

**AN ORDINANCE ESTABLISHING THE FIRE PROTECTION CODE
FOR THE UTICA COMMUNITY FIRE PROTECTION DISTRICT**

WHEREAS, the Utica Community Fire Protection District (the “District”), located in LaSalle County, is a fire protection district duly organized under the laws of the State of Illinois; and

WHEREAS, the Board of Trustees of the District has express power pursuant to 70 ILCS 705/11, to adopt and enforce fire prevention codes and standards parallel to national standards to promote fire prevention; and

WHEREAS, the Board of Trustees of the District also has full power pursuant to 70 ILCS 705/6, to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board of Trustees of the District for carrying into effect the objects for which the District was formed; and

WHEREAS, the Fire Protection District Act, 70 ILCS 705/11, (the “Act”) empowers and makes it the legal duty and obligation of this Board of Trustees to provide as nearly adequate protection from fire for all persons and property within the District as possible and to prescribe necessary regulations for the prevention and control of fire therein; and

WHEREAS, the District is empowered by the Act to provide reasonable safeguards through fire prevention codes to protect the public health and safety against the hazards of fire in buildings and structures; and

WHEREAS, the Board of Trustees of the District deem it in the best interest of the District to adopt a Fire Prevention Code which includes the National Fire Protection Associations (NFPA) Life Safety Code NFPA 101, which is mandated by the State of Illinois Administrative Code (41 Ill. Adm. Code 100), and enforced by the Illinois Office of State Fire Marshall (“OSFM”); and

WHEREAS, under the authority granted by the Fire Investigation Act, NFPA 101 Life Safety Code is the minimum building requirement, and requires the Fire Chief to enforce the fire prevention rules adopted by OSFM except in those localities that have adopted fire prevention standards “equal to or higher” than the rules adopted by OSFM; and

WHEREAS, the Board of Trustees of the District, shall adopt and enforce the NFPA Life Safety Code adopted by OSFM, including the amendments/additions listed under the Illinois State Administrative Code, Title 41, Chapter 1, Part 100, Section 100.7; and

WHEREAS, the Utica Community Fire Protection District has also adopted additional District Fire Protection Codes listed in **Exhibit A** hereto, are hereby adopted and made a part thereof, as if fully set out in this Ordinance. These additional codes apply and are specifically adopted with this Ordinance; and

WHEREAS, the facts and statements contained in the preamble to this Ordinance are hereby found by the Board of Trustees to be true and correct and are hereby adopted as part of this Ordinance; and

WHEREAS, that this Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with the law.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Utica Community Fire Protection District, located in LaSalle County, Illinois, as follows:

SECTION 1: GENERAL

The Utica Community Fire Protection District is responsible for fire protection and prevention duties, including but not limited to code enforcement, fire inspections, public education, fire investigations, keeping of records, and other activities that may have as its ultimate purpose, the prevention of fire and the reduction of life and property loss from fire and explosion within the boundaries of the Utica Community Fire Protection District.

SECTION 2: ADMINISTRATION

- (1) The Fire Prevention Code of the Utica Community Fire Protection District, located in LaSalle County, (hereinafter referred to as the "Fire Protection Code") shall be available for public inspection at all times during regular business hours as provided by law.
- (2) Future versions of the District's Fire Protection Code shall be revised by Board approval. All such revisions shall be dated and shall be effective upon approval by the Board of Trustees.
- (3) The Board of Trustees of the District hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of said Board of Trustees that it would have passed all other portions of this Ordinance independent of the elimination here from of such portion as may be declared invalid.
- (4) Neither the enactment of this Ordinance nor the repeal of any ordinance or parts of ordinances as provided for herein shall be construed to affect or abate any action or cause of action for violation of said prior ordinance or ordinances.

SECTION 3: GENERAL AUTHORITY AND RESPONSIBILITIES

- (1) The Chief of the Utica Community Fire Protection District shall, by reason of said position, appoint personnel of the Utica Community Fire Protection District to assist in enforcing this Ordinance. Such appointments shall include, but not be limited to, Fire District Chief Officers, and as many inspectors, investigators, and public safety educators as may be needed. For the purposes of this Code, the Fire Chief is the same as the Code Official, Fire Code Official, and/or Code Enforcement Officer.
- (2) The Fire Chief of the Utica Community Fire Protection District may grant a variance regarding any of the provisions of this Code upon application in writing by the owner or lessee of the building or structure, or their duly authorized agent, where there are practical difficulties in the way of carrying out the strict letter of this Code, provided that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. If the Fire Chief decides to grant a variance, he may place conditions thereon. The decision of the Fire Chief in either granting or denying the variance shall be in writing and entered in the records of the Utica Community Fire Protection District. A signed copy of the Fire Chief's decision shall be furnished to the applicant.

