

CODIFIED ORDINANCES OF NORTHFIELD

PART SIXTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF NORTHFIELD

PART SIXTEEN - FIRE PREVENTION CODE

CHAPTER 1610

Ohio Fire Code

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CROSS REFERENCES

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

1610.01 1998 EDITION ADOPTED.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by the Municipality the 1998 edition of the Ohio Fire Code (OFC), as adopted by the Ohio Department of Commerce, Division of State Fire Marshal, published in Division 1301:7 of the Ohio Administrative Code

(OAC).

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1610.02 PURPOSE.

The purpose of the Ohio Fire Code, as adopted in Section 1610.01, is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

1610.03 APPLICATION OF CODE.

The Ohio Fire Code, as adopted in Section 1610.01, applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

1610.04 ENFORCEMENT; RESPONSIBILITIES OF MUNICIPAL FIRE SAFETY INSPECTOR.

(a) No person shall serve as a Municipal Fire Safety Inspector unless he or she has received a certificate issued under former Ohio R.C. 3303.07 or Ohio R.C. 4765.55 evidencing his or her satisfactory completion of a fire safety inspector training program.
(ORC 3737.34)

(b) The Municipal Fire Safety Inspector, upon examination or inspection, shall issue citations when he or she finds conditions as specified in Ohio R.C. 3737.41 which are especially dangerous to the safety of persons, buildings, premises or property, and shall make any necessary remedial orders in connection therewith. Citation enforcement may be by use of the procedures established by Ohio R.C. 3737.42 for hearing on the citation or Ohio R.C. 3737.44 for injunctive relief or a temporary restraining order and oral order for vacation of the building or premises.

(c) The Municipal Fire Safety Inspector, upon reasonable belief and after inspection or investigation, shall, with reasonable promptness, issue a citation to the responsible person for a violation of the Ohio Fire Code or any order issued by the Ohio Fire Marshal or any Municipal Fire Safety Inspector. The citation shall fix a reasonable time for abatement of the violation. Each citation issued under this subsection shall be prominently posted by the responsible person, as prescribed by the Ohio Fire Code, at or near each place a violation referred to in the citation occurs.

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

1610.05 COMPLIANCE REQUIRED.

(a) No person shall knowingly violate any provision of the Ohio Fire Code, as adopted in Section 1610.01, or any order issued pursuant thereto.
(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities prescribed in the Ohio Fire Code or fail to comply with the Municipal application and plan submission and processing requirements, including payment of the fees designated therefor.

1610.06 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.

(ORC 3737.61)

1610.07 SETTING FIRES WHICH SPREAD.

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

(ORC 3737.62)

1610.08 RESPONSIBILITIES UPON DISCOVERY OF UNFRIENDLY FIRES.

(a) The owner, operator, or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the Ohio Basic Building Code, upon the discovery of an unfriendly fire or upon receiving information that there is an unfriendly fire on the premises, shall immediately and with all reasonable dispatch and diligence call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

(c) No person shall fail to comply with this section.

(ORC 3737.63)

1610.09 INSPECTIONS.

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

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

1610.10 SALE AND USE OF FIRE EQUIPMENT; STANDARDS; SERVICE AND REPAIR OF EQUIPMENT.

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

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

1610.11 FILE AND DISTRIBUTION COPIES.

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

1610.12 CONFLICT OF LAWS.

(a) The Ohio Basic Building Code shall supersede and govern any order, standard, rule or regulation of the Ohio Fire Code or the Division of State Fire Marshal, Department of Commerce, in all cases where any such order, standard, rule or regulation is in conflict with the Ohio Basic Building Code, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.
(OAC 4101:2-1-04(B); ORC 3781.11(B))

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

1610.13 PERMIT FEES.

The fee for all permits issued by the Fire Chief or the Municipal Fire Safety Inspector pursuant to Section 1301:7-1-04 (FM-103.0) shall be seventy-five dollars (\$75.00) unless specifically indicated otherwise in the Ohio Fire Code.

1610.99 PENALTY.

(a) Criminal Penalties.

(1) Except as a violation of Ohio R.C. 2923.17 involves subject matter covered by the Ohio Fire Code, and except as such a violation is covered by Ohio R.C. 3737.99(G), whoever violates Section 1610.05(a) is guilty of a misdemeanor of the first degree.

(ORC 3737.99(B))

(2) Whoever violates Section 1610.05(b) or 1610.06 is guilty of a minor misdemeanor.

(ORC 3737.99(C))

(3) Whoever violates Section 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree.

(ORC 3737.99(D))

(4) Whoever violates Section 1610.08 or 1610.10 is guilty of a misdemeanor of the third degree.

(ORC 3737.99(E))

(b) Civil Penalties.

(1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

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

(3) Any person who fails to correct a violation for which a citation has been issued, within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.

(4) Any person who violates any of the posting requirements prescribed by Ohio R.C. 3737.42, or a substantially similar Municipal ordinance, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.

