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

**CITY.** The term includes all cities, towns, and municipalities having a full paid Fire Department, or a Fire Department having paid members.

**FULL PAID FIRE DEPARTMENT or FIRE DEPARTMENT HAVING PAID**

**MEMBERS.** The term means a Fire Department, the officers and firemen employed in which are paid regularly by the city and devote their whole time to firefighting.

(U) *Adoption of Civil Service system in a certain city: procedures.* The Civil Service system provided for in this chapter may be adopted in a city having a population of more than 100,000 but less than 125,000 in a county of 3 or more second class cities only through the procedures set forth in this section.

- (1) Not later than 60 days after the passage of this law, the Board of Public Works and Safety of a city shall give at least 1 weeks' notice to all active members of the city fire force that a meeting will be held of the members for the purpose of adopting or rejecting the merit plan set forth in this section. Such notice shall be given by the Board by posting the same in prominent places in the central fire station, and which notice shall designate the time, place and purpose of the meeting. Members of such Department who are unable to attend any meeting for the purpose of adopting or rejecting the merit plan set forth in this section may vote by virtue of a written proxy: provided, that no member shall vote more than 1 proxy vote besides his or her own vote, and all voting shall be by secret written ballot. In such meeting, 1 member of the fire force shall be selected as Chairperson, and no one shall be entitled to be present at the meeting except active members of the fire force.
- (2) If a majority of the members of the active fire force voting upon the question shall vote in favor, the merit plan contained in this chapter shall be in full force and effect as of January 1 next following the taking of such vote, and appointments to the Civil Service Commission created herein shall be made not later than 60 days from the going into effect of the merit plan contained in this chapter. If the vote upon the question shall be in the negative, no such proposal shall be put to a vote of the active members of such fire force sooner than 1 year from the day of first holding a meeting for such purpose.

(V) *Conflicting ordinances superseded.* All ordinances or parts thereof in conflict with the provisions of this section are hereby declared superseded insofar as they conflict with the provisions of this section.

(W) *Effect of chapter.* Nothing in this chapter shall be deemed to affect, amend or repeal any portion of I.C. §19-1-37; I.C. §18-1; and all laws amendatory or supplemental thereto.

(X) *Declaration of intent.* It is the intent of the Common Council through this section to reaffirm former I.C. §§ 19-1-37.5-1 *et seq.* as to the governing authority of the City of Hobart Civil Service Fire Commission, subject only to the amendment stated above in division "B" of this section, and to repeal and otherwise render ineffective any existing ordinances or sections

## Fire Protection

thereof which attempt or have attempted to alter, replace, substitute, or change such governing authority to that of I.C. §36-8-3.5 either in whole or in part.

(Ord. 97-13, §4) (Ord. 2025-11)

*Editor's Note: Indiana Code §19-1-37.5-1 et. seq. was formerly Acts 1972, P.L. No. 4, §1, as amended by Acts 1978, P.L. No. 2, § 1905 as added by Acts 1981, P.L. No. 316 §1, as amended by P.L. 158-2013, §679.*

## DEFINITIONS

### § 93.101 DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings ascribed to them in this section.

**Advanced Structural Components.** Means lightweight I-joists or lightweight roof trusses that (1) have less mass cross-sectional area than sawn lumber of equivalent proportions used in an equivalent application; and (2) are assembled from combustible or noncombustible materials, or both. The terms does not include a structural assembly, joist, or truss that provides at least one (1) hours of fire resistance when tested in accordance with the ASTM Standard E119.

**Alarm System or Fire Alarm System.** Means any device for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the city of an unlawful act or a fire within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the Police Department or HFD. For the purposes of this Ordinance, an alarm system shall not include:

- (1) An alarm installed on a motor vehicle; or
- (2) An alarm which signals or alerts only the occupants of the premises protected by the alarm system, including an alarm located on a private residence if the only response on activation of the alarm system is a sounding alarm that automatically stops within 15 minutes after activation.

**Approved or Approval.** Means acceptable to the Bureau, with regards to this ordinance.

**ASTM.** Means the American Society for Testing and Materials.

**Building Code.** Means the Indiana Building Code (675 IAC 13).

**Building Commissioner.** Shall mean the Building Commissioner of the City of Hobart.

**Bureau.** Means the Fire Chief or the Fire Chief's designee of the Hobart Fire Department.

**Class 1 Structure.** Means buildings and structures as defined in I.C. §22-12-1-4.

**Class 2 Structure.** Means buildings and structures as defined in Concur 2 SEA 393 I.C. §22-12-1-5.

**Code Official.** Means an inspector of the Fire Prevention Bureau of the Hobart Fire Department or the Hobart Building Department.

**Commission.** Means Indiana Fire Prevention and Building Safety Commission as

## Hobart – General Regulations

established by I.C. §22-12-2.

***Crowd Manager.*** Has the meaning as ascribed in 675 IAC 22.

***Division of Fire and Building Safety.*** Means Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to I.C. §10-19-7.1.

i) May also mean a representative of the Office of the Indiana State Fire Marshal.

***Fire Chief.*** Means the chief officer of the Hobart Fire Department.

***Fire Code.*** Means Indiana Fire Code (675 IAC 22).

***Fire Watch.*** Means a person or persons who are assigned to monitor an area for watching fires or the outbreak of fires in accordance with Section 93.303 of this Ordinance.

***Fire Prevention Bureau.*** Means the Fire Prevention Bureau established by this Ordinance within the Community Risk Reduction Division of the HFD for the City of Hobart.

***Fire Marshal.*** Means the administrative chief of the Fire Prevention Bureau of the Hobart Fire Department. This individual is appointed pursuant to the applicable personnel rules of the Hobart Fire Civil Service Commission.

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

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

***HFD.*** Shall mean the Hobart Fire Department.

***IAC.*** Means Indiana Administrative Code.

***IBC.*** Means Indiana Building Code (675 IAC 13).

***IC.*** Means Indiana Code of the Indiana General Assembly.

***IFC.*** Means Indiana Fire Code (675 IAC 22).

***Inspector.*** Means code official of the Fire Prevention Bureau of the Hobart Fire Department, unless otherwise noted.

***ITM.*** Means Inspection, Testing and Maintenance.

***Mechanical Code.*** Means Indiana Mechanical Code (675 IAC 18).

***Notice of Violation.*** Means a written notice issued by the HFD usually in the form of any inspection report listing violation(s).

***Owner.*** Has the meaning ascribed thereto in 675 IAC 22.

## Fire Protection

**Person.** Has the meaning ascribed thereto in I.C. §22-12-1-18.

**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.

**Qualifying Property.** Means any property subject to this Ordinance.

**Registered Design Professional.** Shall mean an architect registered under I.C. §25-4-1; or a professional engineer registered under I.C. §25-31.

