

CODIFIED ORDINANCES OF WESTLAKE
PART FIFTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF WESTLAKE
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

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CROSS REFERENCES

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 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.

There is hereby adopted by the Municipality, the Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective September 1, 1995, and any amendments thereto, and as published in Division 1301:7 of the Ohio Administrative Code (OAC). (Ord. 1998-46. Passed 2-19-98; Ord. 2006-86. Passed 10-5-06.)

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 Municipal Fire Safety Inspector unless he has received a certificate issued by the Ohio Superintendent of Public Instruction under Ohio R.C. 3303.07 evidencing his satisfactory completion of a fire safety inspection training program. (ORC 3737.34)

(b) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.

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

(d) The Municipal Fire Chief, Assistant Fire Chief, and any certified fire safety inspector shall have the authority to issue a citation for any Ohio Fire Code violation, if one is found upon inspection or investigation. The citation shall be issued with reasonable promptness in discovering the violation, shall be in writing, and shall describe with reasonable particularity the nature of the violation, including the particular State Code section which has been violated. The citation shall state a reasonable time for which the violator must remedy the violation. All copies of citations issued pursuant to this subsection must be forwarded to the Municipal Fire Chief. The Chief Prosecutor or designee shall prosecute all such violations in accordance with the Codified Ordinances. (Ord. 2006-89. Passed 10-5-06.)

1501.05 COMPLIANCE.

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

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

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 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)

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)

1501.11 COPIES.

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

1501.12 CONFLICT.

(a) The rules of the Ohio Board of Building Standards including the Ohio Basic Building Code shall supersede and govern any order, standard or rule of the Department of Commerce, Division of State Fire Marshal including the Ohio Fire Code, in all cases where such orders, standards or rules are in conflict with the rules of the Ohio Board of Building Standards, except that rules adopted and orders issued by the State Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of conflict. (ORC 3781.11)

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

1501.13 LIMITS FOR STORAGE OF FLAMMABLES, COMBUSTIBLES AND EXPLOSIVES.

The permanent storage of flammable and combustible liquids in outside aboveground tanks, new bulk plants for flammable liquids, bulk storage of liquefied petroleum gas and storage of explosives and blasting agents are prohibited within the entire corporate limits, except the boundaries of the industrial districts as indicated on the Zone Map of the City, and as regulated by the provisions of the Zoning, Building Codes and the Ohio Fire Code.

The temporary use of movable tanks for no more than six (6) months in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles or other motorized equipment on premises to which the public does not have access is permitted provided such installation is approved by the Fire Department. Use of aboveground tanks shall be regulated by the requirements of Rule 1301:7-7-28 of the Ohio Administrative Code. Temporary aboveground storage tank capacities shall not exceed 660 gallons.

A permit shall be required to be issued by the Fire Department for any of the following purposes:

- (a) For the storage, handling or use of Class I liquids exceeding five (5) gallons in an institutional or residential occupancy, or exceeding ten (10) gallons in any other occupancy, or exceeding sixty (60) gallons outside of any building.
- (b) For the storage, handling or use of Class II combustible liquids or Class III combustible liquids exceeding twenty-five (25) gallons in a structure or exceeding sixty (60) gallons outside of a structure, except for fuel oil utilized in connection with oil-burning equipment in single family residential occupancies.
- (c) For the storage of flammable or combustible liquids in aboveground stationary tanks. (Ord. 2001-174. Passed 11-1-01.)

1501.14 MOTOR VEHICLE ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES, DANGEROUS ARTICLES.

(a) The routes for vehicles transporting explosives and blasting agents are hereby established as follows: U.S. Route 20 (Center Ridge Road), State Routes 252 (Columbia Road) and 254 (Detroit Road) and Interstate 90, subject to exceptions as stipulated in Section 339.01 of the Traffic Code for commercial and heavy vehicles.

(b) The routes for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: U.S. Route 20 (Center Ridge Road), State Routes 252 (Columbia Road) and 254 (Detroit Road) and Interstate 90, subject to exceptions as stipulated in Section 339.01 of the Traffic Code for commercial and heavy vehicles.

