TO BE RESCINDED

1301:7-7-01 **Administration.**

(A) Section 101 General

(1) 101.1 Title. The rules as set forth in Chapter 1301:7-7- of the Administrative Code shall be known as the "Ohio Fire Code" abbreviated "OFC," and hereinafter may also be referred to as the "state fire code" or "this code."

(2) 101.2 Scope. This code establishes state fire marshal rules for the administration and enforcement of authorities granted to the fire marshal and fire code officials in Chapters 3701., 3731., 3737., 3741., 3743., 3781., and 3791. of the Revised Code including but not limited to, regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;

2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;

3. Fire hazards in the structure or on the premises from occupancy or operation;

4. Matters related to the construction, extension, repair, alteration or removal of fire protection systems; and

5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

(a) 101.2.1 Appendices. Provisions in the appendices of any "International Fire Code" are not adopted as part of this code.

(b) 101.2.2 Unless specifically exempted or as limited by federal or state law or this code, the provisions of this code are intended to safeguard life and property from fire and explosion and shall apply to all aspects of fire safety at any structures, buildings, premises, vehicles or other locations within the territorial jurisdiction of the state of Ohio. The scope of this code includes, but is not limited to, property owned by the state of Ohio or other political subdivisions of the state, residential premises (one, two and three family dwellings), and agricultural premises. The scope of this code includes all aspects of fire safety for any occupancy of or any activities at the places subject to this code, including actions of or uses by any individual, corporation, business trust, estate, trust, partnership,

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associations, the state, a political subdivision of the state, and any other entity, public or private. This code does not apply to any of the following:

1. Property owned by the United States government in accordance with Chapter 159. of the Revised Code and any other structures owned by and used for a function of the United States government;

2. Structures controlled by the United States government used for a non-administrative military function of the United States government;

3. Structures owned or controlled by the state of Ohio that are used for a military function in accordance with 10 USC Chapter 1803.4;

4. The organization or structure of a municipal or township fire department;

5. Structural building requirements covered by the building code as listed in rule 1301:7-7-47 of the Administrative Code;

6. Agricultural labor camps, to the extent required by Section 3733.42 of the Revised Code or rules adopted under that section;

7. Type B family daycare homes in accordance with Sections 3737.22 (G) and 5104.051 of the Revised Code;

8. Manufactured homes, to the extent required by 24 CFR Part 3280, "Manufactured Home Construction and Safety Standards," and the rules adopted by the Ohio manufactured home commission.

This code shall not be construed to:

1. Cause an employer, in complying with it, to be in violation of the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 2051;

2. Regulate manufacturers or manufacturing facilities with respect to occupational hazards where they are subject to regulation by the federal occupational safety and health administration;

3. Be inconsistent with, or in conflict with, regulations of the federal occupational safety and health administration or the hazardous materials regulations of the hazardous materials regulations board of the federal highway administration, United States department of transportation, or the public utilities commission;

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4. Establish a minimum standard of flammability for consumer goods in any area where the "Flammable Fabrics Act," 81 Stat. 568 (1967), 15 USC 1191 authorizes the federal government or any department or agency of the federal government to establish national standards of flammability for consumer goods;

5. Establish health or safety standard for the use of explosives in mining, for which the federal government through its authorized agency sets health or safety standards pursuant to section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 1966," 80 Stat. 772, 30 USC 725, or section 101 of the "Federal Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 USC 811.

(3) 101.3 Intent. The purpose of this 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.

(4) 101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(5) 101.5 Validity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

(6) 101.6 Minimum standard. This code shall constitute the minimum standards for safeguarding life and property from fire and explosion in this state. No political subdivision with the statutory authority to promulgate a local fire code may enact a local fire code, or parts thereof, or authorize a variance or waiver to such local fire code, that provide a lower threshold of such safeguards or violate accepted engineering practice involving public safety. Such political subdivision may promulgate fire code provisions that exceed the minimum safety requirements as set forth in this code.

(B) Section 102 Applicability

(1) 102.1 Construction and design provisions.

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(a) 102.1.1 General applicability. Except as otherwise provided in paragraph (B)(1)(b)(102.1.2) of this rule, the construction and design provisions of this code shall apply to:

(i) Structures, facilities and conditions arising after the adoption of this code. This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code;

(ii) Existing structures, facilities and conditions not legally in existence at the time of adoption of this code;

(iii) Existing structures, facilities and conditions not in strict compliance with the requirements of this code where the conditions constitute a distinct hazard to life or property in the opinion of the fire code official, including existing structures subject to rule 1301:7-7-46 of the Administrative Code. If a distinct hazard to life or property cannot be proven by the fire official by a preponderance of the evidence, the provisions of this code shall not apply to an existing building or condition. This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code.

(b) 102.1.2 Agricultural uses and locations. The construction and design provisions of this code, including any construction permit requirements, shall not apply to structures:

(i) subject to section 3781.061 of the Revised Code, or

(ii) otherwise exempt from the building code as listed in rule 1301:7-7-47 of the Administrative Code because such structures are being used for agricultural purposes unless the conditions of the structure constitute a distinct hazard to life or property or the occupancy of a structure constitutes a change of use or occupancy of the structure from one of the exempt uses listed in this division to another occupancy classification subject to this code.

(2) 102.2 Administrative, operational and maintenance provisions. The administrative, operational and maintenance provisions of this code shall apply to:

(a) Conditions and operations arising after the adoption of this code.

(b) Existing conditions and operations.

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(3) 102.3 Minimum conditions of occupancy. All structures subject to this code may be occupied only in accordance with the provisions of the building code as listed in rule 1301:7-7-47 of the Administrative Code and, at a minimum, the following paragraphs:

1. New construction. Occupancy of a newly constructed structure must be in compliance with paragraph (E)(3)(c)(105.3.3) and paragraph (I)(1)(109.1) of this rule and paragraph (A)(5)(901.5) of rule 1301:7-7-09 of the Administrative Code.

2. Existing structures.

2.1 Alterations. Any alterations to an existing structure shall be done in accordance with paragraph (B)(4)(102.4) of this rule.

2.2 Change of occupancy. Any changes of occupancy to an existing structure shall be done in accordance with paragraph (B)(3)(a)(102.3.1) of this rule.

2.3 General occupancy. An existing structure or premises may only be occupied in accordance with paragraph (E)(3)(c)(105.3.3) and paragraph (I)(1)(109.1) of this rule. No existing structure or premises or part thereof that constitutes a distinct hazard to life or property or is not legally in existence at the time of adoption of this code shall be occupied.

(a) 102.3.1 Certificate of occupancy. A responsible person shall maintain a copy of the current certificate of occupancy, for a structure regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code and make it available to the fire code official upon request. This paragraph only applies to a certificate of occupancy in existence as of the effective day of this rule issued by a building official and/or a certificate of occupancy issued by a building official after the effective date of this rule.

(b) 102.3.2 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the building code as listed in rule 1301:7-7-47 of the Administrative Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the building code as listed in rule 1301:7-7-47 of the

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Administrative Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

(4) 102.4 Application of building code. The planning, design and construction of new buildings and structures to provide the necessary egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the building code of the jurisdiction; and any alterations, additions or changes of occupancy in buildings required by the provisions of this code which are within the scope of the building code shall be made in accordance therewith.

(5) 102.5 Application of residential code of Ohio. Where structures are designed and constructed in accordance with the residential code of Ohio as listed in rule 1301:7-7-47 of the Administrative Code, the provisions of this code shall apply as follows:

(a) Construction and design provisions: To the extent consistent with Chapter 3781. of the Revised Code, the provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by this code shall also apply.

