

ORDINANCE NO. 39-2018

Amending Chapter 1501 of the Codified Ordinances of the City of Worthington Concerning the Enforcement of the Ohio Fire Code; and to Repeal or Amend Sections of the Codified Ordinances in Conflict Therewith.

WHEREAS, Section 3737.82 of the Ohio Revised Code requires the State Fire Marshal to adopt a state fire code which shall consist of rules relating to all aspects of fire safety; and,

WHEREAS, the Ohio Fire Code as adopted by the State Fire Marshal is currently set forth in Chapter 1301:7-7 of the Ohio Administrative Code; and,

WHEREAS, the Ohio Fire Code applies “to all aspects of fire safety at any structures, building, premises, vehicles or other locations within the territorial jurisdiction of the State of Ohio”; and,

WHEREAS, the Fire Chief is required to enforce the Ohio Fire Code and there is no statutory requirement for the City to adopt the Ohio Fire Code or a local fire code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 1501.01 of the Codified Ordinances be and the same is amended to read as follows:

1501.01 OHIO FIRE CODE.

(a) The City of Worthington shall administer and enforce the Ohio Fire Code as adopted or amended by the State Fire Marshal pursuant to Sections 3737.82 to 3737.86 of the Ohio Revised Code.

SECTION 2. That Section 1501.02 of the Codified Ordinances be and the same is amended to read as follows:

1501.02 COPY OF OHIO FIRE CODE AVAILABLE FOR INSPECTION.

A copy of the Ohio Fire Code shall be on file in the Office of the City Clerk for public inspection during usual business hours.

SECTION 3. That Section 1501.03 be and the same is amended to read as follows:

1501.03 ENFORCEMENT.

(a) The Chief of the Worthington Division of Fire and EMS and the Bureau of Fire Prevention of the City of Worthington Division of Fire are hereby charged with the administration and enforcement of the Ohio Fire Code.

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(b) The Chief may delegate to other members of the Division of Fire full authorization to perform any of the duties or acts which are required or authorized to be performed by such Fire Chief or the Bureau of Fire Prevention.

SECTION 4. That Section 1501.04 of the Codified Ordinances be and same is repealed in its entirety.

SECTION 5. That Section 1501.08 be and the same hereby is repealed in its entirety.

SECTION 6. That new Section 1501.09 be and the same hereby is added to Chapter 1501 to read as follows:

1501.09 RULES AND REGULATIONS.

The Fire Chief, in consultation with the City Manager, may adopt any rules and regulations as may be necessary for the effective administration and enforcement of the Ohio Fire Code. Such rules and regulations shall be consistent with the Ohio Fire Code, the Ohio Revised Code, the Charter, and these Codified Ordinances. Such rules and regulations shall be reported to Council and unless amended or disapproved by resolution of Council within thirty days after such report, shall become effective. Amendments and supplements to the rules and regulations shall be made in the same manner. All rules adopted under this section shall be published and posted on the internet.

SECTION 7. That Section 1501.99 be and the same is amended to read as follows:

1501.99 VIOLATION AND PENALTY.

(a) Whoever violates any provision of the Ohio Fire Code, or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or violates or fails to comply with any rule or regulation adopted pursuant to Section 1501.09, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor of the fourth degree.

(b) The imposition of a criminal penalty pursuant to this section for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

(c) When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(d) The imposition of a penalty for a violation of this section shall not be held to prevent the enforced abatement, remedy, or removal of prohibited conditions through other legal measures or actions.

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(e) The imposition of a civil penalty pursuant to the Ohio Fire Code shall not bar or prevent a prosecution or penalty under this section.

SECTION 8. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed July 16, 2018

/s/ Bonnie D. Michael
President of Council

Attest:

/s/ D. Kay Thress
Clerk of Council

Introduced July 2, 2018
P.H. July 16, 2018
Effective August 8, 2018