(c) No person shall transport explosives, blasting agents, hazardous chemicals or other dangerous articles in violation of this section.

**1501.15 FIRE DAMAGED STRUCTURES; REMOVAL OR REPAIR
SECURING FUND.**

The Municipality hereby authorizes the procedure described in Ohio R.C. 3929.86(C) and (D) to be implemented whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within this Municipality unless the applicable provisions of Ohio R.C. 3929.86 are fully complied with. The Fire Chief is hereby designated as the officer authorized to carry out the duties of Ohio R.C. 3929.86. The Clerk of Council shall file a certified copy of this section with the State Superintendent of Insurance. (Ord. 1983-128. Passed 12-1-83.)

1501.16 MAINTENANCE OF FIREPLACES, CHIMNEYS AND VENTS.

(a) The owners or occupants of residential structures consisting of more than three units including but not limited to, apartments, condominiums, hotels, motels, boardinghouses and similar-type shelters and having constructed within such structures or units contained herein, a solid fuel-burning, factory-built fireplace, masonry fireplace, chimney and/or vent shall maintain such fireplace, chimney and/or vent as follows:

- (1) All fireplaces, chimneys and/or vents shall be inspected annually (every twelve months) by an insured professional inspection company.
- (2) Where, through inspection, a creosote buildup is found in the fireplace, chimney and/or vent, such creosote shall be removed before further use.
- (3) Where, through inspection, a fireplace, chimney and/or vent is found to be in such a state of disrepair that it constitutes a fire hazard, the use of the fireplace shall be discontinued until repairs are made.
- (4) A copy of the written report of the annual inspection and recommendations contained therein shall be delivered to the Fire Department.
- (5) The City shall not be responsible for any costs, damages, or liability resulting from inspections or any liability for failure of the inspection company to properly inspect such fireplaces, chimneys and/or vents.

(b) No person being the owner or occupant of any structure described in this section shall operate a fireplace, chimney and/or vent in violation of this section. (Ord. 1988-10. Passed 1-7-88.)

1501.17 RESTRICTING USE OF BARBECUE GRILLS IN MULTI-FAMILY STRUCTURES.

(a) No person being the owner or occupant of a unit in a residential structure having more than three units including but not limited to, apartments, condominiums, hotels, motels, boardinghouses and similar shelters, shall use a barbeque grill, hibachi or any other device or appliance producing an open flame for the purpose of cooking on any balcony, porch or rooftop, located above the grade level of any structure. (Ord. 2001-174. Passed 11-1-01.)

(b) No person being the owner or occupant of any structure or unit described in subsection (a) hereof shall store propane tanks for barbeque grills in the interior areas within any unit of such structure. (Ord. 1988-11. Passed 1-7-88.)

(c) Persons being the owner or occupants of a unit or structure defined in subsection (a) hereof may use open flame cooking barbecue grill, hibachi or any other device or appliance on open patio areas at grade level provided there shall be a minimum horizontal distance of fifteen (15) feet from any part of a building, balcony or overhanging appendage.
(Ord. 2001-174. Passed 11-1-01.)

(d) No person shall violate any provision of this section.
(Ord. 1988-11. Passed 1-7-88.)

1501.18 USE OF TRASH RECEPTACLES OF ONE YARD OR LARGER.

(a) Any person being the owner or occupant of any industrial, commercial, multi-family, single-family or other type of occupancy that has a trash receptacle and/or dumpster, or any other container for the collection and storage of trash, rubbish and/or garbage having a capacity of one or more yards shall use and keep such receptacles or containers in the following manner:

- (1) All receptacles or containers shall be equipped with lids or covers which shall be in the enclosed position at all times except during filling or dumping operations.
- (2) All receptacles or containers shall be located a minimum of six feet from all structures.
- (3) All receptacles and containers shall not be placed under any overhang, awning, roof or similar part of a structure which is located twelve vertical feet from the top of the container.
- (4) All receptacles and containers shall be placed on a level surface to prevent tipping over in any direction.
- (5) At no time shall the quantity of trash, rubbish or garbage placed in the receptacles or containers exceed its allowable capacity.
- (6) Temporary receptacles or containers used on construction sites shall not be required to have lids or covers.

