

ORDINANCE NO. 2016-90

AN ORDINANCE AMENDING CHAPTER 1501 OF THE FIRE PREVENTION CODE TO ADOPT AND CONFORM TO THE OHIO FIRE CODE AND AMENDING THE FEE SCHEDULE AND DECLARING AN EMERGENCY.

WHEREAS, the National Fire Code no longer exists; and

WHEREAS, the City of Kent can no longer use the National Fire Code as a standard for fire prevention; and

WHEREAS, the City of Kent would like to adopt the Ohio Fire Code for its Standards in fire prevention; and

WHEREAS, the City of Kent needs to update its fee schedule for re-inspections of deficient fire prevention items in building in order to place some accountability onto the parties responsible for fixing or upgrading fire prevention items in their structures.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Chapter 1501 of the Fire Prevention Code be amended as drafted to adopt and conform to the Ohio Fire Code and amending its fee schedule, a copy of which is attached hereto as Exhibit "A", and made a part hereof.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 21, 2016
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2016-90 was duly enacted this 21st day of September, 2016, by the Council of the City of Kent, Ohio

CLERK OF COUNCIL

EXHIBIT "A"

August 16, 2016

PART FIFTEEN - FIRE PREVENTION CODE

- Chap. [1501](#). Ohio Fire Code
- Chap. [1502](#). National Fire Codes (Repealed)
- Chap. [1503](#). Open Burning
- Chap. [1505](#). Smoke Detection and Alarm Devices
- Chap. [1507](#). Bureau of Fire Prevention (Repealed)
- Chap. [1509](#). Fire Prevention Board (Repealed)
- Chap. [1511](#). Fire Damaged Structures
- Chap. [1519](#). Fireworks
- Chap. [1521](#). Underground Storage Tanks (Repealed)

CHAPTER 1501

Ohio Fire Code

- [1501.01](#) Adoption.
- [1501.02](#) Purpose.
- [1501.03](#) Application.
- [1501.04](#) Enforcement.
- [1501.05](#) Compliance.
- [1501.06](#) Posting arson laws.
- [1501.07](#) Setting fires which spread.
- [1501.08](#) Unfriendly fires in buildings; alarm duties.
- [1501.09](#) Disclosure of true Fire Safety Inspector status.
- [1501.10](#) Fire equipment sale or use; certification of installers.
- [1501.11](#) Acceptance Testing.
- [1501.12](#) Conflict.
- [1501.99](#) Penalty.

CROSS REFERENCES

- See sectional histories for similar State law
- Appeals of orders - see Ohio R. C. 119.12
- State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
- State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34
- Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
- Entry and inspection - see Ohio R. C. 737.34 et seq., 3737.14, 3737.41, 3737.42
- Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
- Ohio Fire Code - see Ohio R. C. 3737. 82 et seq.; OAC Ch. 1301:7-1 et seq.
- Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R. C. 3721.071
- Self-service filling stations - see Ohio R. C. 3741.14
- Fireworks - see Ohio R.C. 3743.27, 3743.32 et seq.

1501.01 ADOPTION.

(a) There is hereby adopted by the Municipality, the most current version of the Ohio Fire Code (OFC) in its entirety including appendices, as approved by the State Fire Marshal of Ohio. The BOCA National Fire Prevention Code/1996 administrative requirements are not adopted material and are replaced with administrative requirements promulgated by the State of Ohio, Ohio Administrative Code as the same now exists or as may be amended by future editions thereof.

(b) The effective date for each rule of the Ohio Fire Code varies and is indicated in each chapter individually.

(c) Where a special provision is made in a use group classification of Ohio Building Code and is inconsistent with a general provision of Ohio Building Code relating to buildings generally, the special provision governs, unless it appears that the provisions are cumulative. (OAC 4101:2-1-07). (Ord. 1998-69. Passed 8-12-98. Amended by Ord. _____, Passed _____)

1501.02 PURPOSE.

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety to fire fighters and emergency responders during emergency operations.

