

CODIFIED ORDINANCES OF NORTH OLMSTED  
PART SEVENTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF NORTH OLMSTED

PART SEVENTEEN - FIRE PREVENTION CODE

CHAPTER 1701  
Fire Code

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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 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.

#### 1701.01 ADOPTION.

(a) 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, pursuant to authority of R.C. 3737.82, as may be revised from time to time, and as published in Division 1301:7 of the Ohio Administrative Code (OAC), except as otherwise specifically provided in other sections of this chapter.  
(Ord. 2008-82. Passed 6-17-08.)

#### 1701.02 PURPOSE.

The purpose of the Ohio Fire Code as adopted herein and the other provisions of the Municipality's local fire code as set forth in this Chapter is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.  
(Ord. 96-105. Passed 7-2-96.)

#### 1701.03 APPLICATION.

The Ohio Fire Code as adopted herein and the other provisions of the Municipality's local fire code as set forth in this Chapter apply 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. 96-105. Passed 7-2-96.)

#### 1701.04 ENFORCEMENT.

(a) No person shall serve as a Fire Safety Inspector unless they have received a certificate issued under former Sections 3303.07 or Section 4765.55 of the Revised Code evidencing his satisfactory completion of a fire safety inspection training program.  
(ORC 3737.34)

(b) The Fire Safety Inspector, upon examination or inspection, shall issue citations when he finds conditions as specified in Ohio 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.

(c) The 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 Fire Safety Inspector. The citation shall fix a reasonable time for abatement of the violation. Each citation issued under this subsection (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.  
(Ord. 2008-82. Passed 6-17-08.)

#### 1701.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein, or any other provision of the Municipality's local fire code as set forth in this Chapter, 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 in this local code, or fail to obtain a permit or license for the various uses or activities as required by such Codes, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor, or fail to abate a violation for which a citation has been issued within the period of time prescribed within the citation. (Ord. 96-105. Passed 7-2-96.)

#### 1701.06 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. 96-105. Passed 7-2-96.)

#### 1701.07 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. 96-105. Passed 7-2-96.)

#### 1701.08 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. 96-105. Passed 7-2-96.)

#### 1701.09 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. 96-105. Passed 7-2-96.)

1701.10 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.

(c) No person or company shall install, service, test, repair or maintain an automated fire alarm system without certification in fire protection systems by the State Fire Marshal pursuant to Revised Code 3737.65 and without either, registration of such certificate with the Building Department pursuant to and otherwise in compliance with all requirements of Chapter 1317, or without Fire Chief registration and fee.  
(Ord. 2008-82. Passed 6-17-08.)

1701.11 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.  
(Ord. 96-105. Passed 7-2-96.)

1701.12 CONFLICT.

(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 such orders, standards, rules or regulations are in conflict with the Ohio Basic Building Code. (OAC 4101:2-1-04(B))

(b) In all other cases of conflict between the Ohio Fire Code and any other municipal ordinance or technics code adopted thereby, the more restrictive provision shall govern. (Ord. 96-105. Passed 7-2-96.)

1701.13 PERMITS AND FEES.

(a) Permits required by the Fire Code shall be granted upon payment to the City of a fee as set forth and listed as follows:

<u>Fees of the Fire Chief (Inspection Fees)</u>	
Airports, heliports and helistops	\$100.00
Blasting	50.00
Bowling establishments	10.00
Calcium carbide	10.00
Cellulose nitrate motion picture film	10.00
Cellulose nitrate plastics	10.00
Combustible fibers and materials	10.00
Compressed gases	10.00
Cryogenic liquids	10.00
Dry-cleaning plants	10.00
Dust explosion hazards	10.00
Explosives and ammunition	20.00
Filling	10.00
Flammable or combustible liquids	10.00



**1701.14 HANDLING OF READILY COMBUSTIBLE MATERIALS.**

(a) No person making, using, storing or having in charge, or under his control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal-lined, covered, receptacles or bins. The Chief of the Bureau of Fire Prevention shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

(b) In all multiple-family homes and apartments where storage is permitted in lockers or storage rooms, there shall be a clearance of at least eighteen inches between the top of material stored and the underside of the lowest beams, girders, sprinkler deflectors or other ceiling obstruction which might restrict the discharge of water from sprinklers, or fire hose streams over this material.

(c) In all multiple-family homes and apartments where individual furnace rooms are maintained, the storage of combustible materials, or flammable liquids is not permitted. (Ord. 96-105. Passed 7-2-96.)

**1701.15 MINIMUM SIZE OF ELEVATORS.**

One elevator in each building shall be of a minimum size of clear floor space of seven by five feet. (Ord. 96-105. Passed 7-2-96.)

**1701.16 STANDPIPES.**

(a) Standpipes shall be installed in all buildings exceeding two occupied floors or fifty feet in height, except single and two-family dwellings. Such standpipes shall not be less than four inches in diameter for buildings not exceeding fifty-five feet in height, and not less than six inches in diameter for buildings over fifty-five feet in height.

On stages arranged or intended for theatrical, operatic or similar performances, regardless of building height, there shall be one, two and one-half inch standpipe on each side of the stage, complete with a hose rack, hose and nozzle.

The installation of all standpipe systems shall be in accordance with plans and specifications based on the requirements of this article.