(b) Administrative, operational, and maintenance provisions: All such provisions of this code shall apply.

(6) 102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

(7) 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in rule 1301:7-7-47 of the Administrative Code and such codes and standards shall be incorporated by reference into and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the reference standards, the provisions of this code shall apply.

(a) 102.7.1 Rules adopted by the state fire marshal in accordance with Chapter 3701. including section 3701.82, Chapter 3721., including section 3721.032, Chapter 3731., including section 3731.02, Chapter

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3737., including sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including section 5104.5 of the Revised Code, shall be incorporated by reference and considered part of this code.

(b) 102.7.2 Unless already addressed in and to the extent that such provisions do not conflict with the Revised Code or the rules listed in paragraph (B)(7)(a)(102.7.1) of this rule, the provisions of paragraphs (A)(101), (B)(102), (D)(104), (E)(105), (F)(106), (G)(107), (I)(109), (J)(110), (K)(111), (L)(112), (Q)(117) and (V)(122) of this rule apply to the rules adopted by the state fire marshal in accordance with Chapter 3701. including section 3701.82, Chapter 3721., including section 3721.032, Chapter 3731., including section 3731.02, Chapter 3737., including sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including section 5104.5 of the Revised Code.

(c) 102.7.3 To the extent not in conflict with the Revised Code, the applicable provisions of the "Ohio Fire Code" apply to and may be enforced against all persons, locations, things, structures, and activities regulated by Chapter 3701. including section 3701.82, Chapter 3721., including section 3721.032, Chapter 3731., including section 3731.02, Chapter 3737., including sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including section 5104.5 of the Revised Code.

(d) 102.7.4 Enforcement of rules adopted by the state fire marshal in accordance with Chapter 3701. including section 3701.82, Chapter 3721., including section 3721.032, Chapter 3731., including section 3731.02, Chapter 3737., including sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.1, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including section 5104.5 of the Revised Code shall be as provided in those Revised Code sections or such rules. In addition to such rules, any applicable provisions of the "Ohio Fire Code" may be used as a basis for such enforcement actions.

(8) 102.8 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different paragraphs of this code specify

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different materials, methods of construction or other requirements, the most restrictive shall govern.

(9) 102.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(10) 102.10 Application of references. References to rule or paragraph numbers, or to provisions not specifically identified by number, shall be construed to refer to such rule, paragraph or provision of this code.

(11) 102.11 Underground storage tanks regulated by Chapter 1301:7-9 of the Administrative Code. Underground storage tank systems subject to regulation by Chapter 1301:7-9 of the Administrative Code shall comply with the applicable regulations contained therein and the provisions of this code. If the provisions of this code address similar requirements or are in conflict with the requirements of Chapter 1301:7-9 of the Administrative Code, then the provisions of Chapter 1301:7-9 of the Administrative Code shall apply. Underground storage tank systems not subject to regulation by Chapter 1301:7-9 of the Administrative Code that are determined by the fire code official to comply with the installation, abandonment or removal requirements as set forth in Chapter 1301:7-9 of the Administrative Code are deemed in compliance with the applicable provisions of paragraphs (D)(2)(k)(3404.2.11), (D)(2)(m)(3404.2.13) or (D)(2)(n)(3404.2.14) of rule 1301:7-7-34 of the Administrative Code. Such tanks are subject to all other applicable provisions of this code.

(C) Section 103 Fire code within a political subdivision

(1) 103.1 General. A political subdivision may adopt and enforce a fire code in accordance with the provisions of Ohio law. If a political subdivision adopts a local fire code, that local fire code constitutes an additional set of fire safety regulations in the applicable jurisdiction and such local fire codes shall not and do not modify, repeal, invalidate or otherwise nullify any provisions of this code. Such local fire codes shall not be called the "Ohio Fire Code." Regardless of whether a political subdivision adopts a local fire code, this code remains in effect and is enforceable at all locations in the state in accordance with the applicable provisions of the Revised Code and this code.

(D) Section 104 General authority and responsibilities

(1) 104.1 General. The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the

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application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

(a) 104.1.1 The state fire marshal or fire chief of municipal corporations having fire departments or the fire chief of townships having fire departments shall enforce all provisions of Chapters 3781. and 3791. of the Revised Code, and any rules promulgated pursuant to those chapters, relating to fire prevention.

(2) 104.2 Applications and permits. The fire official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

(a) 104.2.1 Plan review for fire protection systems in structures regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code. For the purposes of this paragraph, a fire code official is authorized to conduct plan review of fire protection systems in structures regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code in accordance with section 106.1.2 of that code and the provisions of this paragraph. The fire code official is authorized to:

(i) 104.2.1.1 Receive and review construction documents when notice is provided to the building code official in accordance with section 106.1.2 of the building code as listed in rule 1301:7-7-47 of the Administrative Code.

(ii) 104.2.1.2 Provide the building official written findings of the reviewed construction documents for compliance with the provisions of this code. For each element of the reviewed construction document that does not meet the requirements of this code, the fire code official shall, in that official's written findings, provide a specific reference to the relevant sections of this code that have not been fully satisfied. The fire code official shall provide the written findings to the building code official within a time frame appropriate for compliance with the building official's statutory requirements.

(iii) 104.2.1.3 As necessary to complete the plan review process, inspect the premises described in the construction documents.

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(iv) 104.2.1.4 Pursuant to division (E) of section 3791.04 of the Revised Code, the approval of plans and specifications by the building code official is a "license" to construct the building or structure in accordance with the approved plans and specifications.

(b) 104.2.2. If a fire code official participates in the plan review process described in this paragraph and that fire code official determines that the proposed construction would result in the construction of a structure not in compliance with this code, the fire code official may, upon request of the responsible person, issue an order directing that all construction be done in accordance with this code. If the responsible person does not submit revised construction documents evidencing compliance with this code within a time period acceptable to the fire code official, the fire code official may issue a citation in accordance with section 3737.42 of the Revised Code requiring the submission of revised construction documents and construction of the structure in accordance with this code.

Construction of a structure subject to this paragraph must be in compliance with the provisions of this code.

(3) 104.3 Right of entry. In accordance with section 3737.14 of the Revised Code, the fire code official shall have the authority to enter all buildings or vehicles or upon all premises, within the fire code official's jurisdiction, at all reasonable hours to conduct an examination, inspect or investigate or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry, including obtaining a warrant in accordance with section 2933.21 (F) of the Revised Code.

(a) 104.3.1 Warrant. When the fire code official has obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code.

(4) 104.4 Identification. The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

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(5) 104.5 Notices and orders. The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with paragraph (I)(109) of this rule.

(6) 104.6 Official records. The fire code official shall keep official records as required by paragraphs (D)(6)(a)(104.6.1) to (D)(6)(d)(104.6.4) of this rule. Such official records shall be retained in accordance with the provisions of Chapter 149. of the Revised Code.

(a) 104.6.1 Approvals. A record of approvals shall be maintained by the fire code official and shall be available for public inspection during business hours in accordance with applicable laws.

