

Enrolled Memorandum of the Meeting
Study Session/Meeting (In person)
Thirtieth Town Council of Highland
Monday, July 27 2026

The Thirtieth Town Council of the Town of Highland, Lake County, Indiana met in a study session on **Monday, July 27 2026**, at 7:30 o'clock P.M., in the regular place, the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

****Pursuant to Enrolled House Bill 1167**, this meeting is convened as an in person meeting and live streamed to the Town of Highland Facebook. Facebook permits the public to observe and record the proceedings but allows no interaction between and among the Town Council and members of the public. The public is able to participate in person. If you are in the audience and unwilling to be recorded and live streamed, we ask you to depart the meeting now, otherwise your continued presence is your consent to be recorded and live streamed.

*All Councilors were simultaneously seen and heard. Councilor George Georgeff, Councilor Doug Turich, Councilor Alex Robertson, Councilor Tom Black and Councilor Scheeringa all participated in person.

Silent Roll Call: Councilors George Georgeff, Doug Turich, Alex Robertson, Tom Black and Philip Scheeringa were present in person as indicated. Clerk-Treasurer, Mark Herak was present to memorialize the proceedings. *A quorum was attained.*

Officials Present: IT Director Ed Dabrowski, Redevelopment Director Maria Becerra and Fire Chief Glenn Schlessner were in person.

x. Discussion: Appointments. None

Unless otherwise noted, all terms expire on the 1st Monday in January 2026 and or until a successor is appointed or qualified, not exceeding ninety (90) days.

• Statutory Boards and Commissions

Executive Appointments (May be made in meeting or at another time)

• Regional Statutory Appointments

Home Rule Commissions or Boards

• Legislative Appointments

• Regional Statutory Appointments

• Home Rule Commissions or Boards

Place Holders should the Council decide to take up:

1. **Main Street Bureau Board:** (17) appointments to be made by the Town Council.
Term: Two years ending 1 Jan 2027. *Currently only 8 of 17 appointed.*
(Note: Current Appointees are: Diane Barr-Roumbus, James Roumbus, Sandy McKnight, Al Simmons, Sandy Ray, Ben Tomera, and Desiree Biro, term ending 1st Monday January 2027). Term is for two (2) years.

x. Discussion: Findings of Fact for Use Variance – 3705 Highway Avenue

Mr. Mika began, last Wednesday, the BZA gave a favorable recommendation to the Town Council, for a use variance to utilize a vacant apartment space above a garage. This property was built, I think, back in the late 1949. It's a single-family home with a detached garage, which had an apartment above it. Going back a long time ago, the area was zoned single family. The history on this, was a few years ago this property was in foreclosure. The apartment that had been above that garage was a legal non-conforming use. Anytime, based on the zoning ordinance, there's been a lapse of a year or more of that use or if the structure was destroyed by natural disaster by more than 50%, that use has to go away and the: zoning for that district has to be maintained, which would have been single-family. The apartment could no longer be used. Having said that, the current property owner inquired with our department about this particular property and she was informed of the fact that she wanted to buy it and that it was a legal non-conforming use and the apartment could no longer be used as an apartment. She commented that she would buy it anyway, knowing the fact that she couldn't use that apartment anymore. Within in a year of buying the property, she attempted to get a use variance with the BZA. I believe, at that point in time, the Town Council had shot down that initial request. About a year or two later, it was attempted again. I believe the BZA gave a favorable recommendation and once again the Town Council shot it down So, last Wednesday was essentially her third attempt. As part of the presentation to the Board of Zoning Appeals, the property owner has a son or a daughter who wants to live up in that apartment. She claims that she lives there, even though she owns a house in Munster, which she said another family member lives there. She told the BZA that she would fix up the house and bring it up to code. The final vote was 4 to 1, to give the Town Council, favorable, recommendation. He said he wanted the Council to know the brief history of what transpired. Normally, he would have gotten it on tonight's agenda, but this one's kind of unique compared to some of the other ones we've dealt with. Now, there are probably 3 or 4 in that general area that are being utilized in that capacity. The whole idea behind the illegal non-conforming use is at some given point in time, the Town wants the structure to be compliant with the current zoning code and if we don't get rid of those permitted uses, then we'll never get rid of them.

Councilor Georgeff asked Mr. Mika if there was a stipulation that if its not a family member or her son, the apartment could not be utilized.

Mr. Mika said that is true. The variance will only be good for a family member. If it's not a family member, then that use variance goes away.

Councilor Turich asked why would the Town be against it? He said he's looking at it on the map and it is very small. Its right on the corner. He doesn't know why we would say no or wouldn't allow it.

Councilor Georgeff said as long as they are paying their taxes and I'm sure the assessed value is going to increased because it is not a single family housing.

Mr. Mika said it is on the tax records as a double family, because she never got with the assessor's office to change it. The assessor's office doesn't know it's a legal non-conforming use unless at some point in time the circumstances come up. The zoning code says if the property hasn't been used as a non-conformance for over a year, then the zoning reverts back to the area which is R-1. The use went away and she was aware before she bought the property she couldn't use the apartment above the garage for an apartment. In his mind, she created her own hardship. He added that the existing structure needs to be brought up to code as current code requires fire separation which doesn't exist.

