

**CITY OF XENIA, OHIO
ORDINANCE 2020 – 03**

**AMENDING PART SIXTEEN, TITLED “FIRE PREVENTION CODE,” AND
REPEALING SECTION 298.01(e), TABLE E.12, AND 298.01(h) OF THE CODIFIED
ORDINANCES OF THE CITY OF XENIA, OHIO**

WHEREAS, from time to time, it is prudent for City staff to review the City’s Codified Ordinances to assure they are relevant and up to date;

WHEREAS, City staff has completed a review of the City’s Fire Prevention Code, contained in Title Sixteen of the Codified Ordinances, and has presented to this Council recommendations that certain amendments and updates be made; and

WHEREAS, this Council finds it to be in the best interest of the health, safety and welfare of the City and its inhabitants to amend Part Sixteen, titled “Fire Prevention Code,” of the Codified Ordinances and to repeal Section 298.01(h) of the City’s Fee Schedule to update the City’s rules and regulations regarding fire prevention and the safeguarding of the health, safety and welfare of the occupants of structures and the general public from the dangers of fire,

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Chapter 1600., titled “Definitions,” of Part Sixteen – Fire Prevention Code, of the Codified Ordinances of the City of Xenia is hereby repealed in its entirety, as shown in the attached Exhibit A.

Section 2. Chapter 1602., to be titled “Fire Code, is hereby enacted and shall include the following provisions: Section 1610.01 is hereby amended and renumbered as Section 1602.01; Section 1610.02 is hereby amended and renumbered as Section 1602.02; Section 1610.03 is hereby amended and renumbered as Section 1602.03; Section 1610.04 is hereby amended and renumbered as Section 1602.04, and Section 1610.09 is hereby amended and renumbered as Section 1602.04(b); Section 1610.05 is hereby amended and renumbered as Section 1602.09(a); Section 1610.06 is hereby amended and renumbered as Section 1602.09(b); Section 1610.07 is hereby amended and renumbered as Section 1602.09(c); Section 1610.08 is hereby amended and renumbered as Section 1602.09(d); Section 1610.10 is hereby amended and renumbered as Section 1602.09(e); Section 1610.12 is hereby amended and renumbered as Section 1602.12; Section 1610.13 is hereby amended and renumbered as Section 1602.11; Section 1610.14 is hereby amended and renumbered as Section 1602.10(a) and Section 1064.03 is hereby amended and renumbered as Section 1602.10(b). Said Chapter shall also include newly enacted Sections 1602.05, 1602.06, 1602.07, 1602.08, 1602.09(f) and 1602.99, all as shown in the attached Exhibit B.

Section 3. Chapter 1604., to be titled “Inspections; Required Identifications,” is hereby enacted and shall include the following provisions: Section 1610.20 is hereby amended and renumbered as 1604.10, and Section 1610.21 is hereby amended and renumbered as Section 1604.09. Said Chapter shall also include newly enacted Sections 1604.01, 1604.02 and 1604.08, all as shown in the attached Exhibit C.

Section 4. Existing Chapter 1610. and those provisions of Chapter 1610. that are not renumbered by this Ordinance, specifically Sections 1610.11, 1610.15, 1610.16, 1610.17, 1610.18, 1610.19 and 1610.99, as shown in the attached Exhibit D, are hereby repealed in their entirety.

Section 5. Existing Chapter 1620. is hereby repealed in its entirety, as shown in the attached Exhibit E.

Section 6. Existing Section 1064.03 is hereby repealed in its entirety.

Section 7. Section 298.01(h), titled “Fees from Part Sixteen – Fire Prevention Code,” of Part Two – Administration Code, Title Twelve – Fees, of the Codified Ordinances of the City of Xenia is hereby repealed in its entirety, as shown in the attached Exhibit F.

Section 8. Table E.12 of Section 298.01(e), titled “Fees from Part Ten – Streets, Utilities and Public Services Code, of Part Two – Administration Code, Title Twelve – Fees, of the Codified Ordinances of the City of Xenia is hereby repealed in its entirety, as shown in the attached Exhibit G.


Section 9. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 10. This Ordinance shall be effective as of March 28, 2020.

Introduced: February 13, 2020
Adopted: February 27, 2020

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

PART SIXTEEN – FIRE PREVENTION CODE

CHAPTER 1600

Definitions

1600.01 DEFINITIONS.

For the purpose of these Codified Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~CORROSIVE LIQUID. Those acids, alkaline caustic liquids and other corrosive liquids which, in contact with living tissue, will cause severe damage to such tissue by chemical action; or, in the case of leakage, will materially damage or destroy other containers of other hazardous commodities by chemical action and cause the release of their contents; or are liable to cause fire when in contact with organic matter or with certain chemicals.~~

~~FIRE DIVISION MASTER KEY. A limited issue key of special or controlled design to be carried by fire division officials in command which will open key boxes on specified properties.~~

~~FIRE FLOW. The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for fire fighting.~~

~~FIRE FLOW CALCULATION AREA. The floor area, in square feet (m²), used to determine the required fire flow.~~

~~FIRE WATCH. A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire division.~~

~~FLAMMABLE SOLID. A solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing.~~

~~HIGHLY TOXIC MATERIAL. A material so toxic to humans as to afford an unusual hazard to life and health during fire fighting operations. Examples are parathion, TEPP (tetraethyl phosphate), HETP (hexaethyl tetraphosphate) and similar insecticides and pesticides.~~

~~KEY BOX. A secure device with a lock operable only by a fire division master key, and containing building entry keys and other keys that may be required for access in an emergency.~~

~~KNOX BOX. A type of key box.~~

~~MISCELLANEOUS SUBSTANCES. Any material likely to create a significant potential or actual hazard to the public health, safety or welfare by the use, handling, manufacturing, storing and disposal thereof.~~

~~OXIDIZING MATERIAL. Substances, such as chlorates, permanganates, peroxides or nitrates, that yield oxygen readily to stimulate combustion.~~

~~POISONOUS GAS. Any noxious gas of such nature that a small amount of the gas in the air is dangerous to life. Examples are chlorine, cyanogen, fluorine, hydrogen cyanide, nitric oxide, nitrogen tetroxide and phosgene.~~

~~RADIOACTIVE MATERIAL. Any material or combination of materials that spontaneously emits ionizing radiation.~~

~~SI. International System of Units. Common term in all industries that use math.~~

~~TRADE SECRET. Any formula, pattern, device or compilation of information which is used in one's business and which gives the business an opportunity to obtain an advantage over competitors who do not know or use such trade secret.~~

~~UNFRIENDLY FIRE. A fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.~~

~~UNSTABLE (REACTIVE) CHEMICAL. Any substance, other than one classified as an explosive or blasting agent, which will vigorously and energetically react, is potentially explosive, will polymerize,~~

~~decompose instantaneously or undergo uncontrollable auto reaction, or can be exploded by heat, shock, pressure or combinations thereof. Examples are organic peroxides, nitromethane, ammonium and nitrates. (1997 Code, §§ 1610.08, 1620.02, 1620.08; Ord. 13 40. Passed 7 25 2013)~~

CHAPTER ~~1602~~ 1610
Ohio Fire Code

1602.01	Adoption.	1602.07	Injunctive Relief; Order to Vacate.
1602.02	Purpose.	1602.08	Demolition or Repair.
1602.03	Application.	1602.09	Prohibitions.
1602.04	Fire Safety Inspectors.	1602.10	Fire Watch; Excessive False Alarms.
1602.05	Remedies for Dangerous Conditions.	1602.11	Fee and Cost Schedule.
1602.06	Citations.	1602.12	Conflict of Law.
		1602.99	Penalties.

