

ORDINANCE NO. 26-82

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Shirley Hewitz ON THE 20th
DAY OF September, 1982.

AN ORDINANCE AMENDING CHAPTER 1511 OF THE
CENTERVILLE MUNICIPAL CODE BY ADOPTING THE
UNIFIED FIRE CODE, 1979 EDITION WITH CERTAIN
MODIFICATIONS.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Section 1511.01 of the Centerville
Municipal Code is hereby amended as follows:

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 con-
ditions hazardous to life or property in the use
or occupancy of buildings or premises, that
certain Code known as the [Ohio Fire Code, 1973
Edition, promulgated by the Division of State
Fire Marshall of the Ohio Department of Commerce]
Unified Fire Code, 1979 Edition as recommended by
the Building Officials and Code Administrators
International, Incorporated with certain modifi-
cations and additions recommended by interested
parties in the Miami Valley Region.

Section 2. That Section 1511.02 of the Centerville
Municipal Code is hereby amended as follows:

The limits referred to in [Section FM-3-04 of
the Ohio Fire Code adopted herein, in which storage
of explosives and blasting agents is prohibited,
are the Residence Districts of the City as provided
for in the Zoning Code.] Section F-2701.2 of the
Unified Fire Code adopted herein, in which storage
of explosives and blasting agents is prohibited,
limits referred to in Section 2902.1 in which
bulk plants for flammable or combustible liquids
are restricted, and the limits referred to in
Section F-3102.1 in which bulk storage of liquified
petroleum gas is restricted, are hereby established
as anywhere within the City.

Section 3. That existing Section 1511.03 and 1511.04 of
the Centerville Municipal Code set forth as follows are hereby
repealed:

[1511.03 DISTRICTS IN WHICH STORAGE OF FLAMMABLE
LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

(a) The limits referred to in Section FM-3-05
of the Ohio Fire Code adopted herein, in which
storage of flammable liquids in outside above-
ground tanks is prohibited, are the Residence
Districts of the City as provided for in the Zoning
Code, except that fuel oil tanks for domestic pur-
poses are permitted.

(b) The limits referred to in Section FM-3-05 of the Ohio Fire Code adopted herein, in which new bulk plants for flammable liquids are prohibited, are the entire corporate limits of the City.]

[1511.04 DISTRICTS IN WHICH BULK STORAGE OF LIQUIFIED PETROLEUM GASES IS RESTRICTED.

The limits referred to in Section FM-3-06 of the Ohio Fire Code adopted herein, in which bulk storage of liquefied petroleum gas is restricted, are the Residence and Business Districts of the City as provided for in the Zoning Code.]

Section 4. That the following is hereby adopted as the new Section 1511.03 of the Centerville Municipal Code:

1511.03 DEFINITIONS

(a) Wherever the word Municipality is used in the Unified Fire Code, it shall mean the City of Centerville.

(b) Wherever the term Corporation Counsel is used in the Unified Fire Code, it shall mean the Municipal Attorney for the City.

(c) Wherever the term "Fire Department" is used in the Unified Fire Code, it shall mean the Washington Township Fire Department and the term "Fire Official and Chief Fire Prevention Officer" shall mean the Fire Chief or his duly authorized representative.

Section 5. That the following is hereby adopted as the new Section 1511.04 of the Centerville Municipal Code:

1511.04 MODIFICATIONS

The Fire Chief shall have the power to modify any of the provisions of the Unified Fire Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Chief thereon shall be entered on the records of the Fire Department and a signed copy shall be furnished the applicant.

Section 6. That Section 1511.05 of the Centerville Municipal Code is hereby amended as follows:

1511.05 APPEALS.

Whenever the Fire Chief disapproves or refuses to grant a permit applied for, or when it is claimed that the provisions of the [Ohio Fire Code] Unified Fire Code adopted herein do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to a board of appeals consisting of the City Manager, Municipal Attorney and Police Chief within thirty days from the date of the decision appealed.