(b) Standpipe systems shall be installed so as to provide reasonable safety to persons and property. Evidence that standpipe systems have been installed in accordance with the applicable standards specified for this section in Appendix B of the Code shall be evidence that such standpipe systems provide reasonable safety to persons and property and which have been subject to the approval of the Fire Chief.

- (1) Number of standpipes. The number of standpipes shall be such that all parts of every floor area can be reached within thirty feet by a nozzle attached to a maximum of 100 feet of hose connected to a standpipe.
- (2) Location of standpipes. Standpipes shall be so located that they are protected against mechanical and fire damage, with outlets, hose racks, hose and nozzle within stairway enclosures.
- (3) Construction of standpipes.
  - A. Standpipes shall be constructed of wrought iron or steel, and shall be designed to withstand a working pressure of not less than 100 pounds per square inch in excess of the static head of water due to the height of the standpipes.
  - B. Standpipes shall extend from the lowest story of the building to the topmost story provided that standpipes serving parts of buildings that are not of the full height of the building need extend only to the top story of that part.

- C. When more than one standpipe is required in a building they shall be connected at the base of their risers by water supply pipes of a size equal to that of the largest standpipes, to permit water from any source, to apply all the standpipes.
  - D. Where the water supply is furnished by gravity tank or pressure tank located in the building at, or above the topmost outlet, a check valve shall be provided below the tank and a top valve shall be provided below the tank and a top valve shall be between the check valve and the tank.
  - E. Standpipes shall be equipped on every story with two and one-half inch hose connections and valves located not more than five feet above the floor level. Such valves shall be provided with two and one-half inch to one and one-half inch reducing couplings for use with the Fire Division hose.
  - F. Sufficient outside stem and yoke valves shall be provided to permit control of the standpipe riser without interrupting the supply to other risers from the same source of supply. Outside stem and yoke valves which are located above the ground floor, and which must be closed to permit continued use of one standpipe in case of failure of another, shall be arranged to permit operation from the floor or from the pump room.
  - G. Only fittings, connections and valves approved by the Fire Chief shall be used in construction of standpipe systems.
  - H. Standpipe and sprinkler systems shall be tested at a minimum of 200 psi for two hours.
- (4) Fire Division connections for standpipe systems.
- A. Standpipes shall be provided with outside Fire Division Siamese connections approved by the Fire Chief, having check valves on each inlet. The pipe from the Fire Division connection to the standpipe system shall be a minimum of four inches in diameter.
  - B. There shall be one or more Fire Division Siamese connections for each standpipe system.
  - C. Siamese connections shall be placed not less than eighteen inches nor more than thirty-six inches above the level of the adjoining ground or sidewalk.
  - D. The threads of such Fire Division connections shall be uniform with those used by the North Olmsted Fire Division. Substantial plugs, with connecting chains, shall be provided to protect the threads on each connection.
  - E. Each such Fire Division connection shall be suitably marked with raised letters reading "Standpipe Wet" or "Standpipe Dry".

- F. Inside the building or pit in a horizontal section of the standpipe connection, a straightway check valve approved by the Fire Chief shall be placed, with an automatic drip connection valve between the check valve and the exterior Fire Division Siamese connection to prevent freezing.
- (5) When the Fire Chief determines that the standpipe would not be used because of the location or construction of the building, he may waive this requirement and substitute other safety measures.  
(Ord. 96-105. Passed 7-2-96.)

#### 1701.17 AUTOMATIC FIRE EXTINGUISHING SYSTEMS; COOKING EQUIPMENT.

If, upon inspection by the Fire Prevention Bureau, any such cooking appliances are found not to be protected by an automatic fire extinguishing system as required by this section, the Fire Chief shall order the owner, tenant or operator of such facilities to submit plans and specifications to the Fire Prevention Bureau for the installation of such system and shall order the installation of such system according to approved plans.

Such plans and specifications shall be submitted within thirty days of receipt of such order and the installation of the system shall be completed within three months of receipt of such order, except that the Fire Chief may grant an extension of such time limits for delays caused by factors beyond the control of the person or persons so ordered.  
(Ord. 96-105. Passed 7-2-96.)

#### 1701.18 FIRE ALARM SYSTEMS; EARLY WARNING DEVICES.

##### (a) Single-Family and Two Family Residences.

- (1) The installation of a minimum of one smoke detector per dwelling unit is hereby required for all new single and two family residential dwellings constructed subsequent to the effective date of this section (Ordinance 80-9, passed March 4, 1980). As an alternative to a smoke detector, an approved fire detection system may be installed. Each such fire detection system must be individually approved and a permit issued therefor by the Building Department.
- (2) Although not required, it is recommended that all existing single and two-family dwelling structures shall have installed therein a minimum of one smoke detector per dwelling unit or an acceptable alternative approved as provided in paragraph (1).
- (3) The smoke detector shall be mounted on the ceiling, or wall not more than twelve inches from the ceiling, at a point centrally located in a corridor or area giving access to rooms used for sleeping purposes. In an efficiency dwelling unit the detector shall be centrally located on the ceiling of the main room. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway.

