

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, JUNE 2, 2026
7:00 P.M.**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. AN ORDINANCE RECOGNIZING AND HONORING THE MEMORY OF THE CHILDREN AND BUS DRIVER WHO PERISHED IN THE SCHOOL BUS ACCIDENT ON JANUARY 22, 1930, AND DECLARING AN ANNUAL DAY OF REMEMBRANCE, AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.- PER COUNCIL PRESIDENT.

2. AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (CORRECTIONS OFFICERS/JAILERS), AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.- PER COUNCIL PRESIDENT.

IV. SAFETY COMMITTEE – CHAIRMAN, COUNCILMAN POINDEXTER:

1. AN ORDINANCE AMENDING THE BROOK PARK CODIFIED ORDINANCES ENTITLED "FIRE PREVENTION CODE" AND DECLARING AN EMERGENCY. Introduced by Mayor Orcutt.

V. ADJOURNMENT

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: _____

**AN ORDINANCE RECOGNIZING AND HONORING THE MEMORY OF THE CHILDREN
AND BUS DRIVER WHO PERISHED IN THE SCHOOL BUS ACCIDENT ON
JANUARY 22, 1930, AND DECLARING AN ANNUAL DAY OF REMEMBRANCE,
AND DECLARING AN EMERGENCY**

WHEREAS, on January 22, 1930, a tragic accident occurred at the Five Points intersection resulting in the loss of innocent school children and school bus driver traveling to school; and,

WHEREAS, the nine children and school bus driver who perished in this devastating incident represent a solemn and enduring reminder of the importance of student safety and community vigilance; and,

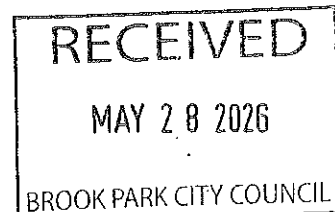
WHEREAS, the City of Brook Park recognizes the historical significance of this tragedy and the lasting impact it has had on families, residents, and the broader community; and,

WHEREAS, it is fitting and proper that the City formally honor the memory of these nine children and school bus driver to ensure that their lives are remembered with dignity and respect; and,

WHEREAS, commemorating this event serves to both preserve local history and reinforce the City's ongoing commitment to the safety and well-being of all children.

NOW THEREFORE BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The City of Brook Park hereby formally recognizes and honors the memory of the nine children and school bus driver who list their lives in the Five Points school bus accident on January 22, 1930.



SECTION 2: January 22 of each year is hereby designated as a "Day of Remembrance" within the City of Brook Park to commemorate the 10 lives lost in this tragic accident and to promote awareness of student transportation safety.

SECTION 3: The Administration is hereby authorized and directed to explore appropriate means of memorialization, which may include but are not limited to: signage, plaques, or a permanent memorial at Kennedy Memorial, as shown by Exhibits "A" and "B".

SECTION 4: It is found and determined 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 and of any of its committees that resulted in such formal actions were in meetings open to the public in full compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to commemorate the lives lost in the tragic Five Points school bus accident on January 22, 1930. Therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

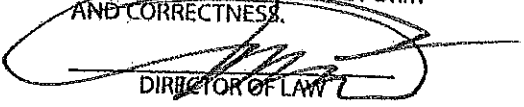
PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.


DIRECTOR OF LAW

MAY 3, 2025
SAVED AS: 25BROOKPARK1



IN LOVING MEMORY
OF THOSE NINE CHILDREN AND THEIR DRIVER
WHO LOST THEIR LIVES
AT SHELDON ROAD CROSSING, JAN. 22, 1930
VERNON DAVIDSON JACOB L. WALTERS JR.
WILLIAM DAVIDSON JUANITA M. WALTERS
EVELYN KALTENBACH DOROTHY M. ZELINSKI
WILLIAM PASTOREK RITA M. ZELINSKI
JOHN TAYLOR DRIVER VINCENT G. ZELINSKI
REDEDICATION 2026
MAYOR ORCUTT AND CITY COUNCIL

12.0

24.0"

CREATED BY: _____ MAILED BY: _____

Please check carefully.
Mailing documents will not be responsible
for any errors after approval of this
sealed drawing.

DATE _____ NAME _____

STENCIL CUT BY: _____ APPROVED AS SHOWN

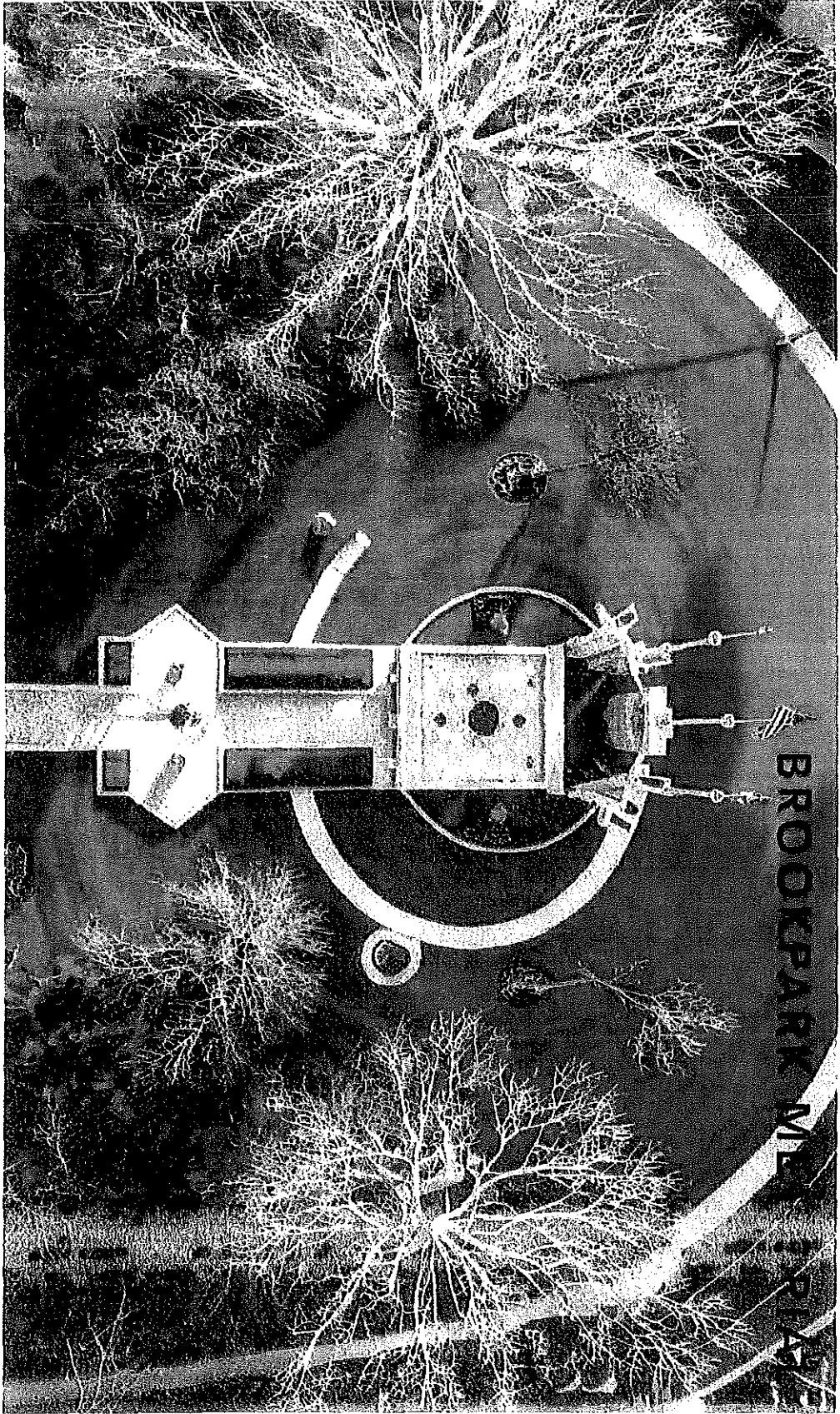


EXHIBIT
"B"

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (CORRECTIONS OFFICERS/JAILERS), AND DECLARING AN EMERGENCY

WHEREAS, a contract between the City and the Ohio Patrolmen's Benevolent Association has been negotiated by the Mayor and presented to Council pursuant to the provisions of Chapter 4117 of the Ohio Revised Code; and

WHEREAS, said contract shall be effective January 1, 2024 through December 31, 2026.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized to enter into a contract on behalf of the City with the Ohio Patrolmen's Benevolent Association effective January 1, 2024 through December 31, 2026; a copy of said contract is attached hereto as Exhibit "A" and made a part hereof as if fully rewritten herein.

SECTION 2: The money needed for the aforesaid transaction shall be paid from funds theretofore appropriated for said purpose.

SECTION 3: It is found and determined 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 and of any of its committees that resulted in such 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 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare of the municipality and inhabitants thereof, such emergency existing for the further reason to enter into a contract with the Ohio Patrolmen's Benevolent Association. Therefore, provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

RECEIVED
MAY 28 2026
BROOK PARK CITY COUNCIL

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.

Victoria Cardenas

DIRECTOR OF LAW



An

AGREEMENT

Between



THE CITY OF BROOK PARK

And



THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION

(CORRECTIONS OFFICERS/JAILERS)

Effective January 1, 2024 through December 31, 2026

Contents

ARTICLE 1 INTENT OF THE AGREEMENT.....	3
ARTICLE 2 RECOGNITION	3
ARTICLE 3 MANAGEMENT RIGHTS	3
ARTICLE 4 DUES DEDUCTION	4
ARTICLE 5 ASSOCIATION REPRESENTATION	4
ARTICLE 6 NO STRIKE	5
ARTICLE 7 DISCIPLINE	5
ARTICLE 8 GRIEVANCE AND ARBITRATION PROCEDURE	6
ARTICLE 9 DUTY HOURS	7
ARTICLE 10 PERMANENT SHIFTS	7
ARTICLE 11 OVERTIME	8
ARTICLE 12 LEAVES	9
ARTICLE 13 VACATION	11
ARTICLE 14 HOLIDAYS	12
ARTICLE 15 COMPENSATION	13
ARTICLE 16 INSURANCE	15
ARTICLE 17 CLOTHING ALLOWANCE	16
ARTICLE 18 MISCELLANEOUS	17
ARTICLE 19 LAYOFF PROCEDURE	17
ARTICLE 20 NON-DISCRIMINATION	18
ARTICLE 21 HEADINGS	18
ARTICLE 22 "PICK UP" PAYMENTS	18
ARTICLE 23 HEALTH AND SAFETY	18
ARTICLE 24 LABOR MANAGEMENT COMMITTEE	18
ARTICLE 25 SAVINGS CLAUSE	19
ARTICLE 26 SHIFT TRADE/RESCHEDULING	19
ARTICLE 27 PROBATIONARY PERIOD	19
ARTICLE 28 DURATION OF AGREEMENT	20

PREAMBLE

This agreement is made and entered into by and between the City of Brook Park (hereinafter referred to as the "Employer") and the Ohio Patrolmen's Benevolent Association (hereinafter referred to as "OPBA" or "Association").

ARTICLE 1 INTENT OF THE AGREEMENT

1.01 The Employer having recognized the OPBA as the representative of certain bargaining unit members of the Division of Police, both parties now desire to enter into a new Agreement to supersede all previous agreements, and to provide for the peaceful adjustment of any differences that may arise from time to time during the term of this Agreement without resort to strike, and to set forth clearly the terms and conditions of employment and responsibilities of each party and to promote harmony and efficiency to the end that the citizens of Brook Park, Ohio will enjoy uninterrupted jail protection and service during the term of this Agreement.

ARTICLE 2 RECOGNITION

2.01 The Employer hereby recognizes the OPBA as the exclusive representative for negotiating wages, hours and other terms and conditions of employment for all sworn full-time bargaining unit members of the Division of Police occupying the position of Jailer, excluding all other full-time and part-time bargaining unit members of the Employer.

2.02 The Employer will furnish, upon request, the OPBA with a list of all bargaining unit members in the classifications covered by this Agreement indicating their starting date of employment. Such list will be furnished no less than annually and will be supplemented by the names of all new bargaining unit members as hired.

ARTICLE 3 MANAGEMENT RIGHTS

3.01 Except as specifically limited by explicit provisions of the Agreement, the Employer reserves and retains, solely and exclusively, all rights, powers, and authority, including the right to determine and fulfill the mission of the Division of Police of the Department of Public Safety, determine staffing policy and in all other respects to plan, manage, evaluate, administer, govern, control, and direct its personnel and operations. Such exclusive rights include, but not limited to, the following:

- a) To determine matters of inherent managerial policies which include policy areas of discretion such as the functions and programs of the Employer, standards of service, overall budget, utilization of technology and organizational structure;
- b) To establish, modify and enforce reasonable policies, rules, regulations, and standards for bargaining unit members performance;
- c) To determine the size, composition, structure, and adequacy of the work force;
- d) To establish and determine job qualifications and duties and to establish, modify, consolidate and abolish jobs or job classifications;
- e) To hire, evaluate, assign, transfer, schedule, supervise, direct, promote, and for just cause demote, discipline, suspend and discharge bargaining unit members;

- f) To lay off bargaining unit members in the event of lack of work or lack of funds or under conditions where the Employer determines that the continuation of such work is unnecessary;
- g) To determine overall methods, processes and means by which operations are to be efficiently and effectively conducted;
- h) To determine the location of facilities and to introduce new and/or improved equipment and methods;
- i) To determine the financial policies and procedures of the Employer, including the exclusive right to allocate and expand all funds of the Employer;
- j) To do all things appropriate and incidental to any of its rights, powers, prerogatives, responsibilities, and authority; and in all respects to carry out the ordinary and customary functions of the administration, subject only to the procedures and criteria governing the exercise of these right as are expressly provided for in this Agreement.

ARTICLE 4 DUES DEDUCTION

4.01 During the term of this Agreement, the Employer will collect initiation assessments levied by the OPBA and the regular monthly OPBA dues from the wages of those bargaining unit members who have individually and voluntarily signed dues deduction authorization forms permitting said deductions. No new authorization forms will be required from any bargaining unit members in the Division of Police for whom the Employer is currently deducting dues.

4.02 The initiation fees, dues or assessments so deducted will be in the amounts established by the OPBA from time to time in accordance with its Constitution and Bylaws. The OPBA will certify to the Employer the amounts due and owing from the bargaining unit members involved.

4.03 The Employer will deduct dues, initiation fees and assessments from the first pay in each calendar month. If a bargaining unit member has no pay due on the pay date, such amounts shall be deducted from the next or subsequent pay.

4.04 A check in the amount of the total dues withheld from these bargaining unit members authorizing a dues deduction will be tendered to the treasurer of the OPBA within thirty (30) days from the date of making said deductions.

4.05 The OPBA hereby agrees to hold the Employer harmless from any and all liabilities or damages which may arise from the performance of its obligations under this Article and the OPBA will indemnify the Employer for any such liabilities or damages that may arise.

ARTICLE 5 ASSOCIATION REPRESENTATION

5.01 The parties recognize that it may be necessary for a bargaining unit member representative of the OPBA to leave a normal work assignment while acting in the capacity of representative. The OPBA recognizes the operational needs of the employer and will cooperate to keep to a minimum time lost from work by representatives. Before leaving an assignment pursuant to this section, the representative must obtain approval from the Chief. The Employer will compensate a

representative at the normal rate for the time spent in the good faith processing of grievances, and at any meetings at which the Employer requests a representative to be present, but only for such time expended during normal working hours.

5.02 Members of the Negotiating Committee will be allowed reasonable time off to participate in collecting bargaining meetings with the Employer, if held during a member's regular working hours, without loss of pay.

5.03 Department representatives of Officers of the OPBA will be afforded eighty hours of time off per year to attend Association meetings. There will be no carryover of hours from one calendar year to the next.

ARTICLE 6 NO STRIKE

6.01 Neither the OPBA nor any member of the bargaining unit will directly or indirectly call, sanction, encourage, finance, participate or assist in any way in any strike, slowdown, walkout, concerted "sick leave" or mass resignation, work stoppage or slowdowns, or other unlawful interference with the normal operations of the Employer for the duration of this Agreement. A breach of this section will be grounds for discipline. The OPBA will not be held liable for the unauthorized activity of the bargaining unit members it represents or its members who are in breach of this section, provided that the OPBA meets all its obligations under this Article.

6.02 The OPBA will always cooperate with the Employer in continuing operations in a normal manner and will actively discourage and attempt to prevent any violation of the "no-strike" clause.

6.03 In the event of a violation of the "no-strike" clause, the OPBA will promptly notify all bargaining unit members in a reasonable manner that the strike, work stoppage or slowdown, or other unlawful interference with normal operations of the Employer is in violation of this Agreement, unlawful and not sanctioned or approved of by the OPBA. The OPBA will advise the bargaining unit members to return to work immediately.

6.04 The Employer will not lock out any bargaining unit members for the duration of this Agreement.

ARTICLE 7 DISCIPLINE

7.01 Disciplinary action taken by the Employer will only be for just cause.

7.02 A non-probationary employee who is suspended, demoted, or discharged will be given written notice regarding the reason(s) for the disciplinary action. An employee who receives a reprimand by email or voice mail will receive a written notice via hard paper of such reprimand.

7.03 Prior to any suspension or discharge being effective, the non-probationary employee will be notified in writing of the reasons for the suspension or discharge and will be afforded an opportunity to respond in writing within five (5) calendar days after receipt of notice. Such response may, at the employee's election, contain statements of such witnesses and other persons as the employee may wish to present on their behalf. At the Employer's discretion, an employee may be suspended with pay prior to receipt of the employee's response.

ARTICLE 8 GRIEVANCE AND ARBITRATION PROCEDURE

8.01 Definitions

- a) A grievance is a dispute or difference between the Employer and the OPBA or the Employer and the bargaining unit member concerning the interpretation or application of any provision of this Agreement.
- b) For this Article, "working days" means Monday through Friday. In the event the Employer or its representatives does not respond in accordance with the time limitations as set forth herein, the grievance will automatically move to the next step of the Grievance Procedure.

8.02 Grievance Procedure

Step 1: A bargaining unit member who has a grievance may take it up orally with the Lieutenant (or at the next rank level above where the discipline was meted out), either alone or with a representative of the OPBA, within one calendar week after the events occur which gave rise to the grievance. The Lieutenant will respond orally or in writing within two (2) working days after the grievance is presented. If there is no rank of Lieutenant, the grievance should be taken up orally with the Captain in accordance with step 2.

Step 2: If the grievance is not satisfactorily settled at Step 1, it will be taken up orally with the Captain within three (3) working days after receipt of Step 1 answer. The Captain will respond orally or in writing within two (2) working days after the grievance is presented.

Step 3: If the grievance is not satisfactorily settled at Step 2, it will be reduced to writing with details and remedy requested and submitted to the Police Chief on forms provided by the Employer within five (5) working days after receipt of step 2 answer. The Chief will meet with the bargaining unit member and with representatives of the OPBA within three (3) working days of the receipt of the grievance and will provide the OPBA with a written answer within two (2) working days after the meeting.

Step 4: If the grievance is not satisfactorily settled at Step 4, the bargaining unit member may appeal in writing to the Director of Public Safety on forms provided by the Employer within five (5) working days after receipt of step 3 answer. The Director will meet with the bargaining unit member and with representative of the OPBA within three (3) working days of the receipt of the grievance and will provide the OPBA with a written answer within two (2) working days after the meeting.

Step 5: If the grievance is not satisfactorily settled at Step 4, the bargaining unit member may appeal, in writing, to the Mayor on forms provided by the Employer within five (5) working days of receipt of the number 4 answer. The Mayor, or their designee, will respond in writing within five (5) working days of the receipt of the appeal.

Step 6: If the grievance is not satisfactorily settled at Step 5, the OPBA may submit the grievance to arbitration by notice to the Employer within fifteen (15) working days of step answer. The parties will promptly meet to mutually agree on an arbitrator to hear the matter. Absent an agreement, the OPBA may request from the American Arbitration Association a panel of seven (7) potential arbitrators. The parties will obtain a quote list only of arbitrators from the American Arbitration Association. The parties will thereafter and using the alternate strike method, choose one (1) arbitrator. Fees and expenses of the arbitrator so selected will be shared equally by the parties.

8.03 Attendance at Arbitration. A bargaining unit member or Employer official requested to appear at the arbitration hearing by either party will attend without the necessity of subpoena and without any loss of regular pay for time off the job while attending the arbitration proceeding. Any request made by within party for the attendance of witnesses will be made in good faith. At no time will the number of bargaining unit members in attendance exceed three (3) bargaining unit members at any one time.

8.04 Policy Grievance. A grievance which affects a substantial number of bargaining unit members may be initiated at Step 3 of the Grievance Procedure.

8.05 Authority of Arbitrator. The arbitrator will have no power or authority to add to or subtract from or modify in any way the provisions of this Agreement, or to make an award in conflict with the law.

8.06 Binding Arbitration. The grievance procedure set forth herein is the exclusive method of resolving disputes and all decisions of arbitrators or settlements of grievances reached prior to arbitration will be final and binding on the Employer and the OPBA; provided that the withdrawal of any grievance at any stage will not be prejudicial to the positions of the parties as they relate to that grievance or any future grievance.

ARTICLE 9 DUTY HOURS

9.01 The regular work week for bargaining unit members in the Division of Police will be forty (40) hours, eight hours per day.

9.02 Overtime will be calculated for any hours worked more than eight hours on a scheduled shift.

ARTICLE 10 PERMANENT SHIFTS

10.01 There will be permanent shifts for non-probationary bargaining unit members. Bargaining unit members will make an annual shift selection by seniority and submit the same to the Employer for review. Shift assignments will not be used as a form of discipline.

10.02 The city will have the right to request that a bargaining unit member be removed from their selected shift for good cause. After such request, the parties will meet and negotiate before the City makes a final decision as to such removal. The Employer will make every effort not to switch a bargaining unit member's shift during the calendar year; provided. However, that if a shift discrepancy occurs during the year, the

Employer will meet with the OPBA before it makes any final decision. Nevertheless, affected individuals will have the right to file a grievance regarding such shift change directly at step 5 (Mayor's level) of the Grievance Procedure. No action on shift change will be taken until the Mayor or their designee provides a written response in accordance with Step 5 of the grievance procedure.

10.03 Jailers will not be required to switch shifts to fill a staffing need unless a jailer's absence will be greater than fourteen (14) days. The Employer will seek volunteers to fill shift discrepancies, if there are no volunteers, the Employer agrees to make every effort to fill shift discrepancies by reverse seniority.

ARTICLE 11 OVERTIME

11.01 When a full-time bargaining unit member is required to work more than their regularly scheduled workday, overtime will be computed on a daily, rather than weekly, basis. Such bargaining unit members will receive an overtime payment at the rate of one and one-half (1 ½) times the bargaining unit member's regular rate of pay for each hour worked beyond the regularly scheduled tour of duty. Time spent for required and approved school, training, staff meetings and court appearances (outside of regular duty time) will be paid at time and one-half (1 ½), provided, however, that the bargaining unit member will receive a minimum of three (3) hours' pay for each such appearance (whichever is greater). For purposes of court appearances, if any portion of the actual court appearance falls within the bargaining unit member's regular shift time, or if the actual court time is scheduled within thirty (30) minutes of the regularly scheduled shift, the bargaining unit member will be entitled to additional compensation for only that amount of time spent outside of their regularly scheduled shift.

11.02 Overtime will be computed by including all items such as longevity, cost-of-living, and extra training pay.

11.03 Bargaining unit members will be eligible to receive either compensatory time or overtime at the rate of time and one-half as noted above. The bargaining unit member's compensatory time system will be set-up as a two (2) bank system, referred to as the (A) bank, and the (B) bank. Bargaining unit members may accumulate no more than one hundred twenty (120) hours of compensatory time in the (A) bank, and no more than two hundred forty (240) hours in the (B) bank. Bargaining unit members eligible for such time will have the right to receive overtime pay or compensatory pay to be paid at the regular rate of pay with no skill differential as they choose.

11.04 Bargaining unit members will be able to accrue compensatory time in the (A) bank not to exceed one hundred twenty (120) hours at any time. This compensatory time bank will carry over year to year but will exceed one hundred twenty (120) hours at any time bargaining unit members will be able to accrue a separate annual bank, the (B) bank, of up to two hundred forty (240) hours of compensatory time to either be utilized or paid in the calendar year as follows:

- a) Any approved compensatory time as time off will not be used to create or result in overtime payments to other jailers.
- b) Compensatory time not utilized and approved by the Employer prior to the payout periods set forth in this paragraph will be paid out, and the account paid to a zero

(0) balance twice per year, payable in July and December each year. Payouts under this provision will be made for compensatory time accumulated more than two (2) pay periods to the payout.

- c) Payouts of accumulated compensatory time will be non-pensionable as set forth in the OPERS statute and the Ohio Administrative Code Rules.

However, when a bargaining unit member accumulates one hundred twenty (120) hours of compensatory time in their (A) bank, or two hundred forty (240) hours of compensatory time in their (B) bank, he/she must take overtime pay at the applicable rate of pay for that year.

All bargaining unit members will receive eight (8) hours of compensatory time during the first pay period of each year, which will be added to their compensatory time (A) or (B) bank. Bargaining unit members will inform the Captain which bank the compensatory time is to be placed by January 15. If such time creates the compensatory time (A) bank to exceed the one hundred twenty (120) hour limit, or the compensatory time (B) bank to exceed the two hundred forty (240) hour limit, then this time must be used in such year, causing the bank to drop back to the one hundred twenty (120) or two hundred forty (240) hour limit.

11.05 Bargaining unit members who currently have more than one hundred twenty (120) hours of compensatory time in the (A) bank and two hundred forty (240) hours of compensatory time in the (B) bank will not be eligible to receive additional compensatory time and must receive overtime pay until one of the compensatory time "banks" is reduced to below its respective hour limits.

11.06 The use of compensatory time may not create an overtime situation elsewhere in the department.

ARTICLE 12 LEAVES

12.01 Sick Leave. Each bargaining unit member will be credited with sick leave at the rate of ten (10) hours for each completed month of service. Bargaining unit members may use sick leave, upon the approval of the responsible administrative officer of the employing unit, for absences due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other bargaining unit members, and to illness, injury, or death in the bargaining unit member's immediate family. Unused sick leave will be cumulative without limit. When sick leave is used, it will be deducted from the bargaining unit member's balance base on one hour for every hour of absence from previously scheduled work. A bargaining unit member using sick leave will furnish a satisfactory written signed statement justifying its use. If medical attention is required, a certificate stating the nature of the illness from a licensed physician will be required to justify the use of sick leave. Falsification of either a written, signed statement, or physicians' certificate will be grounds for disciplinary action, including dismissal. This section will be uniformly administered as to all bargaining unit members. No sick leave may be granted to a bargaining unit member upon or after their retirement or termination of employment.

12.02 Conversion of Unused Sick Leave.

- a) A bargaining unit member who retires will be entitled, as part of the bargaining unit member's final pay, to a lump sum payment of one-half (½) of all bargaining unit member's accrued and unused sick leave not to exceed a maximum payout of 1200 hours (½ of 2400 hours equals 1200 hours maximum payout). The payment will be based upon the bargaining unit member's hourly rate on the last date of employment and will eliminate all accrued and unused sick leave. To be eligible, a bargaining unit member must have at least ten (10) years full-time employment with the Employer. "Retirement" means disability or service retirement under any state retirement system.
- b) The above sick leave conversion payment will be paid after a member retires or paid to their estate upon their death.

