CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2017 - 184

By: Mayor Perciak and Mr. DeMio

AN ORDINANCE AMENDING CHAPTER 1601, FIRE CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Chapter 1601 Fire Code, of Part Sixteen of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

CHAPTER 1601 Ohio Fire Code

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1601.01 DEFINITIONS.

Words in this Chapter are normally defined according to their ordinary English usage. Certain terms are, however, defined in this Chapter and wherever used in this Chapter, they shall have the meanings set forth herein, unless the context clearly indicates a different meaning.

- (a) "Fire Marshal's Office" shall mean the Strongsville Fire Chief, the Strongsville Fire Marshal, any assistant fire marshal, any certified fire safety inspector, and such members of the Fire Department as designated by the Fire Chief.
- (b) "NFPA" shall mean the National Fire Prevention Association.
- (eb) "Person" shall mean a natural individual or an organization, such as, but not limited to, a corporation, partnership, limited liability company, joint venture, unincorporated association, estate, trust, or other commercial or legal entity.
- (dc) "Property Owner" shall mean a corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.

(Ord. 2006-217. Passed 11-6-06.)

1601.02 ADOPTION BY REFERENCE.

Pursuant to Ohio R.C. Section 731.231, there is hereby adopted by the Municipality, the "Ohio Fire Code", 2005–2011 edition, as published by the International Code Council, as adopted by the State of Ohio in Chapter 1301:7 of the Ohio Administrative Code except such portions as may be hereinafter deleted, modified or amended.

(Ord. 2006-217. Passed 11-6-06.)

1601.03 PURPOSE.

The purpose of the Ohio Fire Code is to prescribe minimum standards and regulations in order to provide a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations. (Ord. 2006-217. Passed 11-6-06.)

1601.04 APPLICATION.

The Ohio Fire Code as adopted herein shall be applicable to those structures, facilities and conditions as specified therein. (Ord. 2006-217. Passed 11-6-06.)

1601.05 FILE AND DISTRIBUTION COPIES.

Copies of the Ohio Fire Code are on file with the Clerk of Council for inspection by the public and are also on file in the County Law Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost. (Ord. 2006-217. Passed 11-6-06.)

1601.06 ENFORCEMENT.

(a) The Fire Marshal's Office is herein designated to enforce the provisions of this Chapter, except where otherwise specifically set out to the contrary.

(b) Upon request of the Fire Marshal's Office, the Law Department may institute and prosecute any necessary criminal or civil action or proceeding to enforce the provisions of this Chapter or Ohio Revised Code Chapter 3737. (Ord. 2006-217. Passed 11-6-06.)

1601.07 ESTABLISHMENT AND DUTIES OF FIRE MARSHAL'S OFFICE.

- (a) There is hereby established the Fire Marshal's Office of the Strongsville Fire and Emergency Services, which office shall be operated under the supervision of the Fire Chief.
- (b) The member of the Fire Department in charge of the Fire Marshal's Office shall be designated by the **Fire eChief** and approved by the Director of Public Safety. The title "Fire Marshal" shall identify said person who shall be a **eCertified Fire sSafety iInspector** pursuant to ORC Section 3737.34.
- (c) The Fire Chief shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Chapter.
 - (d) The Fire Marshal's Office shall have the following responsibilities:
 - (1) The prevention of fires;
 - (2) The education of the populace by fire prevention programs;
 - (3) The inspection of the installation, maintenance and testing of all new and existing fire protection systems, devices, units and fire safety equipment.
 - (4) The inspection of the storage and use of explosives, flammables, combustibles and hazardous materials;
 - (5) The inspection of the maintenance and regulation of all means of egress for new and existing buildings;
 - (6) The inspection of the maintenance of protection and the requirement of elimination of fire and safety hazards in buildings and structures, including those under construction;
 - (7) The investigation of the cause, origin and circumstances of fires.
 - (8) The enforcement of all laws, ordinances, and regulations dealing with this Chapter, the City's Fire Code, and any other applicable fire code or law.
- (e) The Fire Marshal's Office shall have such other powers and perform such other duties as are set forth in other sections of the Ohio Fire Code, as designated in other ordinances, and as assigned by the Fire Chief. This designation of duties shall not relieve any other department, officer or employee of the Municipality of any duty conferred upon that department, officer or employee by law.

