

**CHAPTER 63.**  
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<sup>1</sup> As to building regulations generally, see ch. 110 of this code. As to authority of fire department officials enforcing traffic regulations, see § 40.02. As to following fire apparatus, see § 43.20. As to crossing fire hose, see § 43.21. As to regulations governing fire in parks, see § 24.136. As to burning leaves, etc., in streets, see § 67.04. As to adjustments of sewer rates for fire protection uses, see § 30.09. (Ord. No. 14-11, Appendix A, item 22.)

**Article I. Fire Prevention.**

**Sec. 63.01. Title.**

This article, and all ordinances supplemental or amendatory to it, shall be known as the "Fire Prevention Code of the City of West Lafayette, Indiana, 1990 Edition," may be cited as such, and will be called "this code." (Ord. No. 12-92, § 1.)

**Sec. 63.02. Purpose of provisions.**

The purpose and the intent of this code is to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises. (Ord. No. 12-92, § 2.)

**Sec. 63.03. Applicability.**

(a) The provisions of this code and the fire safety rules of the Indiana Fire Prevention and Building Safety Commission shall apply to existing buildings and conditions. Exceptions:

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

(b) Nothing in this code shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by the city governing the construction, alteration, addition, repair, removal, demolition, use location, occupancy and maintenance of buildings specifically provided herein. When any provision of this code is found to be in conflict with any building, zoning, safety, health or other applicable law, ordinance or code of the city, existing on the effective date of this code or hereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

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

(d) Buildings built under and in full compliance with the building and fire safety laws and rules in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this code pertaining to any of the following matters:

- (1) Fire protection of structural elements.

(2) Exits required, except as provided for existing buildings under this code.

(3) Isolation of hazardous operations and mixed uses; provided, however, that the fire chief shall require the installation of fire safety devices or systems (fire extinguisher, fire alarms, fire detection devices, or similar systems) where they are necessary to provide safety to life. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the fire chief shall prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property. Any orders issued by the fire chief to obtain compliance with this subsection shall be governed by the provisions of Indiana Code § 36-8-17-10(d). (Ord. No. 12-92, § 3.)

#### **Sec. 63.04. Adoption of fire prevention codes.**

(a) The following fire safety rules of the Indiana Fire Prevention and Building Safety Commission as set out in article 22 of title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code, and shall include later amendments to that article as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

#### Article 22--Fire Prevention Codes

(1) Indiana Flammable and Combustible Liquids and Gases Code.

(2) Indiana Fire Prevention Code.

(b) Copies of adopted fire safety rules, codes and standards are on file in the office of the fire chief and the clerk-treasurer. (Ord. No. 12-92, § 4.)

#### **Sec. 63.05. Enforcement authority**

(a) It shall be the duty and responsibility of the fire chief or such officer or designee who is an ex officio assistant to the State Fire Marshal under Indiana Code § 36-8-17-5(a), to enforce the provisions of this code. The designated enforcement officer of this code is called the fire chief.

(b) The fire chief shall cooperate with the building inspector responsible for the enforcement of the code of building laws and orders required to be enforced in the city pursuant to Indiana Code § 36-7-2-9. (Ord. No. 12-92, § 5.)

#### **Sec. 63.06. Inspections.**

(a) The fire chief shall cause to be inspected all structures and premises except the interiors of private single-family dwellings, and dwelling units in two-family and multifamily dwellings for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire-fighting operations, endanger life or any violations of the provisions or intent of this code affecting fire safety.

(b) Whenever in the enforcement of this code the responsibility of more than one official of the city is involved, it shall be their duty to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provisions of some law, ordinance or code of the city not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction. (Ord. No. 12-92, § 6.)

#### **Sec. 63.07. Right of entry.**

Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the fire chief or authorized fire inspector has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the fire chief or fire inspector shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the fire chief by this code; provided, that if such structure or premises is occupied, the fire chief or fire inspector shall first present proper credentials and request entry. If such entry is refused, the fire chief shall have recourse to every remedy provided by law to secure entry. (Ord. No. 12-92, § 7.)

