

ORDINANCE No.: 20-2017

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
AMENDING CHAPTER 94 OF CODE OF ORDINANCES**

WHEREAS, the Common Council (“Common Council”) of the City of Valparaiso, Indiana (“City”) previously adopted Chapter 94 of the Code of Ordinances; and

WHEREAS, Chapter 94 of the Code of Ordinances sets forth the City’s Fire Prevention Provisions and includes certain sections pertaining to fire alarms; and

WHEREAS, Chapter 94 of the Code of Ordinances remains in full force and effect; and

WHEREAS, the Common Council is considering the adoption of Ordinance No.: 19-2017 entitled “An Ordinance of the Common Council of the City of Valparaiso, Indiana, Regulating Alarm Systems Within the City”; and

WHEREAS, Ordinance No.: 19-2017 establishes regulations for all alarm systems within the City including fire alarms; and

WHEREAS, as a result of the adoption of Ordinance No.: 19-2017, Chapter 94 of the Code of Ordinances needs to be amended to remove the sections pertaining to fire alarms.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA, THAT THE FOLLOWING SECTIONS OF CHAPTER 94 OF THE CODE OF ORDINANCES ARE HEREBY AMENDED TO READ AS FOLLOWS

Section 1. Section 94.075 of Chapter 94 of the City of Valparaiso, Indiana’s Code of Ordinances is hereby revised and amended to state as follows:

§ 94.075 FALSE ALARMS.

The Police and Fire Department of the City shall maintain appropriate records of all false alarms to which each Department responds.

Section 2. Section 94.999 of Chapter 94 of the City of Valparaiso, Indiana’s Code of Ordinances is hereby revised and amended to state as follows:

§ 94.999 PENALTY .

(A) If any person, firm or corporation shall violation any of the provisions of this chapter, 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 an 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

liable to the city for a civil forfeiture in the sum not less than \$20, nor more than \$2,500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed, but not more than one civil penalty shall be had against the same person for the same offense.

(B) There is hereby established the following citation schedule of penalties for violations of the provisions of the City of Valparaiso Fire Prevention Code. Penalties shall be paid to the Valparaiso Ordinance Violation Bureau who shall deposit the funds in the Fire Fund of the Valparaiso Fire Department. Such funds shall be expended for fire equipment and fire prevention and/or to hire personnel whose responsibilities will include the responsibility of conducting inspections. Any expenditures from that fund shall be appropriated by the City Council.

(1) if the owner, operator or agent fails to correct a cited violation of the Indiana Fire Prevention Code as adopted in § 94.004, the penalty shall be \$50 for each violation cited. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or agent after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$75.

(2) If the owner, occupant, manger or other agent fails to comply with the recommendations of the inspector pursuant to an inspection authorized under § 94.007, in action to any penalties for the specific violation resulting in the recommendation, the failure to comply with the recommendations shall be a violation of § 94.007. The first violation will result in \$50 fine. The second violation will result in a \$75.

(3) if the owner, occupant, manager or other agent obstructs a fire hydrant, Fire Department connection, or fire protection control valve they are in violation of § 94.028 and the penalty shall be \$50. Notice of violation shall be left with the owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issues after 30 calendar days from the date and time shown the penalty shall be \$75.

(4) If the owner, occupant, manager or other agent fails to install or maintain portable fire extinguishers as required, they are in violation of § 94.029, and the penalty shall be \$50. Notice of violation shall be left with the owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the state and time shown the penalty shall be \$75.

(5) If the owner, operator, manager or agent of a commercial, industrial, or public building fails to establish and maintain open fire lanes, said owner, operator, manger, or agent shall be in violation of § 94.050. The penalty shall be \$50. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to the notice issued after 30 calendar days from the date and time shown on said notice the penalty shall be \$75.

(6) If a vehicle with or without a licensed driver is parked or obstructs a fire lane or if any other object obstructs a fire lane, in violation of § 94.051, the penalty shall be \$50. If the violator does not appear in response to a notice affixed to such vehicle within a period of 30 calendar days from the date and time shown on said notice, the penalty shall be \$75.

(7) Any person, firm or corporation violating provisions of § 94.070 through § 94.074, or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction, shall be subject to a fine of \$50. Each day such violation is permitted to continue may be deemed to constitute a separate offense. The violation and penalty as described in §§ 94.070 through 94.075 shall not be subject to any of the fine or penalty within this chapter.

(8) Any person who maintains burning of combustible materials out of doors or open burning not permitted in § 94.090 through § 94.092 shall be in violation of § 94.90 et seq. The penalty shall be \$50. If the violator does not appear in response to a notice issued to them or placed in a notice location at the place of residence, business or burn site within a period of 30 calendar days from date and time shown on said notice, the penalty shall be \$75.

(9) If the owner, operator, or representative fails to obtain a Tire Storage Permit as required in § 94.105 through § 94.106, the penalty shall be \$50 for each violation cited. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$75.

(10) If the owner, operator, or representative fails to obtain a Temporary Propane Tank Storage Permit as required in § 94.120, the penalty shall be \$50 for each violation cited. Each day such violation is permitted to continue may be deemed a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$75.

(11) If the owner, operator, or representative fails to obtain a Fireworks and Pyrotechnics Permit as required in § 94.130 to § 94.131, the penalty shall be \$50 for each violation cited. Each day such a violation is permitted to continue may be deemed a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$75.

Section 3. All other provisions of Chapter 94 of the City of Valparaiso, Indiana's Code of Ordinance not in conflict with or specifically amended by this Ordinance remain in full force and effect.

Section 4. If any portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, re-established and confirmed.

Section 6. This Ordinance shall be full force and effect from and after its adoption and the procedures required by law.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a vote of _____ of all members present and voting this _____ day of _____, 2018.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2018, at _____ o'clock p.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2018, at _____ o'clock p.m.

Jon Costas, Mayor