

ORDINANCE NO.: 92-2024
INTRODUCED BY: Mayor Thomas

AN ORDINANCE AMENDING SECTIONS 1301.05 OF THE BUILDING CODE AND SECTIONS 1501.04, .05, .08, .09, .10, .12, AND .13 OF THE FIRE PREVENTION CODE OF THE CODIFIED ORDINANCES TO ELIMINATE THE POSITION OF FIRE SAFETY INSPECTOR IN THE DIVISION OF BUILDING, ZONING AND HOUSING AND TO REPLACE THAT POSITION WITH THE POSITION OF FIRE PREVENTION OFFICER IN THE DIVISION OF FIRE; TO SPECIFY THE METHOD BY WHICH FIRE PREVENTION OFFICERS ARE APPOINTED; TO AUTHORIZE THE CHIEF OF FIRE AND FIRE PREVENTION OFFICER TO ENFORCE THE FIRE PREVENTION CODE, AND TO PERMIT THE INCUMBENT FIRE SAFETY INSPECTOR TO PERFORM THE DUTIES AND EXERCISE THE AUTHORITY OF A FIRE PREVENTION OFFICER UNTIL THAT INSPECTOR'S SEPARATION FROM CITY EMPLOYMENT.

WHEREAS, this Council desires for efficiency and public health, safety and general welfare purposes that the City's fire safety inspectors be within the Division of Fire, rather than the Division of Building, Zoning and Housing, both Divisions being part of the City's Department of Public Safety, and that the fire safety inspectors be under the supervision of the Mayor/Director of Public Safety and the Chief of Fire;

WHEREAS, Council desires and the Charter so provides that the Mayor have the authority to appoint City fire safety inspectors;

WHEREAS, Council and the Mayor desire that the Chief of Fire, along with properly certified fire safety inspectors, administer and enforce Part Fifteen of the Codified Ordinances of the City of Richmond Heights, the Fire Prevention Code;

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

SECTION 1: Section 1301.05, "Enforcement", of Chapter 1301, "Ohio Building Code", of the Codified Ordinances is amended to hereinafter read as follows:

1301.05 ENFORCEMENT.

- (a) The Commissioner of Building, Zoning and Housing (Building Commissioner) or the Commissioner's designee shall have authority to approve plans and enforce the provisions of the regulations adopted in this chapter, and all of the provisions of such documents shall be administered by the Building Commissioner or the Commissioner's designee. ~~The Building Commissioner and a properly certified fire safety inspector shall have authority to administer and enforce the provisions of Chapter 1501 of the Codified Ordinances.~~
- (b) ~~The position of Fire Safety Inspector, as the position is used in Chapter 1501 of the Codified Ordinances, shall administer and enforce the provisions of Chapter~~

~~1501 of the Codified Ordinances within the Division of Building, Zoning and Housing, and under the supervision of the Building Commissioner.~~

SECTION 2: Existing Section 1301.05, "Enforcement", of the Codified Ordinances is hereby repealed.

SECTION 3: Section 1501.04, "Establishment of the position of Fire Safety Inspector in the Division of Building, Zoning and Housing", of Chapter 1501, "Administration", of Part Fifteen – Fire Prevention Code, of the Codified Ordinances of the City is amended to hereinafter read as follows:

1501.04 ESTABLISHMENT OF THE ~~BUREAU~~ POSITION OF FIRE PREVENTION SAFETY INSPECTOR IN DIVISION OF BUILDING, ZONING AND HOUSING.

(a) The Fire Prevention Code shall be enforced by ~~the Bureau of Fire Prevention in~~ the Division of Building, Zoning and Housing ~~Fire. The Bureau of Fire Prevention, hereinafter referred to as the Bureau, is hereby established and shall be operated under the supervision of the Chief of the Division of Fire, hereinafter referred to as the Chief.~~

(b) The Mayor shall designate a person or persons to ~~act~~ be appointed as Fire Safety Inspectors Prevention Officer who shall perform the duties thereof within the Division of Building, Zoning and Housing ~~for the Bureau shall be classified employees within the civil service of the City and their position shall be subject to the appointment and other rules of the Civil Service Commission of the City.~~ The number of Fire Prevention Officers persons assigned to the Bureau position ~~of Fire Safety Inspector~~ shall be determined by the Mayor within the appropriations and authorization of City Council, and at the Mayor's sole discretion. Notwithstanding the foregoing provisions, the person who is the certified Fire Safety Inspector for the City on the effective date of this section shall continue to perform the duties and shall have the authority of a Fire Prevention Officer as set forth in Sections 1501.05, 1501.08, 1501.09, 1501.10, 1501.12 and 1501.13 of this chapter until that person's separation from employment with the City.

(c) No person shall function as a Fire Safety Inspector Prevention Officer for the City unless that person possesses a certificate in accordance with Ohio R.C. 3737.34 as a Certified Fire Safety Inspector.