#### **Sec. 63.08. Investigation of fires.**

The fire chief shall investigate, or cause to be investigated, every fire or explosion occurring within the city that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of a suspicious nature, the fire chief shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such buildings, structures or premises until such evidence has been properly processed. The fire chief shall notify the office of the State Fire Marshal pursuant to Indiana Code § 36-8-17-7 for further investigations into such matters and shall further cooperate with that office in the collection of evidence and prosecution of the case. (Ord. No. 12-92, § 8.)

#### **Sec. 63.09. Fire records and reports.**

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

(b) The fire chief shall submit a report of each fire occurring within the city to the office of the State Fire Marshal in accordance with Indiana Code § 36-8-17-7, and in such form as prescribed by that office. (Ord. No. 12-92, § 9.)

#### **Sec. 63.10. Violations and orders.**

(a) Whenever the fire chief observes an apparent or actual violation of a provision of this code or other ordinances under the fire chief's jurisdiction, the fire chief shall prepare a written notice of violation and order describing the condition deemed unsafe and

specifying a reasonable time for the required repairs or improvements to be made to correct such violation. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivering it in person, or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access, and such procedure shall be deemed the equivalent of personal notice.

(b) If the notice of violation and order is not complied with within the time specified by the fire chief, and if no review of such order has been initiated under Indiana Code § 36-8-17-10, the fire chief shall request the legal counsel of the city to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto.

(c) Temporary or emergency orders issued by the fire chief under Indiana Code § 36-8-17-9(b) shall first be approved by the State Fire Marshal.

(d) When, in the opinion of the fire chief, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire chief may issue an emergency order, with oral approval of the State Fire Marshal, for the immediate evacuation of the building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or reenter until authorized to do so by the fire chief. Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of this code. (Ord. No. 12-92, § 10.)

#### **Sec. 63.11. Administration review and appeals.**

(a) A person who is aggrieved by an order issued pursuant to § 63.10 of this code or Indiana Code § 36-8-17-9 shall have an opportunity to informally discuss the order with the State Fire Marshal, who may modify or reverse the order.

(b) An order issued pursuant to § 63.10 of this code or Indiana Code § 36-8-17-9, or an order affirmed or modified by the State Fire Marshal may be appealed to the Fire Prevention and Building Safety Commission under Indiana Code § 4-21.5-3-7. (Ord. No. 12-92, § 11.)

(Ord. No. 14-11, Appendix A, item 23.)

#### **Sec. 63.12. Remedies.**

The attorney for the city, upon receipt of a written notice from the fire chief, that, after having issued a lawful notice and order to abate a

violation of this code, and after a reasonable time for compliance has expired, shall bring action in the circuit or superior courts of Tippecanoe County, Indiana for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the fire chief, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code. (Ord. No. 12-92, § 12.)

#### **Sec. 63.13. Penalties.**

If any person, firm or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the fire chief, or shall fail, neglect or refuse to obey any lawful order given by the fire chief in connection with the provisions of this code, for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. (Ord. No. 12-92, § 13.)

### **Article II. Fire Lanes.**

#### **Sec. 63.20. Designation of fire lanes.**

Fire lanes in any commercial, industrial or multi-unit residential development may be designated in any of the following ways:

- (a) Existing fire lanes marked by paint or signs.
- (b) Any fire lanes shown on plans submitted for an improvement location permit.
- (c) Fire lanes required by fire chief under §§ 63.21 or 63.22.

The fire lane shall consist of the entire area between the curb adjacent to the building and the marked parking spaces. (Ord. No. 27-90, § 1.)

#### **Sec. 63.21. Fire chief--Fire lanes in existing developments.**

In any existing development the fire chief may require the designation of a fire lane where reasonably necessary to provide reasonable access for fire fighting equipment to a building. Such designation of a fire lane shall not unreasonably reduce existing parking. (Ord. No. 27-90, § 2.)

