



City of Ashtabula

Ashtabula City Council
Safety Forces Committee

Monday, May 22, 2023 at 8:45 AM
4717 Main Avenue, Ashtabula, OH 44004

Agenda

- 1. Opening of Committee Meeting**
 - a. Call to Order
 - b. Roll Call
 - c. Sunshine Law Certification
- 2. Welcome and Acknowledgement of Visitors**
- 3. Police Department – Chief’s Report**
 - a. April 2023 Safety Stats
- 4. Fire Department – Chief’s Report**
 - a. Proposed Fire Prevention Code Update
- 5. City Manager’s Report**
- 6. City Solicitor’s Report**
- 7. Unfinished Business**
- 8. New Business**
- 9. Next Meeting**
 - a. Monday, June 26th, 2023 at 8:45 a.m.
- 10. Adjournment**

Memo

To: Chief Robert Stell
From: Michelle Bradley, Records
Date: May 9, 2023
Re: Report & call statistics for **April 2023**

As per your request, I compiled the statistics regarding the reports generated by our Department and the Calls for Service that our Department responded to, some which generated reports and some that did not, but all that our officers responded to during the time period listed above. I have also included the Adult Traffic Arrests, the Juvenile Arrests, and the Adult Physical Arrests for the above time period.

<u>Reports</u>	<u>Crash Reports</u>	<u>Calls for Service</u>
310	18	1373
<u>Adult Traffic Arrests</u>	<u>Juvenile Arrests</u>	<u>Adult Arrests</u>
50	3	41

Respectfully Submitted,

Michelle Bradley

Michelle Bradley

Police Records/TAC



ASHTABULA POLICE DEPARTMENT
110 W 44TH ST #1
ASHTABULA, OH 44004

Statistics Overview

RMS Statistics for Month: 04 Year: 2023

Print Date: 05-09-2023

Print Time: 10:37

System	Total
Arrests	79
Incident Reports	310
Crashes	18
CFS	1373
Field Contacts	0
SWC	0
Towed Vehicles	0
Warnings	0
Warrants	85

PART FIFTEEN - FIRE PREVENTION CODE

Chap. 1501. Ohio Fire Code.

Chap. 1511. Open Burning.

Chap. 1519. Fireworks.

Chap. 1525. Fire-Damaged Structures.

CITY OF ASHTABULA

CHAPTER 1501

Ohio Fire Code

1501.01 Adoption.

1501.02 Purpose. **Definitions**??

1501.03 Application.

1501.04 Enforcement.

1501.05 Compliance.

1501.06 Posting arson laws.

1501.07 Setting fires which spread.

1501.08 Unfriendly fires in buildings; alarm duties.

1501.09 Disclosure of true Fire Safety Inspector status.

1501.10 Fire equipment sale or use; certification of installers.

Comment [C1]: Do we want to add general definitions to 1501?

- 1501.11 Copies.
- 1501.12 Conflict.
- 1501.13 Enforcement by Bureau of Fire Prevention.
- 1501.14 Investigation of fires.
- 1501.15 Key lock box system.
- 1501.16 Standards for securing buildings.
- 1501.17 Marking or identifying unsafe structures.
- 1501.18 Outdoor combustion furnaces prohibited.
- 1501.19 Propane exchange permit required.
- 1501.20 Commercial cooking systems fire extinguishing systems; acceptance testing.
- 1501.99 Penalty.

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.

1501.01 ADOPTION.

(a) There is hereby adopted by the Municipality, the current edition of the Ohio Fire Code (OFC), as adopted **and as may be amended** by the Ohio Division of State Fire Marshal, Department of Commerce, and as published in Division 1301:7 of the Ohio Administrative Code (OAC) **including all appendices and checklists thereto.**

Comment [C2]: Cleans up the adoption of OFC and includes appendices

(Ord. 2001-30. Passed 3-5-01.)

~~—(b) There is hereby adopted NFPA 1141 “Standard for Planned Fire Protection in Building Groups” as the same may be amended from time to time.~~

Comment [C3]: Not needed

~~(b) The Ohio Fire Code as developed and issued by the Ohio Division of State Fire Marshal, Department of Commerce, and as such Code is published in Division 1301:7 of the Ohio Administrative Code, and as such Fire Code and all of the standards, references and adopted codes are amended to this date.~~

Comment [C4]: Clearly adopted the referenced standards in OFC

~~(c) All subsequently adopted technical amendments, revisions, authorizations and deletions or other changes in the standards, rules and regulations contained in any code references or regulations incorporated herein by reference shall for the purposes of the enforcement of this Code be considered to be adopted as if by ordinance and duly enacted by City Council unless expressly stated otherwise in this Code. This includes any revisions made to the Ohio Fire Code, and adopted by the Ohio Division of State Fire Marshal, Department of Commerce.~~

Comment [C5]: Adopts any other rules or interim amendments adopted by Ohio Fire Marshal

1501.02 PURPOSE.

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

1501.03 APPLICATION.

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

1501.04 ENFORCEMENT.

(a) No person shall serve as a Municipal Fire Safety Inspector unless he or she has received a certificate issued under former Section 3303.07 of the Ohio Revised Code or present Section 4765.55 of the Ohio Revised Code, evidencing his or her satisfactory completion of a Fire Safety Inspector Training Program.