Councilor Georgeff instructed the Clerk-Treasurer to place the item on the August 10th plenary meeting agenda.



TOWN OF HIGHLAND

Highland Municipal Building • 3333 Ridge Road
Highland, Indiana 46322
219-838-1080 • Fax 219-972-5097



Population 23,696
Incorporated in 1910

July 22, 2026

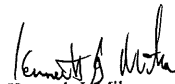
George Georgeff, President
Highland Town Council
3333 Ridge Road
Highland, IN 46322

RE: CERTIFICATION OF ACTION TAKEN BY THE TOWN OF HIGHLAND BOARD OF ZONING APPEALS CONCERNING A USE VARIANCE REQUEST BY CATHY WARQUIER, FOR THE LOCATION COMMONLY REFERRED TO AS 3705 HIGHWAY AVENUE, TO ALLOW THE PETITIONER THE USE OF A SPACE ABOVE AN EXISTING DETACHED GARAGE ON THE PROPERTY AS AN APARTMENT, SEPARATE AND INDEPENDENT OF THE EXISTING SINGLE FAMILY RESIDENCE ON THIS PROPERTY. THIS PROPERTY IS ZONED R-1 / SINGLE FAMILY RESIDENTIAL. TWO FAMILY RESIDENTIAL USE IS NOT PERMITTED IN THIS ZONED DISTRICT.

The Town of Highland Advisory Board of Zoning Appeals met in regular session on Wednesday, June 24, 2026. As part of their agenda, by a vote of four (4) in favor and one (1) opposed, the Board voted to send a **Favorable Recommendation** to the Town Council, contingent upon the apartment being rehabbed for living conditions (to code), and the use of said apartment to be limited to family members only.

The Findings of Fact were approved/memorialized at the July 22, 2026, BZA meeting. This matter can now be acted upon by the Town Council. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Kenneth J. Mika
Zoning Administrator

Cc: Town Council
Clerk Treasurer, Mark Herak
BZA Attorney, John Reed

Attached: Meeting Minutes of 7/22/26
Approved Findings of Fact

 Printed on 50% recycled paper.

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
June 24, 2026

The Highland Board of Zoning Appeals met in the meeting room of the Highland Municipal Building, 3333 Ridge Road, Highland, IN 46322, on June 24, 2026. Commissioner Murovic called the meeting to order at 6:06 p.m. Commissioner Helms led the Pledge of Allegiance.

ROLL CALL: Present were Commissioners Helms, Smith, Thomas, Wright, and Murovic. Also present were Building Commissioner/Zoning Administrator Ken Mika, and BZA Town Attorney John Reed.

MINUTES: The minutes of March 25th, 2026, were approved as posted.

ANNOUNCEMENTS: The next Board of Zoning Appeals meeting will take place on July 22nd, 2026.

COMMUNICATIONS: None.

OLD BUSINESS: None.

NEW BUSINESS: Public Hearing for Cathy Warquier of 3705 Highway Avenue, (represented by Attorney Jonathan Petersen), Highland, IN 46322, requesting a Use Variance to update and use the property above the detached garage at 3705 Highway Avenue as an apartment and a 2nd residence on this property. {HMC 18.15.030 (A) Permitted Uses (1) One-family detached dwellings, including models. This is not a listed, permitted use in this zoned district. - per {HMC 18.15.050} Use Variances.

Commissioner Murovic asked Attorney Reed if the Proof of Publication was published on time. Attorney Reed confirmed it was published correctly and Mr. Mika confirmed that the sign was posted correctly.

Attorney Jonathan Petersen stepped forward and introduced himself as the representative for the petitioner Cathy Warquier. Attorney Petersen stated they had prepared a PowerPoint presentation and directed the Board's attention to the slides. He first pointed out on the property record card for 3705 Highway the description of a Two-Family Dwelling and Platted Lot, and that the structure was built in 1949. It was originally built as a single-family home. He stated that they would be focusing on the apartment unit that was above the garage. He also stated that Ms. Warquier resided at the property and has maintained the property in a very acceptable condition. He pointed out that there were several other homes near her that are very similar in construction, that also have apartments above the garage, one being directly across the street from her home.

These other apartments are in use. He added that Ms. Warquier wanted to go through this process the right way. He asked Ms. Warquier what she planned to use the apartment for. She responded that she planned to use it for her son, so he could live there. Mr. Petersen pointed out that this building was constructed for that type of use, this use was allowed right across the street, and the equities he suggested would urge the Board to approve this Use Variance. He added that Ms. Warquier is seeking to restore the original functionality of the property. Mr. Petersen then showed the slides of contracts that Ms. Warquier had obtained from the licensed contractor for work she plans to have done in the space to bring it up to code in order for her son to reside there, possibly totaling as much as \$30,000. He added that she is simply asking for the Board's permission to have this work done and let her son live there. Lastly, Attorney Petersen explained that Ms. Warquier had taken a further step by having 14 of her neighbors sign a petition stating they had no objection to Ms. Warquier restoring the apartment above the garage at her residence. He then stated that they had submitted their presentation to the Board and asked that it be recommended for approval by the Board.

Commissioner Murovic opened the discussion to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board.