12.03 Funeral Leave. A full-time bargaining unit member will be granted a leave of absence with pay, not to be charged against sick leave, in the event of the death of their spouse, mother, father, or legal guardian within the family environment, child, stepchild, brother, sister, mother-in-law, father-in-law, grandparents, brother-in-law, sister-in-law. The attendance of funerals for other family members as approved by the Chief of Police will be charged against sick leave. The bargaining unit member will be granted three (3) working hours leave. To be eligible, the bargaining unit member must notify the Employer in the manner it will establish and must attend the funeral. Failure to do so or misrepresentation of the facts relating to funeral leave will be ground for disciplinary action, including discharge. Eighty (80) hours of leave will be granted to a member of the Department whose spouse, parent, or child dies. Bargaining unit members may utilize sick leave for more than three (3) days.

12.04 Jury Duty Leave. Any full-time bargaining unit member who is called for jury duty and any full-time bargaining unit members who is called and serves on the jury in any court, either federal, county, or municipal, will be paid their regular salary less any compensation received from such court for jury duty as provided for in the Ohio Revised Code.

12.05 Wage Continuation/Transitional Work Policy. All bargaining unit members are subject to the Employer's Wage Continuation/Transitional Work Policy, which is on file at the Human Resources Commissioner's Office.

12.06 Leave of Absence Without Pay. The Chief of Police may grant a leave of absence without pay to bargaining unit members. The bargaining unit member must request in writing all leaves of absence without pay. The request will state the reason(s) for taking such leave of absence and the dates for which leave is requested. The leave may be granted for a maximum duration of six (6) months. This leave is in addition to any leave provided by the Family and Medical Leave Act or other provisions of this collective bargaining agreement. If this is determined that the leave is not actually being used for the purpose it was granted, the Chief of Police may cancel the leave and direct the bargaining unit member to return to work.

- a) A bargaining unit member who fails to return to service from a leave of absence without pay may be removed from service. A member who fails to return to duty and is subsequently removed from service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

- b) Upon completion of a leave of absence, the member is to be returned to their classification formally occupied. Time spent on authorized leaves of absence without pay will count seniority, layoff purposes and for computing the amount of vacation leave, provided the member is properly returned to service and is not serving a probationary period.
- c) Members that do not return to service from a personal leave of absence will not receive service credit for the time spent on such leave.
- d) This provision is not subject to the grievance procedure.
- e) Except for seniority, no other bargaining unit member benefits, including health care, are accrued under this provision.

12.07 Leave Donation Program. Bargaining unit members may donate paid leave to a fellow bargaining unit member who is otherwise eligible to accrue and use sick leave. The intent of the leave donation program is to allow bargaining unit members to voluntarily aid their co-bargaining unit members who are in critical need of leave due to serious illness or injury of the bargaining unit member or a member of their immediate family. A bargaining unit member may not donate paid leave if it will result in the bargaining unit member having less than forty (40) hours of accrued leave. A bargaining unit member is not entitled to receive donated paid leave until he first exhausts all their accumulated leave time. Bargaining unit members may not actively solicit donations for paid leave.

12.08 Sick Leave Bonus. Any bargaining unit member who does not utilize any paid sick leave for a period of three (3) consecutive months will be entitled to eight (8) hours of compensation. At the bargaining unit member's option, this compensation is to be ten (10) hours straight time placed into the bargaining unit member's compensatory time (B) bank or paid in cash in the first pay period following each three-month period. The cash payment will be in a separate check and distinct from any other regular compensation. The consecutive month periods will be:

1. January, February, March
2. April, May, June
3. July, August, September
4. October, November, December

12.09 Family and Medical Leave Act. Bargaining unit members may request and be granted time off without pay pursuant to the Family and Medical Leave Act of 1993 (FMLA). Such time off without pay will not exceed twelve (12) weeks in any twelve (12) month period. Leave under this provision will be computed when first approved. During such leave, the bargaining unit members will continue to receive health insurance benefits with the same conditions as set forth in Article XVII. Bargaining unit members are subject to the Employer's FMLA policy.

ARTICLE 13 VACATION

13.01 All full-time bargaining unit members will be granted the following vacation leave, with pay, for each year based on length of service with the Employer. Vacations will be taken from January 1 through December 31 and will be selected by bargaining unit members in December preceding the year the vacation is to be taken based upon seniority and classification.

<u>Years of Service</u>	<u>Length of Vacation</u>
After 1 year	80 hours
After 5 years	120 hours
After 10 years	160 hours
After 15 years	200 hours
After 20 years	240 hours

Compensation for vacation will be based upon forty (40) hours of pay at the bargaining unit member's regularly hourly rate for each week of vacation.

13.02 Any break in service by a bargaining unit member will result in a forfeiture of all accumulated years of service. Break in service will mean retirement or resignation by a bargaining unit member or termination by the Employer, which is final.

13.03 Accumulation. Vacation will be taken in the calendar year following the calendar year in which it is earned, except that all bargaining unit members of the Division of Police may accumulate up to three times their annual vacation provided that in no event will such accumulation exceed ten (10) weeks (400 hours). Accrued vacation time in excess of accumulation permitted by the preceding paragraph, and carried over to the following calendar year, will be forfeited.

13.04 Bargaining unit members may be permitted to take their earned vacation time (1-6 weeks), one day at a time if permission for such vacation has been secured from the Chief or their designee and further provided that such vacation does not cause overtime.

13.05 Bargaining unit members may be permitted to take their earned vacation time (1-6 weeks), in hourly increments if permission for such time off has been secured from the Chief or their designee and further provided that such time off does not create overtime.

13.06 All bargaining unit members receiving six (6) weeks of paid vacation will have the option of receiving cash for one (1) vacation week per year. Payment for this week of vacation will be paid concurrent with the first pay date in December of each year. A bargaining unit member wishing to utilize this option must notify the Police Chief on or before November 1 of each year.

ARTICLE 14 HOLIDAYS

14.01 All full-time bargaining unit members who work the following holidays will be compensated at the overtime rate for all hours worked:

New Year's Day	Independence Day
Martin Luther King, Jr. Day	Labor Day
President's Day	Veteran's Day
Memorial Day	Thanksgiving Day
Juneteenth	Christmas Day

In lieu of holidays, bargaining unit members will be credited with eighty-eight (88) hours of time off and such time off will be taken according to departmental policy, except that should any holiday be taken prior to the actual date of the holiday, a bargaining unit member will be liable for repayment of the holiday pay to the Employer if the bargaining unit members ceases to be an bargaining unit member of the Employer by the date of the holiday.

14.02 Any full-time bargaining unit member who works on one of the holidays enumerated in Section 1 will be compensated at the applicable overtime rate for the hours worked on the holiday. Any full-time bargaining unit member who is working overtime on one of the holidays enumerated in Section 1 will be compensated as additional one-half ($\frac{1}{2}$) of their normal overtime rate.

14.03 All full-time bargaining unit members will be entitled to twenty-four (24) personal hours. Time off will be taken according to departmental rules.

14.04 Holiday Time Cash-Out All full-time bargaining unit members who are not on the department's sick leave abuse program will be entitled to exchange up to eighty-eight (88) hours holiday leave each year for cash compensation. The bargaining unit member must inform the Employer of the number of holiday hours, if any, he wants to exchange for cash compensation by December 1 of each year. The payment for the exchanged holiday leave hours will be in the first pay period of December and will be in a separate check and distinct from any other regular compensation.

14.05 Mental Health/Stress Day Any bargaining unit member desiring to take time off which will interfere with shift staffing requirements may have another bargaining member work the shift for which the time off is requested. The bargaining unit member working these hours will be paid the normal overtime rate. Each bargaining unit member will be permitted to use this benefit three times per calendar year. This time off request must be made with at least three (3) hour notice, to enable the shift supervisor to fill these overtime hours.

Time for this will be deducted from the bargaining unit member's sick time bank and will not be counted against the bargaining unit member regarding the Sick Time Bonus, (Section 13.08). If the bargaining unit member does not have at least twelve (12) hours in their sick time bank, the Mental Health/Stress Day will not be granted.

Only one bargaining member per shift will be permitted to use this Mental Health/Stress Day at a time. Consideration will be granted to multiple requests depending on the time frame such request was made, and the ability to fill multiple openings.

Any bargaining unit member not utilizing this annual benefit will receive a check for two hundred dollars (\$200.00) for each day not utilized in the preceding year. Such payment to be issued by January 31 and will be in separate check and distinct from any other regular compensation.

ARTICLE 15 COMPENSATION

15.01

The salary paid to Corrections Officers/Jailers shall be as follows:

	2024 (3.25%)	2025 (3.25%)	2026 (3.00 %)
Start	\$42,952.00	\$44,347.94	\$45,678.38
12 Months	\$45,099.60	\$46,565.34	\$47,962.30
24 Months	\$47,247.20	\$48,782.73	\$50,246.22
36 Months	\$49,394.80	\$51,000.13	\$52,530.13
48 Months	\$49,846.00	\$51,466.00	\$53,009.98

In addition to the above salaries, all bargaining unit members will receive longevity in the following amounts at the time so specified. Longevity payments will be divided into bargaining unit members' bi-weekly pay and included in the calculation of overtime rates.

<u>Length of Service</u>	<u>Amount</u>
5 years	\$500
10 years	\$1,000
15 years	\$1,500
20 years	\$2,000
25 years	\$2,500

15.02 Shift Differential. Bargaining unit members assigned to the 1500 hours to 2300 hours and 2300 hours to 0700 hours shifts will receive a payment of \$0.75 per hour for shift differential.

15.03 Professional Pay. In order to encourage continuing professional training and proficiency all bargaining unit members who undertake training and are certified in the following fields:

CPR/AED Trained

Members will receive an annual professional wage supplement in the amount of \$500.00 annually provided. The payment for the Professional Pay will be in the first pay period of July and will be in a separate check and distinct from any other compensation.

15.04 Extra Training Pay.

- a) All full-time bargaining unit members who have completed forty-four (44) credit hours (based upon a college quarter system) or thirty (30) credit hours (based upon a college semester system) in Law Enforcement courses with a grade of "C" or better in each course will, receive two (2%) percent of the top Jailer salary in addition to their annual salary as an incentive for completing such Law Enforcement courses.
- b) All full-time bargaining unit members who have completed the course and who have received an Associate Degree in Law Enforcement will receive four

- (4%) percent of the top Jailer salary in addition to their annual salary as an incentive for obtaining such degree.
- c) All full-time bargaining unit members who obtain a degree above an Associate Degree in Law Enforcement, such as a bachelor or master's degree, and provided the courses taken to each such degree are job related to police technology, will receive four (4%) percent of the top Jailer salary in addition to their annual salary as an incentive for obtaining such degree.
 - d) The payment referred to in paragraphs a), b), and c) of this Section are to be made at the time the required degree is received and during the first pay period of July of each subsequent year; however, if a bargaining unit member receives a two (2%) percent payment in July of any year for completing Law Enforcement courses and later in the same year qualifies for a four (4%) percent payment for receipt of a degree under paragraph b) or c), the Employer will pay the individual an additional two (2%) percent upon receipt of such degree.
 - e) The maximum payment per year for any bargaining unit member under this Section will be four (4%) percent of the top Jailer salary in addition to a bargaining unit member's annual salary.
 - f) All full-time bargaining unit members who desire to attend classes for extra training pay under this Section will attend classes on their own time and/or compensatory time previously earned. Such bargaining unit members will not be paid overtime for classes attended on their own time.
 - g) If a bargaining unit member wishes to attend classes when scheduled for duty, using compensatory time, it will first be determined by the Chief of Police, with concurrence of the Safety Director, that sufficient manpower is available, but if the bargaining unit member has not accumulated compensatory time and still desires to attend classes during the scheduled working hours, the bargaining unit member must agree to reimburse the Employer for the time missed while attending classes.
 - h) The agreement to reimburse the Employer must be in the form of a notarized affidavit signed by the bargaining unit member. The reimbursement must take place within ten (10) months from the date the bargaining unit member first missed work to attend classes or prior to termination of employment with the City of Brook Park, whichever occurs earlier.
 - i) No payment will be made under this Section until satisfactory evidence that the course have been completed or the degree has been earned is submitted to the Audit Department through the Chief of Police, who will determine the validity of such evidence presented by the bargaining unit member. Said payment will be made by separate check.

15.05 If there is sufficient staffing available, the Chief may permit a bargaining unit member to attend duty-related classes while on duty with no charge against their accumulated time record.

ARTICLE 16 INSURANCE

16.01 Hospitalization Insurance. The Employer will provide and pay for 85% of the premium for the higher deductible plan and 90% of the premium for the lower deductible

plan on behalf of each full-time bargaining unit member for single and family hospitalization, medical service coverage and prescription coverage under the current plan or a similar plan. All deductions will be made on a pretax basis.

Prescription coverage will be as follows under the current plan or a similar plan.

1. Tier 1 - \$10.00 deductible
2. Tier 2 - \$20.00 deductible
3. Tier 3 - \$35.00 deductible
4. Maintenance drugs – by mail order only; mandatory program.

The Employer will have the right to choose an alternative insurance carrier and/or provide other delivery systems, after discussion with the Association, provided that the benefits in such new policy are like the current policy.

16.02 Dental Insurance. The Employer will provide each member of the Division dental insurance coverage under the current plan or substantially similar plan and/or other delivery systems which include a fifty (\$50.00) dollar deductible with eighty (80%) percent payment in all services to one thousand (\$1,000.00) dollars per year and sixty (60%) percent payment toward orthodontia care to a lifetime maximum of one thousand five hundred (\$1,500.00) dollars. The Employer will pay the equivalent of the premium for bargaining unit member and family coverage and orthodontia coverage.

16.03 Life Insurance

- a) The Employer will provide and pay the full premium for all full-time bargaining unit members for a convertible life insurance policy in the face value of twenty-five thousand (\$25,000.00) dollars.
- b) The Employer will provide and pay the full premium for a paid-up life insurance policy in the face amount of five thousand (\$5,000.00) dollars, for each bargaining unit member covered by this Agreement upon such bargaining unit member's retirement.

16.04 Vision Care The Employer will provide a vision care program, under the current program or similar program as follows;

<u>Coverage</u>	<u>Age 18 and Under</u>	<u>Age 19 and Over</u>
Exam	Every 12 months	Every 24 months
Frames to \$60	Every 12 months	Every 12 months
Lenses	Every 12 months	Every 12 months
Contact Lenses to \$100	Every 12 months	Every 12 months

ARTICLE 17 CLOTHING ALLOWANCE

Bargaining unit members will be provided an annual clothing allowance of one thousand (\$1,000.00) dollars in January of each year.

ARTICLE 18 MISCELLANEOUS

18.01 Medical Examinations. In any instance where the Employer sends a bargaining unit member for a medical examination, the Employer will pay the cost of the examination and will pay the bargaining unit member for the time expended taking such examination.

18.02 Suits Against Bargaining Unit Members. Except where a bargaining unit member is found by a Court to have acted in a willful, wanton, or malicious manner, the Employer will indemnify and hold harmless all bargaining unit members covered by the terms of this Agreement from any liability arising from or because of any claim or suit brought against such bargaining unit member arising from or because of any action or inaction by such bargaining unit member in the scope of employment. The Employer will also provide legal counsel and pay all expenses for the defense of any claim or suit brought against any such bargaining unit member arising from or because of any action or inaction by such bargaining unit member actually or allegedly committed in the scope of employment.

18.03 Disciplinary Notices. For purposes of disciplinary action only, a disciplinary notice will remain in the bargaining unit member's personnel folder for only two (2) years, except for time off for suspension incidents.

18.04 FTO Pay. Any bargaining unit member who acts as a Field Training Officer will be compensated one (1) additional hour at time and one-half for each eight (8) hour tour of duty as a Field Training Officer in addition to time worked. If the bargaining unit member works less than an eight (8) hour shift in the capacity of Field Training Officer, additional compensation will be reduced on a pro-rata basis. Overtime pay can be converted to compensatory time upon bargaining unit member's request.

18.05 Outsourcing or Consolidation of Jail Operations. In the event an employee is subject to job abolishment due to the outsourcing or consolidation of the City's jail operation with other jurisdictions/entities, a bargaining unit member will be entitled to severance pay in the amount of 347 hours of the employee's base rate of pay. In lieu of severance pay, the bargaining unit member may choose to apply for any open position in the City for which they are qualified.

This Article is not subject to the contractual grievance and arbitration procedure. The Union acknowledges and agrees that the Employer has no further obligation to negotiate the top of the subcontracting or reallocation of bargaining unit work in the event of consolidation of the City's dispatch operations with another jurisdiction/entity during the life of this Agreement or as long as this Agreement remains in effect.

ARTICLE 19 LAYOFF PROCEDURE

If a layoff of bargaining unit members becomes necessary, it will be made in order of seniority (most junior first) and recall will be in the inverse order of seniority. If a layoff of bargaining unit members should become necessary, the Employer will pay the bargaining unit members laid off for the following regular overtime pay due; (2) compensatory time, if any, due; and (3) accrued but unused vacation time.

It is further understood that before any bargaining unit members may be laid off under this Article, all part-time work must first have been eliminated and that no civilian bargaining unit member will be hired to do any work currently performed by members of the bargaining unit if such hiring would cause the layoff of a member of the bargaining unit.

ARTICLE 20 NON-DISCRIMINATION

20.01 The Employer and the OPBA agree not to discriminate against any bargaining unit member(s) on the basis of race, religion, color, creed, national origin, age, sex, disability, or any other status protected by law.

20.02 The OPBA and City expressly agree that membership in the OPBA is at the option of the bargaining unit member and that it will not discriminate between members and nonmembers.

ARTICLE 21 HEADINGS

It is understood and agreed that the use of headings before articles is for convenience only and that no heading will be used in the interpretation of said article nor affect any interpretation of any such article.

ARTICLE 22 "PICK-UP" PAYMENTS

Within a reasonable period from the ratification of this contract, the Employer will initiate a pension "pick-up" plan. Specifically, the members' gross salary will be reduced by the full amount of said contribution. The members' contributions which are "picked-up" by the Employer will be treated in the same manner as contributions made by members prior to the commencement of the "pick-up" program and will, therefore, be included in "compensation" for the purpose of the Ohio Public Employees Retirement System benefit calculations, and for the purposes of the parties in fixing salaries and compensation of members as set forth in this contract. The Employer's contribution to the Ohio Public Employees Retirement System will be calculated on the full salary of members before the "pick-up" is deducted from gross salary.

ARTICLE 23 HEALTH & SAFETY

The Employer agrees to provide the following:

1. OC Spray
2. Restraint Chair
3. Spit Hoods
4. Gloves
5. Masks
6. Convex Shields
7. Initial and ongoing training on all equipment

ARTICLE 24 LABOR MANAGEMENT COMMITTEE

24.01 It is agreed by and between the City of Brook Park and OPBA that it is in the best interests of the parties to create a Labor Management Committee for the purpose of discussing areas of mutual concern.

24.02 The Labor Management Committee will consist of the Mayor or their designated representative and the Brook Park Chief of Police and two representatives of the OPBA. Said committee will meet at least once every three (3) months for the purpose of discussing or attempting to resolve any mutual work-related problems.

24.03 Any member of the Labor Management Committee may put a matter on the committee's agenda at least five (5) working days in advance of a scheduled meeting. Both the Employer and the OPBA will make every effort to implement the unanimous decisions of the committee.

24.04 This committee is not intended to resolve grievances but is intended to discuss matters of general concern.

24.05 Bargaining unit members will have the right to attend such meetings without loss of pay.

ARTICLE 25 SAVINGS CLAUSE

In the event any one or more provisions of this Agreement is or are deemed invalid or unenforceable by any final decision of a court or governmental agency, that position will be deemed severable from the rest of the Agreement and all such other parts of this Agreement will remain in full force and effect. In such event, the Employer and OPBA will, at the request of either party hereto, promptly enter negotiations relative to the provisions deemed invalid or unenforceable.

ARTICLE 26 SHIFT TRADE/RESCHEDULING

26.01 Bargaining unit members may trade scheduled workdays or shifts with approval of the Captain. Approval for such shift trades or workday trades will not be unreasonably denied. Each scheduled workday or shift trade can only be done between pay periods.

26.02 During any given pay period, bargaining unit members may change scheduled days off with the approval of the Captain if such request does not create overtime.

26.03 Shift trades by bargaining unit members will be limited to thirty (30) days in a calendar year.

ARTICLE 27 PROBATIONARY PERIOD

27.01 All newly hired bargaining unit members will be required to serve a probationary period of one (1) year. During said period, the Employer will have the right to discipline or discharge such bargaining unit members and any such action will not be appealable through the disciplinary, grievance or arbitration procedures herein contained. Bargaining unit members will have no security during such probationary period. However, upon completion of the probationary period, seniority will start from date of hire.

27.02 If a new bargaining unit member is discharged or quits while on probation, and is later rehired, he will be considered a new bargaining unit member.

ARTICLE 28 DURATION OF AGREEMENT

This agreement is prospective only and represents the complete Agreement on the matters herein between the Employer and the OPBA. Except as otherwise noted herein, this Agreement will become effective on ratification and will remain in full force and effect until December 31, 2026. If either party desires to make any changes in the Agreement for a period after December 31, 2026, notice of such a desire will be given prior to November 1, 2026. If such notice is given, this Agreement will remain in effect until the parties reach agreement on a new contract. If no notice seeking modification is given, then the Agreement will remain in effect for another year, although notice may be given in any subsequent year prior to November 1, and the procedure stipulated herein will take effect.

This Agreement will be subject to a "me too" agreement relating to any changes regarding increases, in wages or economic benefits in the Agreement between the Employer and the International Association of Fire Fighters, AFL-CIO, during the 2024-2026 collective bargaining agreement.

This Agreement is agreed to and signed on this _____ day of _____, 2026.

FOR THE CITY:

FOR THE OHIO PATROLMEN'S
BENEVOLENT ASSOCIATION:

Safety

P/C 5/19/26
CA _____
1st R _____
2nd R _____
3rd R _____
B/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: _____

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AMENDING THE BROOK PARK CODIFIED ORDINANCES ENTITLED "FIRE PREVENTION CODE" AND DECLARING AN EMERGENCY .

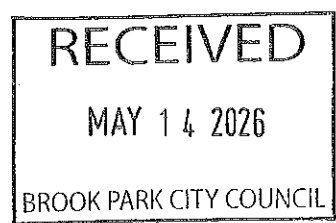
WHEREAS, certain provisions of the new Ohio Fire Code (OFC) cannot be implemented due to the City's ordinance requiring compliance with the 1997 Life Safety Code. The OFC represents the minimum allowable code under state law; therefore, the City is required to update its ordinance to adopt the most current Life Safety Code; and

WHEREAS, after a detailed review of the current Fire Prevention Code, multiple discrepancies have been identified within the existing code. Many Ordinances enacted during the 1970s, 1980s, and 1990s predate the establishment of a State Fire Code. Since that time, many of these provisions have been incorporated into the OFC and Ohio Building Code (OBC). The current OFC and OBC are generally more current and, in most cases, more stringent. Some existing ordinances now contain outdated information; and

WHEREAS, pursuant to Brook Park Ordinance 1501.03(c), the Fire Chief is to recommend amendments to the City Fire Prevention Code, which in his judgment would be desirable; and

WHEREAS, although ordinances have been added incrementally over the years, the current Fire Prevention Code has not undergone a comprehensive review in 23 years. The proposed updates will bring the Fire Prevention Ordinance into compliance with current standards and should eliminate existing and future discrepancies.

NOW THEREFORE IT BE ORDAINED, by the Council of the City of Brook Park, State of Ohio that



SECTION 1: The current Fire Prevention Code of the Brook Park Codified Ordinances, and reading as follows:

PART FIFTEEN - FIRE PREVENTION CODE

- Chap. 1501 Ohio Fire Code.
- Chap. 1502 NFPA 101 Life Safety Code.

- Chap. 1503 Fire Extinguishing Equipment for Buildings.
- Chap. 1505 Negligent Fires in Public Buildings.
- Chap. 1507 Fire Department Permits and Fees.
- Chap. 1508 Recovery of Costs of Emergency Actions.
- Chap. 1509 Smoke Detection Systems.
- Chap. 1510 Carbon Monoxide Detectors.
- Chap. 1511 Open Burning.
- Chap. 1513 Recovery of Costs of Emergency Medical Services and Ambulance Transportation.
- Chap. 1519 Fireworks.

CHAPTER 1501
Ohio Fire Code

- 1501.01 Current edition adopted.
- 1501.015 Definitions.
- 1501.02 Purpose and application.
- 1501.03 Bureau of Fire Prevention.
- 1501.04 Enforcement.
- 1501.05 Compliance.
- 1501.06 Posting arson laws.
- 1501.07 Setting fires which spread.
- 1501.08 Unfriendly fires in buildings; alarm duties.
- 1501.09 Disclosure of true Fire Safety Inspector status.
- 1501.10 Fire equipment sale or use; certification of installers.
- 1501.11 File and sale copies.
- 1501.12 Conflict.
- 1501.13 Modifications.
- 1501.14 Appeals.
- 1501.15 New materials, processes or occupancies requiring permits.
- 1501.16 Amendments.

- 1501.17 Above-ground flammable and combustible liquid storage tanks.
1501.99 Penalty.

CROSS REFERENCES

See section histories for similar State law

-
- Appeals of orders - see Ohio R.C. 119.12
State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34
Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
Entry and inspection - see Ohio R.C. 737.34 et seq., 3737.14, 3737.41, 3737.42
Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.
Fire extinguishing and alarm systems in rear and nursing homes - see Ohio R.C. 3721.071
Self-service filling stations - see Ohio R.C. 3741.14
Fireworks - see Ohio R.C. 3743.27, 3743.32 et seq.
Gasoline service stations - see P. & Z. 1121.29
NFPA 101 Life Safety Code - see FIRE PREV. Ch. 1502

1501.01 CURRENT EDITION ADOPTED.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City of Brook Park the most current edition of the Ohio Fire Code (OFC), as adopted by the Ohio Department of Commerce, Division of State Fire Marshal, published in Division 1301:7 of the Ohio Administrative Code (OAC).

(b) The most current edition of the Ohio Fire Code, as adopted by the State of Ohio, is incorporated herein as fully as if set out at length.

(Ord. 9033-2003. Passed 11-5-03.)

1501.015 DEFINITIONS.

As used in this chapter and in the Ohio Fire Code, as adopted in Section 1501.01:

(a) "Chief of the Bureau of Fire Prevention" means the Chief of Fire of the City of Brook Park.

- (b) "Corporation Counsel" means the City Law Director.
- (c) "Designated enforcement officer" means the Lieutenant or Inspector of the Bureau of Fire Prevention.
- (d) "Fire Official" means the Lieutenant or Inspector of the Bureau of Fire Prevention.
- (e) "Municipality" means the City of Brook Park.

(f) "Nationally recognized good practice" means the limitations and conditions inherent in the standards and publications listed in 1301:7-7-44 (Referenced Standards) of the Ohio Fire Code.

(Ord. 8253-1996. Passed 8-6-96.)

1501.02 PURPOSE AND APPLICATION.

(a) The purpose of the Ohio Fire Code, as adopted in Section 1501.01, is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

(b) The Ohio Fire Code, as adopted in Section 1501.01, applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

(Ord. 6958-1986. Passed 12-16-86.)

1501.03 BUREAU OF FIRE PREVENTION.

(a) The Ohio Fire Code shall be enforced by the Bureau of Fire Prevention which is hereby established in the Fire Department. The Bureau shall be operated under the supervision of the Fire Chief or his or her designee, who shall also act as the Chief of the Bureau of Fire Prevention and perform all of the duties of the Chief in charge of the Bureau of Fire Prevention. The Bureau shall consist of one Fire Prevention Lieutenant and one Assistant Fire Prevention Officer assigned to these duties as set forth in Section 143.02 of the Administrative Code.

(b) The Fire Chief may detail such members of the Fire Department as inspectors as are necessary. The Chief shall recommend to the Director of Public Safety the employment of any necessary technical inspectors.