(b) 104.6.2 Inspections. The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

(c) 104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

(i) 104.6.3.1 Fire reports. The fire department described in paragraph (D)(6)(c)(104.6.3) of this rule and the political subdivision served by the fire department described in paragraph (D)(6)(c)(104.6.3) of this rule shall report fire investigations required by sections 3737.23 and 3737.24 of the Revised Code using coding information and procedures prescribed by the "United State Fire Administration" in the "National Fire Incident Reporting Systems (NFIRS)" and shall send to the state fire marshal these reports in a manner approved by the state fire marshal. The reports shall include the "Incident Report," the "Civilian Casualty Report," and the "Fire Service Casualty Report." Electronic reporting of fire investigations to the state fire marshal must be in a format approved by both the "United States Fire Administration" and the state fire marshal as being compatible with the current version of the "National Fire Incident Reporting System." Any electronic reporting also must be in a format that is specifically compatible with the software used by the state fire marshal to process such reports and transmitted in a format that has been approved by the state fire marshal.

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(d) 104.6.4 Administrative. Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire code official.

(7) 104.7 Approved materials and equipment. All materials, equipment, devices and methods of construction within the scope of the building code as listed in rule 1301:7-7-47 of the Administrative Code, shall be approved in accordance with the provisions of the building code as listed in rule 1301:7-7-47 of the Administrative Code. Other materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval. The fire code official's approval of materials, equipment and devices shall be consistent with the listing and labeling or authenticated research reports from authoritative sources as set forth in paragraph (O)(115) of this rule for such materials, equipment and devices.

(a) 104.7.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

(b) 104.7.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

(8) 104.8 Variances (modifications) by state fire marshal. Whenever there are practical difficulties involved in carrying out the provisions of the state fire code, the state fire marshal, in the state fire marshal's discretion, may modify any provision of the state fire code or any other administrative rule promulgated by the state fire marshal by issuing a variance upon written application by an affected party and upon demonstration by that party of both of the following:

1. That the variance will not threaten the public health, safety or welfare; and

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2. That the party will provide measures to protect the public health, safety and welfare that are substantially equivalent to the measures otherwise required under the state fire code or other applicable laws, rules and regulations.

(a) 104.8.1 A request for variance submitted pursuant to this rule shall only be considered upon production of any information or documentation requested by the state fire marshal. The particulars of such variance when granted shall be in writing, entered upon the records of the state fire marshal and furnished to the applicant and the authority having jurisdiction, if said authority is other than the state fire marshal.

(b) 104.8.2 Unless otherwise stipulated by the state fire marshal upon the granting of a variance, each variance granted pursuant to this paragraph shall automatically terminate one year from the date of its issuance.

(c) 104.8.3 There shall be no automatic renewals of any variance granted pursuant to this paragraph. Each variance shall be specifically applied for in writing by the requesting party and independently considered by the state fire marshal.

(9) 104.9 Alternative materials and methods. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. For the installation of any material or the use of any method of construction that is subject to the building code as listed in rule 1301:7-7-47 of the Administrative Code, any approval of an alternative method or material must be done in accordance with that code.

(a) 104.9.1 Research reports. Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

(b) 104.9.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made

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at no expense to the jurisdiction. Test methods shall be as specified in this code or other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire code official for the period required for retention of public records.

(10) 104.10 Fire investigations. The state fire marshal, or an assistant state fire marshal as designated by the state fire marshal, and the chief of the fire department of each municipal corporation in which a fire department is established, the chief of the fire department in each township in which a fire department is established, the chief of the fire department of a joint fire district, or the fire prevention officer in each township or village where no fire department is established shall have the authority to investigate the cause, origin and circumstances of any major fire or explosion in accordance with Section 3737.24 of the Revised Code.

(a) 104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so in accordance with the laws of this state.

(b) 104.10.2 Major fire definition. For the purposes of section 3737.24 of the Revised Code, a "major fire or explosion" means:

(i) A fire or explosion that caused or had a substantial risk of causing death or serious physical harm to any persons or damage to or the destruction of any occupancy, property or vehicle; or

(ii) Any fire or explosion so designated by the state fire marshal as a major fire or explosion.

(11) 104.11 Authority at fires and other emergencies. The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the

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fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

(a) 104.11.1 Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

(b) 104.11.2 Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

(c) 104.11.3 Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

(d) 104.11.4 Evacuation. The fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire department official in charge of the incident.

(E) Section 105 Permits

(1) 105.1 General. Permits shall be in accordance with this paragraph.

(a) 105.1.1 Permits. When required, permits shall be obtained from the fire code official for installations or operations regulated by this code. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

(i) 105.1.1.1 Mandatory permits. The following installations or operations require a permit. Such permits shall be obtained from the fire code official as follows:

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(a) 105.1.1.1.1 Explosives. A permit is required for the manufacture, processing or storage of explosives and explosive materials. In addition to any discretionary permits for explosives required by the local fire code official, permits for explosives storage and explosive material storage shall be obtained from the state fire marshal.

Exceptions:

1. Fireworks exhibition storage pursuant to paragraph (J)(3310) of rule 1301:7-7-33 of the Administrative Code.

2. A manufacturer or wholesaler of fireworks that has paid an original or a renewal application fee in accordance with paragraph (Q)(1)(3317.1) of rule 1301:7-7-33 of the Administrative Code.

(b) 105.1.1.1.2 Flammable and combustible liquid tanks. A permit is required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a flammable or combustible liquid tank or any line or dispensing device connected thereto. Permits to install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank or any line or dispensing device connected thereto shall be obtained from the state fire marshal when such permits are not issued by the local fire code official.

(c) 105.1.1.1.3 LP-gas system. A permit is required for the stationary installation or modification to a stationary LP-gas system located on state property. Permits for the stationary installation or modification to a stationary LP-gas system located on state property shall be obtained from the state fire marshal when such permits are not issued by the local fire code official.

(d) 105.1.1.1.4 Standpipe systems. A permit is required for the removal of a standpipe system or appurtenances located on state property. Permits required for the removal of a standpipe system or appurtenances located on state owned property shall be obtained from the state fire marshal when such permits are not issued by the local fire code official.

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(e) 105.1.1.1.5 Temporary membrane structures, tents and canopies. A permit is required for the construction of an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m2) or a canopy in excess of 400 square feet (37 m2) when such structure, tent or canopy is erected on state property. Permits required for the construction of an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m2) or a canopy in excess of 400 square feet (37 m2), when such structure, tent or canopy is erected on state owned property or on a licensed premises as defined in rule 1301:7-7-02 of the Administrative Code shall be obtained from the state fire marshal when such permits are not issued by the local fire code official.

(f) 105.1.1.1.6 Exhibition of fireworks. A permit is required for the temporary storage and exhibition of fireworks as set forth in Revised Code Chapter 3743. and rule 1301:7-7-33 of the Administrative Code. Permits required for the temporary storage and exhibition of fireworks shall be obtained from the local fire code official in accordance with the provisions of the Revised Code and rule 1301:7-7-33 of the Administrative Code.

(ii) 105.1.1.2 Discretionary permits. The local fire code official is authorized, but not required, to establish a permit program and issue a permit for the hazardous activities set forth in paragraphs (E)(6)(105.6) and (E)(7)(105.7) of this rule.

(iii) 105.1.1.3 Notification of hazardous activities. When a permit is not required to engage in any hazardous activity set forth in this rule, the person intending to engage in the hazardous activity shall first notify the local fire code official of that person's intent to engage in that hazardous activity.

(b) 105.1.2 Types of permits.

(i) Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is to be issued for either:

(a) A prescribed period.

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(b) Until renewed or revoked.

(ii) Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is to be issued.

(c) 105.1.3 Permits for the same location. When more than one permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

(2) 105.2 Application. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official. The requirement for plan review for fire protection systems in structures regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code submitted for plan review in accordance with this paragraph is subject to and does not supersede or otherwise conflict with the requirements of paragraph (D)(2)(a)(104.2.1) of this rule.