1501.03 APPLICATION.

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

1501.04 ENFORCEMENT.

(a) No person shall serve as Municipal Fire Safety Inspector unless he/she has received a certificate issued by the Ohio Department of Public Safety, Division of EMS under former Ohio R. C. 3303.07 or ORC 4765.55 evidencing his/her satisfactory completion of a fire safety inspection training program. (ORC 3737.34). Only Municipal Fire Safety Inspectors may enforce Chapter 1501.

(b) Upon discovery of a violation of the Ohio Fire Code or the City of Kent Fire Prevention Code, in the sole discretion of the Municipal Fire Safety Inspector, the Municipal Fire Safety Inspector may seek to enforce the Ohio

Fire Code or the City of Kent Fire Prevention Code, by initiating a criminal proceeding.

- (1) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R. C. 3737.41 to 3737.46.
- (2) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.
- (3) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R. C. Chapter 3737.

(c) Upon discovery of a violation of the Ohio Fire Code or the City of Kent Fire Prevention Code, in the sole discretion of the Municipal Fire Safety Inspector, the Municipal Fire Safety Inspector may seek to enforce the Ohio Fire Code or the City of Kent Fire Prevention Code, by issuing a Fire Safety Notice of Violation.

- (1) The Fire Safety Notice of Violation will include but is not limited to:
 - i. The date the violation is issued.
 - ii. Pertinent code sections of the Ohio Fire Code or the City of Kent Fire Prevention Code that are being violated.
 - iii. Each violation will be numbered.
 - iv. Location of the property/business.
 - v. The person(s) owner/occupant being issued the citation.
 - vi. The signature of the Municipal Fire Safety Inspector.
 - vii. Imposition of inspection fees in accordance with the fee chart in 1501.04(e)-(f).
- (2) Service of Fire Safety Notice of Violation must be delivered by one or more of the following methods:
 - i. Hand delivered in person to business owner/occupant
 - ii. Certified Mail
 - iii. Electronic correspondence, if requested by the owner/ occupant
- (3) Once Fire Safety Notice of Violation is issued:
 - i. The owner/occupant shall have thirty days (30) from the date on the Fire Safety Notice of Violation to correct the listed violations. The owner/occupant may contact the Fire Department Inspection Bureau before the end of the thirty day period if they wish to request a re-inspection prior to the end of the thirty day period. If a violation creates an immediate life safety hazard, the inspector may designate a shorter time frame to correct the violation.
 - ii. A re-inspection will be scheduled on or after the thirty day period.
 - iii. If all violations are corrected at the first re-inspection, no inspection fees will be assessed.
 - iv. If there are violations that are not corrected, then inspection fees in accordance with the fee chart in 1501.04(e) may be imposed at the discretion of the Municipal Fire Safety Inspector.
 - v. Unless the violation creates an immediate life safety hazard, subsequent re-inspections shall be (15) days from the previous re-inspection.
 - vi. If the violations have not been corrected after four (4) re-inspections have been completed, a Notice of Citation may be issued.
- (4) Bases to waive inspection fees after assessing a Fire Safety Notice of Violation pursuant to 1501.04(c)(3)(iv) against a property owner may include but are not limited to:
 - i. If parts or equipment have been ordered to resolve the violation, then proof must be provided in the form of an invoice or receipt that the items have been ordered.
 - ii. A service professional has been scheduled to perform the necessary work. Proof must be provided in the form of an invoice or notice on company letterhead stating that the appointment has been scheduled.
 - iii. The business owner demonstrates reasonable progress on correcting violations.
 - iv. The interests of justice so require.

(d) Upon discovery of a violation of the Ohio Fire Code or the City of Kent Fire Prevention Code, in the

sole discretion of the Municipal Fire Safety Inspector, the Municipal Fire Safety Inspector may seek to enforce the Ohio Fire Code or the City of Kent Fire Prevention Code, by issuing a Fire Safety Notice of Citation