Care should be exercised to ensure that the installation will not interfere with the operating characteristics of the detector. When activated the detector shall provide an audible alarm in the dwelling unit. Smoke detectors with D.C. power supply only are permitted, as are detectors with A.C. power supply backed up by a secondary supply which is D.C. Where A.C.- D.C. combination units are used, it is required that all A.C. lines be wired directly to the building's power supply. All D.C. powered detectors shall have built-in protection to warn of battery failure.

(b) Residential Multiple Dwellings. All buildings containing more than two residential dwelling units, as defined in the Zoning Ordinance of the City in Chapter 1125 and exceeding two stories and/or a height of twenty-five feet constructed after the effective date of this section (Ordinance 75-111, passed October 1, 1974.) shall have contained within each dwelling unit an approved early warning fire detection system. Such system shall consist of an Underwriters Laboratories Factory Mutual or Underwriters Laboratories of Canada approved detector installed and maintained adjacent to the outside of sleeping quarters within the multiple dwelling units. Alarm signaling devices shall be clearly audible in all bedrooms within the apartment or dwelling unit when all intervening doors are closed. In the application of the story limitation the following provisions of the Zoning Ordinance of the City shall apply:

Chapter 1125, Section 1125.67

Chapter 1125, Section 1125.68

Chapter 1155, Section 1155.03(A)

(c) Office Buildings. All office buildings in excess of fifty feet in height constructed after the effective date of this section (Ordinance 75-111, passed October 1, 1974) shall have installed and maintained on each level of the building used for offices an Underwriters Laboratories Factory Mutual or Underwriters Laboratories of Canada approved early warning fire detection system. Prior to the construction of any such building, the developer or owner thereof shall present plans to the Building Commissioner and Fire Chief with respect to the placement of the early warning fire detection system. Such plan shall meet the approval of the Commissioner and/or Fire Chief. Should the Commissioner and/or Fire Chief of the City deem it necessary to have additional detectors installed within the office building, the location and number of detectors shall be determined jointly by the Commissioner and Fire Chief.

(d) Specifications and Requirements.

- (1) The early warning fire detection system detectors shall be sensitive to visible and invisible products of combustion. Detectors sensitive to heat alone are not acceptable with respect to compliance with the requirements of this Code.
- (2) For the purposes of installation and maintenance, the application of the following standards of the National Fire Protection Association shall apply: No. 71, 72A, 72B, 72C, 72D and 74.

- (e) Automated Fire Alarm Systems.
- (1) “Fire alarm system” means any fire alarm system, as required by the Ohio Fire Code or as otherwise permitted to be installed in any structure within the City, whether or not inspected in accordance with Section 1701.13, and which transmit to a privately operated central station and which results in a telephone call directly to the police or fire station, via 911 or otherwise, to alert the City that a fire or other emergency exists or that the services of the fire or other public safety forces are needed. “Fire alarm system” also means any alarm device which automatically emits an audible, visual, electronic, telephonic, or other similar response upon the occurrence of any hazard or emergency and which alerts persons inside or outside of the building as to the existence of such hazard or emergency. “Fire alarm system” shall include but not be limited to alarms for burglary, if registered under Chapter 559, and for fire, flood and cold but excludes personal and motor vehicle “alarm systems”.
- (2) “Automatic dialing alarm systems” means an alarm system which either directly dials or otherwise prompts an automated telephone call to the police or fire station, via 911 or otherwise and uses a pre-taped or pre-recorded message to alert the City that a fire or other emergency exists or that the services of the fire or other public safety forces are needed.
- A. No person shall use or cause to be used any telephone device or attachment that automatically selects any telephone line allocated or directed to the City, except a telephone line so designated by the Fire Chief for such purpose and only upon the City’s authorization.
- B. The message upon an automatic dialing alarm system shall not exceed fifteen (15) seconds in length, shall not be repeated more than three (3) times per dialing, shall provide a concise and intelligible message specific to the emergency and shall state “this is a recording”.
- C. Each automatic dialing alarm system shall be programmed to first dial the City emergency dispatch center for public safety response. The system shall next dial a number selected by the property owner to notify a person having authority to access the building for which an alarm has sounded.
- (3) Installation. Any residential premises, single or multiple-family, or other commercial business establishment, whether retail, industrial or office, which is located within the City and which is equipped with an automated fire alarm system, shall do so only in accordance with the Ohio Fire Code and this chapter, including the payment of any and all inspection fees required by Section 1701.13, and, when applicable, upon compliance with the Ohio Building Code and Part Thirteen of this Code.

- (4) Certification of Contractors. No person or company shall install, service, test, repair or maintain an automated fire alarm system without certification in fire protection systems by the State Fire Marshall pursuant to Ohio R.C. 3737.65. Certified contractors shall either register with the Building Department, pursuant to Chapter 1317 of this Code, to perform new installations or register with the Fire Chief to engage in the business of a fire protection systems contractor to perform service, testing, repair or other maintenance. The Fire Chief shall collect an annual registration fee of \$100 and shall issue such registration upon presentation of a valid State Fire Marshall certificate in fire protection systems. (Ord. 2003-11. Passed 10-21-03.)

#### 1701.19 FIRE HYDRANTS.

(a) Purpose. The purpose of this section is to regulate the installation of fire hydrants on both public and private property so as to achieve the maximum fire protection for structures located within the City. It is also the purpose of this section to establish standards for the placement, design, installation and maintenance of fire hydrants.

