

ORDINANCE NO. 5-91
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Mark Beasley ON THE

15th DAY OF April, 1991.

AN ORDINANCE REPEALING SPECIFIC SECTIONS OF THE EXISTING CENTERVILLE MUNICIPAL CODE RELATING TO FIREWORKS, EXPLOSIVES AND FIRE PREVENTION AND ENACTING NEW SECTIONS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That the following section 94.10 is hereby adopted as an amendment to the Centerville Municipal Code:

94.10 SEPARABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases might be declared invalid.

Section 2. That existing sections 94.20, 94.21, 94.22, 94.23, 94.24, 94.25, 94.35, 94.36, 94.37, 94.38, 94.39, 94.40, 94.41, 94.42 and 94.43 are hereby repealed.

Section 3. That the following sections are hereby adopted in place of those repealed in the previous section and to supplement said sections previously repealed:

94.20 ADOPTION OF UNIFIED FIRE CODE BY REFERENCE.

Pursuant to Section 5.06 of the Charter there is hereby adopted and incorporated by reference as if set out at length herein for the purpose of prescribing regulations for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, that certain code known as the 1990 Edition of the Unified Fire Code consisting of the 1990 Edition of the BOCA National Fire Prevention Code and the Southwest Fire Safety Council Standards (1990) 3.08, 3.13, 3.19, 4.04, 518.0, 17.0, 28.0, 28.06 and 30.0.

94.21 DEFINITIONS.

Wherever used in the Unified Fire Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CORPORATION COUNSEL. The Municipal Attorney for the city.

FIRE DEPARTMENT. The Washington Township Fire Department.

FIRE OFFICIAL and CHIEF FIRE PREVENTION OFFICER. The Fire Chief or his duly authorized representative.

MUNICIPALITY. The City of Centerville.

94.22 AMENDMENTS.

Delete Section F-100.1 and replace with new Section F-100.1 Title:

F-100.1 Title: These regulations as set forth herein shall be known as the Unified Fire Code and are herein referred to as such or as "this code".

Delete Southwest Ohio Fire Safety Council Unified Fire Code Amendment F-100.2.1 Adoption (See Section 94.20).

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-101.7 Submission Of Plans:

F-101.7 Submission of plans: Before a building or addition to a building is constructed or erected, and before a building is altered or relocated, or building equipment is installed therein, or there is a change of use or occupancy, plans relating to the work and equipment under consideration shall be prepared and submitted to the code official in duplicate. Plans that are submitted shall be considered adequate only if they conform to the requirements of the building code listed in Appendix A. Plans submitted under these provisions will be reviewed in a timely and orderly manner with one set being retained for the matter of record.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-105.9 Authority At Fires And Emergencies:

F-105.9 Authority at fires and emergencies: The Fire Chief or his authorized representative shall be in charge at the scene of a fire or other emergency involving the protection of life and/or property, and shall remain in charge until authority is relinquished.

Delete Section F-106.0 Permits (See Section 94.65).

Delete Southwest Ohio Fire Safety Council Unified Fire Code Section F-106.7 Payment Of Fees (See Section 94.68).

Delete Section F-107.1 Inspection (See Section 94.27).

Add Southwest Ohio Fire Safety Council Unified Fire Code Amendment Section F-109.4 Fire Damaged Structures:

F-109.4 Fire damaged structures: Any building, grounds or structure that has been damaged by fire, shall be secured from tampering or trespass and

maintained in a nuisance free condition by the owner or his agent, in a manner acceptable to the code official. All structures damaged by fire or explosion shall have repairs begun, demolished, or torn down, with all fire debris removed, 180 days after being damaged by fire or explosion.

Exception: Structures involved in suspicious or arson fires and deemed as evidence by the code official.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-110.3 Procedure In Event Of Fire:

F-110.3 Procedure in event of fire: In the event of an unfriendly fire, as defined by state law, in any building or premise, the responsible person, as defined by state law, 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 or premises.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-110.4 Stop Work Order:

F-110.4 Stop work order: Upon written notice from the code official that work on any building or structure is being performed contrary to the provisions of this code or the building code listed in Appendix A, or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

Delete Southwest Ohio Fire Safety Council Unified Fire Code Amendment Section F-111.0 Notice Of Violation (See Section 94.39).

Delete Southwest Ohio Fire Safety Council Unified Fire Code Amendment Section F-111.3 Penalty For Violation (See Section 94.99).

Delete Southwest Ohio Fire Safety Council Unified Fire Code Amendment Section F-112.0 Means Of Appeal (See Section 94.43).

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-113.0 Emergency Alarm Systems:

SECTION F-113.0 EMERGENCY FIRE ALARM SYSTEMS

F-113.1 Purpose and scope:

- (a) The purpose of this section is to protect the emergency services of the Fire Department of the adopting jurisdiction from misuse by responding to defective alarm systems and excessive false alarms and to provide monitoring controls to ensure reliability of fire or medical alarm systems installed within the adopting jurisdiction.

- (b) This section governs and regulates alarm systems, alarm users, and alarm businesses. It requires State of Ohio certification for alarm business and provides for penalties for violations and penalties for excessive false alarms.

F-113.2 Definitions:

- (a) "Alarm business" means the business by any individual, partnership, corporations, or other entity of maintaining, servicing, repairing, or installing any alarm system in or on any building, structure, facility, or equipment.
- (b) "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire condition, or emergency, or any other activity requiring urgent attention and to which the Fire Department is expected to respond.

Exception: Single station smoke detectors or other stand alone devices.

- (c) "Alarm user" means any person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility wherein an alarm system is installed and/or maintained.
- (d) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by a voice message or code signal a fire or medical emergency message indicating the need for an emergency response.
- (e) "False alarm" means the activation of an alarm system through mechanical failure, electrical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents.
- (f) "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone either directly or through a mechanical or electrical device that utilizes the telephone, for the purpose of using the telephone line to transmit an emergency message upon activation of the alarm system.
- (g) "Local alarms" means those alarms which activate an audible signal within the proximity of the premises only.
- (h) "Alarm" means any audible or visible signal or intelligence indicating existence of a supposed fire, medical, or other emergency requiring response and emergency action on the part of the Fire Department. Also, the alarm devices or device by which fire, medical, or other emergency signals are received.

- (i) "Automatic" as applied to fire protection devices refers to a device or system providing an emergency function without necessity of human intervention and activated as a result of a predetermined temperature rise, rate of rise of temperature, or increase in the level of combustion products; or a device used to detect a liquid or gas flow in fire protection system.
- (j) "Alarm system, automatic" means a manual fire alarm system containing automatic fire detection device(s) which activate a fire alarm signal.
- (k) "Alarm system, manual fire" is an interior alarm system composed of sending stations and signaling devices in a building operated on an electrical circuit, so arranged that the operation of any one station will ring all signals throughout the building and at one or more approved locations.
- (l) "Alarm system, sprinkler" is a visual and/or audible alarm activated by a water flow from a sprinkler system.
- (m) "Detector, smoke" is an approved, listed detector for sensing visible or invisible particles of combustion.
- (n) "Detecting device, automatic" is a device which automatically detects heat, smoke, or other products of combustion.
- (o) "Medical alarm" is a manual emergency alarm system containing a switch, button, pad, or similar device which causes the transmission of a medical emergency device.

F-113.3 Certification: No person, firm, or corporation shall engage in the business of servicing, testing, repairing, or installing fire protection equipment for profit unless such person, firm, or corporation has a valid Ohio State Fire Marshal's Office fire protection equipment certification as required by Section 3737.65 of the Ohio Revised Code.