(a) 105.2.1 Refusal to issue permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire code official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

(b) 105.2.2 Inspection authorized. Before a new operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

(c) 105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned one hundred eighty days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding ninety days each. The extension shall be requested in writing and justifiable cause demonstrated.

(d) 105.2.4 Action on application. The fire code official shall examine or cause to be examined applications for permits and amendments thereto

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within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the fire code official shall reject such application in writing, stating the reasons therefore. If the fire code official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue a permit therefore as soon as practicable.

(3) 105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is issued. When issued, such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

(a) 105.3.1 Expiration. An operational permit, when issued, shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits, when issued, shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any shall be one-half the amount required for a new permit, when issued, for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. When issued, permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

(b) 105.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this paragraph for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than one hundred eighty days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

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(c) 105.3.3 Occupancy.

(i) 105.3.3.1 Acceptance testing of fire protection systems. Prior to the issuance by the building official of any certificate of occupancy for any building subject to paragraph (D)(2)(a)(104.2.1) of this rule, the responsible person shall notify the fire code official to be present to witness the acceptance testing of all fire protection systems.

(ii) 105.3.3.2 Final inspection. Prior to the issuance by the building official of any certificate of occupancy for any building subject to paragraph (D)(2)(a)(104.2.1) of this rule, the responsible person shall notify the fire code official to conduct a final inspection. The fire code official shall report any deficiencies of the fire protection systems to the building official.

(iii) 105.3.3.3 Minimum conditions for safe occupancy. No structure, premises or building, or any portion thereof, shall be occupied unless:

(a) 105.3.3.3.1 Such structures, premises or buildings or portions thereof are in substantial compliance with the applicable provisions of this code and the building code as referenced in rule 1301:7-7-47 of the Administrative Code; or

(b) 105.3.3.3.2 The structure, premises or building, or any portion thereof, does not constitute a distinct hazard to life or property in accordance with the provisions of this code.

(d) 105.3.4 Conditional approvals and permits. Where approval by the fire code official or permits are required and upon the request of the applicant, the fire code official is authorized to issue a conditional approval or permit to engage in the permitted activity or use provided that the permitted activity or use is safe and does not endanger life or public welfare. The fire code official shall notify the applicant of any limitations or restrictions necessary to keep the regulated activity or use safe. The holder of a conditional approval or permit shall proceed only to the point for which approval has been given, at the applicant's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

(e) 105.3.5 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

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(f) 105.3.6 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official, as evidenced by the issuance of a new or amended permit.

(i) 105.3.6.1 For structures regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code. If a building official issues a permit, plan approval or certificate of occupancy for a structure in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code for a structure regulated by this code, the responsible person is not exempted from compliance with this code, including provisions for fire safety functions. If a review of fire protection system plans in accordance with paragraph (D)(2)(a)(104.2.1) of this rule is not completed or a permit for construction is not issued pursuant to this code, the absence of such review or permit does not prohibit construction from occurring in accordance with the building official's approval.

(g) 105.3.7 Information on the permit. The fire code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire code official. Issued permits shall bear the signature of the fire code official or other approved legal authorization.

(h) 105.3.8 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents, operational documents and other data shall not prevent the fire code official from requiring correction of errors in the documents or other data.

(4) 105.4 Construction documents. Construction documents shall be in accordance with this paragraph. The requirement for plan review of fire protection systems

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in structures regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code submitted for plan review in accordance with this paragraph is subject to and does not supersede or otherwise conflict with the requirements of paragraphs (D)(2)(a)(104.2.1) of this rule.

(a) 105.4.1 Submittals. Subject to the provisions of paragraph (D)(2)(a)(104.2.1) of this rule, construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the Revised Code.

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(i) 105.4.1.1 Examination of documents. The fire code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

(b) 105.4.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official.

(i) 105.4.2.1 Fire protection system shop drawings. Subject to the provisions of paragraph (D)(2)(a)(104.2.1) of this rule, shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in rule 1301:7-7-09 of the Administrative Code.

(c) 105.4.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the construction documents include all of the

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fire protection requirements and the shop drawing are complete and in compliance with the applicable codes and standards.

(d) 105.4.4 Approved documents. Construction documents reviewed by the fire code official in accordance with paragraph (D)(2)(a)(104.2.1) of this rule or construction documents approved by the fire code official are reviewed and approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with this code.

(i) 105.4.4.1 Phased approval. Subject to the provisions of paragraph (D)(2)(a)(104.2.1) of this rule, the fire code official is authorized to issue a permit for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

(e) 105.4.5 Corrected documents. Where field conditions necessitate any substantial change from the approved construction documents, the fire code official shall have the authority to require the corrected construction documents to be submitted for approval.

(i) 105.4.5.1 Where actual construction demonstrates substantial deviation from the construction documents approved by the building code official, the fire code official shall have the authority to require the responsible party to submit corrected construction documents to the building code official having jurisdiction for approval in accordance with the building code as listed in rule 1301:7-7-47 of the Administrative Code and to the fire code official for review in accordance with paragraph (D)(2)(104.2) of this rule.

(f) 105.4.6 Retention of construction documents. One set of construction documents shall be retained by the fire code official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set

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shall be kept on the site of the building or work at all times during which the work authorized thereby is in process.

(5) 105.5 Revocation. The fire code official is authorized to revoke a permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any one of the following:

(a) The permit is used for a location or establishment other than that for which it was issued.

(b) The permit is used for a condition or activity other than that listed in the permit.

(c) Conditions and limitations set forth in the permit have been violated.

(d) There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.

(e) The permit is used by a different person or firm than the name for which it was issued.

(f) The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.

(g) The permit was issued in error or in violation of an ordinance, regulation or this code.

(6) 105.6 Operational permits. The local fire code official and, when specified in this rule, the state fire marshal are authorized in accordance with paragraph (E)(1)(a)(ii)(105.1.1.2) of this rule to issue operational permits for the hazardous operations as provided for in this rule.

(a) 105.6.1 Aerosol products. An operational permit to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

(b) 105.6.2 Amusement buildings. An operational permit to operate a special amusement building.

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(c) 105.6.3 Aviation facilities. An operational permit to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles.

(d) 105.6.4 Carnivals and fairs. An operational permit to conduct a carnival or fair.

(e) 105.6.5 Cellulose nitrate film. An operational permit to store, handle or use cellulose nitrate film in a Group A occupancy.

(f) 105.6.6 Combustible dust-producing operations. An operational permit to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in rule 1301:7-7-02 of the Administrative Code.

(g) 105.6.7 Combustible fibers. An operational permit for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m^3).

Exception: A permit for agricultural storage.

(h) 105.6.8 Compressed gases. An operational permit for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8 of this rule.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

Table 105.6.8
Permit amounts for compressed gases

Type of gas	Amount (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Toxic	Any amount

For SI: 1 cubic foot = 0.02832 m^3.

(i) 105.6.9 Covered mall buildings. An operational permit for:

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(i) The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.

(ii) The display of liquid- or gas-fired equipment in the mall.

(iii) The use of open-flame or flame-producing equipment in the mall.

(j) 105.6.10 Cryogenic fluids. An operational permit to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 of this rule.

Exception: Permits for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

Table 105.6.10
Permit amounts for cryogenic fluids

Type of cryogenic fluid	Inside building (gallons)	Outside building (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any amount	Any amount

For SI: 1 gallon = 3.785 L.

(k) 105.6.11 Cutting and welding. An operational permit to conduct cutting or welding operations within the jurisdiction.

