

ORDINANCE NO.: 113 -2014  
INTRODUCED BY: LENTINE

AN ORDINANCE AMENDING CHAPTERS 1301 AND 1501 OF THE CODIFIED ORDINANCES TO PLACE THE POSITION OF FIRE SAFETY INSPECTOR IN THE DIVISION OF BUILDING, ZONING AND HOUSING IN THE DEPARTMENT OF PUBLIC SAFETY; SPECIFY THE METHOD BY WHICH FIRE SAFETY INSPECTORS ARE APPOINTED; AUTHORIZE THE BUILDING COMMISSIONER AND FIRE SAFETY INSPECTORS TO ENFORCE THE FIRE PREVENTION CODE; AND DECLARING AN EMERGENCY.

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 Building, Zoning and Housing, rather than the Division of Fire, both Divisions being part of the Department of Public Safety, and that the fire safety inspectors be under the supervision of the Mayor/Director of Public Safety and the Commissioner of Building, Zoning and Housing ("Building Commissioner"); and

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

WHEREAS, Council desires that the Building Commissioner, 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, ~~Housing and 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 Bureau of Fire Prevention”, 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 Fire Division~~ **of Building, Zoning and Housing**. The ~~Bureau of Fire Prevention, hereinafter referred to as Bureau, is hereby established and shall be operated under the supervision of the Chief of the Fire Division, hereinafter referred to as Chief.~~

(b) The ~~Chief~~ **Mayor** shall designate **a person or** persons to act as Fire Safety Inspectors **who shall perform the duties thereof within the Division of Building, Zoning and Housing** for the ~~Bureau~~. The number of inspectors **persons** assigned to the ~~Bureau~~ **position of Fire Safety Inspector** shall be determined by the ~~Chief~~ **Mayor within the appropriations and authorization of City Council**, and at his **the Mayor’s** sole discretion. ~~All members functioning on behalf of the Bureau must be officially appointed to the Bureau by the Fire Chief.~~

(c) No person shall function as a Fire Safety Inspector for the ~~Bureau~~ **City** unless ~~he~~ **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 Bureau of Fire Prevention”, 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 FIRE SAFETY INSPECTOR.**

(a) The duties of all Fire Safety Inspectors 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, ~~and 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 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 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 ~~Fire Chief~~ **Mayor**, shall act as such 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 shall also include the investigation of all fires or other similar incidents, when requested by the ~~Chief~~ **Building Commissioner or the Chief of Fire**.

(f) A report of ~~Bureau~~ **all Fire Safety Inspectors'** activities shall be prepared and transmitted to the ~~Chief~~ **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 1501.05, "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 Fire Division~~ **of Building, Zoning and Housing**.

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

(c) When a Fire Safety Inspector finds conditions that are contrary to this Code, ~~he~~ **the Fire Safety Inspector** 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, 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 shall cause a citation to issue after investigation or inspection reveals conditions in violation of the Fire Prevention Code exist after notification that 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 1501.12, “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 may, with approval of the ~~Fire Chief~~ **Building Commissioner**, grant a variance for a Code provision. The variance shall be in writing and the reasons for the variance shall be stated.

SECTION 10: Existing Section 1502.12, “Variances”, of the Codified Ordinances is hereby repealed.

SECTION 11: 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 12: This Ordinance is declared to be an emergency measure immediately necessary for the preservation of public health, safety and general welfare, and for the further reason that it is immediately necessary for this Ordinance to take effect in order to properly staff the position of Fire Safety Inspector for the protection of lives and property within the City; therefore, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
David H. Roche, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Betsy Traben  
Clerk of Council

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Eloise Cotton Henry  
President of Council