**Reinspection.** Shall mean any subsequent inspection that is performed after an order has been issued.

**Software.** Shall mean any computer applications utilized by the Hobart Fire Department.

**State Fire Marshal.** Shall mean any representative of the Division of Fire and Building Safety of the Indiana Department of Homeland Security created pursuant to I.C. §10-19-7.1.

**Structure.** Means a Class 1 or Class 2 Structure.

**Terms not defined.** Where terms are not defined in this Ordinance and are defined in the General Administrative Rules, Indiana Building Code, Indiana Fire Code, Indiana Mechanical Code and 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.

## GENERAL REQUIREMENTS

### § 93.201 OPEN BURNING PROVISIONS.

In Indiana, the “burning ordinance” essentially prohibits most open burning, meaning you cannot burn trash or most household waste outdoors, with exceptions for specific activities like controlled prescribed burns that require prior approval from the Indiana Department of Environmental Management (IDEM) and must adhere to strict weather conditions and safety guidelines; recreational fire with clean wood are permitted in most situations but must be managed responsibly and not create a nuisance.

(A) *Recreational fires:*

- (1) No larger than 3 ft. in diameter and 2 ft. high.
- (2) Must be extinguished when the activity ends.
- (3) Cannot be used for disposal.
- (4) Cannot be within 500 ft. of a fuel storage area or pipeline.

(B) *Other Burning:* For heating, clean wood products or paper can be burned in a noncombustible container.

**Hobart – General Regulations**

(C) *Restricted Burning Materials:* Burning of household trash, plastics, tires, building materials, demolition debris, coated or treated wood, asbestos, or any non-vegetation items is prohibited.

(D) *Permitted Burning Activities:*

(1) Some permitted burning includes controlled prescribed burns for land management, certain agricultural burning in specific areas, and recreational fires with clean wood under specific conditions.

(2) Fires shall be permitted:

(a) for land and forest management purposes in areas that are zoned agricultural or operated as a farms, the boundaries of which are less than 300 feet away from the boundaries of the nearest improved residential zoning district (R1, R2, or R3), or in areas that are not zoned agricultural if the fire is conducted by the property owner; and

(b) the fire is kept under the property owner’s direct and constant supervision; and

(c) the property owner or his or her representative has obtained a fire permit from the Indiana Department of Environmental Management (IDEM); and

(d) the property owner has submitted to the Hobart Fire Department the IDEM permit and the related Burn Plan within seven (7) days of its receipt; and

(e) at least 48 hours before the proposed time of commencement of the burn, the property owner must submit the following in writing to the Hobart Fire Department:

1. The street address and legal description of the property that will be burned; and

2. The date and time of the commencement of proposed burn and its expected duration; and

3. The written consent of the property owner contained in an instrument bearing his or her signature, approving the burn and indicating their agreement to accept liability for any costs of liability incurred by the Hobart Fire Department due to the proposed burn; and

4. A certificate of insurance showing that the property owner is covered by a policy of general liability insurance with an aggregate limit of not less than \$1 Million covering any damage caused by the proposed fire; and

5. A list, in writing, of the names and qualifications of the individuals who will be managing the fire and a list of the safety and fire suppression equipment that will be on site during the fire; and

6. The anticipated weather on the date of the fire and a description of the weather under which the fire should be allowed; and

7. In the event a proposed burn is canceled and the property owner reapplies for a new burn date(s) the same materials may be resubmitted in support of the new date where applicable; and

## **Fire Protection**

8. A fifty (50) dollar fee to the Hobart Fire Department to defray the Fire Department's administrative costs.

(E) *Weather considerations:* Burning is prohibited during high wind conditions, temperature inversions, stagnant air, or when an Air Quality Action Day is declared.

(F) *Extinguishment Authority:* The Fire Chief or the Fire Chief's designee is hereby authorized to order the extinguishment of any open burning.  
(Ord. 2025-11)

### ***EMERGENCY PLANNING***

#### **§ 93.301 CROWD MANAGER TRAINING AND QUALIFICATIONS.**

(A) Crowd Managers shall receive training as provided for in Section 604 of the Indiana Fire Code, approved by the Bureau, in crowd management techniques. Crowd Managers shall be:

- (1) At least 21 years of age;
- (2) The owner or operator of the business, or under the direct control and supervision of said owner or operator; and
- (3) Responsible for:
  - (a) 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;
  - (b) Assuring general fire and life safety awareness of employees and occupants, including assuring that exit announcements are made; and
  - (c) Utilizing portable fire extinguishers as necessary.

#### **§ 93.302 WHEN REQUIRED.**

(A) 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.

- (1) 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 IAC 22 if conditions or the nature of the activity warrant.

#### **§ 93.303 FIRE WATCH.**

Any time a Fire Watch is required for temporary fire protection, each member of the Fire Watch must be trained by the Fire Prevention Bureau and hold a current certificate of training card from the Bureau and signed by the Fire Marshall, which shall also be on file with the Bureau. Every Fire Watch shall have one trained fire watch personnel for every 250 people of

occupant load. Fire watch shall be carried out in accordance with 675 IAC 22.

***FIRE SERVICE FEATURES***

**§ 93.401 ADDRESSING.**

(A) Buildings shall be provided with approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road frontage fronting the property.

(B) These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters.

(C) Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of .5 inch (12.7 mm). Address numbers shall be maintained.

**§ 93.402 FIRE LANE MARKINGS.**

(A) The location of fire lanes shall be established by the Bureau. The Bureau can require signage or striping or any combination. Design of the fire lane markings shall be approved by the Bureau.

(B) The erection of and maintenance of fire lane marking signs and striping shall be the responsibility of the owner of private property upon which such lane marking signs and striping is to be installed.

(C) All markings shall remain in good visible condition as determined by the Bureau.

(D) The parking or standing or any obstruction, including motor vehicles, within established fire lane markings on private or public property shall be prohibited.

**§ 93.403 GATES AND BARRICADES.**

(A) The Bureau 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.

(B) Approved gates or barricades shall be maintained by the property owner.

(C) 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.

(D) The switch will be keyed to the HFD Knox key.

(E) The location to be installed will be determined by the Bureau.

(F) This section shall apply to Class 1 Structures as well.

**§ 93.404 MARKING OF FIRE PROTECTION EQUIPMENT, FIRE HYDRANTS AND APPARATUS ACCESS ROADS.**

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

- (1) Appendix D of 675 IAC 22 is hereby adopted by reference for fire apparatus access roads.

**§ 93.405 KEY BOXES.**

(A) 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 Bureau shall require a key box or other rapid entry product to be installed in an approved location(s). All Key boxes shall be purchased from Knox Corporation.

- (1) 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.

(B) Alert Decals. Alert decals, approved by the Bureau, 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.

**§ 93.406 AUTOMATIC EXTERNAL DEFIBRILLATORS.**

(A) AED devices, where required, shall be installed in sufficient numbers and in locations so that an AED device shall be accessible, at a minimum, within three (3) minutes or five hundred feet (500') maximum travel distance in the event of an emergency in accordance with the American Heart Association recommendations.