- (1) The Fire Safety Notice of Citation will include, but is not limited to:
 - i. The date the citation is issued.
 - ii. Pertinent code sections of the Ohio Fire Code or the City of Kent Fire Prevention Code that are being violated.
 - iii. Each violation will be numbered.
 - iv. Location of the property/business.
 - v. The person(s) owner/occupant being issued the citation.
 - vi. The signature of the Municipal Fire Safety Inspector.
 - vii. The possible penalty fee that may be imposed per violation.
 - viii. Each violation is subject to a fine of \$250 per violation.
 - (2) Service of Fire Safety Notice of Citation must be delivered by any of the following means:
 - i. Hand delivered in person to business owner/occupant (signature of person receiving document)
 - ii. Certified Mail (signature of person receiving document)
 - iii. Electronic correspondence, if requested by the owner/ occupant
 - (3) Once Fire Safety Notice of Citation is issued
 - i. Once a Notice of Citation is issued, an automatic fine of \$250 per violation will be levied.
 - ii. The owner/occupant shall have ten days (10) from the date on the Fire Safety Notice of Citation to correct the listed violations. The owner/occupant may contact the Fire Department Inspection Bureau before the end of the ten day period if they wish to request a re-inspection prior to the end of the ten day period. If a violation creates an immediate life safety hazard, the Municipal Fire Safety Inspector may designate a shorter time frame to correct the violation.
 - iii. A re-inspection will be scheduled on or after the ten day period.
 - iv. If there are violations that are not corrected in the time frame allotted by the Municipal Fire Safety Inspector, a new citation of \$250 for each remaining violation may be issued at the discretion of the Municipal Fire Safety Inspector.
 - (4) Bases to reduce or waive the inspection fees and fines after assessing a Fire Safety Notice of Citation pursuant to 1501.04(d)(3)(iv) against a property owner may include but are not limited to:
 - i. If parts or equipment have been ordered to resolve the violation, then proof must be provided in the form of an invoice or receipt that the items have been ordered.
 - ii. A service professional has been scheduled to perform the necessary work. Proof must be provided in the form of an invoice or notice on company letterhead stating that the appointment has been scheduled.
 - iii. The business owner demonstrates reasonable progress on correcting violations.
 - iv. The interests of justice so require.
- (e) A Contractor for new construction or a large remodel may request a “partial inspections” of life safety systems.
- (1) A Contractor requesting partial inspections must disclose the nature of the partial inspection to the Municipal Fire Safety Inspector when scheduling the inspection.
 - (2) A Contractor requesting partial inspections must disclose the nature of the partial inspection to the Municipal Fire Safety Inspector when scheduling the inspection.
 - (3) Prior to commencing the inspection, the Municipal Fire Safety Inspector and Contractor must designate which areas of the new construction or large remodel shall be subject to review during the partial inspection.
 - (4) If the Municipal Fire Safety Inspector and Contractor cannot agree on which areas shall be subject to inspection, the partial inspection request shall be denied.
 - (5) For convenience, the Municipal Fire Safety Inspector and Contractor may agree to divide a project into multiple areas for inspection purposes.
 - (6) Each specific area, for billing purposes only, shall be treated as a separate structure, allowing for no charge on the initial inspection and first re-inspection. At the Municipal Fire Safety Inspector’s discretion, multiple re-inspections of the same area may incur a re-inspection fee.
- (f) Fee Schedule Chart and Fine Chart

EVENT	Charge*	Fine or Fee
Initial Inspection	\$0	Not applicable
First re-inspection after issuing a Fire Safety Notice of Violation	\$0	Not applicable
Second re-inspection after issuing a Fire Safety Notice of Violation	\$50	Fee
Third re-inspection after issuing a Fire Safety Notice of Violation	\$100	Fee
Fourth re-inspection after issuing a Fire Safety Notice of Violation	\$100	Fee
Fire Safety Notice of Citation	\$250 per violation	Fine
Acceptance testing initial inspection	\$0	Not applicable
Acceptance testing re-inspection	\$100	Fee
Life Safety System initial inspection	\$0	Not applicable
Life Safety System re-inspection fee	\$100	Fee

* This fee or fine is in addition to any and all prior fees or fines that have been assessed but not yet collected.

