

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2023 – 118

By: Mayor Perciak and All Members of Council

AN ORDINANCE AMENDING CHAPTER 1601 FIRE CODE, OF PART SIXTEEN OF THE CODIFIED ORDINANCES OF THE CITY OF STRONGSVILLE TO ENACT A NEW SECTION 1601.28 CONCERNING OPEN BURNING; AMENDING EXISTING SECTIONS 1601.11, 1601.15, 1601.20, 1601.25 AND 1601.99(a), 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 Section 1601.28 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby enacted to read in its entirety as follows:

1601.28 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) Cooking Fire. Open flame or coals used for the cooking of food. Cooking fires shall not be conducted inside a structure, under any part of a structure, or within fifteen (15) feet of a structure.
- (b) Recreational Fire. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three (3) feet (914 mm) or less in diameter and two (2) feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires, including gas-fired recreational pits, shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
- (c) Portable Outdoor Fireplaces. A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. Outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material.
- (d) Attendance. All fires shall be constantly attended until the fire is completely extinguished.
- (e) Size. All fires shall be a maximum size of three (3) feet in diameter by two (2) feet in height. The fire shall be contained within a noncombustible material to prevent the spread of fire.
- (f) Extinguishment Equipment. A fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization to extinguish a fire.

- (g) Order to Extinguish. The Fire Department Official may order the immediate extinguishment of a fire at any time.

Section 2. That existing Section 1601.11 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.11 USE OF HYDRANTS.

- (a) No person, except Fire Department 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~~ **City of Strongsville Building Department**.

~~(Ord. 2017-184. Passed 11-6-17.)~~

Section 3. That existing Section 1601.15 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

1601.15 PROPANE SALES AND STORAGE.

In premises accessible to the public, no person shall store liquid propane gas in excess of two hundred (200) pounds or sell propane in excess of fourteen (14) pounds without having first obtained a permit from the **City of Strongsville Building Department and a site inspection 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. 2017-184. Passed 11-6-17.)~~

Section 4. That existing Section 1601.20 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

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 **City of Strongsville Building Department** ~~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. 2017-184. Passed 11-6-17.)~~

Section 5. That existing Section 1601.25 of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

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~~

~~(Ord. 2017-184. Passed 11-6-17.)~~

Section 6. That existing Section 1601.99(a) of Chapter 1601 Fire Code of Part Sixteen Fire Prevention Code of the Codified Ordinances of the City of Strongsville, be and is hereby amended to read in its entirety as follows:

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 1601.15, 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, ~~or~~ 1601.17, **or 1601.28** is guilty of a misdemeanor of the third degree.
- (4) Whoever violates either Section 1601.19, 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), 1601.18(b), 1601.18(c), 1601.22, or any other section for which no other penalty is provided is guilty of a minor misdemeanor.

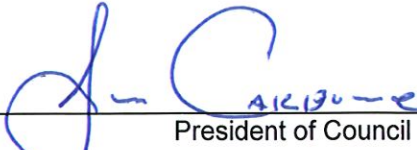
~~(Ord. 2017-184. Passed 11-6-17.)~~

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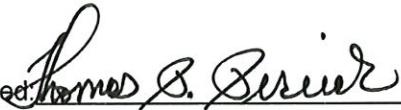
Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council, and of any of its committees, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

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Section 8. 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 in order to provide a reasonable level of life safety and property protection from the hazards of fire or dangerous conditions. 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


Approved: 

 Mayor

Date Passed: 09 05 2023

Date Approved: Sept 5, 2023

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	_____
Clark	<input checked="" type="checkbox"/>	_____
DeMio	<input checked="" type="checkbox"/>	_____
Kaminski	<input checked="" type="checkbox"/>	_____
Kosek	<input checked="" type="checkbox"/>	_____
Roff	<input checked="" type="checkbox"/>	_____
Short	<input checked="" type="checkbox"/>	_____

Attest: 

 Clerk of Council

Ord. No. 2023-118 Amended: _____
 1st Rdg. 09-05-23 Ref: _____
 2nd Rdg. Suspended Ref: _____
 3rd Rdg. Suspended Ref: _____

 Public Hrg. _____ Ref: _____
 Adopted: 09-05-23 Defeated: _____