Unless entry is refused by an owner or his agent, upon presentation of proper credentials, the Inspector may, at all reasonable times, enter any dwelling structure, commercial structure or any other building or property in the City to perform any duty imposed upon them by the Codified Ordinances. When a property owner denies the Inspector entry onto his property for the purposes of making an inspection, they may apply for and obtain a search warrant in order to gain access to such property. Nothing contained in this section shall limit the right of immediate entry by the inspector onto any property in the City when he or she determines that an emergency exists.

Comment [C6]: Covers entry of property for inspection for all property not just commercial

(b) The Municipal Fire Safety Inspector, upon examination or inspection, finds a building or other structure is especially liable to fire or endangers life or other property shall issue citations when he finds conditions which are especially dangerous to the safety of persons, buildings, premises or property, including any condition set forth in the Ohio Fire Code or in any provision of Ohio R.C. Chapter 3737, such officer shall issue a citation and order such building or structure be repaired, torn down, demolished or materials removed, and all dangerous conditions remedied. In cases of emergency or imminent danger to persons or property, the Inspector may issue a verbal order for immediate vacation of the building or premises.

Comment [C7]: Clearly addresses ORC 3737.41

(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 and a copy shall be furnished to the Ohio Fire Marshal. 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. For purposes of this chapter, "responsible person" shall include, but not necessarily be limited to, an owner of the real property in question; a tenant in occupancy under or oral or written lease; **lessee; agent; operator** or any other person or entity that has a right of control over the interior and exterior of the building, ~~or structure~~ **or vehicle** involved. **Responsible persons can include individuals, heirs, executors, administrators or assigns, business associations, partnerships or corporations, its or their successors or assigns or the agent of any of the aforesaid.**

Comment [C8]: Responsible party additions

(d) Enforcement may be by any procedure established in said Chapter 3737, by means of filing a criminal complaint or citation, or both. For criminal proceedings, the complaint or citation shall be as prescribed by the Ohio Rules of Criminal Procedure, and shall reference the numerical designation of the applicable Municipal Ordinance, the specific provision of the Ohio Fire Code, and/or the applicable violation of Ohio R.C. Chapter 3737.

(e) Upon request of the Fire Chief, or Municipal Fire Safety Inspector, the Ashtabula City Solicitor shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

(Ord. 2007-151. Passed 12-3-07.)

1501.05 COMPLIANCE.

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

(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, **ORC 3737**, ~~or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.~~

Comment [C9]: Adds compliance with 3737.41 to compliance requirement

1501.06 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any 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)

1501.07 SETTING FIRES WHICH SPREAD.

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

(ORC 3737.62)

1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

(a) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under ~~the any Ohio Basic Building Code~~ **building code or Ohio Fire 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.

Comment [C10]: "Basic" building code does not exist

(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)

1501.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

No person who is not a certified Fire Safety Inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is

not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency. (ORC 3737.64)

1501.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

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

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate issued by the Ohio Fire Marshal. (ORC 3737.65)

(c) No person shall modify, adapt or alter a fire suppression system without first obtaining proper permits and or licenses.

1501.11 COPIES.

Copies of Codes as adopted in this chapter are on file with the Fire Department for inspection by the public.

1501.12 CONFLICT.

In cases where the Ohio Fire Code conflicts with the Ohio Building Code and or any other municipal ordinance or technical code, the Code Enforcement Official may enforce the more restrictive provision.

1501.13 ENFORCEMENT BY BUREAU OF FIRE PREVENTION.

This Part Fifteen - Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City, which is established and which shall be operated under the supervision of the Chief of the Fire Department.

(1980 Code 151.03; Ord. 6842)

1501.14 INVESTIGATION OF FIRES.

(a) The City hereby invests the position of Captain, Fire Prevention Bureau and all other ranks within the Fire Prevention Bureau, of the City Fire Department with the power and imposes on them the duty to, investigate the cause of all fires, examine witnesses, compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties.

Each such officer may administer oaths, make arrests, and enter, for the purpose of examination, any building which, in his opinion, is in danger from fire. The officer shall report his proceedings to the legislative authority at such times as as are required.

(b) (EDITOR'S NOTE: Former subsection (b) was repealed by Ordinance 1998-28, passed March 16, 1998.)

