

CENTERVILLE MUNICIPAL CODE

PART SIXTEEN - FIRE PREVENTION CODE

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Chap. 1610. Unified Fire Code. (Repealed)

Chap. 1611. Unified Fire Code.

Chap. 1620. Fire Inspections and Correction of Violations.

Chap. 1630. Bureau of Fire Safety.

CENTERVILLE MUNICIPAL CODE  
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CHAPTER 1610  
Unified Fire Code

EDITOR'S NOTE: Chapter 1610 was repealed by Ordinance 15-95, passed August 21, 1995. See Chapter 1611.



CHAPTER 1611  
Unified Fire Code

EDITOR'S NOTE: This chapter was repealed in its entirety and re-enacted by Ordinance 16-00, passed September 18, 2000.

1611.01	1999 edition adopted.	1611.03	Definitions.
1611.02	Interpretation.	1611.99	Penalty; equitable remedies.

CROSS REFERENCES

Adoption of technical codes - see CHTR. Sec. 5.06  
 Power to regulate elevators, stairways and fire escapes - see Ohio R.C. 715.26  
 Power to regulate against fires - see Ohio R.C. 737.27, 3737.08  
 State Fire Marshal - see Ohio R.C. Ch. 3737  
 Right to examine buildings - see Ohio R.C. 3737.14  
 Gasoline, oils and paint - see Ohio R.C. Ch. 3741  
 Fireworks - see Ohio R.C. Ch. 3743; GEN. OFF. 672.10  
 Division of Fire - see ADM. Ch. 240  
 Fire Insurance Trust Fund; distribution of fire insurance proceeds - see ADM. 240.03  
 Powers of Residential Board of Appeals re Unified Fire Code - see ADM. 288.01

**1611.01 1999 EDITION ADOPTED.**

Pursuant to Section 5.06 of the City Charter, there is hereby adopted as new Chapter 1611 and incorporated by reference as if set out at length herein, for the purpose of prescribing regulations for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises, that certain Code known as the 1999 edition of the Unified Fire Code, consisting of the BOCA National Fire Prevention Code (1993 edition), as published by the Building Officials and Code Administrators International, Inc., and the amendments contained therein from the 2005 Southwest Ohio Fire Safety Council Unified Standards.

(Ord. 16-00. Passed 9-18-00; Ord. 10-06. Passed 6-19-06.)

**1611.02 INTERPRETATION.**

This Fire Prevention Code shall not be construed to affect the responsibility of any party owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of an inspection or reinspection authorized herein, by reason of the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

(Ord. 16-00. Passed 9-18-00.)

**1611.03 DEFINITIONS.**

As used in the 2005 Southwest Ohio Fire Safety Council Unified Standards, the following terms shall have the following meanings:

- (a) "Governing body" means the Council of the City of Centerville, Ohio.
- (b) "Jurisdiction" means the City of Centerville, Ohio.
- (c) "Fire chief" means the Chief of the Fire Division.

(Ord. 10-06. Passed 6-19-06.)

**1611.99 PENALTY; EQUITABLE REMEDIES.**

(a) Whoever violates any of the provisions of this Fire Prevention Code, including the Unified Fire Code adopted pursuant to Section 5.06 of the City Charter, or fails to comply therewith, or violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, for which no penalty is otherwise provided and for which no appeal has been taken, or fails to comply with such provision as affirmed or modified by the Code Official of the City or by a court of competent jurisdiction within the time fixed therein, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense.

(b) The imposition of any one penalty for any violation shall not excuse the violation or permit it to continue, and all persons who violate any of the provisions of this Fire Prevention Code shall be required to correct or remedy such violation or defect within a reasonable time period. When not otherwise specified, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) The application of the penalty provided in this section shall not be held to preclude other additional remedies as provided by law.

(Ord. 16-00. Passed 9-18-00.)

