

CODIFIED ORDINANCES OF GARFIELD HEIGHTS

PART FIFTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF GARFIELD HEIGHTS

PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

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CROSS REFERENCES

See sectional histories for similar State law
 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
 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) Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality, the Ohio Fire Code (OFC) - 1998 Edition as adopted by the Fire Marshal, State of Ohio, Department of Commerce, and as published in 1301:7-3-09 of the Ohio Administrative Code (OAC) except Sections 1301:7-3-06 and 1301:7-3-09 which are excluded.
 (Ord. 108-1998. Passed 12-14-98.)

(b) "Ohio Fire Code" as used in this Part Fifteen - Fire Prevention Code refers to all standards adopted under this section.
(Ord. 8-1994. Passed 2-14-94; Ord. 19-1997. Passed 2-10-97.)

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 Municipalities 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 or she has received a certificate issued under former Section 3303.07 or Section 4765.55 of the Ohio Revised Code evidencing his/her satisfactory completion of a fire safety inspector training program.
(ORC 3737.34)

(b) If, upon inspection or investigation, the Municipal Fire Safety Inspector finds or believes that the Ohio Fire Code has been violated, or conditions exist that are especially dangerous to the safety of persons, buildings, premises or property, he or she shall, with reasonable promptness, issue a Notice of Violation or Citation, in writing, describing the nature of the violation and affixing a reasonable time for abatement. Citation enforcement may be by procedures established by Ohio R.C. 3737.42 or Ohio R.C. 3737.44 for injunctive relief or temporary restraining order and oral order for vacation of the building or premises.

(c) The Municipal Fire Safety Inspector, at all reasonable hours, may enter into all buildings and upon all premises and vehicles within the Municipality, for the purpose of examination. (ORC 3737.14) (Exception: one, two and three family dwellings).
(Ord. 20-1997. Passed 2-10-97.)

(d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor; it shall contain all proceedings under this Code, with such statistics as the Chief of the Division may wish to include therein; the Chief of the Fire Division shall recommend any amendments to the Code which, in his judgment, would be desirable.

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 Division 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)

(c) Any "company" certified in accordance with Section (4) FM-500.4, Ohio Fire Code - 1998 Edition, which intends to service, alter, test, repair or install any fire protection equipment in the Municipality, shall notify the Fire Prevention Bureau at least forty-eight hours before such work will be conducted.
(Ord. 108-1998. Passed 12-14-98.)

1501.11 COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk and Fire Chief 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 Ohio Basic Building Code shall supersede and govern any order, standard, rule or regulation of the Ohio Fire Code or the Division of State Fire Marshal, Department of Commerce in all cases where such orders, standards, rules or regulations are in conflict with the Ohio Basic Building Code. (OAC 4101:2-1-04(B))

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

1501.13 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Division of Garfield Heights, Ohio, herein established, which shall operate under the supervision of the Chief of the Fire Division.

1501.14 APPEALS.

Whenever the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code are not applicable or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Department to Council within thirty days from the date of the decision appealed from.
(Ord. 47-2001. Passed 9-24-01.)

1501.15 MODIFICATIONS.

(EDITOR'S NOTE: Former Section 1501.15 was repealed by Ordinance 47-2001, passed September 24, 2001.)

1501.16 NEW MATERIALS, PROCESSES OR OCCUPANCIES.

The Mayor, the Fire Chief and the Building Commissioner shall act as a Committee, following an opportunity for affected persons to be heard, to determine and specify any new materials, process or occupancies that shall require permits in addition to those presently enumerated in the Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

1501.17 INVESTIGATION OF FIRES.

Pursuant to Ohio R.C. 737.27, the officer in charge of the Fire Prevention Bureau of the Fire Division is hereby authorized and directed to be present at all fires, investigate the cause thereof, examine witnesses, and to compel the attendance of witnesses and the production of books and papers and to perform all other acts necessary to effect and discharge such duties.

Such officer may administer oaths and may enter, for the purpose of examination, any building which, in his opinion, is in danger from fire. The officer shall report his findings to Council at such times as are required.

Failure by any person, firm or corporation to comply with any order of the officer in charge of the Fire Prevention Bureau under the provisions of this section shall constitute an unlawful act and subject such person, firm or corporation to penalties provided for in Section 1501.99.

1501.18 DEFINITIONS.

The following terms as used in this chapter are defined as follows:

- (a) "Municipality" means the "City of Garfield Heights", Ohio.
- (b) "Corporation counsel" means the "Law Director of the City".

**1501.19 FIRE DAMAGED STRUCTURES: REMOVAL OR REPAIR
SECURING FUND.**

The City hereby authorizes the procedure described in Ohio R.C. 3929.86(C) and (D) to be implemented whereby no insurance company doing business in this State shall pay a claim of a named insured for fire damages to a structure located within the City 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. (Ord. 4-1984. Passed 2-13-84.)