SECTION 4: Existing Section 1501.04, "Establishment of the Position of Fire Safety Inspector in Division of Building, Zoning and Housing", of the Codified Ordinances is hereby repealed.

SECTION 5: Section 1501.05, "Duties of the Bureau", of Chapter 1501, "Administration", of Part Fifteen – Fire Prevention Code, of the Codified Ordinances of the City is amended to hereinafter read as follows:

1501.05 DUTIES OF THE BUREAU OF FIRE PREVENTION.

(a) The duties of all ~~Fire Safety Inspectors~~ Prevention Officers shall include: the inspection of industrial and commercial structures, regulated by the Ohio Basic Building Code, under construction within the City, prior to the issuance of a Certificate of Occupancy by the Division of Building, Zoning and Housing; inspections of all existing non-residential structures and common areas of any multi-family residential structure within the City to determine potential life hazards, fire hazards, or conditions that will affect or interfere with safe firefighting operations; and to prescribe remedies for such hazardous conditions through the enforcement of the Fire Prevention Code.

(b) A ~~Fire Safety Inspector~~ Prevention Officer shall issue parking violations, in accordance with Part Three, Traffic Violations of the Codified Ordinances of the City, to parties parked in fire lanes or blocking fire hydrants and other fire protective equipment.

(c) With the consent of the owner or legal occupant, or with a properly granted search warrant, a ~~Fire Safety Inspector~~ Prevention Officer may, at all reasonable hours, enter into all buildings and upon all premises and vehicles within their jurisdiction for the purpose of examination.

(d) No person, who is not a Certified Fire Safety Inspector officially assigned to the Bureau ~~designated~~ by the Mayor, shall act as such a Fire Prevention Officer or hold himself or herself out to be such, or function in a capacity equal to such.

(e) The duties of all ~~Fire Safety Inspectors~~ Prevention Officers shall also include the investigation of all fires or other similar incidents, when requested by the ~~Building Commissioner or the Chief of Fire~~ or the Building Commissioner.

(f) A report of all ~~Bureau~~ Fire Safety Inspectors' activities shall be prepared and transmitted to the Chief of Fire Building Commissioner on a quarterly and annual basis.

SECTION 6: Existing Section 1501.05, "Duties of the Bureau", of the Codified Ordinances is hereby repealed.

SECTION 7: Section 1501.08, "Enforcement of the Fire Prevention Code", of Chapter 1501, "Administration", of Part Fifteen – Fire Prevention Code, of the Codified Ordinances of the City is amended to hereinafter read as follows:

1501.08 ENFORCEMENT OF THE FIRE PREVENTION CODE.

(a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Division of Fire Building, Zoning and Housing.

(b) All ~~Fire Safety Inspectors~~ Prevention Officers shall enforce the Fire Prevention Code according to the policies and procedures of the Bureau, as approved by the Chief of Fire Building Commissioner.

(c) When a ~~Fire Safety Inspector~~ Prevention Officer finds conditions that are contrary to this Code, the ~~Fire Safety Inspector~~ Prevention Officer shall cause a Notice of Fire Code Violation to be issued. Such notices shall specify the nature of

the violation, the necessary corrective measures, and the allowed amount of time to correct the violation.

(d) A Fire ~~Safety Inspector~~ **Prevention Officer**, upon examination or inspection, shall cause an Order to Repair to issue when conditions as specified in Ohio R.C. 3737.41 are found which are especially dangerous to the safety of persons, buildings, premises, or property, and shall cause any necessary remedial orders to issue in connection therewith. When an Order to Repair has been issued, a follow-up inspection shall be conducted, and each follow-up inspection shall be considered a separate inspection and shall be charged as such.

(e) A Fire ~~Safety Inspector~~ **Prevention Officer** shall cause a citation to issue after investigation or inspection reveals conditions in violation of the Fire Prevention Code exist after notification that such a Fire Code violation exists. The citation shall be issued to the responsible person.

SECTION 8: Existing Section 1501.08, "Enforcement of the Fire Prevention Code", of the Fire Prevention Code, of the Codified Ordinances is hereby repealed.

SECTION 9: Section 1501.09, "Inspection Fees", of Chapter 1501, "Administration", of Part Fifteen – Fire Prevention Code, of the Codified Ordinances of the City is amended to hereinafter read as follows:

1501.09 INSPECTION FEES.

(a) When an Order to Repair has been issued, the Fire ~~Safety Inspector~~ **Prevention Officer** shall reinspect the property at the time interval specified on the Order. If the ~~Inspector~~ **Officer** finds the conditions have not been corrected, a reinspection fee of one hundred dollars (\$100.00) shall be charged for each reinspection.

(b) A Fire ~~Safety Inspector~~ **Prevention Officer** may waive, at their sole discretion, the reinspection fee if a good faith effort has been shown in correcting the conditions.