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

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

(7) Civil penalties imposed under this chapter shall be paid to the Clerk of Council for deposit into the General Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

(ORC 3737.51(B) to (H))

CHAPTER 1612
Key Lock Box Systems

1612.01 General requirements.

1612.99 Penalty.

CROSS REFERENCES

- Emergency alarms - see S.U. & P.S. Ch. 1068
- Construction materials and methods for one, two and three-family dwellings - see B. & H. Ch. 1442
- Fire prevention - see B. & H. 1442.25
- Carbon monoxide detectors - see B. & H. Ch. 1463
- Smoke detectors - see B. & H. Ch. 1478
- Ohio Fire Code - see F.P. Ch. 1610

1612.01 GENERAL REQUIREMENTS.

(a) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief:

(1) Commercial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency (except any such facility that maintains twenty-four hour security personnel on the premises);

(2) Multifamily residential structures (containing no less than eight living units) that have restricted access through locked doors and have a common corridor for access to the living units;

(3) Any place of assembly; and

(4) All buildings and properties in which entry or access into an area is unduly difficult due to secured openings or obstructed entry or where immediate access may be necessary for life saving or hazardous conditions, when the Fire Chief deems it necessary.

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

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(c) The Fire Chief shall designate the type of key lock box system to be implemented within the Municipality and shall have the authority to require all structures to use the designated system.

(d) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.

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

(Ord. 1997-48. Passed 7-23-97.)

1612.99 PENALTY.

Any person who owns or operates a structure subject to the provisions of this chapter, and who 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 1997-48. Passed 7-23-97.)

CHAPTER 1620
Self-Service Gas Stations

- 1620.01 Installation of equipment or systems; permit required.
- 1620.02 Permit fee.
- 1620.03 Minimum operational standards.
- 1620.04 Option of franchised dealers.
- 1620.05 Relevant Ohio Fire Code sections.

- 1620.06 Relevant N.F.P.A. Standard No. 30 sections.
- 1620.07 Additional N.F.P.A. references.
- 1620.08 Recognized testing agencies, laboratories and approval organizations.
- 1620.99 Penalty.

CROSS REFERENCES

Gasoline, oils and paints - see Ohio R.C. Ch. 3741

Self-service filling station fire protection standards - see Ohio R.C.
3741.14

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Dealers' licenses - see Ohio R.C. 5735.02 et seq.

Ohio Fire Code - see F.P. Ch. 1610

1620.01 INSTALLATION OF EQUIPMENT OR SYSTEMS; PERMIT REQUIRED.

No person shall install self-service gasoline station equipment or systems in the Municipality without first obtaining a permit therefor from the Administrative Clerk. (Ord. 1977-85. Passed 8-24-77.)

1620.02 PERMIT FEE.

The fee for the permit required by Section 1620.01 shall be one hundred dollars (\$100.00). (Ord. 1977-85. Passed 8-24-77.)

1620.03 MINIMUM OPERATIONAL STANDARDS.

(a) Each filling station offering self-service shall be operated in accordance with National Fire Protection Association Standard No. 30 (1974) and the provisions of the Occupational Safety and Health Act of 1970, 84 Stat. 1590, 5 U.S.C.A. 5108, and any amendments thereof and standards adopted thereunder.

(b) The State Fire Marshal shall fix reasonable standards and shall prescribe, modify and enforce reasonable rules governing the equipment, operation and maintenance of filling stations. The standards and rules shall be such as are necessary for the protection of the persons and property of the public, but shall require at a minimum that:

(1) Each filling station offering self-service be under the direct control of a supervisor, employee or attendant at all times when gasoline or other flammable liquids are being dispensed or sold;

(2) Gasoline and other flammable liquids be dispensed only by a person who is not smoking and who, in the judgment of such supervisor, employee or attendant, appears to be able and competent;

(3) A sign, in block letters at least four inches in height, be conspicuously displayed on each gasoline pump island where self-service is offered stating that it is a self-service island;

(4) Signs giving instructions for the operation of gasoline dispensing equipment, in block letters at least one-half inch in height, be conspicuously posted at each self-service filling station offering self-service;

(5) A sign bearing the following words in block letters at least two inches in height be conspicuously posted on each gasoline pump island where self-service is offered:

"STOP ENGINE";

"NO SMOKING";

"WARNING - IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS."

(6) All signs required by this section be constructed of rigid, weather-resistant material; and

(7) Gasoline dispensing nozzles used by any person, other than a supervisor, employee or attendant, be of an approved automatic closing type without a hold-open latch.

(c) No person shall violate any standard or rule promulgated as provided in this section.

(Ord. 1977-85. Passed 8-24-77.)

1620.04 OPTION OF FRANCHISED DEALERS.

Franchised dealers shall be allowed an option as to whether they wish to offer full-service, self-service on one island or complete self-service in the conduct of their business.

(Ord. 1977-85. Passed 8-24-77.)

1620.05

RELEVANT N.F.P.A. STANDARD NO. 30 SECTIONS.