1501.99 PENALTY.**(a) Criminal Penalties.**

- (1) Whoever violates any provision of this chapter for which another penalty is not provided is guilty of a misdemeanor of the first degree.
- (2) Whoever violates Sections 1501.05(b) or 1501.06 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 the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.
 - (4) Any person who violates any of the posting requirements, 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 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 1505
Local Standards and Requirements

1505.01	Prohibited storage of flammable liquids.	1505.18	Vehicle tire rebuilding plants.
1505.02	Liquid petroleum gases.	1505.19	Vehicle wrecking yards, junk yards and waste material plants.
1505.03	Tank vehicle deliveries during working hours.	1505.20	Fire protection equipment; sprinkler system. (Repealed)
1505.04	Multiple trailer prohibited.	1505.21	Installation and approval of automatic sprinkler systems and standpipe systems.
1505.05	Dispensing systems control. (Repealed)	1505.22	Water supply to sprinkler systems. (Repealed)
1505.06	Underground tank storage. (Repealed)	1505.23	Installation and approval of private fire service mains and private fire hydrants.
1505.07	Removal of abandoned underground storage tanks for flammable liquids. (Repealed)	1505.24	Standpipes. (Repealed)
1505.08	Districts in which storage of explosives and blasting agents is prohibited.	1505.25	Location of standpipes. (Repealed)
1505.09	Routes for vehicles transporting explosives and blasting agents.	1505.26	Construction of standpipes. (Repealed)
1505.10	Routes for vehicles transporting hazardous chemicals or other dangerous articles.	1505.27	Testing repairs, etc., of fire protection systems.
1505.11	Plans and specifications. (Repealed)	1505.28	General precautions against fire.
1505.12	Notice upon change in use or occupancy.	1505.29	Electrical equipment. (Repealed)
1505.13	Permits, licenses and fees.	1505.30	Gas appliances. (Repealed)
1505.14	Mercantile occupancies. (Repealed)	1505.31	Automatic fire extinguishing systems. (Repealed)
1505.15	Fire limits. (Repealed)	1505.32	Overcrowding.
1505.16	Fire lanes.	1505.33	Prohibited storage in dwellings.
1505.17	Fire hydrants.	1505.34	Right to demolish.
		1505.99	Penalty.

CROSS REFERENCES

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
 Self-service stations - see Ohio R.C. 3741.14
 Parking in fire lanes - see TRAF. 351.03

1505.01 PROHIBITED STORAGE OF FLAMMABLE LIQUIDS.

(a) Above ground tank storage, prohibiting storage of flammable and combustible liquids in outside above ground tanks is hereby prohibited within the City, except as provided for in subsections (b) and (c) hereof.

(b) Above ground storage tanks may be installed in private service stations, in conformity with the Ohio Fire Code - 1995 Edition, Chapter 28, (OAC 1301:7-7-28). No installation shall be allowed unless all of the following minimum requirements are met. (Ord. 129-1997. Passed 11-24-97)

- (1) The installation shall be located within 500 feet of a fire hydrant. The hydrant shall be capable of producing a minimum flow of 500 gallons per minute.
- (2) Collision protection (stanchions) - shall be spaced a maximum of four feet-six inches apart. Stanchions shall have a minimum diameter of four inches, and shall be filled with concrete. Stanchions shall extend from the ground, a minimum distance of three feet.
- (3) There shall be an emergency shut off switch located within fifty feet of the tank. A 60BC fire extinguisher shall be mounted within five feet of this switch.
- (4) The electrical system of the installation shall comply with NFPA 70, the National Electrical Code. The tank shall have a red light above the installation which shall be wired to indicate that electrical power is being supplied to the dispensing pump.
- (5) The installation shall comply with NFPA 30, 1990 edition, Flammable and Combustible Liquids Code, including protection for areas subject to flooding.
- (6) A tank shall be marked on all four sides with the product name - Gasoline or Diesel Fuel. The contrasting lettering shall be at least four inches high. (Ord. 63-1995. Passed 7-10-95.)
- (7) A tank that will be used to store and dispense gasoline shall bear a listing for two hour fire resistance from an authoritative source recognized by the State Fire Marshall in the Ohio Fire Code, 1995 edition, Section (B) FM-117.2.
- (8) All tanks shall bear a listing for secondary containment from an authoritative source recognized by the State Fire Marshall in the Ohio Fire Code, 1995 edition, Section (B) FM-117.2. (Exception: Tanks that do not have a listing may be allowed if an architect or engineer, registered in the State of Ohio, certifies that the tank and installation meets or exceeds all recognized codes and standards.) (Ord. 95-1996. Passed 9-9-96.)
- (9) All tanks and installations shall be approved by the Fire Department.

