

CODIFIED ORDINANCES OF KENT
PART FIFTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF KENT
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

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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 1998 Ohio Fire Code (OFC) based on the BOCA National Fire Prevention Code/1996, Chapters 2 through 44 as published by the Building Officials and Code Administrators International Inc., with deletions, substitutions, and amendments as approved by the State 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, OAC Chapters 1301:7-1 through 1301:7-5, as the same now exists or as may be amended by future editions thereof.

- (b) The effective date for each rule of the 1998 Ohio Fire Code varies and is indicated in each chapter individually.
- (c) Where a special provision is made in a use group classification of OBBC and is inconsistent with a general provision of OBBC 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)

1501.02. PURPOSE.

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

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 Superintendent of Public Instruction under Ohio R. C. 3303.07 evidencing his/her satisfactory completion of a fire safety inspection training program. (ORC 3737.34)

(b) 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.

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) 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.

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. COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

1501.12. CONFLICT.

(a) The rules of the Ohio Board of Building Standards including the Ohio Basic 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 Basic 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) 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, as prescribed by Section 1501.04(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 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. (ORC 3737.51(B) to (H))

CHAPTER 1502
National Fire Codes

1502.01	Adopted; file and distribution copies.	1502.99	Penalty.
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CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231
 Fire Protection equipment in rooming houses - see BLDG. 1365.01
 Conflict of Laws - see FIRE PREV. 1507.07

1502.01 ADOPTED; FILE AND DISTRIBUTION COPIES.

(a) There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the 1981 Edition of the National Fire Codes published by the National Fire Protection Association, as the same now exists or as may be amended by future editions thereof, except such portions that may be deleted, modified or amended by ordinance of Council.

(b) One complete copy of the National Fire Codes shall be on file with the Clerk of Council for inspection by the public. In addition, the Clerk shall have copies for distribution to the public at cost. At least one copy of such code shall be on file in the County Law Library. Should future editions of said Code be published they shall become effective within the City as of the date when all of the copies thereof which are required to be placed on file or made available pursuant hereto are so filed or made available with the persons or at the places hereby designated. (Ord. 1981-176. Passed 12-16-81.)

1502.99. PENALTY.

Whoever violates any provision of the National Fire Codes is guilty of a fourth degree misdemeanor as defined in Section 501.99. (Ord. 1978-205. Passed 12-20-78.)

CHAPTER 1503
OPEN BURNING

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

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, redenticides (sic), miticides, nematocides and fumigants; herbicides, seed disinfectants; and defoliants.
- (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 arm 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. IOAC 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 frown 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.	1505.04	Testing laboratory approval.
1505.02	Wiring for electrically operated devices.	1505.99	Penalty.
1505.03	Compliance with Codes.		

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

CROSS REFERENCE

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

1511.01 MINIMUM FIRE LOSS REQUIREMENT.

Pursuant to Ohio R.C. 3929.86, no insurance company which is doing business in the State of Ohio shall pay a claim of a named insured for fire damage to a structure which is located within the City in those instances when the aggregate amount recoverable under all policies for the fire loss to the structure exceeds five thousand dollars (\$5,000) without complying with the provisions of this chapter. (Ord. 1981-154. Passed 12-2-81.)

1511.02. AMOUNT OF INSURANCE PROCEEDS TO BE DEPOSITED WITH CITY.

When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Ohio R.C. 715.26(F) shall transfer from the insurance proceeds to the Chief Building Inspector in the aggregate one thousand dollars (\$1,000) for each twenty thousand dollars (\$20,000), and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate. (Ord. 1981-154. Passed 12-2-81.)

1511.03. PRO RATA CONTRIBUTIONS REQUIRED WHEN MULTIPLE COVERAGE EXISTS

The proceeds which must be transferred as required in Section 1511.02 shall be done on a pro rata basis by all companies insuring the building or other structure. Police proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms. (Ord. 1981-154. Passed 12-2-81.)

1511.04. CHIEF BUILDING INSPECTOR DESIGNATED TO RECEIVE FUNDS.

When transferring the funds as required by this chapter, the insurance company or companies making such transfer shall provide the Chief Building Inspector with the name and address of the named insured or insureds, certify that the proceeds have been received by the City, and notify such named insured or insureds of such transfer and the procedures created by this chapter with respect to the ultimate disposition of the funds so transferred. The Chief Building Inspector simultaneously shall deposit the proceeds with the Director of Finance who shall place the proceeds in a separate fund to be used solely as security incurred by the City pursuant to Ohio R. C. 715. 261. (Ord. 1981-154. Passed 12-2-81.)

1511.05. TIME LIMIT ON NOTICE BY CITY TO NAMED INSURED.

As soon as is reasonable, but in no event later than ninety days following the receipt of the name and address of the named insured or insureds, as required by Section 1511.04, the Chief Building Inspector shall provide the named insured or insureds with a complete and detailed list of all actions which must be taken with respect to the fire damaged building or structure so as to permit the release of all insurance funds which are being held by the City. Upon receipt of such list the named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure after the transfer, whereupon the Chief Building Inspector shall cause to be transferred to the named insured or insureds the amount of the fund in excess of said estimate, provided that the City has not commenced to remove, repair or secure the building or other structure. (Ord. 1981-154. Passed 12-2-81.)

1511.06. DISPOSITION OF FUNDS.

Funds held by the City pursuant to this chapter shall be paid to the named insured or insureds when repairs, or removal or securing of the building or other structure have been completed and the required proof received by the designated officer, if the City has not incurred any costs for such repairs, removal or securing. If the City has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the City shall transfer the remaining funds to the named insured or insureds. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency under Ohio R.C. 715.261. (Ord. 1981-154. Passed 12-2-81.)

1511.99. PENALTY.

Whoever violates any provision of this chapter is guilty of a fourth degree misdemeanor as defined in Section 501.99. (Ord. 1981-154. Passed 12-2-81.)

CHAPTER 1519
Fireworks

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

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d)
 - (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
 - (2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.
- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (h) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (i) "Novelties and trick noisemakers" include the following items:

- (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture. (ORC 3743.01)

1519.02. PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

- (a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief, or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

- (b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

- (c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least two million dollars (\$2,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least two million dollars (\$2,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. Said indemnity bond or proof of insurance shall identify the City of Kent as an additional insured. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or other similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.
- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

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- (e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

1519.03. UNLAWFUL CONDUCT BY EXHIBITOR.

- (a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R. C. 3743.53 (B) and (E) or to comply with Divisions (C) and (D) of that section.
- (b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultant with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.
- (c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.
- (d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.
- (e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56 (ORC 3743.64)

1519.04. POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

- (a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.
- (b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.
- (c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

- (d) No person shall sell fireworks of any kind to a person under eighteen years of age.
- (e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.
- (f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks. (ORC 3743.65)

1519.05. APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;
 - (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition. (ORC 3743.80)

1519.99. PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99 (C))

CHAPTER 1521
Underground Storage Tanks

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