Section 7. That Section 1511.07 of the Centerville Municipal Code is hereby enacted as follows:

1511.07 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Fire Chief and a member of the Bureau of Fire Safety 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 Unified Fire Code.

Section 8. That Section 1511.08 of the Centerville Municipal Code is hereby enacted as follows:

1511.08 AMENDMENTS

The Unified Fire Code as adopted under Section 1511.01 is hereby amended as follows:

F-102.9 ISSUANCE OF CITATIONS

The fire official may issue citations for the following minor misdemeanor sections where specific fines are set forth.

F-102.10 VALIDITY

If any section, paragraph, sentence or work of this code hereby adopted be declared for any reason to be invalid, it is the intent that all other portions of this code are independent of the elimination here from of any such portion as may be declared invalid.

F-102.11 ENFORCEMENT OF REMOVAL

The application of any penalties of this code shall not be held to prevent the enforcement removal of prohibited conditions.

F-103.5.1 SUBMISSION OF PLANS

A. 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, plans relating to the work and equipment-under consideration shall be prepared and submitted to the Fire Official as required.

B. Plans that are submitted shall be considered adequate if they conform to the Ohio Administrative Code Rule 4101:2-1-19 (Ohio Basic Building Code).

C. Plans submitted under Section (A) of this rule will be reviewed by the Fire Official in an orderly and timely manner with a set being retained for the matter of record.

F-108-1 INTERIOR FINISH

Anytime the interior finish in any existing structure is altered or replaced, the new interior finish shall comply with the provisions of the Ohio Administrative Code Rule 4101:2-9-071 (Ohio Basic Building Code Section 920.0).

F-310.7 SMOKING CONDITIONS

The smoking of tobacco in any form or the carrying of lighted or burning tobacco in any form in or on any trolley coach, interurban motor bus, urban motor bus, motor feeder bus or school bus operated within the City is declared to be a public nuisance and a menace to health and is prohibited. No person shall smoke tobacco in any form or carry lighted burning tobacco in any form, in or on such trolley coach, interurban motor bus, urban motor bus, motor feeder bus or school bus so operated within the City.

It shall be the duty of the person operating any such coach or bus within the City to post a notice of the existence of this section in each of the coaches or busses so operated.

F-311.0 FIRE LANES

F-311.1 DESIGNATION

The City Manager or his designate shall require and designate public or private fire lanes as deemed necessary for the efficient, effective, and safe use of fire apparatus. Fire lanes may be required by the City Manager or his designate to extend on any or all sides of a building's perimeter.

F-311.1.1 DESIGN REQUIREMENTS

Fire Lanes shall meet at least the following requirements when such lanes are designated by the City Manager or his designate:

- A. Fire Lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building.
- B. Fire Lanes shall be capable of supporting apparatus weights of 75,000 pounds minimum.
- C. Fire Lane turning radius shall be a minimum of forty-five (45) feet, inside measurement.
- D. Any dead end fire lane more than three hundred (300) feet long shall be provided with a turn around at the closed end at least ninety (90) feet in diameter.

E. Fire Lanes may be required by the City Manager for buildings which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height, and are set back more than fifty (50) feet from a public road.

F-311.1.2 AREAS WITHIN FIRE LANES

The City Manager may upon written request from the property owner or their agent, designate certain Loading/Unloading Areas within designated fire lanes. These Loading/Unloading areas shall be designated for reasons such as the movement of merchandise or materials to stores within the fire lane area, the loading or discharging of passengers from a means of public mass transit, or the movement of handicapped persons.

F-311.2 OBSTRUCTIONS

The obstructing, parking, standing, stopping, or any arrest of motion of a vehicle or object irrespective of whether such vehicle is occupied or not and irrespective of the duration of time within a designated fire lane is prohibited except under the provisions of rule F-311.1.2 or by a public safety vehicle on an emergency basis.

