

BEREA CITY COUNCIL

City of Berea, Ohio

ORDINANCE NO. 2024-3

By: Councilman Leon R. Dozier, Sr. Sponsor: Mayor Cyril M. Kleem

AN ORDINANCE

REPEALING, REPLACING AND RECONSTITUTING BEREA CODIFIED ORDINANCE CHAPTER 1501, OHIO FIRE CODE (OFC), AND ITS RELATED CODES AND REFERENCED STANDARDS, AS MAY BE AMENDED FROM TIME TO TIME BY THE STATE OF OHIO DEPARTMENT OF COMMERCE, DIVISION OF STATE FIRE MARSHAL, AND REPEALING CHAPTER 1505, LIFE SAFETY CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Public Safety and Fire Chief recommend that Chapter 1501 of Part Fifteen, Fire Prevention Code, be updated and amended to refer to, adopt, and incorporate the current Ohio Fire Code (OFC), and its related codes and referenced standards, as may be amended from time to time; and

WHEREAS, existing Chapter 1505, Life Safety Code, of Part Fifteen, Fire Prevention Code, is no longer in effect and similar provisions relative to life safety are now incorporated into the current Ohio Fire Code; and

WHEREAS, Ohio Revised Code Section 731.231 grants the City full authority to adopt, enforce and incorporate by reference the Ohio Fire Code, its related codes and referenced standards.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Berea, County of Cuyahoga, and State of Ohio:

SECTION 1. That existing Chapter 1501, Ohio Fire Code, attached hereto as Exhibit "A", and incorporated herein by reference, is hereby repealed and replaced with reconstituted Chapter 1501, Ohio Fire Code, attached hereto as Exhibit "B", and incorporated herein by reference.

SECTION 2. That existing Chapter 1505, Life Safety Code, is hereby repealed.

SECTION 3. 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 actions were in meetings open to the public or as otherwise permitted by the Charter of the City of Berea and Section 121.22 of the Revised Code.

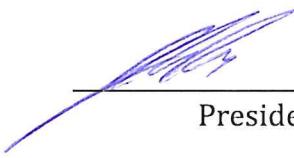
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SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the State of Ohio has amended some technical codes relating to building and fire, which are effective on March 1, 2024, with other code updates to follow in 2024. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earlier period allowed by law.

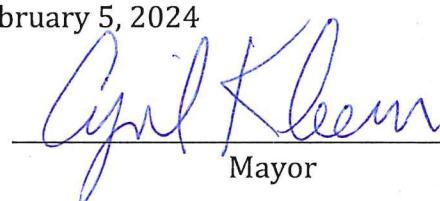
PASSED: February 5, 2024


President of Council

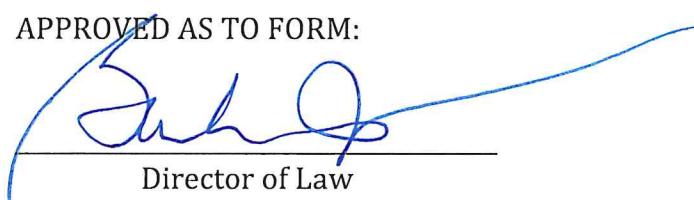
ATTEST:


Clerk of Council

APPROVED: February 5, 2024


Mayor

APPROVED AS TO FORM:


Director of Law

CHAPTER 1501

Ohio Fire Code

- 1501.01 Adoption.**
- 1501.02 Code changes adopted. (Repealed)**
- 1501.03 Modifications.**
- 1501.04 Compliance.**
- 1501.05 Conflict.**
- 1501.06 File and distribution copies.**
- 1501.99 Penalty.**

CROSS REFERENCES

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.

There is hereby adopted by the Municipality, the 2011 Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective November 1, 2011, and as published in Division 1301:7 of the Ohio Administrative Code (OAC). (Ord. 2012-83. Passed 12-3-12.)

1501.02 CODE CHANGES ADOPTED.

(EDITOR'S NOTE: Former Section 1501.02 was repealed by Ordinance 2000-36, passed June 19, 2000.)

1501.03 MODIFICATIONS.

The Fire Chief has the power to modify any of the provisions of the Code herein adopted upon application in writing by the owner or lessee, or his duly authorized agent, where 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 upon the records of the Fire Division and a signed copy shall be furnished the applicant.

1501.04 COMPLIANCE.

No person shall refuse to obey any provision of this chapter, or fail or refuse to comply with any provision or regulation, except as variation may be allowed by the action of the Fire Chief or Board of Zoning and Building Code Appeals in writing.

1501.05 CONFLICT.

In the event of conflict between any provision of the Ohio Fire Code as adopted herein and any provision of any other City ordinance or technical code adopted by the City, the more restrictive provision shall govern.

(Ord. 2000-36. Passed 6-19-00.)

1501.06 FILE AND DISTRIBUTION COPIES.

Copies of the Ohio Fire Code are on file with the Fire Chief for inspection by the public.

(Ord. 2000-36. Passed 6-19-00.)