(B) AED devices, where required, are to be wall mounted and installed so that they are clearly visible to staff and visitors.

(C) The Fire Chief, or his designee, shall review and approve the number and installation locations for AED devices; and, shall inspect the establishment to confirm the AED installation as approved prior to the issuance of a Certificate of Occupancy.

**Hobart – General Regulations**

(D) The installation and maintenance of the AED device(s) and periodic training on the use of the AED device(s) shall be the responsibility of the owner. A business, institution, or other entity which is required to install AED devices shall train one (1) or more persons in the use of an AED.

(E) All AED installations shall be subject to annual inspections by the Fire Chief, or his designee.

(F) A business, institution, or other entity which is required to install AEDs can appeal to the Fire Chief, or his designee, for relief from this section if it can be demonstrated that an undue hardship will exist from complying with the conditions of this section.

(G) AED devices shall be installed in newly constructed Class 1 structures as required in this Fire Prevention Code. The intent of this Fire Prevention Code is not to require AED devices in Class 1 structures in existence prior to the adoption of this Code.

(H) AED Placement Requirements:

- (1) Group A with an occupant load that exceeds three hundred (300).
- (2) Group B with an occupant load that exceeds three hundred (300).
- (3) Group E. with an occupant load that exceeds three hundred (300).
- (4) Group H.
- (5) Group I-1 Assisted Living Facilities.
- (6) Group I-2 and I-3.
- (7) Group M with an occupant load that exceeds one thousand (1,000)
- (8) Group R-1, three (3) stories or greater in height.
- (9) Covered malls exceeding fifty thousand (50,000) square feet.
- (10) Single-tenant Class 1 structures exceeding sixty thousand (60,000) square feet.
- (11) Class 1 structures where the floor level of the highest story is located more than 30 feet (30') above the lowest level of Fire Department vehicle access.

(I) Exceptions:

- (1) Group A occupancies used exclusively for purposes of religious worship that have an occupant load less than one thousand (1,000) in the sanctuary.
- (2) Self-storage facilities.
- (3) Parking garages and Group U Occupancies.

**§ 93.407 WATER SUPPLY.**

(A) A water supply capable of supplying the required fire flow, for firefighting purposes, as determined by Section 93.408 of this ordinance and 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:

- (1) 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 93.409 of this ordinance.
- (2) When a public water supply is not available to a premises, the water supply shall consist of a pond, stream river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems or fire department delivered portable tank system capable of providing the required fire flow. The on-site water supply shall

## **Fire Protection**

be accessible to the HFD and be located within one hundred fifty (150) feet of the Class 1 building or structure being protected with an automatic fire extinguishing system. If the on-site water supply is not within one hundred fifty (150) feet of the structure being protected, the water supply shall be connected to onsite fire hydrants and mains capable of supplying the required fire flow.

- (3) The owner shall verify the water supply requirements with the HFD prior to final design and construction. For buildings under construction, a water source approved by the Bureau, 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 400' 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 in no way impede the HFD's use of the hydrants in emergencies.

### **§ 93.408 FIRE FLOW REQUIREMENTS.**

In determining the requirements for fire flow, the Bureau shall utilize 675 IAC 22 Appendix B – “Fire Flow Requirements for Buildings” and 675 IAC 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 Bureau.

### **§ 93.409 FIRE HYDRANTS.**

(A) All private hydrants and water mains shall be installed and maintained as set forth in the current adopted edition of NFPA 24 under the rules of the Commission. The Bureau, in determining location and spacing of hydrants shall use the 2014 IFC (675 IAC 22) Appendix C as a guide. Private hydrants shall be painted red in color.

(B) The proposed location of private fire hydrants to supply the required fire flow shall be approved by the HFD prior to construction of any Class 1 Structures or any addition to a Class 1 Structure.

(C) Fire Hydrant Assemblies shall meet Hobart Utilities specs.

(D) The installation of private fire service mains shall meet Hobart Utilities specs.

(E) All hydrants, whether public or private, shall be equipped with a Storz large diameter hose connection.

### **§ 93.410 EMERGENCY COMMUNICATIONS.**

Any time a Class 1 Structure is being built in the City of Hobart the owner of the building shall contact the Fire Marshal for information on emergency communications equipment that may be required to be installed into the building. This equipment is a radio repeater system that is used to assist fire agencies inside the building. It will allow the Lake /County Emergency Communications radio system to function properly inside their new building.

***EMERGENCY AND STANDBY POWER***

**§ 93.501 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.

**§ 93.502 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 Bureau, 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.

**§ 93.503 EMERGENCY LIGHTING POWER TEST RECORD.**

The annual ninety (90) minute power test shall be maintained on the premises for a minimum of 3 years and submitted to the Bureau, 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 person completing the test.

***FIRE PROTECTION SYSTEMS, PERMITS AND PLAN REVIEW***

**§ 93.601 PLAN REVIEW.**

(A) The Bureau shall perform a review of all pertinent site plans, building plans (construction), fire protection system plans and specifications including sprinkler, fire alarm systems and hood suppression systems of any project within the boundaries of the HFD, in order to determine whether such plans and specifications comply with the applicable rules of the Fire Prevention and Building Safety Commission (FPBSC), this Ordinance and any other codes, standards or rules that may apply. Separate review and permits shall be required for fire protection systems based on the Fire Protection Permit standards in this Ordinance.

(B) Plans shall be submitted in traditional 24" x 36" paper form.

(C) In addition to paper form, plans shall be submitted in digital format compatible with current HFD software in order to assist the Department in the pre-fire planning of that structure.

(D) Fire Department Plan Review shall occur at the following phases; Site Plan, Construction Plan and Fire Protection Systems Plan. This review shall run concurrent to the City plan review and any issues or corrections that need to be made to the plans shall be completed. No Hobart Fire Department release or permit shall be given or issued until review as provided herein and compliance has occurred.

**§ 93.602 EXISTING BUILDING MODIFICATIONS.**

## **Fire Protection**

Plans shall be submitted to the Fire Marshal prior to any alteration, remodel, addition or demolition of any part of a building that is equipped with an Automatic Fire Suppression System and/or Automatic Fire Detection and/or Fire Alarm System.

### **§ 93.603 FIRE PROTECTION PERMITS.**

(A) Plans and specifications for Class 1 structures containing fire protection systems shall be submitted to the Fire Marshal prior to the system installation for review in accordance with the rules of the FPBSC and this Ordinance. No person shall install a Fire Protection System without first obtaining a Fire Protection Permit from the Fire Marshal. A Fire Protection Permit shall also be required anytime a structure listed is equipped with a fire protection system; including a fire sprinkler system, fire alarm system or a kitchen hood suppression system.