(b) Public Hydrants.

- (1) 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.
- (2) All buildings and structures shall be so located that all parts thereof are not more than 300 feet from at least two readily accessible public or private Fire Department hydrants. Such distance shall be measured along streets, roadways or driveways complying with paragraph (d) and hydrants around buildings shall be spaced not more than 300 feet apart.
- (3) All dwellings, houses and other minor buildings or structures shall be so located that all parts thereof are not more than 300 feet from at least one readily accessible public or private fire hydrant. Such distance shall be measured along streets, roadways or driveways complying with paragraph (d).

(c) Private Hydrants. Private fire hydrants shall be located, installed and maintained in accordance with the following:

- (1) Private fire hydrants shall be installed in accordance with the applicable rules and regulations of paragraph (b) with the exception that the Fire Chief may approve a distance greater than 300 feet in paragraph (b)(2) when in his opinion the safety of occupants and fire-fighting personnel are not thereby endangered, and in accordance with nationally recognized good practice.
- (2) All private fire hydrants shall have an approved shut-off valve installed in the fire hydrant head not more than 100 feet from the fire hydrant. Such shut-off valve shall be accessible at all times.
- (3) No private fire hydrant shall be installed closer than two feet or more than five feet from a street roadway or driveway conforming with paragraph (d).
- (4) All private fire hydrants shall be maintained in proper working order by the owner.

- (5) An inspection and flow test shall be conducted by the owner, as prescribed by the Fire Chief, and reports of such testing shall be forwarded to the Fire Division.
- (6) All private fire hydrants shall be accessible at all times for fire-fighting purposes. No obstruction shall be placed within seven feet of any fire hydrant.
- (7) For average conditions, hydrants shall be placed fifty feet from the building protected as specified by the authority having jurisdiction.

(d) Private Fire Service Water Mains. All private fire service water mains must meet the following requirements:

- (1) All mains to be eight inch (8") minimum ductile iron.
- (2) Kennedy or Mueller type hydrants, six inch (6") minimum barrel must be installed on all mains.
- (3) Hydrant outlets: Cleveland Standard Threads.  
One four inch (4") outlet, thread size - 4.857" minimum, six threads per inch; 4.875" maximum, six threads per inch.  
Two, two and a half inch (2-1/2") outlets, thread size - 3.066" minimum, eight threads per inch; 3.078 maximum, eight threads per inch.
- (4) Water main and hydrant installations shall conform to all requirements of the current addition of N.F.P.A. #24 and Cleveland Water Department.

(e) Access Streets, Roadways and Driveways. Access streets, roadways and driveways where required by paragraph (b) and paragraph (c), shall conform to the following:

- (1) The width shall be sufficient to permit easy passage of any Fire Division apparatus and in no case shall the width be less than twenty feet.
- (2) The surface shall be reinforced so that it can adequately support any Fire Division apparatus under any weather conditions.
- (3) The curve radii and grade elevation shall be such as to permit any Fire Division apparatus to negotiate curves and grades under any weather conditions.

(f) Building Permit; Available Water Supply. No permit for the construction of any building shall be issued by the Building Commissioner unless 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 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 Chief are furnished.  
(Ord. 96-105. Passed 7-2-96.)

#### 1701.20 SMOKE BARRIERS AND DOORS.

In the buildings of more than two occupied floors, smoke barriers shall be installed in any corridor more than 150 feet in length, or at intervals of not more than 150 feet. Smoke barriers and doors therein shall be of noncombustible materials or wood doors conforming to the Ohio Basic Building Code. Swinging doors shall be used and where normally kept in the open position shall be equipped to be closed manually and with smoke actuated devices; otherwise such doors shall be self-closing. They shall close the opening completely with only such clearance as is reasonably necessary for proper operation.

When, upon inspection by the Bureau of Fire Prevention, such buildings are found lacking smoke barriers as required by this section, the Chief of Fire shall order the owner of such facilities to submit plans and specifications to the Fire Prevention Bureau for installation of such barriers; and shall order the installation according to the approved plans. Such plans and specifications shall be submitted within three months of receipt of such order and the installation of the smoke barriers shall be completed within one year of receipt of such order. (Ord. 96-105. Passed 7-2-96.)

#### 1701.21 BUILDING PERMIT.

No permit for the construction of any building shall be issued by the Commissioner of Buildings except where adequate water supply and facilities for fire fighting purposes are available as determined by the Fire Chief. If the Fire Chief finds that upon inspection of any building under construction that adequate water supply or facilities for fire fighting purposes, as determined by the Chief are not being furnished as required, then the Commissioner of Buildings 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. (Ord. 96-105. Passed 7-2-96.)

#### 1701.22 INTERIOR EXITS AND EXITS FROM SUITES.

Doors to the enclosures of interior stair exits shall be arranged to open from the stair side, on every floor, so that it will be possible to leave the stair enclosure should a fire render the lower part of the stair unusable during egress. All doors leading from individual suites in multiple family dwellings shall be equipped with self-closing devices. (Ord. 96-105. Passed 7-2-96.)