(c) Above ground storage tanks may be installed for the purpose of fueling boilers, emergency generators, fire pumps or any other appliances, in conformity with the Ohio Fire Code - 1995 Edition, Chapter 28, (OAC 1301: 7-7-28). No installation shall be allowed unless all of the following minimum requirements are met:

- (1) The installation shall be located within 300 feet of a fire hydrant. The hydrant shall be capable of producing a minimum flow of 1,000 gallons per minute.

- (2) Tanks located within ten feet of a roadway, driveway or parking lot shall have collision protection (stanchions). Stanchions shall be spaced a maximum of four feet six inches apart, have a minimum diameter of four inches, shall be filled with concrete, and shall extend from the ground a minimum height of three feet.
- (3) There shall be an emergency shut-off switch located on the wall, no closer than ten feet where the supply lines enter the building. A class 60BC fire extinguisher shall be located within five feet of this switch.
- (4) The electrical system of the installation shall comply with NFPA 70, the National Electric Code. Tanks having a pump mounted on them shall have a red light located above the installation. The red light shall be wired to illuminate when the pump is energized.
- (5) The installation shall comply with NFPA 30-1993 Edition, Flammable and Combustible Liquids Code, including protection for areas subject to flooding.
- (6) The tank shall be marked on all four sides with a product name (e.g. DIESEL FUEL). The contrasting lettering shall be at least four inches high.
- (7) All tanks shall bear a listing for secondary containment from an authorized source recognized by the State Fire Marshal in the Ohio Fire Code - 1995 Edition, Section (B) FM-117.2.
(Exception: Tanks that do not bear a listing may be allowed if an architect or engineer, registered in the State, certifies that the tank and installation meets or exceeds all recognized codes and standards.)
- (8) All tanks and installations shall be approved by the Fire Department.
(Ord. 129-1997. Passed 11-24-97.)

1505.02 LIQUID PETROLEUM GASES.

(a) The limits for storage of flammable and combustible liquid petroleum gases in outside above ground tanks are hereby established as follows:

- (1) Permitted in industrial park districts (Class U11 A and B);
- (2) Permitted in school districts (Class U8); and
- (3) Prohibited in all other districts within the City.
(Ord. 33-2007. Passed 5-14-07.)

(b) Article 30 of the Ohio Fire Code "Liquid petroleum gases" is hereby amended to delete Section F-3002.2.

(c) A permit shall be obtained for the storage and use of any cylinders containing liquefied petroleum gas which has a water capacity greater than forty-eight pounds.

(d) The Fire Chief shall have full power to order any changes or precautionary measures which he may deem necessary for the preservation of and/or elimination of fire hazards.

1505.03 TANK VEHICLE DELIVERIES DURING WORKING HOURS.

Deliveries and transmission of flammable liquid from tank trucks to local storage facilities shall be done during the hours of seven o'clock in the morning (7:00 a.m.) to ten o'clock in the evening (10:00 p.m.) on ordinary days of business.
(Ord. 114-1996. Passed 11-11-96.)

1505.04 MULTIPLE TRAILER PROHIBITED.

Deliveries of flammable liquids to service stations shall be made only by single unit tank trucks on semi-trailers, and in no event shall deliveries be made by multiple tank truck units.

1505.05 DISPENSING SYSTEMS CONTROL.

(EDITOR'S NOTE: Former Section 1505.05 was repealed by Ordinance 109-1998, passed December 14, 1998.)

1505.06 UNDERGROUND TANK STORAGE.

(EDITOR'S NOTE: Former Section 1505.06 was repealed by Ordinance 109-1998, passed December 14, 1998.)

1505.07 REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS FOR FLAMMABLE LIQUIDS.

(EDITOR'S NOTE: Former Section 1505.07 was repealed by Ordinance 109-1998, passed December 14, 1998.)

1505.08 DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

The limits referred to in the Ohio Fire Code, adopted herein, prohibiting storage of explosives and blasting agents are hereby established as follows: The boundaries of the City.

1505.09 ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES AND BLASTING AGENTS.

The routes referred to in the Ohio Fire Code, adopted herein, for vehicles transporting explosives and blasting agents are hereby established as follows: State and interstate routes. A permit shall be obtained from the Fire Prevention Bureau to transport explosives or blasting agents on any other street within the City.

1505.10 ROUTES FOR VEHICLES TRANSPORTING HAZARDOUS CHEMICALS OR OTHER DANGEROUS ARTICLES.

The routes referred to in Section F3000 of the Ohio Fire Code, adopted herein, for vehicles transporting hazardous chemicals or other dangerous articles, are hereby established as follows: State and interstate routes. A permit shall be obtained from the Fire Prevention Bureau to transport hazardous chemicals or other dangerous articles on any other street within the City.

1505.11 PLANS AND SPECIFICATIONS.

(EDITOR'S NOTE: Former Section 1505.11 was repealed by Ordinance 109-1998, passed December 14, 1998.)