- (1) An application for a Fire Protection Permit shall be submitted on the fire department's prescribed forms and include all documentation required by the applicable NFPA standard adopted by the FPBSC, but shall not be less than the following:
  - (a) Sprinkler / Standpipe Systems.
  - (b) One (1) Full Set of Sprinkler I Standpipe Plans.
  - (c) One (1) Full Set of Sprinkler I Standpipe Calculations.
  - (d) One (1) Copy of the Sprinkler Construction Design Release (CDR).
  - (e) One (1) Set of Manufacturer's Cut-Sheets for all sprinkler heads in the design.
- (2) Fire Alarm Systems:
  - (a) One (1) Full Set of Fire Alarm Plans.
  - (b) One (1) Set of Battery Calculations.
  - (c) One (1) Copy of the Fire Alarm Construction Design Release (CDR).
- (3) One (1) Set of Manufacturer's Cut Sheets for the Fire Alarm Control Panel (FACP) and Fire Alarm Components.
  - (a) One (1) Fire Alarm Sequence of Operation Matrix.
- (4) Special Hazard Fire Protection Systems:
  - (a) One (1) Set of Plans (if applicable).
  - (b) One (1) Set of Engineering Data (if applicable).
  - (c) One (1) Copy of the Construction Design Release (if applicable).
  - (d) One (1) Set of Manufacturer's Cut-Sheets for System Components.
- (5) Fire Pumps.
  - (a) One (1) Copy of the Manufacturer's Fire Pump specifications.
  - (b) One (1) Copy of the Manufacturer's Certified Pump Test Characteristic Curve.
- (6) Firestop Systems:
  - (a) Through-Penetration Firestop Systems.
  - (b) Membrane-Penetration Firestop Systems.
  - (c) Fire-Resistant Joint Systems.
  - (d) Perimeter Fire Barrier Systems.
  - (e) Fire-Rated Duct and Air-Transfer Openings.

### **§ 93.604 INSPECTION FEES.**

All Fees shall be as set out in the Fee Schedule of this code and if not otherwise allocated

herein shall be for the benefit of the General Fund of the City.

**§ 93.605 PERMIT PROCESS.**

(A) The Bureau shall review the system plans and process the application within 10 days of receiving a completed permit application and all applicable fees.

- (1) A Fire Protection Permit issued pursuant to this Article shall not be transferable, and any change in use or occupancy prior to the acceptance test shall require a new permit.
- (2) A Fire Protection Permit may be issued for individual portions of a structure based on need and items submitted to the Fire Marshal. Examples:
  - (a) New construction on a structure requiring a sprinkler system, fire alarm system and a kitchen hood suppression system.
  - (b) Items for construction may be submitted at the same time. Fire Protection Permits may be granted for the sprinkler systems without the attachment of the fire alarm system and a kitchen hood suppression system.
  - (c) Applicable fees would apply but work may only be done on the area with the issued permit.

**§ 93.606 ACCEPTANCE TESTING.**

(A) An acceptance test according to NFPA standards of the system shall be conducted and witnessed by the Bureau prior to occupancy of the building or use of the protected area.

- (1) All systems must completely pass to obtain occupancy of the building or protected area.
- (2) If during the initial acceptance test, deficiencies are discovered that require the system to be tested at a later date to ensure code compliance, a reinspection fee as determined by the referenced standard shall be paid prior to each reinspection.
- (3) The installer shall contact the Bureau, at least 48 hours prior to schedule an acceptance test.
- (4) Once acceptance tests are satisfactorily completed, a Certificate of Completion shall be given to the Bureau for their records.

**§ 93.607 APPEALS PROCESS.**

When the Bureau fails to grant a permit required by this Article, or when it is claimed that provisions of this Article or articles of the Fire Protection ordinance do not apply, the person may appeal the decision according to §93.024 of this Ordinance.

**§ 93.608 VALIDITY.**

(A) Each permit granted under the provisions of this Article shall be valid for one (1) year if

## **Fire Protection**

the installed system remains as designed. If the system is modified, the new design must be approved by the Bureau, and the new items submitted as required by this Article.

(B) A permit issued pursuant to this Article shall at all times be posted in a conspicuous place on the premises as designated in the permit and shall at all times be subject to inspection by the Bureau.

### **§ 93.609 INSTALLER INFORMATION.**

(A) All installers must be qualified professionals and registered with the City of Hobart.

(B) Installers must notify the Bureau at least forty-eight (48) hours in advance of the system being completed for system testing.

(C) Any items and/or personnel needed for acceptance testing shall be provided by the installing company.

### **§ 93.610 FIRE DEPARTMENT CONNECTION REQUIREMENTS.**

The location of the fire department connections shall be approved by the Bureau, 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 always be maintained and not hindered by obstructions including fences, bushes, trees, walls or other fixed or removable objects.

### **§ 93.611 PORTABLE FIRE EXTINGUISHERS; WHERE REQUIRED.**

(A) Except for private dwellings, portable fire extinguishers shall be installed and maintained in all occupancies and follow NFPA 10-Standard for Portable Fire Extinguishers. A minimum of a 5lb – 3A, 40BC shall be installed in all small commercial structures or suites.

(B) Notwithstanding other provisions of this Ordinance, portable fire extinguisher equipment required for Class 1 residential apartment buildings shall be as follows:

- (1) A minimum 2-A, 10-BC rated dry chemical extinguisher shall be placed within seventy-five (75) feet maximum travel distance on each floor level in all common areas of all apartments.
- (2) Each laundry room and/or storage area shall have a minimum 2-A, 10BC rated dry chemical extinguisher.

### **§ 93.612 UNLAWFUL INTERFERENCE WITH FIRE PROTECTION EQUIPMENT, BARRICADES, DEVICES, SIGNS AND SEALS.**

(A) It shall be unlawful for a person to do or permit to be done any of the following acts:

- (1) Key box access and fire equipment keys. To make or cause or permit to be made or have in his possession any key for any key box emergency access system, HFD equipment, house or building used by the HFD, except upon the

- written order of the Fire Chief, or to fail or refuse to surrender possession of any such key upon demand of the Fire Chief;
- (2) Tampering with fire protection systems or equipment. To tamper, molest, remove or in any manner interfere with, damage or disturb any part of a fire protection system, apparatus, fire equipment, secured gates, barricades, devices, signs and seals in use in any county;
  - (3) Injuring fire hose. To drive any motor vehicle or railroad locomotive over any fire hose laid in any street or HFD access road in the vicinity of any fire or while in use for any other purpose, or in any other way interfere with the use of such hose; or
  - (4) Opening fire hydrants. To use or operate any public or private hydrants or valves connected to a water system intended for fire suppression purposes without written permission from the water utility or the HFD. Notwithstanding the provisions of this subsection, employees of the water utility who are authorized, members of the HFD, owners of private hydrants, and members of a duly recognized facility fire brigade may operate hydrants and valves as part of their assigned duties.