SECTION 4: CODE ENFORCEMENT

- (1) It shall be unlawful to design, construct, alter, enlarge, repair, demolish, remove, use or maintain any building or structure within the boundaries of the Utica Community Fire Protection District in violation of any terms or provisions of this Ordinance.
- (2) Whenever or wherever a condition is found in any building, lot, or premises, that in the opinion of the Code Official is not specifically covered by the provisions of this Ordinance, but that requires correction or removal for the protection of the occupants or the public, the Code Official shall order such conditions be corrected or removed and the owner or occupant of such buildings, lots, or premises shall comply with such orders.
- (3) The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the District to the extent that there might be any conflict.
- (4) Any person who violates a provision of this Code or fails to comply with any of the requirements thereof of who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, a fire official, or of a permit or certificate issued under the provisions of this Code shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred and fifty dollars (\$750.00), and each day a violation continues shall be considered a separate offense. Any person, business, firm, corporation, entity or property owner with a proven violation of this Code shall be responsible for all fees,

costs and expenses, including but not limited to attorney fees, as well as litigation, adjudication and settlement costs, incurred by the Utica Community Fire Protection District in enforcing the provisions of the adopted Code.

- (5) Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than one hundred dollars (\$100.00) or more than seven hundred and fifty dollars (\$750.00).

SECTION 5: PERMITS & PLAN REVIEWS

- (1) A Fire Protection Plan Review and applicable permit applications are required for Commercial and Non Residential new construction, remodel, redesign, or alternations to a building; occupancy change or for specific fire protection and suppression systems that are to be installed or upgraded as listed in this Ordinance. This Ordinance requires fire protection inspections and final approval from the Utica Community Fire Protection District prior to occupancy, unless indicated otherwise by the Utica Community Fire Protection District Fire Code Official.
- (2) Plan details, specifications, and technical information are generally required for a Plan Review process. Further information may be required if needed at the time of the Plan Review. The plan reviewer may require such engineering certifications as a condition for permit approval when the plans and documents are difficult or complicated.
- (3) Permits are required for the following prior to the start of work:
 - (a) Building Construction, Remodeling, Change of Occupancy Type, or Addition
(A Plan Review is required to review NFPA 101 Life Safety Code compliance)
 - (b) Commercial Kitchen Cooking Suppression Systems
 - (c) Fire Alarm Systems
 - (d) Sprinkler Systems**
- (4) All Permit applications and supporting documentation shall be accompanied by a completed Plan Submittal Package. The Plan Submittal Package is available from the Utica Community Fire Protection District.
- (5) All submitted drawings and plans must include three (3) copies when submitted. All plans are required to be sealed and signed by a licensed professional (*e.g.* the Illinois Architecture Act; the Fire Sprinkler Contractor Act; *et cet.*), and all plans submitted must state that the plans meet the required NFPA Code Requirements, as referenced by OSFM, and additional code compliance adopted by The Utica Community Fire Protection District.

In addition:

- (a) All Life Safety items should be shown on the building plans – example: fire extinguishers, emergency lights, exit signs.
 - (b) Occupancy Load Calculations shall be provided.
 - (c) Alarm information, if alarm system is required, should be shown on plans.
- (6) Plan & Permit submittals shall be delivered to:
- Utica Community Fire Protection District
P.O. Box 86
Utica, Illinois 61373
Attention: Fire Chief
- (7) The schedule of fees for reviews, inspections, and tests are to be paid in full prior to issuance of any review comments and /or approval for work to proceed. Refer to the Utica Community Fire Protection Ordinance “ESTABLISHING A SCHEDULE OF FEES FOR FIRE PROTECTION PLAN REVIEW / PERMIT INSPECTIONS WITHIN THE BOUNDARIES OF THE UTICA COMMUNITY FIRE PROTECTION DISTRICT” for applicable fees.
- (8) Every effort is made to review submitted plans within 30 days of receiving them. Depending on the queue of submittals and other activities, the time frame may be quicker, or it may be slightly longer. Subsequent reviews for re-submitted plans will normally be fast-tracked and occur within 15 days of receiving them - again, dependent on other activities and the re-submittal queue.
- (9) After having received all appropriate and applicable final approvals from the Utica Community Fire Protection District, work may proceed.
- (10) The Utica Community Fire Protection District is bound to follow the requirements of such laws and reserves the right to reject submittals that are not compliant.