1602.01 ~~1610.01~~ **ADOPTION** ~~Edition Adopted.~~

Pursuant to §5.08 of the City Charter, there is hereby adopted by and for the City, and incorporated by reference as if set out at length herein, the Ohio Fire Code, ~~being particularly the most recent edition thereof as adopted by the Ohio Department of Commerce, Division of State~~ of Ohio Fire Marshal, **effective December 15, 2017, and any subsequent revisions thereto, as published in OAC Chapter** ~~Division 1301:7 of the Ohio Administrative Code (OAC), save and except such portions thereof as may be hereinafter amended or deleted.~~ **Such Code shall be known as the “City Fire Code,” the “Ohio Fire Code” or the “Fire Code.”**

(Ord. 13-40. Passed 07/25/13; **Ord. 2020-03. Passed **/**/20**)

1602.02 ~~1610.02~~ **PURPOSE.**

The purpose of the Ohio Fire Code, as adopted herein ~~in § 1610.01~~, is to **prescribe** ~~establish the minimum~~ **standards and regulations governing** requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, or dangerous conditions **hazardous to life and property from fire or explosion** ~~in new and existing buildings, structures, and premises, and to provide safety to fire fighters and emergency responders during emergency operation.~~

(Ord. 13-40. Passed 07/25/13; **Ord. 2020-03. Passed **/**/20**)

1602.03 ~~1610.03~~ **APPLICATION** ~~of Code.~~

The Ohio Fire Code, as adopted herein ~~in § 1610.01~~, applies to the use of all lands and properties within the City and such other lands or properties owned by the City which are situated outside the City’s corporate limits thereof.

(Ord. 2020-03. Passed **//20)**

1602.04 ~~1610.04~~ **Enforcement; Responsibilities of Municipal FIRE SAFETY INSPECTORS.**

(a) **Fire Safety Inspectors.** No person shall serve as a ~~Municipal~~ Fire Safety Inspector **for the City’s Fire Division** unless **that person** ~~he or she~~ has received a certificate issued by the Ohio Superintendent of Public Instruction under **former ORC 3303.07 or ORC 4765.55** evidencing **that person’s** ~~his or her~~ satisfactory completion of a fire safety inspection training program.

Statutory reference: ORC 3737.34

(b) **Impersonating Fire Safety Inspector.** ~~1610.09 Inspections~~ No person who is not a certified fire safety inspector shall act as such or hold **that person’s self** ~~himself or herself~~ out to be such, unless prior to commencing any inspection function, **that person** ~~he or she~~ discloses the purpose for which **the person** ~~he or she~~ is making such inspection and the fact that **the person** ~~he or she~~ is not employed by the City’s Fire Division, and that **the person** ~~he or she~~ is not acting in an official capacity for any governmental subdivision or agency.

Statutory reference: ORC 3737.64

~~The Municipal Fire Safety Inspector, upon examination or inspection, may issue citations when he or she finds conditions as specified in Ohio R.C. 3737.41 which are especially dangerous to the safety of persons, buildings, premises or property, and shall make any necessary remedial orders in connection therewith.~~

~~(e) The Municipal Fire Safety Inspector, upon reasonable belief and after inspection or investigation, may, with reasonable promptness, issue a citation to the responsible person for a violation of the *Ohio Fire Code* or any order issued by the Ohio Fire Marshal or any Municipal Fire Safety Inspector.~~

~~(d) A citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code, ordinance section, or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. Each citation issued under this subsection shall be prominently posted by the responsible person, as prescribed by the Ohio Fire Code, at or near each place of violation referred to in the citation. When the citation is issued by a municipal fire inspector, a copy of the citation shall be furnished to the State Fire Marshal.~~

~~(e) Citation enforcement may be by use of the procedures established by Ohio R.C. 3737.41, 3737.42, for hearing on the citation or Ohio R.C. 3737.44 for injunctive relief or a temporary restraining order and oral order for vacation of the building or premises, or any other means allowed by law.~~

~~(f) Upon request of the Municipal Fire Safety Inspector, the Municipal Attorney shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.
(Ord. 13-40. Passed 07/25/13; **Ord. 2020-03. Passed **/**/20**)~~

1602.05 REMEDIES FOR DANGEROUS CONDITIONS

(a) Dilapidated or Unsafe Structures. If a City Fire Safety Inspector, upon an examination or inspection, finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or for any other reason, is especially liable to fire or endangers life or other buildings or property, such officer shall issue a citation and order such building or structure to be repaired, torn down, demolished, or materials removed, and all dangerous conditions remedied.

(b) Combustible or Explosive Materials. If a City Fire Safety Inspector finds in any building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind, which are especially dangerous to the safety of persons or such building, premises, or property, such officer shall issue a citation and order such materials removed or conditions remedied.

(c) Flammable or Combustible Liquids. If a City Fire Safety Inspector finds that any building, structure, tank, container, or vehicle used for the storage, handling, or transportation of flammable or combustible liquids, or of liquefied petroleum gas, or the pumps, piping, valves, wiring, and materials used in connection therewith, are especially dangerous to the safety of persons or such building, structure, tank, container, or vehicle, such officer shall issue a citation and order such condition remedied.

**(d) Enforcement: A City Fire Safety Inspector may proceed, on a citation issued under this section, to seek enforcement by use of the procedures established by Section 1602.06 of this Chapter. Statutory Reference: ORC 3737.41
(Ord. 2020-03. Passed **/**/20)**

1602.06 CITATIONS.

(a) Citations.

- (1) If, upon inspection or investigation, a City Fire Safety Inspector believes that the Fire Code or an associated order has been violated, such officer shall, with reasonable promptness, issue a citation to the responsible person. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Fire Code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a City Fire Safety Inspector, a copy of the citation shall be furnished to the State Fire Marshal.**
- (2) A City Fire Safety Inspector may issue a notice in lieu of a citation, in accordance with the procedures for issuance of such notice prescribed by the State Fire Marshal, with respect to de minimis violations that have no direct or immediate relationship to safety or health.**
- (3) Each citation issued under this section, or a copy or copies of the citation, shall be prominently posted by the responsible person, as prescribed in the Fire Code, at or near each place a violation referred to in the citation occurs.**
Statutory reference: ORC 3737.42

(b) Hearing on Citation; Appeal.

- (1) If, after an inspection or investigation, a City Fire Safety Inspector issues a citation under Section 1602.05 or division (a) of this section, the City's Fire Division shall, within a reasonable time after such inspection or investigation and in accordance with ORC Chapter 119., notify the responsible person of the citation and penalty, if any, proposed to be assessed under division (c) of this section, and of the responsible person's right to appeal the citation and penalty, under ORC Chapter 119., to the State Board of Building Appeals within thirty (30) days after receipt of the notice.**
- (2) If the responsible person is aggrieved by an order of the State Board of Building Appeals, the person may appeal to the Greene County Court of Common Pleas within thirty (30) days after the Board renders its decision.**
Statutory reference: ORC 3737.43

(c) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of the Fire Code or any order issued pursuant to such Code shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.**
- (2) Any person who has received a citation for a violation of the Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.**
- (3) Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.**
- (4) Any person who violates any of the posting requirements prescribed in division (a)(3) of this section shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.**
Statutory Reference: ORC 3737.51(B) – (E)

(d) Penalty Considerations.

- (1) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this Chapter.**
- (2) For the purposes of this section, a “serious violation” shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists or from one or more practices, means, methods, operations, or processes that have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.**
- (3) Civil penalties imposed by this Chapter shall be paid to the City’s Police and Fire Fund. Such penalties may be recovered in a civil action in the name of the City brought in the Greene County Court of Common Pleas.**

Statutory reference: ORC 3737.51(F) – (H)

(Ord. 2020-03. Passed **//20)**

~~The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.~~

~~(ORC 3737.61)~~

1602.07 INJUNCTIVE RELIEF; ORDER TO VACATE.

(a) Jurisdiction.