### § 93.613 SMOKE ALARMS AND DETECTORS.

(A) Smoke detectors or smoke alarms required by 675 IAC 13 or 675 IAC 14 shall have a power supply as specified by the respective code. All other residential smoke detectors or smoke alarms may be powered by an AC power source or a battery. If the smoke detector or smoke alarm is solely AC powered and the manufacturer does not supply installation specifications, it shall be directly attached to a junction box with power supplied either from a dedicated branch circuit or the unswitched portion of a branch circuit also used for power and lighting, such installation shall be in accordance with 675 IAC 17. If the smoke detector or smoke alarm is solely powered by a battery, such battery shall be a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of then (10) years. For any dwelling unit requiring a non-removable, non-replaceable battery capable of powering the smoke detector or smoke alarm for a minimum of ten (10) years as provided in this subsection, it shall satisfy the requirements of this subsection that any non-compliant smoke detector or smoke alarm installed in such dwelling unit prior to ‘august 1, 2014, be replaced with a compliant smoke detector or smoke alarm at such time such non-compliant smoke detector or smoke alarm is replaced for any reason. Smoke detectors and fire alarm devices that are connected to a panel as part of a monitored Fire Alarm System, or other devices that use a low-power radio frequency wireless communication signal are exempt from the battery requirements of this section.

(B) It shall be unlawful for any person to tamper with or remove any smoke detector or smoke alarm, except when it is necessary for maintenance or inspection purposes. Any smoke detector or smoke alarm removed for repair, replacement or local remodeling shall be reinstalled or replaced so that it is in place and operable.

- (1) *Rental dwelling units.* Each owner or manager or rental agent of the owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within seven (7) business days after the owner, manager or rental agent is given written notification of the need to repair ore replace the smoke detector or smoke alarm. Residents shall inspect and test the smoke detector or smokie alarm in accordance with manufacturer’s instructions at least monthly.

## Fire Protection

- (2) *Owner dwelling units.* Each owner is responsible for the installation of required smoke detectors or smoke alarms and the repair or replacement of a required smoke detector or smoke alarm within seven (7) business days of finding it inoperable. An owner shall inspect and test the smoke detector or smoke alarm for power in accordance with manufacturer's instructions at least monthly.

(C) A person, company, or corporation violating I.C. §22-11-18-3, I.C. §22-11-18-3.5 and provisions of this article shall be subject to penalties as specified in I.C. §22-11-18-5.

### ***FIRE REPORTING SYSTEMS***

#### **§ 93.701 SCOPE OF ARTICLE.**

This article is applicable to the installation and maintenance of all manual and automatic Fire Alarm Systems in new and existing structures.

#### **§ 93.702 MONITORING OF FIRE ALARM SYSTEMS.**

Fire Alarm Systems required by 675 IAC 13 and 675 IAC 22 or this Ordinance shall be monitored as set forth in 675 IAC 13, 675 IAC 22, 675 IAC 28-1-28, by an approved central, proprietary or remote station service or a local alarm which gives audible and visual signals at a constantly attended location.

#### **§ 93.703 NOTIFICATION UPON FIRE ALARM ACTIVATION.**

(A) The HFD shall be notified immediately upon the activation of any fire alarms, except in the case of a supervised fire drill, periodic testing or maintenance of a system.

(B) Notwithstanding subsection (1) of this section, such notice shall be required if the alarm is directly transmitted by private line.

- (1) The monitoring company shall notify Lake County 911 Communications Center immediately when the alarm is always received except as stated in subsection (A) of this section.

(C) Upon the receipt of a supervisory signal from a fire alarms or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.

(D) Upon the receipt of a trouble signal from a fire alarm or fire suppression system, the central station shall perform the requirements of "Disposition of Signals" as set forth in 675 IAC 28-1-28.

#### **§ 93.704 FAULTY ALARMS.**

**Hobart – General Regulations**

(A) *False Alarms.* The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

(B) *Excessive False Alarms.* It shall be unlawful for any person or entity who owns or controls property in the City on which an Alarm System is installed to issue, cause to be issued, or permit the issuance of more than three false alarms in a calendar year. A person or entity who owns or controls property on which the Alarm System is installed shall receive a warning from the City for each false alarm. There shall be no distinction between fire and security false alarms.

(C) *Penalty.* The person or entity who violates Section B of this Ordinance shall pay as a penalty as indicated in §10.99.

**§ 93.705 LIFE SAFETY AND FIRE PROTECTION REPORTS.**

(A) It shall be the responsibility of any person or firm providing or conducting tests or inspections of the fire protection system within the City to submit a copy of the results of the aforementioned tests or inspections within 30 days to the fire code officials approved and designated online reporting vendor.

(B) *Web-based reporting requirements.* The City of Hobart Fire Inspectors Bureau will utilize a web-based inspection reporting program which connect and engages the key stakeholders involved in Fire Prevention and Community Risk Reduction: Authorities Having Jurisdiction (AHJ), Service Providers (SP), and Property Owners (PO). Third Party Inspection Reports must be uploaded to a web-based inspection reporting system designated by the AHJ. The web-based inspection reporting provider shall transmit said inspection reports to the AHJ.

(C) *Itemized Records.* Itemized records for inspections, testing, maintenance, repair, or replacement of any and all life safety or fire protection systems, including but not limited to, fire sprinklers systems, standpipe systems, fire pumps, BDA systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, fire extinguishers, fire escape systems, private hydrants, private water main systems, back flow preventers and other extinguishing systems shall document the individual and company performing the inspection, testing, maintenance, repair, or replacement, a description of the inspection, testing, maintenance, repair, or replacement, when and where the inspection, testing, maintenance, repair, or replacement took place and the result of the inspection, testing, maintenance, repair, or replacement. All itemized records of the inspection, testing, maintenance, repair, or replacement shall be submitted to the approved City of Hobart online report vendor.

(D) *Technicians.* All Fire Protection Systems shall be performed by qualified technicians (certified) who are licensed to perform work in the City of Hobart.

(E) *Rejection of Reports.* The Fire Code Official may reject reports provided pursuant to subsection (A) of this section unless the person or firm providing the reports also has provided the Fire Code Official the documentation or current certification and qualifications to conduct such test or inspections in accordance with the appropriate National Fire Protections Association Standard.

(F) *Failure to Report.* If the fire protection contractor, entity or company or individual performing the services fails to submit a detailed report upon completion of an inspection, maintenance, or repair performed on any and all life safety protection appliances and systems

## **Fire Protection**

including but not limited to fire sprinkler systems, standpipe systems, fire pumps, BDA systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main systems, back flow preventers, fire extinguishers, fire escape systems, and other extinguishing systems as required they are in violation of Sec. (A) of *Life Safety and Fire Protection Reports* and the penalty shall be set out in the fee schedule of this code pursuant to §93.604. Notice of the violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown, the penalty shall be set out in the fee schedule of this code pursuant to §93.604.

