

CODIFIED ORDINANCES OF MOUNT STERLING  
PART SIXTEEN - FIRE PREVENTION CODE

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Chap. 1610. Ohio Fire Code.



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CHAPTER 1610  
Ohio Fire Code

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CROSS REFERENCES

Power to regulate elevators, stairways and fire escapes - see Ohio R.C. 715.26

Adoption of technical codes by reference - see Ohio R.C. 731.231

Power to regulate against fires - see Ohio R.C. 737.27, 3737.08

State Fire Marshal - see Ohio R.C. Ch. 3737

Right to examine buildings - see Ohio R.C. 3737.14

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

Fireworks - see Ohio R.C. Ch. 3743; GEN. OFF. 678.10

Fire protection - see ADM. Ch. 244

Fire damaged structures; payment of insurance claims - see ADM. 244.01

Driving over fire hose - see TRAF. 432.28

Arson - see GEN. OFF. 642.06, 642.07

Open burning - see GEN. OFF. 660.08

Smoking in places of public assembly - see GEN. OFF. 660.13

**1610.01 1998 EDITION ADOPTED.**

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

**1610.02 PURPOSE.**

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

**1610.03 APPLICATION OF CODE.**

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

**1610.04 ENFORCEMENT; RESPONSIBILITIES OF MUNICIPAL FIRE SAFETY INSPECTOR.**

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

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

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

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

#### **1610.05 COMPLIANCE REQUIRED.**

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

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

#### **1610.06 POSTING ARSON LAWS.**

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section. (ORC 3737.61)

#### **1610.07 SETTING FIRES WHICH SPREAD.**

No person shall set, kindle or cause to be set or kindled any fire which, through his or her negligence, spreads beyond its immediate confines to any structure, field or wood lot. (ORC 3737.62)

#### **1610.08 RESPONSIBILITIES UPON DISCOVERY OF UNFRIENDLY FIRES.**

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

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

(c) No person shall fail to comply with this section.  
(ORC 3737.63)

**1610.09 INSPECTIONS.**

No person who is not a certified Fire Safety Inspector shall act as such or hold himself or herself out to be such unless, prior to commencing any inspection function, he or she discloses the purpose for which he or she is making such inspection and the fact that he or she is not employed by any state or local fire service or agency and that he or she is not acting in an official capacity for any governmental subdivision or agency. (ORC 3737.64)

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

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

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

**1610.11 FILE AND DISTRIBUTION COPIES.**

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

**1610.12 CONFLICT OF LAWS.**

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

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

**1610.13 PERMIT FEES.**

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

**1610.99 PENALTY.**(a) Criminal Penalties.

- (1) Whoever violates Section 1610.05(a) is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both. (ORC 3737.99(B))
- (2) Whoever violates Section 1610.05(b) or 1610.06 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). (ORC 3737.99(C))
- (3) Whoever violates Section 1610.07 or 1610.09 is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. (ORC 3737.99(D))
- (4) Whoever violates Section 1610.08 or 1610.10 is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. (ORC 3737.99(E))

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (3) Any person who fails to correct a violation for which a citation has been issued, within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.
- (4) Any person who violates any of the posting requirements prescribed by Section 1610.04(c) shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.
- (5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged and the history of previous violations shall be given whenever a penalty is assessed under this chapter.
- (6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition

which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

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

(ORC 3737.51(B) to (H))