(b) Penalty. No person shall violate any provision of this section.
(Ord. 1988-12. Passed 1-7-88.)

1501.19 FALSE ALARMS.

(a) As used in this section, "alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of any medical or fire or any other activity requiring urgent attention and to which the Fire Department is expected to respond.

(b) As used in this section, "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, carelessness, or negligence, where there is no emergency or risk from fire, heat or smoke, and where the Fire Department does not have prior notice of the false alarm and responds to the alarm. A false alarm does not include:

- (1) Testing or repairing of the system where the Fire Department has been notified of such testing or repair and when the Fire Department is in attendance at said test;
- (2) An attempted illegal entry of which there is visible evidence;
- (3) An act of God, including, but not limited to an earthquake, flood, windstorm, thunder or lightning; or
- (4) The user acting under a sincere belief that a need exists to activate the alarm system.

(c) The Fire Department shall monitor the number of false alarms that are responded to within the City and shall keep records of the same.

(d) False alarm warnings and fees shall be issued to the person in control of the property on which an emergency alarm system is installed according to the number of false alarms occurring within one calendar year according to the following schedule:

<u>Number of False Alarms</u>	<u>Action Taken</u>
1	Warning letter
2	Warning letter
3	Administrative fee not to exceed \$100.00
4	Administrative fee not to exceed \$150.00
5 or more	Administrative fee not to exceed \$500.00

(e) Fees charged for false alarms may be waived for good cause by the Fire Chief. Requests to waive a fee shall be submitted in writing by the person in control of the alarm system within seven days of receipt of notice, stating the grounds for the waiver of the fee. (Ord. 2006-88. Passed 10-5-06.)

(f) Upon failure of the person in control of the property to comply with this section, the Fire Department shall issue a warning letter and/or charge an administrative fee in accordance with the foregoing schedule in section (d). Upon the failure of the person having charge of such lands to make payment in accordance to the fee issued within thirty days after billing by the City the responsible Director shall report to the Director of Finance the fee charged for violation of subsection (d). Upon receipt of such report, The Director of Finance on behalf of the City shall make a filing in writing with the County Auditor of such charges which shall be entered upon the tax duplicate of such property and collected as other taxes, all in accordance with Ohio R.C. 731.54. By the enactment of this section, Council hereby approves all such assessments established by the Director of Finance upon report by the responsible Director in accordance with the provisions of this section without the necessity of formal Council approval by ordinance or resolution of each and every assessment resulting from the actions under this section. Such amounts when certified to the County Auditor shall be entered upon the tax duplicate and a lien upon such lands from and after the date of such entry and shall be collected as other taxes and returned to the City with its General Fund.

(g) The Fire Department shall send written notice of any action by certified mail, return receipt requested, or by personal service to the alarm user. If the certified mail notice is returned unclaimed or refused, notice shall be sent by regular mail and is considered complete upon mailing. (Ord. 2007-50. Passed 4-5-07.)

1501.20 PERMITS AND FEES.

Permits required by the Ohio Fire Code shall be issued by the Westlake Fire Department after the permit is applied for and accompanied by a plan or drawing for the purposes of evaluation of the application. The Fire Department shall have the authority to require permits for the mandatory and discretionary purposes listed in the Ohio Fire Code sections 105.1.1.1 and 105.1.1.2. Mandatory discretionary permits shall be issued upon approval of the application and upon payment of a fifty dollar (\$50.00) permit fee. (Ord. 2006-87. Passed 10-5-06.)

1501.99 PENALTY.(a) Criminal Penalties.

- (1) Whoever violates Section 1501.05(a), 1501.13 or 1501.14 is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))
- (2) Whoever violates Sections 1501.05(b), 1501.06 or 1501.16 to 1501.18 is guilty of a minor misdemeanor. (ORC 3737.99(C))
- (3) Whoever violates Sections 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))
- (4) Whoever violates Sections 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree. (ORC 3737.99(E))

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (3) Any person who fails to correct a violation for which a citation has been issued within 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))

CHAPTER 1503
Underground Storage Tanks

1503.01	Notice of installation, repairs and upgrade.	1503.04	Records.
1503.02	Abandonment of tanks.	1503.05	Costs; corrections.
1503.03	Change of ownership. (Repealed)	1503.06	Permit fees. (Repealed)
		1503.99	Penalty.