### ***MISCELLANEOUS PROVISIONS***

#### **§ 93.801 VACANT OR ABANDONED BUILDINGS; PLACARDING.**

The Bureau may implement a program for identifying and placarding vacant or abandoned Class 1 Structures that pose an unreasonable risk hazard to firefighters who forcibly enter a building or structure for controlling or extinguishing a fire. Unreasonable risk hazards shall include but not be limited to structure deficiencies such as open roof(s), missing steps or stair(s), holes in floor(s), open wall(s) or shaft(s) or the illegal removal of structure components of a building or structure that may cause an entanglement or premature collapse hazard for firefighters.

### ***PYROTECHNICS DISPLAYS***

#### **§ 93.901 CERTIFICATE OF INSURANCE REQUIRED.**

(A) Fireworks and temporary storage, use, handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with I.C. §22-11-14, 675 IAC 13 and 675 IAC 22.

(B) A certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than one hundred thousand dollars (\$100,000.00) and to property in an amount of not less than one hundred thousand dollars (\$100,000.00), by reason of the license display, arising from any acts of the licensee, his agents, employees or subcontractors.

### ***HAZARDOUS MATERIALS SAFETY***

#### **§ 93.1001 PURPOSE.**

(A) The purposes of this chapter are:

- (1) To protect the public from potential problems of leaks, spills, discharges, or fires in areas where dangerous, hazardous, and toxic substances are stored, used, handled, disposed, or transported.
- (2) To protect the environment from the potentially harmful effects of hazardous chemicals and substances.
- (3) To require special information from persons, partnerships or corporations that use, store, handle, or dispose of hazardous, dangerous, or toxic materials in

## Hobart – General Regulations

order to limit the potential discharges of these materials into the air, water, or onto the land within the Hobart city limits.

- (4) Recover special costs that go above and beyond the usual public safety costs associated with a hazardous material spill.

### § 93.1002 DEFINITIONS.

**BIOMEDICAL HAZARD** shall mean any item, property, or substance that has the potential to transmit any infectious disease or etiologic agent to another item, person, or property.

**CERCLA** shall mean the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and any amendments to the act, inclusive.

**CONSUMER** shall mean the person or facility who shall purchase an item for use by that person or facility. The product shall not be resold or distributed by the purchaser.

**ENVIRONMENT** shall mean any surface water, groundwater, drinking water supply, land surface or subsurface strata, or ambient air, within the City of Hobart, and the interrelationship which exists among and between the water, air, and land and all living things.

**EPCRA** shall mean the Emergency Planning and Community Right-to-Know Act of 1986, and any amendments to the act, inclusive.

**ETIOLOGIC AGENT** shall mean a viable microorganism, or its toxin, which causes or may cause human disease, limited to those agents listed in 42 CFR 72.25(c) of the regulations of the Department of Health and Human Services.

**FACILITY** shall mean:

- (1) Any piece of equipment, buildings, installations, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch landfill, storage container, structures, any other stationary items which are on a single site or on contiguous or adjacent sites and which are owned, or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person); or
- (2) Any site or area where a hazardous substance or material has been deposited, stored, disposed of, placed, or otherwise come to be located; but does not include any consumer product in consumer use; or
- (3) Any motor vehicle, rolling stock, boat, or airplane.

**HAZARDOUS MATERIAL and HAZARDOUS SUBSTANCE** shall be interchangeable and shall mean:

- (1) Any substance listed in the latest edition of the U.S. Department of Transportation “Guidebook for Hazardous Material Incidents”;
- (2) Any substance listed in the latest edition of “Dangerous Properties of Industrial Materials” by N. Irving Sax and contain the terms dangerous, hazardous or toxic in the toxic and hazard reviews (THR) statement, the disaster hazard statement, the fire hazard statement, the explosion hazard statement, or the acute toxicity statement;
- (3) Any substance listed in the latest edition of the “Condensed Chemical Dictionary” by Gessner G. Hauley and the words dangerous, hazardous, or toxic are used in the hazard explanation used to categorize the substance;
- (4) Any substance that is required to have a material safety data sheet by OSHA; or is

## Fire Protection

listed on a material safety data sheet which contains the terms dangerous, hazardous, or toxic in the fire and explosion hazard statement, the reactivity statement, the health hazard statement, or special precautions statement, or the material safety data sheet for that substance; or

- (5) Any substance that is listed by the U.S. EPA or the state emergency response commission as an extremely hazardous substance designated under EPCRA, list in CERCLA or the Clean Air Act as hazardous, dangerous, or toxic.

**IMMEDIATELY** shall mean within five (5) minutes after discovery of the spill, leak, discharge or release of the dangerous, hazardous, or toxic substance.

**INDUSTRY STANDARD** shall mean any nationally recognized agency, governmental or private, that issues or writes suggested standards for fire and hazardous materials safety.

**INFECTIOUS DISEASE** shall mean a disease likely to cause or transmit infection to others.

**INFECTIOUS WASTE** shall mean products, items or property which have been discarded and are potentially contaminated with disease-producing organisms or matter.

**MATERIAL SAFETY DATA SHEET** shall mean the sheet required to be developed under section 1910.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time.

**NFPA 704 HAZARD COMMUNICATION SYSTEM** shall mean the identification system defined in Section 704 of the National Fire Protection Association National Fire Code. It is a system that identifies the hazards of a material(s) in terms of three (3) principal categories: "Health," "Flammability," and "Reactivity." It indicates a degree of severity by a numerical rating that ranges from 4 (most severe) to 0 (no hazard). A special hazard section is also provided to indicate unusual reactions with water, or to further define the type of hazard.

**NONOPERATIONAL STORAGE TANK** shall mean any underground storage tank in which regulated substances will not be deposited or from which regulated substances will not be dispensed after November 8, 1984. (I.C. §13-7-20-2)

**OWNER or OPERATOR** shall mean:

- (1) The person holding deed or title to the property, equipment, vehicle, or facility in question;
- (2) Any person in control of, or having responsibility for, the daily operation of any facility, business, vehicle, or underground storage tank;
- (3) The person who owns the underground storage tank that was in use on November 8, 1984, or brought into use after that date for the storage, use dispensing of a regulated substance;
- (4) Any person who owned an underground storage tank immediately before the discontinuation of its use which had been in service before November 8, 1984, but is no longer in use after November 8, 1984; or
- (5) Any person who owned, operated, or otherwise controlled activities of any facility immediately before title or control was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of state or local government.

The term "owner or operator" does not include a unit of state or local government which acquired

**Hobart – General Regulations**

ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which it involuntarily acquired title by virtue of its function as sovereign.

**PERSON** shall mean individual, partnership, cooperative, firm, joint stock company, company, corporation, association, trust, estate, government entity, or any other legal entity or their legal representatives, agents, or assigns.

**PETROLEUM** shall mean petroleum and crude oil or any part of petroleum or crude oil that is liquid at standard conditions of temperature and pressure (sixty (60) degrees Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch absolute (I.C. §13-7-20-6)).

**PROGRAM** shall mean an underground storage tank release detection, prevention, and correction program created with the requirements of I.C. §13-7-20.