The following are sections of National Fire Protection Association Standard No. 30 that relate specifically to the operation of self-service filling stations.

7641. "Self-service station" means that portion of property where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant, and may include facilities available for sale of other retail products.

7642. Approved dispensing devices such as, but not limited to, coin-operated, card-operated and remote-controlled types, are permitted at self-service stations.

7643. All self-service stations shall have at least one attendant on duty while the station is open to the public. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I liquids while such liquids are actually being dispensed.

7644. It shall be the responsibility of the attendant to:

- (1) Prevent the dispensing of Class I liquids into portable containers not in compliance with 7620;
- (2) Control sources of ignition; and
- (3) Immediately handle accidental spills and fire extinguishers if needed.

The attendant or supervisor on duty shall be mentally and physically capable of performing the functions and assuming the responsibility prescribed in this section.

7645. Emergency controls specified in 7320 shall be installed at a location acceptable to the authority having jurisdiction, but controls shall not be more than 100 feet from dispensers.

7646. Operating instructions shall be conspicuously posted in the dispensing area.

7647. The dispensing area shall at all times be in clear view of the attendant, and the placing or allowing of any obstacle to come between the dispensing area and the attendant control area shall be prohibited. The attendant shall at all times be able to communicate with persons in the dispensing area.

7648. Hose nozzle valves used at a self-service station for the dispensing of Class I liquids shall be listed automatic-closing types without a latch-open device.

7649. Warning signs shall be conspicuously posted in the dispensing area incorporating the following or equivalent wording:

WARNING - It is unlawful and dangerous to dispense gasoline into unapproved containers;
No Smoking;
Stop Motor.

(Ord. 1977-85. Passed 8-24-77.)

1620.06

ADDITIONAL N.F.P.A. REFERENCES.

N.F.P.A. Standard No. 30 Sections 7644 and 7645, as set forth in Section 1620.05 of this chapter refer to Sections 7620 and 7320, respectively. The text of Sections 7620 and 7320 is as follows:

7620. DISPENSING INTO PORTABLE CONTAINERS. No delivery of any Class I or Class II liquids shall be made into portable containers unless the container is constructed of metal or is approved by the authority having jurisdiction, has a tight closure and is fitted with a spout or is so designed that the contents can be poured without spilling.

7320. EMERGENCY POWER CUTOFF. A clearly identified and easily accessible switch(es) or circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(Ord. 1977-85. Passed 8-24-77.)

1620.99

PENALTY.

Whoever violates any of the provisions 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, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

CHAPTER 1630
Northfield Park Race Track

1630.01 Fire hazard controls.

1630.99 Penalty.

CROSS REFERENCES

- Power to regulate against fires - see Ohio R.C. 737.27, 3737.08
- Right to examine buildings - see Ohio R.C. 737.34 et seq., 3737.14
- State Fire Marshal - see Ohio R.C. Ch. 3737
- Horse racing - see Ohio R.C. Ch. 3769
- Fire lanes - see TRAF. 452.15
- Arson - see GEN. OFF. 642.06, 642.07
- Covering fire hydrants or connections - see GEN. OFF. 660.16

1630.01 FIRE HAZARD CONTROLS.

The following standards and controls are hereby established to control safety and fire hazards at the Northfield Park Race Track:

- (a) There shall be no parking between barns at any time.
- (b) There shall be no smoking in stalls, feed rooms or under any shed-row, nor shall there be storage of any kind in shed-rows.
- (c) No heaters of any kind shall be permitted anywhere in the barn area, unless it is a permanent installation and then only after first obtaining a permit from the Building and Zoning Inspector and approval from the Fire Chief.
- (d) There shall be no hot plates, frying pans or cooking utensils of any kind for cooking use in track rooms, sleeping rooms or in any other place on the grounds, except in the track kitchens. However, radios, televisions, electrical clippers and shavers are permitted.
- (e) No overhead electric lights are permitted unless they are a permanent installation and then only after first obtaining a permit therefor from the Building and Zoning Inspector.
- (f) The use of infra-red heat lamps is prohibited unless such use is prescribed by a veterinarian in writing. The use of infra-red heat lamps shall not be permitted in any event unless it is attended by a competent person throughout such use. Evidence that such use was prescribed by a veterinarian shall be shown upon request of a track guard, Municipal fire-fighter, Municipal police officer or other authorized Municipal official.

(g) Repairing, dismantling or disbanding of motor vehicles on any of the race track grounds is prohibited.

(h) All owners and trainers shall keep a current register of all their employees. Such register shall be kept current and on display somewhere in their respective barn areas so that it will be easily accessible to Municipal fire-fighters and police officers.

(i) There shall be no parking within ten feet of any fire hydrant or fire hose box, or directly in front of any barn door.

(j) Manure bins shall be emptied daily and areas around bins shall be kept clean at all times.

(k) In case of fire call the Municipal Fire Department from the guard gate.

(l) There shall be no storage of hay or straw in horse stalls.

(Ord. 1977-50. Passed 5-25-77.)

1630.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.