F-113.4 Permits, approvals and registration:

- (a) Any person, firm, or corporation prior to installing any fire alarm system, except a medical alarm in a building or structure regulated by the Ohio Basic Building Code, shall first secure a permit from the adopting jurisdiction.
- (b) Prior to the installation of any fire alarm system in a building or structure regulated by the Ohio Building Code, three (3) sets of detailed fire alarm system plans and specifications shall be submitted to the code official for plan approval. Two sets of plans shall be returned to the Building Department and one set retained by the Fire Department.

- (c) All Alarm Systems as defined herein shall be registered with the adopting jurisdiction. A registration fee as determined by the Fire Department shall accompany the registration application.

F-113.5 Excessive false alarms: If any fire or medical alarm system produces three (3) false alarms in any twelve consecutive month period, written notice of that fact shall be given by regular mail or delivery to the alarm user.

EXCEPTION: New alarm installations shall have an exemption period as determined by the code official, but shall not exceed ninety (90) days.

F-113.6 Emergency alarm general provisions:

- (a) Automatic Dialing or Calling Devices: Fire alarm systems that automatically dial or call the Fire Department must be called on a special telephone line or communications circuit designated by the Fire Department and shall comply with the following:
- (1) Total length of the recorded message being transmitted to the Fire Department Communication Center (including repetition of message) shall not exceed forty-five (45) seconds duration.
 - (2) The recorded message transmitted shall be repeated not less than three (3) nor more than four (4) times and shall have an automatic abort feature to ensure this requirement.
 - (3) The recorded message being transmitted shall incorporate language specifically identifying the message as a "recording" with the balance of the message identifying by street number and street name the location of the emergency and the nature of the event which caused the alarm system to activate. If the location of the event/condition signaled by the alarm system is a multi-tenant, multi-family, or a commercial building containing multiple floors, the message shall identify the location of the activated device or location of the alarm system annunciator.
 - (4) All alarm systems having automatic dialing or calling devices that are not connected to an approved central station monitoring service shall transmit the alarm message directly to the Fire Department. If the automatic dialing or calling device has multiple notification capability, the first notification of a fire or medical emergency shall be transmitted to the Fire Department.
 - (5) The recorded message being transmitted to the Fire Department shall be appropriate for the purpose for which the alarm system was installed, and the message in its entirety shall be intelligible and spoken in the English language.

- (b) Combination Burglar/Fire Alarm Systems: Combination burglar (security, robbery, intrusion) alarm systems and fire alarm systems shall meet the provisions of this ordinance for that portion of the system that is designed for fire or medical conditions. The use of an alarm circuit for both fire and burglar detection devices shall be prohibited.
- (c) Listed/Approved Fire Alarm Systems: All fire alarm systems shall be listed for the use intended by a nationally recognized test laboratory. The use of non-commercial fire alarm system in commercial buildings shall be prohibited.
- (d) Resetting: All fire and medical alarms shall have the ability to reset themselves within 15 minutes, once the fire or medical condition has been eliminated.
- (e) Outside Audible Alarms: All outside audible devices that are connected to a fire alarm system other than a combination burglar fire alarm system shall have a sign in one (1) inch letters stating:

"Fire Alarm System"
"Contact the Fire Department"
"911"
- (f) Instructions: Every alarm business selling, leasing, installing, or furnishing to any user a fire or medical alarm system which is installed on premises located within the adopting jurisdiction, shall furnish the user with a complete set of instructions that provide information that will enable the user to operate and reset the alarm system properly and provide detailed information on how to obtain service for the alarm system at any time.

F-113.7 Right to conduct investigation: The alarm user of any building or structure containing a fire or medical system shall permit the Fire Department the right to conduct any investigation necessary to investigate and verify the authenticity of an alarm. This requirement shall apply to automatic and local alarm systems irrespective of the notification method either by an automatic dialing, calling device, or an outside audible alarm device.

F-113.8 Application of standards to existing and future alarm systems:

- (a) Every new system installed after the effective date of this ordinance shall comply with the above standards.
- (b) Every alarm system existing before the effective date of this ordinance shall be placed in compliance with the above standard no later than one (1) year after such effective date.

F-113.9 Limitations of liability: The adopting jurisdiction shall not be liable for any failure or neglect to respond appropriately upon receipt of

an alarm from such a device, nor for the failure of any person with a certification required pursuant to this ordinance or with a franchise, in connection with the installation and operation of equipment, nor the failure of the transmission of alarm signals and pre-recorded alarm messages, or the relaying of such signals and pre-recorded alarm message, or the relaying of such signals and messages. In the event that the Fire Department finds it necessary to disconnect a defective automatic dialing system or signaling device, the adopting jurisdiction shall incur no liability by such action.

F-113.10 Enforcement and penalty:

- (a) Enforcement of any of the provisions of this section may be by civil action and/or criminal prosecution.
- (b) Failure or omission to comply with any part of this section shall be deemed a violation.
- (c) Unless otherwise stated, the penalty for violation of any part or provision within this section is a 4th degree misdemeanor.
- (d) Any fire or medical alarm system creating an excessive alarm condition as defined in Section F-113.5 shall be subject to following conditions:
 - (1) If more than three (3) false alarms are produced by any alarm system in a 12 month period, a fee of \$50.00 shall be assessed the alarm user for the fourth false alarm, and \$100.00 shall be assessed for each successive false alarm thereafter.
 - (i) Such charges shall continue for each excessive false alarm until six consecutive months have elapsed during which time no false alarms have been received by the Fire Department
 - (2) The alarm user of an alarm system, other than an alarm system required per the Ohio Basic Building Code, may be required by the Fire Department to disconnect the alarm system immediately in such fashion that signals are not emitted so as to notify the Fire Department either directly or indirectly.
 - (i) Any alarm user who fails to disconnect as required above shall be deemed to be in violation of this ordinance.
 - (ii) An alarm system may be reconnected only if satisfactory evidence is provided to the Bureau of Fire Safety that the alarm system has been repaired so that it does not emit further false alarms and upon payment of all delinquent charges assessed for false alarms.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-114.2
Driving Over Unprotected Fire Hose:

F-114.2 Driving over unprotected fire hose: No vehicle shall, without the consent of the fire department official in command, be driven over any unprotected hose of the fire department at any time when such hose is laid on any public or private property.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-308.4 Kerosene Heaters:

F-308.4 Kerosene heaters: The use, operation, and maintenance of all unvented kerosene heaters shall be in accordance with Southwest Ohio Fire Safety Council Standard #3.08 (1990).

Delete Section F-313.0 Fire Lanes and replace with new Section F-313.0 Fire Lanes:

SECTION F-313.0 FIRE LANES

F-313.1 Fire department access: Fire Department Access shall apply to all premises which the fire department may be called upon to protect and shall be provided as required per Southwest Ohio Fire Safety Council Standard #3.13 (1990).

F-313.2 Vehicle impoundment: Since the stopping by a vehicle in a fire lane is prohibited at all times except for vehicles actively engaged in loading and unloading merchandise or people, or for public safety vehicles, any vehicle stopping in a fire lane as provided in this section may be impounded and/or cited by a law enforcement officer or an authorized fire official. If the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima-facie responsible for such violation.

"Stopping by a vehicle" for purposes of this section is defined to mean the stopping, obstructing, parking, standing, or any arrest of motion of a vehicle irrespective of whether such vehicle is occupied or not and irrespective of the duration of time.