(c) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. It shall contain all

proceedings under the Ohio Fire Code, with such statistics as the Fire Chief may wish to include therein. The Chief shall also recommend any amendments to the Code which in his or her judgment would be desirable.

(d) The Fire Prevention Officers of the Bureau of Fire Prevention shall be appointed under the rules of civil service by the Director of Public Safety on the basis of competitive examination of members of the Fire Division to determine their qualifications. Such Officers shall be State certified under Ohio R.C. 3303.07.

(Ord. 8246-1996. Passed 8-6-96.)

1501.04 ENFORCEMENT.

(a) It shall be the duty and responsibility of the Chief of the Fire Department, or the Fire Prevention Bureau, to enforce the provisions of the Ohio Fire Code as set forth in this chapter. The designated enforcement officer of this Code is herein referred to as the Code Official.

(b) If, upon inspection or investigation, the Code Official believes that this Code has been violated, he or she shall, with reasonable promptness, issue a citation to the responsible person. For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases, shall be as prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, or any order issued pursuant thereto, provided that such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violations of Ohio R.C. Chapter 3737, the Ohio Fire Code or this Fire Prevention Code shall be as prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) The Code Official may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(d) A copy of such complaint or citation shall be prominently posted by the responsible person at or near each place a violation referred to occurs.

(e) Upon request of the Municipal Fire Safety Inspector, the Municipal legal officer shall institute and prosecute any

necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

(Ord. 8247-1996. Passed 8-6-96.)

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code, as adopted in Section 1501.01, or any order issued pursuant 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 obtain a permit or license for the various uses or activities required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements, including payment of the fees designated therefor. (Ord. 8248-1996. Passed 8-6-96.)

1501.06 POSTING ARSON LAWS.

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) (Ord. 6958-1986. Passed 12-16-86.)

1501.07 SETTING FIRES WHICH SPREAD.

No person shall set, kindle or cause to be set or kindled any fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot.

(ORC 3737.62) (Ord. 6958-1986. Passed 12-16-86.)

1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

(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 Ohio Basic 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 Fire Department

concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) 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.

(c) No person shall fail to comply with this section.
(ORC 3737.63) (Ord. 6958-1986. Passed 12-16-86.)

1501.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

No person who is not a certified Fire Safety Inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.

(ORC 3737.64; Ord. 6958-1986. Passed 12-16-86.)

1501.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate issued by the Ohio Fire Marshal.

(ORC 3737.65; Ord. 6958-1986. Passed 12-16-86.)

1501.11 FILE AND SALE COPIES.

One copy of the Ohio Fire Code, as adopted in Section 1501.01, shall be on file with the Clerk of Council, the Director of Public Safety and the Fire Chief for inspection by the public. One copy of such Code shall also be on file in the Cleveland Science Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost.

(Ord. 8249-1996. Passed 8-6-96.)

1501.12 CONFLICT.

(a) In the event of a conflict or inconsistency between any of the provisions of the Ohio Fire Code, as adopted in Section 1501.01, and a provision of any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control.

(b) In the event of a conflict or inconsistency between any of the provisions of the Ohio Fire Code and a provision of State law or regulation, the State law or regulation shall control.

(c) In the event of a conflict or inconsistency between any of the provisions of the Ohio Fire Code and a provision of any other technical code adopted by reference by the City, the higher or stricter standard shall control.

(Ord. 8250-1996. Passed 8-6-96.)

1501.13 MODIFICATIONS.

The Fire Chief shall have power to modify any of the provisions of the Ohio Fire Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief shall be officially recorded as part of the records of the Department and a signed copy shall be furnished the applicant.

(Ord. 6958-1986. Passed 12-16-86.)

1501.14 APPEALS.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Ohio Fire Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of Zoning and Building Appeals within thirty days from the date of the decision appealed.

(Ord. 6958-1986. Passed 12-16-86.)

1501.15 NEW MATERIALS, PROCESSES OR OCCUPANCIES REQUIRING PERMITS.

The Director of Public Safety, Fire Chief and a member of the Fire Department selected by the Director of Public Safety shall

act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Ohio Fire Code. (Ord. 6958-1986. Passed 12-16-86.)

1501.16 AMENDMENTS.

The Ohio Fire Code, as adopted in Section 1501.01, is hereby amended by the enactment, modification or deletion of the following provisions as respectively indicated, which amendments are hereby adopted as set forth herein:

OFC Section FM-309.3 entitled "Exhaust systems and dampers" is hereby enacted to read as follows:

FM-309.3 Exhaust systems and dampers: Exhaust systems for cooking operations shall be maintained so as not to create a hazardous condition. Any flue dampers shall be tested periodically to insure proper functioning of all parts.

OFC Section FM-312.7 entitled "City building no smoking areas" is hereby enacted to read as follows:

FM-312.7 City building no smoking areas: The Fire Marshal is hereby directed to establish no smoking areas, pursuant to Ohio R.C. 3791.031, in structures owned by the City. Council, in intending to protect the rights of nonsmokers, directs the Fire Marshal to declare that smoking shall be prohibited at all times in the Council Chambers and that smoking shall be permitted in areas so designated in the hallways adjacent to the Council Chambers.

OFC Section FM-322.0 entitled "Use of outdoor grills" is hereby enacted to read as follows:

FM-322.0 Use of outdoor grills: No person shall kindle or maintain a fire to be used for the preparation of food or for any other purpose in any type of outdoor or portable grill in any apartment or on or below any apartment house balcony or within twenty feet of any structure housing more than four families.

OFC Section FM-323.0 entitled "Combustibles in walkways of roofed malls" is hereby enacted to read as follows:

FM-323.0 Combustibles in walkways of roofed malls: No combustible goods, merchandise, equipment, apparatus or decorations shall be displayed or stored within the public

walkways of a roofed-over mall unless approved by the Fire Chief.

OFC Section FM-324.0 entitled "Open ground and outdoor industrial and commercial fires" is hereby enacted to read as follows:

FM-324.0 Open ground and outdoor industrial and commercial fires: All industrial or commercial open ground fires, with the exception of burning in approved-type incinerators as per City ordinances, are hereby prohibited.

OFC Section FM-325.0 entitled "Closing trapdoors" is hereby enacted to read as follows:

FM-325.0 Closing trapdoors: All trapdoors, except those which are automatic in their operation, shall be closed at the completion of the business of each day.

OFC Section FM-326.0 entitled "Marking shaftways" is hereby enacted to read as follows:

FM-326.0 Marking shaftways: Every outside window in a building used for manufacturing purposes or for storage, which opens directly on any hoistway or other vertical means of communication between two or more floors in such building, shall be plainly marked with the word "SHAFTWAY" in red letters at least 6 inches high on a white background. Such warning sign shall be placed so as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word "SHAFTWAY", to be placed so as to be easily visible to anyone approaching the shaftway from the interior of the building.

OFC Section FM-327.0 entitled "Electrical equipment sales" is hereby enacted to read as follows:

FM-327.0 Electrical equipment sales

(a) No person, firm or corporation shall sell, offer for sale or expose for sale within the City any electrical materials, equipment, fixtures, appliances or heating and lighting devices which do not bear an Underwriters' Laboratories or Factory Mutual seal of approval, or which have been declared by the Fire Chief to be unsafe for use because of design, construction, wiring or assembly.

(b) The Fire Chief or any inspector of the Bureau of Fire Prevention is hereby authorized to inspect any and all electrical materials, equipment, fixtures, appliances or heating and lighting devices sold, offered for sale or exposed for sale, within the City, and to determine whether the same are safe or unsafe for use because of design, construction, wiring or assembly. If such materials or devices are found to be unsafe, a "Notice of Inspection" shall be given to the person selling or offering or exposing the same for sale. Such notice shall state what articles, materials or devices are unsafe, and the same shall be removed immediately from the sales shelves. No person shall be guilty of a violation of this section unless such written "Notice of Inspection" shall have been given to him or to his employees, or to the person in charge of the place where the article or articles are sold, offered for sale or exposed for sale.

OFC Section FM-328.0 entitled "Fired premises a nuisance" is hereby enacted to read as follows:

FM-328.0 Fired premises a nuisance: Any premises within the City wherein a fire has occurred, and either interior or exterior damage to a building or structure has been suffered, is hereby declared to be a public nuisance. Such nuisance may be summarily abated or the premises condemned for occupancy by the Director of Public Service when he has determined that a hazard to the public health or safety exists, or such nuisance may be abated in the manner provided in the Administrative Code of the Codified Ordinances of the City. In either case, prior to such abatement, the premises shall first be inspected by the Health Officer, the Building Commissioner and the Fire Chief, or their duly authorized representatives, and each shall make written recommendations to the Director of Public Service as to specific work to be performed in order to properly abate such nuisance and to protect the public health and safety. The Director of Public Service shall follow such recommendations to the extent possible in abating such nuisance.

OFC Section FM-329.0 entitled "Fire blankets" is hereby enacted to read as follows:

FM-329.0 Fire blankets: An approved-type fire blanket shall be accessible at all times within domestic science cooking rooms and science and chemistry rooms using open flames in all types of occupancies.

OFC Section FM-330.0 entitled "Fire alarm boxes" is hereby enacted to read as follows:

FM-330.0 Fire alarm boxes: Access to all fire alarm boxes shall not be obstructed in any manner. All private fire alarm boxes and systems shall be maintained in good operating condition at all times.

OFC Section FM-331.0 entitled "Combustible materials storage" is hereby enacted to read as follows:

FM-331.0 Combustible materials storage: Combustible materials shall not be stored within thirty-six inches of furnaces and water heaters, under flue pipes, or under or within thirty-six inches vertically of gas and electric meters.

OFC Section FM-332.0 entitled "Maintenance of chimneys and flues" is hereby enacted to read as follows:

FM-332.0 Maintenance of chimneys and flues: Chimneys, flues or similar devices for conveying products of combustion or hot gases to the exterior of the building shall be maintained in a manner as not to create a hazardous condition.

(a) Existing masonry chimneys, which upon inspection are found to be without a flue liner and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked so as to be dangerous, shall be made safe by means of a fire clay liner, fire brick or a corrosion-resistant metal pipe and otherwise repaired, if necessary, or the chimney shall be removed. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue and the entire space between the metal liner and the walls of the chimney shall be filled with cement mortar.

(b) Existing chimneys and vents of metal which are corroded or improperly supported shall be replaced, unless suitable repairs are made.

(c) Existing chimneys and vent connectors of metal which are corroded or improperly supported shall be replaced.

OFC Section FM-333.0 entitled "Spark arrestors" is hereby enacted to read as follows:

FM-333.0 Spark arrestors: Residential, commercial and industrial incinerators shall be provided with approved spark arrestors or other effective means for arresting sparks, fly ash and particulate particles.

OFC Section FM-334.0 entitled "Heat-producing appliances" is hereby enacted to read as follows:

FM-334.0 Heat-producing appliances

(a) All heat-producing appliances, including boilers, furnaces, incinerators, ovens and restaurant-type cooking appliances shall be installed and maintained so as to be reasonably safe to persons and property. Evidence that heat-producing appliances are installed in accordance with the applicable standard specified in rule 1301:7-7-44 of the Administrative Code (Referenced Standards) shall be evidence that such heat-producing appliances are installed so as to be reasonably safe to persons and property.

(b) No hotplate or heat-producing appliance shall be located on or within eighteen inches of any combustible material. Shelves shall not be permitted within a vertical distance of thirty-six inches over a hotplate.

OFC Section F-501.2 entitled "Installations" is hereby amended to read as follows:

F-501.2 Installations: Before any fire alarm, detection or fire suppression system is installed, enlarged or extended, a permit shall be obtained from the Building Commissioner and the Bureau of Fire Prevention. Plans and specifications shall be reviewed by the Bureau of Fire Prevention prior to the issuance of the building permit. In those instances where such plans and specifications are submitted to the Bureau for review, the review shall be conducted under the direction of the Fire Chief. Upon finding that the plans and specifications for a system are satisfactory, the Fire Chief shall issue a permit therefor. The issuance of such permit shall mean that the Bureau has reviewed the installation, enlargement or extension of the system, subject to the issuance of a permit by the Building Commissioner and subject to final inspection and test by the Bureau.

OFC Section FM-504.6 entitled "Defective or removed fire suppression equipment" is hereby enacted to read as follows:

F-504.6 Defective or removed fire suppression equipment: No responsible person shall fail to promptly notify the Fire Chief if any fire suppression system or fire protection system or any part thereof, as defined in Section FM-502.1, is removed, altered or defective or is not functioning properly.

OFC Section FM-519.0 entitled "PUBLIC AND PRIVATE FIRE HYDRANTS; USE AND OBSTRUCTION" is hereby enacted to read as follows:

FM-519.0 PUBLIC AND PRIVATE FIRE HYDRANTS; USE AND OBSTRUCTION

FM-519.1 Public fire hydrants

(a) An adequate water supply for fire-fighting purposes, as determined by the Fire Chief, shall be available for all buildings, structures and parts thereof. Such water shall be supplied from City water or private water supply mains.

(b) All buildings and structures shall be located so that all parts thereof are not more than 300 feet from readily accessible public or private fire hydrants, in such number and at such locations to be determined by the Fire Chief. Such distance shall be measured along streets, roadways or driveways, complying with Section FM-519.3. Spacing of hydrants around buildings shall not be more than 300 feet apart.

(c) All dwellings or other minor buildings or structures shall be located so that all parts thereof are not more than 300 feet from not less than one readily accessible public or private fire hydrant. Such distance shall be measured along streets, roadways or driveways, complying with Section FM-519.3.

FM-519.2 Private fire hydrants

(a) Private fire hydrants shall be located, installed and maintained in accordance with applicable rules and regulations of the Cleveland Water Division and nationally recognized good practice.

(b) All private fire hydrants shall have an approved shut-off valve installed in the fire hydrant lead not more than ten feet from the fire hydrant, which shall be accessible at all times.

(c) All private fire hydrants shall be installed not closer than two feet nor more than five feet from a street, roadway or driveway conforming to Section FM-519.3.

(d) All private fire hydrants shall be maintained in proper working order by the owner.

(e) An inspection and flow test shall be conducted by the owner, as prescribed by the Fire Chief, and reports of testing shall be forwarded to the Fire Department.

(f) All private fire hydrants shall be accessible at all times for fire-fighting purposes.

FM-519.3 Access streets, roadways and driveways: Access streets, roadways or driveways, where required by Sections FM-519.1 and FM-519.2, shall conform to the following:

(a) The width shall be sufficient to permit easy passage of any Fire Department apparatus and in no case shall the width be less than twenty feet.

(b) The surface shall be reinforced of sufficient strength and type to adequately support any Fire Department apparatus under any weather conditions.

(c) The curve radii and grade elevations shall be such as to permit any Fire Department apparatus to negotiate curves and grades under any weather conditions.

FM-519.4 Adequate water supply required: No permit for the construction of any building shall be issued by the Building Commissioner, except where adequate water supply and facilities for fire-fighting purposes are available, as determined by the Fire Chief. If the Fire Chief finds, upon inspection of any building under construction, that adequate water supply or facilities for fire-fighting purposes, as determined by the Fire Chief, are not being furnished as required, then the Building Commissioner shall stop such construction and revoke the permit previously issued therefor until such time as adequate water supply or facilities for fire-fighting purposes, as determined by the Fire Chief, are furnished.

FM-519.5 Use of hydrants and valves: No person, except at an emergency or fire or otherwise lawfully authorized as provided herein, shall remove the cover or cap from, or turn on or off, any fire hydrant, public or private water valve or stop cock used for fire protection in the City.

FM-519.6 Obstruction and use of hydrants

(a) No person shall place any obstruction or park any vehicle within ten feet of any public or private fire hydrant.

(b) No person shall make a connection to or use any water from any public fire hydrant in the City, unless such person has first applied for and obtained from the Fire Chief a fire hydrant permit and has also obtained a permit from the Cleveland Water Division for such use.

(c) No person shall fail to comply with any of the requirements of the Fire Chief and the Cleveland Water Division governing the use of water from any fire hydrant.

(d) Upon the issuance of a fire hydrant permit or blanket fire hydrant permit, it shall be the duty of the permittee, immediately and before making any connection to or using any hydrant in any way, to present the permit to the

Cleveland Water Division and obtain a receipt showing payment for the water estimated to be used by virtue of such permit. The receipt shall then be presented to the Fire Chief, together with a written statement by the permittee as to the period of time during which the hydrants set forth in the permit will be used. All of the foregoing provisions shall be complied with prior to making any connection to or using any hydrant.

(e) All fire hydrant permits issued pursuant to the provisions of this section shall expire upon completion of the work contemplated and in connection with which such permit was obtained, but in no event shall any permit remain in force and effect for a period of more than sixty days.

(f) All fire hydrant permits shall be issued subject to the express condition that the permittee shall indemnify and save the City harmless from all loss or damage that may be occasioned by the lack of care, skill or attention of the permittee or anyone in his employ in the making of a connection or in the use of such fire hydrant. The permittee shall, if any damage is caused to any public fire hydrant or water main in the use thereof, promptly and fully reimburse the City for the full cost and expense of the repairs necessary beyond the amount of his deposit if such be inadequate.

(g) All hydrants used for any purpose shall have reducing couplings attached to the nozzles of the fire hydrants with an independent valve for regulating the supply. The main valve of the hydrant shall be opened full at the beginning of work each day and remain open until the stoppage of work at night. The hydrant shall be operated only by a proper hydrant key.

(h) Upon completion of the use of a fire hydrant, the permittee shall notify the Fire Chief, who shall promptly inspect each fire hydrant used and make a report of the condition and repairs he shall find necessary to the Director of Public Safety. No further fire hydrant permits shall be issued to any permittee when any repairs are necessary, until the City has been reimbursed for the full costs involved.

OFC Section FM-520.0 entitled "Sprinklers required in senior citizen housing" is hereby enacted to read as follows:

FM-520.0 Sprinklers required in senior citizen housing: An approved automatic sprinkler system shall be installed and maintained in all common areas and facilities of any senior

citizen housing regardless of the number of stories or square footage of such housing. No person shall permit occupancy of any senior citizen housing unless this provision is complied with and unless all other City ordinances and any technical codes adopted thereby are complied with.

OFC Section FM-521.0 entitled "Fire alarm systems" is hereby enacted to read as follows:

FM-521.0 Fire alarm systems: In buildings that are required to have a fire alarm system, the fire alarm system must be supplied with emergency power so that it will function normally in the event of a primary power failure.

OFC Section FM-610.6 entitled "Lighting" is hereby enacted to read as follows:

FM-610.6 Lighting

(a) Stairways, hallways and other means of egress, including exterior open spaces to or through which an exitway leads, shall be kept adequately lighted at all times that the building served thereby is occupied.

(b) Each room, hall, auditorium or place of public assembly, each place of business open to the public after 6:00 p.m., each interior room where people work without natural light, and each apartment house, shall be provided with lights meeting the provisions of Sections FM-610.1 through F-610.5 and so located and supplied with current as to provide, with one service interrupted, emergency illumination without appreciable delay. Such installation shall consist of the following:

(i) An emergency lighting system, independent of the general lighting system, with provision for automatically transferring, by means of devices approved for the purpose, the emergency system from a defective supply to another supply; and

(ii) Any other installation approved as adequate for the purpose of this rule in the manner required by this Fire Prevention Code.

OFC Section FM-2301.4 entitled "Routes for transporting hazardous materials and chemicals" is hereby enacted to read as follows:

FM-2301.4 Routes for transporting hazardous materials and chemicals: No operator of any vehicle transporting hazardous materials and chemicals shall travel on any City street or highway, except State routes, unless prior permission is obtained from the Director of Public Safety.

OFC Section FM-2807.1 entitled "General" is hereby amended to read as follows:

FM-2807.1 General: Flammable and combustible liquid storage tanks of any capacity installed above ground shall comply with this rule.

The expansion or extension of any existing facilities shall be in accordance with the provisions of the Ohio Fire Code, as adopted in Section 1501.01, any relevant State statutes or regulations promulgated by the State Fire Marshal, and the City Zoning and Building Codes.

OFC Section F-3003.2 entitled "Storage" is hereby amended to read as follows:

F-3003.2 Storage: The storage of explosives and blasting agents is prohibited within the City limits, except as may be otherwise authorized by the Fire Chief.

OFC Section FM-3005.1.1 entitled "Routes for transporting explosives" is hereby enacted to read as follows:

FM-3005.1.1 Routes for transporting explosives: No operator of any vehicle transporting explosives and blasting agents within the City shall travel on any City street or highway, except State routes, unless prior permission is obtained from the Director of Public Safety.

(Ord. 6958-1986. Passed 12-16-86; Ord. 7710-1992. Passed 4-21-92; Ord. 8251-1996. Passed 8-6-96; Ord. 8252-1996. Passed 8-6-96; Ord. 8529-1999. Passed 4-6-99.)

1501.17 ABOVE-GROUND FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE TANKS.

(a) Application and Permit for Construction. All applications and permits for the construction of above-ground flammable and combustible liquid storage tanks (hereinafter referred to as "above-ground tanks") shall be done as follows:

(1) All applications shall be submitted to the Building Department and Fire Department for review.

(2) Before constructing any above-ground tanks, a permit shall first be obtained from the Building Department and Fire Department.

(b) Mandatory Testing. All above-ground tanks shall be tested prior to use by the Fire Department, and said tanks shall be inspected and tested by the Fire Department annually thereafter.

(Ord. 8536-1999. Passed 4-6-99; Ord. 9640-2010. Passed 3-16-10.)

1501.99 PENALTY.

(a) Criminal Penalties.

(1) Whoever violaltes Section 1501.05(a) or 1501.17 is ~~guilty of a misdemeanor of the first degree.~~

(ORC 3737.99(B))

(2) Whoever violates Section 1501.05(b) or 1501.06 is guilty of a minor misdemeanor.

(ORC 3737.99(C))

(3) Whoever violates Section 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree.

(ORC 3737.99(D))

(4) Whoever violates Section 15401.08 or 1501.10 is guilty of a misdemeanor of the third degree.

(ORC 3737.99(E))

(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) 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) 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, as prescribed by Section 1501.04(c), shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) 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 by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

(ORC 3757.51(B) to (H); Ord. 6958-1986. Passed 12-16-86; Ord. 8536-1999. Passed 4-6-99.)

CHAPTER 1502

NFPA 101 Life Safety Code

- 1502.01 1997 edition adopted; purpose.
- 1502.02 File and sale copies.
- 1502.03 Conflict of laws.
- 1502.99 Penalty; equitable remedies.

CROSS REFERENCES

See sectional histories for similar State law

Appeals of orders - see Ohio R.C. 119.12

State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33

State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34

Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.

Entry and inspection - see Ohio R.C. 737.34 et seq., 3737.14, 3737.41, 3737.42

Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)

Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.; FIRE PREV. Ch. 1501

Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071

Self-service filling stations - see Ohio R.C. 3741.14

Fireworks - see Ohio R.C. 3743.27, 3743.32 et seq.

Gasoline service stations - see P. & Z. 1121.29

1502.01 1997 EDITION ADOPTED; PURPOSE.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City, for the purpose of providing a reasonably required degree of public safety, that certain code known as the NFPA 101 Life Safety Code, being particularly the 1997 edition thereof, recommended by the National Fire Protection Association.

1502.02 FILE AND SALE COPIES.

One copy of the NFPA 101 Life Safety Code, as adopted in Section 1502.01, shall be on file with the Clerk of Council, the Director of Public Safety and the Fire Chief for inspection by the public. One copy of such Code shall also be on file in the Cleveland Science Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost.

1502.03 CONFLICT OF LAWS.

(a) In the event of a conflict or inconsistency between any of the provisions of the NFPA 101 Life Safety Code, as adopted in Section 1502.01, and a provision of any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control.

(b) In the event of a conflict or inconsistency between any of the provisions of the NFPA 101 Life Safety Code and a provision of any State law or regulation, the State law or regulation shall control.

(c) In the event of a conflict or inconsistency between any of the provisions of the NFPA 101 Life Safety Code and a provision of any other technical code adopted by reference by the City, the higher or stricter standard shall control.

1502.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the NFPA 101 Life Safety Code adopted in Section 1502.01, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. Unless otherwise provided, a

separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy.

CHAPTER 1503

Fire Extinguishing Equipment for Buildings

- 1503.01 Rules for automatic sprinkler equipment by Fire Chief.
- 1503.02 Types of buildings requiring installation.
- 1503.03 Plan approval prior to equipment installation or alteration.
- 1503.04 Exemption and substitution of other equipment.
- 1503.05 Appeal to court.
- 1503.06 Annual inspection; notice of equipment change.
- 1503.99 Penalty.

CROSS REFERENCE

Extinguishing equipment for cooking facilities - see FIRE PREV. 1501.015 (FPC 126.9)

1503.01 RULES FOR AUTOMATIC SPRINKLER EQUIPMENT BY FIRE CHIEF.

Authority is hereby conferred upon the Chief of the Fire Department to adopt and promulgate rules based on the standards of a nationally recognized organization embodying details of installation and construction of automatic sprinkler equipments to carry into effect the provisions of this chapter. Approval of devices shall be based on reports of a nationally recognized testing laboratory. All rules adopted by the Fire Chief under this section shall be promulgated at least one month before application and enforcement.

(Ord. 3025-1969. Passed 10-21-69.)

1503.02 TYPES OF BUILDINGS REQUIRING INSTALLATION.

Approved automatic sprinkler equipments shall be installed and maintained as follows:

(a) Especially Hazardous Properties: Throughout every building which by reason of its inferior construction or highly combustible occupancy involves a severe life hazard to its

occupants or in the judgment of the Fire Chief constitutes a fire menace to adjoining property. (Ord. 3025-1969. Passed 10-21-69.)

(b) Buildings for the Manufacture, Storage or Sale of Combustible Goods or Merchandise: Throughout every fire-resistive building occupied in whole for the manufacture, storage or sale of combustible merchandise or goods, if over two stories in height or more than 10,000 square feet in area, or if over five stories in height regardless of area.

Throughout every story occupied, in whole or part, for the manufacture, storage or sale of combustible goods or merchandise in fire-resistive buildings over two stories in height or more than 10,000 square feet in area, or over five stories in height regardless of area.

Throughout every building of other than fire-resistive construction occupied, in whole or part, for the manufacture, storage or sale of combustible goods or merchandise, if over one story in height or more than 10,000 square feet in area, if over four stories in height and more than 5,000 square feet in area, or if over five stories in height regardless of area, or in such parts of buildings of this class as may be specified by the Fire Chief.

(Ord. 4359-1973. Passed 2-6-73.)

(c) Garages: Throughout public garages as follows:

Fire-resistive buildings over 10,000 square feet in area.

Nonfire-resistive buildings over 6,000 square feet in area.

(d) Basements: Throughout all basements and cellars of buildings having an area of 5,000 square feet or more used for the manufacture, storage or sale of combustible material or merchandise, or the housing of automobiles.

(e) Hotels and Motels: Throughout all hotel and motel buildings of nonfire-resistive construction more than two stories in height and more than two stories in height if over 5,000 square feet in area.

(f) Multi-Family Houses and Dormitories: In the basements, cellars, storerooms, kitchens, workrooms, hallways and stairways of all multi-family houses and dormitories of nonfire-resistive construction more than three stories in height and more than one story in height if over 5,000 square feet in area.

(g) Theaters and Halls: Throughout all buildings occupied or used as places of public assembly having a stage arranged for theatrical, operatic or similar performances, excepting only the auditorium, foyers, lobbies and immediate vicinity of automatic stage ventilators and throughout all buildings of nonfire-resistive construction, if such places of assembly are located above the first floor whether or not there is a stage.