SECTION 6: OVERVIEW OF FIRE PROTECTION PLAN REVIEWS & PERMITS

- (1) Fire Protection Plan Review_- The Utica Community Fire Protection District will evaluate new and existing building plans for items such as Life Safety code compliance, emergency accessibility; duplication of street names; acceptable access routes and widths; length of dead-ends; fire hydrant coverage; and the potential for specific requirements that may become effective depending on the development being reviewed.
- (2) Commercial Kitchen Cooking Suppression Systems – Submittal Plans are reviewed for appropriate coverage and required system monitoring by the fire alarm system.

- (3) Fire Alarm Systems – Submittal Plans shall include such documentation as floor plans; equipment cut sheets; battery calculations; physical address of occupancy; and contractor name, phone number, fax number, and address.
- (4) Sprinkler System Submittal Plans shall include such information as floor plans; equipment cut sheets; hydraulic calculations; physical address of occupancy; and contractor name, phone number, fax number, and address.

Fire sprinkler system layout documents, as defined in Section 10 of the Act, shall be prepared by a professional engineer licensed under the Professional Engineering Practice Act of 1989 [225 ILCS 312] or an architect licensed under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] or a holder of a valid NICET level 3 or 4 certification in fire protection technology automatic sprinkler system layout who is either licensed under the Act or employed by an organization licensed under the Act. [225 ILCS 317/15(j)]. All design drawings of engineered sprinkler systems shall be stamped by an Illinois licensed professional engineer or architect prior to submittal to the authority having jurisdiction.

- (5) Requirements as to fire hydrant testing, fire hydrant water flow rate determination, and/or underground flushing of fire service lines shall be directed to the applicable public works department. Whenever possible, fire department personnel shall witness underground flushes of fire service lines.
- (6) Current and proximate fire hydrant water flow data is required to be documented within the hydraulic calculations of submitted fire sprinkler plans.

SECTION 7: CODE INSPECTIONS

These types of inspections take place within the Fire Protection Code:

- Final Safety Inspection (required for Commercial and Non Residential new construction, remodel, redesign, or alternations to a building, or Occupancy Change)
 - Commercial Kitchen Cooking Suppression Systems
 - Fire alarm Systems (acceptance)
 - Sprinkler Systems (hydrostatic)
 - Annual Safety
- (1) **Final Safety Inspection.** The Final Safety Inspection is a wrap-up “turn-key” inspection that shall be scheduled prior to receiving an Occupancy Permit from the Utica Community Fire Protection District.

At this point, where applicable, all fire alarm, kitchen cooking suppression systems and sprinkler system problems shall be satisfactorily resolved. This inspection is a general safety inspection that incorporates mostly good and safe housekeeping practices as well as ensuring that properly labeled keys are prepared and placed in the Knox box, that exterior sprinkler/fire alarm door rooms are labeled, that certified fire extinguishers are located appropriately throughout the facility, and that all items noted in previous visits have been adequately and satisfactorily resolved.

New development shall expect to have a minimum of three visits by the Utica Community Fire Protection District – sprinkler hydrostatic test, fire alarm acceptance test, and final/safety inspection – prior to opening their doors for business.

- (2) **Commercial Kitchen Cooking Suppression Systems.** Initial commercial kitchen cooking suppression system inspections shall take place with the installing contractor and the fire alarm contractor. The fire code official shall witness the acceptance test, ensuring that the system operates as per designed and reviewed, including: placement of a K-class extinguisher; location of manual pull-station; existence of a certification tag; and activation of the fire alarm system.
- (3) **Fire Alarm Systems.** Fire alarm acceptance tests shall only be scheduled following the review and approval of an appropriate fire alarm plan and after the fire alarm contractor has already successfully conducted their own final acceptance test and record of completion. The fire code official shall witness the acceptance test and approve it based on the installation being as per the approved plan.
- (4) **Sprinkler Systems – Hydrostatic Test.** Sprinkler system hydrostatic tests shall only be scheduled following the review and approval of an appropriate sprinkler plan and after the sprinkler contractor has already successfully conducted their own acceptance test. Unless other arrangements have been previously and specifically made with the Fire Code Official, sprinkler system hydrostatic tests shall take place prior to ceilings and/or ceiling tiles being placed. All sprinkler system piping shall be readily and clearly visible and accessible to the fire code official witnessing the hydrostatic test.

In cases of a dry system, subsequent to the hydrostatic test, and after the fire alarm system is in place, the sprinkler contractor is expected to execute a successful “trip test” of the dry system. This acceptance test shall also be witnessed by the fire department.

- (5) **Annual Safety Inspection.** Existing commercial buildings and property are subject to and shall expect annual safety inspections. Where practical and possible, these inspections shall be at a time that is not inconvenient for the business owner or the business being run.