(c) This officer may enter for the purpose of examination, any building which, in his opinion, is in danger from fire. The officer shall report his proceedings to Council and the City Manager at such times as they require. (Ord. 1998-28. Passed 3-16-98.)

1501.15 KEY LOCK BOX SYSTEM.

(a) The following structures, as determined by the Fire Chief or Fire Prevention Officer, shall be equipped with a key lock box at or near the main entrance or such other location.

(1) Commercial or industrial structures protected by an automatic alarm system; or such structures that are secured in a manner that restricts access during an emergency;

(2) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;

(3) Governmental structures, nursing care and institutional facilities.

(4) Residential structures subject to the Ohio Fire Code.

Comment [C11]: Forces Knox boxes on apartment building with common hallway

(b) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to occupancy. All structures in existence on the effective date of this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational.

(c) The Fire Chief or Fire Prevention Officer shall designate the type of key lock box system to be implemented within the City and shall have the authority to require all structures to use the designed system.

(d) The owner or operator of a structure required to have a key lock box shall, at all times, keep such key(s) in the lock box as determined by the Fire Chief or Fire Prevention Officer; that will allow for access to the structure.

(e) The Fire Chief or Fire Prevention Officer shall be authorized to implement rules and regulations for the use of the lock box system.

(f) Any person or occupant not complying with this section shall be subject to a one hundred dollar (\$100.00) **fine for each day of noncompliance.**

Comment [C12]: Continued penalty

(g) The owner or operator of a structure that has installed a lock box key entry system for Police personnel, in conjunction with fire entry, authorizes Police personnel emergency entrance to the structure. The Chief of Police shall be authorized to implement rules and regulations which will allow emergency access into the structure.

(Ord. 2000-74. Passed 6-19-00.)

1501.16 STANDARDS FOR SECURING BUILDINGS.

(a) Any responsible person, as defined in subsection (d) below, who has been notified by the Fire Department or a Municipal Fire Safety Inspector that a building or structure shall be made safe or secure under Ohio Fire Code Section 110, upon receipt of said notice shall:

(1) Remove all hazardous materials, as defined in **Section 2701 of** the Ohio Fire Code, from the building until such time as the building is secured or reoccupied, unless storage is permitted in writing by a Municipal Fire Safety Inspector and the building is equipped with an automatic sprinkler system which is maintained and fully functional; and

Comment [C13]: No longer the correct section and does need to be specified

(2) Remove all combustible materials, including fixtures which are not permanently attached, unless the building is equipped with an automatic sprinkler system which is maintained and fully functional; and

(3) Remove all materials determined by the ~~head~~ Chief of the Fire Department or a Municipal Fire Safety Inspector to be hazardous in case of fire; and

(4) Secure all floors accessible from grade or by a permanent staircase or other permanent components of the building utilizing one of the following methods so long as such method is approved by the ~~head~~ Chief of the Fire Department in writing:

Comment [C14]: Reflects usage of Chief throughout

A. Secure all window and door openings continuously until such time as the building is reoccupied; or

B. Provide continuous (24 hours per day, 7 days per week) watchman services until such time as the building is lawfully reoccupied; or

C. Provide a continuously-monitored intruder alarm system at the perimeter of all floors accessible from grade, until such time as the building is lawfully reoccupied.

(b) The terms “secure” and “secured” as used in this section shall mean, at a minimum, that a solid covering shall be placed over all doors and windows which are within fifteen (15) feet of the exterior grade, consisting of one-half inch thick plywood attached to the framing of all such doors and windows by wood screws of a minimum length of one and one-half inches placed not more than 24 inches on center. Such plywood shall be painted with a minimum of two coats of exterior paint of a color similar to the building.

(c) If deemed necessary by the ~~head~~ Chief of the Fire Department, ~~the Fire Department~~ or a Municipal Fire Safety Inspector may enter and inspect any building secured prior to the adoption of this section to monitor for compliance with this section. In the event that the Fire Department or a Municipal Fire Safety Inspector determines that the previously secured building does not comply with the provisions of this chapter, the ~~head~~ Chief of the Fire Department ~~or Municipal Fire Safety Inspector~~ may issue an order to the building owner to comply with this section within a reasonable period of time

Comment [C15]: Reflects usage of Chief throughout

Comment [C16]: Permits CFSI to issue order

(d) No responsible person shall knowingly fail to comply with this section. For purposes of this section, “responsible person” shall include, but not necessarily be limited to, an owner of the real property in question; a tenant in occupancy under an oral or written lease; or any other person ~~lessee; agent; operator~~ or entity that has a right of control over the interior and exterior of the building ~~or structure, or vehicle~~ involved. Responsible persons can include individuals, heirs, executors, administrators or assigns, business associations, partnerships or corporations, its or their successors or assigns or the agent of any of the aforesaid.

Comment [C17]: Further identifies responsible party

(Ord. 2007-152. Passed 12-3-07.)

