
PART SIXTEEN.

FIRE PREVENTION CODE

CHAPTER 1610. OHIO FIRE CODE¹

Section:

1610.01 Code adopted.

There is hereby adopted as the fire prevention code of the village, for the purpose of prescribing regulations for safeguarding of life and property from the hazards of fire and explosion and from conditions hazardous to life or property in the use or occupancy of buildings or premises, that certain code known as O.A.C. 1301:7-7, the Ohio Fire Code, subject to the amendments provided under the sections of this chapter. At least three (3) copies of the Ohio Fire Code adopted herein are on file with the fiscal officer for inspection by the public and the fiscal officer shall provide copies for distribution to the public at cost.

1610.02 Purpose.

The purpose of the Ohio Fire Code, as adopted in section 1610.01, is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

1610.03 Application of Code.

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

1610.04 Enforcement; responsibilities of municipal fire safety inspector.

- (a) No person shall serve as a municipal fire safety inspector unless he or she has received a certificate issued by the Ohio Superintendent of Public Instruction under R.C. § 4765.55 evidencing his or her satisfactory completion of a fire safety inspection training program.
- (b) The municipal fire safety inspector, upon examination or inspection, shall issue citations when he or she finds conditions as specified in R.C. § 3737.41 which are especially dangerous to the safety of persons, buildings, premises or property, and shall make any necessary remedial orders in connection therewith. Citation enforcement may be by use of the procedures established by R.C. § 3737.42 for hearing on the citation or

¹Cross reference(s)—Fire department and fire protection, see chapter 244; Fireworks, see section 678.10; Open burning, see section 660.08

State law reference(s)—Adoption of technical codes, see R.C. § 731.231; Fireworks, see R.C. Ch. 3743; Gasoline, oils and paint, see R.C. Ch. 3741; Power to regulate against fires, see R.C. §§ 737.27, 3737.22; Power to regulate elevators, stairways and fire escapes, see R.C. § 715.26; Right to examine buildings, see R.C. § 3737.14; State Fire Marshal, see R.C. Ch. 3737

R.C. § 3737.44 for injunctive relief or a temporary restraining order and oral order for vacation of the building or premises.

- (c) The municipal fire safety inspector, upon reasonable belief and after inspection or investigation, shall, with reasonable promptness, issue a citation to the responsible person for a violation of the Ohio Fire Code or any order issued by the Ohio Fire Marshal or any municipal fire safety inspector. The citation shall fix a reasonable time for abatement of the violation. Each citation issued under this division (c) shall be prominently posted by the responsible person, as prescribed by the Ohio Fire Code, at or near each place a violation referred to in the citation occurs.
- (d) Upon request of the municipal fire safety inspector, the law director shall institute and prosecute any necessary action or proceeding to enforce this chapter or R.C. Ch. 3737.

State law reference(s)—R.C. § 3737.34

1610.05 Compliance required.

- (a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.
- (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 comply with the village application and plan submission and processing requirements, including payment of the fees designated therefor.

State law reference(s)—R.C. § 3737.51(A)

1610.06 Posting arson laws.

The owner, operator or lessee of any transient residential building shall post the provisions of 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.

State law reference(s)—R.C. § 3737.61

1610.07 Setting fires which spread.

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

State law reference(s)—R.C. § 3737.62

1610.08 Responsibilities upon discovery of unfriendly fires.

- (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 Columbus 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.

State law reference(s)—R.C. § 3737.63

1610.09 Inspections.

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

State law reference(s)—R.C. § 3737.64

1610.10 Sale and use of fire equipment; standards; service and repair of equipment.

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

State law reference(s)—R.C. § 3737.65

1610.11 File and distribution copies.

Complete copies of the Ohio Fire Code, as adopted in section 1610.01, are on file with the fiscal officer for inspection by the public. Copies are also on file in the county law library. In addition, the fiscal officer has copies available for distribution to the public, at cost.

1610.12 Conflicts of laws.

- (a) The Ohio Basic Building Code shall supersede and govern any order, standard, rule or regulation of the Ohio Fire Code or the division of state fire marshal, department of commerce, in all cases where any such order, standard, rule or regulation is in conflict with the Ohio Basic Building Code, except that rules adopted and orders issued by the fire marshal pursuant to R.C. Ch. 3743 prevail in the event of a conflict.
- (b) In all other cases of conflict between the Ohio Fire Code and any other village ordinance or technical code adopted thereby, the stricter standard shall control.

State law reference(s)—R.C. § 3781.11(B)

1610.99 Penalty.

- (a) *Criminal penalties.*
 - (1) Whoever violates section 1610.05(a) is guilty of a misdemeanor of the first degree.
 - (2) Whoever violates sections 1610.05(b) or 1610.06 is guilty of a minor misdemeanor.
 - (3) Whoever violates sections 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree.
 - (4) Whoever violates sections 1610.08 or 1610.10 is guilty of a misdemeanor of the third degree.
- (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 for each such violation.

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- (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 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 for each day during which such failure or violation continues.
 - (4) Any person who violates any of the posting requirements, as prescribed by section 1610.04(c), shall be assessed a civil penalty 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 (1) or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.
 - (7) Civil penalties imposed under this chapter shall be paid to the fiscal officer for deposit into the general fund. Such penalties may be recovered in a civil action in the name of the municipality brought in the court of common pleas.

State law reference(s)—R.C. §§ 3737.51(B)—(H), 3737.99(B)—(E)

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