(Ord. 2006-217. Passed 11-6-06.)

1601.08 CONFLICTS.

In all cases of conflict between the Ohio Fire Code, this Chapter, and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

(Ord. 2006-217. Passed 11-6-06.)

1601.09 FIRE PROTECTION SYSTEMS.

(a) No person shall install, rehabilitate, or modify a fire protection system until a plan is submitted by or on behalf of the person to the Fire Marshal's Office and the Building Commissioner or his designee for review and approval and a permit for the fire protection system is issued.

After the installation of a fire suppression-protection system, final acceptance testing shall be performed the Property Owner shall have the system tested in the presence of and approved by the Fire Marshal's Office. The Property Owner or its authorized agent shall notify the Fire Marshal's Office at least two (2) work days prior to having any final acceptance test performed on the system.

- (b) After the installation of a fire suppression system and its approval by the Fire Marshal's Office, the Property Owner or its authorized agent shall maintain the system in good working order and repair and in compliance with all approved plans. The Property Owner or its authorized agent shall notify the Fire Marshal's Office at least two (2) work days prior to having any system maintenance testing that may be required by the Fire Marshal's Office. The Fire Marshal's Office shall have the right to witness any and all tests.
- (c) The Property Owner or its authorized agent shall keep detailed records documenting all fire suppression systems, equipment testing, and maintenance.
- (d) The Property Owner **or its authorized agent** shall maintain, cap and paint the Fire Department hose cConnection ("FDC") and associated riser pipes required for fire protection systems. Sprinkler system FDC shall be painted red, standpipe FDC shall be painted yellow, and private hydrant FDC shall be painted blue.
- (e) Any-FDC's for sprinkler systems shall be located on the water vault and within twenty (20) feet of the street unless approved otherwise by the Fire Marshal. At the request of the Fire Marshal's office, a secondary FDC serving the sprinkler system shall be accessible to the Fire Department apparatus and located within forty (40) feet of the fire apparatus staging area. Said secondary FDC serving the sprinkler system shall be attached to the demand side of the sprinkler system in a location approved by the Fire Marshal's Office.
- (f) A white strobe light shall be installed on buildings protected by a fire pump on a corner in an area within the upper one-third (1/3) of the exterior of the building that can be readily seen from the FDC. The strobe light shall continually flash indicating when the fire pump is running. Final placement of the strobe light may be altered by the Fire Marshal's office due to special circumstances.

 (Ord. 2006-217. Passed 11-6-06.)

1601.10 FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS MAINS.

(a) Whenever the distance from any portion of any multi-family, commercial, business, mercantile, industrial, public assembly, or education use building a structure to a public hydrant is more than three hundred (300) feet, the Fire Marshal's Office may shall require a Property Owner to install private yard hydrants. Plans showing the location, size and connections of the private hydrant system shall be submitted by the Property Owner to the Fire Marshal's Office for approval. The plans shall be to scale and include the details necessary to indicate clearly all hydrants and appurtenances. The plans shall be accompanied by detailed specifications covering the material and features relating to the installation. No private hydrant shall be installed on any water line less than six (6) inches in diameter. A permit from the City's Building Department shall be required before the installation of a fire hydrant.

When private hydrants are required, they shall be located not more than **ten** (10)-feet from a driveway or parking area and spaced not more than **three hundred** (300) feet apart. Hydrants shall be placed a minimum of **fifty** (50) feet from the structures protected unless otherwise approved by the Fire Marshal's Office.

All hydrant barrels shall be a minimum of six (6) inches in size, with triple connections, and shall have an approved underground shut-off valve located not more than ten (10) feet from the hydrant.