**REGULATED SUBSTANCE** shall mean:

- (1) A hazardous material or substance but excluding any substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6936(a)) or I.C. §13-7-8.5-3;
- (2) Petroleum; and
- (3) Any substance designated by rules adopted by the board under I.C. §13-7-20-13.

**RELEASE** shall mean any spilling, leaking, emitting, discharging, escaping, leaching, pumping, pouring, emptying, injecting, dumping, or disposing in the environment (including the abandonment or discarding of barrels, containers, and other closed or open receptacles) of any hazardous chemical, extremely hazardous substances, or toxic materials from any type of container, vehicle, or tank into the environment.

**UNDERGROUND STORAGE TANK** shall mean a tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks:

- (1) That is used to contain an accumulation of regulated substances; and
- (2) The volume of which (including the volume of the underground connected pipes) is ten (10) percent or more beneath the surface of the ground.

The term does not include:

- (1) A farm or residential tank with a capacity of less than one thousand one hundred (1,100) gallons that is used for storing motor fuel for noncommercial purposes;
- (2) A tank which is used for storing heating oil for consumptive use on the premises on which it is stored;
- (3) A septic tank;
- (4) A pipeline facility (including gathering lines) that:
  - (a) Is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1971 et seq.);
  - (b) Is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2801 et seq.); or
  - (c) Is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (a) through (b);
- (5) A surface impoundment, pit, pond, or lagoon;
- (6) A storm water or wastewater collection system;
- (7) A flow-through process tank;
- (8) A liquid trap or associated gathering lines directly related to oil or gas

## Fire Protection

- production and gathering operations;
- (9) A storage tank situated in an underground area (such as a basement or cellar) if the storage tank is situated upon or above the surface of the floor;
  - (10) Any other tank exempted by rules adopted by the board in accordance with the regulations adopted by the Administrator of the United States Environmental Protection Agency; or
  - (11) Any pipeline connected to a tank described in subdivisions (1) through (10). (I.C. §13-7-20-11)

**USER** shall mean any person, individual, owner, operator, partnership, cooperative, firm, company, corporation, association, trust, estate, or any other legal entity or their legal representatives, agents, or assignees, or facility that uses, stores, handles, or disposes of hazardous materials in excess of forty (40) gallons or two hundred (200) pounds on site at any one time.

### § 93.1003 REGISTRATION OF HAZARDOUS MATERIALS.

(A) *Applicability.* Any hazardous materials user must secure a hazardous materials registration certificate from the City of Hobart Fire Department prior to acceptance of any material deemed hazardous at a business or the opening of a new business which requires the use, storage, handling, or disposal of a hazardous material.

(B) *Exceptions.* No party shall be responsible for reporting gasoline or diesel fuel used in their vehicles and the storage of gasoline or diesel fuel shall not be reported until the quantity of the substance is greater than one hundred (100) gallons at any one time. No homeowner shall be responsible for reporting fuel oil used for heating of their home until the quantity exceeds five hundred fifty (550) gallons at any one time.

(C) *Application for hazardous materials registration and fees.* Any person or facility required to obtain a hazardous materials registration may do so by requesting an application from the Hobart Fire Department. Upon submission of the completed application, a facility inspection shall be conducted by the Fire Marshal. Once the application has been reviewed by the Fire Marshal the applicant shall be issued a registration through the office of the Hobart Clerk-Treasurer. The hazardous materials registration fee shall be paid as provided in §93.604 of this chapter.

(D) *Required application information.* Any user of a hazardous material shall provide a list of business information, a list of all hazardous materials, quantities, location of each material on a facility diagram, and the material safety data sheet for each chemical, to the Hobart Fire Department. The required information shall include the following:

- (1) The business name, address, and business telephone number, number of employees at the business and normal hours of operation, the owner's name, address, and telephone number, and emergency contact names and phone numbers. In addition, the name and address of the insurance company handling the insurance on the facility, the name of the hazardous waste removal company handling the removal of waste (if such is required) and the name of any clean-up contractors to be contacted shall be provided.
- (2) The chemical list shall provide the proper chemical names for all chemicals onsite regardless of quantity. The chemical family, the chemical formula, the chemical concentration, the Chemical Abstract Service registry number (CAS), a material

**Hobart – General Regulations**

safety data sheet, and the physical state of the chemical shall also be required for all chemicals.

- (3) The quantity requirements shall state the onsite yearly maximum, the onsite daily maximum and the daily average amount used for each hazardous material. In addition, the type of storage container normally used for storage, and the maximum amount of product the container will hold in pounds, or in gallons where applicable, for each chemical.
- (4) A floor plan for every floor or building occupied by the business. This plan shall indicate all interior and exterior walls, doors, and windows, location of heating and air conditioning units (and shut-offs), electrical panel(s), building construction materials, roofing materials, fences or other type of security barriers, and the location of the following items:
  - (a) All aboveground tanks and types.
  - (b) Products contained in each tank.
  - (c) Other storage areas: Loading and unloading areas.
  - (d) Roads.
  - (e) Water distribution systems: Gary-Hobart Water Corporation and private.
  - (f) All compressed gas storage areas.
  - (g) Drains to sanitary sewer system.
  - (h) Gas and electrical shutoffs: Municipal water shutoffs.
  - (i) Main and auxiliary product shutoffs (when piped).
  - (j) Location and type of any firefighting equipment or spill clean-up items.
  - (k) Location of chemical(s) stored, quantity, and container type.
  - (l) Location of lock box.
  - (m) Nearest fire hydrant, and fire department hook-up locations for sprinkler system. Included should also be sprinkler system type, control system location, and standpipe locations.

**§ 93.1004 REPORTING CHANGES IN REQUIRED INFORMATION.**

The Hobart Fire Department shall be notified in writing within ten (10) working days of any changes in the required information previously reported.

**§ 93.1005 RENEWAL OF HAZARDOUS MATERIALS REGISTRATION.**

The hazardous materials registration shall be valid for a term of one (1) year commencing January 1 and ending December 31. The registration shall be renewed prior to the expiration date specified on the registration. Applications for registration renewal shall be made available from the Hobart Fire Department and must be submitted to the Fire Marshal's Office no sooner than ninety (90) days and not later than sixty (60) days prior to the expiration date of the registration. Required in the renewal application will be the business information, chemical data, and the quantity requirements as specified in § 93.1003. A hazardous materials registration renewal shall be issued after the requirements established in this article are met. However, a police department background check shall not be required for renewals.

**§ 93.1006 FACILITY INSPECTION.**

## Fire Protection

Upon presentation of proper credentials, the Fire Chief or his designee may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon them by this chapter. The Hobart Fire Department shall inspect for violations of the City of Hobart municipal code and inspect for violations of the Indiana state fire code and improper handling of chemicals.