CROSS REFERENCES

Abandoned gas station - see BLDG. 1377.01

Underground storage tanks - see OAC Ch. 1301:7-9

1503.01 NOTICE OF INSTALLATION, REPAIRS AND UPGRADE.

(a) Pursuant to Ohio Administrative Code Permanent Rule 1301:7-9-15, the Fire Marshal has the authority to conduct inspections of underground storage tanks for compliance with State regulations concerning installations, repairs, upgrades, abandonment and removals.

(b) Forty-eight hours written notice shall be provided to the Fire Chief prior to the installation, repair or upgrade of underground storage tanks. Notices must include:

- (1) Name of property owner;
- (2) Name of company performing work;
- (3) State permit number; and
- (4) Contact person and phone number.

(c) Ohio Administrative Code Rules Section 1301:7-9-06, 07, and 08 are hereby incorporated herein by reference and all property owners in the City shall be in compliance therewith. (Ord. 2000-128. Passed 2-15-01.)

1503.02 ABANDONMENT OF TANKS.

Forty-eight hours written notice shall be provided to the Fire Chief or his designee to take out of service, place temporarily out of service, temporarily abandon or permanently remove or otherwise dispose of any underground storage tank and piping containing or which contained flammable or combustible liquids. Notice shall be in the form set forth in 1503.01(b) above.

- (a) Tanks "temporarily out of service" shall have the fill line, gauge opening and pump connection secured against tampering. Vent lines shall remain open and be maintained in accordance with the requirements of the Ohio Administrative Code for vent lines.
- (b) Any tank not used for a period of ninety days shall be properly safeguarded or removed in a manner approved by the authority having jurisdiction.
(Ord. 2000-128. Passed 2-15-01.)

1503.03 CHANGE OF OWNERSHIP.

(EDITOR'S NOTE: Former Section 1503.03 was repealed by Ordinance 2000-128, passed February 15, 2001.)

1503.04 RECORDS.

Any leaking condition, shortage of flammable and combustible liquids, or spills into public sewers, drains and waterways, shall be reported at once to the Fire Chief or his designee. Procedures for locating and testing for underground leaks shall be as outlined in N.F.P.A. Pamphlet No. 329, "Underground Leakage of Flammable and Combustible Liquids". Storage tank inventory records for the thirty days prior to the closing date shall be made available to the Fire Chief or his designee prior to the closing of a station.
(Ord. 1993-28. Passed 2-4-93.)

1503.05 COSTS; CORRECTIONS.

Costs incurred by the City which may entail Fire Department personnel, or their designated assistants, or supplies, equipment or work which may be ordered by the Fire Chief or his designee, shall be the sole responsibility of the owner of the tanks. Corrections shall be made as soon as possible to protect life and property.
(Ord. 1993-28. Passed 2-4-93.)

1503.06 PERMIT FEES.

(EDITOR'S NOTE: Former Section 1503.06 was repealed by Ordinance 2000-128, passed February 15, 2001.)

1503.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 1993-28. Passed 2-4-93.)

CHAPTER 1509
Fire Lanes

1509.01	Authority of Fire Chief.	1509.05	Removal of obstructions.
1509.02	Width and markings.	1509.06	Notice and appeal.
1509.03	Obstruction of lanes.	1509.99	Penalty.
1509.04	Impounding of vehicles.		

1509.01 AUTHORITY OF FIRE CHIEF.

The Fire Chief is hereby authorized to establish fire lanes on either public or private property within the Municipality upon finding that the following conditions exist:

- (a) That a fire lane is necessary for safeguarding life and property from the hazards of fire and explosion and for the use and occupancy of buildings and structures and adjacent property; and
- (b) That the fire lane is incident to a retail, commercial or manufacturing use or other use where it can reasonably be expected that the public will assemble in sufficient numbers so that the presence of the public and their motor vehicles, if not controlled, will interfere with the operation of fire-fighting equipment and personnel and the egress of occupants in the event of fire.
(Ord. 1973-65. Passed 6-21-73.)