(i) Schools and Public Buildings: In basements, in kitchens and in shops and other spaces where combustible materials are stored and handled, or schools or other public buildings of nonfire-resistive construction over two stories in height or if two stories in height if over 10,000 square feet in area or over.

(Ord. 3025-1969. Passed 10-21-69.)

(j) Senior Citizens Housing Complex: In all common areas and facilities of any senior citizen housing complex, regardless of number of stories or square footage of such housing. The owner or owners of any senior citizen housing complex shall comply with the provisions of Chapter 1503 prior to granting occupancy to tenants. Such failure to comply shall subject the owner or owners to the penalty provided by Section 1501.99.

(Ord. 5950-1981. Passed 5-19-81.)

1503.03 PLAN APPROVAL PRIOR TO EQUIPMENT INSTALLATION OR ALTERATION.

Approved automatic sprinkler equipments shall be installed and connected to an adequate water supply, with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building protected as determined by the Chief of the Fire Department. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to the Fire Chief and approved by him.

(Ord. 3025-1969. Passed 10-21-69.)

1503.04 EXEMPTION AND SUBSTITUTION OF OTHER EQUIPMENT.

Nothing in this chapter shall be construed to require the installation of sprinklers in safe deposit vaults, or in rooms or buildings devoted to manufacture or storage of aluminum powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium, sodium peroxide or like materials, where application of water may cause or increase

fire, nor in any other location where the installation of sprinklers may increase the hazard; nor shall it be construed in any way to interfere with substitution of other approved automatic protective equipment.

(Ord. 3025-1969. Passed 10-21-69.)

1503.05 APPEAL TO COURT.

The owner of any building who is ordered by the Chief of the Fire Department to install automatic sprinklers under the provisions of this chapter may, within ten days after the making or affirming of any such order by the Fire Chief, file a petition with a court having jurisdiction, praying for a review of such order. It shall be the duty of the court to hear the same within not less than five days nor more than ten days from the time the petition is filed, and to make such order relating to the premises as right and justice may require. The parties so appealing to the court shall file with the court within two days a bond in the amount to be fixed by the court, to be approved by the court, conditioned to pay all the costs of such appeal in case the appellant fails to sustain his appeal or the same is dismissed for any cause.

(Ord. 3025-1969. Passed 10-21-69.)

1503.06 ANNUAL INSPECTION; NOTICE OF EQUIPMENT CHANGE.

All automatic sprinkler equipments and appurtenant equipment specified in this chapter shall be inspected at least once a year by the Chief of the Fire Department and maintained by the owner or occupant at all times in proper operative condition.

The occupant of the building containing such equipment shall promptly notify the Fire Department in case any sprinkler equipment is withdrawn, interrupted, curtailed or altered.

(Ord. 3025-1969. Passed 10-21-69.)

1503.99 PENALTY.

Owners of buildings regulated by the provisions of this chapter which do not comply with such provisions by October 21, 1970, shall be subject to the penalty provided by Section 1501.99.

(Ord. 3025-1969. Passed 10-21-69.)

CHAPTER 1505

Negligent Fires in Public Buildings

- 1505.01 Fires in public buildings caused
 - 1505.02 Posting of law required.
 - 1505.03 Posting enforcement by Safety Director. by negligence.
 - 1505.99 Penalty.
-

1505.01 FIRES IN PUBLIC BUILDINGS CAUSED BY NEGLIGENCE.

No person in the City, in any hotel, motel, rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility or similar place of abode, by any means whatsoever, through carelessness, neglect or negligence, shall set fire to or cause the burning of any bedding, furniture, rug, curtain, drape or other household furnishing or fitting or any other part of the buildings or premises in such a manner as to endanger the safety of any person or property.

(Ord. 4016-1970. Passed 11-17-70.)

1505.02 POSTING OF LAW REQUIRED.

It shall be the duty of the manager, owner or lessee of any hotel or motel to post the provisions of this chapter in a conspicuous place in each room occupied by guests in the hotel or motel, and it shall be the duty of the manager, owner or lessee of any rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility or similar place of abode, to post the provisions of this chapter in conspicuous places upon such premises.

(Ord. 4016-1970. Passed 11-17-70.)

1505.03 POSTING ENFORCEMENT BY SAFETY DIRECTOR.

It shall be the duty of the Director of Public Safety to see that this chapter is posted in all hotels and motels in the City of Brook Park.

(Ord. 4016-1970. Passed 11-17-70.)

1505.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both.

(Ord. 4016-1970. Passed 11-17-70.)

CHAPTER 1507

Fire Department Permits and Fees.

- 1507.01 Purpose and scope.
- 1507.02 ~~Permit inspection period.~~
- 1507.03 Inspection fees and permits.
- 1507.04 False alarms.
- 1507.05 Key box required.
- 1507.06 Rules and regulations.
- 1507.99 Penalty.

1507.01 PURPOSE AND SCOPE.

Except as otherwise specifically provided for, the following provisions shall prevail in the issuance of all types of permits by the Fire Department. The Chief of the Fire Department or his authorized representative, before issuing any permit, is authorized to charge and collect the fees specified in this chapter. The fees prescribed herein shall be additive and, unless otherwise specifically provided, separate fees shall be paid for each of the items listed. All fees shall be computed and collected by the Chief of the Fire Department or his authorized representative, who shall give a receipt for cash payment.

(Ord. 9512-2008. Passed 10-21-08.)

1507.02 PERMIT INSPECTION PERIOD.

The Fire Chief or his authorized representative shall have forty-eight working hours to make any inspections or review any necessary to carry out the intent and purpose for which any permit is issued.

(Ord. 9512-2008. Passed 10-21-08.)

1507.03 INSPECTION FEES AND PERMITS.

A fee of one hundred dollars (\$100.00) shall be charged for all inspections and permits issued by the Fire Department involving any of the following:

- Automobile tire rebuilding plants
- Bowling alley-refinishing
- Nitrate motion picture film storage
- Cellulose nitrate plastics

Combustible fibers
Compressed gasses
Dry cleaning plants
Dust producing materials
Blasting; explosives; ammunition
Fire protection equipment; sprinkler; standpipe; alarm; yard

hydrant

Application of flammable finishes
Flammable liquid storage tanks 150 to 100,000 gallons
Tank vehicles, flammable liquids
Fruit ripening processes
Insecticidal fogging
Garages
Hazardous chemicals
Liquefied petroleum gasses
Lumber yards
Magnesium storage
Oil burning equipment
Organic coatings
Ovens and furnaces
Places of assembly
Ceremonial bonfires
Match storage
Combustible materials storage
Tents
Welding or cutting operations
Opening fire hydrant

Any substance, item or material set forth in Rule 1, Appendix A of the Ohio Fire Code.

(Ord. 9512-2008. Passed 10-21-08.)

1507.04 FALSE ALARMS.

(a) The Fire Department shall respond to proper notification of the activation of an alarm system without charge, except that:

(1) The person in control of the property on which an alarm system is installed shall be charged one hundred dollars (\$100.00) when he or she or his or her agent or employee intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency.

(2) The person in control of the property on which an alarm system is installed shall be charged in accordance with the following schedule for responses to false alarms within any twelve-month period:

- A. For the first three false alarms: No charge.
- B. ~~For the fourth and fifth false alarms: \$250.00.~~
- C. For the sixth through tenth false alarms: \$500.00.
- D. For false alarms in excess of ten: \$1,000.00.

(b) All billing for false charges shall be within thirty days of occurrence.

(c) If there is a response by the Fire Department to a false alarm, and it can be proven that the false alarm resulted from improper installation and/or servicing by the alarm business and/or agent, the alarm business shall be charged one hundred dollars (\$100.00).

(Ord. 11421-2024. Passed 6-18-24.)

1507.05 KEY BOX REQUIRED.

(a) A key box shall be installed in an approved location at all occupancies with a fire alarm system, automatic sprinkler system, or fire suppression system, or any other type of fire protection system that results in a notification to the Fire Department of an activation of that system. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Chief or his authorized representative.

(b) The person in control of the property shall immediately notify the Fire Chief or his authorized representative and provide the new key when a lock is changed or rekeyed. In the event the Fire Department responds to a call where a key box is installed and the access keys do not function properly, the person in control of the property shall be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

(Ord. 9512-2008. Passed 10-21-08.)

1507.06 RULES AND REGULATIONS.

The Chief of the Fire Department or his authorized representative shall make and enforce such rules and regulations as he deems necessary for the enforcement of the provisions of

this chapter and for the proper determination and collection of the fees and charges herein provided.
(Ord. 9512-2008. Passed 10-21-08.)

1507.99 PENALTY.

Any violation or failure to comply with the provisions of
this chapter shall be a misdemeanor of the first degree,
punishable in compliance with Section 501.99.
(Ord. 9512-2008. Passed 10-21-08.)

CHAPTER 1508

Recovery of Costs of Emergency Actions

- 1508.01 Purpose and scope.
- 1508.02 Definitions.
- 1508.03 Liability.
- 1508.04 Procedure.

CROSS REFERENCES

Hazardous waste standards for transporters - see Ohio R.C.
3734.12(C)
State regulations - see Ohio R.C. 3745.13
Transporters of hazardous waste - see OAC Ch. 3745-53
Recovery of costs of emergency medical services and/or
ambulance transportation - see FIRE PREV. Ch. 1513

1508.01 PURPOSE AND SCOPE.

The purpose of this chapter is to provide for compensation to the City for costs incurred in investigating, mitigating, minimizing, removing or abating unauthorized spills, releases or discharges of materials into or upon the environment within the territorial jurisdiction or responsibility of the City, which spills, releases or discharges require emergency action to protect the public health or safety or the environment.
(Ord. 7776-1992. Passed 12-3-92.)

1508.02 DEFINITIONS.

As used in this chapter:

(a) "Common carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(E) or 4912.02(A), as appropriate.

(b) "Contract carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(F) or 4923.02(A), as appropriate.

(c) "Costs" shall include, but not be limited to, all direct and incidental costs, including personnel costs, incurred by or on behalf of the City in connection with the investigation, mitigation, minimization, removal or abatement of an unauthorized spill, release or discharge, in the following respects:

(1) Operating any vehicle, apparatus or equipment used in connection with any such incident;

(2) Sanitizing, cleaning and/or repairing any vehicle, apparatus, equipment or apparel used in connection with any such incident;

(3) Testing any spilled, released or discharged material or any vehicle, apparatus, equipment or apparel used in connection with any such incident;

(4) Storing any spilled, released or discharged material;

(5) Disposing of any spilled, released or discharged material or any vehicle, apparatus, equipment, apparel or goods rendered unusable as a result of any such incident;

(6) Replacing any vehicle apparatus, equipment, apparel or goods lost or rendered unusable as a result of any such incident; and

(7) Any costs incurred by any private party or governmental body, or subdivision thereof, whose assistance is requested by the City in the event of an unauthorized spill, release or discharge and who submits a written invoice to the City setting forth his, her or its costs incurred in responding to the incident.

(d) "Material" has the same meaning as in Ohio RC. 3745.13 and in any regulations promulgated or matters decided thereunder, as appropriate.

(e) "Motor vehicle" means any automobile, truck, tractor, trailer, semitrailer, motorbus or any other self-propelled vehicle not operated or driven on fixed tracks.

(f) "Private motor carrier" has the same meaning as in Ohio R.C. 4923.02.

(g) "Railroad" has the same meaning as in Ohio R.C. 4907.02.

(h) "Unauthorized spill, release or discharge" has the same meaning as in Ohio R.C. Chapter 3745 and in any regulations promulgated or matters decided thereunder, and shall include, but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, releasing, injecting, escaping, leaching, ~~dumping or disposing of any material into or upon the~~ environment, which may endanger the public health or safety or the environment. The term does not include any spill, release or discharge that is in compliance with Ohio R.C. Chapter 1509, 3704, 3734 or 6111 and rules adopted thereunder, or the terms and conditions of a current and valid permit or license. (Ord. 7776-1992. Passed 12-3-92.)

1508.03 LIABILITY.

(a) Any person or corporation responsible for causing or allowing an unauthorized spill, release or discharge of materials into or upon the environment is liable to the City for disaster services rendered and all incidental and related costs. The costs shall be paid by the person responsible for causing or allowing the unauthorized spill, release or discharge that requires emergency action to protect the public health or safety or the environment.

(b) If an unauthorized spill, release or discharge occurs from a motor vehicle or train being operated by or on behalf of a common carrier by motor vehicle, a contract carrier by motor vehicle, a private motor carrier or a railroad, a claim or civil action shall be submitted to or brought against the motor carrier or railroad, as appropriate, and the costs of the emergency action shall be recovered from the motor carrier or railroad that was responsible for causing or allowing the unauthorized spill, release or discharge to occur.

(c) Costs recoverable under this chapter shall accrue commencing with the first notification to the City of an incident involving, or which may involve, or subsequently proves to involve, an unauthorized spill, release or discharge. (Ord. 7776-1992. Passed 12-3-92.)

1508.04 PROCEDURE.

(a) The Fire Chief, or his designated representative, shall keep a record of the City's costs in connection with investigating, mitigating, minimizing, removing or abating

unauthorized spills, releases or discharges, including any incidental costs. A schedule of charges used to determine such costs shall be kept on file in the Fire Department and made available for inspection by the public during normal working hours. The schedule shall be revised, as necessary, to reflect increases and decreases in the value of the items listed.

(b) Not less than thirty days before bringing a civil action for the recovery of costs pursuant to this chapter and Ohio R.C. 3745.13, the Law Director shall submit to the responsible party a written itemized claim for the total certified costs incurred by the City and a written notice stating that unless the amount is paid to the City within thirty days after the date of mailing of the claim and notice, the Law Director shall bring a civil action for that amount.

(Ord. 7776-1992. Passed 12-3-92.)

CHAPTER 1509

Smoke Detection Systems

- 1509.01 Authority of Fire Chief to issue regulations.
- 1509.02 Buildings requiring installation.
- 1509.03 Installation upon resale.
- 1509.04 Additions to existing residential dwellings.
- 1509.05 Manner of installation.
- 1509.06 Maintenance duties of owners of hotels, motels, apartments, dormitories, boarding houses, nursing homes, homes for the aged and health institutions.
- 1509.07 Maintenance duties of owners of single-family premises.
- 1509.08 Owner's compliance.
- 1509.99 Penalty.

CROSS REFERENCES

Required in high rise apartments and condominiums - see Ohio R.C. 3781.104; OAC Ch. 4101:2-89

Carbon monoxide detectors - see FIRE PREV. Ch. 1510

1509.01 AUTHORITY OF FIRE CHIEF TO ISSUE REGULATIONS.

Authority is hereby conferred upon the Chief of the Fire Department to adopt and promulgate regulations based on the standards of a nationally recognized organization embodying

details of installation, construction and disposal of smoke detectors to carry into effect the provisions of this chapter. (Ord. 5416-1978. Passed 9-5-78.)

1509.02 BUILDINGS REQUIRING INSTALLATION.

Approved smoke detector(s) shall be installed in the following buildings:

(a) Every newly constructed residential dwelling prior to the issuance of an occupancy permit.

(b) Every hotel, motel, apartment building, boarding house, dormitory, nursing home, home for the aged and health institutions, within one year from the date of passage of this section. However, if conditions exist which warrant the installation of smoke detector(s) in a shorter time period, the Fire Chief shall be empowered to order and secure compliance with such installation orders.

(Ord. 5416-1978. Passed 9-5-78.)

1509.03 INSTALLATION UPON RESALE.

Where there is a transfer of ownership, approved smoke detector(s) shall be installed in all residential dwellings, prior to the issuance of an occupancy permit. Payment for the equipment shall be made by the new owner unless the contract of sale provides otherwise.

(Ord. 5416-1978. Passed 9-5-78.)

1509.04 ADDITIONS TO EXISTING RESIDENTIAL DWELLINGS.

Smoke detector(s) shall be installed as required by this chapter whenever a sleeping room is added to an existing residential dwelling.

(Ord. 5416-1978. Passed 9-5-78.)

1509.05 MANNER OF INSTALLATION.

The approved smoke detector(s) shall be installed:

(a) Inside each sleeping room in hotels, motels, dormitories, boarding houses, nursing homes, homes for the aged and health institutions.

(b) Adjacent to the outside of sleeping rooms in single and multiple residential dwellings in such a manner that the alarm signaling device shall be clearly audible in all sleeping rooms when the intervening doors are closed, or in any other manner in

compliance with regulations issued by the Chief of the Fire Department under the authority of this chapter.
(Ord. 5416-1978. Passed 9-5-78.)

1509.06 MAINTENANCE DUTIES OF OWNERS OF HOTELS, MOTELS, APARTMENTS, DORMITORIES, BOARDING HOUSES, NURSING HOMES, HOMES FOR THE AGED AND HEALTH INSTITUTIONS.

The duties of the owner of any hotel, motel, apartment, dormitory, boarding house, nursing home, home for the aged and health institution include:

- (a) That the owner provide and install the detector(s).
- (b) That the owner provide a battery for each unit on an annual basis. Where the owner delivers batteries to a tenant of the dwelling, a record of such action shall be provided to the Fire Department to be kept on file.
- (c) The owner is responsible for the replacement within a reasonable time of any unit which is reported by a tenant to be defective and which will not alarm upon the installation of a fresh battery.

(Ord. 5416-1978. Passed 9-5-78.)

1509.07 MAINTENANCE DUTIES OF OWNERS OF SINGLE-FAMILY PREMISES.

The owner of a single-family residence shall provide and install the detector(s) and provide a battery for each unit on an annual basis.

(Ord. 5416-1978. Passed 9-5-78.)

1509.08 OWNER'S COMPLIANCE.

(a) Compliance with this chapter is achieved by installation of the approved detector(s) pursuant to this chapter and by supplying the tenant with an annual fresh battery supply.

(b) The owner of the property shall not be held liable if the detector(s) fail in an emergency by reason of defect or tampering by the tenant or by failure of the tenant to install the battery or for any other reason beyond the control of the owner.

(Ord. 5416-1978. Passed 9-5-78.)

1509.99 PENALTY.

Owners of buildings regulated by the provisions of this chapter who do not comply with any provision shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances.

(Ord. 6025-1981. Passed 8-18-81.)

CHAPTER 1510

Carbon Monoxide Detectors

- 1510.01 Detectors required in certain occupancies.
- 1510.02 Installation and location.
- 1510.03 Certification upon change in occupancy.
- 1510.04 Permanent wiring; electrical permit required.
- 1510.05 Inspections.
- 1510.99 Penalty.

CROSS REFERENCES

Venting of heaters and burners - see GEN. OFF. 521.02

Negligent fires in public buildings - see FIRE PREV. Ch. 1505

Smoke detectors - see FIRE PREV. Ch. 1509

1510.01 DETECTORS REQUIRED IN CERTAIN OCCUPANCIES.

Carbon monoxide detectors shall be installed in all single-family dwellings, in each unit of multifamily buildings and in every building that is heated by one main central fossil-fuel powered heating unit as hereinafter provided. Said carbon monoxide detectors shall be capable of detecting the presence of sixty ppm of carbon monoxide in ambient air and providing a suitable audible alarm. Further, they shall be installed in the manner provided in the manufacturer's specifications, shall comply with applicable Federal and State regulations, shall bear the label of a nationally recognized standard testing laboratory and shall meet the standard of UL 2034 or its equivalent. The Building Commissioner shall issue rules and regulations not inconsistent with the provisions of this chapter for the implementation and administration of the provisions of this chapter.

(Ord. 8312-1997. Passed 2-4-97.)

1510.02 INSTALLATION AND LOCATION.

Carbon monoxide detectors shall be installed in the manner and in the location specified by the manufacturer.

(Ord. 8312-1997. Passed 2-4-97.)

1510.03 CERTIFICATION UPON CHANGE IN OCCUPANCY.

After March 1, 1997, every change in occupancy occasioned by or incidental to a sale, lease or sublease of a unit, it shall be the duty of the grantor (i.e. the seller, the lessor or the sublessor, as the case may be) to certify before occupancy, to the new occupant, that all carbon monoxide detectors required by this chapter are installed and in proper working condition. Failure to comply with this section shall be punishable as set forth herein, provided, however, that this section shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

(Ord. 8312-1997. Passed 2-4-97.)

1510.04 PERMANENT WIRING; ELECTRICAL PERMIT REQUIRED.

No carbon monoxide detector or alternative system shall be directly connected (permanently wired) to the electrical system of a structure unless an electrical permit has first been obtained from the Building Department.

(Ord. 8312-1997. Passed 2-4-97.)

1510.05 INSPECTIONS.

The Building Inspector shall have concurrent jurisdiction with the Chief of Fire to inspect the installation of any carbon monoxide detector required to be installed by this chapter.

(Ord. 8312-1997. Passed 2-4-97.)

1510.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both.

(Ord. 8312-1997. Passed 2-4-97.)

CHAPTER 1511

Open Burning

1511.01 Definitions.

- 1511.02 Relations to other prohibitions.
- 1511.03 Open burning in restricted areas.
- 1511.04 Permission and notice to open burn.
- 1511.05 Bonfires and outdoor rubbish fires.
- 1511.06 Recreational fires.
- 1511.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Air pollution control - see Ohio R.C. Ch. 3704

Permit to burn construction debris - see Ohio R.C. 3704.11(C)

Spreading fire through negligence - see Ohio R.C. 3737.62

Open burning - see OAC Ch. 3745

1511.01 DEFINITIONS.

(a) Definitions. As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

(1) "Agricultural waste." Any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings (including dismantled/fallen barns); garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

(2) "Air curtain burner." An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in a manufactured steel structure and for which a permit-to-install has been obtained as required in O.A.C. Chapter 3745-31 and a permit-to-operate has been obtained as required in O.A.C. Chapter 3745-77.

(3) "Air curtain destructor." An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in an adjacent pit. An air curtain burner may be used in place of an air curtain destructor, but an air curtain destructor may not be used in place of an air curtain burner.

(4) "Economic poisons." Include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.

(5) "Emergency burning." The burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:

- A. A tornado.
- B. High winds.
- C. An earthquake.
- D. An explosion.
- E. A flood.
- F. A hail storm, a rain storm, or an ice storm.

(6) "Garbage." Any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(7) "Inhabited building." Any inhabited private dwelling house and any public structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. Examples would include, but are not limited to, highway rest stops, restaurants, motels, hotels and gas stations.

(8) "Land clearing waste." Plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

(9) "Landscape waste." Any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

(10) "Ohio EPA." The Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to R.C. § 3704.03 or the Chief of any Ohio Environmental Protection Agency District Office.

(11) "Open burning." The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or

chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or O.A.C. 3745-17-10.

(12) "Residential waste." Any waste material, including landscape waste, generated on the property of a one-, two- or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.

(13) "Restricted area." The area within the boundary of the municipality, plus a zone extending 1,000 feet beyond the boundaries of a municipality having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any municipality having a population of 10,000 persons or more according to the latest federal census.

(14) "Unrestricted area." All areas outside the boundaries of a restricted area as defined in this section.

(b) Referenced materials. This subchapter includes references to certain matter or materials. The text of the referenced materials is not included in the legislation contained in this subchapter. Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this legislation. For materials subject to change, only the specific versions specified in this legislation are referenced. Material is referenced as it exists on the effective date of this legislation. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this section has been amended to specify the new dates.

(1) Availability. The referenced materials are available as follows:

A. Clean Air Act. Information and copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the act is also available for inspection and use at most public libraries and the State Library of Ohio.

B. Code of Federal Regulations (C.F.R.). Information and copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the C.F.R. is also available in electronic format at <http://www.ecfr.gov>. The C.F.R. compilations are also available for inspection and use at most public libraries and the State Library of Ohio.

C. National Fire Protection Association. Information on the National Fire Protection Association codes may be obtained by contacting the Association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered at www.nfpa.org/catalog/home/index.asp. Copies of the code exist or are available at most public libraries and the State Library of Ohio.

(2) Referenced materials.

A. 40 C.F.R. § 60.2974: "Am I required to apply for and obtain a title V operating permit for my air curtain incinerator that burns only wood waste, clean lumber, and yard waste?" as published in the July 1, 2012 Code of Federal Regulations.

B. 40 C.F.R. § 60.3069: "Am I required to apply for and obtain a title V operating permit for my air curtain incinerator that burns only wood waste, clean lumber, and yard waste?" as published in the July 1, 2012 Code of Federal Regulations.

C. NFPA publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures" published April 30, 2007.

D. Section 129 of the Clean Air Act, contained in 42 U.S.C. § 7429: "Solid waste combustion" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.

(OAC 3745-19-01)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn

granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.

(OAC 3745-19-02)

~~1511.03 OPEN BURNING IN RESTRICTED AREAS.~~

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in divisions (b) through (d) of this Section or in Ohio R.C. 3704.11.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

(1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

(2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

A. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;

B. They are not used for waste disposal purposes; and

C. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to O.A.C. 3745-50-45(D)(1)(d).

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

(5) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state, or local law enforcement officials.

(6) Fires allowed by divisions (b)(1), (b)(2), and (b)(4) of this section shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with Section 1511.04(b):

(1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the Ohio Department of Health or local health department, the Centers for Disease Control and Prevention, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of division (b)(2) of this section, provided the following conditions are met:

A. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;

B. They are not used for waste disposal purposes; and

C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

A. The fire is set only when atmospheric conditions will readily dissipate contaminants;

B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;

C. The fire is located at a point on the premises no less than 1,000 feet from any inhabited building not located on said premises;

D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and

E. No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with Section 1511.04(a), provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in division (b)(3) of this section;

(2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403, Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures, provided that the application required in Section 1511.04(a)(1) is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to O.A.C. 3745-19-03. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Recognized horticultural, silvicultural (forestry), range, or wildlife management practices; and

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
(OAC 3745-19-03)

1511.04 PERMISSION AND NOTICE TO OPEN BURN.

(a) Permission.

(1) An application for permission to open burn shall be submitted in writing to Ohio EPA. The applicant shall allow Ohio EPA at least ten working days to review the permit. Applicant may proceed with burn upon receipt of written permission from Ohio EPA. Saturday, Sunday, and legal holidays shall not be considered working days. The application shall be in such form and contain such information as required by the Ohio EPA.

2013 Replacement

1511.04 FIRE PREVENTION CODE 32F

(2) Except as provided in divisions (a)(6) and (a)(7) of this section, such applications shall contain, as a minimum, information regarding:

- A. The purpose of the proposed burning;
- B. The quantity or acreage and the nature of the materials to be burned;
- C. The date or dates when such burning will take place;
- D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
- E. The methods or actions which will be taken to reduce the emissions of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants, when atmospheric conditions are appropriate; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of O.A.C. Chapter 3745-19.

(4) Except as provided in division (a)(6) of this section, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

(5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio Fire Academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to division (a)(1) of this section shall contain information as required in

division (a)(2) of this section, except the information required in divisions (a)(2)C. and (a)(2)D. of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA District Office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.

(7) For open burning defined under Section 1511.03(d)(2) and O.A.C. 3745-19-04(C)(2), permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with O.A.C. 3745-20-03.

(b) Notification.

(1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as shall be required by the Ohio EPA.

(2) Such notification shall inform the Ohio EPA regarding:

- A. The purpose of the proposed burning;
- B. The nature and quantities of materials to be burned;
- C. The date or dates when such burning will take place; and
- D. The location of the burning site.

(3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.

(OAC 3745-19-05)

1511.05 BONFIRES AND OUTDOOR RUBBISH FIRES.

(a) General. Burning of rubbish shall be prohibited except in approved incinerators. Bonfires may be permitted only under the following conditions and subject to the air pollution provisions of this chapter.