(l) 105.6.12 Dry cleaning plants. An operational permit to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

(m) 105.6.13 Exhibits and trade shows. An operational permit to operate exhibits and trade shows.

(n) 105.6.14 Explosives. An operational permit for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks, or pyrotechnic special effects within the scope of rule 1301:7-7-33 of the Administrative Code.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with paragraph (F)(3306) of rule 1301:7-7-33 of the Administrative Code.

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(o) 105.6.15 Fire hydrants and valves. An operational permit to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

(p) 105.6.16 Flammable and combustible liquids. An operational permit:

(i) To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.

(ii) To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except for the following:

(a) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the local fire code official, would cause an unsafe condition.

(b) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

(iii) To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

(iv) To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space or water heating.

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(v) To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

(vi) To operate tank vehicles, equipment, tanks, plants, terminals, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

(vii) To place temporarily out of service (for more than ninety days) an underground, protected aboveground or aboveground flammable or combustible liquid tank.

(viii) To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.

(ix) To manufacture, process, blend or refine flammable or combustible liquids.

(x) To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

(xi) To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.

(q) 105.6.17 Floor finishing. An operational permit for floor finishing or surfacing operations exceeding 350 square feet (33 m^2) using Class I or Class II liquids.

(r) 105.6.18 Fruit and crop ripening. An operational permit to operate a fruit-, or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

(s) 105.6.19 Fumigation and thermal insecticidal fogging. An operational permit to conduct a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

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(t) 105.6.20 Hazardous materials. An operational permit to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20 of this rule.

Table 105.6.20
Permit amounts for hazardous materials

Type of material	Amount
Combustible liquids	See *paragraph* (E)(6)(p)(105.6.16) *of this rule*
Corrosive materials	
Gases	See *paragraph* (E)(6)(h)(105.6.8) *of this rule*
Liquids	55 gallons
Solids	1000 pounds
Explosive materials	See *paragraph* (E)(6)(n)(105.6.14) *of this rule*
Flammable materials	
Gases	See *paragraph* (E)(6)(h)(105.6.8) *of this rule*
Liquids	See *paragraph* (E)(6)(p)(105.6.16) *of this rule*
Solids	100 pounds
Highly toxic materials	
Gases	See *paragraph* (E)(6)(h)(105.6.8) *of this rule*
Liquids	Any amount
Solids	Any amount
Oxidizing materials	
Gases	See *paragraph* (E)(6)(h)(105.6.8) *of this rule*
Liquids	
Class 4	
Class 3	Any amount
Class 2	1 gallon[a]
Class 1	10 gallons
Solids	55 gallons
Class 4	
Class 3	Any amount
Class 2	10 pounds[b]
Class 1	100 pounds
	500 pounds

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Organic peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon
Class IV	2 gallons
Class V	No permit required
Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds
Class IV	20 pounds
Class V	No permit required
Pyrophoric materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See *paragraph* (E)(6)(h)(105.6.8) *of this rule*
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any amount
Class 3	Any amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any amount
Class 3	Any amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

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a. 20 gallons when Table 2703.1.1(1) of rule 1301:7-7-27 of the Administrative Code note k applies and hazard identification signs in accordance with paragraph (C)(5)(2703.5) of rule 1301:7-7-27 of the Administrative Code are provided for quantities of 20 gallons or less.

b. 200 pounds when Table 2703.1.1(1) of rule 1301:7-7-27 of the Administrative Code note k applies and hazard identification signs in accordance with paragraph (C)(5)(2703.5) of rule 1301:7-7-27 of the Administrative Code.

(u) 105.6.21 HPM facilities. An operational permit to store, handle or use hazardous production materials.

(v) 105.6.22 High-piled storage. An operational permit to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m^2).

(w) 105.6.23 Hot work operations. An operational permit for hot work including, but not limited to:

(i) Public exhibitions and demonstrations where hot work is conducted.

(ii) Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

(iii) Fixed-site hot work equipment such as welding booths.

(iv) Hot work conducted within a wildfire risk area.

(v) Application for roof coverings with the use of an open-flame device.

(vi) When approved, the fire code official may issue a permit to carry out a hot work program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in the state fire code and shall be responsible for issuing permits requiring compliance with the requirements found in rule 1301:7-7-26 of the Administrative Code. These permits shall be issued only to their employees or hot work operations under their supervision.

(x) 105.6.24 Industrial ovens. An operational permit for operation of industrial ovens regulated by rule 1301:7-7-21 of the Administrative Code.

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(y) 105.6.25 Lumber yards and woodworking plants. An operational permit for the storage or processing of lumber exceeding 100,000 board feet (8333 ft^3) (236 m^3).

(z) 105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

(aa) 105.6.27 LP-gas. An operational permit for:

(i) Storage and use of LP-gas

Exception: A permit for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.

(ii) Operation of cargo tankers that transport LP-gas.

(bb) 105.6.28 Magnesium. An operational permit to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

(cc) 105.6.29 Miscellaneous combustible storage. An operational permit to store in any building or upon any premises in excess of 2,500 cubic feet (71 m^3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

(dd) 105.6.30 Open burning. An operational permit for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires.

(ee) 105.6.31 Open flames and torches. An operational permit to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

(ff) 105.6.32 Open flames and candles. An operational permit to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

(gg) 105.6.33 Organic coatings. An operational permit for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

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(hh) 105.6.34 Places of assembly. An operational permit for a place of assembly.

(ii) 105.6.35 Private fire hydrants. An operational permit for the removal from service, use or operation of private fire hydrants.

Exception: A permit for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

(jj) 105.6.36 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

(kk) 105.6.37 Pyroxylin plastics. An operational permit for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

(ll) 105.6.38 Refrigeration equipment. An operational permit to operate a mechanical refrigeration unit or system regulated by rule 1301:7-7-06 of the Administrative Code.

(mm) 105.6.39 Repair garages and motor fuel-dispensing facilities. An operational permit for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

(nn) 105.6.40 Rooftop heliports. An operational permit for the operation of a rooftop heliport.

(oo) 105.6.41 Spraying or dipping. An operational permit to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by rule 1301:7-7-15 of the Administrative Code.

(pp) 105.6.42 Storage of scrap tires and tire byproducts. An operational permit to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m^3) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

(qq) 105.6.43 Temporary membrane structures and tents. An operational permit to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m^2).

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Exceptions:

1. Tents used exclusively for recreational camping purposes.

2. Tents open on all sides, which comply with all of the following:

2.1 Individual tents having a maximum size of 700 square feet (65 m^2).

2.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) not exceeding 700 square feet (65 m^2) total.

2.3 A minimum clearance of 12 feet (3658 mm) to structures and other tents is provided.

(rr) 105.6.44 Tire-rebuilding plants. An operational permit for the operation and maintenance of a tire-rebuilding plant.

(ss) 105.6.45 Waste handling. An operational permit for the operation of wrecking yards, junk yards and waste material-handling facilities.

(tt) 105.6.46 Wood products. An operational permit to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m^3).

(7) 105.7 Construction permits. The local fire code official and, when specified in this rule, the state fire marshal are authorized in accordance with paragraph (E)(1)(a)(ii)(105.1.1.2) of this rule to issue construction permits for work as provided for in this rule.

(a) 105.7.1 Automatic fire-extinguishing systems. A construction permit for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with the state fire code is not considered a modification and does not require a permit.

(b) 105.7.2 Battery systems. A permit to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

(c) 105.7.3 Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8 of this rule, a construction permit to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

Note: for copyright claim information, please see the notice on the last page of this rule.