#### 1701.23 ABOVE GROUND STORAGE TANKS.

Above ground storage tanks for storage of flammable and combustible liquids shall be prohibited except as follows:

- (a) Existing above ground storage tank installations previously approved by the fire official, provided the installation does not constitute a hazard. The fire official shall have the authority to require removal of unsafe tanks.
- (b) In private service stations, as defined in the Ohio Fire Code, Class I and II liquids may be stored in and dispensed from two hour fire rated, double steel wall tanks, not exceeding 6000 gallons.
  - (1) Class I and II liquids shall be stored outside only.
  - (2) Tanks must be UL 2085 Protected and must be installed in accordance with all applicable federal, state and local environmental regulations and safety codes.
  - (3) Tanks must be placed on a concrete pad capable of supporting the tanks when completely filled.
  - (4) Tanks shall be protected from accidental damage in accordance with all applicable codes.

- (c) Waste oil for disposal and for use in oil burning equipment may be stored outside only, in double steel wall tanks, not exceeding 1000 gallons.
  - (1) Tanks must meet UL 142 and must be installed in accordance with all applicable federal, state, and local environmental regulations and safety codes.
  - (2) Tanks must be placed on a concrete pad capable of supporting the tanks when completely filled.
  - (3) Tanks shall be protected from accidental damage in accordance with all applicable codes.
- (d) Fuel oil tanks for supplying oil burning heating equipment as addressed in the Ohio Fire Code. Maximum tank size 660 gallons.
- (e) Class III liquids (new product only) may be stored inside of buildings in two hour fire rated, double steel wall tanks, not exceeding 660 gallon capacity per tank.
  - (1) Tanks must meet UL 2085 Insulated and must be installed in accordance with all applicable federal, state, and local government regulations and safety codes.
  - (2) Tank shall be protected from accidental damage in accordance with all applicable codes.

A permit from the fire official shall be required for installation of all above ground storage tanks and a diagram showing the location of tank(s) shall be provided prior to application. All tanks shall have proper marking as to contents and special hazard posting under the N.F.P.A. 704 standard.

(Ord. 96-105. Passed 7-2-96.)

#### 1701.24 FIRE DAMAGED STRUCTURES; REMOVAL OR REPAIR SECURING FUND.

The Municipality hereby authorizes the procedure described in Ohio R.C. 3929.86(C) and (D) to be implemented whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the Municipality unless the applicable provisions of Ohio R.C. 3929.86 are fully complied with. The Fire Chief is hereby designated as the officer to carry out the duties of Ohio R.C. 3929.86. The Fire Chief shall file a certified copy of this section with the State Superintendent of Insurance.

(Ord. 96-105. Passed 7-2-96.)

#### 1701.25 CIVIL REMEDIES.

(a) Whenever any person neglects or refuses to comply with any provision of the Ohio Fire Code, or any fire prevention measures or fire protection activities as prescribed in this Code, or to obtain a permit or license for the various uses or activities as required by such Code, or to comply with the Municipal application and plan submission and processing requirements including payment of the fine designated therefor, or to abate a violation for which a citation has been issued within the period of time prescribed within the citation, the Municipal Fire Safety Inspector may, in his discretion, request the Director of Law to institute and maintain in the name of the Municipality an appropriate action at law or in equity to restrain such person from continuing his neglect or refusal to comply or obtain, or for an order terminating any such violation of the Fire Prevention Code.

(b) The exercise of any of the rights and remedies provided for in this section shall in no way preclude or limit the Municipality or any person from exercising any other right or remedy now or hereafter granted to them or of them under the laws of the State or the ordinances of the Municipality.  
(Ord. 96-105. Passed 7-2-96.)

#### 1701.26 FIRE DEPARTMENT RESEARCH FEES.

(a) Upon the request of interested parties, the North Olmsted Fire Department may give information regarding the location of natural gas wells and underground storage tanks on properties located within the City.

(b) A fifteen dollar (\$15.00) fee shall be assessed to cover the costs of producing a report which reflects Fire Department records as to the existence of natural gas wells or underground storage tanks own property located within the City.  
(Ord. 96-105. Passed 7-2-96.)

#### 1701.27 FALSE ALARMS.

(a) A charge established in accordance with the provisions of paragraphs (b) and (c) below shall be assessed against property owners for false alarms received by the Fire Department through any automated fire alarm system, as defined in Section 1701.18(e), or for each false alarm received through any other alarm service which the City has otherwise received, with the exception that there shall be no charges assessed against Single or Two Family Residences as described in Section 1701.18(a).

(b) No charge shall be made for a first false alarm, as monitored on an annual basis; nor shall there be any charge for a false alarm for which no actual Fire Department or Squad run has, in fact, been dispatched in response thereto; nor when the cause has been proven to be an act of God; nor when the cause has been proven to be due to the malfunction, by testing or repairing, of telephonic lines maintained and operated by public utilities under regulation of the Public Utilities Commission of Ohio.

