

VILLAGE OF McDONALD, OHIO

ORDINANCE NO.

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 1501 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF McDONALD, OHIO, ENTITLED “BOCA FIRE PREVENTION CODE”.

WHEREAS, on February 2, 1985, Council of the Village of McDonald passed Ordinance number 2378-85, which Ordinance, in part, established Chapter 1501 of the Codified Ordinances of the Village of McDonald entitled “BOCA Fire Prevention Code”, adopting said code as the fire prevention code for the Village of McDonald, Ohio;

WHEREAS, the Fire Chief has recommended to Council to adopt the 2017 Ohio Fire Code as the fire prevention code for the Village of McDonald, Ohio;

WHEREAS, the purpose of this Ordinance is to amend Chapter 1501 of the Codified Ordinances of the Village of McDonald, Ohio, and pursuant to Ohio Revised Code section 731.231, adopt the most recent version of the Ohio Fire Code, as adopted by the Ohio Department of Commerce, Division of State Fire Marshall, published in Division 1301:7 of the Ohio Administrative Code; and

WHEREAS, Council of the Village of McDonald, Ohio, deems it appropriate and prudent to amend Chapter 1501 of the Codified Ordinances accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, that:

Section I. Chapter 1501, entitled “BOCA Fire Prevention Code”, which presently reads as follows:

**CHAPTER 1501
BOCA Fire Prevention Code**

1501.01 ADOPTION.

There is hereby adopted by the Village and incorporated by reference as if set out at length herein, that certain code known as the BOCA Basic/National Fire Prevention Code, 1984 edition, published as a nationally recognized model code by the Building Officials and Code Administrators International, Inc.

1501.02 AMENDMENTS.

The BOCA/National Fire Prevention Code as adopted herein is hereby changed in the following respects:

F-105.5.1 Penalty for violations. (Amended)

Whoever violates any provision of the BOCA Basic/National Fire Prevention Code 1984 edition, shall be 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. Each day a violation continues or occurs shall constitute a separate offense.

1501.03 APPLICATION.

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

1501.04 COPIES.

Copies of the Code as adopted herein are on file with the Clerk of Council for inspection by the public and also on file at the County law library. The Clerk of Council has copies available for distribution to the public at cost.

1501.05 CONFLICT.

In the event of any conflict between the requirements of the Code as adopted herein and those of any other codes adopted by the Village, or any Village ordinance, that requirement which establishes the higher or stricter standard shall prevail.

1501.06 SEPARABILITY.

The invalidity of any section or provision of this chapter or of the Codes hereby adopted shall not invalidate other sections or provisions thereof.

Be and the same is hereby amended to read as follows, and entitled "Ohio Fire Code":

**CHAPTER 1501
Ohio Fire Code**

1501.01 ADOPTION.

There is hereby adopted by the Village the 2017 Ohio Fire Code, as adopted by the Ohio Department of Commerce, Division of State Fire Marshall, and published in Division 1301:7-7 of the Ohio Administrative Code ("OAC").

1501.02 PURPOSE.

The purpose the Ohio Fire 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 Village of McDonald and such other lands or properties owned by the Village which are situated outside the corporate limits thereof.

1501.04 ENFORCEMENT.

(a) No person shall serve as a fire safety inspector unless he has received a certificate issued under former section 3303.07 or 4765.55 of the Ohio Revised Code evidencing his satisfactory completion of a fire safety inspection training program. (ORC 3737.34)

(b) For Village 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 Village 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 Revised Code Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio Revised Code sections 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 fire safety inspector, the Solicitor or prosecutor in the Niles Municipal Court shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio Revised Code 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 Village application and plan submission and processing requirements including payment of the

fees designated therefor.

1501.06 COPIES.

In accordance with Ohio Revised Code 731.231 a complete copy of the 2017 Ohio Fire Code, as adopted herein, is on file with the Fiscal Officer of the Village for inspection by the public at the Village Municipal Building and also on file in the Trumbull County Law Library. The Fiscal Officer of the Village has copies of the 2017 Ohio Fire Code available to the public at cost.

1501.07 CONFLICT.

In the event of a conflict between the Ohio Fire Code and any other Village Ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1501.99 PENALTY.

(a) Criminal Penalties. Except as otherwise provided in Ohio Revised Code section 3737.99(B), whoever violates Section 1501.05 is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))

(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 a 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 Ohio Revised Code section 3737.42, 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 the 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 Village Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Village of McDonald brought in the Trumbull County Court of Common Pleas.

(ORC 3737.51(B) to (H))

Section II. Existing Chapter 1501 of the Codified Ordinances of the Village of McDonald, Ohio is hereby repealed.

Section III. Any and all other Ordinances, Resolutions, sections, or parts thereof inconsistent or in conflict with the terms of this Ordinance are hereby repealed.

Section IV. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section V. This Ordinance shall be in full force and effect from the earliest period allowed by law.

Passed in Council this _____ day of _____, 2023.

Mayor

Attest to:

Fiscal Officer