1501.99 PENALTY.

Except as otherwise provided, whoever violates any provision of this Part Fifteen - Fire Prevention Code, including the codes and standards adopted hereunder is guilty of a misdemeanor of the third degree. Any such offense shall constitute a separate offense on each successive day continued.

CHAPTER 1505

Life Safety Code

- 1505.01 Adoption.**
- 1505.02 File and distribution copies.**
- 1505.99 Penalty.**

CROSS REFERENCES

Investigation of fires - see Ohio R.C. 737.27, 3737.08
 Examination of public buildings as to fire safety - see Ohio R.C. 737.34 et seq.,
 3737.14
 Power to regulate against fires - see Ohio R.C. 737.21, 737.37 BOCA National Fire
 Prevention Code - see FIRE PREV. Ch. 1501

1505.01 ADOPTION.

There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of providing protection to persons and property within the corporate limits from the common enemy of destructive fires, unforeseen hazards and unsafe occupancies, that part of the National Fire Code which is known as the "Life Safety Code" being Chapter NFPA 101 thereof, 2006 edition. From the date on which such Code takes effect, the provisions thereof shall be controlling within the Municipality.

1505.02 FILE AND DISTRIBUTION COPIES.

A complete copy of the Life Safety Code shall be kept on file at the office of the Fire Chief for inspection by the public.

(Ord. 2000-36. Passed 6-19-00.)

1505.99 PENALTY.

(EDITOR'S NOTE: See Section 1501.99 for general Code penalty.)

TITLE ONE - General Standards

- Chap. 1501. Ohio Fire Code.
- Chap. 1505. [Repealed - Reserved for future use]
- Chap. 1511. Open Burning.
- Chap. 1519. Fireworks.
- Chap. 1523. Cost Recovery of Emergency Actions
- Chap. 1527 General Regulations

CHAPTER 1501

OHIO FIRE CODE

- 1501.01 Adoption - Ohio Fire Code.**
- 1501.02 Code changes adopted. (Repealed)**
- 1501.03 Modifications.**
- 1501.04 Compliance; Violations.**
- 1501.05 Copies.**
- 1501.06 Conflict.**
- 1501.99 Penalties; Equitable Remedies.**

CROSS REFERENCES

Ohio Fire Code – see Ohio R.C. 3737.82 et seq.; OAC 1301:7-7 et seq.
Adoption by reference - see Ohio R.C. 731.231

1501.01 Ohio Fire Code Adopted.

Pursuant to Ohio R.C. 731.231, the City adopts, enforces and incorporates herein by reference, the Ohio Fire Code, its related codes and referenced standards, as adopted by the State of Ohio Department of Commerce, Division of State Fire Marshal, as may be amended from time to time, pursuant to Ohio R.C. Chapters 3737, 3781, 3791, and as referenced in 1301:7-7 of the Ohio Administrative Code.

1501.02 Code Changes Adopted.

(EDITOR'S NOTE: Former 1501.02 was repealed by Ordinance 2000-36, passed June 19, 2000.)

1501.03 Modifications.

The Fire Chief has the authority to modify any provision of the Code adopted herein, upon application in writing by the owner, lessee or authorized agent, if the strict interpretation of

the Code results in unreasonable practical difficulties, and further provided that such authority is explicitly granted by the Ohio Fire Code. In such cases, a sincere belief that the safety of the public will be compromised shall result in a denial by the Chief.

1501.04 Compliance; Violations

(a) No owner or any other person shall construct, erect, build or equip any building or structure to which the Ohio Fire Code, its related codes and referenced standards, including, as adopted herein, or make any addition thereto or alteration thereof, except in the case of repairs or maintenance that does not affect the construction, sanitation, safety or any other vital feature of such building or structure, without complying with this Chapter, or fail to comply with any lawful order issued pursuant thereto.

(b) No architect, builder, engineer, plumber, carpenter, mason, contractor, subcontractor, foreman or employee shall violate or assist in violating any of the provisions of the Ohio Fire Code, and its related codes and referenced standards, or fail to comply with any lawful order issued pursuant thereto.

(c) No owner or any other person shall proceed with the construction, erection, alteration or equipment of any building or structure to which the Ohio Fire Code is applicable without complying with this Chapter and the plan and specification submission and processing requirements of the City of Berea and/or the OFC and until plans or drawings, specifications and data have been approved and/or inspected.

1301.05 Conflict

Whenever a provision of the OFC and its related codes and referenced standards, as adopted in this Chapter, conflicts with a provision of any other standard technical code adopted by the City, the stricter standard shall prevail.

1501.06 Copies.

Copies of the Codes adopted in this Chapter are available at

<https://codes.iccsafe.org/codes/ohio> and are also on file at the County Law Library.

1501.99 Penalty; Equitable Remedies.

(a) Whoever violates or fails to comply with any provisions of this Chapter, is guilty of a misdemeanor of the first degree and shall be fined not more than One Thousand Dollars (\$1,000) and/or imprisoned not more than six (6) months for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subsection (a) herein shall not be deemed to prevent the enforced removal of prohibited conditions or the application of any other equitable remedy, including nuisance abatement.