F-311.3 FIRE LANES

(a) The marking of fire lanes on private property devoted to public use shall be approved by the City Manager or his designee.

(b) 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 by a law enforcement official or a 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.

(c) Traffic signs prohibiting parking in fire lanes shall consist of such wording as established by the City Traffic Engineer which signs shall be spaced not less than fifty feet (50) nor more than seventy feet (70) apart in that area designated as a fire lane by the City Manager. The signs shall be mounted so as to be visible from both directions of travel and shall be installed by the property owner or his designee not more than two weeks after the date of the receipt of notification from the Fire Department. If the signs are not posted within the time provided, the City 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 City 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 standard design and legend as established by the City Traffic Engineer shall be removed upon posting of the signs heretofore designated.

F-400.8 WATER MAINS

In new subdivisions, the subdivider or developer shall construct a system of water mains and connect with such water supply and provide a connection for each lot with laterals extended to the lot line. All water mains shall have at least forty-eight inches of cover. All water mains shall be sectionalized and looped. No dead-end lines will be permitted unless prior written approval has been obtained from the fire official.

No water line shall be less than six inches in diameter in single family residential areas nor less than eight inches in diameter in multi-family, business and industrial areas. Larger water mains may be required for manufacturing districts, depending on the type of industry.

Where an area or property is being developed or built upon, and such area or property is being served by water mains not meeting the minimum requirements of this Code, the Fire Official may permit connection to such water mains if it is demonstrated that the available water for fire protection from those water mains is adequate to protect the properties being served, except that, in no case may a water main less than six inches in diameter be considered acceptable.

F-409-0 RESIDENTIAL FIRE SAFETY

F-409.1 APPLICABILITY

All new and existing residential structures shall provide an automatic means of detecting the presence of fire and notifying the occupants in danger of the fire. Such protection shall be in accordance with the rules of this Code.

F-409.2 RESPONSIBILITY

It shall be the responsibility of the owner of each new and existing occupied dwelling unit to comply with the provisions of these rules.

F-409.3 EFFECTIVE DATE

The requirements of Rule F-409.0 shall be effective January 1, 1983, provided, however, in instances where these requirements provide undue hardship, application may be made to the fire official for an extension of time for compliance. Said extension shall not exceed ninety (90) days.

F-409.4 CERTIFICATION AT CHANGE OF OCCUPANCY

After January 1, 1983, at every change of occupancy of every dwelling unit occasioned by or incidental to a sale, lease, or sublease of said unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor, or sublessor, as the case may be) to certify, before occupancy, to the new occupant that all smoke detectors as required by this rule are installed and in proper working condition.

F-409.5 DEFINITIONS

F-409.5.1 RESIDENTIAL

Residential occupancies are ones in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations (EXCEPTION: Institutional Occupancies as defined in Section 207.0 of the Ohio Basic Building Code).
Residential occupancies are classified according to the following groups:

1. Hotel
2. Apartments
3. Dormitories
4. Lodging or Rooming Houses
5. One, Two and Three Family Dwellings

F-409.5.2 HOTEL

Includes building or groups of buildings under the same management in which there are more than 15 sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

F-409.5.3 APARTMENT BUILDINGS

Includes buildings containing four (4) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, or by any other name.

F-409.5.4 DORMITORIES

Includes buildings or spaces in buildings where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses; with or without meals, but without individual cooking facilities.

F-409.5.5 LODGING OR ROOM HOUSES

Includes buildings in which separate sleeping rooms are rented providing sleeping accommodations for a total of 15 or less persons, on either a transient or permanent basis; with or without meals, but without separate cooking facilities for individual occupants, except as provided in one, two and three family dwellings.

F-409.5.6 ONE, TWO, AND THREE FAMILY DWELLINGS

Includes dwellings in which each living unit is occupied by members of a single family, with rooms rented to outsiders, if any, not accommodating more than two persons.