Commissioner Helms pointed out that the Board would just be making a positive or negative recommendation to the Town Council this evening and the final say would be up to the Town Council. Mr. Petersen responded that he understood. Commissioner Helms then asked Mr. Mika to elaborate the reasons this Use Variance request was denied the last time and if there were any specific reasons the Board should be aware of tonight. Mr. Mika stated that the zoning of this property is single-family. He went on to say that going back to 2011, the property was in foreclosure and had been vacant for nearly two years when Cathy Warquier inquired about the property and was interested in purchasing. When Ms. Warquier called the Building & Inspection Department at that time to inquire about the possible use of the apartment above the garage, she was told that the legal non-conforming use of this apartment would no longer be possible, as it had been vacant for longer than a year, and because of this, the use would have to revert back to the R-1 zoned district. Ms. Warquier purchased the property in approximately 2011, despite the fact that she had been told that the use of the apartment would not be permitted. She then filed for a Use Variance to use this space in 2014 and again in 2015, which were both unsuccessful. Commissioner Thomas asked what the situation was with the home across the street. Mr. Mika explained that in order for the legal non-conforming use to cease, the property would need to be vacant for a year or more, or there would need to be damage totaling 50% or more of the value from a natural disaster. There had been no such transition with the property across the street. Mr. Mika then stated that the county may not be aware that the legal non-conforming use of this apartment at 3507 Highway was not effective any longer, because the property information is still stating it is a two-family dwelling. Ms. Warquier pointed out that she is still paying taxes on this property. Commissioner Thomas stated that she would have to contact the Assessor's office so that could be re-evaluated. He continued that he used to own this property, so he was very familiar with it. He then asked if the upstairs apartment was livable, because it was close to non-livable in 2000 when he sold the property. Ms. Warquier stated that she planned

to remodel and bring the apartment up to code, which was why she had submitted the quotes showing the work that she planned to do. Mr. Petersen reiterated the work that his client planned to do and said Ms. Warquier has every intention of bringing the property up to a safe and habitable place for her family member to reside. He then mentioned that she took the additional step to get the approval of many of her neighbors and didn't meet any resistance from them. For these reasons, they were asking for a favorable recommendation from the Board. Commissioner Helms asked if the petitioner was to bring this space up to an acceptable standard, if there was any other reason she could not have an apartment above the garage. Mr. Reed stated that there may be an issue with parking if too many of the homes in an R-1 zoned district became 2-family dwellings. He suggested that there could possibly be a covenant added to specify the apartment could only be utilized by family members. Commissioner Thomas asked if this home at 3705 Highway Avenue was Ms. Warquier's personal residence. She replied that it was. He then asked if she still owned the house on Walnut Drive in Munster. She replied that her daughter lived there. Commissioner Murovic asked if there were any other multi-units or duplexes in the surrounding area. Mr. Mika stated that there were probably three. One of them, the use had gone away because of the non-conformance, and with some, the legal non-conformance was still in effect.

Commissioner Helms pointed out that it was clear Ms. Warquier was going to be investing a lot of money and time in improving the property to make it livable and up to code. He added that the only sticking point was the non-conforming to the R-1 zone. He then stated he would like to make a motion to give a favorable recommendation to the Town Council with the condition that the apartment is rehabbed to living conditions and the use is limited to family members. Commissioner Smith seconded the motion, and it was approved by a roll call vote of 4 in favor and 1 opposed.

NEW BUSINESS: Public Hearing for Matthew Hanft, 8434 Delaware Street, Highland, IN 46322, requesting a Variance to construct a new garage (24' x 40' / 960 sq. ft.) at 8434 Delaware Street that exceeds the maximum accessory structure allowance by 240 sq. ft. {HMC 18.05.060} Interpretation and Application – Supplementary district regulation. (F) Accessory Buildings (5) In Zoning District R-1A, R-1, R-2 or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Commissioner Murovic asked Attorney Reed if the Proof of Publication was published on time. Attorney Reed confirmed it was published correctly and Mr. Mika confirmed that the sign was posted correctly.

Matthew Hanft stepped forward and introduced himself, stating his address as 8434 Delaware Street. He proceeded to pass out a design packet to the Board members with the specifications and drawings of the garage he hoped to build on his property. He said he had lived at this location since 2019 and had been a Highland resident his entire life. He continued to say that he put up a very large light display every Christmas, which required a lot of storage, and was one of the reasons for his need for the over-sized garage. More importantly, he added that his whole basement was filled with toys for the

HIGHLAND BOARD OF ZONING APPEALS

Petitioner:
Cathy Warquier
3705 Highway Avenue,
Highland, IN 46322

Property Location:
3705 Highway Avenue,
Highland, IN 46322

**FINDINGS OF FACT FOR A POSITIVE RECOMMENDATION
CONCERNING A USE VARIANCE IN AN R-1 ZONING DISTRICT**

1. The Petitioner, Cathy Warquier, is requesting a Use Variance to update and use the property above the detached garage at 3705 Highway Avenue as an apartment and a 2nd residence on this property. HMC 18.15.030 (A) Permitted Uses (1) One-family detached dwellings, including models. This is not a listed, permitted use in this zoned district - per {HMC 18.15.050} a Use Variance is required to permit the proposed use.

2. This matter came before the Highland Board of Zoning Appeals for public hearing on June 24, 2026. Petitioner appeared in person and by Attorney Jonathan Petersen, the property owner's representative. Petitioner presented proof of notice and publication as required by law.