F-313.3 Sign installation: Traffic signs prohibiting parking in fire lanes shall be provided and installed as required by this section by the property owner or his designee not more than two weeks after the date of the receipt of notification from the code official. If the signs are not posted within the time provided, the adopting jurisdiction may at its option install the signs itself and assess the cost of installation against the property owner. Such assessment shall be made by giving notice requesting payment within thirty days from the receipt of the bill for installation by the adopting jurisdiction and if payment is not received within that time then the amount uncollected may be certified to the County Auditor as an assessment against the property. Any signs prohibiting parking within fire lanes which do not conform to the approved standard design shall be removed upon posting of the signs heretofore designated.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-319.0 Requirement For Street Identification:

SECTION F-319.0 REQUIREMENTS FOR STREET IDENTIFICATION

Southwest Ohio Fire Safety Council Standard 3.19 has been adopted as an amendment to this article.

Delete Section F-404.4 Single- And Multiple-Station Smoke Detectors and replace with new Section F-404.4 Single- And Multiple-Station Smoke Detectors:

F-404.4 Single- and multiple-station smoke detectors: Southwest Ohio Fire Safety Council Standard 4.04 has been adopted to replace this section.

Delete Section F-500.2 Installations and replace with new Section F-500.2. Permit Required:

F-500.2 Permit required: Before any fire alarm, detection, or fire suppression system is installed, enlarged, or extended, a permit shall be secured from the code official.

Exception: Single-station smoke detectors, or other stand alone detection devices, and combination fire/burglar alarm systems for residential use.

Delete Section F-500.3 Acceptance Test and replace with new Section F-500.3 Acceptance Test:

F-500.3 Acceptance test: All fire protection systems shall be tested in accordance with the requirements of this code and with NFIPA 11, 11A, 12, 12A, 12B, 13, 13A, 13D, 13R, 14, 14A, 15, 16, 16A, 17, 17A, 20, and 24 listed in Appendix A. The tests shall be conducted by the owner or an authorized representative and in the presence of the code official. All tests required by this code and the standards listed in this code shall be conducted at the expense of the owner or the owner's representative.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-500.7 Fire Protection And Firefighting Equipment:

F-500.7 Fire protection and firefighting equipment: No person shall sell, offer for sale, or use any fire protection or firefighting equipment which does not meet the minimum standards for such equipment as specified in the building code, law, or this code. Except for public and private mobile fire trucks, no person shall engage in the business of servicing, testing, repairing, or installing fire protection equipment for profit, without being first certified as required by ORC 3737.64.

Delete Section F-517.2 Where Required and replace with new Section F-517.2 Where Required:

F-517.2 Where required: Portable fire extinguishers shall be provided and maintained in all buildings and structures in accordance with NFPA 10 listed in Appendix A.

Table F-517.2 ADDITIONAL REQUIRED PORTABLE FIRE EXTINGUISHERS

Section	Subject
F-301.9	Open burning
F-303.1	Open-flame paint removal
F-306.2.1	Motorized parade floats
F-315.3	Asphalt (tar) kettles
F-318.5	Construction, alterations, demolitions of buildings
F-804.2	Aircraft towing vehicle
F-804.2.1	Welding apparatus
F-804.3	Aircraft refueler
F-804.4	Aircraft service area
F-902.8	Spray finishing
F-903.8	Dip tanks
F-1202.1	Dry cleaning plants
F-1202.2	Dry cleaning rooms
F-1501.7	Lumber yards
F-1502.2	Woodworking machines
F-1603.1	Oil and gas wells
F-1901.6	Tents and air-supported structures
F-2102.3	Welding/cutting operations and portable welding carts
F-2503.2	Vehicles for cryogenic liquid
F-2603.10	Vehicles for explosives
F-2804.9	Service stations
F-2808.1.1	Interior flammable/combustible liquid storage rooms
F-2808.1.2	Flammable liquid storage areas
F-2809.1.2	Vehicles for flammable/combustible liquid or asphalt
F-3103.2	Magnesium
F-3301.3	Organic coatings

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-518.0 Water Main Systems And Fire Hydrants For Fire Protection:

SECTION F-518.0 WATER MAIN SYSTEMS AND FIRE HYDRANTS FOR FIRE PROTECTION

F-518.1 Water main systems and fire hydrants for fire protection: Approved water main systems and fire hydrants shall be provided as required in Southwest Ohio Fire Safety Council Standard 518.0 (1990).

F-518.2 Installation and modifications: Whenever any water main system and/or fire hydrants are installed or modified and the water main system and/or fire hydrants are to be utilized for fire protection the installation and/or modifications shall meet Southwest Ohio Fire Safety Council Standard 518.0 (1990).

F-518.3 Maintenance: All water main systems and fire hydrants utilized for fire protection shall be maintained in accordance with Southwest Ohio Fire Safety Council Standard 518.0 (1990).

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-1705.0 Covered Malls:

SECTION F-1705.0 COVERED MALLS

Southwest Ohio Fire Safety Council Standard 17.0 has been adopted as an amendment to this article.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-1900.1.1 Permit Required:

F-1900.1.1 Permit required: A tent or air-supported structure covering an area in excess of 900 square feet (30' x 30'), including all connecting areas or spaces with a common means of egress or entrance, and used or intended to be used for gathering together of 50 or more persons shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official and fire official. Tents used for recreational camping purposes shall be exempt from the above requirements.

Exception: Tents and/or tarps used exclusively for recreational camping/construction purposes.

Delete Section F-1901.2 Exposed Flames and replace with new Section F-1901.2 Exposed Flames:

F-1901.2 Exposed flames: Gasoline, gas, charcoal or other cooking devices or any other unapproved open flame shall not be allowed inside or within 20 feet of any tent or air-supported structure.

Exception: Cooking devices that employ electric, gas, or charcoal fuel that limit the flame height to a maximum of 6 inches shall be permitted under an open sided (fly) tent provided the tent is open on all sides and does not have drop down side tent fabric units attached; and

- (a) The top (fly) tent cover material is located a minimum of 5 feet above the cooking surface and that the (fly) tent material is flame retardant.
- (b) The cooking (fly) tent is not located within 20 feet of any of tent or air supported structure.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2700.1 Scope:

F-2700.1 Scope: The manufacture of fireworks is prohibited within the jurisdiction. The display, sale, or discharge of fireworks shall comply with the requirements of this article and NFPA 1123 and 1124 listed in Appendix A.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2803.10 OFC Self-Service Requirements:

F-2803.10 Ohio Fire Code self-service requirements: Southwest Ohio Fire Safety Council Standard 28.0 has been adopted as an amendment to this section.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.1 General:

F-2805.1 General: Flammable and combustible liquid storage tanks installed above ground shall be prohibited except as specifically provided for in Sections F-2805.2 through F-2805.9.1.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.1.1 Modifications:

F-2805.1.1 Modifications: The Code Official shall be permitted to allow increases in storage quantities and number of tank site locations when it can be demonstrated that adequate levels of life and property safety protection are provided.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.5 Outside Commercial Installations:

F-2805.5 Outside commercial installations: Outside installations shall only be permitted at commercial facilities for the use of Class III B combustible liquid in approved storage tanks not exceeding 300 gallons individual capacity and with a maximum aggregate quantity not to exceed 600 gallons. Such storage shall be permitted provided;