(c) In the event that a false alarm is not a first false alarm for a property, as monitored on an annual basis or is not otherwise excepted in paragraph (a) or (b) above from the charges provided for by this section, then the Fire Chief shall review the alarm believed to be a "false alarm" and shall determine whether, under the facts and circumstances surrounding the false alarm, a charge should be assessed against the property owner. If the Fire Chief determines that a charge should be assessed, then the charge shall be in the nature of a civil penalty against the property owner and shall be assessed in accordance with the following schedule:

2 <sup>nd</sup> false alarm within one year period	\$500.00
3 <sup>rd</sup> false alarm within one year period	\$1,000.00
4 <sup>th</sup> and additional false alarms within one year period	\$2,000.00

(d) In order to deter and reduce false alarms, the Fire Chief is authorized to verify compliance with this chapter at any time and to otherwise require the property owner or operator of an automated fire alarm system to account for the frequency of false alarms by evaluating the operating systems, including but not limited to the following:

- (1) All equipment used for automated fire alarm systems is required to meet the applicable standards of the Underwriters Laboratories and/or the National Fire Protection Association or other recognized industry standards. Upon demand by the Fire Chief, an owner or operator may be required to submit evidence of reliability, suitability and capability and compatibility of automated equipment and systems.
- (2) The sensory mechanism used in connection with such fire alarm systems or devices shall be adjusted to suppress false indications of fire or intrusion, so that the devices will not be actuated by impulses due to transient pressure changes in water pipes, temperature fluctuations by sources other than fire, wind gusts, or other forces unrelated to genuine alarms. All components shall be maintained in good repair.
- (3) The Fire Chief or any officer designated to represent the Fire Chief shall be further authorized, at reasonable times and upon oral notice, to enter upon any premises so equipped with an automated fire alarm system for the purpose of inspecting the installation and operation of an automated fire suppression or signaling device and in order to evaluate false alarms.
- (4) The Fire Chief may institute and require a "Fire Watch" system of human verification of emergency conditions while repairs and/or maintenance is being performed to an automated fire alarm system.

(e) Failure to pay any charges for a false alarm, which remains unpaid thirty days after date of invoice, shall result in written notice from the Fire Chief and then referral to the Director of Law for enforcement.  
(Ord. 2003-11. Passed 10-21-03.)

1701.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Each day's continued violation shall constitute a separate offense.  
(Ord. 96-105. Passed 7-2-96.)

CHAPTER 1713  
Blasting

1713.01	Blasting permit required.	1713.11	Warning signals.
1713.02	Insurance required.	1713.12	Frozen dynamite.
1713.03	Permit fee; Fire Department inspector.	1713.13	Blasting caps; priming.
1713.04	Hours for blasting.	1713.14	Size of drill holes; tamping.
1713.05	Notice of blasting to be given.	1713.15	Preparation of holes; left over or unexploded charges.
1713.06	Blasting in congested areas.	1713.16	Deepening drill holes; removal of explosives.
1713.07	Electric blasting caps.	1713.17	Misfires.
1713.08	Opening explosives containers; empty containers.	1713.18	Wire connections.
1713.09	Smoking prohibited.	1713.19	Persons handling explosives.
1713.10	Intoxicated person not to handle explosives.	1713.20	Chapter application.
		1713.99	Penalty.

CROSS REFERENCES

Sale of explosives to minors - see Ohio R.C. 3743.02  
Fireworks - see FIRE PREV. Ch. 1719

**1713.01 BLASTING PERMIT REQUIRED.**

No person shall blast with dynamite, gunpowder or any other explosive compound, within the limits of the City, unless there shall first have been obtained a permit from the Chief of the Fire Department. Such permit shall set forth the time at which, and the circumstances under which, such blasting may be done. (Ord. 65-105. Passed 6-1-65.)

**1713.02 INSURANCE REQUIRED.**

Before a permit to do blasting, as required under Section 1713.01, shall be issued, the applicant for such permit shall file an insurance policy in the penal sum of one hundred thousand dollars (\$100,000) for any individual, and three hundred thousand dollars (\$300,000) for any incident, covering both bodily injury and property damage of any nature, as a result of such blasting operation. (Ord. 65-105. Passed 6-1-65.)

**1713.03 PERMIT FEE; FIRE DEPARTMENT INSPECTOR.**

The fee for each blasting permit shall be fifty dollars (\$50.00), which amount shall be payable to the City. The Fire Chief shall assign a qualified inspector either from within or outside the Department who shall supervise all drilling, charging and shooting of all holes, and who shall not require, by the contractor, to work less than six hours in any one day. The contractor shall compensate the City at a rate of twenty-five dollars (\$25.00) per hour, for each hour charged under this section. (Ord. 87-37. Passed 6-2-87.)

**1713.04 HOURS FOR BLASTING.**

Blasting operations shall not be conducted between the hours of 7:00 p.m. and 7:00 a.m., nor at any time on Sunday except by special permission of the Fire Chief. (Ord. 65-105. Passed 6-1-65.)

**1713.05 NOTICE OF BLASTING TO BE GIVEN.**

At least twenty-four hours in advance of blasting, the blaster shall give written notice specifying the location and intended time of blasting to the appropriate representatives of the gas, electric, water, fire alarm, telephone, telegraph and steam utilities which operate within the City. In an emergency, the Fire Chief may waive the time limit and allow verbal instead of written notice to be given. (Ord. 65-105. Passed 6-1-65.)

**1713.06 BLASTING IN CONGESTED AREAS.**

When blasting is done in congested areas or in close proximity to a structure, railway or highway, the blast shall be covered before firing, with a mat constructed which is capable of preventing fragments from being thrown. (Ord. 65-105. Passed 6-1-65.)