1. Attorney John Reed stated, after inquiry from Chairperson Murovic, that the Proofs of Publication were in order. Mr. Mika further stated that he confirmed with attorney Reed that the publication was made in a timely manner and contained the correct meeting information. Mr. Mika confirmed that the signage was properly posted in accordance with the Ordinance.

3. Attorney Jonathan Petersen stepped forward on behalf of the petitioner Cathy Warquier, and attorney Petersen's comments can be reviewed at Exhibit A.

SEE EXHIBIT A

4. Commissioner Murovic opened the discussion to the public. Hearing no remonstrance, she closed the public meeting and brought the discussion back to the Board. The Board discussion can be reviewed at Exhibit B.

SEE EXHIBIT B

5. After said discussion, the Board motioned to give a FAVORABLE recommendation to the Town Council to approve the proposed use variance. The motion contained two conditions: (1) that the living area above the garage be restored to code compliant living conditions, and (2) that the additional living area be occupied only by members of the owner's immediate family. The Board then voted four (4) in favor and one (1) opposed to send a FAVORABLE recommendation to the Town Council to approve the proposed use variance.

6. Pursuant to the evidence presented and materials submitted to the Board, which are a part of the record herein, the Board of Zoning Appeals makes the following Findings of Fact concerning its recommendation of approval to the Town Council:

- A. Under the Town of Highland Zoning Ordinance HMC 18.15.030 (A) Permitted Uses (1) One-family detached dwellings, including models. This is not a listed, permitted use in this zoned district. - per {HMC 18.15.050} Use Variances.
- B. That the Petitioner's proposed use would not be injurious to the public health, safety, morals and general welfare of the community.
- C. That the Petitioner presented evidence that the proposed use would be aesthetically compatible with the immediate area and the other properties in the surrounding area. Therefore, the proposed use would not have a deleterious effect on neighboring property owners.
- D. That the board and approved with the condition that the apartment is rehabbed to living conditions and the use is limited to family members. Commissioner Smith seconded the motion, and it was approved by a roll call vote of four (4) in favor and one (1) opposed.

WHEREFORE, based upon the above Findings of Fact, the Highland Board of Zoning Appeals, by a vote of four (4) in favor and one (1) opposed, voted to FAVORABLY RECOMMEND the requested Use Variance to the Town Council

Findings of Fact approved the 22nd day of July, 2026.

**TOWN OF HIGHLAND
BOARD OF ZONING APPEALS**



Susan Murovic, Chairperson
Town of Highland Board of Zoning Appeals

EXHIBIT A

Attorney Petersen stated they had prepared a PowerPoint presentation and directed the Board's attention to the slides. He first pointed out on the property record card for 3705 Highway the description of a Two-Family Dwelling and Platted Lot, and that the structure was built in 1949. It was originally built as a single-family home. He stated that they would be focusing on the apartment unit that was above the garage. He also stated that Ms. Warquier resided at the property and has maintained the property in a very acceptable condition. He pointed out that there were several other homes near her that are very similar in construction, that also have apartments above the garage, one being directly across the street from her home. These other apartments are in use.

Attorney Petersen further added that Ms. Warquier wanted to go through this process the right way. He asked Ms. Warquier what she planned to use the apartment for and she responded that her son would live in the apartment. Mr. Petersen pointed out that this building was constructed for that type of use and that the use was allowed right across the street, and the equities he suggested would urge the Board to approve this Use Variance.

He added that Ms. Warquier is seeking to restore the original functionality of the property. Attorney Petersen then showed the slides of contracts that Ms. Warquier had obtained from the licensed contractor for work she plans to have done in the space to bring it up to code in order for her son to reside there, possibly totaling as much as \$30,000. He added that she is simply asking for the Board's permission to have this work done and let her son live there. Lastly, Attorney Petersen explained that Ms. Warquier had taken a further step by having 14 of her neighbors sign a petition stating they had no objection to Ms. Warquier restoring the apartment above the garage at her residence. Attorney Petersen stated that they had submitted their presentation to the Board and asked that it be recommended for approval by the Board.

EXHIBIT B

Commissioner Helms pointed out that the Board would just be making a positive or negative recommendation to the Town Council this evening and the final say would be up to the Town Council. Mr. Petersen responded that he understood. Commissioner Helms then asked Mr. Mika to elaborate the reasons this Use Variance request was denied the last time and if there were any specific reasons the Board should be aware of tonight.

Mr. Mika stated that the zoning of this property is single-family. He went on to say that going back to 2011, the property was in foreclosure and had been vacant for nearly two years when Cathy Warquier inquired about the property and was interested in purchasing. At that time, when Ms. Warquier called the Building & Inspection Department to inquire about the possible use of the apartment above the garage, she was told that the legal non-conforming use of this apartment would no longer be possible, as it had been vacant for longer than a year, and because of this, the use would have to revert back to the R-1 zoned district.

Ms. Warquier purchased the property in approximately 2011, despite the fact that she had been told that the use of the apartment would not be permitted. She then filed for a Use Variance to use this space in 2014 and again in 2015, which were both unsuccessful.