1501.17 MARKING OR IDENTIFYING UNSAFE STRUCTURES.

(a) Any vacant or unoccupied building or structure determined after inspection by the Fire Department or a Municipal Fire Safety Inspector to be especially liable to fire or to endanger life or other property by reason of damage, lack of repair, age or dilapidation, shall be identified and marked by the Fire Department or Municipal Fire Safety Inspector to indicate the degree of hazard.

Comment [C18]: Reflects the current usage of department

(b) In marking such building, the following symbols shall be used:



This symbol shall mean the building has been inspected and considered stable at the time of the inspection.



This symbol shall mean that an interior hazard exists to such a degree that interior operations shall be conducted with extreme caution.



This symbol means that severe structural deficiencies or severe interior deficiencies exist to such a degree that operations shall be from the outside except for when a credible life hazard exists.

R/O Shall be added to the marking indicating the roof of the building is open.

S/M Shall be added to the placard indicating there are stairs, steps or a landing missing or damaged.

H/F Shall be added to the placard indicating there are holes in the floor.

F/E Shall be added to the placard to indicate the fire escapes should not be used.

(c) All markings required by this section shall be applied on the front of the building in close proximity to the front entrance, and in a location visible from the street where practical. Markings may be applied to the sides or the rear of a building if the Fire Department deems such placement necessary. Markings shall not be applied over doors, windows, or other openings where they may be obscured by smoke or fire.

(d) Markings shall be a minimum of 24 inches by 24 inches. Markings shall either be on a placard with a reflective background or painted with a reflective paint of contrasting color directly on the surface of the building.

(Ord. 2007-153. Passed 12-3-07.)

1501.18 OUTDOOR COMBUSTION FURNACES PROHIBITED.

(a) For purposes of this section, the term “Outdoor Combustion Furnace” shall mean any device located outside a main or primary dwelling or commercial structure, whether or not enclosed in an appurtenant shed, attached or detached garage or similar structure, which is intended to provide heat or heated water to any portion of the primary dwelling or commercial structure by combustion of wood, wood pellets, cellulose, other biomass, coal or charcoal.

(b) No person shall construct, establish, install, operate or maintain an Outdoor Combustion Furnace on any residential or commercial property located within the corporate limits of the City of Ashtabula, Ohio.

(c) This section shall not apply to:

(1) A properly installed and maintained fireplace or wood-burning stove used only to provide heat in the structure it occupies;

(2) A properly installed and maintained kiln used in the creation of ceramics and similar products on a property zoned for such activity; or

(3) A properly installed and maintained craft forge located on a property zoned for such activity. (Ord. 2012-107. Passed 7-2-12.)

1501.19 PROPANE EXCHANGE PERMIT REQUIRED.

(a) Any person, corporation, partnership, limited liability company or other entity installing and/or operating a propane exchange locker, cabinet, vault, etc., within the corporate limits of the City of Ashtabula which is accessible by consumers, shall first obtain a written permit from the Ashtabula Fire Division, referred to herein as the Fire Department. ~~Businesses with a propane exchange operation in existence as of October 1, 2016, shall have until December 31, 2016 to apply for a permit.~~

~~Permits issued pursuant to this Section shall be effective for a period of one (1) year, after which a permit renewal application must be filed.~~

Comment [C19]: No longer needs to be retroactive

(b) The application for permit shall include: ~~all required documentation as required by the Ohio Fire Code and any referenced documentation permitting process and subsequent sections regarding the installation and maintenance of facilities, businesses or locations whose purpose if the distribution, filling or resale of propane cylinders.~~

Comment [C20]: Removes the need for detailed application needs and ensures it agrees with future editions of OFC

~~(1) Site plan drawings of the site location and conditions, including all buildings and structures, the location of tanks with regards to building openings, lot lines and fuel dispensing equipment. Drawings shall be generated by the installing company specific to the installation. Drawings shall show a plan view and other pertinent information as required by the Fire Department.~~

~~(2) The name, address, and telephone number of the applicant, and a list of responsible persons who may be contacted in connection with the applicant's propane exchange activities.~~

~~—~~

~~(c) (1) No consumer-accessible propane exchange locations shall be installed or operated on any site in the City until a permit has been issued.~~

~~(2) No work on any consumer-accessible propane exchange location is to be performed prior to the issuance of a permit.~~

~~(3) All consumer-accessible propane exchange installations shall comply with plans approved by the Fire Department.~~

~~(d) Any deviation from the approved plans shall require a re-submittal to the Fire Department. Any subsequent change in any installation shall require a re-submittal to the Fire Department and full compliance with this Section.~~

~~(e) Plans approved by the Fire Department give authorization for installation. Final approvals are subject to field verification. Any approval issued by the Fire Department does not release the contractor or property owner from the responsibility of full compliance with all applicable codes and ordinances.~~