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application shall be made within two working days of commencement of work.

(d) 105.7.4 Cryogenic fluids. A construction permit for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.20 of this rule. Maintenance performed in accordance with the state fire code is not considered an alteration and does not require a construction permit.

(e) 105.7.5 Fire alarm and detection systems and related equipment. A construction permit for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with the state fire code is not considered a modification and does not require a permit.

(f) 105.7.6 Fire pumps and related equipment. A construction permit for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with the state fire code is not considered a modification and does not require a permit.

(g) 105.7.7 Flammable and combustible liquids. A construction permit:

(i) To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.

(ii) To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

(iii) To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank and any line or dispensing device connected thereto.

(h) 105.7.8 Hazardous materials. A construction permit to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by rule 1301:7-7-27 of the Administrative Code when the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20 of this rule.

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Exceptions:

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

(i) 105.7.9 Industrial ovens. A construction permit for installation of industrial ovens covered by rule 1301:7-7-21 of the Administrative Code.

Exceptions:

1. Routine maintenance.

2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

(j) 105.7.10 LP-gas. A construction permit for installation of or modification to an LP-gas system.

(k) 105.6.11 Private fire hydrants. A construction permit for the installation or modification of private fire hydrants.

(l) 105.6.12 Spraying or dipping. A construction permit to install or modify a spray room, dip tank or booth.

(m) 105.6.13 Standpipe systems. A construction permit for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with the state fire code is not considered a modification and does not require a permit.

(n) 105.6.14 Temporary membrane structures and tents. A construction permit to erect an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m^2).

Exceptions:

1. Tents used exclusively for recreational camping purposes.

2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.

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3. Tents and awnings open on all sides which comply with all of the following:

3.1 Individual tents having a maximum size of 700 square feet (65 m^2).

3.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) not exceeding 700 square feet (65 m^2) total.

3.3 The minimum clearance of 12 feet (3658 mm) to structures and other tents is maintained.

(8) 105.8 Local permit fees. when permits are issued by the local fire code official, the local fire code official is authorized, but not required to, establish and collect fees for such permits in accordance with the applicable law.

(F) Section 106 Inspections

(1) 106.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with paragraph (D)(3)(104.3) of this rule for the purpose of enforcing this code.

(2) 106.2 Inspections. The fire code official is authorized to conduct such inspections in accordance with section 3737.14 of the Revised Code as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

(a) 106.2.1 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

(b) 106.2.2 Approval required. When required by the fire code official, work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire

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code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire code official.

(3) 106.3 Concealed work. When required by the fire code official, it shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to an inspection as required by this code or Chapter 3731., 3737., or 3743. of the Revised Code prior to its use is covered or concealed without having first been inspected, the responsible party must uncover the work for fire code official inspection. Neither the fire code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(4) 106.4 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

(G) Section 107 Maintenance

(1) 107.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

(2) 107.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

(a) 107.2.1 Test and inspection records. Required test and inspection records shall be available to the fire code official at all times or such records as the fire code official designates shall be filed with the fire code official.

(b) 107.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

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(3) 107.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

(4) 107.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(5) 107.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

(6) 107.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

(H) Section 108 Appeal of orders

(1) 108.1 Appeals of orders. Citations and orders issued by the fire code official relative to the application of this code may be appealed by the responsible person to the state board of building appeals in accordance with the provisions of Chapters 3737. and 3781. of the Revised Code including sections 3737.43 and 3781.19 of the Revised Code.

(I) Section 109 Violations

(1) 109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(a) 109.1.1 Fire code enforcement. If upon inspection or investigation, the state fire marshal, an assistant state fire marshal, or a certified fire safety inspector believes that the state fire code or associated order has been violated, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation to the responsible person in accordance with section 3737.42 (A) of the Revised Code and paragraph (I)(3)(109.3) of this rule.

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(i) 109.1.1.1 If a violation of this code has no direct or immediate relationship to safety or health, the state fire marshal, assistant state fire marshal, or the certified fire safety inspector may issue a notice in lieu of a citation with respect to such de minimis violation in accordance with section 3737.42 (B) of the Revised Code and paragraph (I)(2)(109.2) of this rule. If such violations are not remedied within the time frame established by the fire code official, such official may issue a citation in accordance with section 3737.42 (A) of the Revised Code.

(b) 109.1.2 Enforcement to remedy dangerous conditions. If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds a building or other structure especially liable to fire or endangers life or other buildings or property, or finds a building or any premises with combustible, explosive or flammable materials which are dangerous to the safety of persons finds any structure, tank, container or vehicle used for the storage, handling or transportation of flammable or combustible materials to be dangerous to the safety of persons, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation in accordance with section 3737.41 of the Revised Code and paragraph (I)(3)(109.3) of this rule.

(2) 109.2 Notice of de minimis violation. When the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, but such a violation has no direct or immediate relationship to safety or health, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

(a) 109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

(b) 109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner,

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operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

(c) 109.2.3 Remedies for noncompliance. If the notice of violation is not complied with promptly, the fire code official is authorized to take further enforcement actions in accordance with paragraph (I)(3)(109.3) of this rule or to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation of this code or of the order or direction made pursuant hereto.

(d) 109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with or removed without authorization from the fire code official.

(3) 109.3 Citations and notices of hearing. Issuance and enforcement of citations and orders are regulated by sections 3737.41 to 3737.46 of the Revised Code. Citations, orders and notices of hearing shall be issued in accordance with this paragraph.

(a) 109.3.1 Every citation and notice of hearing shall be in writing.

(b) 109.3.2 Every citation shall be issued in accordance with section 3737.41 or 3737.42 of the Revised Code.

(c) 109.3.3 Every responsible person issued a citation under section 3737.41 or 3737.42 of the Revised Code shall be given notice of and the opportunity for a hearing, as provided by section 3737.43 of the Revised Code.

(d) 109.3.4 Every citation and notice of hearing shall be served on the responsible person either personally or by certified mail with return receipt requested. If such service is unable to be made by either personal delivery or certified mail, service shall then be made by regular mail or given by publication once in a newspaper in the county in which is located the building or premises.

(e) 109.3.5 Violation civil penalties. Penalties are specified in sections 3737.51 and 3737.99 of the Revised Code. The fire code official may propose a civil penalty for each violation of this code in accordance with section 3737.51 (B) and (C). The fire code official may propose a civil penalty for each day of violation for each violation of this code in accordance with section 3737.51 (D) of the Revised Code.

(J) Section 110 Unsafe buildings

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(1) 110.1 General. If during the inspection of a premises, the fire code official finds a building or structure or any building system, in whole or in part, constitutes a dangerous condition described in division (A), (B) or (C) of section 3737.41 of the Revised Code, the fire code official shall issue such citation or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this rule and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

(a) 110.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by paragraph (K)(311) of rule 1301:7-7-03 of the Administrative Code shall be deemed unsafe.

(i) If the fire code official finds an unsafe condition as described in this paragraph that is especially liable to fire or endangers life or other buildings or property, such fire code official shall issue a citation and order that the responsible person take all necessary remedial actions as required by section 3737.41 of the Revised Code.

(ii) If the fire code official finds an unsafe condition as described in this paragraph that violates specific provisions of this code, such fire code official shall take such enforcement actions as provided for in this rule including but not limited to, the issuance of a citation pursuant to section 3737.42 of the Revised Code.

(b) 110.1.2 Structural hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with paragraph (J)(1) (110.1) of this rule.