- (6) Upon receiving a successful Final Safety Inspection, the local building department will be notified that with respect to the fire department, there are no open issues that should preclude the occupancy from being open for business.
- (7) All buildings shall obtain a final occupancy inspection from the Utica Community Fire Protection District when work is completed and prior to occupancy. Final occupancy inspections shall be scheduled no less than 72 hours in advance of the inspection. The failure to receive a final occupancy inspection is in violation of this Code.
- (8) It is the owner's responsibility to verify compliance with all Code requirements listed in this Ordinance and shall verify all Life Safety Codes and Systems are installed correctly and functioning properly. The Utica Community Fire Protections District's Fire Protection Plan Review, Final Safety Inspection and Final Occupancy Permit are based upon the documents and information supplied by the owner in order to make sure all provisions of the code(s) are met.
- (9) Fees associated with these inspections are set forth in the ordinance "ESTABLISHING A SCHEDULE OF FEES FOR FIRE PROTECTION PLAN REVIEW / PERMIT INSPECTIONS WITHIN THE BOUNDARIES OF THE UTICA COMMUNITY FIRE PROTECTION DISTRICT," which ordinance may be amended from time to time.

SECTION 8: BOARD OF APPEALS

Whenever the Code Official shall disapprove an application, or refuse to grant permission, or when it is claimed that the true intent and meaning of the Ordinance have been misconstrued or wrongly interpreted, the applicant or person affected may appeal the decision of the Code Official to the Fire Chief of the Utica Community Fire Protection District in accordance with the appeal procedure established below. Nothing herein shall restrict the Code Official from seeking immediate enforcement of the regulation of this Ordinance in Court where the hazard involved requires such action.

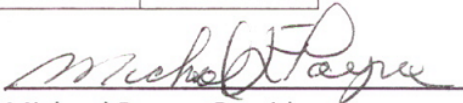
SECTION 9: APPEAL PROCEDURE

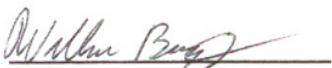
Step One: All applications for appeal shall be made in writing to the Fire Chief within fifteen (15) calendar days from the date of the decision being appealed. Upon receipt of an application for appeal, the Fire Chief will schedule a hearing on the User's appeal. Said hearing shall commence no less than fifteen (15) calendar days from the date that the Fire Chief receives the User's application for appeal. All Users making an application for appeal shall be given an opportunity to be heard and may appear with the representative of their choosing. The Fire Chief shall provide the User with a written notice of his decision within five (5) business days from the completion of the appeal.

Step Two: All Users that have completed Step One of this appeal procedure shall have the right to an additional appeal before the Board of Trustees of the District. Said appeal to the Board of Trustees shall be made in writing to the Fire Chief within fifteen (15) calendar days from the date that the Fire Chief renders his decision on Step One of the appeal procedure. All Users making an application for appeal before the Board of Trustees shall be given an opportunity to be heard and may appear with the representative of their choosing. The Board of Trustees may opt to appoint a hearing officer to hear the Step Two appeal. The hearing officer shall report his or her factual findings and any recommendations to the Board of Trustees at its next regular board meeting. The Board of Trustees shall deliberate and make a decision on the Step Two appeal at that meeting, and the Board or its designee shall provide the User with a final written determination on the appeal within five (5) business days of the date of its board meeting.

ADOPTED this 20th day of December, 2010, by the following roll call vote:

TRUSTEE	AYE	NAY	ABSENT
Berge	✓		
Brown	✓		
Payne	✓		


 Michael Payne, President

ATTEST 
 William Berge, Secretary

STATE OF ILLINOIS)
) SS SECRETARY’S CERTIFICATE
 COUNTY OF LASALLE)

I, William Berge, the duly qualified and acting Secretary of the Board of Trustees of the Utica Community Fire Protection District, located in LaSalle County, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled: “AN ORDINANCE ESTABLISHING THE FIRE PREVENTION CODE FOR THE UTICA COMMUNITY FIRE PROTECTION DISTRICT,” which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 20th Day of December, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of December, 2010.

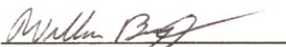

 William Berge, Secretary

EXHIBIT A
UTICA COMMUNITY FIRE PROTECTION DISTRICT
FIRE PROTECTION CODE ORDINANCE

The following Codes are adopted and referenced by the Office of the State Fire Marshall and enforced by the Utica Community Fire Protection Code Ordinance:

**OFFICE OF STATE FIRE MARSHAL
STATE ADOPTED CODES**

Life Safety Code - The Office of State Fire Marshall (“OSFM”) adopts the “Code for Safety to Life From Fire in Buildings and Structures” as published by the National Fire Protection Association (**NFPA 101 - 2000 Edition**), Life Safety Code, subject to the modifications listed under the Illinois State Statute Administrative Code, Title 41, Chapter 1, Part 100, Section 100.7.