F-409.5.7 AUTOMATIC FIRE ALARM SYSTEM

A manual fire alarm system containing automatic detecting device(s) which activates a fire alarm signal of such character and so located as to alert all occupants of the building or section thereof endangered by fire which includes provisions for immediate notification of the fire department of any fire alarm signal.

F-409.5.8 MANUAL FIRE ALARM SYSTEM

An interior alarm system composed of sending stations and signaling devices in a building, operated on an electric circuit, so arranged that the operation of any one (1) station will ring all signals throughout the building and at one (1) or more approved location.

F-409.5.9 SMOKE DETECTOR

An approved, listed detector capable of and sensing visible or invisible particles of combustion.

F-409.5.10 TRANSIENT

Occupancies that do not require a minimum of a ninety (90) day lease or rental agreement shall be classified as transient.

F-409.5.11 NON-TRANSIENT

Occupancies that require at least a ninety (90) day lease or rental agreement shall be classified as non-transient.

F-409.6 AUTOMATIC FIRE ALARM SYSTEMS

F-409.6.1 PLANS AND SPECIFICATIONS

Where required by this section, the plans and specifications for the automatic fire alarm system shall show location and number of all sending stations and signals with specifications of the type, construction, and operation of the system including all automatic detection devices. Installation of all equipment shall conform to the requirements of the Building and Fire Codes, and applicable standards listed in the appendices of those codes.

F-409.6.2 APPROVAL

The automatic fire alarm system shall be approved for the particular application and shall only be used for detection and signaling in the event of fire. The automatic detecting devices shall be approved smoke detectors.

F-409.6.3 WHERE REQUIRED

An automatic fire alarm system shall be installed and maintained in full operating condition in:

1. Buildings having an occupancy of hotel, dormitory, or lodging or rooming houses in which rooms are rented on a transient basis.
2. Buildings having an occupancy of hotel, dormitory, or lodging or rooming houses, with accommodations for 5 or more persons, in which rooms are rented on a non-transient basis.

Where buildings are equipped with approved automatic sprinkler systems, the smoke detector(s) need only notify the occupant(s) of the dwelling unit where such detector has been activated.

F-409.7 SMOKE DETECTORS

F-409.7.1 APPROVAL

All smoke detectors installed in compliance with this rule shall be found to be acceptable by the fire official.

F-409.7.2 WHERE REQUIRED

Smoke detectors shall be installed and maintained in full operating condition in all of the following:

1. Hotel: in each guest room, suite, or sleeping area.
2. Lodging or Rooming House: In each guest room, suite, or sleeping area.
3. Dormitories: In each sleeping area.
4. Apartments: In each dwelling unit within buildings.
5. One, two, and three family dwellings: On each level of all new dwelling units.

F-409.7.3 POWER

(A) New construction: All smoke detectors shall be powered by house electrical service, or emergency electrical service. Detector shall be wired directly to power source without the use of a plug, nor shall the electric circuit be under control of a switch other than the main disconnect or fusing circuit device.

(B) Existing construction: All smoke detectors shall be powered by the electrical service, however, in instances of practical difficulty, said detectors may be powered by self monitored battery or operated in a plug-in-outlet which is fitted with a plug restrainer device, provided the outlet is not controlled by any switch other than the main power supply.

F-410.0 FIRE HYDRANTS

F-410.1 INSTALLATION

Fire hydrants shall be installed as required by this Code, and such installation must be acceptable to the fire official prior to the actual installation. Particularly the location of water mains and hydrants, size of water mains, available volume of water and pressure, and the number of fire hydrants is to be reviewed and must be acceptable.

F-410.2 RELIABILITY

Where the public water supply is within a reasonable distance of a property being built upon, or where a building is being added to or remodeled to the extent that the amount of water needed for firefighting purposes is substantially increased, or where a change in use or occupancy will result in a greater hazard classification requiring an increase in available water for fire protection, the owner or developer of the property mentioned above shall construct a system of water mains and connect with such water supply and provide such fire hydrants as may be necessary to assure ready accessibility for fire protection purposes.