Commissioner Thomas asked what the situation was with the home across the street. Mr. Mika explained that in order for the legal non-conforming use to cease, the property would need to be vacant for a year or more, or there would need to be damage totaling 50% or more of the value from a natural disaster. There had been no such transition with the property across the street. Mr. Mika then stated that the county may not be aware that the legal non-conforming use of this apartment at 3507 Highway was not effective any longer, because the property information is still stating it is a two-family dwelling.

Ms. Warquier pointed out that she is still paying taxes on this property. Commissioner Thomas stated that she would have to contact the Assessor's office so that could be re-evaluated. He continued that he used to own this property, so he was very familiar with it. Commissioner Thomas asked if the upstairs apartment was livable, because it was close to non-livable in 2000 when he sold the property. Ms. Warquier stated that she planned to remodel and bring the apartment up to code, which was why she had submitted the quotes showing the work that she planned to do.

Attorney Petersen reiterated the work that his client planned to do and that Ms. Warquier has every intention of bringing the property up to a safe and habitable place for her family member to reside. He then mentioned that she took the additional step to get the approval of many of her neighbors and didn't meet any resistance from them. For these reasons, they were asking for a favorable recommendation from the Board.

Commissioner Helms asked if the petitioner was to bring this space up to an acceptable standard, if there was any other reason she could not have an apartment above the garage.

Attorney Reed stated that there may be an issue with parking if too many of the homes in an R-1 zoned district became 2-family dwellings. He suggested that there could possibly be a covenant added to specify the apartment could only be utilized by family members.

Commissioner Thomas asked if this home at 3705 Highway Avenue was Ms. Warquier's personal residence. She replied that it was. He then asked if she still owned the house on Walnut Drive in Munster. She replied that her daughter lived at that residence.

Commissioner Murovic asked if there were any other multi-units or duplexes in the surrounding area. Mr. Mika stated that there were probably three. One of them, the use had gone away because of the non-conformance, and with some, the legal non-conformance was still in effect.

Commissioner Helms pointed out that it was clear Ms. Warquier was going to be investing a lot of money and time in improving the property to make it livable and up to code. He added that the only sticking point was the non-conforming to the R-1 zone.

Commissioner Helms then stated he would like to make a motion to give a favorable recommendation to the Town Council with the condition that the apartment is rehabbed to living conditions and the use is limited to family members. Commissioner Smith seconded the motion, and it was approved by a roll call vote of four (4) in favor and one (1) opposed.

- x. Discussion: Sense of the Town Council Resolution voicing support for the locked out BP workers.

Councilor Georgeff said he would like to place it on the August 8th study session.

Councilor Turich said he thought the Council wanted to discuss it tonight.

Councilor Georgeff said he had no problem but we've got a lot of stuff to go through yet tonight.

Councilor Turich thought the discussion can go through pretty quick.

Councilor Scheeringa said he wants to see this lockout end as he has friends on both sides. He said he has friends that work non-union and I have friends that work union. Some are still working and others are laid off. He felt there was nothing wrong putting out something that we're in support. He said he doesn't want to see anything that is political or divisive. He wants to support all of his friends. Let's end the lockout so we can get people back in to work.

Councilor Georgeff said that is why he wanted to discuss it on August 8th. He said there are many resolutions out there and I wanted a chance for the Council to review and put together the best one. He wanted to make sure we got it right.

Councilor Robertson said Terry Steagall sent the Council several resolutions. Maybe we can put them together to make one that lines up more with our community. I don't want to over complicate it or make it political. He too said he knows several people who are locked out and I know other trade union people who have walked off the job site. He said he spent several years working there himself and would like to offer them my support.

Town Council of the Town of Highland RESOLUTION NO. 2026-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND, INDIANA, SUPPORTING THE MEMBERS OF UNITED STEELWORKERS LOCAL 7-1 AND URGING BP PRODUCTS NORTH AMERICA INC. TO END THE LOCKOUT AT THE WHITING REFINERY AND RESUME GOOD-FAITH BARGAINING

WHEREAS, BP Products North America Inc. ("BP") owns and operates the Whiting Refinery in Whiting, Indiana, a major industrial facility whose safe and stable operation is important to communities throughout Northwest Indiana; and

WHEREAS, United Steelworkers Local 7-1 represents more than 800 employees at the Whiting Refinery; and

WHEREAS, on March 19, 2026, BP locked out the members of United Steelworkers Local 7-1 from their jobs at the Whiting Refinery; and

WHEREAS, many of these workers and their families live, work, worship, volunteer, shop, and participate in civic life throughout Northwest Indiana, including in the Town of Highland; and

WHEREAS, the lockout has placed significant financial and emotional strain on working families who are living without their regular paychecks; and

WHEREAS, United Steelworkers Local 7-1 has stated that its members did not voluntarily walk off the job, but were locked out by BP after rejecting proposals that the union states would eliminate more than 100 local jobs, reduce pay, and weaken seniority and collective bargaining rights; and

WHEREAS, the right of workers to bargain collectively, protect local jobs, and negotiate in good faith is essential to the economic stability of working families and the communities they support; and

WHEREAS, the continued lockout has consequences not only for locked-out workers and their families, but also for local businesses, schools, neighborhoods, and municipal economies throughout Northwest Indiana; and

WHEREAS, the Whiting Refinery is a major industrial facility whose safe operation directly affects the health, safety, environment, and economic well-being of surrounding communities; and

WHEREAS, United Steelworkers Local 7-1 has raised serious concerns about the health and safety risks of operating the refinery with replacement personnel instead of the trained and experienced local workforce that knows the facility, its equipment, and its hazards; and

WHEREAS, local governments have a responsibility to speak in support of the health, safety, economic security, and general welfare of their residents; and

WHEREAS, the Town Council of the Town of Highland recognizes the importance of resolving this labor dispute promptly, fairly, and in a manner that respects workers, protects local jobs, and promotes the safe and stable operation of the Whiting Refinery.