- (a) The distance from the outside wall of a required containment barrier to any building, structure, or property line shall be a minimum of
 - (1) 15 feet for unprotected tanks;
 - (2) 5 feet for protected tanks;
- (b) The tank is safeguarded against collision, spillage, and overflow as approved by the code official;
- (c) The tank is listed and approved for such above-ground use;
- (d) The tank complies with the requirements for emergency relief venting;

- (e) The tank installation complies with the requirements of NFPA 30 listed in Appendix A;
- (f) An inspection of the premises and operations has been made and approved by the Code Official.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.6 Above-ground Unprotected Tanks:

F-2805.6 Above-ground unprotected tanks: An unprotected above-ground flammable and combustible liquid storage tank shall mean an above-ground storage tank which would be unprotected from the radiant heat and flame impingement during a fire. Construction shall conform to U.L. Standard 142 and API Standard 12B, 12D, 12F, and 650 listed in Appendix A.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.6.1 Outside Fueling Installation:

F-2805.6.1 Outside fueling installation: Outside installation shall be permitted at commercial facilities intended for the fueling of vehicles for private use and not open to the general public. Such dispensing and storage shall be permitted provided:

- (a) The maximum amount stored outside above-ground shall not exceed 660 gallons per tank nor 1320 gallons per property;
- (b) The distance from the outside wall of a required containment barrier to any building, structure, or property line shall be a minimum of 50 feet;

Exception: Approved portable tanks as specified in Section F-2807.1 and having a maximum individual capacity of 60 gallons shall be permitted to be located a minimum of 10 feet from any building, structure, or property line.

- (c) The tank is safeguarded against collision, spillage, and overflow as approved by the code official;
- (d) The diking or secondary containment requirements of NFPA 30 and 30A listed in Appendix A are met;
- (e) The tank is listed or approved for such above-ground use;
- (f) The tank complies with the requirements for emergency relief venting, and the tank dispensing system meets the electrical requirements of NFPA 70 listed in Appendix A;
- (g) The tank installation shall comply with the requirements of NFPA 30 and 30A listed in Appendix A;
- (h) The fuel dispensing system is installed and protected in accordance with Section F-2803.0 and NFPA 30A listed in Appendix A;

- (i) An inspection of the premises and operations has been made and approved by the code official.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.7 Above-ground Protected Tanks:

F-2805.7 Above-ground protected tanks: A protected above-ground flammable and combustible liquid storage tank in this particular instance shall mean an above-ground storage tank that incorporates a fixed automatic fire suppression system installed in accordance with Article 10 of the building code listed in Appendix A for exposure protection from flame and radiant heat impingement during a fire or a tank that utilizes a protective coating integral to the tank itself. Construction of the tank shall conform to U.L. Standard 142 listed in Appendix A. Protective coatings shall be constructed with sound engineering principles to provide monolithic protection from corrosion and rapid rise temperature fires as well as providing a minimum two-hour fire barrier conforming to U.L. Test Standard 1709. The tanks shall be provided with protection from ballistic or other high-energy puncture so that the tank can withstand at least a 3,000 psi impact without sustaining any damage.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.7.1 Outside Fueling Installation:

F-2805.7.1 Outside fueling installation: Outside installation shall only be permitted at commercial facilities intended for the fueling of vehicles for private use and not open to the general public. Such dispensing and storage shall be permitted provided:

- (a) The maximum aggregate amount stored outside above-ground shall not exceed 2,000 gallons;

Exception: The aggregate storage amount shall be permitted to be increased to 6,000 gallons when the minimum distance from the above ground tank to any building, structure, and property line is a minimum of 50 feet.

- (b) The distance from the above ground tank to any building, structure, or property line shall be a minimum of 25 feet;
- (c) The tank is safeguarded against collision, spillage, and overfill as approved by the code official;
- (d) The tank is listed or approved for such above-ground use;
- (e) The tank complies with the requirements for emergency relief venting, and the tank dispensing system meets the electrical requirements of NFPA 70 listed in Appendix A;
- (f) The fuel dispensing system is installed and protected in accordance with Section F-2803.0 and NFPA 30A listed in Appendix A;

- (g) An inspection of the premises and operations has been made and approved by the code official.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.8 Outside Industrial Installation:

F-2805.8 Outside industrial installation: Outside installation shall only be permitted at industrial facilities for flammable and combustible liquids used in conjunction with their business or operation. Such storage shall be permitted provided it is in accordance with Table F-2805.8 and the requirements listed below:

TABLE F-2805.8
OUTSIDE INDUSTRIAL INSTALLATION

LIQUID CLASS	MAXIMUM INDIVIDUAL CAPACITY	EXPOSURE DISTANCE		MAXIMUM AGGREGATE CAPACITY	TANK SPACING		AUTO FIRE PROTECTION
		UNPROT	PROTECT		UNPROT	PROT	
I-II-III	0 - 750	20 ft	10 ft	1500 ¹	6 ft	3 ft	
I-II-III	751 - 2000	50 ft	25 ft	4000 ¹	12 ft	3 ft	
I-II-III	2001 - 12000	70 ft	35 ft	24000 ¹	18 ft	3 ft	
I-II-III	12001-50000	50 ft			NOTE ²		NOTE ³
I-II-III	50001-500000	100 ft			NOTE ²		NOTE ³

NOTE¹ - MAXIMUM AGGREGATE CAPACITY SHALL BE PERMITTED TO BE INCREASED BY 100% PROVIDED STORAGE IS FOR CLASS III-B COMBUSTIBLE LIQUID ONLY.

NOTE² - NFPA 30 SEE TABLE 2-7.

NOTE³ - AUTOMATIC FIRE PROTECTION SYSTEM REQUIRED.

- (a) The tank is safeguarded against collision, spillage, and overfill as approved by the code official;
- (b) The diking or secondary containment of NFPA 30 listed in Appendix A are met;
- (c) The tank is listed and approved for such above-ground use;

- (d) The tank complies with the requirements for emergency relief venting;
- (e) The tank installation complies with the requirements of NFIPA listed in Appendix A.
- (f) An inspection of the premises and operations has been made and approved by the code official.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.9 Interior Use And Installation:

F-2805.9 Interior use and installation: Interior use and installations of above-ground flammable and combustible liquid storage tanks shall only be permitted for the following:

- (a) Industrial facilities when used in conjunction with their business or operation complying with the requirements of the building code and NFIPA 30 listed in Appendix A;
- (b) Service stations and repair garages shall be permitted to store up to a maximum of 250 gallons of Class III A or 600 gallons of Class III B combustible liquids provided that the tank is enclosed in minimum one-hour fire resistance rated construction.
- (c) Service stations and repair garages shall be permitted to store up to a maximum of 500 gallons of Class III A or 3,000 gallons of Class III B combustible liquids provided that an approved sprinkler system is installed throughout the entire building and/or structure in accordance with Section 1004.2.1 of the building code listed in Appendix A.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-2805.9.1 Interior Installation:

F-2805.9.1 Interior installation: Interior installation shall be in accordance with the following:

- (a) The tank is safeguarded against collision, spillage, and overflow as approved by the code official;
- (b) Secondary containment is provided as approved by the code official;
- (c) The tank is listed and approved for such use;
- (d) The tank complies with the requirements for emergency relief venting;
- (e) The tank installation complies with the requirements of NFIPA 30 listed in Appendix A;

- (f) An inspection of the premises and operations has been made and approved by the code official;
- (g) Each tank shall be provided with an approved automatic closing, heat-actuated valve on each withdrawal connection below the liquid level, and shall be located within two feet of the shell of the tank.

