

CODIFIED ORDINANCES OF NORTHFIELD  
PART SIXTEEN - FIRE PREVENTION CODE

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**CHAPTER 1610**  
Ohio Fire Code

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**CROSS REFERENCES**

Adoption of technical codes - see Ohio R.C. 731.231  
 Power to regulate against fires - see Ohio R.C. 737.27, 3737.08  
 Right to examine buildings - see Ohio R.C. 737.34 et seq., 3737.14  
 State Fire Marshal - see Ohio R.C. Ch. 3737  
 Gasoline, oils and paint - see Ohio R.C. Ch. 3741  
 Driving over fire hoses - see TRAF. 432.28  
 Fire lanes - see TRAF. 452.15  
 Arson - see GEN. OFF. 642.06, 642.07  
 Covering fire hydrants or connections - see GEN. OFF. 660.16  
 Fireworks - see GEN. OFF. 678.10  
 Misdemeanor classifications and penalties - see GEN. OFF. Ch. 698  
 Key lock box systems - see FP Ch. 1612

**1610.01 OHIO FIRE CODE ADOPTED.**

Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality the most recent edition of the Ohio Fire Code (OF), as adopted by the Ohio Department of

Commerce, Division of State Fire Marshal, published in Division 1301:7 of the Ohio Administrative Code (OAC).

(Ord. 2013-23. Passed 2-13-13.)

#### **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 Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

#### **1610.035 RIGHT OF ENTRY OF FIRE SAFETY INSPECTOR.**

In the discharge of his or her duties, a Village Fire Safety Inspector shall have the authority to enter, at any reasonable time or at any time demanded by the circumstances, any building, structure, or premises in the interests of enforcing the provisions of this Code, and the owner or occupant of any building or premises, or the person in charge thereof, shall give such Fire Safety Inspector free access to such buildings or premises for the purpose of inspection, examination, or survey.

(Ord. 2013-23. Passed 2-13-13.)

#### **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 under former Ohio R.C. 3303.07 or Ohio R.C. 4765.55 evidencing his or her satisfactory completion of a fire safety inspector training program.

(ORC 3737.34)

(b) The Municipal Fire Safety Inspector, upon examination or inspection, shall issue citations when he or she 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. Citation enforcement may be by use of the procedures established by Ohio R.C. 3737.42 for hearing on the citation or Ohio 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 subsection 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 Municipal Attorney shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

#### **1610.05 COMPLIANCE REQUIRED.**

(a) No person shall knowingly violate any provision of the Ohio Fire Code, as adopted in Section 1610.01, 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 prescribed in the Ohio Fire Code or fail to comply with the Municipal application and plan submission and processing requirements, including payment of the fees designated therefor.

#### **1610.06 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)

#### **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.  
(ORC 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 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)

**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.  
(ORC 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 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 or a provisional certificate issued by the Ohio Fire Marshal.  
(ORC 3737.65(A), (B))

**1610.11 FILE AND DISTRIBUTION COPIES.**

Copies of the Ohio Fire Code, as adopted in Section 1610.01, are on file with the Administrative Clerk for inspection by the public. Copies are also on file in the County Law Library. In addition, the Administrative Clerk has copies available for distribution to the public, at cost.

**1610.12 CONFLICT 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 Ohio R.C. Chapter 3743 prevail in the event of a conflict.  
(OAC 4101:2-1-04(B); ORC 3781.11(B))

(b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the stricter standard shall control.

**1610.13 PERMIT FEES.**

Except for those permits that are issued and authorized by the State Fire Marshal, the following permits shall be required to be obtained from the Fire Chief, Municipal Fire Safety Inspector, or their designee, based upon the fee schedule indicated.

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|--|---|-------------------|
| (a) Fire Prevention Permits.                               |   |                   |
| (1)  | Fire alarm system installation and annual testing.                    | \$75              |
| (2)  | Kitchen hood installation and annual testing.                         | \$75              |
| (3)  | Sprinkler system installation and annual testing.                     | \$75              |
| (4)  | Pre-occupancy inspection.   | \$75              |
| (5)  | Additional fee if site or witness visit or certification is required. | \$25              |
| (b) New Construction Fees.                                 |   |                   |
| (1)  | Plan review and initial inspection.                                   | \$200             |
| (2)  | Additional inspections.   | \$50 per visit    |
| (c) Existing Business/Nonresidential Property Inspections. |   |                   |
| (1)  | Annual fire safety inspection.  | no charge         |
| (2)  | Annual fire safety first reinspection.                                | no charge         |
| (3)  | Annual fire safety second reinspection.                               | \$50              |
| (4)  | Annual fire safety third reinspection.                                | \$100             |
| (d) Special Fire Prevention Permits.                       |   |                   |
| (1)  | Hydrant use.  | no charge         |
| (2)  | Bonfire permit.   | \$25 + site visit |
| (3)  | Outdoor special event.  | \$75 + site visit |

- (4) Outdoor fireworks display. \$75 + site visit  
In the case of outdoor fireworks displays, the Chief or his or her designee shall also determine the appropriate number of firefighters required to be on scene from one-half hour before until one-half hour after the display at a rate of \$25 per firefighter per hour.
- (5) Indoor fireworks or pyrotechnic display. \$75 + site visit.  
In the case of indoor fireworks or pyrotechnic displays, the Chief or his or her designee shall also determine the appropriate number of firefighters required to be on scene from one-half hour before until one-half hour after the display at a rate of \$25 per firefighter per hour.
- (e) All permit fees and firefighter site presence fees shall be paid prior to the permit being issued.
- (f) At least forty-eight hours' notice is required for all tests that need to be witnessed by a fire prevention officer.
- (g) All annual or expiring permits shall be renewed prior to their expiration date.
- (h) Schools, churches or houses of worship, and publicly owned buildings are required to obtain any required permits but are not required to pay permit fees.
- (i) Applications for permits shall be made to the Village Fire Department on forms prescribed by the Fire Chief. The Fire Chief or his designee may require permit applications to include plans or drawings necessary for evaluation of the application and permit.

- (j) Entities that regularly require multiple inspections within a calendar year related to fire alarm annual testing, kitchen hood annual testing, or sprinkler system annual testing shall be permitted to remit a \$150 annual inspection permit fee payment in lieu of the \$75 permit fee per inspection. Such entities shall still be responsible for any \$25 witness visit or certification fees for each inspection that requires a visit or Fire Department certification. The \$150 annual inspection permit fee shall not cover pre-occupancy inspections, new construction fees, second or more re-inspection fees for the same violation, or any special fire prevention permits set forth in subsection (d) of this section.

(Ord. 2013-101. Passed 10-9-13; Ord. 2014-63. Passed 12-10-14.)

#### **1610.99 PENALTY.**

(a) Criminal Penalties.

- (1) Except as a violation of Ohio R.C. 2923.17 involves subject matter covered by the Ohio Fire Code, and except as such a violation is covered by Ohio R.C. 3737.99(G), whoever violates Section 1610.035 or Section 1610.05(a) is guilty of a misdemeanor of the first degree.  
(ORC 3737.99(B)) (Ord. 2013-23. Passed 2-13-13.)
- (2) Whoever violates Section 1610.05(b) or 1610.06 is guilty of a minor misdemeanor.  
(ORC 3737.99(C))
- (3) Whoever violates Section 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree.  
(ORC 3737.99(D))
- (4) Whoever violates Section 1610.08 or 1610.10 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 prescribed by Ohio R.C. 3737.42, or a substantially similar Municipal ordinance, 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 under this chapter shall be paid to the Clerk of Council 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.  
(ORC 3737.51(B) to (H))