**1713.07 ELECTRIC BLASTING CAPS.**

Electric blasting caps only shall be used as the detonating agent for blasting operations in congested districts or on highways, or adjacent to highways open to traffic. (Ord. 65-105. Passed 6-1-65.)

**1713.08 OPENING EXPLOSIVES CONTAINERS; EMPTY CONTAINERS.**

Containers of explosives shall not be opened inside a magazine or within fifty feet of a magazine. In opening containers, wooden wedges and either wood fiber or rubber mallets shall be used. No metal tools except brass shall be used for opening any containers of explosives. Empty container boxes which previously contained explosives shall not be used again for any purposes, but shall be destroyed by burning in the open air. (Ord. 65-105. Passed 6-1-65.)

**1713.09 SMOKING PROHIBITED.**

No person shall smoke while handling explosives or in the vicinity thereof. (Ord. 65-105. Passed 6-1-65.)

**1713.10 INTOXICATED PERSON NOT TO HANDLE EXPLOSIVES.**

No person shall handle explosives while under the influence of intoxicating liquors or narcotics. (Ord. 65-105. Passed 6-1-65.)

**1713.11 WARNING SIGNALS.**

Previous to each blasting, a proper signal of warning shall be given. The warning of the blast shall be given by causing a competent man carrying a red flag to be stationed at a reasonable distance from the blast, at each avenue of approach or point of danger. (Ord. 65-105. Passed 6-1-65.)

**1713.12 FROZEN DYNAMITE.**

No person shall attempt to use dynamite that is frozen. (Ord. 65-105. Passed 6-1-65.)

**1713.13 BLASTING CAPS; PRIMING.**

When blasting caps are used, they shall be securely attached to a safety fuse with a standard cap crimper. All priming shall be done at least fifty feet from the magazine. Blasting caps shall be inserted in the explosives only as required for each round of blasting. (Ord. 65-105. Passed 6-1-65.)

**1713.14 SIZE OF DRILL HOLES; TAMPING.**

All drill holes shall be sufficiently large to freely admit the insertion of the cartridges of explosives. Tamping shall be done only with wooden rods without metal parts. (Ord. 65-105. Passed 6-1-65.)

**1713.15 PREPARATION OF HOLES; LEFT-OVER OR UNEXPLODED CHARGES.**

Holes shall be stemmed with earth or sand. Rock chips, gravel or similar materials shall not be used for tamping the bore holes. No holes shall be loaded except those to be fired at the next round of blasting. After charging, all remaining explosives shall be immediately returned to the magazine. Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they shall be refired before work proceeds. (Ord. 65-105. Passed 6-1-65.)

**1713.16 DEEPENING DRILL HOLES; REMOVAL OF EXPLOSIVES.**

No person shall be allowed to deepen drill holes which have contained explosives. Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate the unexploded charge by insertion of a fresh additional primer or by drilling a hole in close proximity and at a safe distance from the unexploded charge. (Ord. 65-105. Passed 6-1-65.)

**1713.17 MISFIRES.**

If there are any misfires while using cap and fuse, all persons shall remain away from the charge for two hours. If electric blasting caps are used, the waiting period may be reduced to thirty minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and a search made for unexploded charges. (Ord. 65-105. Passed 6-1-65.)

**1713.18 WIRE CONNECTIONS.**

Only the man making wire connections in electrical firing shall fire the shot. All connections should be made from the bore hole back to the source of firing current, and the leading wires shall not be connected to the blasting machine or other source of current until the charge is to be fired.

(Ord. 65-105. Passed 6-1-65.)

**1713.19 PERSONS HANDLING EXPLOSIVES.**

The handling of explosives may be performed by other employees provided the work is done under the direct supervision of the person holding the permit to use explosives and providing such employees are at least twenty-one years of age. (Ord. 65-105. Passed 6-1-65.)

**1713.20 CHAPTER APPLICATION.**

Nothing in this chapter shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of this State, or to the Police and Fire Departments in the proper performance of their duty. (Ord. 65-105. Passed 6-1-65.)

**1713.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.

CHAPTER 1719  
Fireworks

1719.01	Definitions.	1719.04	Possession, sale or discharge prohibited; exceptions.
1719.02	Public exhibition permit required; fee; bond; records.	1719.05	Application.
1719.03	Unlawful conduct by exhibitor.	1719.99	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, 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(D)

1719.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means 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.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
- (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

- (f) "Fireworks" means 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 Section 1719.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (j) "Novelties and trick noisemakers" include the following items:
  - (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.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means 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.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means 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.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means 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.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture. (ORC 3743.01)

**1719.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval 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, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) 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 a designee of such Police Chief or 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 the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or 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 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 a designee of such Police Chief or 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 the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or 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 persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) 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 a designee of such Police Chief or 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 a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or 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 a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place 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 chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

#### 1719.03 UNLAWFUL CONDUCT BY EXHIBITOR.

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

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1719.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) 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.

(d) 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.

(e) 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 Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### 1719.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 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 to 3743.55 and Section 1719.02 and except as provided in Section 1719.05.