SECTION 10: Existing Section 1501.09, "Inspection Fees", of the Fire Prevention Code, of the Codified Ordinances is hereby repealed.

SECTION 11: Section 1501.10, "Compliance with Fire Prevention Code; Penalty", of Chapter 1501, "Administration", of Part Fifteen – Fire Prevention Code, of the Codified Ordinances of the City is amended to hereinafter read as follows:

1501.10 COMPLIANCE WITH FIRE PREVENTION CODE; PENALTY.

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

(b) No person or entity shall fail to comply with fire prevention measures or fire protection activities as prescribed in the Fire Prevention 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.

(c) It shall be unlawful for any person or entity to remove a notice posted by a ~~Fire Safety Inspector~~ **Prevention Officer** identifying a life or fire hazard. The responsible person shall be fined not less than three hundred dollars (\$300.00) when a posted notice has been removed.

(d) Any person or entity who violates this chapter shall be guilty of a misdemeanor of the first degree in addition to any other penalties contained herein.

SECTION 12: Existing Section 1501.10, “Compliance with Fire Prevention Code; Penalty”, of the Fire Prevention Code, of the Codified Ordinances is hereby repealed.

SECTION 13: Section 1501.12, “Variances”, of Chapter 1501, “Administration”, of the Codified Ordinances is amended to hereinafter read as follows:

1501.12 VARIANCES.

Upon application received in writing by the owners or lessees of a property, or their duly authorized agents, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of such Code shall be observed, public safety secured and substantial justice done, a ~~Fire Safety Inspector~~ **Prevention Officer** may, with approval of the **Chief of Fire Building Commissioner**, grant a variance ~~for~~ **from** a Code provision. The variance shall be in writing and the reasons for the variance shall be stated.

SECTION 14: Existing Section 1502.12, “Variances”, of the Codified Ordinances is hereby repealed.

SECTION 15: Section 1501.13, “Appeals”, of Chapter 1501, “Administration”, of the Codified Ordinances is amended to hereinafter read as follows:

1501.13 APPEALS.

(a) The Board of Fire Code Appeals is hereby established consisting of members and alternate members of the Architectural Review Board as appointed by the City, by reason of education, experience, and knowledge, and are deemed to be competent to sit in judgment on matters concerning this Code. The Board of Fire Code Appeals shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the ~~Fire Safety Inspectors~~ **Prevention Officers**.

(b) The Board of Fire Code Appeals shall meet whenever requested by the Bureau to interpret provisions of this Code, and to consider and rule on any properly filed appeal from a decision of a ~~Fire Safety Inspector~~ **Prevention Officer**, giving at least five days notice of hearing, but in no case shall fail to meet on an appeal within thirty days of the filing of the appeal.

(c) Whenever a ~~Fire Safety Inspector~~ **Prevention Officer** disapproves an application for variance from the Fire Prevention Code, refuses to grant a permit, or when it is claimed that the provisions of the Code do not apply, or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant so affected may make a written request for an appeal hearing within twenty days of being notified of the decision.

The appeal shall be in writing, shall be filed with the ~~Commissioner of Building and Zoning Chief of Fire~~, shall outline the issues to be presented as well as the Code provision from which relief is sought, shall state the reasons for such relief, and shall state the remedy proposed. The Board of Fire Code Appeals shall render a decision based on testimony submitted by all affected parties. Such decision shall be served by U.S. Certified Mail, Return Receipt requested.

(d) When an appeal has been filed, the enforcement of any non-threatening condition will be held in abeyance until such time as the appeal is heard and a decision has been rendered. Any conditions that create a serious threat to life, property, or public welfare shall be corrected immediately, regardless of the appeal. It shall be the sole discretion of the ~~Fire Safety Inspector~~ Prevention Officer as to the severity or threat of the condition.

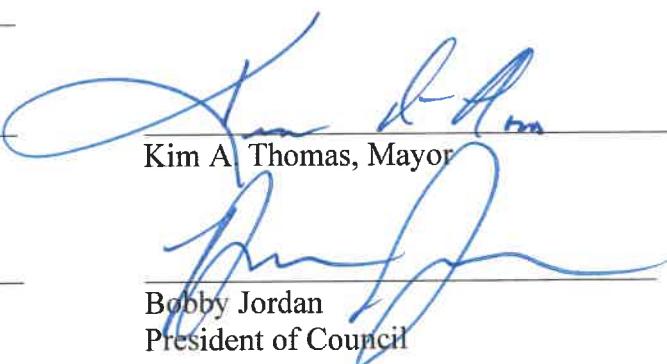
SECTION 16: Existing Section 1502.13, "Appeals", of the Codified Ordinances is hereby repealed.

SECTION 17: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 18: This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED: June 25, 2024

APPROVED: June 25, 2024



Kim A. Thomas, Mayor

ATTEST: Tracey Blair
Tracey Blair
Clerk of Council



Bobby Jordan
President of Council