1509.02 WIDTH AND MARKINGS.

Fire lanes shall be of such width as is reasonably determined by the Fire Chief as necessary to permit access and operation of fire-fighting equipment and personnel and the egress of occupants. Fire lanes shall be suitably marked by appropriate markings on the ground or by the display of adequate signs, or both.
(Ord. 1973-65. Passed 6-21-73.)

1509.03 OBSTRUCTION OF LANES.

No person shall obstruct a fire lane by parking or leaving standing an attended or unattended motor vehicle, by constructing a fence or other barricade, or in any manner whatsoever. A barricade or fence which is readily removable or through which access may be gained by fire-fighting equipment and personnel without delay shall not be prohibited by the terms of this chapter. Any such permitted barricade or fence may not be locked in any manner.
(Ord. 1973-65. Passed 6-21-73.)

1509.04 IMPOUNDING OF VEHICLES.

Attended motor vehicles found standing or parked in a fire lane shall be immediately moved upon direction of any member of the Police or Fire Department. Any unattended motor vehicle found standing or parked in a fire lane may be impounded in a manner and subject to the penalties and charges set forth in Section 303.08 of the Traffic Code.
(Ord. 1973-65. Passed 6-21-73.)

1509.05 REMOVAL OF OBSTRUCTIONS.

Obstructions other than motor vehicles found in fire lanes shall be removed by the owner, occupant or other person in charge of the premises, within three days after written notice to remove the same. Upon failure to comply with such notice, the City may cause the obstruction to be removed and the owner, occupant or other person in charge of the premises shall pay the cost of such removal.
(Ord. 1973-65. Passed 6-21-73.)

1509.06 NOTICE AND APPEAL.

Whenever the Fire Chief designates a fire lane, written notice thereof shall be given to the owner, occupant or person in charge of the premises. Such designation may be appealed within ten days by filing a written objection to such designation with the Fire Chief. The appeal shall be heard by the Police Chief, Fire Chief and the Mayor, a majority of whom may affirm, disaffirm or modify the designation and whose decision shall be final.
(Ord. 1973-65. Passed 6-21-73.)

1509.99 PENALTY.

(a) Any person who is cited for a violation of this chapter for parking or leaving standing an unattended motor vehicle, in addition to the impounding provisions and charges provided by Section 1509.04 shall be subject to the penalties and waiver provisions of Section 351.17 of the Traffic Code.

(b) Except as provided in subsection (a) hereof, whoever violates any of the provisions of this chapter or fails to comply with any order made hereunder, shall severally for each and every such violation or noncompliance respectively be guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each ten days that a prohibited condition is maintained.

The imposition of a fine or penalty shall not excuse the violation or permit it to continue and any person violating any of the provisions of this chapter shall be required to remedy such violations within a reasonable time.

**CHAPTER 1511
Open Burning**

1511.01	Definitions.	1511.04	Permission and notice to open burn.
1511.02	Relations to other prohibitions.	1511.05	Bonfires.
1511.03	Open burning in restricted areas.	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, horticulture, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape waste that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; animal waste; motor vehicles and parts 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 defoliant.
- (c) "Emergency burning" means the burning of clean wood waste or deceased animals caused by a natural disaster or an uncontrolled event such as the following:
 - (1) A tornado;
 - (2) High winds;
 - (3) An earthquake;
 - (4) An explosion;
 - (5) A flood;
 - (6) A hail storm, rain storm, or ice storm.