NOW, THEREFORE, BE IT RESOLVED By the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. The Town Council expresses its support for the locked-out members of United Steelworkers Local 7-1 and their families.

Section 2. The Town Council urges BP to immediately end the lockout of United Steelworkers Local 7-1 members at the Whiting Refinery.

Section 3. The Town Council further urges BP to return to the bargaining table and negotiate in good faith with United Steelworkers Local 7-1 toward a fair collective bargaining agreement that protects local jobs, respects workers' rights, and supports the long-term safety and stability of the refinery and surrounding communities.

Section 4. The Town Council recognizes the vital role of experienced and trained refinery workers in maintaining safe operations at a facility that directly affects the health and safety of Northwest Indiana communities.

Section 5. The Clerk-Treasurer of the Town of Highland is directed to transmit a copy of this Resolution to BP Products North America Inc., United Steelworkers Local 7-1, the Governor of Indiana, and any other party deemed appropriate by the Town Council.

DULY RESOLVED and ADOPTED this Day of 2026 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of in favor and opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

George Georgeff, President (IC 36-5-2-10)

ATTEST:

Mark Herak
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- x. Discussion: Determination of the type, location and the number of chargers for the recently purchased EV vehicles

Councilor Turich began by saying he thought this issue was resolved, as we had consensus several meetings ago, that the alignment was that we were going to do two charging stations in the basement of the PD and that's all we were going to do. He said one of the main reasons was the amount of time required from Ken and his team to charge their vehicles was minimal. And second, if we try to put something in the garages next to the Town Hall and then the decision is made to build a new tall hall and tear down the garages, we've wasted money installing them. He said this was talked about at the police commission meeting the other night. He said he felt he had support on this idea. He then asked Ken Mika his thoughts.

Mr. Mika said as discussed at the previous meeting it doesn't make sense sharing two charging stations with the PD with the 2 vehicles we have. In reference to the garages and this town hall, I mean, I don't know of any near-term plans to do away with anything here. I know attempts have been made, good attempts, over the past several years but the money isn't there for a new town hall or remodeling.

Councilor Turich asked Mr. Mika if he was looking at 4 charging stations and if yes, what is the total cost and how are we covering these costs?

Mr. Mika responded yes. Our costs are outdated because we thought the chargers would be included in another grant but as of today we were told they weren't. He said we got three (3) estimates, one from Emcore Hyre, Sweeney Electric, and Midwestern Electric. At some point in time Councilor Georgeff asked that we solicit a quote from Foster Electric, who submitted the lowest quote. He said the quote for the PD was \$6,590 and the town hall garage was \$13,750 for a total of \$20,340. As for how they were going to get

paid for, he said he didn't know. He told the Council he's a team player and if the Council decides to go with two (2) he fine with it.

Councilor Turich said he's fine with four (4) but wants to know how they are going to be paid for. Are you expecting the police department to pay it out of their budget?

The Clerk-Treasurer said we could take the money out of MCCD to pay for the four (4) chargers or Gaming. Either fund would require an additional so you'll have to ask at the August 8th meeting to advertise for an additional.

Commander Banasiak said we went out for estimates, treating the PD as one and the town garage as a separate, so we could separate the two. Whereas, Foster was less for the combined two, Emcor Hyre was less expensive for the PD and Foster was less expensive for the town garage. Even though Hyre's quote is several months old, the costs should be relatively unchanged. He felt if you took Hyre for the PD and Foster for the town garage, it would less than the combined quote.

Councilor Turich said do we want two(2) or four (4)? He said you get roughly 250 miles per charge and then asked Ken Mika how long does it take to drive 250 miles? He asked the Council if we should take this off line.

Councilor Georgeff said he has no problem with four (4) chargers.

x. Discussion: Fire Inspector Job Posting

The Fire Chief began by saying that the ball is in the Council's court regarding the full-time fire marshal/fire inspector position, as the funding source was contingent upon the Council's action of increasing the business licensing fees to \$200. He said he can't do anything until a funding source is determined. He said his initial proposal was to set the business licensing fee at \$200.

The Clerk-Treasurer was asked when the renewals went out? He said we start sending them out in December for payment between January 1 and March 31st.

Councilor Robertson, who said he's in favor of the position felt we could post now and hire and pay the full-time fire marshal/fire inspector from a different fund or we could push it out to February.

The Fire Chief said he is fine with whatever starting date but he wants to be sure the funding is in place and he doesn't hire this person, only to find out the funding is not in place and they have to lay them off. He felt it was a necessary position. He said Ken Mika and Mike Pipta feel it is a necessary position, however, Mr. Mika did not feel it needed to be a full-time position.