- (1) The Greene County Court of Common Pleas shall have jurisdiction, upon a complaint filed by a City Fire Safety Inspector, to restrain, immediately or before the imminence of such danger can be eliminated through the enforcement proceedings otherwise provided in this Chapter, any condition or practices in any building or upon any premises which violate the Fire Code and are such that a fire or explosion hazard exists that could reasonably be expected to cause death or serious physical harm. Any order issued under this section may require such steps be taken as may be necessary to avoid, correct, or remove such imminent danger.**
- (2) Upon the filing of any such complaint, the Court has jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Chapter or ORC Chapter 3737.**

(b) Order to Vacate. Whenever a City Fire Safety Inspector concludes that conditions or practices described in division (a)(1) of this section exist in any building or on any premises such official shall inform the owner, operator, lessees, occupants, and other affected persons of the danger and that such officer is seeking relief. If necessary to preserve life a City Fire Safety Inspector, if authorized by the Fire Marshal or his deputy, may orally order the building or premises vacated immediately. Such an order shall remain in effect for not more than twenty-four (24) hours. In addition, the officer making the order shall post written notice in conspicuous places on the building or premises.

(c) Mandamus. If a City Fire Safety Inspector arbitrarily or capriciously fails to seek relief under this section, any person who may be injured by reason of such failure may bring an action against such officer in the Greene County Court of Common Pleas for a writ of mandamus to compel the City Fire Safety Inspector to seek such relief.

*Statutory reference: ORC 3737.44 (Ord. 2020-03. Passed **/**/20)*

1602.08 DEMOLITION OR REPAIR.

(a) Court Order. If any responsible person fails to comply with an order of a City Fire Safety Inspector as finally affirmed or modified by the State Board of Building Appeals under Section 1602.06 of this Chapter, within the time fixed in the order, then the City Fire Safety Inspector may file a complaint in the Greene County Court of Common Pleas for a court order authorizing the City Fire Safety Inspector to cause the building, structure, or premises to be repaired or demolished, materials to be removed, and all dangerous conditions to be remedied, if such was the mandate of the order as affirmed or modified by the State Board of Building Appeals, at the expense of the responsible person.

(b) Expenses. If the responsible person, within thirty (30) days thereafter, fails, neglects, or refuses to pay the expense that would be incurred in enforcing the order of the Greene County Court of Common Pleas under this section, the Court shall order that the real estate upon which the building, structure, or premises is or was situated be sold pursuant to ORC Chapter 2329., except as otherwise provided in this section. The proceeds of the sale shall be credited to the City's Police and Fire Fund. The City shall use the proceeds of the sale to cause the repair or demolition of any building, structure, or premises, the removal of materials, or the remedy of all dangerous conditions unless the purchaser of the real estate enters into an agreement with the Court to perform the repair, demolition, removal, or remedy within a time period acceptable to the Court. No bid of a prospective purchaser shall be acceptable which is insufficient to pay the expense that the City would incur.

(c) Excess Funds. If the amount received from the sale exceeds the expense that the City would incur, the Court shall direct the payment of the surplus first to those parties with encumbrances, mortgages, or liens on the real estate in order of their priority, and then to the responsible person or into the Court for its use and benefit.

Statutory reference: ORC 3737.45

(Ord. 2020-03. Passed **//20)**

1602.09 PROHIBITIONS.

(a) Fire Code Violations. ~~1610.05 Compliance Required.~~ (a) No person shall knowingly violate any provision of the Ohio Fire Code, as adopted in §1610.01, or any order made pursuant **to it** thereto. (b) ~~No person shall fail to comply with the fire prevention measures or fire protection activities prescribed in the Ohio Fire Code or fail to comply with the municipal application and plan submission and processing requirements, including payment of the fees designated therefor.~~

Statutory reference: ORC 3737.51(A)

(b) Posting Notice of Arson Laws. ~~1610.06 Posting Arson Laws~~ The owner, operator or lessee of any transient residential building shall post the provisions of ORC 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.

Statutory reference: ORC 3737.61

(c) Negligent Burning. ~~1610.07 Setting Fires Which Spread~~ No person shall set, kindle, or cause to be set or kindled any fire which, through **that person's** ~~his or her~~ negligence, spreads beyond its immediate confines to any structure, field or wood lot.

Statutory reference: ORC 3737.62

(d) Alarm of Unfriendly Fire. ~~1610.08 Responsibilities upon Discovery of Unfriendly Fires~~

(1) ~~(a)~~ The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the **City's Ohio** Building

Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately and with all reasonable dispatch and diligence, call or otherwise notify the City's Fire Division concerning the fire and shall spread an alarm immediately to all occupants of the building.

- (2) ~~(b)~~ (EDITOR'S NOTE: The definition contained in this section is also located in Chapter 1600, § 1600.01.) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.
- (3) ~~(c)~~ No person shall fail to comply with this section.
Statutory reference: ORC 3737.63

(e) Standards for Equipment. ~~1610.10 Sale and Use of Fire Equipment; Standards; Service and Repair of Equipment~~

- (1) ~~(a)~~ No person shall sell, offer for sale, or use any fire protection or firefighting equipment that does not meet the minimum standards established by the ~~Ohio~~ Fire Marshal in the ~~Ohio~~ Fire Code.
- (2) ~~(b)~~ Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or firefighting equipment without a certificate issued by the ~~Ohio~~ Fire Marshal.
Statutory Reference: ORC 3737.65(A) – (B)

(f) Persons Entitled to be Known as Firefighters. **No person shall claim to the public to be or act as a firefighter, volunteer firefighter, member of a fire department, chief of a fire department, or fire prevention officer unless the person is recognized as a firefighter, volunteer firefighter, member of a fire department, member of a private fire company, chief of a fire department, or fire prevention officer by the Fire Marshal or has received a certificate issued under former ORC 3303.07 or ORC 4765.55 evidencing satisfactory completion of a firefighter training program and has been appointed by the governing board of a firefighting agency or, in the case of a volunteer firefighter, receives such a certificate within one (1) year after appointment by the governing board of a firefighting agency.**
Statutory Reference: ORC 3735.66
(Ord. 2020-03. Passed **//20)**

1602.10 ~~1610.14~~ **FIRE WATCH; EXCESSIVE FALSE ALARMS.**

(a) **Reporting Inoperable Fire Alarm or Fire Suppression System.** Any owner, occupant, or responsible person in control of any occupancy covered by the ~~Ohio~~ Fire Code or other provision in this Chapter **that requires** ~~requiring~~ a fire alarm or fire suppression system, shall report any condition limiting or rendering the system inoperable to the City's Fire Division.

(b) **Fire Watch.**

- (1) The **Fire Chief** ~~local fire official~~ or **City Municipal** Fire Safety Inspector may require a Fire Watch in accordance with this section.
- (2) ~~(c)~~ A Fire Watch may be conducted by a responsible person in control of the occupancy, or by **the City's** Fire Division personnel, ~~as to be determined by the~~ **Fire Chief** ~~local fire official~~ or **City Municipal** Fire Safety Inspector. A Fire Watch by **the City's** Fire Division personnel **should** ~~will~~ only be ordered if, **the Fire Chief or City Fire Safety Inspector determines that** the hazard to life is substantial.
- (3) ~~(d)~~ A Fire Watch will be conducted in accordance with the direction of the **Fire Chief** ~~fire official~~ or **City Municipal** Fire Safety Inspector.

(c) ~~1064.03~~ **Excessive False Alarms.**

- (1) ~~(a)~~ If **a fire** ~~any~~ alarm system **that the owner, occupant, or responsible person in control of any occupancy knows or should have reasonable cause to know is defective or**

suffering from other deficiencies that produce false alarms, and such system produces four (4) ~~three (3)~~ or more false alarms in any six-month consecutive period, the owner, occupant, or responsible person in control of any occupancy may be charged with the costs of the City's Fire Division responding to such false alarms, per response, beginning with the fourth such occurrence within a six-month consecutive period.