1505.12 NOTICE UPON CHANGE IN USE OR OCCUPANCY.

The owner of any business or establishment or the owner of residential property converting same to business use shall notify the Fire Prevention Bureau when there is any change in use or occupancy and such change shall not be made without approval by the Fire Chief.

1505.13 PERMITS, LICENSE AND FEES.

Permits or licenses required by the Fire Prevention Code may be issued without charge, except as to the following:

- | | | |
|-----|---|----------|
| (a) | Annual license: | |
| | Dry cleaning plants | \$ 15.00 |
| (b) | Permits per job: | |
| (1) | Installation of flammable liquid tanks | |
| | A. Up to 2,000 gallons | 20.00 |
| | B. 2,001 to 4,000 gallons | 30.00 |
| | C. 4,001 and up | 50.00 |
| (2) | Removal of flammable liquid tanks from ground | 10.00 |
| (3) | Bowling alley resurfacing | 10.00 |
| (4) | Fireworks display | 10.00 |

1505.14 MERCANTILE OCCUPANCIES.

(EDITOR'S NOTE: Former Section 1505.14 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.15 FIRE LIMITS.

(EDITOR'S NOTE: Former Section 1505.15 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.16 FIRE LANES.

Section F-311.0, OAC 1301:7-7-03 title Fire Lanes is amended as follows:
(Ord. 108-1998. Passed 12-14-98.)

- (a) The Fire Chief shall inspect all multiple dwellings, retail buildings and commercial, public and industrial buildings within the City for the purpose of studying safe fire requirements in the use of ingress and egress ways and courtyards adjacent to such premises.
- (b) The Fire Chief shall designate and maintain records of all fire lanes in such egress and ingress ways, and courtyards which shall be kept free and clear at all times of parked vehicles in order to permit easy access of fire equipment, and the Chief shall forward a copy of all designated fire lanes to the owners or persons in control of such premises and to the Chief of Police.
- (c) Owners shall comply with such designations by posting conspicuously in such areas, signs reading "No Parking, Fire Lane".
(A.O.)
- (d) The signs referred to herein shall not be posted unless the Fire Chief or Fire Safety Officer issues a written order.
(Ord. 108-1998. Passed 12-14-98.)
- (e) No person shall fail to comply with such orders or notices of the fire officials.

1505.17 FIRE HYDRANTS.

(a) No person shall place or cause to have placed, any building material, vehicle or obstruction of any kind within ten feet of any fire hydrant.

(b) No person, except in the case of fire, or unless duly authorized by the Fire Chief shall open, tamper with or use water from any fire hydrant.

(c) No contract shall be authorized by the Fire Chief to use water from any fire hydrant unless such contractor conforms with the procedure for issuing fire hydrant permits hereafter set forth by the Fire Chief.

(d) A deposit of one hundred fifty dollars (\$150.00) shall accompany each application for a fire hydrant use permit, which deposit shall be applied toward the payment of any damage suffered by the City or payment of any claims made against the City by anyone, due to the use of any fire hydrant by the applicant or any of his representatives, agents or servants. In the absence of any damage or claims, the deposit, less a ten dollar (\$10.00) handling fee, shall be returned to the permittee who submitted it.

(e) No permits shall be issued for filling swimming pools unless it is the first fill of a new in-ground pool. The permit shall be applied for and operated by the pool contractor only. (Ord. 83-1980. Passed 9-22-80.)

1505.18 VEHICLE TIRE REBUILDING PLANTS.

Any provisions of the Ohio Fire Code pertaining to vehicle tire rebuilding plants are deleted from the Garfield Heights Code.

1505.19 VEHICLE WRECKING YARDS, JUNK YARDS AND WASTE MATERIALS PLANTS.

Vehicle wrecking yards, junk yards and waste material handling plants of the Ohio Fire Code Article 1301:7-7-20, is deleted from the Garfield Heights Code.

1505.20 FIRE PROTECTION EQUIPMENT; SPRINKLER SYSTEMS.

(EDITOR'S NOTE: Former Section 1505.20 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.21 INSTALLATION AND APPROVAL OF AUTOMATIC SPRINKLER SYSTEMS AND STANDPIPE SYSTEMS.

(a) Plans for sprinkler systems and standpipe systems, required and non-required, shall be submitted to the Building Department for approval.

(b) Each building or occupancy shall have installed its own Fire Department connection at a location approved by the Fire Chief or Fire Safety Officer. The same Fire Department connection shall not serve two or more buildings, nor shall it be connected in any way to any fire line that feeds a private fire hydrant. (Exception: Limited area sprinkler systems or an arrangement approved by the Fire Chief or Fire Safety Officer.)

(c) All Fire Department connections shall be connected to the system side of the sprinkler systems main control valve. (Exception: An occupancy with multiple risers may be allowed to connect to the supply side of the control valve, when approved by the Fire Chief or the Fire Safety Officer.)

