TO: James Roberts, Division Chief of Fire and Life Safety – Westfield Fire Department
Brian Zaiger, City Attorney for the City of Westfield, Indiana
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: Monday, January 4, 2021
RE: Commission Review of Ordinance No. 20-40 – Fire Prevention Ordinance of the City of Westfield, Indiana – Staff Review Memo

The information contained in this memo is advisory only. Commission staff does not have the authority to approve or deny ordinances or other regulations adopted by a political subdivision that qualify as fire safety or building laws. The decision to approve or deny ordinances or other regulations is left to the Commission.

GENERAL INFORMATION

Political Subdivision	**Ordinance Number**	**Ordinance Type**
City of Westfield	20-40	Fire Prevention

Date of Adoption	**Date of Submission**	**First Commission Meeting**
October 2, 2020	October 15, 2020	November 4, 2020

Fire Safety/Building Law	**Follow Template?**	**Recommendation**
Fire Safety	No	Denial

PROVISIONS THAT DUPLICATE, CONFLICT, OR OVERLAP WITH STATEWIDE CODE

The following is a list of potential defects identified between this ordinance and the state's building and fire safety laws:

#	Ordinance Citation	State Citation	Explanation of Defect
1	Section 2	IC 22-13-2-5(b)(2)	This does not include language regarding being effective upon approval of the Commission.
2	Section 38-108 "Alarm System or Fire Alarm System"	675 IAC 22-2.5 2014 IN Fire Code Chapter 2	The definition in the ordinance is not consistent with the definition contained in the 2014 IN Fire Code for Fire Alarm System.
3	Section 38-108 "Building"	IC 22-12-1-4	This definition narrows the scope of what a building is as only being a subset of what a Class 1 structure is. This use of the term is not consistent with the Commission's.
4	Section 38-108 "Fire Watch"	675 IAC 22-2.5 2014 IN Fire Code Chapter 2	The definition in the ordinance is not consistent with the definition contained in the 2014 IN Fire Code for Fire Alarm System.
5	Section 38-301	675 IAC 22-2.5 2014 IN Fire Code	This section conflicts with the provisions governing open burning, recreational

		Section 307	fires, and portable outdoor fireplaces in the 2014 IN Fire Code.
6	Section 38-302	675 IAC 22-2.5 2014 IN Fire Code Section 901.7	This duplicates the Commission's rules.
7	Section 38-302(1)	675 IAC 22-2.5 2014 IN Fire Code	This is a citation from the 2008 and earlier fire codes. It is not accurate as of the adoption of the 2014 IN Fire Code.
8	Section 38-401	675 IAC 22-2.5 2014 IN Fire Code Section 505.1	This duplicates the rules of the Commission.
9	Section 38-404	675 IAC 22-2.5 2014 IN Fire Code Section 912.3	This conflicts with the rules of the Commission.
10	Section 38-404(5)	675 IAC 22-2.5 2014 IN Fire Code Section 912.3.3	This conflicts with the rules of the Commission.
11	Section 38-406	675 IAC 22-2.5 2014 IN Fire Code Chapter 5.	This duplicates the Commission's rules.
12	Section 38-410(3)	675 IAC 22-2.5 2014 IN Fire Code Sections 506.5.4 and 507.5.5	This conflicts with the rules of the Commission.
13	Section 38-410 "Testing of Private Hydrants"	675 IAC 22-2.5 2014 IN Fire Code Section 507.5.3	This conflicts with the rules of the Commission.
14	Section 38-502	See the Indiana Building Code, Indiana Residential Code, and Indiana Fire Code.	In general, this conflicts with the rules of the Commission which already govern smoke detector and alarm requirements.
15	Section 38-503	675 IAC 14-4.4 2020 IN Residential Code Section 315	This duplicates the Commission's rules.
16	Section 38-504(1-2)	675 IAC 22-2.5 2014 IN Fire Code Section 1006

675 IAC 14 Indiana Building Code | This duplicates the Commission's rules. |
| 17 | Section 38-504(6) | 675 IAC 22-2.5 2014 IN Fire Code Section 604.5.1.1 | This conflicts with the rules of the Commission. |
| 18 | Section 38-506 | 675 IAC 22-2.5 2014 IN Fire Code

675 IAC 14 | This may create a conflict due to uncertainty whether all fire escapes are required to be certified by a design |

		IN Building Code	professional under the Commission's rules.
19	Section 38-507	675 IAC 12-4-9	Current rules of the Commission require this, but this cannot be applied to existing buildings if the code of record did not require it.
20	Section 38-508	675 IAC 22-2.5 2014 IN Fire Code Section 107.5	This duplicates or overlaps with the Commission's rules.
21	Section 38-509	675 IAC 22-2.5 2014 IN Fire Code Section 906	This conflicts with the Commission's rules. Local ordinance can expand on the locations identified in the Commission's rules; however, they cannot set the only requirements.
22	Section 38-512	675 IAC 22-2.5 2014 IN Fire Code Section 910	This section duplicates or overlaps with the Commission's rule.
23	Section 38-514	675 IAC 22-2.5 2014 IN Fire Code 675 IAC 14 IN Building Code	The Indiana Building Code and the Indiana Fire Code generally provide all installation and maintenance requirements for fire alarm systems. These provisions duplicate or overlap with the Commission's rules.
24	Section 38-514(2)	675 IAC 22-2.5 2014 IN Fire Code Section 907.6.5	This section duplicates or overlaps with the Commission's rules.
25	Section 38-514(3)	675 IAC 22-2.5 2014 IN Fire Code Sections 901.6 and 901.6.1	This section duplicates or overlaps with the Commission's rules.
26	Section 38-515	675 IAC 13, 22, and 28	This duplicates the Commission's rules.
27	Section 38-516(2)	NFPA 72	NFPA 72 does not require immediate notification.
28	Section 38-517	675 IAC 22-2.5 2014 IN Fire Code Section 401.5	This conflicts with the 2014 IN FC which defines what a false alarm is, and which makes it a violation on the first offense.
29	Section 38-601(1)(c)	IC 22-11-14-6(d)	IC 22-11-14-6(d) makes it a crime to discharge fireworks on any day after midnight. This must mirror the language of the template for the dates of December 31 and Jan 1 to ensure compliance.
30	Section 38-601(1)(d)	IC 22-11-14-6(b)	This conflicts with IC 22-11-14-6(b).
31	Section 38-604	675 IAC 22-2.5 2014 IN Fire Code Section 308.1.4	This conflicts with the Commission's rules.

ADDITIONAL COMMENTS