- (2) After the second such false alarm within a six-month consecutive period, written notice of that fact shall be given, by regular mail, to the owner, occupant, or responsible person in control of any occupancy alarm-user by the City with an appropriate warning that additional false alarms may ~~be~~ subject to reimbursement for the cost of the Fire Division's response to such false alarms, per response, beginning with the fourth such false alarm in any six-month consecutive period the user to penalties as provided in subsection (b) hereof. ~~(b) The fees for excessive false alarms are established by the fee ordinance set forth in Part Two Title Twelve, Chapter 298 of these Codified Ordinances. (1) Such charges shall continue for each excessive false alarm until six consecutive months have elapsed during which time no false alarms have been recorded by the alarm system. (2) Fees assessed and collected as a result of excessive false alarms shall be deposited into the General Fund of the city. (3) In addition to the fees set forth herein, excessive false alarms may subject the user to penalties as provided in § 1064.99.~~

(d) Costs. ~~(e)~~ Costs associated with a Fire Watch by the City's Fire Division personnel pursuant to this Section and/or costs associated with excessive false alarms will be assessed to the responsible person in accordance with the Fee Schedule established pursuant to Section 1602.11 of this Chapter under Title 12: Chapter 298.01 of the City Code.

(Ord. 13-40. Passed 07/25/13; Ord. 91-49. Passed 09/12/91; Ord 2020-03. Passed **/**/20)

1602.11 ~~1610.13~~ Permit FEE AND COST SCHEDULE.

(a) The Public Safety Director, in consultation with the Fire Chief, is hereby authorized and directed to establish and publish a fee and cost schedule, by Administrative Directive, The permit fee schedule as set forth in subsection (b) hereof is for permits issued by the City's Fire Division pursuant to the most current edition of the International Fire Code, as amended by Chapters 1301:7-1 to 1301:7-7 of the Ohio Administrative Code, is approved and adopted and for the imposition, collection or reimbursement of any costs imposed under this Chapter. The Public Safety Director shall periodically review and adjust such fees as needed. All fees and costs collected shall be placed in the City's Police and Fire Fund.

~~(b) Permit Fees. Permit fees are established by the fee ordinance set forth in Part Two Title Twelve, Chapter 298 of these Codified Ordinances.~~

(Ord. 06-62. Passed 09/28/06; Ord. 10/24. Passed 06/10/10; Ord. 2020-03. Passed **/**/20)

1602.12 ~~1610.12~~ CONFLICT OF LAW.

(a) Ohio Board of Building Standards. The rules of the Ohio Board of Building Standards Ohio Building Code shall supersede and govern any order, standard, or rule or regulation of the Ohio Fire Code or the Division of State Fire Marshal, Department of Commerce, or of this City in all cases where any such orders, standards, or rules are or regulation is in conflict with the rules of the Ohio Board of Building Standards Ohio Building Code, except that rules adopted and orders issued by the Fire Marshal pursuant to ORC 3743 prevail in the event of a conflict.

Statutory reference: ORC 3781.11(B)

(b) Other Conflicts. In all other cases of conflict between the Ohio Fire Code and any other City ~~municipal~~ ordinance or technical code adopted thereby, the stricter standard shall control.

(Ord. 2020-03. Passed **/**/20)

1602.99 PENALTIES.

(a) Whoever violates Section 1602.04(b) or Section 1602.09(c) of this Chapter is guilty of a misdemeanor of the fourth degree.

(b) Except as a violation of ORC 2923.17 involves subject matter covered by the Fire Code and except as such a violation is covered by division (f) of this section, whoever violates Section 1602.09(a) of this Chapter is guilty of a misdemeanor of the first degree.

(c) Whoever violates Section 1602.09(b) of this Chapter is guilty of a minor misdemeanor.

(d) Whoever violates Section 1602.09(d) or (e) of this Chapter is guilty of a misdemeanor of the third degree.

(e) Whoever violates Section 1602.09(f) of this Chapter is guilty of a misdemeanor of the first degree.

Statutory reference: ORC 3737.99

(f) Whoever violates Section 1602.10(a) or (b) is guilty of an unclassified misdemeanor, and in addition to any other penalties allowed by law, the Court shall fine the person not less than one hundred dollars (\$100 nor more than one thousand dollars (\$1,000)).
(Ord. 2020-03. Passed **//20)**

CHAPTER 1604
Inspections; Required Identifications

1604.01	Inspections; Right of Entry.	1604.08	Premises Identification.
1604.02	Self-Inspection Program.	1604.09	Large Building/Complex Identification.
		1604.10	Sprinkler/Standpipe Identification.

1604.01 INSPECTIONS; RIGHT OF ENTRY.

(a) Inspections: The Fire Chief, his designee, and/or a City Fire Safety Inspector are authorized and directed to make inspections to determine the condition of all buildings and/or structures located within the City in order to perform the duty of safeguarding the health, safety and welfare of the occupants of buildings and/or structures and the general public, as outlined in the Fire Code or as otherwise required under Chapter 1602 or 1604 of this Title Sixteen.

(b) Right of Entry: The owner or occupant of every commercial or industrial building or structure, or person in charge thereof, shall give the Fire Chief, his designee, and/or a City Fire Safety Inspector free access thereto, at any time during normal working hours, for the purpose of such inspection, examination or survey upon presentation of proper identification.

(c) Administrative Search Warrant: If any owner or occupant of a commercial or industrial building or structure, or the authorized agent thereof, refuses to permit free access or entry into such building or structure or any part thereof, to which an inspection authorized by the Fire Code or by this Chapter, is sought to be made, the Fire Chief, his designee, and/or City Fire Safety Inspector shall petition and obtain a warrant to inspect or an order from a court of competent jurisdiction directing compliance with the inspection requirements of the Fire Code or of this Chapter.

(d) Repairs: Every occupancy of a commercial or industrial building or structure shall give the owner of such building or structure, or the authorized agent(s) or employee(s) thereof, access to any part of such building or structure, or the premises thereof, at any time during normal working hours, for the purpose of making such repairs or alterations as are determined necessary to effect compliance with this Code or with any lawful rule or regulation adopted or order issued pursuant to this Code.

(Ord. 2020-03. Passed **//20)**

1604.02 SELF-INSPECTION PROGRAM.

The Public Safety Director, in consultation with the Fire Chief, is hereby authorized to establish, by Administrative Directive, a program for offices and smaller commercial and industrial use buildings and structures whereby the owners or occupants of such buildings or structures may self-inspect regarding any inspection requirements of the Fire Code and report the results of such inspections to the City's Fire Division, on forms provided by the Fire Division on an annual basis. Any such program established shall include guidelines and requirements for the Fire Division to perform audits on such submitted reports. Any such program established may also include fees to cover the administrative costs to the City's Fire Division of administering the program.

(Ord. 2020-03. Passed **//20)**

1604.08 PREMISES IDENTIFICATION.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall

be Arabic numbers or alphabetical letters. Numbers shall be a minimum of four inches (4"/101.6 mm) high with a minimum stroke width of one-half inch (0.5"/12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, monument, pole or other sign or means shall be used to identify the structure.

Reference: Ohio Fire Code Section 505.1

1604.09 ~~1610.21~~ LARGE BUILDING/COMPLEX IDENTIFICATION.

In addition to **the requirements of the Ohio Fire Code §505, for large buildings or complexes, whether or not such structures contain multiple tenants, the City Fire Safety Inspector** ~~the local fire official~~ may require that exterior windows and doors be labeled to help facilitate building identification.

~~(b)~~ These numbers/letters shall contrast with their background and **shall be of sufficient size, as be** approved by the **City's Fire Safety Inspector** ~~local fire official~~.