[Next page of text is page 27]

**CHAPTER 1620**  
**Fire Inspections and Correction of Violations**

1620.01	Purpose of inspections and examinations.	1620.05	Orders to correct violations; criminal charges.
1620.02	Duty of Code Official; obstructions.	1620.06	Service of orders.
1620.03	Frequency of inspections; inspection of single and multifamily dwelling units.	1620.07	Time limitation for compliance with orders.
1620.04	Right of entry.	1620.08	Compliance with orders required.
		1620.99	Penalty.

**CROSS REFERENCES**

Power to regulate elevators, stairways and fire escapes - see Ohio R.C. 715.26

Power to regulate against fires - see Ohio R.C. 737.27, 3737.08

State Fire Marshal - see Ohio R.C. Ch. 3737

Right to examine buildings - see Ohio R.C. 3737.14

Gasoline, oils and paint - see Ohio R.C. Ch. 3741

Fireworks - see Ohio R.C. Ch. 3743; GEN. OFF. 672.10

Establishment of Division of Inspection - see ADM. 230.08

Division of Fire - see ADM. Ch. 240

Fire Insurance Trust Fund; distribution of fire insurance proceeds - see ADM. 240.03

Power of Residential Board of Appeals re Unified Fire Code - see ADM. 288.01

Fire lanes - see TRAF. 452.14

Fire escapes - see B. & H. 1480.02

**1620.01 PURPOSE OF INSPECTIONS AND EXAMINATIONS.**

The inspections and examinations authorized by this chapter shall be for the purpose of reporting and correcting the following fire hazards pertaining to buildings and their occupants:

- (a) Disrepair;
- (b) Age and dilapidated condition;
- (c) Faulty or unapproved construction;
- (d) Inadequate means of egress or lack thereof;
- (e) Inadequate fire alarm protection;
- (f) Inadequate fire extinguishing equipment;

- (g) Materials and buildings especially susceptible to fire;
  - (h) Conditions endangering other property or occupants;
  - (i) Any other fire hazards dangerous to life or property.
- (Ord. 5-91. Passed 4-15-91.)

#### **1620.02 DUTY OF CODE OFFICIAL; OBSTRUCTIONS.**

(a) It shall be the duty of the Chief of the Fire Division, the officer in charge of the Bureau of Fire Safety or a fire safety inspector specially designated thereto (hereinafter referred to as "Code Official") to inspect all buildings and premises in the City and to enforce the provisions of this Fire Prevention Code and all other codes and ordinances relating to fire prevention and life safety.

(b) No person shall knowingly hinder, obstruct or otherwise interfere with any Code Official in making such inspections.

(Ord. 5-91. Passed 4-15-91.)

#### **1620.03 FREQUENCY OF INSPECTIONS; INSPECTION OF SINGLE AND MULTIFAMILY DWELLING UNITS.**

(a) A Code Official shall have the authority to inspect all structures and premises as often as may be necessary for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire-fighting operations or endanger life, or any violations of the provisions of this Fire Prevention Code or any other ordinance affecting fire safety.

(b) Single and multifamily dwelling units shall only be inspected when the owner/occupant has requested such inspection, when a fire safety hazard has been reported by a formal complaint or when the Code Official has witnessed a fire safety hazard on said property.

(Ord. 5-91. Passed 4-15-91.)

#### **1620.04 RIGHT OF ENTRY.**

Whenever necessary for the purpose of enforcing the provisions of this Fire Prevention Code, or whenever the Code Official has reasonable cause to believe that there exists in any structure or upon any premises any condition which makes such structure or premises unsafe, such Code Official shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon such Code Official by this Fire Prevention Code, provided that if such structure or premises are occupied, the Code Official shall first present proper credentials and request entry. If such entry is refused, the Code Official shall have recourse to every remedy provided by law to secure entry.

(Ord. 5-91. Passed 4-15-91.)