(b) Permit Required. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or

maintained on any premises without having obtained a permit or other proper authorization from the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(c) Location Restricted. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained unless:

(1) The location is approved by the Fire Official and is not less than fifty feet from any structure and adequate provision is made to prevent fire from spreading to within fifty feet of any structure; or

(2) The fire is contained in an approved burner located safely not less than fifteen feet from any structure.

(d) Bonfire Material. Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper only. Bonfires shall not contain any rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burnt shall be determined by the Fire Official and shall be based upon the fire safety requirements of the situation and the desirable duration of burn.

(e) Attendance at Open Fires. Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use as deemed necessary by the Fire Official.

(f) Prohibited Bonfires. The Fire Official may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fire hazardous or which are or could be offensive or objectionable due to smoke or odor emissions. The Fire Official shall order the extinguishment, by the permit holder or the Fire Department, of any bonfire which creates or adds to a hazardous or objectionable situation.

1511.06 RECREATIONAL FIRES.

(a) Definitions.

(1) "Chimenea" shall mean a clay or ceramic enclosure that is specifically designed for recreational burning.

(2) "Green wood" shall mean any wood that is not seasoned or hardwood.

(3) "Outdoor fireplace" shall mean an elevated enclosure designed specifically for recreational and cooking fires that contains components for ember and flame containment. Outdoor fireplaces are required to have metal grated sides and a lid.

(4) "Recreational fires" shall mean the burning of seasoned firewood for outdoor recreation purposes in an enclosure designed specifically for ember and flame containment, excluding barrels and rocked-in pits. The total fuel area shall not exceed three feet in diameter and two feet in height.

(5) "Seasoned firewood" shall mean hardwood that has been allowed to dry for six to 12 months.

(6) "Tall grass" shall mean any area of grass that is higher than eight inches.

(7) "Tree line" shall mean any group of tree with a height greater than ten feet.

(b) Regulations Concerning Recreational Fires.

(1) If wind direction causes smoke to be a nuisance to the public, the fire will be required to be relocated or extinguished. The Fire official has the right to determine if wind conditions pose a hazard requiring fires to be extinguished.

(2) Location regulations.

A. Recreational fires shall not be set within 15 feet of tall grass or tree lines.

B. Recreational fires shall not be located within ten feet of vehicles, buildings or structures, including houses, garages, overhangs from buildings such as porches or carports, sheds and wooden fences.

C. Recreational fires shall not be set within five feet from property lines.

D. Recreational fires shall not be set within ten feet from public sidewalks, roads and public right-of-ways.

E. Recreational fires shall not be set within ten feet from any fire lanes.

(c) Additional Restrictions on Recreational Fires.

(1) Only seasoned firewood shall be burned in outdoor fireplaces and chimeneas; no rubbish, green wood or treated wood, painted wood, stained wood or pallets will be permitted to be burned;

(2) Outdoor fireplaces are required to be covered with lids when not being used to cook food;

(3) Generally, all store-purchased chimeneas and fireplaces are acceptable burning receptacles;

(4) Flames shall not be higher than the components of the fireplaces;

(5) An adequate fire extinguisher (one extinguisher with a minimum 4-A rating or two extinguishers with a minimum 2-A rating) or garden hose is required to be readily accessible in close proximity to the fire;

(6) A responsible adult is required to be in close proximity to the fire until extinguished;

(7) All recreational fires shall be attended to at all times and properly extinguished when done. Fires may only be burned between the hours of 8:00 a.m and 1:00 a.m.;

(8) No fires are to be built directly on the ground; and

(9) The Fire Department has the authority to determine if a recreational fire meets acceptable standards for safe burning. If a fire official deems that the fire container is unsafe, the fire shall be extinguished. The Fire Department has the authority to immediately shut down any recreational fire if the fire is determined to constitute a hazardous condition.
(Ord. 9204-2005. Passed 5-17-05.)

1511.99 PENALTY.

Whoever violates any provision 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 sixty days, or both.

CHAPTER 1513

Recovery of Costs of Emergency

Medical Service and Ambulance Transportation

1513.01 Authority of Mayor to establish procedures; delinquent accounts.

1513.02 Services to be provided by Fire Department.

1513.03 Definitions.

1513.04 Ambulance transport fees.

1513.05 Disposition of funds.

CROSS REFERENCES

Fire Department - see CHTR. §§ 8.03, 8.04; ADM. Ch. 143

State Division of Emergency Medical Services - see Ohio R.C.
Ch. 4765

Emergency and public safety vehicles - see TRAF. 303.041,
331.20 et seq., 333.06, 371.08

Recovery of costs of emergency actions - see FIRE PREV. Ch.
1508

1513.01 AUTHORITY OF MAYOR TO ESTABLISH PROCEDURES; DELINQUENT
ACCOUNTS.

(a) The Mayor or his designee shall be responsible for the development of collection and billing procedures for emergency medical service and/or ambulance transport, including, but not limited to, setting reasonable fees, annual review of fees, preparing invoices, delivery of such invoices to each person who received emergency medical service and/or ambulance transport (in the case of a minor, delivery of such invoice to the legal guardian of the minor) and the collection of said fees.

(b) The Mayor or his designee may place any delinquent account for collection with the Director of Law or his designee who may waive the aforementioned fee (or any part thereof) if it is determined that the person receiving emergency medical services is indigent or otherwise unable to pay for such services.

(Ord. 8420-1998. Passed 1-20-98.)

1513.02 SERVICES TO BE PROVIDED BY FIRE DEPARTMENT.

Emergency medical services and ambulance transport shall be provided by the Fire Department. Such services shall be provided in response to a call for such services within the City, and outside the City under provisions of a mutual aid agreement or applicable law governing mutual aid.

(Ord. 8420-1998. Passed 1-20-98.)

1513.03 DEFINITIONS.

Each person receiving transport to a medical facility by the emergency medical services of the Brook Park Fire Department shall pay a utilization fee effective upon passage of this chapter, as follows:

- (a) Basic Life Support Transport
(not more than) \$650.00 per transport
- (b) Advance Life Support Transport 1

- (not more than) \$800.00 per transport
- (c) Advance Life Support Transport 2
 - (not more than) \$1,000.00 per transport
- (d) Mileage fee (while transporting) \$15.00 per mile
- (e) Treatment and no transport
 - (not more than) \$250.00

(Ord. 11399-2024. Passed 4-2-24.)

1513.04 AMBULANCE TRANSPORT FEES.

Each person receiving transport to a medical facility by the emergency medical services of the Brook Park Fire Department shall pay a utilization fee effective upon passage of this chapter, as follows:

- (a) Basic Life Support Transport
 - (not more than) \$550.00 per transport
- (b) Advanced Life Support Transport 1
 - (not more than) \$700.00 per transport
- (c) Advanced Life Support Transport 2
 - (not more than) \$800.00 per transport
- (d) Mileage fee (while transporting) \$13.50 per mile
- (e) Treatment and no transport
 - (not more than) \$135.00

(Ord. 8420-1998. Passed 1-20-98; Ord. 9563-2009. Passed 3-3-09; Ord. 9814-2012. Passed 12-18-12.)

1513.05 DISPOSITION OF FUNDS.

The revenues generated by the charges for emergency medical services shall be placed into one or more funds established by Council. The purpose of said funds includes, but is not limited to, the purchase or maintenance of emergency medical equipment and supplies, the purchase or financing of emergency vehicles, and other uses which facilitate the delivery of emergency services, as deemed appropriate by the Mayor. All interest earned on the monies to the credit of such funds shall be credited to the same fund.

(Ord. 8420-1998. Passed 1-20-98.)

CHAPTER 1519
Fireworks

1519.01 Definitions.

- 1519.02 Manufacturing.
- 1519.03 Wholesaling.
- 1519.04 Purchasing and transporting.
- 1519.05 Exhibitions.
- 1519.06 Possession, sale, discharge and advertising;
falsification.
- ~~1519.07 Transporting and shipping.~~
- 1519.08 Exceptions.
- 1519.09 Forfeiture and disposal.
- 1519.99 Penalty.

CROSS REFERENCES

- Manufacturers to comply with building and zoning ordinances -
see Ohio R.C.3743.06(F)
- Wholesalers to comply with building and zoning ordinances -
see Ohio R.C. 3743.19(G)
- Arrests and seizure of fireworks by certified fire safety
inspector - see Ohio R.C. 3743.68
- Conflict of Fire Marshal's rules with rules of Ohio Board of
Building Standards - see Ohio R.C. 3781.11(B)
- Weapons and explosives - see GEN. OFF. Ch. 549

1519.01 DEFINITIONS.

As used in this section, unless otherwise provided:

- (a) "1.3G fireworks." Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49 of the Code of Federal Regulations.
- (b) "1.4G fireworks." Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49 of the Code of Federal Regulations.
- (c) "Beer." Has the same meaning as in R.C. § 4301.01.
- (d) "Booby trap." A small tube that has a string protruding from both ends that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (e) "Cigarette load." A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (f) "Controlled substance." Has the same meaning as in R.C. § 3719.01.

(g) "Discharge site." An area immediately surrounding the mortars used to fire aerial shells.

(h) "Fireworks." Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in R.C. § 3743.80.

~~(i) "Fireworks incident." Any action or omission that occurs at a fireworks exhibition that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:~~

(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;

(2) The failure of any person to comply with any applicable requirement imposed by this section or R.C. Chapter 3743, or any applicable rule adopted under this section or R.C. Chapter 3743.

(j) "Fireworks incident site." A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

(k) "Fireworks plant." All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

(l) "Fountain device." Means a specific type of 1.4G firework that meets all of the following criteria:

(1) It is nonaerial and nonreport producing.

(2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).

(3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.

(4) It contains not more than 75 grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than 500 grams or less for multiple tubes.

(m) "Highway." Any public street, road, alley, way, lane or other public thoroughfare.

(n) "Intoxicating liquor." Had the same meaning as in R.C. § 4301.01.

(o) "Licensed building." A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

(p) "Licensed exhibitor of fireworks" or "licensed exhibitor." A person licensed pursuant to R.C. §§ 3743.50 through 3743.55.

(q) "Licensed fountain device retailer" or "licensed retailer." Means a person licensed pursuant to R.C. § 3743.26.

(r) "Licensed manufacturer of fireworks" or "licensed manufacturer." A person licensed pursuant to R.C. §§ 3743.02 through 3743.08.

(s) "Licensed premises." The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

(t) "Licensed wholesaler of fireworks" or "licensed wholesaler." A person licensed pursuant to R.C. §§ 3743.15 through 3743.21.

(u) "List of licensed exhibitors." The list required by R.C. § 3743.51(C).

(v) "List of licensed manufacturers." The list required by R.C. § 3743.03(C).

(w) "List of licensed wholesalers." The list required by R.C. § 3743.16(C).

(x) "Manufacturing of fireworks." The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.

(y) "Navigable waters." Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

(z) "Novelties" and "trick noisemakers."

(1) Devices that produce a small report intended to surprise the user, including but not limited to booby traps, cigarette loads, party poppers and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(aa) "Party popper." A small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(bb) "Processing of fireworks." The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.

(cc) "Railroad." Any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.

(dd) "Retail sale" or "sell at retail." A sale of fireworks to a purchaser who intends to use the fireworks and not to resell them.

(ee) "Smoke device." A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(ff) "Snake" or "glow worm." A device that consists of a pressed pellet of pyrotechnic composition that produces a large snake-like ash upon burning, which ash expands in length as the pellet burns.

(gg) "Snapper." A small paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand and that, when dropped, implodes.

(hh) "Storage location." A single parcel or contiguous parcels of real estate approved by the Ohio Fire Marshal pursuant to R.C. § 3743.04(I) or 3743.17(F) that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession and storage of fireworks in accordance with this chapter.

(ii) "Trick match." A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(jj) "Wholesale sale" or "sell at wholesale." A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.

(kk) "Wire sparkler." A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.
(R.C. § 3743.01)

1519.02 MANUFACTURING.

(a) No licensed manufacturer of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.05 or the requirements of Ohio R.C. 3743.06.

(b) No licensed manufacturer of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.07, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.08.

(c) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(1) within the specified period of time.

(d) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(e) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer pursuant to Ohio R.C. 3743.06(C).

(f) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a fireworks plant.

(g) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by R.C. § 3743.47(A).

(h) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by R.C. § 3743.47(B).

(R.C. § 3743.60(E) - (L))

1519.03 WHOLESALING.

(a) No licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.18 or the requirements of Ohio R.C. 3743.19.

~~(b) No licensed wholesaler of fireworks shall fail to~~ maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.21.

(c) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(1) within the specified period of time.

(d) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(e) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a wholesaler pursuant to Ohio R.C. 3743.19(D).

(f) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a wholesaler of fireworks.

(g) No licensed wholesaler of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by R.C. § 3743.47(A).

(h) No licensed wholesaler of fireworks shall negligently fail to have safety glasses available for sale as required by R.C. § 3743.47(B).

(R.C. § 3743.61(E) - (L))

1519.04 PURCHASING AND TRANSPORTING.

(a) No person who purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with R.C. §§ 3743.44 to 3743.46.

(b) Except for the purchase of 1.4G fireworks made under R.C. § 3743.45, no person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within 72 hours after the time of their purchase.

(c) No person who purchases fireworks in this state under R.C. § 3743.45 shall give or sell to any other person in this municipality fireworks that the person has acquired in this state.

(R.C. § 3743.63)

1519.05 EXHIBITIONS.

(a) An exhibitor of fireworks licensed under Ohio R.C. 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, having jurisdiction over the premises.

(b) The approval required by division (d) of this section shall be evidenced by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if available, from the Fire Chief, a fire prevention officer, the Police Chief or other similar chief law enforcement officer, or a designee of the Police Chief or other similar chief law enforcement officer.

(c) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and

shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his or her license as an exhibitor of fireworks to the Fire Chief or fire prevention officer.

(d) The Fire Chief or fire prevention officer and the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer or with the designee of the Police Chief or other similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules.

(e) If the Council has prescribed a fee for the issuance of a permit for a public fireworks exhibition, the Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor pays the requisite fee.

(f) Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars with surety satisfactory to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to person or property emanating from the fireworks exhibitor, or proof of insurance coverage of at least one million dollars for liability arising from injury, death, or loss of persons or property emanating from the fireworks exhibition. The Council may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this division. The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall

not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this division or by the Council.

(g) Each permit for a fireworks exhibition issued by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall contain a distinct number, designate the municipality, and identify the certified fire safety inspector, Fire Chief, or fire prevention officer who will be present before, during and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, issuing it to the State Fire Marshal. A permit is not transferable or assignable.

(h) The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, fire prevention officer, Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall list the name of the exhibitor, his or her license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.

(i) The Council shall require that a certified fire safety inspector, Fire Chief or fire prevention officer be present before, during and after the exhibition, and shall require the certified fire safety inspector, Fire Chief or fire prevention officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this section and Ohio R.C. Chapter 3743.

(ORC 3743.54)

(j) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Ohio R.C. 3743.53(C) and (D).

(k) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Ohio R.C. 3743.54 or a substantially similar municipal ordinance, or if a permit so secured is revoked by a Fire Chief or fire prevention officer, in consultation with a Police Chief or other similar chief law enforcement officer, or with a designee of a Police Chief or other similar chief law enforcement officer, pursuant to those sections.

(l) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55, or a substantially similar municipal ordinance.

(m) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises on which the exhibition is being conducted.

(n) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the State Fire Marshal under Ohio R.C. 3743.56.

(ORC 3743.64)

1519.06 POSSESSION, SALE, DISCHARGE AND ADVERTISING;
FALSIFICATION.

(a) No person shall possess, possess for sale or sell fireworks in the Municipality, except a licensed manufacturer of fireworks, as authorized by Ohio R.C. 3743.02 through 3743.08, a licensed wholesaler of fireworks, as authorized by Ohio R.C. 3743.15 through 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident, as authorized by Ohio R.C. 3743.44, a resident of this State, as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks, as authorized by Ohio R.C. 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance.

(b) Except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance, and except for

licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this Municipality, including a prohibition of the discharge, ignition or explosion of fireworks purchased pursuant to R.C. § 3743.45 ~~intending to prohibit the discharge, ignition or explosion of fireworks on private property on any of the days set forth in R.C. § 3743.45(b).~~

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor or shipping permit holder, shall possess 1.3G or 1.4G fireworks in the Municipality.

(f) Except as otherwise provided in Ohio R.C. 3743.06(J) and Ohio R.C. 3743.19(K), no person shall knowingly disable a fire suppression system, as defined in Ohio R.C. 3781.108, on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

(Adopting Ordinance)

(ORC 3743.65; Adopting Ordinance)

(g) No owner, tenant or other person in charge of real property located within this Municipality shall negligently cause, authorize or permit any fireworks to be discharged, ignited or exploded on such real property, except as provide in Section 1519.08, and except for such permission or authorization which may be given to licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 or Section 1519.05.

(Ord. 7044-1987. Passed 8-4-87; Ord. 11265-2022. Passed 6-7-22.)

1519.07 TRANSPORTING AND SHIPPING.

(a) No person shall transport fireworks in this Municipality except in accordance with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.58.

(b) As used in this division, "fireworks" includes only 1.3G and 1.4G fireworks. No person shall ship fireworks into this Municipality by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under Ohio R.C. 3743.40, and the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.03, 3743.16 or 3743.51.

(c) No person shall ship fireworks within this Municipality by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.01, 3743.16 or 3743.51.

(ORC 3743.66)

1519.08 EXCEPTIONS.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage, or use in emergency situations of pyrotechnic signaling devices and distress signals for marine, aviation, or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes, or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap

when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges; provided, that the exhibition complies with all of the following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than 200 feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

1519.09 FORFEITURE AND DISPOSAL.

Fireworks manufactured, sold, possessed, transported, or used in violation of this section shall be forfeited by the offender. The Fire Marshal's office or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in Ohio R.C. 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement agencies, and the Fire Marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.

(ORC 3743.68(B))

1519.99 PENALTY.

(a) Except as otherwise provided in division (b) or (c) of this section, whoever violates any provisions of this section is guilty of a misdemeanor of the first degree.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 3743.60(I) or Ohio R.C. 3743.61(I), or a substantially similar municipal ordinance, a violation of Section 1519.02(e) or Section 1519.03(e) is a felony to be prosecuted under appropriate state law.

(c) Whoever violates Section 1519.05(j) is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended. If the violation of Section 1519.05(j) results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked.

(d) Whoever violates Section 1519.02(g) and (h) or Section 1519.03(g) and (h) is guilty of a misdemeanor of the second degree.

(R.C. § 3743.99(C), (D), (G))

Is hereby amended to read as follows:

PART FIFTEEN - FIRE PREVENTION CODE

- Chap. 1501 Ohio Fire Code and its Appendices.
- Chap. 1502 NFPA 101 Life Safety Code and its Annexes
- Chap. 1503 Fire Extinguishing Equipment for Buildings.
- Chap. 1505 Negligent Fires in Public Buildings.
- Chap. 1507 Fire Department Permits and Fees.
- Chap. 1508 Recovery of Costs of Emergency Actions.
- Chap. 1509 Smoke Detection Systems.
- Chap. 1510 Carbon Monoxide Detectors.
- Chap. 1511 Open Burning.
- Chap. 1513 Recovery of Costs of Emergency Medical Services and Ambulance Transportation.
- Chap. 1519 Fireworks.

CHAPTER 1501

Ohio Fire Code and its Appendices

1501.01 Current edition and its appendices adopted.

- ~~1501.015~~ Definitions.
- 1501.02 Purpose and application.
- 1501.03 Bureau of Fire Prevention.
- 1501.04 Enforcement.
- 1501.05 Compliance.
- 1501.06 Posting arson laws.

- 1501.07 Setting fires which spread.
- 1501.08 Unfriendly fires in buildings; alarm duties.
- 1501.09 Disclosure of true Fire Safety Inspector status.
- ~~1501.10~~ Fire equipment sale or use; certification of installers.
- ~~1501.11~~ File and sale copies.
- 1501.12 Conflict.
- ~~1501.13~~ Modifications.
- ~~1501.14~~ Appeals.
- 1501.15 New materials, processes or occupancies requiring permits.
- 1501.16 ~~Amendments.~~ Local Provisions.
- 1501.17 Above-ground flammable and combustible liquid storage tanks.
- 1501.99 Penalty.

CROSS REFERENCES

See section histories for similar State law

Appeals of orders - see Ohio R.C. 119.12

State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33

State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34

Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.

Entry and inspection - see Ohio R.C. ~~737.34 et seq.~~, 3737.14, 3737.41, 3737.42

Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)

Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. ~~1301:7-1 et seq.~~ 1301:7-7, 1301:7-9

Fire extinguishing and alarm systems in rear and nursing homes - see Ohio R.C. 3721.071

Self-service filling stations - see Ohio R.C. 3741.14

Fireworks - see Ohio R.C. ~~3743.27, 3743.32~~ 3743.01 et seq.

Gasoline service stations - see P. & Z. 1121.29

NFPA 101 Life Safety Code - see FIRE PREV. Ch. 1502

1501.01 CURRENT EDITION AND ITS APPENDICES ADOPTED.

(a) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City of Brook Park the most current edition of the Ohio Fire Code (OFC) and its appendices, as adopted by the Ohio Department of Commerce, Division of State Fire Marshal, published in Division 1301:7 of the Ohio Administrative Code (OAC).

(b) The most current edition of the Ohio Fire Code and its appendices, as adopted by the State of Ohio, is incorporated herein as fully as if set out at length.

(Ord. 9033-2003. Passed 11-5-03.)

~~1501.015 DEFINITIONS.~~

~~—As used in this chapter and in the Ohio Fire Code, as adopted in Section 1501.01:~~

~~—(a) —"Chief of the Bureau of Fire Prevention" means the Chief of Fire of the City of Brook Park.~~

~~—(b) —"Corporation Counsel" means the City Law Director.~~

~~—(c) —"Designated enforcement officer" means the Lieutenant or Inspector of the Bureau of Fire Prevention.~~

~~—(d) —"Fire Official" means the Lieutenant or Inspector of the Bureau of Fire Prevention.~~

~~—(e) —"Municipality" means the City of Brook Park.~~

~~—(f) —"Nationally recognized good practice" means the limitations and conditions inherent in the standards and publications listed in 1301:7-7-44 (Referenced Standards) of the Ohio Fire Code.~~

~~(Ord. 8253-1996. Passed 8-6-96.)~~

1501.02 PURPOSE AND APPLICATION.

(a) The purpose of the Ohio Fire Code, as adopted in Section 1501.01, is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

(b) The Ohio Fire Code, as adopted in Section 1501.01, applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

(Ord. 6958-1986. Passed 12-16-86.)

1501.03 BUREAU OF FIRE PREVENTION.

(a) The Ohio Fire Code shall be enforced by the Bureau of Fire Prevention which is hereby established in the Fire Department. The Bureau shall be operated under the supervision of the Fire Chief or his or her designee, who shall also act as the Chief of the Bureau of Fire Prevention and perform all of the duties of the Chief in charge of the Bureau of Fire Prevention. ~~The Bureau shall consist of one Fire Prevention Lieutenant and one Assistant Fire Prevention Officer~~ **Members in the Bureau shall be** assigned to these duties as set forth in Section 143.02 of the ~~Administrative Code~~ **Codified Ordinances of the City of Brook Park.**

(b) The Fire Chief may detail such members of the Fire Department as inspectors as are necessary. The Chief shall recommend to the Director of Public Safety the employment of any necessary technical inspectors.

(c) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. It shall contain all proceedings under the Ohio Fire Code, with such statistics as the Fire Chief may wish to include therein. The Chief shall also recommend any amendments to the **Brook Park Fire Prevention Code** which in his or her judgment would be desirable.

(d) The Fire Prevention Officers of the Bureau of Fire Prevention shall be appointed under the rules of civil service by the Director of Public Safety on the basis of competitive examination of members of the Fire Division to determine their qualifications. Such Officers shall be State certified under Ohio R.C. ~~3303.07~~ **3737.34.**

(Ord. 8246-1996. Passed 8-6-96.)

1501.04 ENFORCEMENT.

(a) It shall be the duty and responsibility of the Chief of the Fire Department, or the Fire Prevention Bureau, to enforce the provisions of the Ohio Fire Code as set forth in this chapter. The designated enforcement officer of this Code is herein referred to as the **Fire Code Official.**

(b) If, upon inspection or investigation, the **Fire Code Official** believes that this Code has been violated, he or she shall, with reasonable promptness, issue a citation to the

responsible person. For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases, shall be as prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, or any order issued pursuant thereto, provided that such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violations of Ohio R.C. Chapter 3737, the Ohio Fire Code or this Fire Prevention Code shall be as prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) The Fire Code Official may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(d) A copy of such complaint or citation shall be prominently posted by the responsible person at or near each place a violation referred to occurs.

(e) Upon request of the Municipal Fire Safety Inspector, the Municipal legal officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

(Ord. 8247-1996. Passed 8-6-96.)

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code, as adopted in Section 1501.01, or any order issued pursuant 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 obtain a permit or license for the various uses or activities required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements, including payment of the fees designated therefor. (Ord. 8248-1996. Passed 8-6-96.)

1501.06 POSTING ARSON LAWS.

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 non-transient 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) (Ord. 6958-1986. Passed 12-16-86.)

1501.07 ~~SETTING FIRES WHICH SPREAD~~ NEGLIGENT SPREAD OF FIRES.

~~No person shall set, kindle or cause to be set or kindled any~~ fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot.

(ORC 3737.62) (Ord. 6958-1986. Passed 12-16-86.)

1501.08 ~~UNFRIENDLY FIRES IN BUILDINGS; ALARM DUTIES~~ DISCOVERY OF UNFRIENDLY FIRE.

(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 Ohio Basic 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 Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) 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.

(c) No person shall fail to comply with this section.
(ORC 3737.63) (Ord. 6958-1986. Passed 12-16-86.)

1501.09 ~~DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS~~ DISCLOSING PURPOSE OF NON-OFFICIAL INSPECTION.

No person who is not a certified ~~Fire Safety Inspector~~ fire safety inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.

(ORC 3737.64; Ord. 6958-1986. Passed 12-16-86.)

1501.10 ~~FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS~~ FIRE PROTECTION EQUIPMENT - PROHIBITED ACTIVITIES.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate issued by the Ohio Fire Marshal.

(ORC 3737.65; Ord. 6958-1986. Passed 12-16-86.)

~~1501.11 FILE AND SALE COPIES.~~

~~One copy of the Ohio Fire Code, as adopted in Section 1501.01, shall be on file with the Clerk of Council, the Director of Public Safety and the Fire Chief for inspection by the public. One copy of such Code shall also be on file in the Cleveland Science Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost.~~

~~(Ord. 8249-1996. Passed 8-6-96.)~~

~~1501.12 CONFLICT.~~

~~(a) In the event of a conflict or inconsistency between any of the provisions of the Ohio Fire Code, as adopted in Section 1501.01, and a provision of any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control.~~

~~(b) In the event of a conflict or inconsistency between any of the provisions of the Ohio Fire Code and a provision of State law or regulation, the State law or regulation shall control.~~

~~(c) In the event of a conflict or inconsistency between any of the provisions of the Ohio Fire Code and a provision of any other technical code adopted by reference by the City, the higher or stricter standard shall control.~~

~~(Ord. 8250-1996. Passed 8-6-96.)~~

~~1501.13 MODIFICATIONS.~~

~~The Fire Chief shall have power to modify any of the provisions of the Ohio Fire Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall~~

~~be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief shall be officially recorded as part of the records of the Department and a signed copy shall be furnished the applicant.~~

~~(Ord. 6958-1986. Passed 12-16-86.)~~

1501.14 APPEALS.

Whenever the Fire Chief, or his or her designee, disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Ohio Fire Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief, or his or her designee, to the Board of Zoning and Building Appeals within thirty days from the date of the decision appealed.

(Ord. 6958-1986. Passed 12-16-86.)