(Ord. 13-40. Passed 07/25/13; **Ord. 2020-03. Passed **/**/20**)

1604.10 ~~1610.20~~ SPRINKLER/STANDPIPE IDENTIFICATION.

(a) **New Systems: Upon the** ~~any new~~ installation, repair, or alteration of a fire suppression system requiring the issuance of a permit, **the owner, occupant or person responsible for such work** will **post** ~~provide~~ a complete copy of the final approved plans at the work site in a protective/mounted shield at a location approved by the **City's Fire Safety Inspector** ~~local fire official~~.

(b) **Riser Identification.** Sprinkler and/or standpipe systems containing more than one (1) riser will have the risers/zones marked on the riser in a location approved by the **City's Fire Safety Inspector** ~~local fire official~~.

(c) **Tags. A tag shall be used to indicate that a system, or portion thereof, has been removed from service. The tag shall be posted at each Fire Division connection, system control valve, fire alarm control unit, fire alarm annunciator and fire command center, indicating which system, or part thereof, has been removed from service. The City's Fire Safety Inspector shall specify where the tag is to be placed.**

(Ord. 13-40. Passed 07/25/13; **Ord. 2020-03. Passed **/**/20**)

CHAPTER 1610

1610.11 ~~File and Distribution Copies.~~

~~(a) Copies of the *Ohio Fire Code*, as adopted in § 1610.01, are on file with the Clerk of the City Council for inspection by the public.~~

~~(b) Copies are also on file in the county law library.~~

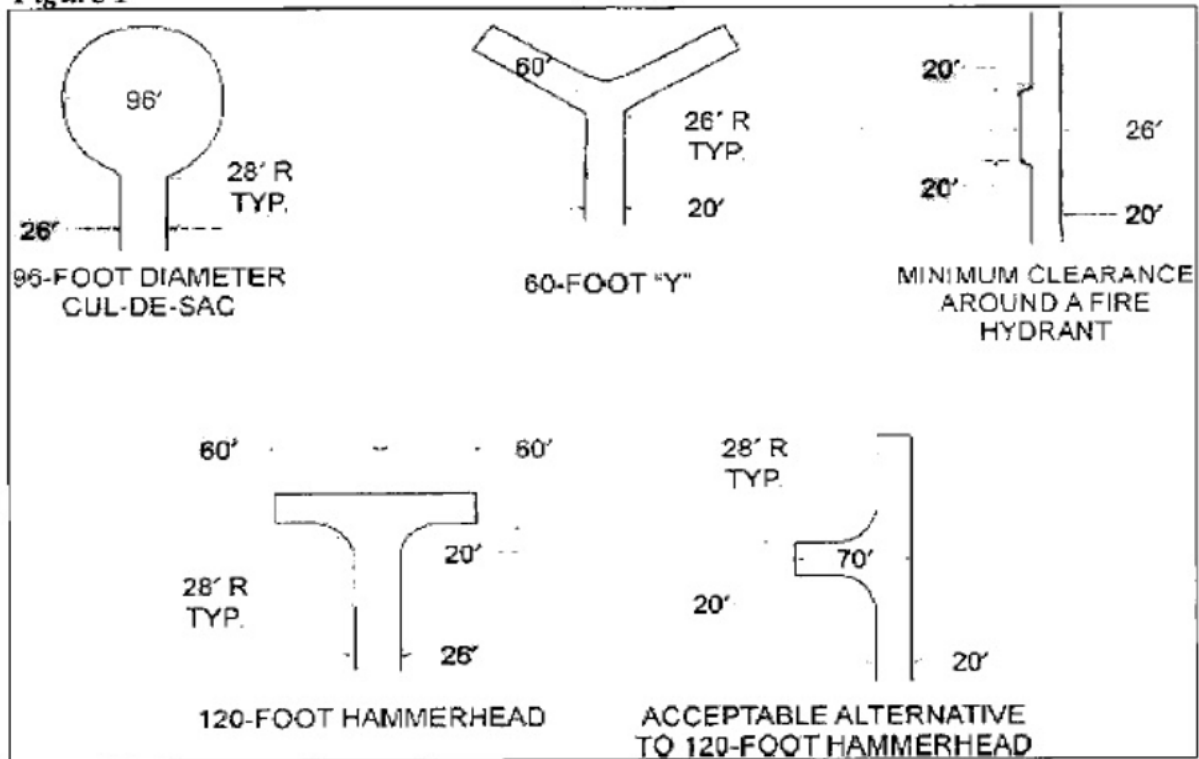
~~(c) In addition, the Clerk of the Council has copies available for distribution to the public, at cost.~~

1610.15 ~~Fire Apparatus Access Roads.~~

~~(a) Required Access Road. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to the City's fire division apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least seventy five thousand pounds (75,000lbs/34050 kg).~~

~~(b) Access Roads Width with a Hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be twenty six feet (26'/7925 mm), exclusive of shoulders (see Figure 1).~~

Figure 1



For SI: 1' = 304.8 mm.

~~(c) Dead-end apparatus access road turnaround grade. Fire apparatus access roads shall not exceed ten percent in grade. Exception: Grades steeper than ten percent as approved by the Fire Chief. Turning radius: The minimum turning radius shall be determined by the fire code official. Dead ends: Dead end fire apparatus access roads in excess of 150 feet (45720 mm) shall be provided with width and turnaround provisions in accordance with Table 1.~~

~~TABLE 1: REQUIREMENTS FOR DEAD END FIRE APPARATUS ACCESS ROADS~~

<i>LENGTH (feet)</i>	<i>WIDTH (feet)</i>	<i>TURNAROUNDS REQUIRED</i>
0-150	20	None required
151-500	20	120 foot Hammerhead, 60 foot “Y” or 96 foot diameter cul de sac in accordance with Figure 1 above
501-750	26	120 foot Hammerhead, 60 foot “Y” or 96 foot diameter cul de sac in accordance with Figure 1 above
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

~~(d) Fire Apparatus Access Road Gates. Gates securing the fire apparatus access roads shall have a minimum gate width of twenty feet (20’/6096 mm).~~

~~(e) Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.~~

~~(f) Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.~~

~~(g) Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.~~

~~(h) Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.~~

~~(i) Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.~~

~~(j) At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.~~

~~(k) Multiple family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2. of the *Ohio Fire Code*.~~

~~(l) Multiple family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.~~

~~(m) Developments of one or two family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Figure 1. Exceptions: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with § 903.3.1.1, § 903.3.1.2 or § 903.3.1.3 of the Ohio Fire Code, access from two directions shall not be required.
(Ord. 13-40, passed 7-25-2013)~~

1610.16 Fire Hydrants.

~~(a) Location. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.~~

~~(b) Fire hydrants available. The minimum number of fire hydrants available to a building shall not be less than that listed in Table 2. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table 2 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.~~

~~(c) Consideration of existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.~~

~~(d) Distribution of fire hydrants. The average spacing between fire hydrants shall not exceed that listed in Table 2. Exception: The Fire Chief is authorized to accept a deficiency of up to ten percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table 2.~~

Table 2

<i>Distribution of Fire Hydrants Fire-Flow Requirement (gpm)</i>	<i>MINIMUM NUMBER OF HYDRANTS</i>	<i>AVERAGE SPACING BETWEEN HYDRANTS^{a,b,c} (feet)</i>	<i>MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT^d</i>
1,750 or less	1	500	250
2,000 – 2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500 – 4,000	4	350	210
4,500 – 5,000	5	300	180
5,500	6	300	180

6,000	6	250	150
6,500—7,000	7	250	150
7,500	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

- a. ~~Reduce by 100 feet for dead end streets or roads.~~
 - b. ~~Where streets are provided with median dividers which cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire flow requirement of 7,000 gallons per minute and 400 feet for higher fire flow requirements.~~
 - c. ~~Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.~~
 - d. ~~Reduce by 50 feet for dead end streets or roads.~~
 - e. ~~One hydrant for each 1,000 gallons per minute or fraction thereof.~~
- (Ord. 13-40, passed 7-25-2013)