F-410.3 LOCATION

Fire hydrants shall be placed not over 500 feet apart, as measured on the main, in Single Family Residential areas. In Multi-Family Residential, Commercial, and Industrial areas, fire hydrants shall not be over 300 feet apart, as measured on the main, and not more than 400 feet from any approved opening in any building. The distance from building openings will be measured along actual fire apparatus routes of travel, and fire apparatus must be provided with safe and unconstrained access to all fire hydrants.

F-410.3.1 FIRE PROTECTION SUPPORT

There shall be provided a minimum of one fire hydrant installed in accordance with Rule 4 F-410.1, no farther then seventy-five (75) feet from any siamese or fire department connection that is part of a structured fire suppression system; the distance from this connection to the installed fire hydrant shall be measured along actual fire apparatus routes of travel. In no circumstance shall this fire hydrant be any closer to the structures' exterior wall than forty (40) feet.

F-410.4 DESIGN, HEIGHT AND SETBACK

All fire hydrants not part of a private yard system shall meet Montgomery County Sanitary Department specification and shall have two (2), Two and one-half (2 1/2) inch hose nozzles and one (1) four (4) inch steamer nozzle; the size to be measured on the inside diameter. All nozzles to have hose thread acceptable to the fire official. Fire hydrant nozzle height shall be at least twelve (12) inches, but not more than twenty-one (21) inches above the surrounding finished grade of the hydrant; this measurement shall be made from the bottom of the lowest nozzle on the hydrant barrel.

Hydrant setback shall not be less than two feet nor more than five feet from the curb. When no curb is present, the edge of the pavement shall be used for measurement.

F-410.5 HYDRANT SERVICE

A fire hydrant, not part of a private yard system, shall not be placed into or removed from service unless such condition is reported in writing to the fire official.

F-410.6 TAMPERING

No person not duly authorized shall turn on or cause to flow the water from any fire hydrant, valve, plug, or other fixture of the public water supply unless authorized by the Fire Department or the Montgomery County Sanitary Department.

F-410.7 DAMAGE

Any person who damages, witnesses damage to, or has knowledge of damage to a fire hydrant shall report same to the fire official or the Montgomery County Sanitary Department.

F-410.8 OBSTRUCTING

No person shall obscure from view, obstruct, block, or restrict the access to any fire hydrant or fire department connection to a structure's fire suppression system. Such obstruction, blockage, or restriction shall be considered a violation of this code.

Section 9. That Section 1511.99 of the Centerville Code is hereby amended as follows:

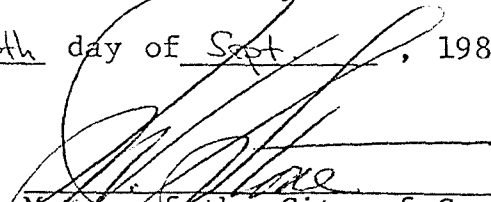
1511.99 PENALTY.

(a) Whoever violates any provision of the [Ohio Fire Code] Unified Fire Code adopted herein or fails to comply therewith or who violates or fails to comply with any order made thereunder, or whoever builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or whoever fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance respectively, be fined not more than One Hundred Dollars (\$100.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the penalty provided under Subsection (a) hereby shall not be held to prevent the enforcement removal of prohibited conditions.

Section 10. This Ordinance shall become effective from and after the earliest date allowed by law.

PASSED THIS 20th day of Sept, 1982.



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 that foregoing to be a true and correct copy of Ordinance No. 26-82, passed by the Council of the City of Centerville, Ohio, on the 20th day of Sept, 1982.

Clerk of Council

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

Department of Law
Robert N. Farguhar
Municipal Attorney