#### **Sec. 63.22. Fire chief--Fire lanes in new developments.**

All plans submitted for an improvement location permit shall be reviewed by the fire chief for placement of fire lanes. The fire chief shall also consult with the police department as to traffic and pedestrian safety in the designation of fire lanes. After such review, the fire chief shall notify the applicant as to whether any fire lanes are required and the location of such fire lanes. (Ord. No. 27-90, § 3.)

#### **Sec. 63.23. Marking of fire lanes.**

All fire lanes shall be conspicuously marked by painting the curb yellow and by placing signs at each end and every eighty feet stating:

FIRE LANE  
No Stopping

or Parking  
TOW AWAY ZONE

Existing signs and marking shall be upgraded to conform to this chapter when replaced, repainted or as ordered by the fire chief. (Ord. No. 27-90, § 4.)

**Sec. 63.24. Appeals.**

Any decision by the fire chief to designate a fire lane or to require marking may be appealed in writing within ten days of the decision to the board of public works and safety. If not so appealed, the decision shall be final. (Ord. No. 27-90, § 5.)

**Sec. 63.25. Unlawful to stop or park in fire lane.**

It shall be unlawful for any person to stop or park any vehicle in a designated fire lane upon public or private property. This provision shall be enforced by either the police department or the fire department (Ord. No. 27-90, § 6.)

**Sec. 63.26. Violation and penalty.**

Any violation of this chapter shall be punishable by a twenty-five dollar fine for each offense. Each day shall constitute a separate violation. (Ord. No. 27-90, § 7.)

**Article III. Miscellaneous.**

**Sec. 63.30. Inspection of buildings.**

(a) The chief of the fire department is empowered and authorized to appoint a fire inspector, with approval of the board of public works and safety, to inspect places of public assembly, halls, auditoriums, theaters, commercial and industrial buildings, hospitals, schools, multifamily structures and other institutions for existing and potential fire hazards, for adequacy of fire escapes and fire exits, efficiency of any fire protection equipment and general compliance with fire prevention laws. The inspector shall report in writing the results of any inspections to the chief. The chief of the fire department shall then make such orders to correct or alleviate any hazardous or potentially hazardous conditions found by the fire inspector with a written report of any action to the board of public works and safety. The fire inspector shall be a regular member of the city fire department and shall perform the duties, as outlined above, on a regular basis and, in addition, shall perform any other particular duties as ordered by the chief. (Ord. No. 12-81; Ord. No. 13-86, § I (part).)

**Sec. 63.31. Residential storage of inflammable liquids.**

The storage of benzine, benzol, gasoline, naphtha and their compounds in any home or residence or garage is limited to and shall not exceed an aggregate total of three gallons. All such inflammable liquids shall be placed in approved metal containers with a metal top. (Code 1960, § 8-7.)

**Article IV. Fireworks.**

**Sec. 63.40. Use or discharge of consumer fireworks prohibited except on certain dates and times.** (Ord. No. 19-07, § 1.)

(a) **Firework.** The term "firework" shall be defined as provided in I.C. § 22-11-14-1, AS AMENDED. (Ord. No. 19-07, § 1.)

(b) **Consumer firework.** The term "consumer firework" shall be defined as provided in I.C. §22-11-14-1, AS AMENDED. (Ord. No. 19-07, § 1.)

(c) **Use or discharge of consumer fireworks prohibited except on certain dates and times.** Consumer fireworks may only be used or discharged within the City of West Lafayette, Indiana entirely within private property with the consent of the owner or lessee of that property on the following dates and times, as provided in I.C. § 22-11-14-10.5:

1. Between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
2. Between the hours of 10:00 a.m. and 12:00 midnight on July 4;
3. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1; and
4. Between the hours of 5:00 p.m. and two hours after sunset on January 1. (Ord. No. 19-07, § 1.)