(g) Rights of Appeal

- (1) If a property owner receives a Fire Safety Notice of Violation or a Fire Safety Notice of Citation based upon a violation of the Ohio Fire Code, the property owner may appeal the Municipal Fire Safety Inspector's decision to the State of Ohio Board of Building Appeals in accordance with ORC 3781.19.
- (2) If a property owner receives a Fire Safety Notice of Violation or a Fire Safety Notice of Citation based upon a violation of the City of Kent Fire Prevention Code, the property owner may appeal the Municipal Fire Safety Inspector's decision to the City of Kent Fire Chief.
 - i. An appeal under this ordinance must be delivered in writing to the City of Kent Fire Chief within fourteen (14) days of the date on the Fire Safety Notice of Violation or Fire Safety Notice of Citation.
 - (ii) If the appeal is received in a timely fashion, the City of Kent Fire Chief shall schedule a Hearing at the convenience of the parties, but no later than thirty (30) days of receiving the appeal.
 - (iii) The City of Kent Fire Chief may conduct the Hearing or appoint a representative or board of representatives to act as Hearing Officer(s).
 - (iv) The Hearing may be informal, but all witnesses shall be placed under oath and recorded. The City of Kent Fire Chief or the Hearing Officer(s) shall consider any sworn testimony and/or any written evidence submitted.
 - (v) The decision of the City of Kent Fire Chief or the Hearing Officer(s) shall be final, subject only to any appeal allowed under State of Ohio law.

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.

(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.

1501.06 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)

1501.07 SETTING FIRES WHICH SPREAD.

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

1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

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

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

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

(ORC 3737.63)

1501.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

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

(ORC 3737.64)

1501.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the 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)

1501.11 ACCEPTANCE TESTING

(a) Initial Acceptance Test

(1) A Municipal Fire Safety Inspector will conduct the initial acceptance test without imposing a fee.

(2) If the acceptance test has to be stopped and re-scheduled, subsequent tests may have a fee of \$100 each.

(b) Reasons for stopping the Acceptance Testing test may include but are not limited to:

(1) Work not fully completed.

(2) Failure of a component of the system being tested or the testing equipment.

(3) Contractor not being able to supply a valid license to perform the work that was completed.

(4) Contractor not being able to supply an approved set of architectural stamped drawings.

(5) Contractor fails to appear at the scheduled appointment.

(6) Contractor fails to coordinate with other involved contractors that are required to complete the acceptance test.

1501.12 CONFLICT.

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

(b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1501.99 PENALTY.

(a) Criminal Penalties.

- (1) Whoever violates Section 1501.05(a) is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))
- (2) Whoever violates Sections 1501.05(b) or 1501.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))
- (3) Whoever violates Sections 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))
- (4) Whoever violates Sections 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree. (ORC 3737.99(E))

(b) Civil Penalties.

- (1) Civil penalties under this Chapter are governed by 1501.04 Enforcement.
- (2) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.

CHAPTER 1502
National Fire Codes

(THIS CHAPTER WAS REPEALED BY ORDINANCE NO. 2016- ____, PASSED BY KENT CITY COUNCIL ON _____, 2016)

CHAPTER 1503
Open Burning

- 1503.01 Definitions.**
- 1503.02 Relations to other prohibitions.**
- 1503.03 Restrictions; notice and permission.**
- 1503.04 Burning Refuse.**
- 1503.99 Penalty.**

CROSS REFERENCES

See sectional histories for similar State law
Air pollution control. - see Ohio R.C. Ch. 3704
Municipal authorization for open burning - see Ohio R.C.3704.12
Spreading fire through negligence - see Ohio R.C. 3737.62
Bonfires and outdoor rubbish fires - see OAC 1301:7-7-03

1503.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Agricultural waste" means any matter generated by crop, horticultural or livestock production practices, and includes such items as bags, cartons, dry bedding, landscape wastes and structural materials that are generated in agricultural activities, but does not include garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers therefor, unless the manufacturer has identified open burning as a safe disposal procedure.

(b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides (sic), miticides, nematocides and fumigants; herbicides, seed disinfectants; and defoliant.

(c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products

(d) "Landscape waste" means any vegetable or plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.

(e) "Ohio EPA" means the Ohio Environmental Protection Agency and its delegate agencies or its Director as the context or applicable law may require.