1620.05            ORDERS TO CORRECT VIOLATIONS; CRIMINAL CHARGE.

Whenever a Code Official finds any building or other structure likely to catch fire from any cause, including, but not limited to, those fire hazards set forth in Section 1620.01, or whenever such Code Official discovers any violations of this Fire Prevention Code or of any other laws or ordinances relating to fire hazards, he or she may serve a written order to correct the violation or condition upon the owner, operator, occupant or other person responsible for the violation or condition and/or may file criminal charges against the person involved for a violation of this Fire Prevention Code.

No person shall knowingly or recklessly fail to comply with a lawful order issued by a Code Official.

(Ord. 5-91. Passed 4-15-91.)

1620.06            SERVICE OF ORDERS.

The order required in Section 1620.05 shall be served in one of the following ways:

- (a) By making personal delivery of the order to the person responsible;
- (b) By leaving the order with some person of suitable age and discretion upon the premises;
- (c) By affixing a copy of the order to the door at the entrance of the premises in violation;
- (d) By mailing a copy of the order to the last known address of the owner of the premises, by registered mail;
- (e) By publishing a copy of the order in a local paper once a week, for three successive weeks.

(Ord. 5-91. Passed 4-15-91.)

1620.07            TIME LIMITATION FOR COMPLIANCE WITH ORDERS.

The order required in Section 1620.05 shall set forth a time limit for compliance, dependant upon the hazard and danger created by the violation. In cases of extreme danger to persons or property, the Chief of the Fire Division or the officer in charge of the Bureau of Fire Safety shall have the authority to require compliance immediately upon service of the order.

(Ord. 5-91. Passed 4-15-91.)

1620.08            COMPLIANCE WITH ORDERS REQUIRED.

No person to whom an order is directed shall fail to comply with such order within the specified time.

(Ord. 5-91. Passed 4-15-91.)

1620.99            PENALTY.

(EDITOR'S NOTE: See Section 1611.99 for general Fire Prevention Code penalty if no specific penalty is provided.)

CHAPTER 1630  
Bureau of Fire Safety

1630.01	Establishment; supervision.	1630.09	Permits.
1630.02	Appointment of officer in charge.	1630.10	Permit applications.
1630.03	Duties and powers.	1630.11	Unlawful activities.
1630.04	Responsibilities of other departments, divisions or officers.	1630.12	Inspections prior to permit issuance; approval.
1630.05	Investigation of fires.	1630.13	Duration of permit; display.
1630.06	Assistance by Municipal Attorney and Police Division.	1630.14	Hazardous materials.
1630.07	Records.	1630.15	Revocation of permits.
1630.08	Reports.	1630.16	Permit fees.
		1630.17	Liability of City.
		1630.99	Penalty.

CROSS REFERENCES

Power to regulate elevators, stairways and fire escapes - see Ohio R.C. 715.26  
 Power to regulate against fires - see Ohio R.C. 737.27, 3737.08  
 State Fire Marshal - see Ohio R.C. Ch. 3737  
 Right to examine buildings - see Ohio R.C. 3737.14  
 Gasoline, oils and paint - see Ohio R.C. Ch. 3741  
 Fireworks - see Ohio R.C. Ch. 3743; GEN. OFF. 672.10  
 Division of Fire - see ADM. Ch. 240  
 Fire Insurance Trust Fund; distribution of fire insurance proceeds - see ADM. 240.03  
 Powers of Residential Board of Appeals re Unified Fire Code - see ADM. 288.01  
 Fire lanes - see TRAF. 452.14  
 Fire safety requirements - see B. & H. Ch. 1480  
 Unified Fire Code - see F.P. Ch. 1610  
 Fire inspections and correction of violations - see F.P. Ch. 1620

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**1630.01 ESTABLISHMENT; SUPERVISION.**

A Bureau of Fire Safety is hereby established in and for the City. The Bureau shall operate under the supervision of the Chief of the Fire Division or the officer in charge of the Washington Township Bureau of Fire Safety and shall be the same Bureau as that which has been established within the Washington Township Fire Department for that section of the City located in Washington Township and the Bureau shall operate under the supervision of the Chief of the Fire Department or the officer in charge of the Sugar creek Township Fire Prevention Bureau and shall be the same Bureau as that which has been established within the Sugar creek Township Fire Department for that section of the City located in Sugar creek Township.