The Council asked the fire chief how much revenue would be generated? The Chief said there are approximately 1,053 business licenses, so approximately \$210,000 which would

leave a surplus for the general fund of \$60,000. He said it breaks down to roughly \$17 per month and that won't drive anyone out of business. He said it would become an enterprise fund paying for itself through business licenses.

The Council then asked the fire chief, how many of those businesses are residential? He said he would have to research that. He was asked does his numbers take into consideration for PERF, etc and he said no, as Councilor Georgeff said the Town is picking up the full 6%.

Ken Mika was asked if he inspected residential. He said fire department has no jurisdictions when it comes to residential. Councilor Scheeringa confirmed that. Mr. Mika said he inspects for zoning violations or code enforcements. Councilor Scheeringa said when it comes to apartment complexes, they can only inspect the commons area.

The Fire Chief said he fine waiting until March as that will give him time to identify a candidate, make an offer or offer pending and make sure the funding is in place.

Councilor Black said he is in favor of the position but would like to see a breakdown between commercial and residential, as he feels residential should be charged a different fee. He said he wasn't referring to people who rent out their house as an AirBnb but more of the lady who cuts hair out of her house or a real estate agent who uses his house for an office. He felt some home based businesses should be charged the minimal. He said its one thing to charge \$30 across the board but \$200 is quite a jump.

Councilor Robertson suggested net receipts as a percentage of the fee as it is done like that in other places. I don't know the legality of it and he said he hasn't heard back from Attorney Reed. He also suggested having a base license fee across the board, and then, add-on depending upon the type of business. Maybe no add-ons for a residential but if you're a restaurant or big box there are add-ons.

Councilor Georgeff asked Councilor Scheeringa what they do in Hammond . Councilor Scheeringa said there is a one-time-a-year fee. Your initial application is so much, and then you have a renewal fee. Every year's a renewal.

Councilor Georgeff asked if it as tiered and Councilor Scheeringa said no but added that there are different licenses that cost more? He gave the example of mobile food vendor's license versus a brick and mortar. The mobile food truck's license is considerable more than a brick and mortar establishment.

The Council asked the fire chief to get the numbers between residential and commercial. Once they had those numbers they would have a better understanding on how the fee structure should look like.

Highland Fire Department
Full-Time Fire Marshal / Fire Inspector

Position Summary

Under the general direction of the Fire Chief, the Fire Marshal / Fire Inspector is responsible for administering and coordinating the department's fire prevention, code enforcement, fire investigation, public education, community risk reduction, and fire safety programs. This position conducts inspections of commercial, industrial, institutional, and multi-family occupancies; performs fire and life safety code enforcement; assists with fire investigations; supports operational readiness; and serves as a qualified engineer/operator during emergency responses when needed.

The Fire Marshal / Fire Inspector serves as the department's primary prevention officer and acts as a liaison between the Fire Department, businesses, contractors, developers, property owners, and the public.

Essential Duties and Responsibilities

- Conduct annual and periodic fire and life safety inspections.
- Enforce applicable fire, life safety, and local ordinances.
- Identify fire hazards and code deficiencies.
- Issue notices of violation and monitor corrective actions.
- Maintain inspection records and documentation.
- Conduct re-inspections to verify compliance.
- Review building plans for fire and life safety compliance.
- Respond to fire scenes to assist in origin and cause investigations.
- Develop and deliver public fire safety education programs.
- Serve as a qualified engineer/operator during emergency incidents as assigned.
- Maintain inspection, investigation, and compliance records.
- Assist with ISO documentation and Public Protection Classification initiatives.
- Conduct life safety inspections of Town-owned facilities.
- Coordinate follow-up with contractors and vendors regarding fire protection issues.

Minimum Qualifications

- High School Diploma or GED.
- Indiana Firefighter I & II Certification.
- Indiana Fire Inspector I & II Certification (or ability to obtain within 12 months).
- Valid Indiana Driver's License.
- Ability to obtain and maintain emergency vehicle operator qualifications.
- Strong written and verbal communication skills.

Preferred Qualifications

- Associate's or Bachelor's Degree in Fire Science, Public Administration, Emergency Management, or related field.
- Fire Investigator Certification (or ability to obtain within 18 months)
- Fire Officer I or higher.
- Incident Safety Officer Certification.
- EMT or Paramedic Certification.
- Experience conducting commercial fire inspections and fire investigations.

Work Schedule

Monday through Friday, 8:00 a.m. to 4 p.m. Subject to emergency call-back, investigations, inspections, and special events.

FLSA Status

Exempt

x. Discussion: Review of the Fire Code Final Draft.

The Fire Chief asked the Council if they enjoyed the thrilling reading of the fire code update and then reviewed it with the Council. He said we will have to retitle it to our title code but we've got our purpose, our authority, applicability, conflicting provisions, severability minimum standards, the official organization, the Fire Prevention Bureau on a legislative level. The fire departments enforcement authority, authority at fires and at emergencies. The code outlines our fire investigation authority, which would come in handy if and when we had an arson case. There is a written statute that gives them that authority. Additional authority includes legal authority for fire and life safety inspections, emergency entry, right to enter buildings and premises for Class 1 buildings, fire and life safety inspections, fees. He said some communities have inspection fees based upon business occupancy type. For example, a mom and pop's bakery shop might be \$10, but Target, Meijer might be \$500. He said there is a notice of violation in the case of an imminent danger, which allows the fire department to shut something down if there's an imminent threat within a building. There is a right to appeal which goes down state to the State Fire Marshal's office. He said the code gives the fire department the right of entry to issue administrative warrants if need to. He said it takes a lot of the industry standards and standardizes it. He said he did not come up with this on his own. He actually asked a copy from Hobart and copied it, making tweaks here and there. He did so because Hobart's passed legal mustard. He said all that is required now is to place in Ordinance form.