(K) Section 111 Stop work order

(1) 111.1 Order. Whenever the fire code official finds any work relating to the fire prevention provisions of Chapters 3781. and 3791. of the Revised Code or work subject to paragraph (D)(2)(a)(104.2.1) of this rule contrary to the approved plans or work otherwise regulated by this code being performed in a manner contrary to the provisions of the Revised Code or this code, in a dangerous or

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unsafe manner, the fire code official is authorized to issue a stop work order in accordance with section 3781.031 of the Revised Code or this code.

(2) 111.2 Issuance. A stop work order shall be issued in accordance with section 3737.42 of the Revised Code, be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work and a copy shall be provided to the building official having jurisdiction. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, the conditions under which the cited work is authorized to resume.

(3) 111.3 Emergencies. Where an emergency exists, meeting the definition of an imminent hazard as described in section 3737.44 of the Revised Code, the fire code official shall not be required to give a written notice prior to stopping the work, provided that the stop work order is issued in accordance with sections 3737.44 and 3737.46 of the Revised Code.

(4) 111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties in accordance with paragraph (I)(3)(109.3) of this rule or other applicable laws, rules and regulations.

(L) Section 112 State fire marshal permits and inspection fees

(1) 112.1 Permit fees. The fee for all permits issued by the state fire marshal shall be seventy-five dollars unless specifically indicated otherwise in this code.

Exceptions:

1. If a manufacturer or wholesaler of fireworks has paid an original or a renewal licensure application fee in accordance with paragraph (Q)(1)(3317.1) of rule 1301:7-7-33 of the Administrative Code, then the manufacturer or wholesaler of fireworks is not required to pay a fee for the Class 1 magazine storage permit required by paragraph (E)(1)(a)(i)(a)(105.1.1.1.1) of this rule.

2. A permit fee is not required for the construction of a temporary membrane structure or tent erected on state property.

(a) 112.1.1 Fees for multiple permits. When multiple permits are applied for to the state fire marshal for a specific event or approved construction at the same location, such permit application may be consolidated into a single permit application. The total fees otherwise required for such multiple permits may be consolidated into a single fee, which may be reduced at

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the discretion of the state fire marshal in an amount proportionate to the corresponding inspection activity.

(2) 112.2 Construction inspection fees. The state fire marshal shall require new construction inspection fees as follows:

(a) Initial inspection fee of two hundred dollars.

(b) Re-inspection fee of fifty dollars.

(c) First follow-up inspection fee of one hundred dollars.

(d) Second follow-up inspection fee of one hundred-fifty dollars.

(e) Third follow-up inspection fee of two hundred dollars.

(f) Fourth follow-up inspection fee of three hundred dollars.

(g) Subsequent follow-up inspection fees are increased in fifty dollar increments.

(3) 112.3 Fire safety inspection fees. The state fire marshal shall require fire safety inspection fees for all other inspections as follows:

(a) Inspection fee of one hundred dollars.

(b) First re-inspection fee of fifty dollars.

(c) Second re-inspection fee of seventy-five dollars.

(d) Subsequent re-inspection fees are increased in fifty-dollar increments.

Exceptions:

1. The inspection fee for the initial inspection conducted pursuant to the application of any license issued by the state fire marshal shall be included in the application fee.

2. Fire safety inspection fees for child daycare and child foster homes caring for eleven or fewer children shall be fifty dollars.

3. Fire safety inspection fees for the storage of explosives and explosive materials are waived for storage facilities located on a licensed premises pursuant to Chapter 3743. of the Revised Code and rule 1301:7-7-33 of the Administrative Code.

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(M) Section 113 Amendments to the fire code

(1) 113.1 When any person desires to petition the state fire marshal to adopt, amend or rescind a provision of this code, such person shall file on a format prescribed by the state fire marshal the petition with the state fire marshal.

(2) 113.2 The petition shall include the following:

(a) The date the petition is submitted;

(b) The number of the section of this code which is proposed for amendment, adoption or rescission;

(c) The section numbers of all other sections of this code which will be affected by the matter proposed;

(d) The name and address of the petitioner and the name of the petitioner's representative if a representative is employed;

(e) The provisions of this code, which are proposed for adoption, amendment or rescission stated in full and in the form specified in this rule;

(f) The reasons for and purpose of the matter proposed;

(g) The adoption, amendment or rescission of any provision of this code shall be accomplished according to Chapter 119. and sections 3737.82 and 3737.86 of the Revised Code.

(3) 113.3 Changes. Petitions for adoption, amendment or rescission of this code, required under this rule, shall conform to the requirements of this rule including:

(a) 113.3.1 All matter proposed to be eliminated from this code shall be deleted by means of striking through the text.

(b) 113.3.2 All proposed new matter to be inserted into this code shall be inserted and be underlined.

(N) Section 114 Notice of public hearing

(1) 114.1 Procedures. The procedure of the state fire marshal for giving public notice for the adoption, amendment or recession of the rules shall be in accordance with Chapter 119. and section 3737.86 of the Revised Code, and this paragraph.

(2) 114.2 The state fire marshal shall cause:

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(a) A statement of its intention to consider adopting, amending or rescinding a rule;

(b) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(c) A statement of the reason or purpose for adopting, amending or rescinding the rule;

(d) Public notice to be filed with the "Legislative Service Commission" and the "Joint Commission on Agency Rule Review" on the "Register of Ohio."

(3) 114.3 The state fire marshal shall be authorized to give additional notice to such public hearing as the state fire marshal deems necessary; however, the giving of such additional notice shall not be mandatory and the failure to give notice by any means other than as specified in paragraph (N)(2)(114.2) of this rule shall not in any way invalidate any action which may be taken by the state fire marshal.

(O) Section 115 Research reports and testing laboratories

(1) 115.1 In those cases in which a product is proposed for use in Ohio, but such product does not meet specific standards set by the "Ohio Fire Code," the state fire marshal may require authenticated research reports from approved authoritative sources to assist in determining the acceptability of that product.

(2) 115.2 Authoritative sources recognized by the state fire marshal include, but are not limited to:

"American National Standards Institute, Inc. (ANSI)

25 West 43rd Street

New York, New York 10018"

"American Society of Testing Materials (ASTM)

100 Barr Harbor Drive

West Conshohocken, Pennsylvania 19428-2959"

"Applied Research Laboratories of Florida, Inc.

650 Palm Avenue

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P.O. Box 489

Hialeah, Florida 33011"

"Bowser-Morner Testing Lab, Inc.

4518 Taylorsville Road

P.O. Box 51

Dayton, Ohio 45424"

"Canadian Standards Association or CSA International

8501 East Pleasant Valley Road

Cleveland, Ohio 44131-5575"

"Engineering Experiment Station

The Ohio State University

2070 Neil Avenue

Columbus, Ohio 43210"

"Factory Mutual Research Corporation (FM)

1151 Boston-Providence Turnpike

Norwood, Massachusetts 02062"

"Guardian Fire Testing Laboratories, Inc.

399 Prospect Avenue

Buffalo, New York 14201"

"Intertek Testing Services

24 Groton Avenue

Cortland, New York 13045"

"National Institute of Standards and Technology (NIST)

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Building and Fire Research Laboratory

100 Bureau Drive

Building 226, Room B216

Gaithersburg, Maryland 20899-8600"

"NSF International

789 Dixboro Road

Ann Arbor, Michigan 48105"

"OMNI-Test Laboratories, Inc.

5465 SW Western Avenue

Suite G

P.O. Box 743

Beaverton, Oregon 97075"

"Resource International, Inc.