1501.15 NEW MATERIALS, PROCESSES OR OCCUPANCIES REQUIRING PERMITS.

The Director of Public Safety, Fire Chief and a member of the Fire Department selected by the Director of Public Safety shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Ohio Fire Code.

(Ord. 6958-1986. Passed 12-16-86.)

1501.16 ~~AMENDMENTS.~~ LOCAL PROVISIONS.

The Ohio Fire Code, as adopted in Section 1501.01, is hereby amended by the ~~enactment, modification or deletion of~~ to include the following provisions as respectively indicated, which ~~amendments~~ local provisions are hereby adopted as set forth herein:

~~— OFC Section FM-309.3 entitled "Exhaust systems and dampers" is hereby enacted to read as follows:~~

~~— FM-309.3 Exhaust systems and dampers: Exhaust systems for cooking operations shall be maintained so as not to create a hazardous condition. Any flue dampers shall be tested periodically to insure proper functioning of all parts.~~

~~OFC Section FM 312.7 entitled "City building no smoking areas" is hereby enacted to read as follows:~~

~~FM 312.7 City building no smoking areas: The Fire Marshal is hereby directed to establish no smoking areas, pursuant to Ohio R.C. 3791.031, in structures owned by the City. Council, in intending to protect the rights of nonsmokers, directs the Fire Marshal to declare that smoking shall be prohibited at all times in the Council Chambers and that smoking shall be permitted in areas so designated in the hallways adjacent to the Council Chambers.~~

~~OFC Section FM 322.0 entitled "Use of outdoor grills" is hereby enacted to read as follows:~~

~~FM 322.0 (A) Use of outdoor grills: No person shall kindle or maintain a fire to be used for the preparation of food or for any other purpose in any type of outdoor or portable grill in any apartment or on or below any apartment house balcony or within twenty feet of any structure housing more than four families.~~

~~OFC Section FM 323.0 entitled "Combustibles in walkways of roofed malls" is hereby enacted to read as follows:~~

~~FM 323.0 (B) Combustibles in walkways of roofed malls: No combustible goods, merchandise, equipment, apparatus or decorations shall be displayed or stored within the public walkways of a roofed-over mall unless approved by the Fire Chief.~~

~~OFC Section FM 324.0 entitled "Open ground and outdoor industrial and commercial fires" is hereby enacted to read as follows:~~

~~FM 324.0 (C) Open ground and outdoor industrial and commercial fires: All industrial or commercial open ground fires, with the exception of burning in approved-type incinerators as per City ordinances, are hereby prohibited.~~

~~OFC Section FM 325.0 entitled "Closing trapdoors" is hereby enacted to read as follows:~~

~~FM 325.0 Closing trapdoors: All trapdoors, except those which are automatic in their operation, shall be closed at the completion of the business of each day.~~

~~OFC Section FM 326.0 entitled "Marking shaftways" is hereby enacted to read as follows:~~

~~FM 326.0 Marking shaftways: Every outside window in a building used for manufacturing purposes or for storage, which~~

~~opens directly on any hoistway or other vertical means of communication between two or more floors in such building, shall be plainly marked with the word "SHAFTWAY" in red letters at least 6 inches high on a white background. Such warning sign shall be placed so as to be easily discernible from the outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word "SHAFTWAY", to be placed so as to be easily visible to anyone approaching the shaftway from the interior of the building.~~

~~OFC Section FM-327.0 entitled "Electrical equipment sales" is hereby enacted to read as follows:~~

~~FM-327.0~~ (D) Electrical equipment sales:

~~(a)~~ (1) No person, firm or corporation shall sell, offer for sale or expose for sale within the City any electrical materials, equipment, fixtures, appliances or heating and lighting devices which do not bear an Underwriters' Laboratories or Factory Mutual seal of approval, or which have been declared by the Fire Chief, or his or her designee, to be unsafe for use because of design, construction, wiring or assembly.

~~(b)~~ (2) The Fire Chief or any inspector of the Bureau of Fire Prevention is hereby authorized to inspect any ~~and all~~ electrical materials, equipment, fixtures, appliances or heating and lighting devices sold, offered for sale or exposed for sale, within the City, and to determine whether the same are safe or unsafe for use because of design, construction, wiring or assembly. If such materials or devices are found to be unsafe, a "Notice of Inspection" shall be given to the person selling or offering or exposing the same for sale. Such notice shall state what articles, materials or devices are unsafe, and the same shall be removed immediately from the sales shelves. No person shall be guilty of a violation of this section unless such written "Notice of Inspection" shall have been given to him or to his employees, or to the person in charge of the place where the article or articles are sold, offered for sale or exposed for sale.

~~OFC Section FM-328.0 entitled "Fired premises a nuisance" is hereby enacted to read as follows:~~

~~FM 328.0~~ **(E)** Fired premises a nuisance: Any premises within the City wherein a fire has occurred, and either interior or exterior damage to a building or structure has been suffered, is hereby declared to be a public nuisance. Such nuisance may be summarily abated or the premises condemned for occupancy by the Director of Public ~~Service~~**Safety** when he has determined that a hazard to the public health or safety exists, or such nuisance may be abated in the manner provided in the Administrative Code of the Codified Ordinances of the City. In either case, prior to such abatement, the premises shall first be inspected by the Health Officer, the Building Commissioner and the Fire Chief, or their duly authorized representatives, and each shall make written recommendations to the Director of Public ~~Service~~**Safety** as to specific work to be performed in order to properly abate such nuisance and to protect the public health and safety. The Director of Public ~~Service~~**Safety** shall follow such recommendations to the extent possible in abating such nuisance.

~~OFC Section FM 329.0 entitled "Fire blankets" is hereby enacted to read as follows:~~

~~FM 329.0 Fire blankets: An approved type fire blanket shall be accessible at all times within domestic science cooking rooms and science and chemistry rooms using open flames in all types of occupancies.~~

~~OFC Section FM 330.0 entitled "Fire alarm boxes" is hereby enacted to read as follows:~~

~~FM 330.0 Fire alarm boxes: Access to all fire alarm boxes shall not be obstructed in any manner. All private fire alarm boxes and systems shall be maintained in good operating condition at all times.~~

~~OFC Section FM 331.0 entitled "Combustible materials storage" is hereby enacted to read as follows:~~

~~FM 331.0~~ **(F)** Combustible materials storage: Combustible materials shall not be stored within thirty-six inches of furnaces and water heaters, under flue pipes, or under or within thirty-six inches vertically of gas and electric meters.

~~OFC Section FM 332.0 entitled "Maintenance of chimneys and flues" is hereby enacted to read as follows:~~

~~FM 332.0 Maintenance of chimneys and flues: Chimneys, flues or similar devices for conveying products of combustion or hot gases to the exterior of the building shall be maintained in a manner as not to create a hazardous condition.~~

~~(a) Existing masonry chimneys, which upon inspection are found to be without a flue liner and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked so as to be dangerous, shall be made safe by means of a fire clay liner, fire brick or a corrosion-resistant metal pipe and otherwise repaired, if necessary, or the chimney shall be removed. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue and the entire space between the metal liner and the walls of the chimney shall be filled with cement mortar.~~

~~(b) Existing chimneys and vents of metal which are corroded or improperly supported shall be replaced, unless suitable repairs are made.~~

~~(c) Existing chimneys and vent connectors of metal which are corroded or improperly supported shall be replaced.~~

~~OFC Section FM-333.0 entitled "Spark arrestors" is hereby enacted to read as follows:~~

~~FM-333.0 Spark arrestors: Residential, commercial and industrial incinerators shall be provided with approved spark arrestors or other effective means for arresting sparks, fly ash and particulate particles.~~

~~OFC Section FM-334.0 entitled "Heat-producing appliances" is hereby enacted to read as follows:~~

~~FM-334.0 (G) Heat-producing appliances:~~

~~(a) All heat-producing appliances, including boilers, furnaces, incinerators, ovens and restaurant-type cooking appliances shall be installed and maintained so as to be reasonably safe to persons and property. Evidence that heat-producing appliances are installed in accordance with the applicable standard specified in rule 1301:7-7-44 of the Administrative Code (Referenced Standards) shall be evidence that such heat-producing appliances are installed so as to be reasonably safe to persons and property.~~

~~(b) No hotplate or heat-producing appliance shall be located on or within eighteen inches of any combustible material. Shelves shall not be permitted within a vertical distance of thirty-six inches over a hotplate.~~

~~OFC Section F-501.2 entitled "Installations" is hereby amended to read as follows:~~

~~F-501.2 (H) Installations: Before any fire alarm, detection or fire suppression system is installed, enlarged or extended, a~~

permit shall be obtained from the Building ~~Commissioner~~Department and the Bureau of Fire Prevention. Plans and specifications shall be reviewed by the Bureau of Fire Prevention prior to the issuance of the building permit. In those instances where such plans and specifications are submitted to the Bureau of Fire Prevention for review, the review shall be conducted under the direction of the Fire Chief, or his or her designee. Upon finding that the plans and specifications for a system are satisfactory, the Fire Chief, or his or her designee shall issue a permit therefor. The issuance of such permit shall mean that the Bureau of Fire Prevention has reviewed the installation, enlargement or extension of the system, subject to the issuance of a permit by the Building ~~Commissioner~~Department and subject to final inspection and test by the Bureau of Fire Prevention.

~~— OFC Section FM-504.6 entitled "Defective or removed fire suppression equipment" is hereby enacted to read as follows:~~

F-504.6(I) Defective or removed fire suppression equipment: No responsible person shall fail to promptly notify the Bureau of Fire Chief Prevention if any fire suppression system or fire protection system or any part thereof, as defined in ~~Section FM-502.1~~Chapter 1501.01, is removed, altered or defective or is not functioning properly.

~~— OFC Section FM-519.0 entitled "PUBLIC AND PRIVATE FIRE HYDRANTS; USE AND OBSTRUCTION" is hereby enacted to read as follows:~~

~~FM-519.0(J) PUBLIC AND PRIVATE FIRE HYDRANTS; USE AND OBSTRUCTION~~Public and private fire hydrants; Use and obstruction:

FM-519.1(1) Public fire hydrants

(a) An adequate water supply for fire-fighting purposes, as determined by the Fire Chief, or his or her designee, shall be available for all buildings, structures and parts thereof. Such water shall be supplied from City water or private water supply mains.

(b) All buildings and structures shall be located so that all parts thereof are not more than 300 feet from readily accessible public or private fire hydrants, in such number and at such locations to be determined by the Fire Chief, or his or her designee. Such distance shall be measured along streets, roadways or driveways, complying with ~~Section FM-519.3~~Chapter

1501.01. Spacing of hydrants around buildings shall not be more than 300 feet apart.

(c) All dwellings or other minor buildings or structures shall be located so that all parts thereof are not more than 300 feet from not less than one readily accessible public or private fire hydrant. Such distance shall be measured along streets, roadways or driveways, complying with ~~Section FM-519.3~~ **Chapter**

1501.01.

~~FM-519.2~~ **(2)** Private fire hydrants

(a) Private fire hydrants shall be located, installed and maintained in accordance with applicable rules and regulations of the Cleveland Water Division and nationally recognized good practice.

(b) All private fire hydrants shall have an approved shut-off valve installed in the fire hydrant lead not more than ten feet from the fire hydrant, which shall be accessible at all times.

(c) All private fire hydrants shall be installed not closer than two feet nor more than five feet from a street, roadway or driveway conforming to ~~Section FM-519.3~~ **Chapter** **1501.01.**

(d) All private fire hydrants shall be maintained in proper working order by the owner.

(e) An inspection and flow test shall be conducted by the owner, as prescribed by the Fire Chief, or his or her designee, and reports of testing shall be forwarded to the Bureau of Fire Department Prevention.

(f) All private fire hydrants shall be accessible at all times for firefighting purposes.

~~FM-519.3 Access streets, roadways and driveways: Access streets, roadways or driveways, where required by Sections FM-519.1 and FM-519.2, shall conform to the following:~~

~~(a) The width shall be sufficient to permit easy passage of any Fire Department apparatus and in no case shall the width be less than twenty feet.~~

~~(b) The surface shall be reinforced of sufficient strength and type to adequately support any Fire Department apparatus under any weather conditions.~~

~~(c) The curve radii and grade elevations shall be such as to permit any Fire Department apparatus to negotiate curves and grades under any weather conditions.~~

~~FM-519.4~~ **(3)** Adequate water supply required: No permit for the construction of any building shall be issued by the Building ~~Commissioner~~Department, except where adequate water supply and facilities for firefighting purposes are available, as determined by the Fire Chief, or his or her designee. If the Fire Chief, or his or her designee, finds upon inspection of any building under construction, that adequate water supply or facilities for firefighting purposes, as determined by the Fire Chief, or his or her designee, are not being furnished as required, then the Building ~~Commissioner~~Department shall stop such construction and revoke the permit previously issued therefor until such time as adequate water supply or facilities for firefighting purposes, as determined by the Fire Chief, or his or her designee, are furnished.

~~FM-519.5~~ **(4)** Use of hydrants and valves: No person, except at an emergency or fire or otherwise lawfully authorized as provided herein, shall remove the cover or cap from, or turn on or off, any fire hydrant, public or private water valve or stop cock used for fire protection in the City.

~~FM-519.6~~ **(5)** Obstruction and use of hydrants

(a) No person shall place any obstruction or park any vehicle within ten feet of any public or private fire hydrant.

(b) No person shall make a connection to or use any water from any public fire hydrant in the City, unless such person has first applied for and obtained from the Fire Chief, or his or her designee, a fire hydrant permit and has also obtained a permit from the Cleveland Water Division for such use.

(c) No person shall fail to comply with any of the requirements of the Fire Chief, or his or her designee, and the Cleveland Water Division governing the use of water from any fire hydrant.

(d) Upon the issuance of a fire hydrant permit or blanket fire hydrant permit, it shall be the duty of the permittee, immediately and before making any connection to or using any hydrant in any way, to present the permit to the Cleveland Water Division and obtain a receipt showing payment for the water estimated to be used by virtue of such permit. The receipt shall then be presented to the Fire Chief, or his or her designee, together with a written statement by the permittee as to the period of time during which the hydrants set forth in the

permit will be used. All of the foregoing provisions shall be complied with prior to making any connection to or using any hydrant.

(e) All fire hydrant permits issued pursuant to the provisions of this section shall expire upon completion of the work contemplated and in connection with which such permit was obtained, but in no event shall any permit remain in force and effect for a period of more than sixty days.

(f) All fire hydrant permits shall be issued subject to the express condition that the permittee shall indemnify and save the City harmless from all loss or damage that may be occasioned by the lack of care, skill or attention of the permittee or anyone in his employ in the making of a connection or in the use of such fire hydrant. The permittee shall, if any damage is caused to any public fire hydrant or water main in the use thereof, promptly and fully reimburse the City for the full cost and expense of the repairs necessary beyond the amount of his deposit if such be inadequate.

(g) All hydrants used for any purpose shall have reducing couplings attached to the nozzles of the fire hydrants with an independent valve for regulating the supply. The main valve of the hydrant shall be opened full at the beginning of work each day and remain open until the stoppage of work at night. The hydrant shall be operated only by a proper hydrant key.

(h) Upon completion of the use of a fire hydrant, the permittee shall notify the Fire Chief, or his or her designee, who shall promptly inspect each fire hydrant used and make a report of the condition and repairs he shall find necessary to the Director of Public Safety. No further fire hydrant permits shall be issued to any permittee when any repairs are necessary, until the City has been reimbursed for the full costs involved.

~~— OFC Section FM 520.0 entitled "Sprinklers required in senior citizen housing" is hereby enacted to read as follows:—~~

~~— FM 520.0 Sprinklers required in senior citizen housing: An approved automatic sprinkler system shall be installed and maintained in all common areas and facilities of any senior citizen housing regardless of the number of stories or square footage of such housing. No person shall permit occupancy of any senior citizen housing unless this provision is complied with~~

~~and unless all other City ordinances and any technical codes adopted thereby are complied with.~~

~~— OFC Section FM-521.0 entitled "Fire alarm systems" is hereby enacted to read as follows:~~

~~— FM-521.0 Fire alarm systems: In buildings that are required to have a fire alarm system, the fire alarm system must be supplied with emergency power so that it will function normally in the event of a primary power failure.~~

~~— OFC Section FM-610.6 entitled "Lighting" is hereby enacted to read as follows:~~

~~— FM-610.6 Lighting~~

~~— (a) — Stairways, hallways and other means of egress, including exterior open spaces to or through which an exitway leads, shall be kept adequately lighted at all times that the building served thereby is occupied.~~

~~— (b) — Each room, hall, auditorium or place of public assembly, each place of business open to the public after 6:00 p.m., each interior room where people work without natural light, and each apartment house, shall be provided with lights meeting the provisions of Sections FM-610.1 through F-610.5 and so located and supplied with current as to provide, with one service interrupted, emergency illumination without appreciable delay. Such installation shall consist of the following:~~

~~— (i) — An emergency lighting system, independent of the general lighting system, with provision for automatically transferring, by means of devices approved for the purpose, the emergency system from a defective supply to another supply; and~~

~~— (ii) — Any other installation approved as adequate for the purpose of this rule in the manner required by this Fire Prevention Code.~~

~~— OFC Section FM-2301.4 entitled "Routes for transporting hazardous materials and chemicals" is hereby enacted to read as follows:~~

~~FM-2301.4 (K) Routes for transporting hazardous materials and chemicals: No operator of any vehicle transporting hazardous materials and chemicals shall travel on any City street or highway, except State routes, unless prior permission is obtained from the Director of Public Safety.~~

~~— OFC Section FM-2807.1 entitled "General" is hereby amended to read as follows:~~

~~— FM 2807.1 General: Flammable and combustible liquid storage tanks of any capacity installed above ground shall comply with this rule.~~

~~— The expansion or extension of any existing facilities shall be in accordance with the provisions of the Ohio Fire Code, as adopted in Section 1501.01, any relevant State statutes or regulations promulgated by the State Fire Marshal, and the City Zoning and Building Codes.~~

~~— OFC Section F-3003.2 entitled "Storage" is hereby amended to read as follows:~~

~~— F-3003.2 Storage: The storage of explosives and blasting agents is prohibited within the City limits, except as may be otherwise authorized by the Fire Chief.~~

~~— OFC Section FM-3005.1.1 entitled "Routes for transporting explosives" is hereby enacted to read as follows:~~

~~FM-3005.1.1(L) Routes for transporting explosives: No operator of any vehicle transporting explosives and blasting agents within the City shall travel on any City street or highway, except State routes, unless prior permission is obtained from the Director of Public Safety.~~

~~(Ord. 6958-1986. Passed 12-16-86; Ord. 7710-1992. Passed 4-21-92; Ord. 8251-1996. Passed 8-6-96; Ord. 8252-1996. Passed 8-6-96; Ord. 8529-1999. Passed 4-6-99.)~~

1501.17 ABOVE-GROUND FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE TANKS.

(a) Application and Permit for Construction. All applications and permits for the construction of above-ground flammable and combustible liquid storage tanks (hereinafter referred to as "above-ground tanks") shall be done as follows:

(1) All applications shall be submitted to the Building Department and Bureau of Fire Department Prevention for review.

(2) Before constructing any above-ground tanks, a permit shall first be obtained from the Building Department and Bureau of Fire Department Prevention.

~~(b) Mandatory Testing. All above-ground tanks shall be tested prior to use by the Fire Department, and said tanks shall be inspected and tested by the Fire Department annually thereafter.~~

~~(Ord. 8536-1999. Passed 4-6-99; Ord. 9640-2010. Passed 3-16-10.)~~

1501.99 PENALTY.

(a) Criminal Penalties.

(1) Whoever ~~violates~~violates Section 1501.05(a) or 1501.17 is guilty of a misdemeanor of the first degree.

(ORC 3737.99(B))

(2) Whoever violates Section 1501.05(b) or 1501.06 is guilty of a minor misdemeanor.

(ORC 3737.99(C))

(3) Whoever violates Section 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree.

(ORC 3737.99(D))

(4) Whoever violates Section 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree.

(ORC 3737.99(E))

(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) 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) 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, as prescribed by Section 1501.04(c), shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) 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 by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

(ORC 3757.51(B) ~~to (H)~~; Ord. 6958-1986. Passed 12-16-86; Ord. 8536-1999. Passed 4-6-99.)

CHAPTER 1502

NFPA 101 Life Safety Code and its Annexes

- 1502.01 ~~1997 edition~~ Current Edition NFPA 101 Life Safety Code and its Annexes adopted; purpose.
- ~~1502.02 File and sale copies.~~
- 1502.03 Conflict of laws.
- 1502.99 Penalty; equitable remedies.

CROSS REFERENCES

See sectional histories for similar State law

Appeals of orders - see Ohio R.C. 119.12

State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33

State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34

Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.

Entry and inspection - see Ohio R.C. ~~737.34 et seq.~~ 3737.14, 3737.41, 3737.42

Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)

Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch.

~~1301:7-1 et seq.~~ 1301:7-7, 1301:7-9; FIRE PREV. Ch. 1501

Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071

Self-service filling stations - see Ohio R.C. 3741.14

Fireworks - see Ohio R.C. ~~3743.27, 3743.32~~ 3743.01 et seq.

Gasoline service stations - see P. & Z. 1121.29

1502.01 ~~1997 EDITION~~ CURRENT EDITION NFPA 101 LIFE SAFETY CODE AND ITS ANNEXES ADOPTED; PURPOSE.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by the City, for the purpose of providing a reasonably required degree of public safety, that certain code known as the NFPA 101 Life Safety Code, being particularly the ~~1997 edition~~ most current edition and its annexes thereof, recommended by the National Fire Protection Association.

~~1502.02 FILE AND SALE COPIES.~~

~~One copy of the NFPA 101 Life Safety Code, as adopted in Section 1502.01, shall be on file with the Clerk of Council, the Director of Public Safety and the Fire Chief for inspection by the public. One copy of such Code shall also be on file in the Cleveland Science Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost.~~

~~1502.03 CONFLICT OF LAWS.~~

~~(a) In the event of a conflict or inconsistency between any of the provisions of the NFPA 101 Life Safety Code, as adopted in Section 1502.01, and a provision of any local ordinance, resolution, rule or regulation, the local ordinance, resolution, rule or regulation shall control.~~

~~(b) In the event of a conflict or inconsistency between any of the provisions of the NFPA 101 Life Safety Code and a provision of any State law or regulation, the State law or regulation shall control.~~

~~(c) In the event of a conflict or inconsistency between any of the provisions of the NFPA 101 Life Safety Code and a provision of any other technical code adopted by reference by the City, the higher or stricter standard shall control.~~

1502.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the NFPA 101 Life Safety Code adopted in Section 1502.01, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. Unless otherwise provided, a

separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy.

CHAPTER 1503

Fire Extinguishing Equipment for Buildings

~~1503.01 Rules for automatic sprinkler equipment by Fire Chief.~~

~~1503.02 Types of buildings requiring installation.~~

1503.03 Plan approval prior to equipment installation or alteration.

~~1503.04 Exemption and substitution of other equipment.~~

~~1503.05 Appeal to court.~~

1503.06 ~~Annual inspection;~~ Notice of equipment change, disruption, or inspection of Life Safety Systems.

1503.99 Penalty.

~~CROSS REFERENCE~~

~~Extinguishing equipment for cooking facilities -- see FIRE PREV. 1501.015 (FPC 126.9)~~

~~1503.01 RULES FOR AUTOMATIC SPRINKLER EQUIPMENT BY FIRE CHIEF.~~

~~Authority is hereby conferred upon the Chief of the Fire Department to adopt and promulgate rules based on the standards of a nationally recognized organization embodying details of installation and construction of automatic sprinkler equipments to carry into effect the provisions of this chapter. Approval of devices shall be based on reports of a nationally recognized testing laboratory. All rules adopted by the Fire Chief under this section shall be promulgated at least one month before application and enforcement.~~

~~(Ord. 3025-1969. Passed 10-21-69.)~~

~~1503.02 TYPES OF BUILDINGS REQUIRING INSTALLATION.~~

~~Approved automatic sprinkler equipments shall be installed and maintained as follows:~~

~~(a) Especially Hazardous Properties: Throughout every building which by reason of its inferior construction or highly~~

~~combustible occupancy involves a severe life hazard to its occupants or in the judgment of the Fire Chief constitutes a fire menace to adjoining property. (Ord. 3025-1969. Passed 10-21-69.)~~

~~(b) Buildings for the Manufacture, Storage or Sale of Combustible Goods or Merchandise: Throughout every fire-resistive building occupied in whole for the manufacture, storage or sale of combustible merchandise or goods, if over two stories in height or more than 10,000 square feet in area, or if over five stories in height regardless of area.~~

~~Throughout every story occupied, in whole or part, for the manufacture, storage or sale of combustible goods or merchandise in fire-resistive buildings over two stories in height or more than 10,000 square feet in area, or over five stories in height regardless of area.~~

~~Throughout every building of other than fire-resistive construction occupied, in whole or part, for the manufacture, storage or sale of combustible goods or merchandise, if over one story in height or more than 10,000 square feet in area, if over four stories in height and more than 5,000 square feet in area, or if over five stories in height regardless of area, or in such parts of buildings of this class as may be specified by the Fire Chief.~~

~~(Ord. 4359-1973. Passed 2-6-73.)~~

~~(c) Garages: Throughout public garages as follows:
Fire-resistive buildings over 10,000 square feet in area.
Nonfire-resistive buildings over 6,000 square feet in area.~~

~~(d) Basements: Throughout all basements and cellars of buildings having an area of 5,000 square feet or more used for the manufacture, storage or sale of combustible material or merchandise, or the housing of automobiles.~~

~~(e) Hotels and Motels: Throughout all hotel and motel buildings of nonfire-resistive construction more than two stories in height and more than two stories in height if over 5,000 square feet in area.~~

~~(f) Multi-Family Houses and Dormitories: In the basements, cellars, storerooms, kitchens, workrooms, hallways and stairways of all multi-family houses and dormitories of nonfire-resistive construction more than three stories in height and more than one story in height if over 5,000 square feet in area.~~

~~— (g) Theaters and Halls: Throughout all buildings occupied or used as places of public assembly having a stage arranged for theatrical, operatic or similar performances, excepting only the auditorium, foyers, lobbies and immediate vicinity of automatic stage ventilators and throughout all buildings of nonfire-resistive construction, if such places of assembly are located above the first floor whether or not there is a stage.~~

~~— (i) Schools and Public Buildings: In basements, in kitchens and in shops and other spaces where combustible materials are stored and handled, or schools or other public buildings of nonfire-resistive construction over two stories in height or if two stories in height if over 10,000 square feet in area or over.~~

~~(Ord. 3025-1969. Passed 10-21-69.)~~

~~— (j) Senior Citizens Housing Complex: In all common areas and facilities of any senior citizen housing complex, regardless of number of stories or square footage of such housing. The owner or owners of any senior citizen housing complex shall comply with the provisions of Chapter 1503 prior to granting occupancy to tenants. Such failure to comply shall subject the owner or owners to the penalty provided by Section 1501.99.~~

~~(Ord. 5950-1981. Passed 5-19-81.)~~

1503.03 PLAN APPROVAL PRIOR TO EQUIPMENT INSTALLATION OR ALTERATION.

~~— Approved automatic sprinkler equipments shall be installed and connected to an adequate water supply, with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building protected as determined by the Chief of the Fire Department. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to the Fire Chief and approved by him.~~

~~(Ord. 3025-1969. Passed 10-21-69.)~~

No fire suppression or life safety equipment shall be installed or altered in a building until plans have been submitted to and approved by the Bureau of Fire Prevention.