Delete Section F-2806.11 Abandonment Of Storage Tank Systems and replace with new Section F-2806.11 Abandonment Of Storage Tank Systems:

F-2806.11 Abandonment of storage tank systems: A permit shall be obtained from the code official to remove, abandon, place temporarily out of service, or otherwise dispose of any flammable or combustible liquid storage tank and/or piping.

1. Tanks "temporarily out of service" shall have the fill line, gauge opening, and pump connection secured against tampering. Vent lines shall remain open and shall be maintained in accordance with the requirements of this article for vent lines.
2. Any tank not used for a period of 90 days shall be properly safeguarded or removed in an approved manner.
3. Any tank which has been abandoned for a period of one year or has been determined to be leaking shall be removed from the property in accordance with Southwest Ohio Fire Safety Council standard 28.06 (1990) and the site restored in an approved manner. When the code official determines that the removal of the tank and/or piping is impractical and cannot be removed due to the potential of causing structural damage, the code official shall permit the tank and/or piping to be abandoned in place. Removal and disposal shall be in accordance with Southwest Ohio Fire Safety Council Standard 28.06. (Section 28.06.7)

Delete Section F-3000.1 Scope and replace with new Section F-3000.1 Scope:

F-3000.1 Scope: The equipment, processes, and operations for the storage and handling of liquified petroleum gases shall comply with the applicable requirements of this code and with the provisions of this article and Southwest Ohio Fire Safety Council Standard #30.0 (1990). Equipment, processes, and operations for the storage and handling of liquified petroleum gas shall be installed and maintained in accordance with NFIPA 58 listed in Appendix A where provisions of this article do not specifically cover conditions and operations.

Add Southwest Ohio Fire Safety Council Unified Fire Code Section F-3400.1.1 Permit Required:

F-3400.1.1 Permit required: A permit shall be obtained from the code official for the storage or handling of pesticides which are classified as highly toxic and the aggregate quantity exceeds three (3) gallons.

Add Southwest Ohio Fire Safety Council Unified Fire Code Appendix A Amendments (reference standards).

APPENDIX A

REFERENCED STANDARDS AMENDMENTS

The following amendments are hereby made to Appendix A Referenced Standards of the Unified Fire Code.

ANSI American National Standards Institute
 1430 Broadway
 New York, NY 10018

Standard reference number	Title	Referenced in code Section number
G57-78	Field Measurement of Soil Resistivity Using the Werner Form Electrode Method- Standard for	FM-2804.3 FM-2806.1

API American Petroleum Institute
 1220 L Street, NW
 Washington, DC 2005

Standard reference number	Title	Referenced in code Section number
API 650-88	Welded Steel Tanks for Oil Storage	Table F-2802.1
API 1604-81	87 Recommended Practice for Abandonment or Removal of Used Underground Service Station Tanks	FM-2800.1 FM-2804.9
API 1631-83	87 Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks	FM-2800.1 FM-2803.3

ASME American Society of Mechanical Engineers
 345 East 47th Street
 New York, NY 10017

Standard reference number	Title	Referenced in code Section number
A17.1-87	Safety Code for Elevators and Escalators	F-405.1

BOCA Building Officials & Code Administrators, International
 4051 West Flossmoor Road
 Country Club Hills, IL 60478-5974
 (OBBC) *Ohio Board of Building Standards

Standard reference number	Title	Referenced in code Section number
	Ohio Basic Building Code	F-101.1
	F-101.2, F-101.6, F-109.3, F-109.3.1, F-200.3, F-201.0, F-308.1, F-317.4, F-318.6, F-400.1, F-400.2, F-401.1, F-401.3, F-401.4, F-403.1, F-403.2, F-403.2, F-404.3, F-404.5, F-500.2.1, F-500.3, F-514.1, F-514.5, F-516.1, F-600.1, F-601.2, F-602.2, F-602.3, F-605.1, F-705.3, F-705.4, F-706.1, F-801.3, F-901.1, F-902.2, F-903.2, F-1001.3, F-1101.1, F-1201.1, F-1501.7, F-1700.4, F-1701.1, F-1703.3, F-1704.1, F-1800.1, F-1801.1, F-1804.1, F-1806.1, F-1900.2, F-2105.3.2, F-2106.4, F-2201.1, F-2301.1.2, F-2401.9, F-2801.1, F-2801.7, F-2802.1, F-2803.6, F-2804.1, F-2805.4, F-2807.3, Table F-2807.4, F-3303.1	
	Ohio Basic Mechanical Code	F-101.1
	F-2003., F-308.1, F-309.2, F-310.1, F-400.2, F-406.1, F-902.6, F-902.10, F-903.3, F-1101.4, F-1201.1, F-1501.3, F-1802.3.1, F-2501.2, F-2800.2, F-2800.5, F-2803.2, F-2803.6, F-2804.4, F-2804.8	
	Ohio Plumbing Code	F-101.1
	F-200.3, F-400.2, F-1201.1, F-2804.5	
	NPMC National Existing Structures Code.	FM-105

CPSC Consumer Product Safety Commission
 1111 28th Street, N.W.
 Washington, D.C. 20207

Standard reference number	Title	Referenced in code Section number
16 C.F.R.	Commercial Practices, Parts 1500 and 1507.	FM-2700.1 FM-2711.1

NFiPA National Fire Protection Association
 Batterymarch Park
 Quincy, MA 02269

Standard reference number	Title	Referenced in code Section number
101-81	Code for Safety to Life from Fire in Buildings and Structures	
102-78	Tents, Grandstands and Air Supported Structures, Used For Places of Assembly - Standard for	

329-87	Underground Leakage of Flammable and Combustible Liquids	FM-2800.1
385-85	Tank Vehicles for Flammable and Combustible Liquids	FM-2809.1.1
		FM-2809.1.2
1123-82	Fireworks, Public Display - Standard for.	FM-2700.1
		FM-2707.5
		FM-2712.1
		FM-2715.1
1124-84	Fireworks, Manufacture, Transportation, Storage-Code for	FM-2700.1
		FM-2712.1
		FM-2713.1
		FM-2714.1

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PEI Petroleum Equipment Institute
 P.O. Box 2380
 Tulsa, OK 74101
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Standard reference number	Title	Referenced in code Section number
PEI-RP 100-87	Recommended Practices for Installation Of Underground Liquid Storage Systems.	FM-2800.1

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94.23 FILE AND DISTRIBUTION COPIES.

At least one copy of the Unified Fire Code shall be on file for inspection by the public with the Clerk of Council, and at least one copy shall be on file in Montgomery County Law Library. Additional copies will be made available to the public at cost by the Fire Department.

94.24 STORAGE LIMITS.

- (A) The limits referred to in Section F-2601.2 of the Unified Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as anywhere within the City of Centerville.
- (B) The installation of above ground liquified petroleum gas tanks in excess of 2000 gallons water capacity shall be prohibited in the City of Centerville.

Exception: Above ground liquified petroleum gas tanks installed in a manner approved by the code official.

- (C) The provisions of this section shall apply equally to new and existing above ground liquified petroleum gas tanks.

Exception: Existing conditions which do not constitute a distinct hazard to life or property.

94.25 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Fire Chief and the Director of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies which shall require permits in addition to those now enumerated in the Fire Prevention Code. The Director of the Bureau of Fire Prevention shall post a list of required permits in a conspicuous place in his office and distribute copies thereof to interested persons.