~~(f) All installation work shall be in accordance with the Ohio Fire Code and National Fire Protection Association Standard 58 (2001 Edition), Standard for the Storage and Handling of Liquefied Petroleum Gases.~~

~~(1) Installations stored next to buildings are limited to an aggregate capacity of 2000 pounds.~~

~~(2) Cages shall be located with the minimum separation distances listed:~~

~~— A. 10 feet from all building openings, windows, doors, vent pipes, etc.~~

~~— B. 10 feet from lot lines~~

~~— C. 10 feet from combustible materials~~

~~— D. 20 feet from motor fuel dispensing equipment~~

~~— (3) When the cages are stored outside of buildings beneath the eaves, canopies, or overhangs, the area shall be protected by an approved sprinkler system~~

~~— (4) Lockers shall be protected from vehicle damage in accordance with Ohio Fire Code, Section 312, and shall meet the following minimum specifications:~~

~~— A. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.~~

~~— B. Spaced not more than 4 feet (1219 mm) between posts on center.~~

~~— C. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.~~

~~— D. Set with the top of the posts not less than 3 feet (914 mm) above ground.~~

~~— E. Located not less than 3 feet (914 mm) from the protected object.~~

~~Alternative methods may be used for impact protection, provided documentation of compliance with the prescriptive requirements of the NFPA 58 and the Ohio Fire Code is supplied, unless the Fire Department determines such methods are not suitable or safe for the proposed location.~~

~~— (5) Cages shall be a lockable ventilated metal locker or rack that prevents tampering and pilfering.~~

~~— A. Cages shall be designed so that containers cannot be stacked on top of each other and designed so that containers are positioned upright with the pressure-relief valve in direct communication with the vapor space of the container.~~

~~— (g) No person, corporation, partnership, limited liability company or other entity shall operate any propane exchange business within the corporate limits of the City of Ashtabula accessible by consumers in violation of any of the following provisions:~~

~~— (1) A portable fire extinguisher complying with Ohio Fire Code, Section 906 shall be supplied and maintained.~~

~~(2) All containers shall be protected by screw-on type caps or collars and container outlet valves shall be closed and plugged when in storage.~~

~~(3) Defective containers or containers showing denting, bulging, or excessive corrosion shall be removed from service and properly disposed of.~~

~~(4) NO SMOKING signs and approved NFPA 704 hazard identification signs shall be posted on the exchange cage.~~

~~(5) Signs listing exchange procedures, company name and 24 hour phone numbers shall be posted on the cage.~~

~~(6) Signs requiring that customers leave LPG containers outside shall be posted at the building entrance(s).~~

~~(7) All employees with access to the exchange cage shall be trained in the proper handling and operating procedures, including the procedure for handling defective containers.~~

~~(8) A written inspection checklist for receiving empty containers as well as giving out full cylinders shall be available and used by employees when handling containers.~~

~~(9) Lockers shall be placed in a location protected from vehicle damage in accordance with Ohio Fire Code, Section 312, which protection shall meet the following minimum specifications:~~

~~A. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.~~

~~B. Spaced not more than 4 feet (1219 mm) between posts on center.~~

~~C. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15 inch (381 mm) diameter.~~

~~D. Set with the top of the posts not less than 3 feet (914 mm) above ground.~~

~~E. Located not less than 3 feet (914 mm) from the protected object.~~

~~Alternative methods may be used for impact protection, provided documentation of compliance with the prescriptive requirements of the NFPA 58 and the Ohio Fire Code is supplied, unless the Fire Department determines such methods are not suitable or safe for the proposed location. (Ord. 2016-140, Passed 10-17-16.)~~

Comment [C21]: Replaced by B above

1501.20 COMMERCIAL COOKING SYSTEMS FIRE EXTINGUISHING SYSTEMS; ACCEPTANCE TESTING.

(a) For the purposes of this Section, the term "Commercial Cooking System" shall mean any appliances used in a commercial food service establishment for heating or cooking food and which produce grease vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers, upright broilers, griddles, broilers, steam-jacketed kettles, hot-top ranges, under-fired broilers (charbroilers), ovens, barbecues, rotisseries, and similar appliances.

(b) No commercial cooking system shall be operated or used without a cooking fire suppression system that complies with the current edition of the Ohio Fire Code and passes the acceptance test required herein.

(c) The acceptance test for all wet-chemical systems shall be a full-flow system test. This test shall be witnessed by an Ohio Certified Fire Safety Inspector in the employ of the City of Ashtabula.

(d) This Section shall not apply to factory-built commercial cooking recirculating systems that are tested in accordance with UL 710B as listed in rule 1301:7-7-80 of the Ohio Administrative Code and listed, labeled and installed in accordance with section 304.1 of the Mechanical Code as listed in rule 1301:7-7-80 of the Ohio Administrative Code.