1610.17 Fire Flow Requirements.

~~(a) Modifications.~~

- ~~(1) Decreases. The Fire Chief is authorized to reduce the fire flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire flow requirements is impractical.~~
- ~~(2) Increases. The Fire Chief is authorized to increase the fire flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.~~

~~(b) Fire flow calculation area.~~

- ~~(1) General. The fire flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as otherwise modified by the fire official.~~
- ~~(2) Area separation. Portions of buildings which are separated by fire walls without openings, constructed in accordance with the Ohio Building Code, are allowed to be considered as separate fire flow calculation areas.~~
- ~~(3) Type IA and Type IB construction. The fire flow calculation area of buildings constructed of Type IA and Type IB construction shall be the area of the three largest successive floors. Exception: Fire flow calculation area for open parking garages shall be determined by the area of the largest floor.~~

~~(c) Fire flow requirements for buildings.~~

- ~~(1) One and two family dwellings. The minimum fire flow requirements for one, two, and three-family dwellings having a fire flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3,785.4 L/min). Fire flow and flow duration for dwellings having a fire flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table 3. Exception: A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.~~

TABLE 3: MINIMUM REQUIRED FIRE FLOW AND FLOW DURATION FOR BUILDINGS*

FIRE-FLOW CALCULATION AREA (square feet)					FIRE FLOW (gallons per minute)^e	FLOW DURATION (hours)
Type IA and IB^b	Type IIA and IIIA^b	Type IV and VA^b	Type IB and IIIB^b	Type V-B^b		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	4
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901- Greater	166,501- Greater	106,501- 115,800	77,001- 83,700	47,401- 51,500	6,000	

—	—	115,801- 125,500	83,701- 90,600	51,501- 55,700	6,250
—	—	125,501- 135,500	90,601- 97,900	55,701- 60,200	6,500
—	—	135,501- 145,800	97,901- 106,800	60,201- 64,800	6,750
—	—	145,801- 156,700	106,801- 113,200	64,801- 69,600	7,000
—	—	156,701- 167,900	113,201- 121,300	69,601- 74,600	7,250
—	—	167,901- 179,400	121,301- 129,600	74,601- 79,800	7,500
—	—	179,401- 191,400	129,601- 138,300	79,801- 85,100	7,750
—	—	191,401- Greater	138,301- Greater	85,101- Greater	8,000

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. ~~The minimum required fire flow shall be allowed to be reduced by 25 percent for Group R.~~

b. ~~Types of construction are based on the Ohio Building Code.~~

c. ~~Measured at 20 psi residual pressure.~~

~~(2) Buildings other than one-, two-, and three-family dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table 3 above. Exception: A reduction in required fire flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with § 903.3.1.1 or § 903.3.1.2. The resulting fire flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table 3 above.~~

~~(Ord. 13-40, passed 7-25-2013)~~

1610.18 Key Boxes.

~~—Knox Boxes shall be installed on all commercial and educational occupancies, as well as multifamily dwellings which are designed for occupancy by more than two families. The location of the key boxes must be approved by the local fire official.~~

~~(Ord. 13-40, passed 7-25-2013)~~

1610.19 Fire Division Connections.

~~(a) All occupancies required to have a sprinkler and/or standpipe suppression system must provide a 4" stortz connection as the fire division connection if installed after the effective date of Ord. 13-40 (August 24, 2013).~~

~~(b) Fire division connections required after August 24, 2013 will be located remote from the occupancy in a location approved by the local fire official. The local fire official may grant an exception for impracticability.~~

~~(c) All occupancies required to have a sprinkler and/or standpipe suppression system installed after August 24, 2013, must have a hydrant within 75 feet of the FDC.
(Ord. 13-40, passed 7-25-2013)~~

~~1610.99 Penalty.~~

~~(a) Criminal penalties.~~

- ~~(1) Whoever violates § 1610.05(a) is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both.~~
- ~~(2) Whoever violates §§ 1610.05(b) or 1610.06 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).~~
- ~~(3) Whoever violates §§ 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both.~~
- ~~(4) Whoever violates §§ 1610.08 or 1610.10 is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both.~~

~~(b) Civil penalties.~~

- ~~(1) Any person who has received a citation for a serious violation of the *Ohio Fire Code* or any order issued pursuant to it shall be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for each such violation.~~
- ~~(2) Any person who has received a citation for a violation of the *Ohio Fire Code* or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for each such violation.~~
- ~~(3) Any person who fails to correct a violation for which a citation has been issued, within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for each day during which such failure or violation continues.~~
- ~~(4) Any person who violates any of the posting requirements prescribed by § 1610.04(d) shall be assessed a civil penalty of not more than one thousand dollars (\$1,000.00) for each violation.~~
- ~~(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged and the history of previous violations shall be given whenever a penalty is assessed under this chapter.~~
- ~~(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.~~
- ~~(7) Civil penalties imposed under this chapter shall be paid to the City of Xenia for deposit into the Police and Fire Fund. Such penalties may be recovered in a civil action in the name of the municipality brought in the Court of Common Pleas.~~

~~(Ord. 13-40, passed 7-25-2013)~~

CHAPTER 1620
Hazardous Materials and Chemicals

~~1620.01 Purpose.~~

~~—It is the purpose of this chapter to identify and label hazardous materials and chemicals used, handled, manufactured and stored within the city; to protect city residents, health officials and firefighters; and to provide information to the Fire Division and public health officials regarding toxic and hazardous substances.~~

~~(Ord. 87-8, passed 2-26-1987)~~

~~1620.02 Definitions.~~

~~The following words and/or phrases used in this section are defined in Chapter 1600, § 1600.01.~~

~~—CORROSIVE LIQUID~~

~~—FLAMMABLE SOLID~~

~~—HIGHLY TOXIC MATERIAL~~

~~—MISCELLANEOUS SUBSTANCES~~

~~—OXIDIZING MATERIAL~~

~~—POISONOUS GAS~~

~~—RADIOACTIVE MATERIAL~~

~~—UNSTABLE (REACTIVE) CHEMICAL~~

~~(Ord. 87-8, passed 2-26-1987)~~

~~1620.03 Filing of Hazardous Materials and Chemical Permit Applications.~~

~~(a) Any person, individual, firm, corporation, partnership or social or political subdivision, or any department or agency thereof, who or which uses, stores or handles a hazardous material or chemical must, annually during the month of January, submit a completed application for a permit therefor to the Fire Chief. The form shall be accompanied by the appropriate fee, as established pursuant to § 1620.07.~~

~~(b) Any person, individual, firm, corporation, partnership or social or political subdivision, or any department or agency thereof, who or which, during the calendar year, for the first time, becomes a user or handler of hazardous materials or chemicals, must submit a completed permit application to the Fire Chief within 30 days of becoming a user or handler. The application shall be accompanied by a pro-rated fee established pursuant to § 1620.07. Thereafter, an application must be submitted to the Fire Chief each January.~~

~~(c) The Fire Chief may specify, in writing, such other time for submission of the application and fee as he or she deems appropriate in special or unusual cases.~~

~~(d) Failure to file a permit application within the time limits provided herein shall result in a penalty for late filing as established pursuant to § 1620.07. Such penalty shall be submitted with the application and shall be in addition to any regularly assessed fee.~~

~~(e) (1) A new permit application shall be submitted by the permit holder to the Fire Chief within 15 days of the following:~~

~~—A. Any new use, significant change in use or discontinuance of use or handling of a hazardous material or chemical; or~~

~~—B. A change of business address, ownership or business name.~~

~~—(2) If a permit holder fails to file a new application within the 15 day period, the assignee of such permit holder shall do so within 15 additional days.
(Ord. 87 8, passed 2 26 1987)~~

