

PART FIFTEEN - FIRE REGULATIONS

Chapter 1501 Ohio Fire Code

Chapter 1519 Fireworks

CHAPTER 1501: OHIO FIRE CODE

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§ 1501.01 ADOPTION.

Pursuant to R.C. § 731.231, there is hereby adopted by the municipality, the Ohio Fire Code (OFC) (based upon BOCA Basic National Fire Prevention Code published by Building Officials and Code Administrators, Inc., the 1993 edition and all future editions) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, the 1995 edition and all future editions, as published in Division 1301:7 of the Ohio Administrative Code (OAC).
(70 Code, § 1501.01) (Ord. 1988-9, passed 2-22-88)

§ 1501.02 PURPOSE.

The purpose of the Ohio Fire Code as adopted herein is to prescribe minimum standards and

§ 1501.03 APPLICATION.

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the municipality and such other lands or properties owned by the municipality which are situated outside the corporate limits thereof.
(70 Code, § 1501.03)

§ 1501.04 ENFORCEMENT.

(A) No person shall serve as Municipal Fire Safety Inspector unless he/she has received a certificate issued under R.C. § 4765.55 evidencing his/her satisfactory completion of a fire safety inspection training program.
(R.C. § 3737.34)

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

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

(D) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute

and prosecute any necessary action or proceeding to enforce this chapter or R.C. Chapter 3737.
(70 Code, § 1501.04) Penalty, see § 1501.99

§ 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. (R.C. § 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.

(70 Code, § 1501.05) (Ord. 1988-9, passed 2-22-88) Penalty, see § 1501.99

§ 1501.06 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of 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.

(R.C. § 3737.61) (70 Code, § 1501.06) Penalty, see § 1501.99

§ 1501.07 SETTING FIRES WHICH SPREAD.

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

(R.C. § 3737.62) (70 Code, § 1501.07) Penalty, see § 1501.99

§ 1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

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

(B) For the purposes of this section, *UNFRIENDLY FIRE* means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

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

(R.C. § 3737.63) (70 Code, § 1501.08) Penalty, see § 1501.99

§ 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/herself out to be such, unless prior to commencing any inspection function, he/she discloses the purpose for which he/she is making such inspection and the fact that he/she is not employed by any state or local fire service or agency, and that he/she is not acting in an official capacity for any governmental subdivision or agency.

(R.C. § 3737.64) (70 Code, § 1501.09) Penalty, see § 1501.99

§ 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 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.

(C) The Fire Marshal shall not issue a provisional certificate pursuant to division (B) of this section to any individual who is not enrolled in a bona fide apprenticeship training program registered with the apprenticeship council pursuant to R.C. § 4111.29 or with the Bureau of Apprenticeship and Training of the United States Department of Labor. A provisional certificate issued pursuant to this section authorizes an individual to engage in the activities permitted under division (B) of this section only if the individual:

(1) Remains enrolled in such an apprenticeship training program; and

(2) Is directly supervised by an individual who possesses a valid and current certificate issued pursuant to division (B) of this section for the activities in which the individual issued the provisional certificate is engaged and the certified individual directly supervising the individual issued the provisional certificate only supervises one provisional certificate holder.

(R.C. § 3737.65) ('70 Code, § 1501.10) Penalty, see § 1501.99

§ 1501.11 COPIES.

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

('70 Code, § 1501.11)

§ 1501.12 CONFLICT.

The rules of the Ohio Board of Building Standards including the Ohio Basic Building Code shall supersede and govern any order, standard or rule of the Department of Commerce, Division of State Fire Marshal including the Ohio Fire Code, in

all cases where such orders, standards or rules are in conflict with the rules of the Ohio Board of Building Standards, except that rules adopted and orders issued by the State Fire Marshal pursuant to R.C. Ch. 3743 prevail in the event of the conflict. (R.C. § 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 more restrictive provision shall govern.

('70 Code, § 1501.12)

§ 1501.99 PENALTY.

(A) *Criminal penalties.*

(1) Whoever violates § 1501.05(A) is guilty of a misdemeanor of the first degree, provided such violation does not involve illegal manufacturing or processing of explosives as made felonious under R.C. §§ 2923.17 and 3737.99(G). (R.C. § 3737.99(B))

(2) Whoever violates §§ 1501.05(B) or 1501.06 is guilty of a minor misdemeanor. (R.C. § 3737.99(C))

(3) Whoever violates §§ 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (R.C. § 3737.99(D))

(4) Whoever violates §§ 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree. (R.C. § 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 \$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 \$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 \$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 § 1501.04(C), shall be assessed a civil penalty of not more than \$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. (R.C. §§ 3737.51(B) through (H)) ('70 Code, § 1501.99) (Ord. 1988-9, passed 2-22-88)

CHAPTER 1519: FIREWORKS

Section

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- 1519.03 Unlawful conduct by exhibitor
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§ 1519.01 DEFINITIONS.

As used in this chapter:

BEER and **INTOXICATING LIQUOR.** The same meanings as in R.C. § 4301.01

BOOBY TRAP. 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.