(d) **Enforcement.** The Fire Chief of the City of West Lafayette, or his or her designee, or the West Lafayette Police Department is responsible for the interpretation and civil enforcement of this chapter. (Ord. No. 19-07, § 1.)

(e) **Seizure and forfeiture of consumer fireworks.** Enforcement personnel for the West Lafayette Fire Department or the West Lafayette Police Department may seize and dispose of consumer fireworks that are used in violation of this chapter. (Ord. No. 19-07, § 1.)

(f) **Penalty.** In addition to the seizure and disposition of consumer fireworks that are used in violation of this chapter, whoever violates any provision of this chapter shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues. (Ord. No. 19-07, § 1.)

**Sec. 63.41. Fireworks--Public displays.**

Provisions of § 63.40 shall not apply to the licensed and supervised display of fireworks. (Ord. No. 14-11, Appendix A, item 24.)

Any person desiring to have an organized display of fireworks shall comply with the following:

- (a) Obtain a permit from the chief of the fire department.
- (b) The permit must be signed by the State Fire Marshal.
- (c) The display must be under the direct supervision of the chief of the fire department. (Code 1960, §§ 8-4, 8-5.)

**Sec. 63.42. Pyrotechnics and fireworks indoors prohibited.**

(a) It shall be unlawful for any person or entity to ignite or otherwise use pyrotechnic special effects material or fireworks indoors (inside any building or structure).

(b) It shall be unlawful for the owner, lessee, occupant, or manager of a premises to permit the igniting or other use of pyrotechnic special effects material or fireworks indoors.

(c) An owner, lessee, occupant, or manager who has control of any entertainment venue or other commercial premise shall include in any agreement for use of the premises that igniting or otherwise using pyrotechnics or fireworks indoors is prohibited by this chapter.

(d) An owner, lessee, occupant or manager who has control of the premises that observes the igniting or other use of pyrotechnics or fireworks indoors on the premises and fails to attempt to stop the use is in violation of this chapter.

(e) Violation of this chapter shall subject the violator to a civil penalty as follows: a fine of \$2,500.00, with each day a violation occurs or continues being a separate and distinct violation of the chapter. (Ord. No. 17-03 § 1.)

## Article V. Open Burning

### § 63.50. Definitions.

For the purposes of this Article, "open burning" is defined as the burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney. Open burning does not include smoking, as defined by Section 64.01 of the West Lafayette City Code.

### § 63.51. General.

No person shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this ordinance or except as permitted, in writing, by the West Lafayette Fire Department.

### § 63.52. Exemptions.

Provided that the burning complies with applicable state and federal statutes, regulations, or other law and that the size of the fire does not exceed one foot high by two feet wide and two feet long, the following types of open burning shall be allowed:

(a) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

(b) The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fire place, or other reasonably safe outdoor fire pit or outdoor fire place provided that:

(i) The fire is wholly contained within the fire pit or fire place;

(ii) The fire pit or fire place is covered by a screen if necessary to control the emission of ash and embers;

(iii) The fire does not constitute a nuisance;

(iv) The fire is not within 10 feet of combustible materials;

(v) The fire is not unattended;

(vi) There is not more than one fire pit or fire place located on the lot.

(c) Burning for bona fide ceremonial or bona fide religious purposes.

### § 63.53. Fire Department.

(a) Even if the burning would be otherwise allowed under this Article, no open burning shall occur if, in the discretion of the West Lafayette Fire Department, said burning represents a danger to the public health, safety, or welfare.

(b) Burning by any government subdivision or government agency for training or other purposes shall not be prohibited by any section of this Article.

### § 63.54. Leaves.

No person shall burn leaves, refuse or any other similar substance except by the express written approval of the West Lafayette Fire Department.

### § 63.55. Enforcement.

Whoever violates any provision of this article shall be fined not more than two hundred fifty dollars (\$250.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Article V. new with Ord. No. 28-10)