1620.04 Contents of Permit Application.

~~The permit application shall be filed with the Fire Chief and shall include, but not be limited to, the following:~~

- ~~—(a) Every hazardous substance used, manufactured, handled or stored;~~
- ~~—(b) The chemical names and other means of identification of the hazardous substances, including Chemical Abstract Service (CAS) data sheets or OSHA approved data sheets containing the CAS Code;~~
- ~~—(c) The maximum amount of each hazardous substance which is handled or used over the course of the year;~~
- ~~—(d) Information as to how and where hazardous substances are handled or used, to allow fire and safety personnel to prepare adequate emergency responses to potential releases of hazardous substances;~~
- ~~—(e) Sufficient information on any release of hazardous material into the air, water or land, to permit the city to understand the sources and contents of the hazardous substance released;~~
- ~~—(f) The name and telephone number of the person representing the business, which person is able to assist emergency personnel in the event of an emergency involving the business during nonbusiness hours; and~~
- ~~—(g) Other information determined by the Fire Chief to be necessary for the protection of the public health and safety or the environment.~~

~~(Ord. 87 8, passed 2 26 1987)~~

1620.05 Exemptions from Permit Requirements.

~~The following shall be exempt from the permit requirements of this chapter:~~

- ~~—(a) Hazardous substances contained in food, drugs, cosmetics or tobacco products;~~
- ~~—(b) Hazardous substances contained solely in consumer products packaged for use by, and distributed to, the general public, except where the aggregate amount equals or exceeds 55 gallons (0.208 m³) of corrosive liquids, or more than 500 pounds (227 kg) of oxidizing materials, or more than ten pounds (4.54 kg) of organic peroxides, or more than 500 pounds (227 kg) of nitromethane, or 1,000 pounds (454 kg) or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures, or any amount of highly toxic material or poisonous gas;~~
- ~~—(c) Transportation of hazardous substances through the city, except as regulated by the United States Department of Transportation with the authority of the Transportation Safety Act of 1974; and~~
- ~~—(d) X ray equipment and hazardous substances used by hospitals, medical and nursing facilities, physicians and dentists, when directly involved in patient care.~~

~~(Ord. 87 8, passed 2 26 1987)~~

1620.06 Labeling and Placarding of Hazardous Substances; Standards; Copies.

~~—Any person who stores hazardous substances in the city shall clearly label every container of a hazardous substance with the color and number coding system adopted by the National Fire Protection Association, Inc., as published in the 1980 edition of NFPA 704 entitled *Standard System for the Identification of the Fire Hazards of Materials*. A copy of NFPA 704 shall be on file for public inspection in the office of the Fire Chief. Labeling of hazardous substances, as required by this section, shall not be considered a disclosure of trade secret information.~~

~~(Ord. 87 8, passed 2 26 1987)~~

1620.07 Fees and Surcharges.

~~—A schedule of fees to be paid by persons using, handling or storing hazardous materials is set forth in Part Two—Title Twelve, Chapter 298 of these Codified Ordinances. A penalty of a 50 percent surcharge of such fees shall be assessed for the late filing of any disclosure forms.
(Ord. 87-8, passed 2-26-1987)~~

1620.08 Trade Secrets.

~~(a) (1) If a user of a hazardous substance believes that a request for information, made by either the permit application or otherwise pursuant to this chapter, involves the release of a trade secret, the user shall so notify the Fire Chief, in writing.~~

~~—(2) (EDITOR'S NOTE: The definition contained in this section is also located in Chapter 1600, § 1600.01.)~~

~~—As used in this section, **TRADE SECRET** means any formula, pattern, device or compilation of information which is used in one's business and which gives the business an opportunity to obtain an advantage over competitors who do not know or use such trade secret.~~

~~(b) Subject to the provisions of this section, the Fire Chief shall protect from disclosure any trade secret coming into his or her possession when requested to do so, in writing, by the user.~~

~~(c) Any information reported to, or otherwise obtained by, the Fire Chief, or any of his or her representatives or employees, through the permit system, shall not be disclosed to anyone, except to an officer or employee of the city, the state or the United States in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors with the city and their employees if, in the opinion of the Fire Chief, such disclosure is necessary and required for the safe performance of a contract of work.~~

~~(d) No officer or employee of the city, or former officer or employee, who, by virtue of such employment or official position, has retained possession of or has access to information, the disclosure of which is prohibited by this section, and who knows that such disclosure of information is prohibited, shall knowingly and willingly disclose the information, in any manner, to a person not entitled to receive it.
(Ord. 87-8, passed 2-26-1987)~~

1620.09 Coordination of Activities with Other Regulatory Agencies.

~~(a) The Fire Chief, in implementing and enforcing the provisions of this chapter, shall coordinate his or her activities with such agencies concerned with the matters governed by this chapter, including, but not limited to, the Environmental Protection Agency, the Ohio Fire Marshal, the Nuclear Regulatory Commission, the Occupational Safety and Health Administration (OSHA), the Regional Air Pollution Control Authority (RAPCA) and the Greene County Combined Health District, and also in accordance with the rules and regulations of other agencies and governmental units having jurisdiction in these matters.~~

~~(b) For the purpose of disposal of toxic waste, the Fire Chief shall coordinate actions and enforcement thereof with the appropriate agency listed in subsection (a) hereof.
(Ord. 87-8, passed 2-26-1987)~~

~~1620.10 Notice of Violations.~~

~~—Any person claiming that a violation of any of the provisions of this chapter has taken place shall give the Fire Chief notice, in writing, of such violation. Such notice shall contain the allegations of violations believed to exist.~~

~~(Ord. 87-8, passed 2-26-1987)~~

~~1620.11 Regulated Substances and Groundwater Resource Education Program.~~

~~The Fire Chief or his or her intergovernmental designee shall establish and administer a certifiable training program for the purpose of education in the proper use, handling, storage, manufacture or disposal of regulated substances as they relate to the protection of ground water. At a minimum, the program shall provide training comparable to that required by the First Responder Awareness Level of the National Fire Protection Association's Standard 472, (latest edition) *Standard for Professional Competence of Responders to Hazardous Materials Incidents*, emphasizing ground water protection. Such a certified person shall be identified as a "ground water responder" for the purposes of this section.~~

~~(a) Application of section. This section shall apply to any person, individual, firm, corporation or partnership filing for a permit under §§ 1620.03(a) and/or (b).~~

~~(b) Certification required. Any person or other entity affected by subsection (a) hereof shall have a minimum of one person certified by the Fire Chief as having successfully completed the Regulated Substances and Ground Water Resource Education Program. Such certification as a ground water responder shall be renewed annually upon demonstration of competence as required by the training program.~~

~~(c) Program standards. The program standards shall be those of the National Fire Protection Association's Standard 472, *Standard for Professional Competence of Responders to Hazardous Materials Incidents*, First Responder Awareness Level, the latest edition.~~

~~(1) In general. The ground water responder shall be trained to meet all of the requirements of this section and shall receive training in order to properly use, handle, store or dispose of regulated substances within the City of Xenia, particularly as those substances relate to ground water contamination.~~

~~(2) Goal. The goal of the program shall be to provide those persons who, in the course of their normal duties, are responsible for the proper use, handling, storage, manufacture or disposal of regulated substances, with the following competencies so as to operate in a safe manner when confronted with an area sensitive to ground water contamination. These personnel are not expected to take any actions other than to recognize that a potential contamination hazard exists.~~

~~A. An understanding of the general hydrogeology of the Xenia area, including the various types of aquifers encountered and other ground water resources of the area;~~

~~B. An understanding of what regulated substances are and the risks to ground water associated with them regarding improper use, handling, storage, manufacture and disposal, as well as emergency situations;~~

~~C. An understanding of the potential outcomes associated with ground water contamination created when regulated substances are improperly used, handled, stored, manufactured or disposed;~~