- (b) The Property Owner shall maintain the fire hydrant and the fire hydrant system in good working order and repair and in compliance with all approved plans.
- (c) All control valves on a fire main serving a building shall be of an exterior indicating type.
- (d) Within one (1) year of ground breaking, proof of flow testing of the street fire main shall be provided to the Fire Marshal's Office and the Building Commissioner or his designee at the cost of the Property Owner or its authorized agent. (Ord. 2006-217. Passed 11-6-06.)

1601.11 USE OF HYDRANTS.

- (a) No person, except Ffire dDepartment personnel, shall remove the cap or cover from, or turn on or off, any public or private fire hydrant, water valve or stopcock used for fire protection without first notifying the Fire Marshal's Office and obtaining approval to do the same.
- (b) No person, except Fire Department personnel, shall connect to any fire hydrant or take water therefrom without first applying for and receiving a permit from the Fire Marshal's Office.

(Ord. 2006-217. Passed 11-6-06.)

1601.12 NUMBER OF OCCUPANTS PERMITTED.

- (a) A Property Owner of any place of assembly shall post a legible sign in contrasting colors, stating the maximum number of occupants permitted by law. The sign shall be posted in a permanent, conspicuous location at the place of assembly.
- (b) A Property Owner of any place of assembly shall monitor the number of occupants and shall not permit more occupants than the maximum number of occupants permitted by law.
- (c) In the event that the number of occupants exceeds the maximum number permitted by law, the Fire Marshal's Office or the Building Commissioner or his designee shall order the immediate necessary action to remedy the situation, including but not limited to the closing of the structure entirely. (Ord. 2006-217. Passed 11-6-06.)

1601.13 SMOKE DETECTORS.

The Property Owner of a motel, hotel and/or structure for transient guests shall install and maintain hard-wired smoke detectors with battery backup in all rooms designated or intended for sleeping. In structures where the hard-wired detector is not connected to an alarm panel, a conspicuous notice shall also be posted on the interior of each entry door of a room

designed or intended for sleeping advising the occupant to test the smoke detector and to inform management if the detector is not operable. (Ord. 2006-217. Passed 11-6-06.)

1601.14 TREES AND DECORATIONS.

No Property Owner or occupant of a multifamily, commercial, business, mercantile, industrial, public assembly, or educational use structure building shall permit a live ornatural cut tree, or other decorative vegetation other decorations, which in the opinion of the Fire Marshal may constitute a safety hazard., in the structure without first having obtained written permission from the Fire Marshal's Office. (Ord. 2006-217. Passed 11-6-06.)

1601.15 OPEN BURNING.

No person shall engage in or allow open burning or recreational fires, as defined by the Ohio Fire Code, on any property except as specifically permitted in the Ohio Fire Code and subject to the following provisions.

- (a) General. Fuel for open burning and recreational fires shall consist of seasoned dry wood only. All other materials are prohibited, including but not limited to 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.
- (b) Permit Required. No person shall kindle or maintain any open burning or authorize any open burning to be kindled or maintained on any premises without first having obtained a permit or other authorization from the Fire Marshal's Office. All permits shall be requested by and issued to the owner of the land upon which the fire is to be kindled.
- (c) Prohibited Fires. The Fire Marshal may prohibit any or all open burning or recreational fires 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. Any member of the Fire Department may order or perform the extinguishment of any fire which creates or adds to a hazardous or objectionable situation.
- (d) Permit Fee. The fee for each permit to open burn shall be Ten Dollars (\$10.00). No permit shall be issued for a period longer than twenty four (24) hours.

(Ord. 2006-217. Passed 11-6-06.)

1601.165 PROPANE SALES AND STORAGE.

In premises accessible to the public, Nno person shall store liquid propane gas in excess of two hundred (300200) pounds or sell propane in any volume whatsoever excess of fourteen (14) pounds without having first obtained a permit from the Fire Marshal's Office. The permit shall be issued only if the storage or sale of propane is done in a safe manner and in compliance with all applicable laws. Permits shall be renewed on an annual basis. The filling or refilling of propane tanks shall occur only in areas zoned General Industrial. (Ord. 2006-217. Passed 11-6-06.)