(Ord. 2018-117. Passed 12-17-18.)

1501.99 PENALTY.

(a) Criminal Penalties.

(1) Whoever violates any provision of Chapter 1501 for which no other penalty is provided is guilty of a misdemeanor of the first degree.

(2) Whoever violates Section 1501.05(b) is guilty of a minor misdemeanor. (ORC 3737.99)

(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 a period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements, as prescribed by Section 1501.04(c), shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.

(5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.

(6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

(ORC 3737.51(B) to (H))

CITY OF ASHTABULA

CHAPTER 1511

Open Burning

1511.01 Definitions.

1511.02 Relations to other prohibitions.

1511.03 Open burning in restricted areas.

1511.04 Permission to individuals and notification to the Ohio EPA.

1511.05 Open burning; recreational fires; portable outdoor fireplaces.

1511.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law

Air pollution control - see Ohio R.C. Ch. 3704

Permit to burn construction debris - see Ohio R.C. 3704.11(C)

Spreading fire through negligence - see Ohio R.C. 3737.62

Open burning - see OAC Ch. 3745

1511.01 DEFINITIONS.

As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

(a) "Agricultural waste" means any waste material generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings (including dismantled/fallen barns); garbage; dead animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

(b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.

(c) "Garbage" means any waste material resulting from the handling, processing, preparation, cooking and consumption of food or food products.

(d) "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

(e) "Land clearing waste" means plant waste material which is removed from land, including plant waste material removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial, or industrial development. Land clearing waste also includes the plant waste material generated during the clearing of land for new agricultural development.

(f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.

(g) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09 or 3745-17-10.

(h) "Residential waste" means any waste material, including landscape waste, generated on the property of a one-, two- or three-family residence as a result of residential activities, but not including garbage, rubber, grease, asphalt, liquid petroleum products, or plastics.

(i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.

(j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.

(OAC 3745-19-01)

(k) "Bonfire" means an outdoor fire utilized for ceremonial purposes.

(l) "Recreational fire" means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

(OAC 1301:7-7-03)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.

(OAC 3745-19-02)

1511.03 OPEN BURNING IN RESTRICTED AREAS.

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof; in Ohio R.C. 3704.11 and in compliance with Section 1511.05 of this chapter.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

(1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

(2) Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

A. They are fueled with clean seasoned firewood, natural gas, or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;

B. They are not used for waste disposal purposes; and

C. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.

(3) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of Rule 3745-50-45 of the Ohio Administrative Code.

(4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

(5) Fires set at the direction of federal, state, and local law enforcement officials for the purpose of destruction of cannabis sativa (marijuana) plant vegetation, processed marijuana material and/or other drugs seized by federal, state or local law enforcement officials.

Fires allowed by subsections (b)(1), (b)(2) and (b)(4) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with subsection (b) of Section 1511.04:

(1) Prevention or control of disease or pests, with written or oral verification to the Ohio EPA from the Ohio Department of Health or local health department, the centers for disease control and prevention, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of subsection (b)(2) hereof, provided the following conditions are met:

A. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;

B. They are not to be used for waste disposal purposes; and

C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.

(3) Disposal of agricultural waste generated on the premises if the following conditions are observed:

- A. The fire is set only when atmospheric conditions will readily dissipate contaminants;
- B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
- C. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
- D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
- E. No materials are burned which contain rubber, grease, asphalt, liquid petroleum products, plastics or building materials.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with subsection (a) of Section 1511.04, provided that any conditions specified in the permission are followed:

(1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in subsection (b)(3) hereof;

(2) Instruction in methods of fire fighting or for research in the control of fire as recognized by the State Fire Marshal Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's (NFPA) publication 1403: "Standard on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in subsection (a)(1) of Section 1511.04 is submitted by the commercial or public entity responsible for the instruction;

(3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and, if required, performed as identified in the appendix to Rule 3745-19-03 of the Ohio Administrative Code. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval;

(4) Recognized horticultural, silvicultural (forestry), range or wildlife management practices; and

(5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television. (OAC 3745-19-03)

1511.04 PERMISSION FROM AND NOTIFICATION TO THE OHIO EPA.

(a) Permission.

(1) An application for permission to open burn shall be submitted in writing to Ohio EPA. The applicant shall allow Ohio EPA at least ten working days to review the permit. Applicant may proceed with burn upon receipt of written permission from Ohio EPA. Saturday, Sunday and legal holidays shall not be considered working days. The application shall be in such form and contain such information as required by the Ohio EPA.

(2) Except as provided in subsection (a)(6) and (a)(7) hereof, such applications shall contain, as a minimum, information regarding:

- A. The purpose of the proposed burning;
- B. The quantity or acreage and the nature of the materials to be burned;
- C. The date or dates when such burning will take place;
- D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
- E. The methods or actions which will be taken to reduce the emissions of air contaminants.