(Ord. 5-91. Passed 4-15-91; Ord. 26-06. Passed 10-16-06; Ord. 27-06. Passed 11-20-06.)

**1630.02 APPOINTMENT OF OFFICER IN CHARGE.**

The Chief of the Fire Division of Washington Township shall designate the officer in charge of the Washington Township Bureau of Fire Safety as the officer in charge of the Bureau of Fire Safety for that section of the City located in Washington Township and the Chief of the Fire Department of Sugarcreek Township shall designate the officer in charge of the Sugarcreek Township Fire Prevention Bureau as the officer in charge of Fire Safety for that section of the City located in Sugarcreek Township.

(Ord. 5-91. Passed 4-15-91; Ord. 26-06. Passed 10-16-06; Ord. 27-06. Passed 11-20-06.)

**1630.03 DUTIES AND POWERS.**

(a) It shall be the duty of the Bureau of Fire Safety of the City to enforce all laws and ordinances covering the following:

- (1) Inspection of structures and facilities for potential fire hazards;
- (2) Abatement of existing fire hazards;
- (3) Investigation of the cause, origin and circumstances of fires;
- (4) Storage, use and handling of hazardous materials;
- (5) Regulation of the maintenance of means of egress;
- (6) Regulation of the maintenance and acceptance tests of automatic and other private fire alarm systems and fire extinguishing equipment;
- (7) Control of the means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters and all other places in which persons work, meet, live or congregate;
- (8) Educational fire prevention programs;
- (9) Monitoring of construction, protection and occupancy features of buildings to minimize danger to life and property from fire, products of combustion or panic;
- (10) Issuance of permits as specified in the Unified Fire Code, as adopted in Section 1610.01, and provided in Section 1630.10;
- (11) Conducting of plan reviews of fire protection systems and associated fire and life safety systems and equipment.

(b) The Bureau of Fire Safety shall have such other powers and perform such other duties as are set forth in other sections of this Fire Prevention Code, in other ordinances and as may be conferred and imposed from time to time by law.

(Ord. 5-91. Passed 4-15-91.)

**1630.04 RESPONSIBILITIES OF OTHER DEPARTMENTS, DIVISIONS OR OFFICERS.**

The designation of duty in this chapter shall not relieve any other department, division, officer or employee of the City of any power or duty conferred upon it or him or her by law or ordinance.

(Ord. 5-91. Passed 4-15-91.)

1630.05 INVESTIGATION OF FIRES.

The Chief of the Fire Division or the officer in charge of the Bureau of Fire Safety shall cause to be investigated the cause, origin and circumstances of every fire occurring in the City involving loss of life or injury to any person, or by which property has been destroyed or damaged, and, as far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon the occurrence of such a fire, and if it appears to the Chief or the officer in charge of the Bureau of Fire Safety, or his or her designated investigator, that such fire is of suspicious origin, he or she shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

The Chief or the officer in charge of the Bureau of Fire Safety shall have the authority to examine witnesses, compel the attendance of witnesses and the production of books and papers, administer oaths and enter, for the purpose of examination, any building which has been destroyed or damaged by fire or explosion.

(Ord. 5-91. Passed 4-15-91.)

1630.06 ASSISTANCE BY MUNICIPAL ATTORNEY AND POLICE DIVISION.

The Municipal Attorney and the Police Division, upon request of the Chief of the Fire Division or the officer in charge of the Bureau of Fire Safety, shall assist the Chief and the officer in charge of the Bureau of Fire Safety in the investigation of any fire which, in either of their opinions, is of suspicious origin.

(Ord. 5-91. Passed 4-15-91.)

1630.07 RECORDS.

The officer in charge of the Bureau of Fire Safety shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and a statement as to whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the various officers of the Fire Division under the provisions of this Fire Prevention Code. All such records shall be made public.

(Ord. 5-91. Passed 4-15-91.)