CHAPTER TBD: FIRE PROTECTION

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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 Town of Highland, 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 Town of Highland 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.

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§ 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 Town of Highland, Indiana, whether existing on the effective date of this Ordinance 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 is 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

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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 Highland Fire Department under the supervision of the Fire Chief, appointed pursuant to the applicable personnel rules of the HFD and the Highland Fire Department.

§ 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 possesses 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.

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(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, Fire Inspector 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 correcting 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

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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 dangerous conditions or situation.

(B) At no time will the Town of Highland, 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 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) 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

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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 Town of Highland 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.

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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.

§ 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 Town.

(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

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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 Town 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 Highland 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.

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 town 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.

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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 Town of Highland.

Bureau. Means the Fire Chief or the Fire Chief's designee of the Highland 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 Highland Fire Department or the Highland Building Department.

Commission. Means Indiana Fire Prevention and Building Safety Commission as 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 Highland 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 Town of Highland.

Fire Marshal. Means the administrative chief of the Fire Prevention Bureau of the Highland Fire Department. This individual is appointed pursuant to the applicable personnel rules of the Town of Highland.

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 Highland Fire Department.

IAC. Means Indiana Administrative Code.

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

IC. Means Indiana Code of the Indiana General Assembly.

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

Inspector. Means code official of the Fire Prevention Bureau of the Highland 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.

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 Highland 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

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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.

(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 Highland 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 Highland 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 Highland 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

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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

8. A fifty (50) dollar fee to the Highland 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.

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§ 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 Marshal, 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.

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(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

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approved prior to the issuance of a Certificate of Occupancy. 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.

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

(E) 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.

(F) 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.

(G) 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.

(H) 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 system capable of providing the required fire flow. The on-site water supply shall

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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 Highland Utilities specs.

(D) The installation of private fire service mains shall meet Highland 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 Town of Highland 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.

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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 Town plan review and any issues or corrections that need to be made to the plans shall be completed. No Highland Fire Department release or permit shall be given or issued until review as provided herein and compliance has occurred.

§ 93.602 EXISTING BUILDING MODIFICATIONS.

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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.

§ 93.605 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,

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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 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 Town of Highland.

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(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;

(1) 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;

(2) 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

(3) 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,

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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 ten (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 or replace the smoke detector or smoke alarm. Residents shall inspect and test the smoke detector or smoke alarm in accordance with manufacturer's instructions at least monthly.

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(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.

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(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 Town 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 Town 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 Town 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 Town of Highland 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 Town of Highland online report vendor.

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

(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

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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 cause 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

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- order to limit the potential discharges of these materials into the air, water, or onto the land within the Town of Highland 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 Town of Highland, 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

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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

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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

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- 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 Town of Highland 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 Highland 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 Highland 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 Highland 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

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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-Highland 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 Highland 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 Highland 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.

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Upon presentation of proper credentials, the Fire Chief or his designee may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed upon them by this chapter. The Highland Fire Department shall inspect for violations of the Town of Highland 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 Highland 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 Town 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 Highland 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 Town of Highland 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

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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 Highland 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 Highland 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 Highland 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 Highland Fire Department via a 911 telephone call.

§ 93.1013 HAZARDOUS MATERIALS RESPONSE.

The Highland 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.

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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 Highland 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 Highland 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 Town 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 Town of Highland 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 Town.

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(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)

- x. Discussion: Wheel Tax – Attorney Reed to provide revised draft based upon the Council discussion of July 6 and forward to the Council for review.
- x. Discussion: E-Bikes & Scooters - Attorney Reed to provide revised draft based upon the Council discussion of July 6 and forward to the Council for review.

Place Holders should the Council decide to take up:

- x. Discussion: Proposed Ordinance No. 1845: An Ordinance to Amend the Compensation, Benefits and Personnel Program of the Municipality, to be known as the Compensation and Benefits Ordinance commonly known as the Employee Handbook, particularly creating a Residency Stipend Provision in the Public Works Department (Agency) and the Parks and Recreation Department. (placeholder)
- x. Discussion: Proposed Ordinance No. 1842-A: An Ordinance to Amend Ordinance No. 1842 to establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers and the Employees of the Town of Highland, Indiana particularly creating a Residency Provision in the Parks and Recreation Department and the Public Works Department (Agency). (placeholder)
- x. Discussion: Proposed Ordinance No. 1839 – Violations Bureau Payable Fines
- x. Discussion: Town of Highland – Vehicle use Policy
No new updates.
- x. Discussion: Credit Card Policy

Plenary Business Meeting of Monday August 10, 2026

- Minutes of the Meeting of Monday, July 27, 2026.
- Accounts Payable Voucher
-