1601.176 FIREWORKS POSSESSION AND SALES.

No person shall sell, store, or possess any fireworks except as specifically permitted in Chapter 1619 of the Codified Ordinances.

(Ord. 2006-217. Passed 11-6-06.)

1601.187 SETTING FIRES.

No person shall set, kindle, or cause to be set or kindled, any fire, which through the person's negligence spreads to any structure, field, or wooded lot. (Ord. 2006-217. Passed 11-6-06.)

1601.198 USE OF BARBECUE GRILLS.

- (a) No person shall start or maintain a fire to be used for the preparation of food or for any other purpose on or below any building balcony in an apartment or multifamily dwelling or within twenty (20) feet of any structure housing three or more families.
- (b) No Property Owner of an apartment or multifamily dwelling shall knowingly permit or allow a fire contrary to the provisions of Section 1601.198(a).
- (c) No person shall store or permit to be stored any propane tank or container in an apartment or multi-family structure or on a balcony or patio of an apartment or multifamily dwelling.
- (d) Each Property Owner of an apartment or multifamily dwelling shall post and maintain a sign in a conspicuous place on the property informing all residents and occupants of the provisions of Section 1601.198(a).

 (Ord. 2006-217, Passed 11-6-06.)

1601.19 CHINESE LANTERNS.

No person shall release to the atmosphere any object that is on fire. This ban includes, but is not limited to, novelty hot air devices commonly known as "Wish Lanterns," "Chinese Lanterns," "Kung Ming Lanterns," "Sky Lanterns," or any other similar device which is set on fire and released to the atmosphere.

1601.20 FIRE DAMAGED PROPERTY.

- (a) A Property Owner shall secure from tampering or trespassing any property or structure which has been damaged by fire within twenty-four (24) hours from the time of the incident.
- (b) A Property Owner shall clean up any property or structure which has been damaged by fire within **forty-eight (**48) hours from the time of the incident.
- (c) A Property Owner shall repair, or demolish, and clean up any property or structure damaged by fire within **nine** (9) months of its release by the Strongsville Fire Marshal's Office.
- (d) If a Property Owner fails to comply with Section 1601.20 (a), (b), or (c), the Fire Marshal's office shall notify the Property Owner by certified mail to comply with the law within **forty-eight (48)** hours of the date of mailing of the notification. If the Property Owner fails to comply with the notification within this time period, the City may take the appropriate action required of the Property Owner pursuant to this Section 1601.20. In such event, the City may recover its cost of doing so by certifying its cost to the County Auditor and having the cost placed against the property on the tax duplicate to be collected as all other property taxes are collected.

(Ord. 2006-217. Passed 11-6-06.)

1601.21 FIRE FALSE ALARMS.

No person shall knowingly create, cause, or turn in a false fire alarm. (Ord. 2006-217. Passed 11-6-06.)

1601.22 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

- (a) The Property Owner or lessee, an employee of any Property Owner, lessee, an occupant, and any person in direct control of any building or structure within the City, regulated under the Ohio Building Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the 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. (Ord. 2006-217. Passed 11-6-06.)

1601.23 DISCLOSURE OF TRUE STATUS.

No person who is not from the Fire Marshal's Office shall act as such or hold himself or herself out to be such.

(Ord. 2006-217. Passed 11-6-06.)

1601.24 PERMIT AND APPROVAL FEES.

The responsible party shall pay the following permit or approval fee to the City at the time that a permit or approval is requested:

- (a) Approval or permit fee for use of a public or private hydrant pursuant to Section 1601.11 is five dollars Ten Dollars (\$510.00) for a one day use; and is twenty-five dollars (\$2550.00) for up to a thirty (30) day use; and Two Hundred Dollars (\$200.00) for up to a one hundred eighty (180) day use.
- (b) Annual permit fee for any premises that are accessible to the public that stores propane gas in excess of 300two hundred (200) pounds is eOne hHundred dDollars (\$100.00). Annual permit fee for any premises that are accessible to the public that sells filled 46-fourteen (14) pound or larger propane tanks or containers (without filling or refilling on the premises) is eOne hHundred dDollars (\$100.00). Annual permit fee for any premises that are accessible to the public that fills or refills propane tanks or containers on the premises is eOne hHundred fFifty dDollars (\$150.00).