### **§ 93.1007 APPLICATION FOR REMOTE SITE HAZARDOUS MATERIALS REGISTRATION.**

Any person or company wishing to use any material defined as hazardous at a site other than their registered place of business, shall submit an application for a remote site hazardous materials registration. The applications may be obtained from the Hobart Fire Department Fire Marshal's Office and must be submitted twenty-five (25) days prior to the scheduled date for usage of the material in the city limits. Applications must contain business information, chemical data, quantity of product being used and storage container type as required in § 93.1003, The location of the material to be used, the purpose for the use, length of expected use, and the insurance company providing liability insurance for the user shall also be required.

### **§ 93.1008 ISSUANCE OF REMOTE SITE HAZARDOUS MATERIALS REGISTRATION.**

A remote site hazardous materials registration may be issued by the Hobart Fire Department after notification of the location at which the material will be used. The remote site hazardous materials registration fee shall be paid as provided in §93.604.

### **§ 93.1009 REVOCATION OF REGISTRATION.**

A hazardous materials registration may be revoked if any of the following occur:

- (A) A hazardous materials release occurs at the facility due to negligence.
- (B) During any inspection, a violation of the state fire code or mishandling of chemicals is observed or detected.
- (C) Violation of any condition set forth for the issuance of the permit or falsifying any information on the application.
- (D) Violation of any section of this chapter.

### **§ 93.1010 CEASE AND REMOVAL OF MATERIALS, NOTICE, FINES.**

If no current registration is held and materials defined as hazardous material are in the possession of a facility, the facility shall, upon written notice from the City of Hobart Fire Department, remove that substance within twenty-four (24) hours or as otherwise specified by the Fire Department. The removal of the product must comply with local, state, and federal laws regarding transportation of that product.

### **§ 93.1011 COMPLIANCE WITH APPLICABLE INDUSTRY STANDARDS.**

Any user or facility, whether established or new, shall comply with all applicable industry

standards which shall include but not be limited to: requirements of special fire extinguishing or detection devices; special storage, containment, or use devices or procedures, and special training for employees.

**§ 93.1012 REPORTING SPILLS, LEAKS AND DISCHARGES OF HAZARDOUS MATERIALS.**

(A) *Immediate reporting of incidents:* Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into the environment shall be immediately reported by the owner or operator to the Hobart Fire Department by telephone, or in person, as provided below:

- (1) Any spill, leak, discharge, or release of a dangerous, hazardous, or toxic substance into the environment in excess of a reportable quantity (RQ) established by any state or federal statute shall be immediately reported to the Hobart Fire Department via 911.
- (2) Any spill, leak, discharge, or release of a hazardous substance into the environment not in excess of any reportable quantity (RQ) established by any state or federal statute which does not remain on the grounds of a facility shall be immediately reported to the Hobart Fire Department.
- (3) Any spill, leak, discharge, or release of a hazardous substance into the environment not in excess of a reportable quantity (RQ) established by any state or federal statute which remains on the grounds of a facility shall not require reporting.
- (4) Any spill, leak, discharge, or release of a hazardous substance into the environment involving any mode of transportation on public rights-of-way, highways, railways, etc., shall be immediately reported to the Hobart Fire Department via a 911 telephone call.

**§ 93.1013 HAZARDOUS MATERIALS RESPONSE.**

The Hobart Fire Department, upon notification of a spill, shall immediately respond to and assess the scene to determine if additional resources are needed.

**§ 93.1014 SPILL REPORTING REQUIRED INFORMATION.**

The following information shall be supplied at the time of the notification:

- (A) Company and/or person's name reporting the incident.
- (B) The chemical name or identity of the substance.
- (C) An estimate of the quantity of the substance released into the environment.
- (D) An estimate of the time and duration of the occurrence.
- (E) The medium or media into which the spill, leak, discharge or release occurred.
- (F) Any known or anticipated acute or chronic health risks associated with the emergency and appropriate advice regarding medical attention referenced on the material safety data sheets.
- (G) Recommended precautions, if any, to take as a result of occurrence, including the need for the special response team.
- (H) The name and telephone number of the person or persons to be contacted for further information.

**§ 93.1015 TIME LIMIT FOR WRITTEN REPORT OF INCIDENTS.**

## Fire Protection

Within ninety-six (96) hours, excluding Saturdays, Sundays, and legal holidays, after a spill, leak, discharge or release of a dangerous, hazardous or toxic substance (that was required to be reported) has been terminated, the person and/or company reporting or responsible for the spill, leak, discharge or release shall submit the following written information to the Hobart Fire Department:

- (A) The actual quantity of the substance involved in the incident and the method used to determine that quantity.
- (B) The circumstances leading to the occurrence of the incident.
- (C) The action to be taken to prevent similar incidents.
- (D) The method, extent and duration of any cleanup actively required or undertaken.

### **§ 93.1016 DUMPING.**

(A) No party may discharge, emit, cause, allow, or threaten to discharge, emit, cause or allow any contaminant or waste including any noxious odor, either alone or in combination with contaminants from other sources, into the environment or into any publicly owned treatment works in any form which causes or would cause pollution.

(B) No party may discharge, apply, or allow the application of used oil (as defined in I.C. §13-7-1-25.5) to any ground surface, except for the purpose of treatment in accordance with a permit issued by the Indiana Department of Environmental Management under I.C. § 13-7-10.

### **§ 93.1017 HAZARDOUS MATERIALS RESPONSE AND CLEAN UP COST RECOVERY.**

(A) Scope of Article.

- (1) The Hobart Fire Department is occasionally required to participate in the cleanup and/or abatement of hazardous material spills.
- (2) When responding to and participating in hazardous material incidents, the City incurs special costs above and beyond the usual public safety costs. These special costs should be rightfully charged to the party responsible for the hazardous material.

(B) Definitions. The definitions set forth in I.C. §36-8-12.2 are hereby incorporated into this ordinance as if fully set forth herein.

(C) Fees and Charges Imposed.

- (1) The City of Hobart hereby imposes the fees and charges authorized by I.C. §36-8-12.2 upon any and all responsible parties.
- (2) Pursuant to said statute, the specific fees and charges to be charged are contained in the state fire marshal's schedule of service charges issued under I.C. § 36-8-12-16(e), as may be amended from time to time.
- (3) Said schedule of service charges, as may be amended from time to time, is hereby incorporated into this ordinance as if fully set forth herein.
- (4) The billing and collection of the fees and charges shall likewise be done pursuant to the procedures set forth in I.C. §36-8-12.2.
- (5) As required by I.C. §26-8-12.2, monies collected pursuant to this ordinance shall be deposited in the Hazardous Materials Response Fund of the City.

**Hobart – General Regulations**

(Prior Code, § 6-1 through 6-39; Ord. 604; Ord. 1816; Ord. 93-45; Ord. 97-13, Ord. 97-14, Ord. 2013-38; Ord. 2014-41; Ord. 2016-03; Ord. 2017-01; Ord. 2020-36; Ord. 2025-03, Ord. 2025-11)