(3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place and manner as to minimize the emission of air contaminants, when atmospheric conditions are appropriate; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Ohio Administrative Code.

(4) Except as provided in subsection (a)(6) hereof, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.

(5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to subsection (a)(1) hereof shall contain information as required in paragraph (a)(2) of this rule, except the information required in subsections (a)(2)C. and (A)(2)D. hereof need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five working days before each training session of the date or dates when the training session will take place and its location. Saturday, Sunday and legal holidays shall not be considered working days.

(7) For open burning defined under subsection (d)(2) of Section 1511.03 , and paragraph (C)(2) of Rule 3745-19-04 of the Administrative Code, permission to open burn shall not be granted unless the applicant provides proof of written notice of intent to demolish received by the appropriate Ohio EPA field office in accordance with Rule 3745-20-03 of the Ohio Administrative Code.

(b) Notification.

(1) Notification shall be submitted in writing at least ten working days before the fire is to be set. Saturday, Sunday and legal holidays shall not be considered working days. It shall be in such form and contain such information as shall be required by the Ohio EPA.

(2) Such notification shall inform the Ohio EPA regarding:

- A. The purpose of the proposed burning;
- B. The nature and quantities of materials to be burned;
- C. The date or dates when such burning will take place; and
- D. The location of the burning site.

(3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect.

(OAC 3745-19-05)

1511.05 OPEN BURNING; RECREATIONAL FIRES; PORTABLE OUTDOOR FIREPLACES.

(a) General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

(b) Prohibited Open Burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

(c) Permit Required. A permit shall be obtained from the Fire Code Official in accordance with Rule 1301:7-7-01 of the Ohio Fire Code prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

(d) Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

(e) Extinguishment Authority. The Fire Code Official is authorized to order the extinguishment by the permit holder, another person responsible or the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.

(f) Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

(g) Exceptions.

(1) Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.

(2) The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

A. Bonfires. A bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition.

B. Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

C. Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

(h) Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with paragraph (F)(906) of rule 1301:7-7-09 of the Administrative Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. (OAC 1301:7-7-03)

1511.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

CITY OF ASHTABULA

CHAPTER 1519

Fireworks

EDITOR'S NOTE: As per Ordinance 2022-71, passed May 2, 2022, the Council of the City of Ashtabula expressly opts-out of the provisions set forth in H.B. 172, and reaffirms the ban on discharging, igniting or exploding fireworks as set forth in Chapter 1519 of the Codified Ordinances of the City of Ashtabula.

1519.01 Definitions.

1519.02 Public exhibition permit required; fee; bond; records.

1519.03 Unlawful conduct by exhibitor.

1519.04 Possession, sale or discharge prohibited; exceptions.

1519.05 Application.

1519.99 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)

1519.01 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 1519.05.
- (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)

1519.02 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. **Police Chief and Fire Chief have the right to waive the collection of this fee.**

Comment [C22]: To my knowledge, we have never collected this fee.

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)

1519.03 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 1519.02 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)

1519.04 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 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 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 1519.02, 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. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under eighteen years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.

(e) Except as otherwise provided in Ohio R.C. 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.05 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 fusees, 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)

1519.99 PENALTY.

Whoever violates any provision of this chapter 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))

CITY OF ASHTABULA

CHAPTER 1525

Fire-Damaged Structures

~~1525.01 Inspection of structure; payment of insurance.~~

1525.02 Fire-damaged security fund.

CROSS REFERENCES

Authority to regulate - see Ohio R.C. 3929.25, 3929.86

1525.01 INSPECTION OF STRUCTURE; PAYMENT OF INSURANCE.

~~—A person, company or association insuring any building or structure against loss or damage by fire or lightning, shall have such building or structure examined by his or its agent, and a full description thereof made, and its insurable value fixed, by such agent. In the absence of any change increasing the risk without the consent of the insurers, and in the absence of intentional fraud on the part of the insured, in the case of total loss the whole amount mentioned in the policy or renewal, upon which the insurer received a premium, shall be paid. However, if the policy of insurance requires actual repair or replacement of the building or structure to be completed in order for the policyholder to be paid the cost of such repair or replacement, without deduction for depreciation or obsolescence, up to the limits of the policy, then the amount to be paid shall be as prescribed by the policy.~~

~~—The cellar and foundation walls shall not be considered a part of such building or structure in settling losses, despite any contrary provisions in the application or policy.~~

~~(Ord. 1992-67. Passed 6-1-92.)~~

Comment [C23]: Insurance company responsibility

1525.02 FIRE-DAMAGED SECURITY FUND.

The City hereby authorizes the procedure described in Ohio R.C. 3929.86, which provides for the deposit of insurance proceeds with the City, to be implemented whereby any insurance company doing business in the State shall comply with the applicable provisions of Ohio R.C. 3929.86 prior to paying a claim to a named insured for fire damage. The Fire Chief is hereby designated as the officer authorized 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.