~~D. The ability to recognize the presence of regulated substances;~~

~~E. The ability to identify regulated substances and to determine basic hazard and response information;~~

- ~~F. An understanding of the role of the owner or operator using regulated substances to ensure that proper ground water protection measures are implemented; and~~
- ~~G. The ability to recognize the need for additional resources and to make appropriate notifications in the event of imminent or occurring ground water contamination.~~

~~(d) Educational seminars. The Fire Division shall provide educational seminars at least twice a year for persons or businesses who or which are not required under subsection (b) hereof to attend a mandatory certification class dealing with regulated substances and ground water protection.
(Ord. 93-36, passed 6-24-1993)~~

~~1620.12 General Groundwater Resource Education Program.~~

~~(a) Application of program. The General Grand Water Resource Educational Program shall be designed for persons or other entities not referred to in § 1620.11(a), including, but not limited to, those persons or other entities exempted under § 1620.05, general households, agricultural operators and public and private school personnel and attendees.~~

~~(b) Availability of program. The program shall be made available on an annual basis, and the availability of the program shall be made known to the general public by utilizing appropriate avenues, including, but not limited to, television, radio and print media, local workshops and seminars, service organizations and public and private school programs.~~

~~(c) Presented information. The information presented in the program shall include, but not be limited to, the following:~~

- ~~(1) The general hydrogeology of the Xenia area, including the various types of aquifers encountered and other ground water resources of the area and their relationship to current and future drinking water supplies;~~
- ~~(2) The general principles and proper procedures for the use, handling, storage, manufacture and disposal of regulated substances, including common household and agricultural substances;~~
- ~~(3) The potential outcomes associated with ground water contamination created when regulated substances, including common household and agricultural substances, are improperly used, handled, stored or disposed of;~~
- ~~(4) The role of the general public in using such substances to ensure that proper ground water protection measures are taken;~~
- ~~(5) How ground water contamination by regulated substances is different from other emergencies; and~~
- ~~(6) Where information for the proper use, handling, storage, manufacture and disposal of regulated substances can be obtained.~~

~~(Ord. 93-36, passed 6-24-1993)~~

~~1620.13 Hydrogeologic Resource Bank.~~

~~—A resource bank shall be established to acquire and maintain information, including databases, documents and maps, pertinent to the following:~~

- ~~—(a) The hydrogeology of the Xenia area;~~
- ~~—(b) Recommended best management practices for the manufacture, use, handling, storage and disposal of regulated substances as they relate to ground water protection; and~~
- ~~—(c) A list of federal, state and local regulations affecting businesses as they relate to ground water protection.~~

~~(Ord. 93-36, passed 6-24-1993)~~

~~1620.14 Support of Hydrogeologic Research.~~

~~—The City of Xenia shall actively support hydrogeologic research of the Xenia area inasmuch as it contributes to an increased understanding of the ground water resources of the area and the measures necessary and desirable to protect such resources to ensure current and future ground water quality and quantity.~~

~~(Ord. 93-36, passed 6-24-1993)~~

~~1620.99 Penalty.~~

~~—Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 60 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.~~

~~(Ord. 87-8, passed 2-26-1987)~~

298.01 Fee Schedule

(h) Fees from Part Sixteen: Fire Prevention Code:

<i>Xenia Code Section</i>	<i>Fire Code Section</i>	<i>Type of Permit</i>	<i>Permit Required For:</i>	<i>Permit Fee (in dollars)</i>
1610.13(b)	F 301.2	//O	Bonfires/outdoor fires (no Fire Division standby)	\$20.00
		//O	Bonfires/outdoor fires (with Fire Division standby)	\$225.00
	F 303.2	//O	Torches for removing paint	\$15.00
	F 305.2	//O	Combustible material storage	\$55.00
	F 400.2	N/A/O	Automatic sprinkler systems:	\$55.00 per man hour
			Fire alarm/detection systems	\$55.00 per system
	F 408.5	N//	Cooking unit suppression system	\$55.00
	F 600.2	N/A/	Airports, heliports, helistops	\$55.00
	F 700.2	N/A/O	Application of flammable finishes	\$55.00
	F 800.2	//O	Bowling pin and lane refinishing	\$55.00
	F 900.2	N/A/	Dry cleaning plants (using flammable fluids)	\$55.00
	F 1000.2	N/A/	Dust explosion hazards	\$55.00
	F 1100.2	N/A/O	Crop ripening or color process	\$55.00
	F 1200.2	//O	Thermal fumigation, insect fogging	\$55.00
	F 1300.2	N/A/	Lumberyards and woodworking plants	\$55.00
	F 1400.2	N/A/	Ovens and furnaces (1400 + degrees)	\$55.00
	F 1500.2	N/A/O	Places of assembly:	
			— Less than 50	None
			— 51—200	\$55.00
			— More than 200	\$55.00
	F 1600.2	N/A/	Service stations and garages	\$55.00
	F 1700.2	//O	Tents, air supported and temporary structures	\$25.00
	F 1800.2	N/A/	Vehicle tire rebuilding plant	\$55.00
	F 1900.2	N/A/	Vehicle wrecking yard, junkyard and waste materials handling plant	\$55.00
	F 2003.2	N/A/O	Welding/cutting calcium carbide and acetylene cylinder/container storage	\$30.00
	F 2005.1	N/A/O	Storage of calcium carbide (over 200 lb.)	\$30.00
	F 2006.1	N/A/O	Acetylene generator (carbide cap. > 5 lbs.)	\$30.00
	F 2100.2	N/A/O	Cellulose nitrate film (storage 25 lbs.)	\$55.00
	F 2200.2	N/A/O	Cellulose nitrate film (storage over 25 lbs.)	\$55.00

	F 2300.2	N/A/O	Combustible fibers (storage over 100 cu. ft.)	\$55.00
	F 2400.2	N/A/O	Compressed gasses (storage)	\$55.00
	F 2500.2	N/A/O	Cryogenic liquids (production and storage)	\$55.00
	105.1.1.1 .1	N/A/O	Explosives, ammunition and blasting agents	\$55.00
	105.1.1.1 .6	/O	Fireworks (display of)	\$55.00
			— With pumper standby	\$275.00
	105.1.1.1 .2	N/A/O	Flammable and combustible liquid storage	
			— Tank above ground	\$55.00
			— Tank underground	\$85.00
	F 2900.2	N/A/O	Hazardous materials and chemicals	\$85.00
	105.1.1.1 .3	N/A/O	LP gasses (storage)	\$85.00
	F 3100.2	N/A/O	Magnesium (using)	\$55.00
	F 3200.2	N/A/O	Storage of matches (over 25 cases)	\$55.00
	F 3300.2	N/A/O	Organic coatings	\$55.00
<p>Note a. All fees include the necessary review of plans, review of application information, required on site inspections, witness of required tests and standby of fire apparatus as required.</p>				
<p>Note b. “N” = new occupancy inspection — “A” = annual renewal inspection — “O” = occasional permit (specific time, place, period, and the like)</p>				

(1997 Code, § 1610.13(b)) (Res. 87 E, passed 2-26-1987; Am. Ord. 05-08, passed 3-24-2005; Am. Ord. 06-62, passed 9-28-2006; Am. Ord. 08-32, passed 5-22-2008; Am. Ord. 08-77, passed 11-25-2008; Am. Ord. 10-19, passed 6-10-2010; Am. Ord. 12-09, passed 3-22-2012)

298.01(e) – Fees from Part Ten: Streets, Utilities and Public Services Code

Table E.12

Xenia Code Section	Chapter 1064: Emergency Alarms and Communications	Fee
Emergency Alarms number of false alarms in a six month consecutive period		
1064.03(b)	0-3	None
	4	\$50.00
	5	\$150.00
	6	\$250.00
	7 or more	The actual cost of equipment and manpower responding