FIRE INSPECTIONS AND CORRECTION OF VIOLATIONS

94.35 PURPOSE OF INSPECTIONS.

The inspection and examination authorized by this chapter shall be for the purpose of reporting and correcting the following fire hazards pertaining to buildings and their occupants:

- (a) Disrepair;
- (b) Age and dilapidated condition;
- (c) Faulty or unapproved construction;
- (d) Inadequate or lack of means of egress;
- (e) Inadequate fire alarm protection;
- (f) Inadequate fire extinguishing equipment;
- (g) Materials and buildings especially susceptible to fire;
- (h) Conditions endangering other property or occupants;
- (i) Any other fire hazards dangerous to life or property.

94.36 DUTY TO INSPECT.

It shall be the duty of the Chief of the Fire Department, the officer in charge of the Bureau of Fire Safety, or a Fire Safety Inspector specially designated thereto to inspect all buildings and premises in the city and to enforce the provisions of this code, and all other codes and ordinances relating to fire prevention and life safety.

No person shall knowingly hinder, obstruct, or otherwise interfere with a code official in making such inspections. Any person convicted of violating this section shall be punished as provided in Section 94.99.

94.37 INSPECTIONS.

The code official shall have the authority to inspect all structures and premises as often as may be necessary for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions of this code, or any other ordinance affecting fire safety.

Single and multi-family dwelling units shall only be inspected when the owner/occupant has requested such inspection or when a fire safety hazard has been reported by a formal complaint or when the code official has witnessed a fire safety hazard on said property.

94.38 RIGHT OF ENTRY.

Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the code official shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the code official by this code; provided that if such structure or premises is occupied, the code official shall first present proper credentials and request entry. If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

94.39 ORDER TO CORRECT VIOLATION; PENALTY.

Whenever the Chief of the Fire Department, the officer in charge of the Bureau of Fire Safety, or a Fire Safety Inspector finds any building or other structure likely to catch fire from any cause including, but not restricted to, those fire hazards set forth in Section 94.35, or when such officer discovers any violations of this Fire Prevention Code or of any other laws or ordinances relating to fire hazards, he may serve a written order to correct the violation or condition upon the owner, operator, occupant, or other person responsible for the violation or condition and/or may file criminal charges against the person involved for a violation of this Code.

No person shall knowingly or recklessly fail to comply with a lawful order issued by a code official. Any person convicted of violating this section shall be punished as provided in Section 94.99.

94.40 SERVICE OF ORDER.

The order required herein shall be served in one of the following ways:

- (a) By making personal delivery of the order to the person responsible;
- (b) By leaving the order with some person of suitable age and discretion upon the premises;

- (c) By affixing a copy of the order to the door at the entrance of the premises in violation;
- (d) By mailing a copy of the order to the last known address of the owner of the premises, by registered mail;
- (e) By publishing a copy of the order in a local paper once a week, for three successive weeks.

94.41 TIME LIMIT.

The order required herein shall set forth a time limit for compliance, dependant upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, the Chief of the Fire Department or the officer in charge of the Bureau of Fire Safety shall have the authority to require compliance immediately upon service of the order.

94.42 FAILURE TO COMPLY.

Any person to whom an order is directed and who fails to comply with such order within the specified time shall be punished as provided in Section 94.99.

94.43 BOARD OF APPEALS.

A Board of Appeals shall be established with members appointed pursuant to Section 94.44 which shall have jurisdiction with the geographical boundaries of the City of Centerville and such Board shall follow all of the procedures and have all the powers and duties provided in Section 94.44 through 94.54.

94.44 BOARD.

There is hereby created the Residential Board of Appeals, hereinafter referred to as the Board. The Board shall be established and administrated by Montgomery County. The Board shall have power to adopt and promulgate rules and regulations interpreting the provisions of the "One, Two and Three Family Dwelling Code" for all one, two or three family dwellings and the "Unified Fire Code" and implementing its administration and intent. The Board shall consist of five members.

Each member shall be appointed for a term of five (5) years, or until his successor is appointed, except that appointments to fill vacancies arising in mid-term shall be only for the unexpired portion of such terms. Original appointments shall be for terms of one, two, three, four and five years.

94.45 QUALIFICATIONS OF MEMBERS.

The Board shall consist of five (5) members as follows:

1. One fire official;
2. One builder;

3. One architect or engineer, registered in Ohio;
4. One attorney, admitted to the Ohio Bar;
5. One building official.

The fire official shall be appointed to the Board by the Southwest Ohio Fire Safety Council. The builder shall be appointed to the Board by the Home Builders Association. The architect or engineer shall be appointed to the Board by, in turn, the City of Dayton, the City of Kettering, or Montgomery County by alphabetical order. The attorney shall be appointed to the Board by other jurisdictions which have adopted this code, in turn, by alphabetical order. The building official shall be appointed to the Board by the Miami Valley Building Official's Association. Members of the Board shall have a minimum of six (6) years of building design, construction inspection/code enforcement experience. The attorney shall have a minimum of six (6) years legal experience.

94.46 CHAIRMAN AND SECRETARY.

The Board shall select one of its members to serve as its Chairman, and one as a Vice-Chairman and shall appoint a person to act as Secretary for the Board and to keep a detailed record of all Board proceedings.

94.47 DISQUALIFICATIONS.

No member of the Board shall pass on any questions involving work on which he or his employer is or has been engaged or involved as a contractor or material dealer or superintendent, or for which he or his employer has prepared plans or specifications, or in which he has any personal or financial interest whatever.

94.48 MEETINGS.

The Board shall meet within 30 days after the filing of any appeal or request for action with the Secretary of the Board, and also periodically if the volume of its work so warrants.

94.49 REPRESENTATION.

Each appellant or applicant and the code official, and any other person whose interests may be affected by the appeal, shall be given a fair opportunity to be heard orally, in person or by counsel, and to present written argument.

94.50 APPLICATION FOR APPEAL OR ACTION.

Any person adversely affected by the Unified Fire Code Articles and Sections F-109.1, F-109.3.1, Article 2, F-301.4, F-304.0, F-305.0, F-306.0, F-307.2, F-307.3, F-308.1, F-308.3, F-309.0, F-312.2, F-312.6, F-313.0, except for F-313.12, F-315.2, F-316.0, F-318.0, Article 4, F-501.3, F-501.4, F-501.4.1, F-502.2, F-502.2.1, F-502.2.2, F-502.3, F-510.0, F-516.4, F-517.2, F-602.2,

F-603.2, Article 7, Article 8 except for F-801.4, F-802.4, F-802.5, F-803.1.1, F-803.2, Article 9 except for F-901.2, F-902.5, F-902.7.5, F-902.9, F-902.10.2, F-903.6.1, F-903.6.2, and F-906.6.3, Article 10 except for F-1001.2, Article 11 except for F-1101.5, F-1101.6, Article 12, Article 13 except for F-1302.1, Article 14 except for F-1401.2, F-1401.3, F-1401.3.1, Article 15 except for F-1501.3, F-1501.4, Article 16 except for F-1601.4, F-1601.5, F-1601.5.1, F-1601.5.2, F-1603.2, Article 17 except for F-1700.3, F-1700.4, F-1700.4.1, F-1701.1, F-1703.0, Article 18 except for F-1802.6, F-1802.8, F-1806.2.3, Article 19 except for F-1901.1, F-1901.2, Article 20 except for F-2001.3, Article 21 except for F-2102.2, F-2102.4, F-2102.5, F-2103.10, F-2103.12, F-2103.16, F-2103.17, F-2107.3.1, Article 22, Article 23, Article 24, Article 25 except for F-2502.2, Article 26 except for F-2602.5, F-2602.5.2, F-2602.5.3, F-2602.6, F-2603.13, F-2605.3, F-2606.4, F-2606.6, Article 27 except for F-2701.4, Article 28 except for F-2801.4, F-2801.8, F-2804.2, F-2808.2, Article 29 except for F-2905.2, Article 30, Article 31, Article 32, Article 33 except for F-3301.4, F-3301.5, F-3303.7, and Article 34, may appeal a decision of the code official refusing to grant a permit or to permit the use of a particular material and/or equipment or method of construction in a proposed structure, provided such appeal is filed within 15 days of date of receipt of written decision from the code official. The appeal must include proposed alternatives, modifications, or substitutions, complete plans of structure, other pertinent information, and payment of fees.