- (d) "Garbage" means any waste material resulting from the handling, processing, cooking and consumption of food or food products.
- (e) "Landscape waste" means any plant waste material, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residue.
- (f) "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.
- (g) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by the director of the Ohio Environmental Protection Agency pursuant to section 3704.03 of the Ohio Revised Code or the chief of any Ohio Environmental Protection Agency district office.
- (h) "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 rule 3745-176-09 or 3745-17-10 of the Administrative Code.
- (i) "Residential waste" means any waste material, including landscape wastes, generated on a one-, two-, or three-family residence as a result of residential activities, but not including garbage.
- (j) "Restricted area" means any area within the boundary of a 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.
- (k) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in paragraph (j) of this rule.
(Ord. 2006-140. Passed 10-5-06.)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provisions 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.
(Ord. 2006-140. Passed 10-5-06.)

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 or in Ohio R. C. 3704.11.

(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 or campfires in approved containers/fire ring, 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 shall be 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 shall not be used for waste disposal purposes; and
 - C. They shall have a total fire area of three feet or less in diameter and two feet or less in height.
 - D. The minimum required distance from a structure shall be 25 feet where the pile size is three feet or less in diameter and two feet or less in height.
 - E. Fires in approved containers may be within 25 feet of a structure but no closer than 15 feet of a structure.
 - F. They shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire spread to within 25 feet of a structure shall be eliminated prior to ignition.
 - G. They shall be constantly attended by an adult until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two fire extinguishers with a minimum 2-A rating each, 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.
- (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 Administrative Code.
- (4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by paragraphs (b) (1), (b) (2), and (b) (4) of this rule shall not be used for waste disposal purposes and without limit the foregoing 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 paragraph (B) of rule 3745-19-05 of the Administrative Code:

- (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local Health Department, 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 paragraph (b)(2) of this rule, 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 shall burn no longer than three hours;
 - B. They are not 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;
 - D. Any bonfire/campfire shall be constantly attended by an adult until the fire is extinguished.
- (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 or liquid petroleum products.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05 of the Administrative Code, 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 paragraph (b)(3) of this rule;
- (2) Instruction in methods of fire fighting or for research in the control of fires 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, provided that the application required in paragraph (A)(1) of rule 3745-19-05 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 Ohio EPA;

- (4) Recognized horticultural, silvicultural, range, or wildlife management practices; and
- (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of film-making or video production activities for motion pictures and television. (Ord. 2006-140. Passed 10-5-06.)

1511.04 PERMISSION AND NOTICE TO OPEN BURN.

(a) Permission.

- (1) An application for permission to open burn 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 a working day. It shall be in such form and contain such information as required by the Ohio EPA.
- (2) Except as provided in paragraph (a)(6) and (a)(7) of this rule, such application shall contain, as a minimum, information regarding:
 - A. The purpose of the proposed burning;
 - B. The nature of quantities of material 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 method 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; 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 Administrative Code.
- (4) Except as provided in paragraph (a)(6) of this rule, 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 preflashover 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 paragraph (a)(1) of this rule shall contain information as required in paragraph (a)(2)C. and (a)(2)D. of this rule need not be provided unless it is available at the time of submittal of the application. The Academy shall contain 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 sessions will take place and its location. Saturday, Sunday, and legal holidays shall not be considered a working day.

- (7) For open burning defined under paragraph (D)(2) of rule 3745-19-03 and paragraph C(2) of rule 3745-04 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 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 a working day. 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.
(Ord. 2006-140. Passed 10-5-06.)

1511.05 BONFIRES.

(a) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of Section 1511.03(b)(2) hereof shall be allowed after obtaining approval from the Fire Chief. An application for a bonfire shall be submitted in writing at least ten working days before the fire is to be set and shall be in such form and contain such information as required by the Fire Chief. Saturday, Sunday, and legal holidays shall not be considered a working day. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

- (b) Such application shall contain, as a minimum, information regarding:
- (1) The purpose of the proposed burning;
 - (2) The nature of quantities of material to be burned;
 - (3) The date or dates when such burning will take place;
 - (4) The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks.

(c) The Fire Chief shall prohibit a bonfire that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Official shall order the extinguishment, by the permit holder or the Fire Department, of any bonfire that creates or adds to a hazardous or objectionable situation.

(d) The location for any bonfire that does not meet the requirements of Section 1511.03(b)(2) hereof shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

(e) Any bonfire shall be constantly attended by an adult until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two fire extinguishers with a minimum 2-A rating each, 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.