(d) All required Fire Department connections shall be located within 100 feet of a fire hydrant that produces at least 500 gallons per minute (GPM) while maintaining a residual pressure of 20 psi or more.

(e) The Fire Chief or Fire Safety Officer shall approve the location of all post indicator valves (PIV), O.S. & Y. valves, exterior water flow alarms, interior water flow alarms, Fire Department connections and fire hydrants.

(f) The Fire Chief or Fire Safety Officer shall approve the location and type of all required and non-required standpipe systems.
(Ord. 14-2003. Passed 2-10-03.)

1505.22 WATER SUPPLY TO SPRINKLER SYSTEM.

(EDITOR'S NOTE: Former Section 1505.22 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.23 INSTALLATION AND APPROVAL OF PRIVATE FIRE SERVICE MAINS AND PRIVATE FIRE HYDRANTS.

(a) Plans for private fire service mains and private fire hydrants shall be submitted to the Building Department for permits.

(b) Private fire service mains and private fire hydrants shall be designed, arranged, tested, maintained, and installed, in accordance with NFPA 24-1995 edition, and Cleveland Water Department standards and policy.

(c) All new private fire service mains and private fire hydrants shall be sized at eight inches or longer.

(d) All private fire hydrants installed and maintained in the City shall have Cleveland standard threads, to match those of the Fire Department.

(e) All public fire hydrants located along dedicated streets shall be placed at 300-foot intervals, in accordance with Cleveland Water Department standards and/or policy.

(f) All private fire hydrants shall be located within a maximum of 500 feet of another fire hydrant. This distance shall be measured along the road, where a fire engine would travel, not in a straight line. (Exception: An arrangement approved by the Fire Chief or Fire Safety Officer.)

(g) The 500-foot rule: Hydrants shall be placed, on private property, a minimum distance of 500 feet apart, from hydrant to hydrant, whether public or private. If the farthest point of the newly constructed building is more than 500 feet from a public fire hydrant, measured along the path a truck would travel, then at least one fire hydrant shall be added.

(h) New buildings being erected shall have installed on their private property, one or more private fire hydrants, as required by the 500-foot rule. (Exception: An arrangement approved by the Fire Chief or the Fire Safety Officer.)
(Ord. 80-1999. Passed 10-11-99.)

1505.24 STANDPIPES.

(EDITOR'S NOTE: Former Section 1505.24 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.25 LOCATION OF STANDPIPES.

(EDITOR'S NOTE: Former Section 1505.25 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.26 CONSTRUCTION OF STANDPIPES.

(EDITOR'S NOTE: Former Section 1505.26 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.27 TESTING, REPAIRS, ETC. FIRE PROTECTION SYSTEMS.

Sprinkler systems, standpipe systems, fire alarm systems and any other fire protection or extinguishing systems or appliances which have been installed in compliance with any permit or order, or in accordance to law or ordinance, shall be maintained in operative condition at all times, and no owner or occupant shall reduce the effectiveness of the protection so required, except in reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Fire Prevention Bureau shall be notified before any such tests, repairs, alterations or additions are commenced and work is to be continuous until completed.

1505.28 GENERAL PRECAUTIONS AGAINST FIRE.

Article 3-General Precautions against fire of the Ohio Fire Code is amended to revise Section 301.0 as follows:

(a) "Bonfires and Outdoor Rubbish Fires"

No person shall kindle or maintain any bonfire, rubbish fire or field fire without first obtaining permission therefor from the Fire Chief and complying with the requirements of Chapter 1511.

(b) "Outdoor Grills"

No person shall kindle or maintain a fire to be used for the preparation of food in any type of outdoor or portable grill in any apartment or on any apartment house balcony or within fifteen feet of any structure housing more than one family.

1505.29 ELECTRICAL EQUIPMENT.

(EDITOR'S NOTE: Former Section 1505.29 was repealed by Ordinance 109-1998, passed December 14, 1998.)

1505.30 GAS APPLIANCES.

(EDITOR'S NOTE: Former Section 1505.30 was repealed by Ordinance 109-1998, passed December 14, 1998.)

1505.31 AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

(EDITOR'S NOTE: Former Section 1505.31 was repealed by Ordinance 5-1994, passed January 10, 1994.)

1505.32 OVERCROWDING.

No person, being the owner, manager or person in charge or control of a place of assembly shall fail to comply with the posted regulation of the number of occupants allowable in such place of assembly. In the event of overcrowding in excess of the posted regulation, any member of the Fire Prevention Bureau or any member of the Police Division shall cause such place of assembly to be closed until the excess number of persons has been removed therefrom.

1505.33 PROHIBITED STORAGE IN DWELLINGS.

No person shall store any vehicle, motorcycle, jet ski, all terrain vehicle or snowmobile in any residential occupancy in the City, without written permission from the Fire Chief or Fire Safety Officer. This section shall pertain to the following use groups: R-1, R-2, R-3, R-4 and R-5. (Ord. 64-1995. Passed 7-10-95.)