1630.08 REPORTS.

Reports of the activities of the Bureau of Fire Safety shall be prepared by the officer in charge of the Bureau of Fire Safety and transmitted to the Chief of the Fire Division to the extent that the Chief may, from time to time, require. Such reports shall contain all proceedings under this Fire Prevention Code.

(Ord. 5-91. Passed 4-15-91.)

1630.09 PERMITS.

A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions, which are hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this Fire Prevention Code. Such a permit shall remain in effect until revoked, or for such period of time specified on the permit. Permits are not transferable, and any change in use, operation or tenancy shall require a new permit.

(Ord. 5-91. Passed 4-15-91.)

1630.10 PERMIT APPLICATIONS.

All applications for permits required by this Fire Prevention Code shall be made to the officer in charge of the Bureau of Fire Safety in such form and detail as he or she shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the officer in charge of the Bureau of Fire Safety for evaluation of the application.

(Ord. 5-91. Passed 4-15-91.)

1630.11 UNLAWFUL ACTIVITIES.

It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices, to maintain, store or handle materials, to conduct processes which produce conditions hazardous to life or property, to install equipment used in connection with such activities, or to establish a place of assembly for such activities, without first notifying the Code Official, as defined in Section 1620.02.

(Ord. 5-91. Passed 4-15-91.)

1630.12 INSPECTIONS PRIOR TO PERMIT ISSUANCE; APPROVAL.

Before a permit shall be issued, the officer in charge of the Bureau of Fire Safety or his or her authorized representative shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws or regulations enforceable by departments or divisions other than the Bureau of Fire Safety are applicable, joint approval shall be obtained from all departments and divisions concerned. A permit shall not be issued until the designated fees have been paid.

(Ord. 5-91. Passed 4-15-91.)

1630.13 DURATION OF PERMIT; DISPLAY.

Every permit granted by the officer in charge of the Bureau of Fire Safety shall remain in effect until revoked, or for such period of time specified on the permit. Permits must be kept on the premises designated therein and shall at all times be subject to inspection by the officer in charge of the Bureau of Fire Safety and by any officer of the Fire Division or Police Division.

(Ord. 5-91. Passed 4-15-91.)

1630.14 HAZARDOUS MATERIALS.

One permit only shall be required by establishments dealing in, or using, two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.  
(Ord. 5-91. Passed 4-15-91.)

1630.15 REVOCATION OF PERMITS.

The Chief of the Fire Division, the officer in charge of the Bureau of Fire Safety or an authorized representative, shall revoke any permit issued under this Fire Prevention Code when he or she finds that:

- (a) The permit is being used by any person or firm other than the person or firm to whom or which it was issued;
- (b) The conditions or limitations set forth in the permit have been violated;
- (c) Violations set forth in any written notice served upon a permittee by the Director of the Bureau of Fire Prevention have not been corrected within the time required by the notice; or
- (d) The permit is being used for any premises or location other than that for which it was issued.

(Ord. 5-91. Passed 4-15-91.)

1630.16 PERMIT FEES.

(a) The fee schedule for all designated permits as required by this Fire Prevention Code shall be set from time to time by Council.

(b) Permit inspection requests outside of the normal work day period shall be billed at a rate of fifty dollars (\$50.00) per man hour (rate per inspector) with a minimum of three hours if detached from the normal work day.

(c) Any occupant/owner who conducts, uses or installs equipment or a process or material prior to securing a required permit shall be subject to a double fee charge for said permit.

(d) City or government agencies shall not be assessed permit fees.  
(Ord. 5-91. Passed 4-15-91.)

1630.17 LIABILITY OF CITY.

This Fire Prevention Code shall not be construed to affect the responsibility of any party owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein, the permit issued as herein provided or the approval or disapproval of any equipment authorized herein.  
(Ord. 5-91. Passed 4-15-91.)

1630.99 PENALTY.

(EDITOR'S NOTE: See Section 1611.99 for general Fire Prevention Code penalty if no specific penalty is provided.)