(f) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of Section 1511.03(b)(2), shall meet the following conditions:

- (1) They have a total fuel area no greater than five feet in diameter by five feet in height and shall burn no longer than three hours;
- (2) They are not used for waste disposal purposes; and
- (3) 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.
- (4) Any bonfire/campfire shall be constantly attended by an adult until the fire is extinguished.

The maximum size and duration of a bonfire shall not be increased by the Fire Official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

(Ord. 2006-140. Passed 10-5-06.)

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.

(Ord. 2006-140. Passed 10-5-06.)

CHAPTER 1519
Fireworks

1519.01	Definitions.	1519.04	Possession, sale or discharge prohibited; exceptions.
1519.02	Public exhibition permit required; fee; bond; records.	1519.05	Application.
1519.03	Unlawful conduct by exhibitor.	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 the Police Chief.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and the Police Chief 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 or Police Chief.

(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. (ORC 3743.54)

(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 two hundred dollars (\$200.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted and of being present before, during and after the exhibition time as required by law.

Each exhibitor shall provide an indemnity bond in the amount of at least five million dollars (\$5,000,000), 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 five million dollars (\$5,000,000) 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. (Ord. 2006-85. Passed 10-5-06.)

- (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.

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

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

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 fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;
 - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.

(ORC 3743.80)

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))

CHAPTER 1520
Liquified Petroleum Gas Regulations

1520.01 Purpose.	1520.09 Applicable rules, regulations and safety requirements.
1520.02 Definitions.	1520.10 Prohibition of transfer.
1520.03 Permit required.	1520.11 Container installation approvals.
1520.04 Manufacturing of LPG.	1520.99 Penalty.
1520.05 Storage.	
1520.06 Regulations in residential districts.	
1520.07 Sales from retail outlets.	
1520.08 Temporary use during construction.	

1520.01 PURPOSE.

The purpose of this chapter is to establish rules and regulations which achieve safe and fair requirements for the storage, sale, manufacturing, handling and use of Liquified Petroleum Gas (LPG).

(Ord. 1990-100. Passed 5-3-90.)

1520.02 DEFINITIONS.

As used in this chapter, the following terms shall be defined as set forth:

- (a) "Liquified Petroleum Gas". As used in this chapter, "Liquified Petroleum Gas(es)" and "LPG" are synonymous and include any material composed predominately of the following hydrocarbons, by themselves or as mixtures: propane, propylene, butane, isobutane and butylene.
- (b) "Container" means any vessel, including cylinders, tanks, portable tanks and permanent tanks used for LPG.
- (c) "Distribution point" means a facility which receives gas by tank truck and fills containers or engine fuel tanks on the premises.
- (d) "Sales" means retail sales or wholesale sales of LPG on the premises where it is stored.

- (e) "Manufacturing" means the making of LPG from the raw material.
- (f) "Ohio Fire Code (OFC)" means the most current edition of the OFC adopted by the State and the City.
- (g) "National Fire Codes (NFPA)" means the most current edition of the NFPA codes referenced in the appendix of the OFC regarding LPG.
- (h) "Ohio Basic Building Code (OBBC)" means the most current edition of the OBBC adopted by the State and the City.
- (i) "Bulk storage" means, for the purpose of this chapter, any container or combination of containers exceeding 1,000 gallon water capacity.
(Ord. 1990-100. Passed 5-3-90.)

1520.03 PERMIT REQUIRED.

A permit shall be obtained from the Fire Chief or the Fire Prevention Officer for the use, exchange, resale, storage and/or handling of any LPG container over two and one-half (2 ½) pounds capacity, exceptions to include:

- (a) Portable containers up to thirty pounds capacity on recreational vehicles.
- (b) Portable containers up to twenty pounds capacity on cooking appliances.
- (c) Permanent containers on vehicles powered by LPG.
- (d) Permanent containers on recreation vehicles for heating and cooking appliances.
(Ord. 2001-155. Passed 11-1-01.)