(f) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air, without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gas, are open. Enclosed chamber also includes commercially manufactured grills, smokers, or other cooking apparatus in good working order.

(g) "Residential waste" means any matter, including landscape wastes, generated on a one, two or three-family residence as a result of residential activities, but not including garbage.
(OAC 3745-10-01.)

(h) "Approved Container" means an enclosure which surrounds and contains embers, hot ashes and sparks sufficiently to prohibit any spread of the fire beyond permissible dimensions.
(Ord. 1996-74. Passed Oct. 16, 1996.)

1503.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in this chapter, no open burning shall be conducted in any area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of this chapter permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, including Ohio R.C. 1503.20, or any regulation of any State Department, including the Ohio Department of Natural Resources, or any local ordinance or regulation dealing with open burning. (OAC 3745-19-02.)
(Ord. 1996-74. Passed Oct. 16, 1996.)

1503.03 RESTRICTIONS; NOTICE AND PERMISSION.

(a) No person shall cause or allow open burning in the Municipality, except as provided in subsections (b) through (d) herein.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

- (1) Cooking for human consumption.
- (2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor

workers, smudge pots and similar occupational needs.

Fires allowed by subsection (b)(1) and (2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose: the fuel shall be chosen to minimize the generation and emission of air contaminants.

Fires allowed by subsection (b)(1) hereof shall meet the following requirements:

- (1) Notification of the Fire Department is requested prior to any fire being kindled.
- (2) No person shall kindle or maintain a fire or authorize any fire to be kindled or maintained unless:
 - (a) The location is not less than fifty feet from any structure or motor vehicle on adjacent property, and adequate provision is made to prevent fire from spreading to within fifty feet of any structure or motor vehicle.
 - (b) Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet from any structure.
 - (c) The fire shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available.
 - (d) The fire shall be limited in size to three foot by three foot.
- (3) The Fire Department shall prohibit open burning that will be offensive or objectionable due to Smoke or odor emissions when atmospheric conditions make such fires hazardous or endangering to persons. The Fire Department shall order the extinguishment of any open burning which it determines to be hazardous or endangering to persons.
- (c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA as provided by Ohio Administrative Code 3745-19-05:
 - (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local Health Department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.
 - (2) Ceremonial purposes. Ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours.
- (d) Open burning shall be allowed for the following purpose with prior written permission from the Ohio EPA as provided by Ohio Administrative Code 3745-19-05
 - (1) Recognized silvicultural, range or wildlife management practices

Fires allowed by subsection (c)(1) to (3) hereof shall not be used for waste disposal purposes, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

- (a) Open burning shall be allowed for the following uses upon receipt of written permission from the Ohio EPA as provided by Ohio Administrative Code 3745--19-05, provided that any conditions specified in the permission are followed:
 - (1) Disposal of hazardous or toxic materials where the Ohio EPA determines that there its no practical alternate method of disposal.
 - (2) Instruction in methods of fire fighting or for research in the control of fires.
 - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA.
 - (4) Recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production. (OAC 3745-19-03)
(Ord. 1996-74. Passed 10-16-96)

1503.04 BURNING REFUSE.

(a) Except as otherwise provided by law, no person shall burn any refuse, rubbish, waste or other material, or, being the owner or in possession or control of any premises within the Municipality, cause, procure or knowingly permit such burning in such a manner as to produce smoke or odors which are offensive, injurious or in any way prejudicial to the health or comfort of any person within the Municipality or injurious or destructive to any property therein.

1503.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

CHAPTER 1505
Smoke Detection and Alarm Devices

- 1505.01** Detector or alarm required.
- 1505.02** Wiring for electrically operated devices.
- 1505.03** Compliance with Codes.
- 1505.04** Testing laboratory approval.
- 1505.99** Penalty.

CROSS REFERENCES

Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071
Smoke detection equipment in apartments - see Ohio R.C. 3781.104
Smoke detection equipment in rooming houses - see BLDG. [1365.01](#)

1505.01 DETECTOR OR ALARM REQUIRED.

All new buildings or structures or any portion thereof erected within the City, to be occupied or used by persons for whom sleeping accommodations are provided therein, shall require the installation of automatic smoke detection and alarm devices or automatic smoke and heat detection devices installed by the contractor, builder, owner or developer. Such devices shall be installed adjacent to all sleeping quarters or where otherwise specified by the Fire Chief or Building Inspector.