1503.04 EXEMPTION AND SUBSTITUTION OF OTHER EQUIPMENT.

~~— Nothing in this chapter shall be construed to require the installation of sprinklers in safe deposit vaults, or in rooms or buildings devoted to manufacture or storage of aluminum~~

~~powder, calcium carbide, calcium phosphide, metallic sodium and potassium, quicklime, magnesium, sodium peroxide or like materials, where application of water may cause or increase fire, nor in any other location where the installation of sprinklers may increase the hazard; nor shall it be construed in any way to interfere with substitution of other approved automatic protective equipment.~~

~~{Ord. 3025-1969. Passed 10-21-69.}~~

~~1503.05 APPEAL TO COURT.~~

~~The owner of any building who is ordered by the Chief of the Fire Department to install automatic sprinklers under the provisions of this chapter may, within ten days after the making or affirming of any such order by the Fire Chief, file a petition with a court having jurisdiction, praying for a review of such order. It shall be the duty of the court to hear the same within not less than five days nor more than ten days from the time the petition is filed, and to make such order relating to the premises as right and justice may require. The parties so appealing to the court shall file with the court within two days a bond in the amount to be fixed by the court, to be approved by the court, conditioned to pay all the costs of such appeal in case the appellant fails to sustain his appeal or the same is dismissed for any cause.~~

~~{Ord. 3025-1969. Passed 10-21-69.}~~

~~1503.06 ANNUAL INSPECTION; NOTICE OF EQUIPMENT CHANGE-L
DISRUPTION, OR INSPECTION OF LIFE SAFETY SYSTEMS.~~

~~All automatic sprinkler equipments and appurtenant equipment specified in this chapter shall be inspected at least once a year by the Chief of the Fire Department and maintained by the owner or occupant at all times in proper operative condition.~~

~~The occupant of the building containing such equipments sprinkler systems, fire alarms, commercial kitchen suppression, or other life safety systems shall promptly notify the Bureau of Fire Department Prevention in case any sprinkler equipments system is withdrawn, interrupted, curtailed, or altered, or inspected.~~

~~{Ord. 3025-1969. Passed 10-21-69.}~~

1503.99 PENALTY.

Owners of buildings regulated by the provisions of this chapter which do not comply with such provisions by October 21, 1970, shall be subject to the penalty provided by Section 1501.99.

(Ord. 3025-1969. Passed 10-21-69.)

CHAPTER 1505

Negligent Fires in Public Buildings

1505.01 Fires in public buildings caused by negligence.

~~1505.02 Posting of law required.~~

~~1505.03 Posting enforcement by Safety Director. by negligence.~~

1505.99 Penalty.

1505.01 FIRES IN PUBLIC BUILDINGS CAUSED BY NEGLIGENCE.

No person in the City, in any hotel, motel, rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility or similar place of abode, by any means whatsoever, through carelessness, neglect or negligence, shall set fire to or cause the burning of any bedding, furniture, rug, curtain, drape or other household furnishing or fitting or any other part of the buildings or premises in such a manner as to endanger the safety of any person or property.

(Ord. 4016-1970. Passed 11-17-70.)

~~1505.02 POSTING OF LAW REQUIRED.~~

~~— It shall be the duty of the manager, owner or lessee of any hotel or motel to post the provisions of this chapter in a conspicuous place in each room occupied by guests in the hotel or motel, and it shall be the duty of the manager, owner or lessee of any rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility or similar place of abode, to post the provisions of this chapter in conspicuous places upon such premises.~~

~~(Ord. 4016-1970. Passed 11-17-70.)~~

~~1505.03 POSTING ENFORCEMENT BY SAFETY DIRECTOR.~~

~~— It shall be the duty of the Director of Public Safety to see that this chapter is posted in all hotels and motels in the City of Brook Park.~~

~~(Ord. 4016-1970. Passed 11-17-70.)~~

1505.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months, or both.

~~(Ord. 4016-1970. Passed 11-17-70.)~~

CHAPTER 1507

Fire Department Permits and Fees.

- 1507.01 Purpose and scope.
- 1507.02 Permit inspection and plans review period.
- 1507.03 Inspection fees and permits.
- 1507.04 False alarms.
- 1507.05 Knox Box ® Key box required.
- 1507.06 Rules and regulations.
- 1507.99 Penalty.

1507.01 PURPOSE AND SCOPE.

Except as otherwise specifically provided for, the following provisions shall prevail in the issuance of all types of permits by the Fire Department. The Chief of the Fire Department, or his ~~authorized representative~~ or her designee, before issuing any permit, is authorized to charge and collect the fees specified in this chapter. The fees prescribed herein shall be additive and, unless otherwise specifically provided, separate fees shall be paid for each of the items listed. All fees shall be computed and collected by the Chief of the Fire Department, or his ~~authorized representative~~ or her designee, who shall give a receipt for cash payment.

(Ord. 9512-2008. Passed 10-21-08.)

1507.02 PERMIT INSPECTION AND PLANS REVIEW PERIOD.

The Fire Chief, or his ~~authorized representative~~ or her designee, shall have ~~forty eight working hours~~ 30 days to make any inspections or review any necessary plans or drawings to carry out the intent and purpose for which any permit is issued.

(Ord. 9512-2008. Passed 10-21-08.)

1507.03 INSPECTION FEES AND PERMITS.

~~A fee of one hundred dollars (\$100.00) shall be charged for all inspections and permits issued by the Fire Department involving any of the following:~~

- ~~Automobile tire rebuilding plants~~
- ~~Bowling alley refinishing~~
- ~~Nitrate motion picture film storage~~
- ~~Cellulose nitrate plastics~~
- ~~Combustible fibers~~
- ~~Compressed gasses~~
- ~~Dry cleaning plants~~
- ~~Dust producing materials~~
- ~~Blasting; explosives; ammunition~~
- ~~Fire protection equipment; sprinkler; standpipe; alarm; yard hydrant~~
- ~~Application of flammable finishes~~
- ~~Flammable liquid storage tanks 150 to 100,000 gallons~~
- ~~Tank vehicles, flammable liquids~~
- ~~Fruit ripening processes~~
- ~~Insecticidal fogging~~
- ~~Garages~~
- ~~Hazardous chemicals~~
- ~~Liquefied petroleum gasses~~
- ~~Lumber yards~~
- ~~Magnesium storage~~
- ~~Oil burning equipment~~
- ~~Organic coatings~~
- ~~Ovens and furnaces~~
- ~~Places of assembly~~
- ~~Ceremonial bonfires~~
- ~~Match storage~~
- ~~Combustible materials storage~~
- ~~Tents~~
- ~~Welding or cutting operations~~
- ~~Opening fire hydrant~~

~~Any substance, item or material set forth in Rule 1, Appendix A of the Ohio Fire Code.~~

~~(Ord. 9512-2008. Passed 10-21-08.)~~

(a) Permit fees: The fee for all permits issued by the Fire Department shall be one hundred dollars (\$100.00).

(b) The City of Brook Park adopts the whole of OFC section 105 (Permits) to include operational and construction permits.

(c) Fees for multiple permits: When multiple permits are applied for a specific event or approved construction at the same location, such permit applications may be consolidated into a single permit application. The total fees otherwise required for such multiple permits may be consolidated into a single fee, which may be reduced at the discretion of the Fire Chief, or his or her designee, in an amount proportionate to the corresponding inspection activity.

(d) Construction inspection fees:

- (1) Initial inspection fee part of permit fee
- (2) Re-inspection fee of no charge
- (3) First follow-up inspection fee of fifty dollars (\$50.00)
- (4) Second follow-up inspection fee of one hundred dollars (\$100.00)
- (5) Third follow-up inspection fee of one hundred and fifty dollars (\$150.00)
- (6) Fourth follow-up inspection fee of two hundred dollars (\$200.00)
- (7) Subsequent follow-up inspection fees are increased in fifty dollar (\$50.00) increments

(e) Fire safety inspection fees:

- (1) No initial inspection fee
- (2) First re-inspection fee of no charge
- (3) Second re-inspection fee of fifty dollars (\$50.00)
- (4) Third re-inspection fee of one hundred dollars (\$100.00)
- (5) Fourth re-inspection fee of one hundred and fifty dollars (\$150.00)
- (6) Subsequent follow-up inspection fees are increased in fifty dollar (\$50.00) increments

1507.04 FALSE ALARMS.

(a) The Fire Department shall respond to proper notification of the activation of an alarm system without charge, except that:

(1) The person in control of the property on which an alarm system is installed shall be charged one hundred dollars (\$100.00) when he or she or his or her agent or employee intentionally or knowingly activates the alarm system for any reason other than an emergency or threat of an emergency.

(2) The person in control of the property on which an alarm system is installed shall be charged in accordance with the following schedule for responses to false alarms within any twelve-month period:

- A. For the first three false alarms: No charge.
- B. For the fourth and fifth false alarms: \$250.00.
- C. For the sixth through tenth false alarms: \$500.00.
- D. For false alarms in excess of ten: \$1,000.00.

(b) All billing for false charges shall be within thirty days of occurrence.

(c) If there is a response by the Fire Department to a false alarm, and it can be proven that the false alarm resulted from improper installation and/or servicing by the alarm business and/or agent, the alarm business shall be charged one hundred dollars (\$100.00).

(Ord. 11421-2024. Passed 6-18-24.)

1507.05 KNOX BOX ® KEY BOX REQUIRED.

(a) A Knox Box ® key box shall be installed in an approved location at all occupancies with a fire alarm system, automatic sprinkler system, or fire suppression system, or any other type of fire protection system that results in a notification to the Fire Department of an activation of that system. The Knox Box ® key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Chief or his authorized representative.

(b) The person in control of the property shall immediately notify the Fire Chief, or his ~~authorized representative~~ or her designee, and provide the new key when a lock is changed or rekeyed. In the event the Fire Department responds to a call where a Knox Box ® key box is installed and the access keys do not function properly, the person in control of the property shall be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.
(Ord. 9512-2008. Passed 10-21-08.)

1507.06 RULES AND REGULATIONS.

The Chief of the Fire Department, or his authorized ~~representative~~ or her designee, shall make and enforce such rules and regulations as he deems necessary for the enforcement of the

provisions of this chapter and for the proper determination and collection of the fees and charges herein provided.

(Ord. 9512-2008. Passed 10-21-08.)

1507.99 PENALTY.

Any violation or failure to comply with the provisions of ~~this chapter shall be a misdemeanor of the first degree,~~ punishable in compliance with Section 501.99.

(Ord. 9512-2008. Passed 10-21-08.)

CHAPTER 1508

Recovery of Costs of Emergency Actions

- 1508.01 Purpose and scope.
- 1508.02 Definitions.
- 1508.03 Liability.
- 1508.04 Procedure.

CROSS REFERENCES

Hazardous waste standards for transporters - see Ohio R.C. 3734.12(C)

State regulations - see Ohio R.C. 3745.13

Transporters of hazardous waste - see OAC Ch. 3745-53

Recovery of costs of emergency medical services and/or ambulance transportation - see FIRE PREV. Ch. 1513

1508.01 PURPOSE AND SCOPE.

The purpose of this chapter is to provide for compensation to the City for costs incurred in investigating, mitigating, minimizing, removing or abating unauthorized spills, releases or discharges of materials into or upon the environment within the territorial jurisdiction or responsibility of the City, which spills, releases or discharges require emergency action to protect the public health or safety or the environment.

(Ord. 7776-1992. Passed 12-3-92.)

1508.02 DEFINITIONS.

As used in this chapter:

(a) ~~"Common carrier by motor vehicle" has the same meaning as in Ohio R.C. 4919.75(E) or 4912.02(A), as appropriate.~~ "common carrier" includes every corporation, company,

association, joint-stock association, person, firm, or copartnership, and their lessees, legal or personal representatives, trustees, and receivers or trustees appointed by any court, when engaged or proposing to engage in the business of transporting property or passengers, or the business of providing or furnishing such transportation service, for hire, whether directly or by lease or other arrangement, for the public in general, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state.

(b) "Contract carrier by motor vehicle" ~~has the same meaning as in Ohio R.C. 4919.75(F) or 4923.02(A), as appropriate or~~ "contract carrier" includes every corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court, not included in the definition under division (a) of this section, when engaged in the business of private carriage of property or passengers, or proving or furnishing such transportation service, for hire, in or by motor-propelled vehicles of any kind, including trailers, over any public highway in this state.

(c) "Costs" shall include, but not be limited to, all direct and incidental costs, including personnel costs, incurred by or on behalf of the City in connection with the investigation, mitigation, minimization, removal or abatement of an unauthorized spill, release or discharge, in the following respects:

(1) Operating any vehicle, apparatus or equipment used in connection with any such incident;

(2) Sanitizing, cleaning and/or repairing any vehicle, apparatus, equipment or apparel used in connection with any such incident;

(3) Testing any spilled, released or discharged material or any vehicle, apparatus, equipment or apparel used in connection with any such incident;

(4) Storing any spilled, released or discharged material;

(5) Disposing of any spilled, released or discharged material or any vehicle, apparatus, equipment, apparel or goods rendered unusable as a result of any such incident;

(6) Replacing any vehicle apparatus, equipment, apparel or goods lost or rendered unusable as a result of any such incident; and

(7) Any costs incurred by any private party or governmental body, or subdivision thereof, whose assistance is requested by the City in the event of an unauthorized spill, release or discharge and who submits a written invoice to the City setting forth his, her or its costs incurred in responding to the incident.

(d) "Material" has the same meaning as in Ohio RC. 3745.13 and in any regulations promulgated or matters decided thereunder, as appropriate.

(e) "Motor vehicle" means any automobile, truck, tractor, trailer, semitrailer, motorbus or any other self-propelled vehicle not operated or driven on fixed tracks.

(f) "Private motor carrier" has the same meaning as in Ohio R.C. 4923.02.

(g) "Railroad" has the same meaning as in Ohio R.C. 4907.02.

(h) "Unauthorized spill, release or discharge" has the same meaning as in Ohio R.C. Chapter 3745 and in any regulations promulgated or matters decided thereunder, and shall include, but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, releasing, injecting, escaping, leaching, dumping or disposing of any material into or upon the environment, which may endanger the public health or safety or the environment. The term does not include any spill, release or discharge that is in compliance with Ohio R.C. Chapter 1509, 3704, 3734 or 6111 and rules adopted thereunder, or the terms and conditions of a current and valid permit or license. (Ord. 7776-1992. Passed 12-3-92.)

1508.03 LIABILITY.

(a) Any person or corporation responsible for causing or allowing an unauthorized spill, release or discharge of materials into or upon the environment is liable to the City for disaster services rendered and all incidental and related costs. The costs shall be paid by the person responsible for causing or allowing the unauthorized spill, release or discharge that requires emergency action to protect the public health or safety or the environment.

(b) If an unauthorized spill, release or discharge occurs from a motor vehicle or train being operated by or on behalf of a common carrier by motor vehicle, a contract carrier by motor vehicle, a private motor carrier or a railroad, a claim or civil action shall be submitted to or brought against the motor carrier or railroad, as appropriate, and the costs of the emergency action shall be recovered from the motor carrier or railroad that was responsible for causing or allowing the unauthorized spill, release or discharge to occur.

(c) Costs recoverable under this chapter shall accrue commencing with the first notification to the City of an incident involving, or which may involve, or subsequently proves to involve, an unauthorized spill, release or discharge.
(Ord. 7776-1992. Passed 12-3-92.)

1508.04 PROCEDURE.

(a) The Fire Chief, or his ~~designated representative~~ **or her designee**, shall keep a record of the City's costs in connection with investigating, mitigating, minimizing, removing or abating unauthorized spills, releases or discharges, including any incidental costs. A schedule of charges used to determine such costs shall be kept on file in the Fire Department and made available for inspection by the public during normal working hours. The schedule shall be revised, as necessary, to reflect increases and decreases in the value of the items listed.

(b) Not less than thirty days before bringing a civil action for the recovery of costs pursuant to this chapter and Ohio R.C. 3745.13, the Law Director shall submit to the responsible party a written itemized claim for the total certified costs incurred by the City and a written notice stating that unless the amount is paid to the City within thirty days after the date of mailing of the claim and notice, the Law Director shall bring a civil action for that amount.
(Ord. 7776-1992. Passed 12-3-92.)

CHAPTER 1509

Smoke Detection Systems

- 1509.01 Authority of Fire Chief to issue regulations.
- 1509.02 Buildings requiring installation.
- 1509.03 Installation upon resale.

- 1509.04 Additions to existing residential dwellings.
1509.05 Manner of installation.
1509.06 Maintenance duties of owners of hotels, motels,
apartments, dormitories, boarding houses, nursing
homes, homes for the aged and health institutions.
1509.07 Maintenance duties of owners of single-family
premises.
1509.08 Owner's compliance.
1509.99 Penalty.

CROSS REFERENCES

Required in high rise apartments and condominiums - see Ohio
R.C. 3781.104; ~~OAC Ch. 4101:2-89~~
Carbon monoxide detectors - see FIRE PREV. Ch. 1510

1509.01 AUTHORITY OF FIRE CHIEF TO ISSUE REGULATIONS.

Authority is hereby conferred upon the Chief of the Fire Department, or his or her designee, to adopt and promulgate regulations based on the standards of a nationally recognized organization embodying details of installation, construction and disposal of smoke detectors to carry into effect the provisions of this chapter.

(Ord. 5416-1978. Passed 9-5-78.)

1509.02 BUILDINGS REQUIRING INSTALLATION.

Approved smoke detector(s) shall be installed in the following buildings:

(a) Every newly constructed residential dwelling prior to the issuance of an occupancy permit.

(b) Every hotel, motel, apartment building, boarding house, dormitory, nursing home, home for the aged and health institutions, within one year from the date of passage of this section. However, if conditions exist which warrant the installation of smoke detector(s) in a shorter time period, the Fire Chief, or his or her designee, shall be empowered to order and secure compliance with such installation orders.

(Ord. 5416-1978. Passed 9-5-78.)

1509.03 INSTALLATION UPON RESALE.

Where there is a transfer of ownership, approved smoke detector(s) shall be installed in all residential dwellings,

prior to the issuance of an occupancy permit. Payment for the equipment shall be made by the new owner unless the contract of sale provides otherwise.

(Ord. 5416-1978. Passed 9-5-78.)

1509.04 ADDITIONS TO EXISTING RESIDENTIAL DWELLINGS.

~~Smoke detector(s) shall be installed as required by this~~ chapter whenever a sleeping room is added to an existing residential dwelling.

(Ord. 5416-1978. Passed 9-5-78.)

1509.05 MANNER OF INSTALLATION.

The approved smoke detector(s) shall be installed:

(a) Inside each sleeping room in hotels, motels, dormitories, boarding houses, nursing homes, homes for the aged and health institutions.

(b) Adjacent to the outside of sleeping rooms in single and multiple residential dwellings in such a manner that the alarm signaling device shall be clearly audible in all sleeping rooms when the intervening doors are closed, or in any other manner in compliance with regulations issued by the Chief of the Fire Department, or his or her designee, under the authority of this chapter.

(Ord. 5416-1978. Passed 9-5-78.)

1509.06 MAINTENANCE DUTIES OF OWNERS OF HOTELS, MOTELS, APARTMENTS, DORMITORIES, BOARDING HOUSES, NURSING HOMES, HOMES FOR THE AGED AND HEALTH INSTITUTIONS.

The duties of the owner of any hotel, motel, apartment, dormitory, boarding house, nursing home, home for the aged and health institution include:

(a) That the owner provide and install the detector(s).

(b) That the owner provide a battery for each unit on an annual basis. ~~Where the owner delivers batteries to a tenant of the dwelling, a record of such action shall be provided to the Fire Department to be kept on file.~~

(c) The owner is responsible for the replacement within a reasonable time of any unit which is reported by a tenant to be defective and which will not alarm upon the installation of a fresh battery.

(Ord. 5416-1978. Passed 9-5-78.)

1509.07 MAINTENANCE DUTIES OF OWNERS OF SINGLE-FAMILY PREMISES.

The owner of a single-family residence shall provide and install the detector(s) and provide a battery for each unit on an annual basis.

(Ord. 5416-1978. Passed 9-5-78.)

1509.08 OWNER'S COMPLIANCE.

(a) Compliance with this chapter is achieved by installation of the approved detector(s) pursuant to this chapter and by supplying the tenant with an annual fresh battery supply.

(b) The owner of the property shall not be held liable if the detector(s) fail in an emergency by reason of defect or tampering by the tenant or by failure of the tenant to install the battery or for any other reason beyond the control of the owner.

(Ord. 5416-1978. Passed 9-5-78.)

1509.99 PENALTY.

Owners of buildings regulated by the provisions of this chapter who do not comply with any provision shall be guilty of a misdemeanor of the first degree, punishable under Chapter 501 of the Codified Ordinances.

(Ord. 6025-1981. Passed 8-18-81.)

CHAPTER 1510

Carbon Monoxide Detectors

1510.01 Detectors required in certain occupancies.

1510.02 Installation and location.

1510.03 Certification upon change in occupancy.

1510.04 Permanent wiring; electrical permit required.

1510.05 Inspections.

1510.99 Penalty.

CROSS REFERENCES

Venting of heaters and burners - see GEN. OFF. 521.02

Negligent fires in public buildings - see FIRE PREV. Ch. 1505

Smoke detectors - see FIRE PREV. Ch. 1509

1510.01 DETECTORS REQUIRED IN CERTAIN OCCUPANCIES.

Carbon monoxide detectors shall be installed in all single-family dwellings, in each unit of multifamily buildings and in every building that is heated by one main central fossil-fuel powered heating unit as hereinafter provided. Said carbon monoxide detectors shall be capable of detecting the presence of ~~sixty~~60 ppm of carbon monoxide in ambient air and providing a suitable audible alarm. Further, they shall be installed in the manner provided in the manufacturer's specifications, shall comply with applicable Federal and State regulations, shall bear the label of a nationally recognized standard testing laboratory and shall meet the standard of UL 2034 or its equivalent. The Building Commissioner shall issue rules and regulations not inconsistent with the provisions of this chapter for the implementation and administration of the provisions of this chapter.

(Ord. 8312-1997. Passed 2-4-97.)

1510.02 INSTALLATION AND LOCATION.

Carbon monoxide detectors shall be installed in the manner and in the location specified by the manufacturer.

(Ord. 8312-1997. Passed 2-4-97.)

1510.03 CERTIFICATION UPON CHANGE IN OCCUPANCY.

After March 1, 1997, every change in occupancy occasioned by or incidental to a sale, lease or sublease of a unit, it shall be the duty of the grantor (i.e. the seller, the lessor or the sublessor, as the case may be) to certify before occupancy, to the new occupant, that all carbon monoxide detectors required by this chapter are installed and in proper working condition. Failure to comply with this section shall be punishable as set forth herein, provided, however, that this section shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

(Ord. 8312-1997. Passed 2-4-97.)

1510.04 PERMANENT WIRING; ELECTRICAL PERMIT REQUIRED.

No carbon monoxide detector or alternative system shall be directly connected (permanently wired) to the electrical system of a structure unless an electrical permit has first been obtained from the Building Department.

(Ord. 8312-1997. Passed 2-4-97.)

1510.05 INSPECTIONS.

The Building Inspector shall have concurrent jurisdiction with the Chief of Fire, or his or her designee, to inspect the installation of any carbon monoxide detector required to be installed by this chapter.

(Ord. 8312-1997. Passed 2-4-97.)

1510.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both.

(Ord. 8312-1997. Passed 2-4-97.)

CHAPTER 1511

Open Burning

~~1511.01 Definitions.~~

~~1511.02 Relations to other prohibitions.~~

~~1511.03 Open burning in restricted areas.~~

~~1511.04 Permission and notice to open burn.~~

~~1511.05 Bonfires and outdoor rubbish fires.~~

1511.06 Recreational fires.

1511.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Air pollution control - see Ohio R.C. Ch. 3704

Permit to burn construction debris - see Ohio R.C. 3704.11(C)

Spreading fire through negligence - see Ohio R.C. 3737.62

Open burning - see OAC Ch. 3745

~~1511.01 DEFINITIONS.~~

~~— (a) Definitions. As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:~~

~~— (1) "Agricultural waste." Any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape~~

wastes that are generated in agricultural activities, but does not include land clearing waste; buildings (including dismantled/fallen barns); garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

~~(2) "Air curtain burner." An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in a manufactured steel structure and for which a permit to install has been obtained as required in O.A.C. Chapter 3745-31 and a permit to operate has been obtained as required in O.A.C. Chapter 3745-77.~~

~~(3) "Air curtain destructor." An engineered apparatus consisting of a motorized high-velocity fan and an air distribution system designed to aid in the efficient combustion of materials placed in an adjacent pit. An air curtain burner may be used in place of an air curtain destructor, but an air curtain destructor may not be used in place of an air curtain burner.~~

~~(4) "Economic poisons." Include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.~~

~~(5) "Emergency burning." The burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:~~

~~A. A tornado.~~

~~B. High winds.~~

~~C. An earthquake.~~

~~D. An explosion.~~

~~E. A flood.~~

~~F. A hail storm, a rain storm, or an ice storm.~~

~~(6) "Garbage." Any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.~~

~~(7) "Inhabited building." Any inhabited private dwelling house and any public structure which may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the~~

public. Examples would include, but are not limited to, highway rest stops, restaurants, motels, hotels and gas stations.