1505.34 RIGHT TO DEMOLISH.

(a) The Fire Chief or his designee shall examine or cause to be examined every building or structure involved in a fire and shall make a written record of such examination for the need of special equipment to remediate the emergency.

(b) The Fire Chief or his designee shall have the authority and power to make a determination as to whether special equipment is necessary to help extinguish or mediate an emergency at the scene of a fire. Once a determination is made by the Fire Chief that special equipment is necessary to help extinguish the fire or mediate an emergency, all reasonable efforts shall be made to contact the property owner to obtain permission before any demolition is done. If the property owner cannot be reached or fails to grant permission, the Fire Chief shall have the power and authority to use such special equipment to demolish, tear down or remove parts of the structures or buildings involved in the fire that is deemed necessary to protect the health, safety and welfare of the firefighters on the scene and of the citizens of the City.

(c) The cost of such work shall be paid by the City. If the City is not immediately reimbursed for such cost, the amount thereof shall be certified to the County Treasurer or to the County Auditor, as required by law, and levied as a special assessment against the property on which the building or structure is located and shall be collected in the manner provided for special assessments. (Ord. 40-2003. Passed 7-14-03.)

1505.99 PENALTY.

Whoever violates any of the provisions of this chapter or participates in the violation of its provisions either as proprietor, owner, tenant, manager, superintendent or otherwise is guilty of a misdemeanor of the first degree for each offense. Each day's continued violation shall constitute a separate offense.

(Note: next printed page is 21)

CHAPTER 1509
Smoke Detector Devices

1509.01	Definitions.	1509.06	Installation.
1509.02	Requirement.	1509.07	Permits and fees.
1509.03	Location.	1509.08	Supplemental standards.
1509.04	Alternative.	1509.09	Enforcement.
1509.05	Equipment.	1509.99	Penalty.

CROSS REFERENCES

Required in rest and nursing homes - Ohio R.C. 3721.071
Required in high rise apartments and condominiums - see Ohio
R.C. 3781.104; OAC Ch. 4101.2-89

1509.01 DEFINITIONS.

As used in this chapter, unless the context otherwise indicates, certain terms are defined as follows:

- (a) "Smoke detector" means a readily removable device, sensitive to either visible or invisible particles of combustion or both, which automatically detects any fire condition and broadcasts locally a suitable signal or alarm thereof.
- (b) "Single-family dwelling unit" means a single-family residence or flat or apartment as defined in Section 1121.13 of the Codified Ordinances.
- (c) "Sleeping area" means the area or areas of the family living unit in which the bedrooms or sleeping rooms are located. Where bedrooms, or rooms ordinarily used for sleeping, are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be considered as separate sleeping areas for the purposes of this chapter.
- (d) "Multi-family dwelling" means a building or structure used, designed or intended to be used as a multiple dwelling containing two or more dwelling units to be occupied by families.
(Ord. 16-1979. Passed 3-12-79.)

1509.02 REQUIREMENT.

It shall be the responsibility of the builder of each new single-family dwelling unit and each new multi-family dwelling to install smoke detectors in each such dwelling unit as hereinafter provided. Such smoke detectors shall be installed in accordance with this chapter before an occupancy permit will be issued. Failure to install such smoke detectors as and where required by law shall subject the builder to the penalties set forth in Section 1509.99. (Ord. 16-1979. Passed 3-12-79.)

1509.03 LOCATION.

(a) At least one smoke detector shall be installed to protect each sleeping area.

(b) At least one smoke detector shall be installed within two feet from the bottom of each stairway leading up to an occupied area and in such a manner as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the sleeping area. (Ord. 15-1979. Passed 3-12-79.)

1509.04 ALTERNATIVE.

As an alternative to self-contained smoke detectors an approved fire detection system may be installed. Each fire detection system shall be individually approved and a permit issued therefor by the Chief of the Fire Division and the Building Commissioner. (Ord. 15-1979. Passed 3-12-79.)

1509.05 EQUIPMENT.

All devices, combination of devices and equipment required herein are to be installed in conformance with the Building Code and this chapter, and approved by the Chief of the Fire Division and listed by such Division for the purpose for which they are intended; such list may be subsequently amended by the Fire Chief as necessary. Such approval shall be permanent unless the Fire Chief subsequently determines that the equipment is hazardous or unreliable, in which case, the Fire Chief may suspend or revoke approval. The Fire Chief may in any such case determine whether replacement of existing installation shall be required. (Ord. 15-1979. Passed 3-12-79.)