(Ord. 1975-45. Passed 9-17-95.)

1505.02 WIRING FOR ELECTRICALLY OPERATED DEVICES.

Where electrically operated smoke detection or heat detection devices are used, they shall be wired from the overhead kitchen lighting circuit with either an electric box suitable for mounting such device, as determined by the electrical inspector, or a recessed clock outlet receptacle not subject to loss of power by a wall switch. A restraining method satisfactory to the electrical inspector shall be installed at the plug-in.

(Ord. 1975-45. Passed 9-17-75.)

1505.03 COMPLIANCE WITH CODES.

All installations shall be made in accordance with the most recent edition of the National Fire Protection Association Code, the National Electrical Code and any existing applicable code or subsequently adopted code.

(Ord. 1975-45. Passed 9-17-75.)

1505.04 TESTING LABORATORY APPROVAL.

All smoke detector and/or heat detector device installed shall be listed with the Underwriters' Laboratories, Inc. (ULI), Factory Mutual System (FMS) or any other recognized laboratory listed in the Ohio Building Code concerning reliability and performance of such devices.

(Ord. 1975-45. Passed 9-17-75.)

1505.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree as defined in Section [501.99](#).

(Ord. 1979-9. Passed 1-17-79.)

CHAPTER 1507
Bureau of Fire Prevention

EDITOR'S NOTE: This chapter was repealed by Ordinance 1988-30, passed April 20, 1988.

CHAPTER 1509
Fire Prevention Board

EDITOR'S NOTE: This chapter was repealed by Ordinance 1988-30, passed April 20, 1988.

CHAPTER 1511
Fire Damaged Structures

- 1511.01** Minimum fire loss requirement.
- 1511.02** Amount of insurance proceeds to be deposited with City.
- 1511.03** Pro rata contributions required when multiple coverage exists.
- 1511.04** Chief Building Inspector designated to receive funds.
- 1511.05** Time limit on notice by City to named insured.
- 1511.06** Disposition of funds.
- 1511.99** Penalty.

CROSS REFERENCE

Investigation of fires - see Ohio R.C. 737.27, 3737.24 et seq.

CHAPTER 1519
Fireworks

- 1519.01** Definitions.
- 1519.02** Public exhibition permit required; fee; bond; records.
- 1519.03** Unlawful conduct by exhibitor.
- 1519.04** Possession, sale or discharge prohibited; exceptions.
- 1519.05** Application.
- 1519.99** Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
Wholesalers to comply with building and zoning ordinances - see Ohio R. C. 3743.19(G)
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards -see Ohio R.C. 3781.11(D)

CHAPTER 1521
Underground Storage Tanks

(THIS CHAPTER WAS REPEALED BY ORDINANCE NO. 1998-70, PASSED BY KENT CITY COUNCIL ON AUGUST 12, 1998)

Summary

For many years, the Fire Department has been charged with the responsibility of inspecting new and old buildings to verify that life safety systems are in compliance with modern standards. The Fire Department was permitted significant latitude in how it proceeded to enforce these standards, with access to both criminal and civil penalties. In many instances, warnings and gentle reminders are sufficient to procure compliance. The Fire Department is concerned, however, that without ordinances permitting warnings or time for repairs, the Fire Department is required to proceed directly to criminal or civil penalties. Further, some contractors have taken advantage of the Fire Department not having a clear policy regarding when to charge for multiple inspections of the same site without ever correcting the problem.

With this in mind, the purpose of these fire code modifications is to further clarify the process the Fire Department will follow when a property owner does not abide by the fire code. Policies permitting the Fire Department to provide warnings and allow time for correction are codified, but immediate criminal and civil penalties are available for serious offenses.

Finally, the National Fire Code is repealed. The City already follows the State Fire Code. In some instances, the State and National Fire codes conflict. Deleting the National Fire Code will eliminate this problem.