The appeal shall be based on one or both of the following grounds, to wit:

1. That the interpretation, filing, or order is erroneous or constitutes an erroneous application of the particular provisions of the "One, Two and Three Family Dwelling Code" or the "Unified Fire Code" or related laws and ordinances involved, or is otherwise contrary to law.
2. That a modified application or alternative arrangement is available and feasible whereby the strict application of a particular provision or provisions may be modified with alternatives without defeating the public safety, health and general welfare, purpose and intent of the provisions of the "One, Two and Three Family Dwelling Code" or the "Unified Fire Code."

A hearing shall be held within a reasonable time but not to exceed 30 days following receipt of the appeal by the Secretary of the Board. The Board shall provide the appellant with written notice of its determination within 30 days after the hearing.

94.51 FEE FOR APPEAL OR ACTION.

Each applicant for an appeal to the Board from an action of the code official shall be accompanied by a fee of \$100.00. Fees shall be deposited in accordance with applicable laws and shall be used to defray the normal expense of the Board including the payment for time of the secretary, payment for the preparation of transcript hearings by a court reporter when deemed necessary, or such similar expenses as the Board may authorize.

94.52 APPEAL AND ACTION.

The Board shall review and decide appeals from rulings and actions of the code official in administering the codes, and shall hear and decide applications for modifications, deviations, or approved rules.

94.53 QUORUM.

A majority of the members of the Board shall constitute a quorum. A majority of the quorum shall be necessary to make a decision on an appeal, modification, deviation, or an approved rule.

94.54 RE-HEARING.

The Board shall, upon application of either the appellant or code official, grant re-hearing before the Board in any case where new evidence is presented, which in the opinion of the Chairman, may justify such re-hearing. Such re-hearing shall not serve to stop execution of the previous decision of the Board pending the re-hearing except by special action of the Board so directing.

Section 4. That existing sections 94.55, 94.56, 94.57, 94.58, 94.59, 94.60 and 94.99 are hereby repealed.

Section 5. In the place of the sections repealed in the previous section, the following sections replacing and supplementing same are hereby adopted:

94.55 DEFINITION.

OFFICER IN CHARGE OF THE BUREAU OF FIRE SAFETY. Either the Chief of the Fire Department of the city or the officer in charge of the Washington Township Bureau of Fire Safety.

94.56 ESTABLISHMENT.

A Bureau of Fire Safety of the city is hereby established, and shall operate under the supervision of the Chief of the Fire Department, and shall be the same as the Bureau which has been established within the Washington Township Fire Department.

94.57 APPOINTMENT OF OFFICER IN CHARGE.

The Chief of the Fire Department shall designate the officer in charge of the Washington Township Bureau of Fire Safety as the officer in charge of the Bureau of Fire Safety of the city.

94.58 DUTIES.

It shall be the duty of the Bureau of Fire Safety to enforce all laws and ordinances covering the following:

- (a) Inspection of structures and facilities for potential fire hazards;
- (b) Abatement of existing fire hazards;
- (c) Investigation of the cause, origin, and circumstances of fires;
- (d) Storage, use and handling of hazardous materials;
- (e) Regulations of the maintenance of means of egress;
- (f) Regulations of the maintenance and acceptance tests of automatic and other private fire alarm systems and fire extinguishing equipment;
- (g) Control of the means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters, and all other places in which persons work, meet, live or congregate;
- (h) Educational fire prevention programs;
- (i) Monitor construction, protection, and occupancy features of buildings to minimize danger to life and property from fire, products of combustion, or panic;
- (j) Issue permits as specified in the Unified Fire Code and as established under Section 94.65;
- (k) Conduct plan reviews of fire protection systems and associated fire and life safety systems and equipment.

94.59 POWERS.

The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this Fire Prevention Code and other ordinances, and as may be conferred and imposed from time to time by law.

94.60 OTHER DEPARTMENTS NOT RELIEVED OF RESPONSIBILITIES.

The designation of duty in this subchapter shall not relieve any other department, officer, or employee of the city of any power or duty conferred upon it or him by law or ordinance.

94.61 INVESTIGATION OF FIRES.

The Chief of the Fire Department or the officer in charge of the Bureau of Fire Safety shall cause to be investigated the cause, origin, and circumstances of every fire occurring in the city involving loss of life or injury to person, or by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of

carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire, and if it appears to the Chief or the officer in charge of the Bureau of Fire Safety or his designated investigator, that such fire is of suspicious origin, he shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

The Chief or the officer in charge of the Bureau of Fire Safety shall have the authority to examine witnesses, compel the attendance of witnesses and the production of books and papers, administer oaths, and enter, for the purpose of examination, any building which has been destroyed or damaged by fire or explosion.

94.62 ASSISTANCE BY OTHER DEPARTMENTS.

The Director of Law and the Police Department, upon request of the Chief of the Fire Department or the officer in charge of the Bureau of Fire Safety, shall assist the Chief and the officer in charge of the Bureau of Fire Safety in the investigation of any fire which, in either of their opinions, is of suspicious origin.

94.63 RECORD OF FIRES.

The officer in charge of the Bureau of Fire Safety shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the various officers of the Fire Department under the provisions of this Fire Prevention Code. All such records shall be made public.

94.64 REPORTS.

Reports of the activities of the Bureau of Fire Safety shall be prepared by the officer in charge of the Bureau of Fire Safety and transmitted to the Chief of the Fire Department to the extent that the Chief may, from time to time, require. Such reports shall contain all proceedings under this Fire Prevention Code.

94.65 PERMIT PURPOSE; NONTRANSFERABILITY.

A permit shall constitute permission to maintain, store, or handle materials, or conduct processes which produce conditions hazardous to life or property, or install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Code. Said permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable, and any change in use, operation, or tenancy shall require a new permit.

94.66 APPLICATIONS.

All applications for permits required by this Fire Prevention Code shall be made to the officer in charge of the Bureau of Fire Safety in such form and detail as he shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the officer in charge of the Bureau of Fire Safety for evaluation of the application.

94.67 NOTICE.

It shall be unlawful to engage in any business activity involving the handling, storage, or use of hazardous substances, materials or devices; or to maintain, store, or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment used in connection with such activities; or to establish a place of assembly without first notifying the code official.

94.68 INSPECTION; APPROVAL.

Before a permit shall be issued, the officer in charge of the Bureau of Fire Safety or his authorized representative, shall inspect and approve the receptacles, vehicles, buildings, or storage places to be used. In cases where laws or regulations enforceable by departments other than the Bureau of Fire Safety are applicable, joint approval shall be obtained from all departments concerned. A permit shall not be issued until the designated fees have been paid.