1509.06 INSTALLATION.

In new single family dwelling units, smoke detectors shall be wired directly (hard-wired) to the building's power supply and shall have a battery back-up as well in the event of electrical failure. However, such detectors may be powered by self-monitored battery or operated in a plug-in outlet which is fitted with a plug restrainer device, provided the outlet is not controlled by any switch other than the main power supply. (Ord. 15-1979. Passed 3-12-79.)

1509.07 PERMITS AND FEES.

No smoke detector or alternative system shall be directly connected (permanently wired) to the electrical system of the structure unless an electric permit shall have first been obtained from the Division of Building, Engineering and Inspection. The Building Commissioner is hereby authorized to adopt a fee schedule for the issuance of such permit which shall not exceed the cost of administration of this chapter.
(Ord. 15-1979. Passed 3-12-79.)

1509.08 CONFLICT.

This chapter is intended to be used with and supplemented by the applicable provisions of the Fire Prevention Code, however, if there shall be any conflict between this chapter and any previously adopted rules and regulations, then this chapter shall prevail.
(Ord. 15-1979. Passed 3-12-79.)

1509.09 ENFORCEMENT.

The Building Commissioner shall have concurrent jurisdiction with the Fire Chief, or their designees, to inspect the installation of any smoke detectors required to be installed by this chapter.
(Ord. 15-1979. Passed 3-12-79.)

1509.99 PENALTY.

Whoever violates any provisions of this chapter or fails to comply therewith, or violates or fails to comply with any order made thereunder, or any permit issued thereunder, and from which no appeal has been taken or fails to comply with such an order as affirmed or modified by Council or by a court of competent jurisdiction, within the time required by law, shall severally for each and every violation and noncompliance respectively be guilty of a misdemeanor of the third degree. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each fourteen day period that the provisions of this chapter are not complied with shall constitute a separate offense.

CHAPTER 1511
Open Burning

1511.01	Definitions.	1511.04	Permission and notice to open burn.
1511.02	Relations to other prohibitions.	1511.05	Bonfires and outdoor rubbish fires.
1511.03	Open burning in restricted areas.	1511.06	Recreational fires.
		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 matter 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; garbage; dead animals; 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 defoliant.
- (c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (d) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.
- (e) "Land clearing waste" means plant matter which is removed from land, including plant matter 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.

- (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 matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (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.
(OAC 1301:7-7-04)

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 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) Cooking for human consumption;
- (2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

Fires allowed by subsections (b)(1) and (b)(2) 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 Section 1511.04(b):

- (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) Ceremonial fires provided the following conditions are met:
 - A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;
 - B. The ceremonial fires shall not be used for waste disposal purposes; and
 - C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.
- (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 Section 1511.04(a) 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;
 - (2) Instruction in methods of fire fighting or for research in the control of fires;
 - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and
 - (4) Recognized horticultural, silvicultural, range or wildlife management practices.
 - (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 AND NOTICE TO OPEN BURN.

(a) Permission.

- (1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.

- (2) Except as provided in subsection (a)(6) hereof, such applications 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 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; 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 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 subsection (a)(2) hereof, 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 days before each training session of the date or dates when the training session will take place and its location.
- (b) Notification.
- (1) Notification shall be submitted in writing at least ten days before the fire is to be set. 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 BONFIRES.

(a) Approval Required. A bonfire shall be allowed after obtaining approval from the Fire Official.

An application for a bonfire shall be submitted in writing at least ten days before the fire is set and shall be in such form and contain such information as required by the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(b) Prohibition. The Fire Official 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.

(c) Location. The location for any bonfire shall not be less than 50 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15240 mm) of any structure. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.

(d) Attendance. Any bonfire shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable 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.

(e) Bonfire Size and Duration. A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) in dimension and shall not burn longer than 3 hours. 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.

(f) Material. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants. (OAC 1301:7-7-04)

1511.06 RECREATIONAL FIRES.

(a) In accordance with the Ohio Fire Code - 1998 edition, a recreational fire shall be defined as an outdoor fire utilized to cook food for human consumption.

(b) No person shall utilize or allow to be utilized, any recreational fire, unless they comply with all of the following:

- (1) Recreational fires shall be contained in an appliance or device that has been manufactured, and designed for cooking by a reputable company. Only charcoal and/or dry, seasoned firewood shall be used to cook food, except in units designed to use propane or natural gas.
- (2) Recreational fires shall be maintained at safe distances from structures and shall not be utilized within 15 feet of any lot (property) line.
- (3) Recreational fires shall be attended and used by competent persons, and shall be fully extinguished when the cooking operation has been completed.
- (4) Campfires, fires in fire rings, and fires in a ring of stone or bricks are prohibited.
- (5) Any fire that is objectionable or offensive due to smoke or odor shall be prohibited. A Fire Department officer may prohibit any fire that is causing a nuisance or if any of the following atmospheric conditions exist: ozone warning, high winds, excessive dryness, or atmospheric pressure not allowing smoke to readily dissipate.
(Ord. 62-2002. Passed 8-12-02.)