(b) Except as provided in Section 1719.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1719.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(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.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

(g) The enforcement of the provisions of this section shall be the duty and the responsibility of the Division of Fire and of the Division of Police. The regular, full-time members of the Division of Fire are hereby clothed with the necessary police power to enable them to issue citations for violations of the provisions of this section and to otherwise enforce the provisions of this section.

(h) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(i) Whoever violates subsection (b) hereof is guilty of a minor misdemeanor.  
(Ord. 84-62. Passed 7-30-84.)

#### 1719.05 APPLICATION.

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 fuses, 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 or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State 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 twenty-five hundredths 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 following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than two hundred 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)

1719.99 PENALTY.

Whoever violates any provision of this chapter, for which no other penalty is provided, is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

**CHAPTER 1721**  
**Access Requirements for**  
**Fire Department Vehicles and Apparatus**

1721.01	Access to commercial, industrial and multifamily properties.	1721.06	Grade requirements for access roadways.
1721.02	No obstruction of required roadways.	1721.07	Radius requirements for access roadways.
1721.03	Location of access roadways.	1721.08	Deadend access roadway requirements.
1721.04	Dimensions for access roadways.	1721.99	Penalty.
1721.05	Location near hydrants.		

**CROSS REFERENCES**

Access for Fire Department vehicles - see P. & Z. 1161.14

**1721.01 ACCESS TO COMMERCIAL, INDUSTRIAL AND MULTIFAMILY PROPERTIES.**

Every new commercial, industrial or multifamily development shall be designed and constructed so as to be accessible to Fire Department vehicles and apparatus by way of an access roadway or roadways. Such roadway or roadways shall be constructed of an all-weather driving surface. (Ord. 87-76. Passed 10-20-87.)

**1721.02 NO OBSTRUCTION OF REQUIRED ROADWAYS.**

(a) No access roadway required for Fire Department vehicle access shall be obstructed in any manner at any time, including by the parking of vehicles upon it.

(b) Each owner of a commercial, industrial or multifamily property, as part of any new proposed development, shall be required to identify and mark fire lanes upon plans which receive the approval of the Fire Marshal. (Ord. 87-76. Passed 10-20-87.)

**1721.03 LOCATION OF ACCESS ROADWAYS.**

(a) Required access roadways shall be designed and constructed so that no portion of the exterior of the first story of any commercial, industrial or multifamily building is more than 150 feet from an access roadway. In the event that a development is proposed which has an insufficient access roadway, then the developer shall obtain the approval of the Fire Marshal for a required alternate fire protection system.

(b) Required access roadways shall be designed so as to be parallel to at least one entire side of a proposed commercial, industrial or multifamily building. In the event that any such building is more than 100 feet in width or 600 feet in length, then access roadways shall be provided along two dimensions of the building.

(c) No access roadway shall be located more than twenty-five feet away from the building it services. (Ord. 87-76. Passed 10-20-87.)

#### 1721.04 DIMENSIONS FOR ACCESS ROADWAYS.

(a) Required access roadways shall be a minimum of twenty feet in width, shall provide adequate turning radius for Fire Department vehicles and shall be capable of supporting loads of Fire Department apparatus. Such roadways shall further provide for a minimum of thirteen feet six inches of vertical clearance.

(b) In the event that any commercial, industrial or multifamily proposed development provides for a building with a height of more than thirty-five feet above natural grade, then the required access roadway for such building shall be a minimum of twenty-six feet wide. (Ord. 87-76. Passed 10-20-87.)

#### 1721.05 LOCATION NEAR HYDRANTS.

Where a required access roadway is located adjacent to a fire hydrant, it shall be constructed of a minimum width of twenty-six feet within twenty feet in each direction of the hydrant. (Ord. 87-76. Passed 10-20-87.)

#### 1721.06 GRADE REQUIREMENTS FOR ACCESS ROADWAYS.

The maximum grade and grade difference for access roadways upon commercial, industrial and multifamily properties shall be determined by the City Engineer based upon sound engineering principles and the topography of the land upon which a development is proposed. In no event shall the grade of an access roadway or the grade difference upon an access roadway exceed twelve percent (12%). (Ord. 87-76. Passed 10-20-87.)

#### 1721.07 RADIUS REQUIREMENTS FOR ACCESS ROADWAYS.

All required access roadways upon commercial, industrial and multifamily properties shall be constructed with a minimum turning roadway radius conforming to a forty-eight foot radius semitrailer template as detailed in Exhibit A, which is attached to original Ordinance 87-76. (Ord. 87-76. Passed 10-20-87.)

#### 1721.08 DEADEND ACCESS ROADWAY REQUIREMENTS.

(a) Where practicable, all required access roadways upon commercial, industrial and multifamily properties shall be looped to facilitate ingress and egress of Fire Department vehicles upon the property.

(b) In the event that is impracticable to provide a looped access roadway upon a proposed commercial, industrial or multifamily development, then the developer shall provide deadend access roadways which meet the requirements set forth in Exhibit B, which is attached to original Ordinance 87-76. (Ord. 87-76. Passed 10-20-87.)

**1721.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined a maximum of five hundred dollars (\$500.00) for each violation. Each day upon which a violation continues shall be deemed to be a separate violation for purposes of this chapter.  
(Ord. 87-76. Passed 10-20-87.)