1520.04 MANUFACTURING OF LPG.

The manufacturing of LPG is prohibited within the corporate limits of the City.
(Ord. 1990-100. Passed 5-3-90.)

1520.05 STORAGE.

Bulk storage of LPG is prohibited within the corporate limits of the City, exceptions: bulk storage may be allowed within the boundaries of the industrial zone when containers have been permanently installed and are used for heating or processing purposes.
(Ord. 1990-100. Passed 5-3-90.)

1520.06 REGULATIONS IN RESIDENTIAL DISTRICTS.

In residential districts, as set forth for in the Zoning Code, the following regulations shall apply:

- (a) The permanent installation of LPG containers is not permitted, exceptions to include:
 - (1) In areas of the City that do not provide utilities for cooking and heating purposes.
 - (2) For use in mobile homes for cooking and heating of individual units, when the mobile home is permanently fixed on the property.
- (b) No retail sales or wholesale sales or commercial storage of LPG containers shall be permitted.
- (c) The storage or use of LPG and LPG containers over two and one-half pounds of water capacity is prohibited in dwellings, including basements, enclosed porches, balconies of multi-family residential units, corridors and any space within the confines of the building, exceptions to include:

- (1) Attached private garages may be used for storage only.
- (2) Construction and/or repair work performed by a contractor licensed under the City Building Regulations.
(Ord. 1990-100. Passed 5-3-90.)

1520.07 SALES FROM RETAIL OUTLETS.

Retail stores may sell LPG in containers not exceeding two and one-half pounds of water capacity from the interior and twenty pounds of water capacity from the exterior when the structure meets the requirements of the OBBC, and all applicable regulations of the OFC, NFPA #58 and this chapter are met.

LPG containers for sale or for exchange in a Business District outside of the Industrial District may be approved after a request in writing is received and reviewed by the Fire Chief. After review and if all fire safety requirements and related Fire Code requirements are met, a permit may be issued.

All DOTn containers and cylinders with a water capacity of 2 ½ pounds or greater shall be stored in a secure and upright position or in a manner that ensures transmission of the vapor to the pressure relief valve.

Containers at locations open to the public shall be protected by one of the following methods:

- (a) An approved noncombustible enclosure;
- (b) A lockable ventilated noncombustible locker or rack that prevents tampering with valves and pilferage of the cylinder.

Protection against vehicle impact shall be provided where vehicle traffic normally is expected.

Containers awaiting use, exchange or resale or storage in occupancies in use group M as set forth in the Ohio Basic Building Code §309.1 shall not be located within twenty (20) feet of any door, motor fueling operation, flammable or combustible liquid dispensing operations or any associated tank fill or off load operations involving a flammable or combustible liquid.
(Ord. 2001-155. Passed 11-1-01.)

1520.08 TEMPORARY USE DURING CONSTRUCTION.

Temporary use of LPG during building construction or renovation may be allowed after given written notification to the Fire Chief or Fire Prevention Officer and obtaining a permit.
(Ord. 1990-100. Passed 5-3-90.)

1520.09 APPLICABLE RULES, REGULATIONS AND SAFETY REQUIREMENTS.

Any rules, regulations or safety requirements not listed in this chapter shall be followed according to the OBBC, OFC, NFPA #58 and #59, and any applicable code required by the Fire Official.
(Ord. 1990-100. Passed 5-3-90.)

1520.10 PROHIBITION OF TRANSFER.

The transfer of LPG products at distribution points, from one container to another container is prohibited within the City limits.
(Ord. 1990-100. Passed 5-3-90.)

1520.11 CONTAINER INSTALLATION APPROVALS.

LPG containers required for operations pertinent to the use in a district outside of the Industrial District, may be installed after a request in writing is received and reviewed by the Fire Chief. After review, if all fire safety requirements and related Fire Code requirements are met, permission may be given for the installation of permanent LPG container(s). The total amount of LPG in the container or combination of containers shall not exceed 250 gallons water capacity. (Ord. 1990-100. Passed 5-3-90.)

1520.99 PENALTY.

Whoever violates any provisions of this chapter shall be guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02. (Ord. 1990-100. Passed 5-3-90.)