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.

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 from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

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

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

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

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

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

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

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

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 1521
Hazardous Material Spills

1521.01	Intent; purpose.	1521.04	Reimbursement to City for handling of spills.
1521.02	Notification of spill.		
1521.03	Handling of spills.		

CROSS REFERENCES

Disposal of hazardous wastes - see Ohio R.C. Ch. 3734
 Emergency planning - see Ohio R.C. Ch. 3750
 Transportation of hazardous wastes - see Ohio R.C.
 4905.80 et seq.

1521.01 INTENT; PURPOSE.

(a) Intent. It is hereby declared to be the legislative intent of Council, in the enactment of this chapter, to establish procedures for handling hazardous spills within the City, including notification to authorities of hazardous material spills, the actual handling of hazardous material spills and hazardous materials, and reimbursement to the City and/or its agents, employees or licensees for the handling of hazardous material spills.

(b) Purpose. It is hereby declared to be the purpose of this chapter to provide for the handling of hazardous material spills within the City.
 (Ord. 61-1989. Passed 7-10-89.)

1521.02 NOTIFICATION OF SPILL.

Upon the occurrence of a hazardous material spill within the City, the party in possession of the hazardous material at the time of the spill, whether he is the owner, an employee of the owner, an agent of the owner or such other party there having possession of the hazardous material, shall immediately notify the Community Emergency Coordinator of the local Emergency Planning District, the Garfield Heights Fire Department, the Environmental Protection Agency (federal and State) and the Regional Sewer District pursuant to Ohio R.C. 3750.06. Such notice shall include the following:

- (a) The location of the release (spill).
- (b) The chemical name or identity of any substance involved in the release (spill) and whether the substance is an extremely hazardous substance.

- (c) An estimate of the quantity of any substance released into the environment.
- (d) The time and duration of the release (spill).
- (e) The environmental medium or media into which the substance was released.
- (f) Any known or anticipated acute or chronic health risks associated with the release (spill) and, if known to the informant, advice regarding medical attention necessary for individuals exposed to the substance released.
- (g) Proper precautions to take as a result of the release (spill), including evacuation and other proposed response actions, unless that information is readily available to the Community Emergency Coordinator, pursuant to the plan of the district prepared under Ohio R.C. 3750.04.
- (h) The name and telephone number of the person or persons to be contacted for further information.
- (i) Such other information as may be required by rules adopted under Ohio R.C. 3750.02(B)(1)(F).
(Ord. 61-1989. Passed 7-10-89.)

1521.03 HANDLING OF SPILLS.

At the sole discretion of the City, City departments, including, but not limited to the Fire Department, Service Department and/or Police Department, may undertake to investigate, mitigate, minimize, remove or abate any hazardous material release (spill) or discharge occurring in the City. Such action shall, if practicable, be taken in concert with the Federal and State Environmental Protection Agencies, the local Emergency Planning District, the Regional Sewer District and such other federal, State and local authorities as shall have an interest, and shall be in conformity with 40 Code of Federal Regulations Section 300-399, the Super Fund Amendments and Reauthorization Act of 1986, Ohio R.C. 3745.13 and 3750.06 and all other applicable federal, State and local laws, acts, rules, regulations and ordinances then in effect. Such action by the City may include the collection, storage and disposal of the hazardous material, subsequent to the release (spill) or discharge. In addition, the City may contract with an outside company or entity, who shall be certified by the Ohio Environmental Protection Agency, to collect, store and/or dispose of hazardous materials subsequent to a release (spill) or discharge.
(Ord. 61-1989. Passed 7-10-89.)

1521.04 REIMBURSEMENT TO CITY FOR HANDLING OF SPILLS.

The City may seek reimbursement for the total cost of investigating, mitigating, minimizing, removing or abating of a hazardous material release (spill) or discharge, as well as the total cost of collecting storage and/or disposal of such hazardous material at the time of the release (spill) or discharge. Such reimbursement shall be sought in compliance with applicable federal law and Ohio law, including, but not limited to Ohio R.C. 3745.13 and such other laws as shall be applicable. In addition, the City may seek compensation separate and apart from that sought from the responsible party or parties from the federal government, pursuant to the Super Fund Amendments and Reauthorization Act of 1986 and all

other federal, State and local laws and etc. allowing for a recovery and such compensation shall in no way mitigate or diminish the City claim against the responsible party or parties. Further, the City may seek reimbursement for payments made by it to an outside company or entity in connection with the collection, storage and/or disposal of hazardous materials performed by such outside company or entity or alternatively, such outside company or entity may seek reimbursement directly from the party or parties responsible for the hazardous materials. Nothing herein shall limit the City to anything, but all remedies provided for by law regarding the handling of hazardous material spills and the costs related thereto.
(Ord. 61-1989. Passed 7-10-89.)