Comment [C24]: Replaces out language and ensures it always follows the State's

(a) No insurance company doing business in this State shall pay a claim of a named insured for fire damage to a structure located within a municipal corporation or township in this State where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000), unless the company is furnished with a certificate pursuant to subsection (b) hereof, and unless there is compliance with the procedures set forth in subsections (c) and (d) hereof.

(b) (1) The County Treasurer upon the written request of the named insured specifying the tax description of the property and the date agreed upon by the insurance company and the named insured as the date of the receipt of a proof of loss of the claim, shall furnish the named insured, to be supplied by the named insured to the company, either:

A. A certificate to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or charges against the property and that, as of the date of the Treasurer's certificate, no municipal corporation or township has certified to the Auditor any amount as total costs incurred by the municipal corporation or township for removal, repair or securing of buildings or structures on the property pursuant to Ohio R.C. 715.261 or 505.86;

B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Treasurer's certificate, the amount of the total costs, if any, incurred by a municipal corporation or township for removal, repair or securing of buildings or structures on the property that have been certified to the County Auditor under Ohio R.C. 715.261 or 505.86. The County Auditor shall, for the purposes of subsection (b) hereof, certify to the Auditor of the municipal corporation or township.

(2) A. Upon the receipt of a certificate pursuant to subsection (b)(1)A. hereof, the insurance company shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies

covering the building or structure. In the case of such a loss, the insurance company, the insured property owner and the municipal corporation or township shall follow the procedures set forth in subsections (c) and (d) hereof.

—B. Upon the receipt of a certificate and bill pursuant to subsection (b)(1)B. hereof, the insurance company shall return the bill to the Treasurer and transfer to the County Treasurer an amount from the insurance proceeds necessary to pay such taxes, assessments, penalties, charges and costs as shown on the bill. Notwithstanding Ohio R.C. 323.15, the Treasurer shall receive such amount and apply or credit it to payment of the items shown in the bill.

—(c) When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies, in accordance with Ohio R.C. 715.26(F) or 505.86(D), shall transfer from the insurance proceeds to the designated officer of the municipal corporation or township in the aggregate two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000), and each fraction of that amount, of a claim, or, if, at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

—The transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the municipal corporation or township shall be disbursed in accordance with the policy terms.

—The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the municipal corporation or township has not commenced to remove, repair or secure the building or other structure.

—This subsection only applies to municipal corporations or townships that have adopted a resolution, ordinance or regulation authorizing the procedure described in subsections (c) and (d) hereof and have filed a certified copy of the resolution, ordinance or regulation for public record with the Superintendent of Insurance, and applies only to fire losses that occur after the filing of the certified copy. The resolution, ordinance or regulation shall designate the officer authorized to carry out the duties of this section.

—(d) Upon receipt of proceeds by the municipal corporation or township as authorized by this section, the designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the municipal corporation or township pursuant to Ohio R.C. 715.261 or 505.86.

~~—When transferring the funds as required in subsection (c) hereof, an insurance company shall provide the municipal corporation or township with the name and address of the named insured or insureds, whereupon the municipal corporation or township shall contact the named insured or insureds, certify that the proceeds have been received by the municipal corporation or township, and notify them that the following procedures will be followed:~~

~~—The fund shall be returned to the named insured or insureds when repairs, removal or securing of the building or other structure has been completed and the required proof has been received by the designated officer, if the municipal corporation or township has not incurred any costs for the repairs, removal or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the designated officer receives the required proof. If the municipal corporation or township has incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the municipal corporation or township shall transfer, no later than sixty days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of a municipal corporation or township to recover any deficiency under Ohio R.C. 715.261 or 505.86.~~

~~—Nothing in this subsection shall be construed to prohibit the municipal corporation or township and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.~~

~~—(e) Proof of payment by the company or companies of proceeds under a policy in accordance with subsection (c) hereof is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company or companies with subsection (c) hereof.~~

~~—(f) Nothing in this section shall be construed to make an insurance company liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this section, or to make a municipal corporation, township or public official an insured under a policy of insurance, or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this section.~~

~~—(g) An insurance company making payment of policy proceeds under this section for delinquent taxes or structure removal liens or removal expenses incurred by a municipal corporation or township shall have the full benefit of such payment including all rights of subrogation and of assignment.~~

~~—(h) As used in this section and Ohio R.C. 3929.87, "insurance company" or "insurer" includes the Ohio Fair Plan Underwriting Association as established in Ohio R.C. 3929.43.~~

~~(i) This section shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration.~~

~~{Ord. 1992-67. Passed 6-1-92.}~~

Comment [C25]: Replaced with above