94.69 DURATION; DISPLAY.

Every permit granted by the officer in charge of the Bureau of Fire Safety shall remain in effect until revoked, or for such period of time specified on the permit. Permits must be kept on the premises designated therein, and shall at all times be subject to inspection by the officer in charge of the Bureau of Fire Safety and by any officer of the Fire or Police Departments.

94.70 HAZARDOUS MATERIALS.

One permit only shall be required by establishments dealing in, or using, two or more flammable, combustible, or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.

94.71 REVOCATION OF PERMITS.

The Chief of the Fire Department, the officer in charge of the Bureau of Fire Safety, or an authorized representative, shall revoke any permit issued under this Fire Prevention Code when he finds either:

- (a) That the permit is being used by any person or firm other than the person or firm to whom it was issued, or

- (b) That the conditions or limitations set forth in the permit have been violated, or
- (c) That violations set forth in any written notice served upon a permittee by the Director of the Bureau of Fire Prevention have not been corrected within the time required by the notice; or
- (d) That the permit is being used for any premises or location other than that for which it was issued.

94.72 PAYMENT OF FEES.

- (a) The fee schedule for all designated permits as required per the Fire Code shall be those set forth in Section 94.73.
- (b) Permit inspection requests outside of the normal work day period shall be billed at a rate of \$50.00 per man hour (rate per inspector) with a minimum of three (3) hours if detached from the normal work day.
- (c) Any occupant/owner who conducts, uses or installs a process, material, or equipment prior to securing a required permit shall be subject to a double fee charge for said permit.
- (d) City or government agencies shall not be assessed permit fees.

94.73 TABLE OF FEES.

I. OCCUPANCIES/STRUCTURES (TEMPORARY OR OTHERWISE)

F-305.2	Storage Combustible Materials	\$30.00
F-800.2	Airports	\$30.00
F-1200.2	Dry Cleaning Types I, II, IIIA, IIIB, IV, V	\$30.00
F-1500.2	Lumberyards/Woodworking Plants	\$30.00
F-1700.2	Place of Assembly (Use Group A-2 ONLY)	\$30.00
F-2000.2	Junkyard/Waste Material/Handling Plants	\$30.00

II. PROCESSES

F-900.2	Flammable Operations	\$30.00
F-1000.2	Pin Refinishing/Lane Resurfacing	\$30.00
F-1100.2	Fruit Ripening Process	\$30.00
F-1300.2	Dust Hazards	\$30.00
F-1400.2	Fumigation/Thermal Insecticidal Fogging	\$30.00

F-1600.2	Oil/Gas Production	\$30.00
F-1600.2.1	New Wells	\$30.00
F-1800.2	Semi-Conductor Fabrication Facilities	\$30.00
F-2100.2	Welding/Cutting/Acetylene Generator	\$30.00
F-2103.2	Cylinder/Container Storage	\$30.00
F-2105.1	Calcium Carbide Storage	\$30.00
F-2106.1	Acetylene Generator (Carbide Cap > 5#)	\$30.00
F-3300.2	Organic Coating	\$30.00

III. MATERIALS

F-316.2	Cellulose Nitrate Film	\$30.00
F-317.2	Cellulose Nitrate Plastics	\$30.00
F-2300.2	Combustible Fibers	\$30.00
F-2400.2	Flammable Compressed Gas	\$30.00
F-2500.2	Cryogenic Liquids	\$30.00
F-2600.2	Explosives/Ammunition/Blasting Agents (See F-2600.2, F-2600.2.1, F-2600.1.1. & F-2600.3)	\$30.00
F-2800.3	Flammable/Combustible Liquids	\$30.00
F-2900.2	Hazardous Materials/Chemicals	\$30.00
F-3000.2	Liquified Petroleum Gases	\$30.00
F-3100.2	Magnesium (+ 10 lbs. Per Day)	\$30.00
F-3200.2	Matches	\$30.00

IV. SPECIAL

F-301.3	Bonfires (Max 5' x 5', All Natural) (EPA Permit Required)	NC
F-308.13	Kerosene Heaters (Operational Display Only)	\$30.00
F-500.2.1	Fire Protection Systems:	

(1)	Fire Alarm Detection Systems *Major Modifications/Alterations	\$30.00
(2)	Automatic Sprinkler Systems *Foam-water *Spray *Limited Area *Standard NFIPA-13 *Special NFIPA 13, 13D, 13R *Major Modifications/Alterations	\$30.00
(3)	Standpipe Systems *Major Modifications/Alterations	\$30.00
(4)	Fire Pumps *Major Modifications/Alterations	\$30.00
(5)	Automatic Sprinklers Underground and Private Water Mains	\$30.00
(6)	Special Hazard Fire Protection Systems *Dry Chemical *Wet Chemical *Carbon Dioxide *Halon *Major Modifications/Alterations	\$30.00
(7)	Smoke Removal Systems *Major Modifications/Alterations	\$30.00
(8)	Automatic Hood Systems Note: Combined Hood and Fire Protection Systems *Major Modifications/Alterations	\$30.00
F-1900.1.1	Tents and Air-Supported Structures	\$30.00
F-2700.2	Fire Works Displays	\$45.00
F-3400.1.1	Pesticide Storage	\$30.00

94.74 CITY NOT LIABLE.

This Fire Prevention Code shall not be construed to affect the responsibility of any party owning, operating, or installing any equipment for damage to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

94.99 PENALTY.

(A) Whoever violates any provision of this chapter for which another penalty is not specifically provided, shall be fined not more than one hundred dollars (\$100.00).

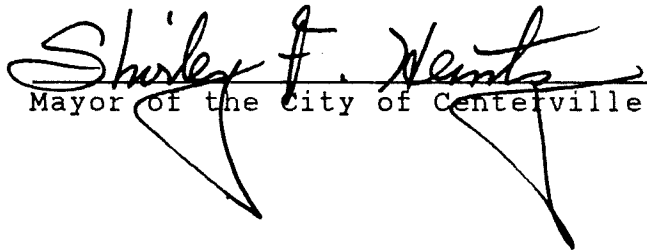
(B) Whoever violates any provisions of 94.02 is guilty of a misdemeanor of the first degree (see 130.99 for specific fine and imprisonment provisions). If the offender has previously been convicted of a violation of 94.02, the offender is guilty of a felony of the fourth degree punishable under appropriate state law. (R.C. 3743.99(c))

(C) Whoever violates any other provision of this Fire Prevention Code, including the Unified Fire Code adopted herein; or fails to comply therewith; or who violates or fails to comply with any order made hereunder; or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder; or any certificate or permit issued hereunder and which no appeal has been taken; or who fails to comply with such order as affirmed or modified by the code official of the city or by a court of competent jurisdiction within the time fixed herein, shall, severally for each and every such violation and noncompliance respectively, be fined not more than one thousand dollars (\$1,000.00).

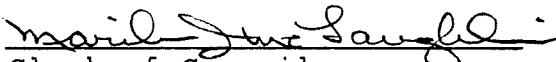
The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

The application of this penalty shall not be held to prevent other additional remedies as provided by law.

PASSED THIS 15th day of April, 1991.


Mayor of the City of Centerville, Ohio

ATTEST:


Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No.

5-91, passed by the Council of the City of Centerville, Ohio on the
15th day of April, 1991.

Marilyn J. McLaughlin
Clerk of Council

Approved as to form, consistency,
with existing ordinances, the
charter & constitutional provisions.

Department of Law
Robert N. Farquhar,
Municipal Attorney