Fire Alarm System - Shall be in conformance with current NFPA code (**NFPA 72 - 1999 Edition**), as referenced in **NFPA 101 – 2000 Edition, Chapter 2**. OSFM permits a newer version of NFPA 72 to be used as long as the applicant uses the entire edition. OSFM realizes that technology has improved or is new in the fire alarm industry. If a fire alarm system is part of a system within the scope of OSFM’s Part 251 rules, then that fire alarm system must be installed in accordance with the 2007 edition of NFPA 72, per OSFM.

Sprinkler System - Shall be in conformance with the current NFPA code (**NFPA 13 – 2010 Edition**), as referenced by OSFM’s Part 109 Rules, the Sprinkler Contractor Act.

Commercial Kitchen Cooking Suppression Systems – Shall be in conformance with current NFPA code (**NFPA 96 - 2008 Edition**), as referenced by **OSFM, Part 251, of the Fire Equipment Contractor Act**. It shall be noted that as of January 1, 2010 all non-governmental systems *must* be UL 300 compliant as per Illinois Statute, regardless if new or pre-existing.

UTICA COMMUNITY FIRE PROTECTION DISTRICT ADOPTED ORINIANCE CODES

The Utica Community Fire Protection District has adopted the additional Local Ordinance Fire Protection Code requirements governing the safeguard of life and property from the hazards of fire and explosion arising from conditions hazardous to life or property. Such additional Ordinance Code requirements are listed as follows:

FIRE SERVICE FEATURES

FIRE APPARATUS ACCESS ROADS

- 1) The location of the fire apparatus roads or fire lanes shall be reviewed and approved by the Utica Community Fire Protection District.

SECURITY GATES

- 1) All fence gates with padlocks or electric switches shall be compatible with the Utica Community Fire Protection District's rapid key entry system (see Knox Box Information).

KEY BOXES

- 1) When access to, or within a structure, or an area is unduly difficult because of secured openings, or to gain access to fire protection controls, and where immediate access is necessary for life saving or fire fighting purposes, the Code Official shall require a minimum of one approved key lock box to be installed at a height not to exceed six (6) feet, in an accessible location. Buildings/occupancies with a fire alarm or sprinkler system shall have at least one Knox box installed at their expense. The Knox boxes shall contain clearly labeled keys providing access to all areas of the occupancy, including fire alarm control panels and pull stations. Typically, new installations of Knox boxes will be located such that they are near the entry point for immediate access to the fire alarm control panel and/or annunciator. The key lock box shall be of an approved type and shall contain keys to gain access as required by the Code Official.

LOCKS

- 1) The Code Official shall approve any lock installed on gates or similar barriers prior to installation.

KEY LOCK BOX MAINTENANCE

- 1) The operator of the building shall immediately notify the Code Official and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key lock box. The users shall be responsible for the purchase, proper installation, and maintenance of such key lock boxes at their expense, and shall agree to indemnify and hold harmless the Utica Community Fire Protection District, and their officers, employees and agents from any liability with respect to such key lock boxes.

KEY LOCK BOX AVAILABILITY FOR PURCHASE

- 1) The Utica Community Fire Protection District Fire Prevention Bureau can be contacted for information and applications for the purchase of approved key boxes.

FIRE PROTECTION WATER SUPPLIES

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

- 1) The precise location of and specifications for hydrant(s) shall be subject to the review and approval by the Code Official prior to the installation of the system.
- 2) The hydrant plan submitted for review may be subject to review by an outside engineer or code consultant. The submitting party will incur all associated costs.

ELEVATOR CAR REQUIREMENTS

- 1) On all new construction, remodel, redesign or alterations to a building which have passenger or freight elevator access, at least one elevator shall be able to accommodate two ambulatory adults and a standard-sized ambulance stretcher in the full horizontal position. The elevator car size and the door size and configuration shall be such that the standard-sized ambulance stretcher can enter and exit the elevator car while remaining in the full horizontal position. In the event of multiple elevator cars, elevator cars shall be clearly identifiable as ambulance stretcher compatible or not.

Exception:

Remodel, redesign, or alterations to a building that is of a nature that does not include required access modifications to any levels above or below the level of exit discharge, and thusly does not impact any existing elevator access.