

ORDINANCE NO. 2020-39
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE AMENDING MAYFIELD VILLAGE CODIFIED ORDINANCE
CHAPTER 1501 OHIO FIRE CODE**

WHEREAS, Mayfield Village adopted Chapter 1501 of the Codified Ordinances pertaining to the adoption of the Ohio Fire Code (OFC) as part of Municipality's Fire Prevention Code; and

WHEREAS, the OFC has been amended since November 1, 2011; and

WHEREAS, the proper Village official needs to institute and prosecute necessary actions to enforce this Chapter or O.R.C. Chapter 3737; and

WHEREAS, current permitting requirements need to be codified consistent with all other Mayfield Village Ordinances; and

WHEREAS, the Mayfield Village Council deems it in the best interest and for the health, safety and welfare of Mayfield Village and its residents to amend Section 1501.01 and 1501.04 of the Codified Ordinances and to enact 1501.16 requiring permits in order to comply with this Chapter and the Ohio Fire Code as set forth below.

NOW, THEREFORE, BE IT ORDAINED by Council of Mayfield Village, Cuyahoga County, State of Ohio that:

SECTION 1. Chapter 1501, Fire Code of the Village's Codified Ordinance is amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. That any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2020

Second Reading: _____, 2020

Third Reading: _____, 2020

PASSED: _____, 2020

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

Chapter 1501 Ohio Fire Code:

Section 1501.01 ADOPTION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, the Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective November 1, 2011, and as published in Division 1301:7 of the Ohio Administrative Code (OAC), and including all amendments to the OFC which have been adopted since the OFC's effective date. (Ord. 2011-42. Passed 12-19-11.) [The Municipality's Fire Code hereby further adopts the Ohio Code whether set forth in the Ohio Revised Code, the Ohio Administrative Code including all future amendments to the OFC.](#)

Section 1501.02 PURPOSE.

The purpose of the Ohio Fire Code as adopted herein is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

Section 1501.03 APPLICATION:

The Ohio Fire Code as adopted herein 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.

Section 1501.04 ENFORCEMENT.

(a) No person shall serve as Municipal Fire Safety unless he has received a certificate issued by the State Board of Emergency Medical Services under former Ohio R.C. 3303.07 or 4765.55 evidencing his satisfactory completion of a fire safety inspection training program.

(b) The Fire Chief, Fire Marshal, Assistant Fire Marshal, Municipal Fire Safety Inspector or the Village's Fire Code Official are also given the authority to enforce the ordinance governing parking in fire lanes including specifically the enforcement of Section 351.03(s).

(Ord. 16-2013. Passed 1-21-14.)

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) 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.

Section 1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto. (ORC 3737.51 (A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as 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.

Section 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)

Section 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)

Section 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)

Section 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)

Section 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 firefighting equipment without a certificate issued by the Ohio Fire Marshal.

(ORC 3737.65)

Section 1501.11 COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

Section 1501.12 CONFLICT.

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

Section 1501.13 AMENDMENTS. (REPEALED)

EDITOR'S NOTE: Former Section 1501.13 was repealed by Ordinance 2011-42.

Section 1501.14 FIRE SAFETY INSPECTION FEES.

(a) Owners of nonresidential buildings and structures shall be assessed fire safety inspection fees according to the following schedule:

	<u>Fee</u>
(1) Annual initial inspection	See <u>1521.1501(a)(1)</u> No Charge.
(2) When violations are found undocumented, follow-up inspection to verify compliance thirty days after initial inspection	See <u>1521.1501(a)(3)</u> \$100.00
(3) If compliance is not completed and verified in follow-up inspection provided for in subsection (a)(2) hereof, then fourteen days after such follow-up inspection to verify compliance	See <u>1521.1501(a)(3)</u> \$100.00
(4) If compliance is not complete and verified at the time of the third inspection then a fourth inspection shall be concluded seven days after the aforesaid third inspection	See <u>1521.1501(a)(4)</u> \$200.00

(Ord. 2009-27. Passed 7-20-09.)

(b) If it is determined by the Fire Chief and/or the Inspector of the Bureau of Fire Prevention that the correction of the particular violation requires more than thirty (30) days after the initial inspection to complete because of its complexity or expense, the Fire Chief and/or Fire Safety Inspector may waive the imposition of the fire safety inspection fees and may establish a reasonable compliance timetable for that specific violation before fees are imposed.

(Ord. 2005-43. Passed 9-26-05.)

Section 1501.15 BUREAU OF FIRE PREVENTION; ESTABLISHMENT AND DUTIES.

(a) A Bureau of Fire Prevention in the Fire Department is hereby established. The Bureau shall be operated under the supervision of the Fire Chief who shall control all assignments thereto, under the direction and control of the Mayor.

(b) The duty and powers of the Bureau of Fire Prevention shall include, but not be limited to, the enforcement of the Ohio Fire Code, Ohio Revised Code, and the Codified Ordinances of Mayfield Village, and other duties as imposed from time to time by law.

(Ord. 2009-23. Passed 7-20-09.)

Section 1501.16 (NEW) PERMITS REQUIRED

(a) In order to comply with this Chapter and the Ohio Fire Code, all permits shall be requested by an applicant and issued by the Municipality for the following:

- (1) Combustible Storage Permit;
- (2) Display Vehicle Permit;
- (3) Mobile Food Unit (MFU) Permit;
- (4) Hazardous Materials Permit;
- (5) Open Burning/Bonfire Permit;

(6) Hot Works Permit (involving open flame or producing heat and/or sparks)

(7) Tent/membrane Structure Permit;

(8) Exhibit and Trade Show Permit;

(9) Industrial Oven Permit;

(10) Fireworks/Pyrotechnics/Flame Effects Permit

(b) The above permits shall be issued by the Building Department but subject to inspection and approval by the Bureau of Fire Prevention or designated official of the Mayfield Village Fire Department.

(c) Any applicable fees for permits shall be set forth on the permit form.

A permit may be revoked where there has been a violation of the provisions of this Chapter or a misrepresentation of act on the permit application. Failure to comply with all the requirements of the permit could also result in the permit being rescinded.

Section 1501.99 PENALTY.

(a) Criminal Penalties.

(1) Whoever violates Section 1501.05(a) is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))

(2) Whoever violates Sections 1501.05(b) or 1501.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))

(3) Whoever violates Sections 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))

(4) Whoever violates Sections 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 3737. 51(B) to (H))