~~(8) "Land clearing waste." Plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.~~

~~(9) "Landscape waste." Any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.~~

~~(10) "Ohio EPA." The Ohio Environmental Protection Agency Director or agencies delegated authority by the Director of the Ohio Environmental Protection Agency pursuant to R.C. § 3704.03 or the Chief of any Ohio Environmental Protection Agency District Office.~~

~~(11) "Open burning." The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of O.A.C. 3745-17-09 or O.A.C. 3745-17-10.~~

~~(12) "Residential waste." Any waste material, including landscape waste, generated on the property of a one-, two- or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.~~

~~(13) "Restricted area." The area within the boundary of the municipality, plus a zone extending 1,000 feet beyond the boundaries of a municipality having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any municipality having a population of 10,000 persons or more according to the latest federal census.~~

~~(14) "Unrestricted area." All areas outside the boundaries of a restricted area as defined in this section.~~

~~(b) Referenced materials. This subchapter includes references to certain matter or materials. The text of the referenced materials is not included in the legislation~~

~~contained in this subchapter. Information on the availability of the referenced materials as well as the date of, and/or the particular edition or version of the material is included in this legislation. For materials subject to change, only the specific versions specified in this legislation are referenced. Material is referenced as it exists on the effective date of this legislation. Except for subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not applicable unless and until this section has been amended to specify the new dates.~~

~~———— (1) Availability. The referenced materials are available as follows:~~

~~———— A. Clean Air Act. Information and copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the act as amended in 1990 is also available in electronic format at www.epa.gov/oar/caa/. A copy of the act is also available for inspection and use at most public libraries and the State Library of Ohio.~~

~~———— B. Code of Federal Regulations (C.F.R.). Information and copies may be obtained by writing to: Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954. The full text of the C.F.R. is also available in electronic format at <http://www.ecfr.gov>. The C.F.R. compilations are also available for inspection and use at most public libraries and the State Library of Ohio.~~

~~———— C. National Fire Protection Association. Information on the National Fire Protection Association codes may be obtained by contacting the Association at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered at www.nfpa.org/catalog/home/index.asp. Copies of the code exist or are available at most public libraries and the State Library of Ohio.~~

~~———— (2) Referenced materials.~~

~~———— A. 40 C.F.R. § 60.2974: "Am I required to apply for and obtain a title V operating permit for my air curtain incinerator that burns only wood waste, clean lumber, and yard waste?" as published in the July 1, 2012 Code of Federal Regulations.~~

~~B. 40 C.F.R. § 60.3069: "Am I required to apply for and obtain a title V operating permit for my air curtain incinerator that burns only wood waste, clean lumber, and yard waste?" as published in the July 1, 2012 Code of Federal Regulations.~~

~~C. NFPA publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures" published April 30, 2007.~~

~~D. Section 129 of the Clean Air Act, contained in 42 U.S.C. § 7429: "Solid waste combustion" published January 2, 2006 in Supplement V of the 2000 Edition of the United States Code.~~

~~(OAC 3745-19-01)~~

~~1511.02 RELATIONS TO OTHER PROHIBITIONS.~~

~~(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.~~

~~(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.~~

~~(OAC 3745-19-02)~~

~~1511.03 OPEN BURNING IN RESTRICTED AREAS.~~

~~(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in divisions (b) through (d) of this Section or in Ohio R.C. 3704.11.~~

~~(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:~~

~~(1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.~~

~~(2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:~~

~~_____ A. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;~~

~~_____ B. They are not used for waste disposal purposes; and~~

~~_____ C. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.~~

~~_____ (3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to O.A.C. 3745-50-45(D)(1)(d).~~

~~_____ (4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.~~

~~_____ (5) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state, or local law enforcement officials.~~

~~_____ (6) Fires allowed by divisions (b)(1), (b)(2), and (b)(4) of this section shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.~~

~~_____ (c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with Section 1511.04(b):~~

~~_____ (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the Ohio Department of Health or local health department, the Centers for Disease Control and Prevention, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.~~

~~_____ (2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of division (b)(2) of this section, provided the following conditions are met:~~

~~_____ A. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;~~

~~_____ B. They are not used for waste disposal purposes; and~~

~~_____ C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.~~

~~_____ (3) Disposal of agricultural waste generated on the premises if the following conditions are observed:~~

~~_____ A. The fire is set only when atmospheric conditions will readily dissipate contaminants;~~

~~_____ B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;~~

~~_____ C. The fire is located at a point on the premises no less than 1,000 feet from any inhabited building not located on said premises;~~

~~_____ D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and~~

~~_____ E. No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.~~

~~_____ (d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with Section 1511.04(a), provided that any conditions specified in the permission are followed:~~

~~_____ (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in division (b) (3) of this section;~~

~~_____ (2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403, Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures, provided that the application required in Section 1511.04(a)(1) is submitted by the commercial or public entity responsible for the instruction;~~

~~_____ (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix to O.A.C. 3745-19-03. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a~~

~~written permission to open burn within seven working days of the oral approval;~~

~~—— (4) — Recognized horticultural, silvicultural (forestry), range, or wildlife management practices; and~~

~~—— (5) — Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.~~

~~(OAC 3745-19-03)~~

~~1511.04 PERMISSION AND NOTICE TO OPEN BURN.~~

~~—— (a) — Permission.~~

~~—— (1) — An application for permission to open burn shall be submitted in writing to Ohio EPA. The applicant shall allow Ohio EPA at least ten working days to review the permit. Applicant may proceed with burn upon receipt of written permission from Ohio EPA. Saturday, Sunday, and legal holidays shall not be considered working days. The application shall be in such form and contain such information as required by the Ohio EPA.~~

~~—— 2013 Replacement~~

~~1511.04 — FIRE PREVENTION CODE — 32F~~

~~—— (2) — Except as provided in divisions (a) (6) and (a) (7) of this section, such applications shall contain, as a minimum, information regarding:~~

~~—— A. — The purpose of the proposed burning;~~

~~—— B. — The quantity or acreage and the nature of the materials to be burned;~~

~~—— C. — The date or dates when such burning will take place;~~

~~—— D. — The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and~~

~~—— E. — The methods or actions which will be taken to reduce the emissions of air contaminants.~~

~~—— (3) — Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants, when atmospheric conditions are appropriate; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may~~

~~impose such conditions as may be necessary to accomplish the purpose of O.A.C. Chapter 3745-19.~~

~~(4) Except as provided in division (a)(6) of this section, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.~~

~~(5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.~~

~~(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio Fire Academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to division (a)(1) of this section shall contain information as required in division (a)(2) of this section, except the information required in divisions (a)(2)C. and (a)(2)D. of this section need not be provided unless it is available at the time of submittal of the application. The Academy shall contact the appropriate Ohio EPA District Office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.~~

~~(7) For open burning defined under Section 1511.03(d)(2) and O.A.C. 3745-19-04(C)(2), permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with O.A.C. 3745-20-03.~~

~~(b) Notification.~~

~~(1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such form and contain such information as shall be required by the Ohio EPA.~~

~~_____ (2) Such notification shall inform the Ohio EPA regarding:~~

~~_____ A. The purpose of the proposed burning;~~

~~_____ B. The nature and quantities of materials to be burned;~~

~~_____ C. The date or dates when such burning will take place; and~~

~~_____ D. The location of the burning site.~~

~~_____ (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under O.A.C. Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.~~

~~(OAC 3745-19-05)~~

~~1511.05 BONFIRES AND OUTDOOR RUBBISH FIRES.~~

~~_____ (a) General. Burning of rubbish shall be prohibited except in approved incinerators. Bonfires may be permitted only under the following conditions and subject to the air pollution provisions of this chapter.~~

~~_____ (b) Permit Required. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization from the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.~~

~~_____ (c) Location Restricted. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained unless:~~

~~_____ (1) The location is approved by the Fire Official and is not less than fifty feet from any structure and adequate provision is made to prevent fire from spreading to within fifty feet of any structure; or~~

~~_____ (2) The fire is contained in an approved burner located safely not less than fifteen feet from any structure.~~

~~_____ (d) Bonfire Material. Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper only. Bonfires shall not contain any rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burnt shall be determined by the Fire~~

~~Official and shall be based upon the fire safety requirements of the situation and the desirable duration of burn.~~

~~(e) Attendance at Open Fires. Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use as deemed necessary by the Fire Official.~~

~~(f) Prohibited Bonfires. The Fire Official may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fire hazardous or which are or could be offensive or objectionable due to smoke or odor emissions. The Fire Official shall order the extinguishment, by the permit holder or the Fire Department, of any bonfire which creates or adds to a hazardous or objectionable situation.~~

1511.06 RECREATIONAL FIRES.

(a) Definitions.

(1) "Chimenea" shall mean a clay or ceramic enclosure that is specifically designed for recreational burning.

(2) "Green wood" shall mean any wood that is not seasoned or hardwood.

(3) "Outdoor fireplace" shall mean an elevated enclosure designed specifically for recreational and cooking fires that contains components for ember and flame containment. Outdoor fireplaces are required to have metal grated sides and a lid.

(4) "Recreational fires" shall mean the burning of seasoned firewood for outdoor recreation purposes in an enclosure designed specifically for ember and flame containment, excluding barrels and rocked-in pits. The total fuel area shall not exceed three feet in diameter and two feet in height.

(5) "Seasoned firewood" shall mean hardwood that has been allowed to dry for six to 12 months.

(6) "Tall grass" shall mean any area of grass that is higher than eight inches.

(7) "Tree line" shall mean any group of tree with a height greater than ten feet.

(b) Regulations Concerning Recreational Fires.

(1) If wind direction causes smoke to be a nuisance to the public, the fire will be required to be relocated or extinguished. The Fire official has the right to determine if wind conditions pose a hazard requiring fires to be extinguished.

(2) Location regulations.

A. Recreational fires shall not be set within 15 feet of tall grass or tree lines.

B. Recreational fires shall not be located within ten feet of vehicles, buildings or structures, including houses, garages, overhangs from buildings such as porches or carports, sheds and wooden fences.

C. Recreational fires shall not be set within five feet from property lines.

D. Recreational fires shall not be set within ten feet from public sidewalks, roads and public right-of-ways.

E. Recreational fires shall not be set within ten feet from any fire lanes.

(c) Additional Restrictions on Recreational Fires.

(1) Only seasoned firewood shall be burned in outdoor fireplaces and chimeneas; no rubbish, green wood or treated wood, painted wood, stained wood or pallets will be permitted to be burned;

(2) Outdoor fireplaces are required to be covered with lids when not being used to cook food;

(3) Generally, all store-purchased chimeneas and fireplaces are acceptable burning receptacles;

(4) Flames shall not be higher than the components of the fireplaces;

(5) An adequate fire extinguisher (one extinguisher with a minimum 4-A rating or two extinguishers with a minimum 2-A rating) or garden hose is required to be readily accessible in close proximity to the fire;

(6) A responsible adult is required to be in close proximity to the fire until extinguished;

(7) All recreational fires shall be attended to at all times and properly extinguished when done. Fires may only be burned between the hours of 8:00 a.m. and 1:00 a.m.;

(8) No fires are to be built directly on the ground; and

(9) The Fire Department has the authority to determine if a recreational fire meets acceptable standards for safe burning. If a fire official deems that the fire container is unsafe, the fire shall be extinguished. The Fire Department has the authority to immediately shut down any recreational fire if the fire is determined to constitute a hazardous condition.

(Ord. 9204-2005. Passed 5-17-05.)

1511.99 PENALTY.

Whoever violates any provision 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 sixty days, or both.

CHAPTER 1513

Recovery of Costs of Emergency Medical Services and Ambulance Transportation

- 1513.01 Authority of Mayor to establish procedures; delinquent accounts.
- 1513.02 Services to be provided by Fire Department.
- 1513.03 Definitions.
- 1513.04 Ambulance transport fees.
- 1513.05 Disposition of funds.

CROSS REFERENCES

- Fire Department - see CHTR. §§ 8.03, 8.04; ADM. Ch. 143
- State Division of Emergency Medical Services - see Ohio R.C. Ch. 4765
- Emergency and public safety vehicles - see TRAF. 303.041, 331.20 et seq., 333.06, 371.08
- Recovery of costs of emergency actions - see FIRE PREV. Ch. 1508

1513.01 AUTHORITY OF MAYOR TO ESTABLISH PROCEDURES; DELINQUENT ACCOUNTS.

(a) The Mayor, or his or her designee, shall be responsible for the development of collection and billing procedures for emergency medical service and/or ambulance transport, including, but not limited to, setting reasonable fees, annual review of fees, preparing invoices, delivery of such invoices to each person who received emergency medical service and/or ambulance transport (in the case of a minor, delivery of such invoice to the legal guardian of the minor) and the collection of said fees.

(b) The Mayor, or his or her designee, may place any delinquent account for collection with the Director of Law, or his or her designee, who may waive the aforementioned fee (or

any part thereof) if it is determined that the person receiving emergency medical services is indigent or otherwise unable to pay for such services.

(Ord. 8420-1998. Passed 1-20-98.)

1513.02 SERVICES TO BE PROVIDED BY FIRE DEPARTMENT.

~~Emergency medical services and ambulance transport shall be~~ provided by the Fire Department. Such services shall be provided in response to a call for such services within the City, and outside the City under provisions of a mutual aid agreement or applicable law governing mutual aid.

(Ord. 8420-1998. Passed 1-20-98.)

1513.03 DEFINITIONS.

Each person receiving transport to a medical facility by the emergency medical services of the Brook Park Fire Department shall pay a utilization fee effective upon passage of this chapter, as follows:

- (a) Basic Life Support Transport
(not more than) \$650.00 per transport
- (b) Advance Life Support Transport 1
(not more than) \$800.00 per transport
- (c) Advance Life Support Transport 2
(not more than) \$1,000.00 per transport
- (d) Mileage fee (while transporting) \$15.00 per mile
- (e) Treatment and no transport
(not more than) \$250.00

(Ord. 11399-2024. Passed 4-2-24.)

1513.04 AMBULANCE TRANSPORT FEES.

Each person receiving transport to a medical facility by the emergency medical services of the Brook Park Fire Department shall pay a utilization fee effective upon passage of this chapter, as follows:

- (a) Basic Life Support Transport
(not more than) \$550.00 per transport
- (b) Advanced Life Support Transport 1
(not more than) \$700.00 per transport
- (c) Advanced Life Support Transport 2
(not more than) \$800.00 per transport
- (d) Mileage fee (while transporting) \$13.50 per mile

(e) Treatment and no transport
(not more than) \$135.00

(Ord. 8420-1998. Passed 1-20-98; Ord. 9563-2009. Passed 3-3-09;
Ord. 9814-2012. Passed 12-18-12.)

1513.05 DISPOSITION OF FUNDS.

~~The revenues generated by the charges for emergency medical~~
services shall be placed into one or more funds established by
Council. The purpose of said funds includes, but is not limited
to, the purchase or maintenance of emergency medical equipment
and supplies, the purchase or financing of emergency vehicles,
and other uses which facilitate the delivery of emergency
services, as deemed appropriate by the Mayor. All interest
earned on the monies to the credit of such funds shall be
credited to the same fund.

(Ord. 8420-1998. Passed 1-20-98.)

CHAPTER 1519

Fireworks

- 1519.01 Definitions.
- 1519.02 Manufacturing.
- 1519.03 Wholesaling.
- 1519.04 Purchasing and transporting.
- 1519.05 Exhibitions.
- 1519.06 Possession, sale, discharge and advertising;
falsification.
- 1519.07 Transporting and shipping.
- 1519.08 Exceptions.
- 1519.09 Forfeiture and disposal.
- 1519.99 Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances -
see Ohio R.C. 3743.06(F)

Wholesalers to comply with building and zoning ordinances -
see Ohio R.C. 3743.19(G)

Arrests and seizure of fireworks by certified fire safety
inspector - see Ohio R.C. 3743.68

Conflict of Fire Marshal's rules with rules of Ohio Board of
Building Standards - see Ohio R.C. 3781.11(B)

Weapons and explosives - see GEN. OFF. Ch. 549

1519.01 DEFINITIONS.

As used in this section, unless otherwise provided:

(a) "1.3G fireworks." Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49 of the Code of Federal Regulations.

(b) "1.4G fireworks." Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49 of the Code of Federal Regulations.

(c) "Beer." Has the same meaning as in R.C. § 4301.01.

(d) "Booby trap." A small tube that has a string protruding from both ends that has a friction-sensitive composition and that is ignited by pulling the ends of the string.

(e) "Cigarette load." A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

(f) "Controlled substance." Has the same meaning as in R.C. § 3719.01.

(g) "Discharge site." An area immediately surrounding the mortars used to fire aerial shells.

(h) "Fireworks." Any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in R.C. § 3743.80.

(i) "Fireworks incident." Any action or omission that occurs at a fireworks exhibition that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

(1) The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials;

(2) The failure of any person to comply with any applicable requirement imposed by this section or R.C. Chapter 3743, or any applicable rule adopted under this section or R.C. Chapter 3743.

(j) "Fireworks incident site." A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a

fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

(k) "Fireworks plant." All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

~~(l) "Fountain device." Means a specific type of 1.4G~~
firework that meets all of the following criteria:

(1) It is nonaerial and nonreport producing.

(2) It is recognized and manufactured in accordance with sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition).

(3) It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include a colored flame, audible crackling effect, audible whistle effect, or smoke.

(4) It contains not more than 75 grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than 500 grams or less for multiple tubes.

(m) "Highway." Any public street, road, alley, way, lane or other public thoroughfare.

(n) "Intoxicating liquor." Had the same meaning as in R.C. § 4301.01.

(o) "Licensed building." A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.

(p) "Licensed exhibitor of fireworks" or "licensed exhibitor." A person licensed pursuant to R.C. §§ 3743.50 through 3743.55.

(q) "Licensed fountain device retailer" or "licensed retailer." Means a person licensed pursuant to R.C. § 3743.26.

(r) "Licensed manufacturer of fireworks" or "licensed manufacturer." A person licensed pursuant to R.C. §§ 3743.02 through 3743.08.

(s) "Licensed premises." The real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business.

(t) "Licensed wholesaler of fireworks" or "licensed wholesaler." A person licensed pursuant to R.C. §§ 3743.15 through 3743.21.

(u) "List of licensed exhibitors." The list required by R.C. § 3743.51(C).

(v) "List of licensed manufacturers." The list required by R.C. § 3743.03(C).

(w) "List of licensed wholesalers." The list required by R.C. § 3743.16(C).

~~(x) "Manufacturing of fireworks." The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.~~

(y) "Navigable waters." Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

(z) "Novelties" and "trick noisemakers."

(1) Devices that produce a small report intended to surprise the user, including but not limited to booby traps, cigarette loads, party poppers and snappers;

(2) Snakes or glow worms;

(3) Smoke devices;

(4) Trick matches.

(aa) "Party popper." A small plastic or paper item that contains not more than 16 milligrams of friction-sensitive explosive composition that is ignited by pulling a string protruding from the item, and from which paper streamers are expelled when the item is ignited.

(bb) "Processing of fireworks." The making of fireworks from materials all or part of which in and of themselves constitute fireworks, but does not include the mere packaging or repackaging of fireworks.

(cc) "Railroad." Any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.

(dd) "Retail sale" or "sell at retail." A sale of fireworks to a purchaser who intends to use the fireworks and not to resell them.

(ee) "Smoke device." A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(ff) "Snake" or "glow worm." A device that consists of a pressed pellet of pyrotechnic composition that produces a large snake-like ash upon burning, which ash expands in length as the pellet burns.

(gg) "Snapper." A small paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand and that, when dropped, implodes.

(hh) "Storage location." A single parcel or contiguous parcels of real estate approved by the Ohio Fire Marshal pursuant to R.C. § 3743.04(I) or 3743.17(F) that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession and storage of fireworks in accordance with this chapter.

(ii) "Trick match." A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.

(jj) "Wholesale sale" or "sell at wholesale." A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.

(kk) "Wire sparkler." A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than 100 grams of this mixture.

(R.C. § 3743.01)

1519.02 MANUFACTURING.

(a) No licensed manufacturer of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.05 or the requirements of Ohio R.C. 3743.06.

(b) No licensed manufacturer of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.07, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.08.

(c) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.08(B)(1) within the specified period of time.

(d) No licensed manufacturer of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant

to Ohio R.C. 3743.08(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(e) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer pursuant to Ohio R.C. 3743.06(C).

(f) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a fireworks plant.

(g) No licensed manufacturer of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by R.C. § 3743.47(A).

(h) No licensed manufacturer of fireworks shall negligently fail to have safety glasses available for sale as required by R.C. § 3743.47(B).

(R.C. § 3743.60(E) - (L))

1519.03 WHOLESALING.

(a) No licensed wholesaler of fireworks shall knowingly fail to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.18 or the requirements of Ohio R.C. 3743.19.

(b) No licensed wholesaler of fireworks shall fail to maintain complete inventory, wholesale sale and retail records as required by Ohio R.C. 3743.20, or to permit an inspection of these records or the premises of a fireworks plant or the wholesaler pursuant to Ohio R.C. 3743.21.

(c) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(1) within the specified period of time.

(d) No licensed wholesaler of fireworks shall fail to comply with an order of the State Fire Marshal issued pursuant to Ohio R.C. 3743.21(B)(2) until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour period specified in those divisions has expired, whichever occurs first.

(e) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a wholesaler of fireworks, except as smoking is authorized in specified lunchrooms or restrooms by a wholesaler pursuant to Ohio R.C. 3743.19(D).

~~(f) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises of a wholesaler of fireworks.~~

(g) No licensed wholesaler of fireworks shall negligently fail to furnish a safety pamphlet to a purchaser of 1.4G fireworks as required by R.C. § 3743.47(A).

(h) No licensed wholesaler of fireworks shall negligently fail to have safety glasses available for sale as required by R.C. § 3743.47(B).

(R.C. § 3743.61(E) - (L))

1519.04 PURCHASING AND TRANSPORTING.

(a) No person who purchases fireworks in this municipality shall obtain possession of the fireworks in this municipality unless the person complies with R.C. §§ 3743.44 to 3743.46.

(b) Except for the purchase of 1.4G fireworks made under R.C. § 3743.45, no person who resides in another state and who purchases fireworks in this state shall obtain possession of fireworks in this state other than from a licensed manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them directly out of this state within 72 hours after the time of their purchase.

(c) No person who purchases fireworks in this state under R.C. § 3743.45 shall give or sell to any other person in this municipality fireworks that the person has acquired in this state.

(R.C. § 3743.63)

1519.05 EXHIBITIONS.

(a) An exhibitor of fireworks licensed under Ohio R.C. 3743.50 through 3743.55 who wishes to conduct a public fireworks exhibition shall apply for approval to conduct the exhibition to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the

designee of the Police Chief or other similar chief law enforcement officer, having jurisdiction over the premises.

(b) The approval required by division (d) of this section shall be evidenced by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition.

Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the State Fire Marshal or, if available, from the Fire Chief, a fire prevention officer, the Police Chief or other similar chief law enforcement officer, or a designee of the Police Chief or other similar chief law enforcement officer.

(c) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show his or her license as an exhibitor of fireworks to the Fire Chief or fire prevention officer.

(d) The Fire Chief or fire prevention officer and the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or fire prevention officer, in consultation with the Police Chief or other similar chief law enforcement officer or with the designee of the Police Chief or other similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke a permit for noncompliance with the rules.

(e) If the Council has prescribed a fee for the issuance of a permit for a public fireworks exhibition, the Fire Chief or

fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor pays the requisite fee.

(f) Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars with surety satisfactory to the Fire Chief or fire prevention officer and to the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to person or property emanating from the fireworks exhibitor, or proof of insurance coverage of at least one million dollars for liability arising from injury, death, or loss of persons or property emanating from the fireworks exhibition. The Council may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this division. The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or their designee, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this division or by the Council.

(g) Each permit for a fireworks exhibition issued by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or other similar chief law enforcement officer, shall contain a distinct number, designate the municipality, and identify the certified fire safety inspector, Fire Chief, or fire prevention officer who will be present before, during and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or fire prevention officer and by the Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, issuing it to the State Fire Marshal. A permit is not transferable or assignable.

(h) The Fire Chief or fire prevention officer and Police Chief or other similar chief law enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, fire prevention officer, Police Chief or other similar chief law

enforcement officer, or designee of the Police Chief or other similar chief law enforcement officer, shall list the name of the exhibitor, his or her license number, the premises on which the exhibition will be conducted, the date and time of the exhibition, and the number and political subdivision designation of the permit issued to the exhibitor for the exhibition.

~~(i) The Council shall require that a certified fire safety~~ inspector, Fire Chief or fire prevention officer be present before, during and after the exhibition, and shall require the certified fire safety inspector, Fire Chief or fire prevention officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this section and Ohio R.C. Chapter 3743.

(ORC 3743.54)

(j) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Ohio R.C. 3743.53(C) and (D).

(k) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Ohio R.C. 3743.54 or a substantially similar municipal ordinance, or if a permit so secured is revoked by a Fire Chief or fire prevention officer, in consultation with a Police Chief or other similar chief law enforcement officer, or with a designee of a Police Chief or other similar chief law enforcement officer, pursuant to those sections.

(l) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55, or a substantially similar municipal ordinance.

(m) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or controlled substance while on the premises on which the exhibition is being conducted.

(n) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the State Fire Marshal under Ohio R.C. 3743.56.

(ORC 3743.64)

1519.06 POSSESSION, SALE, DISCHARGE AND ADVERTISING;
FALSIFICATION.

(a) No person shall possess, possess for sale or sell fireworks in the Municipality, except a licensed manufacturer of fireworks, as authorized by Ohio R.C. 3743.02 through 3743.08, a licensed wholesaler of fireworks, as authorized by Ohio R.C. 3743.15 through 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident, as authorized by Ohio R.C. 3743.44, a resident of this State, as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks, as authorized by Ohio R.C. 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance.

(b) Except as provided in Ohio R.C. 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this Municipality, including a prohibition of the discharge, ignition or explosion of fireworks purchased pursuant to R.C. § 3743.45 intending to prohibit the discharge, ignition or explosion of fireworks on private property on any of the days set forth in R.C. § 3743.45(b).

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler,

licensed exhibitor or shipping permit holder, shall possess 1.3G or 1.4G fireworks in the Municipality.

(f) Except as otherwise provided in Ohio R.C. 3743.06(J) and Ohio R.C. 3743.19(K), no person shall knowingly disable a fire suppression system, as defined in Ohio R.C. 3781.108, on the premises of a fireworks plant of a licensed manufacturer of fireworks or on the premises of the business operations of a licensed wholesaler of fireworks.

(Adopting Ordinance)

(ORC 3743.65; Adopting Ordinance)

(g) No owner, tenant or other person in charge of real property located within this Municipality shall negligently cause, authorize or permit any fireworks to be discharged, ignited or exploded on such real property, except as provide in Section 1519.08, and except for such permission or authorization which may be given to licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 or Section 1519.05.

(Ord. 7044-1987. Passed 8-4-87; Ord. 11265-2022. Passed 6-7-22.)

1519.07 TRANSPORTING AND SHIPPING.

(a) No person shall transport fireworks in this Municipality except in accordance with the rules adopted by the State Fire Marshal pursuant to Ohio R.C. 3743.58.

(b) As used in this division, "fireworks" includes only 1.3G and 1.4G fireworks. No person shall ship fireworks into this Municipality by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under Ohio R.C. 3743.40, and the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.03, 3743.16 or 3743.51.

(c) No person shall ship fireworks within this Municipality by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under Ohio R.C. 3743.01, 3743.16 or 3743.51.

(ORC 3743.66)

1519.08 EXCEPTIONS.

This chapter does not prohibit or apply to the following:

(a) The manufacture, sale, possession, transportation, storage, or use in emergency situations of pyrotechnic signaling

devices and distress signals for marine, aviation, or highway use;

(b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes, or other signals necessary for the safe operation of railroads;

(c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals for ceremonial purposes;

(d) The manufacture for, the transportation, storage, possession or use by, or the sale to the armed forces of the United States and the militia of this state, as recognized by the Adjutant General of Ohio, of pyrotechnic devices;

(e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;

(f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms, or model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;

(g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.

(h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges; provided, that the exhibition complies with all of the following:

(1) No explosive aerial display is conducted in the exhibition;

(2) The exhibition is separated from spectators by not less than 200 feet;

(3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

1519.09 FORFEITURE AND DISPOSAL.

Fireworks manufactured, sold, possessed, transported, or used in violation of this section shall be forfeited by the offender. The Fire Marshal's office or certified fire safety inspector's office shall dispose of seized fireworks pursuant to the procedures specified in Ohio R.C. 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement agencies, and the Fire Marshal or that office is not liable for claims for the loss of or damages to the seized fireworks.

(ORC 3743.68(B))

1519.99 PENALTY.

(a) Except as otherwise provided in division (b) or (c) of this section, whoever violates any provisions of this section is guilty of a misdemeanor of the first degree.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 3743.60(I) or Ohio R.C. 3743.61(I), or a substantially similar municipal ordinance, a violation of Section 1519.02(e) or Section 1519.03(e) is a felony to be prosecuted under appropriate state law.

(c) Whoever violates Section 1519.05(j) is guilty of a misdemeanor of the first degree. In addition to any other penalties that may be imposed on a licensed exhibitor of fireworks under this division and unless the third sentence of this division applies, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be suspended. If the violation of Section 1519.05(j) results in serious physical harm to persons or serious physical harm to property, the person's license as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be revoked.

(d) Whoever violates Section 1519.02(g) and (h) or Section 1519.03(g) and (h) is guilty of a misdemeanor of the second degree.

(R.C. § 3743.99(C), (D), (G))

SECTION 2: The current Fire Prevention Code of the Brook Park Codified Ordinances is hereby expressly repealed.

SECTION 3: It is found and determined 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 and of any of its committees that resulted in such 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 4: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, safety and welfare of said City, and for the further reason to amend certain sections of the current Fire Prevention Code therefore provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: _____

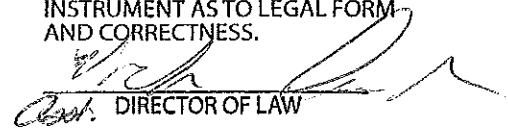
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.



DIRECTOR OF LAW