CIGARETTE LOAD. A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

CONTROLLED SUBSTANCE. The same meaning as in R.C. § 3719.01

CLASS C FIREWORKS. Fireworks classified as Class C fireworks by the Fire Marshal in rules adopted pursuant to R.C. § 3743.05(A).

FIREWORKS. 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 § 1519.05.

FIREWORKS PLANT. All buildings and other structure in which the manufacturing of fireworks, or the storage of manufactured fireworks by a manufacturer, takes place.

HIGHWAY. Any public street, road, alley, way, lane, or other public thoroughfare.

LICENSED EXHIBITOR OF FIREWORKS or **LICENSED EXHIBITOR.** A person licensed pursuant to R.C. §§ 3743.50 to 3743.55.

LICENSED MANUFACTURER OF FIREWORKS or **LICENSED MANUFACTURER.** A person licensed pursuant to R.C. §§ 3743.02 to 3743.08.

LICENSED WHOLESALE OF FIREWORKS or **LICENSED WHOLESALE.** A person licensed pursuant to R.C. §§ 3743.15 through 3743.21.

LIST OF LICENSED EXHIBITORS. The list required by R.C. § 3743.51(C).

LIST OF LICENSED MANUFACTURERS. The list required by R.C. § 3743.03(C).

LIST OF LICENSED WHOLESALE. The list required by R.C. § 3743.16(C).

MANUFACTURING OF FIREWORKS. The making of fireworks from raw materials, none of which in and of themselves constitute a fireworks, or the processing of fireworks.

NAVIGABLE WATERS. Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.

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.

PARTY POPPER. 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.

PROCESSING OF FIREWORKS. The making of fireworks from materials all or part of which in and of themselves constitute a fireworks, but does not include the mere packaging or repackaging of fireworks.

RAILROAD. 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.

RETAIL SALE or SELL AT RETAIL. A sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.

SMOKE DEVICE. A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

SNAKE or GLOW WORM. 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.

SNAPPER. A small, paper-wrapped item that contains a minute quantity of explosive composition

coated on small bits of sand, and that, when dropped, implodes.

TRICK MATCH. 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.

WHOLESALE SALE or SELL AT WHOLESALE. A sale of fireworks to a purchaser who intends to resell the fireworks that he/she purchases.

(R.C. § 3743.01) ('70 Code, § 1519.01)

§ 1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(A) A licensed exhibitor of fireworks may acquire fireworks for use at a public fireworks exhibition only from a licensed manufacturer of fireworks or licensed wholesaler of fireworks, and only in accordance with the procedures specified in this section and R.C. § 3743.55. A licensed exhibitor shall not acquire, for any purpose, Class C fireworks as designated by the Fire Marshal in rules adopted pursuant to R.C. § 3743.05(A).

(B) 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 Police Chief or his/her designee. The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee 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 exhibit may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer or Police Chief or his/her designee.

(C) Before signing a permit and issuing it to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee 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

his/her license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee. The Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee shall give their approval to conduct a public fireworks exhibition only if they are 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 R.C. § 3743.53(B) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee 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.

(D) The Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee shall not issue a permit until the applicant pays a permit fee of \$50 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 \$1,000,000, with surety satisfactory to the Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee, 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 \$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 his/her designee shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

(E) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee shall contain a distinct number, together with a designation of the municipality. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and the Police Chief or his/her designee issuing it to the Fire Marshal, who shall keep a

record of the permits he/she receives. A permit is not transferable or assignable.

(2) The Fire Chief, Fire Prevention Officer and Police Chief or his/her designee shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer or Police Chief or his/her designee shall list the name of the exhibitor, his/her license number, the premises on which the exhibition be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibitor.

(R.C. § 3743.54) ('70 Code, § 1519.02)

§ 1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(A) No licensed exhibitor of fireworks shall fail to comply with the rules adopted by the Fire Marshal pursuant to R.C. § 3743.53 (B).

(B) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to § 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer and Police Chief or his/her designee pursuant to that section.

(C) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with 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 in his/her possession or under his/her control, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(R.C. § 3743.64(C) - (F)) ('70 Code, § 1519.03) Penalty, see § 1519.99

§ 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 R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by R.C. §§ 3743.50 through 3743.55 and § 1519.02 and except as provided in § 1519.05.

(B) Except as provided in § 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55 and § 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 or sparklers of any kind to a person under 18 years of age.

(E) No person shall advertise Class C fireworks for sale. A sign located on a seller's premises identifying him/her 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 Class B fireworks in this municipality.

(R.C. § 3743.65) ('70 Code, § 1519.04) Penalty, see § 1519.99

§ 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 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 sparklers on a wire stick, as this term is defined in the regulations of the United State Department of Transportation. If the offender has previously been convicted of a violation of any of those divisions or sections, the offender is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.

(R.C. § 3743.80) ('70 Code, § 1519.05)

§ 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 \$1,000 or imprisoned not more than six months or both.

(R.C. § 3743.99(C)) ('70 Code, § 1519.99)