(Ord. 2006-217. Passed 11-6-06.)

1601.25 BUILDING, SITE AND FIRE SYSTEM PLANS.

The Property Owner or its authorized agent shall submit to the Fire Marshal's Office all approved building, site and fire system plans in a suitable electronic media format.

1601.256 COMPLIANCE.

No person shall knowingly violate any provision of **this Chapter and** the Ohio Fire Code as adopted herein or any order issued pursuant thereto. (Ord. 2006-217, Passed 11-6-06.)

1601.267 NOTICE OF VIOLATION.

- (a) Whenever the Fire Marshal's Office observes an apparent or actual violation of a provision of this code or other codes or ordinances under the **fF**ire Marshal's jurisdiction, the Fire Marshal's Office shall prepare a written notice of violation describing the violation and specifying the time limitations for remedying of the violation.
- (b) The written notice of violation shall be served upon any Property Owner. Such notice of violation shall be served either by delivering a copy of the violation to such person by certified mail addressed to the last known post office address, delivering the notice in person, or in the case that no such person can otherwise be served by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access of the property in violation.
- (c) If the notice of violation is not complied with within the time specified by the Fire Marshal's eoffice, the Fire Marshal's Office may cite the person responsible for the violation and may request the Law Department to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure in violation of the provisions of this echapter, the Ohio Fire Code, or any order or direction made pursuant thereof.

(Ord. 2006-217. Passed 11-6-06.)

1601.99 PENALTY.

Whoever violates or fails to comply with any provision of this Chapter or any order issued pursuant thereto shall be subject to the following penalties:

(a) Criminal Penalties.

- (1) Whoever violates either Section 1601.165, or 1601.23 or 1601.26 is guilty of a misdemeanor of the first degree.
- (2) Whoever violates either Section 1601.09(a), 1601.11(a), 1601.12(b), or 1601.21 is guilty of a misdemeanor of the second degree.
- (3) Whoever violates either Section 1601.09(b), 1601.10(b), 1601.11(b), 1601.13(a), 1601.14, 1601.15(c) or 1601.187 is guilty of a misdemeanor of the third degree.
- (4) Whoever violates either Section 1601.15(a), 1601.15(b), 1601.19(a), 1601.20(a), 1601.20(b), or 1601.20(c) is guilty of a misdemeanor of the fourth degree.
- (5) Whoever violates Section 1601.09(c), 1601.198(b), 1601.198(c), 1601.22, or any other section for which no other penalty is provided is guilty of a minor misdemeanor.

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of this Chapter, the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation.
- Any person who has received a citation for a violation of this Chapter, the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious violation, may be assessed a civil penalty of not more than eOne thousand dDollars (\$1,000.00) for each such violation.

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- (3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than eOne thousand dDollars (\$1,000.00) for each day during which such failure or violation continues for each such violation.
- (4) Any person who violates any of the posting requirements, as prescribed in this Chapter, shall be assessed a civil penalty of not more than eone ***Thousand dDollars (\$1,000.00)** for each violation.
- (5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of any previous violations shall be given consideration whenever a penalty is assessed under this eChapter.
- (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 **or property** 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 eChapter 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 Berea Municipal Court or the Cuyahoga County Court of Common Pleas.

(Ord. 2006-217. Passed 11-6-06.)

Section 2. That 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.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the public health, safety and welfare of the City, and for the further reason that it is immediately necessary to adopt the 2011 Ohio Fire Code as issued or promulgated by the State of Ohio and as modified herein in order to provide a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all 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.

President of Council

Date Passed: Noulmbu 4, 2017

Approved: Mayor

Date Approved: Mourn ber 7, 2017

	<u>Yea</u>	Nay	Attest: Lime Pilant
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