281 Enterprise Drive

Westerville, Ohio 43081"

"SGS U.S. Testing Laboratories, Inc.

Headquarters

5555 Telegraph Road

Los Angeles, California 90040"

"Southwest Research Institute

PO Drawer 28510

San Antonio, Texas 77228"

"TolTest, Inc.

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P.O. Box 2186

1915 North 12th Street

Toledo, Ohio 43624"

"Underwriters' Laboratories, Inc. (UL)

333 Pfingsten Road

Northbrook, Illinois 60062"

"Underwriters Laboratories of Canada (ULC)

7 Crouse Road

Scarborough, Ontario, Canada M1R 3A9"

(P) Section 116 Flammability of consumer goods

(1) 116.1 Unless otherwise provided by the Revised Code, the federal standards of flammability for consumer goods are adopted and incorporated in the state fire code as the minimum standards of flammability for consumer goods in Ohio. If such federal standards change subsequent to the effective day of this rule, only those rules or portions of those rules which are identical to the federal standards shall remain in effect.

(Q) Section 117 Procedure in the event of fire

(1) 117.1 Notification of fires in buildings. In the event of an unfriendly fire (as defined in rule 1301:7-7-02 of the Administrative Code) in any building regulated by the building code as listed in rule 1301:7-7-47 of the Administrative Code, the responsible person (as defined in rule 1301:7-7-02 of the Administrative Code) shall, in accordance with section 3737.63 of the Revised Code, immediately and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire and shall spread an alarm immediately to all occupants of the building.

(2) 117.2 Notification of fires at a premises. In the event of an unfriendly fire (as defined in rule 1301:7-7-02 of the Administrative Code) at any premises, the responsible person (as defined in rule 1301:7-7-02 of the Administrative Code) shall immediately and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire and shall spread an alarm immediately to all occupants of the premises.

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(3) 117.3 Reporting fires. Unfriendly fires shall be reported to the fire department having jurisdiction. The fire chef or designee shall make a report and forward a copy of said report to the state fire marshal of such unfriendly fires as required by section 3737.24 of the Revised Code.

(R) Section 118 Hotel and SRO facility license

(1) 118.1 License to operate a hotel or SRO facility. For those facilities defined as a hotel or SRO facility in section 3731.01 of the Revised Code, the issuance of a license shall be contingent upon compliance with Chapter 3731. of the Revised Code and rules adopted pursuant to section 3731.02 of the Revised Code.

(2) 118.2 Definitions. The following words and terms shall for the purposes of this paragraph, have the meanings shown herein.

"Agricultural labor camp." Means camps as defined in section 3733.41 of the Revised Code.

"Apartment house." Means occupancies subject to Chapter 5321. of the Revised Code.

"Approved." Accepted by the fire code official as evidenced by documentation.

"Boarding, lodging, rooming house." A building arranged or used (for stays) where rooms are offered for compensation, with or without meals, and not occupied as a single family unit.

"Constantly attended location." As used in paragraph (R)(118) of this rule, a location within a licensed hotel/SRO facility that is manned/occupied by hotel/SRO facility staff on a 24-hour basis. An example of such a location would be the registration desk.

"Cooking devices." Any cooking appliance other than those listed as safe for residential use as defined below.

"Cooking device listed as safe for residential use." Microwave oven or coffee pot or similar item as established by the state fire marshal.

"Dwelling unit." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Dwelling unit features." Provisions for living, sleeping, eating, cooking and sanitation.

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"Efficiency unit." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Emergency egress routes/Escape routes." As used in paragraph (R)(118) of this rule, a floor plan with arrows indicating the primary and secondary path to an exit.

"Extended stay hotel." Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, including, but not limited to, an extended stay hotel or extended stay motel that is specifically constructed and approved by the building official having jurisdiction over it and by the state fire marshal, for extended stay temporary residence by persons, and that contains six or more dwelling units with provision for living, eating, cooking, sanitation, and sleeping. The licensure category shall also include a hotel that contains both transient and extended stay rooms where the use of all such rooms is identified and approved in accordance with this rule.

"Guestroom." A room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

"[Hospital/college] Dormitory." A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

"Hotel." Any structure consisting of one or more buildings, with more than five sleeping rooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. The licensure category for such structures shall be transient hotel.

"Light hazard occupancy." Occupancies or portions of other occupancies where the quantity and/or combustibility of contents is low and fires with relatively low rates of heat release are expected as determined by the fire code official.

"Person/responsible person." The person responsible for compliance with the state fire code, including but not limited to, the owner, lessee, agent, operator,

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or occupant of a building, premises or vehicle. Responsible persons can include individuals, heirs, executors, administrators or assigns, business associations, partnerships or corporations, its or their successors or assigns or the agent of any of the aforesaid.

"Residential hotel." A structure or structures consisting of one or more buildings, with more than five dwelling units, that are specifically constructed and approved through a valid certificate of occupancy issued by the building official having jurisdiction, as having both dwelling unit features for non-transient residence purposes and all of the transient residential group R-1 use and occupancy classification adopted by the board of building standards pursuant to Chapter 3781. of the Revised Code, and that are kept, used, maintained, advertised, operated as, or held out to the public to be a place where non-transient dwelling units are offered for pay to persons for a minimum stay of more than thirty days.

"Residential premises." Has the same meaning as the term is defined in section 5321.01 of the Revised Code.

"Single room occupancy." One occupant per room.

"Sleeping room." A room that provides at a minimum adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and accompanying bedding, mattress, box spring, pillow(s), sheets and pillow cases.

"SRO facility." A facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy (SRO) basis and intended for use as a primary residence for residential guests for a period of more than thirty days.

"Temporary residence." Means six or more dwelling unit accommodations within a single structure, except apartment buildings and other structures or portions thereof that are either residential premises subject to Title LIII. of the Revised Code or a similar residential occupancy, offered for pay to persons for a period of one year or less.

"Transient." No more than 30 days.

"Transient hotel." Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty

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days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.

"Transient 270 day stay hotel room." A specifically designated sleeping room, in a licensed transient hotel meeting all the requirements contained in section 3731.041 of the Revised Code.

(3) 118.3 Hotel and SRO facilities.

(a) 118.3.1 "Hotel" does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories.

(b) 118.3.2 A SRO facility shall include at a minimum, a sleeping area with adequate sleeping accommodations for the guest such as a bed, bunk, cot or other furniture designed for sleeping.

(c) 118.3.3 No person licensed to maintain and operate a hotel or SRO facility shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located the licensed hotel, unless the agricultural labor camp, apartment house, lodging house, rooming house or hospital or college dormitory has been constructed as, and been approved by the building official having jurisdiction over it as being a separate building within the hotel structure in accordance with approved building rated separation assemblies.

(i) 118.3.3.1 Upon initial application for licensure or upon request of the state fire marshal, a hotel or SRO facility seeking approval of separated uses as described in paragraph (R)(3)(c)(118.3.2) of this rule, must submit to the state fire marshal a valid certificate of occupancy that clearly indicates the separation of such uses as issued by the building official having jurisdiction and any other documentation requested by the state fire marshal.

(ii) 118.3.3.2 The state fire marshal shall not issue more than one hotel or SRO license for any structure.

(d) 118.3.4 The most current license issued to a hotel or SRO facility shall be kept in the office of such hotel or SRO facility and produced for review when requested by the fire code official or displayed in a conspicuous and public manner therein.

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(e) 118.3.5 Each hotel or SRO facility shall maintain on the premises, a register or guest information records or written occupancy agreement for a period of two years and provide such information upon request, of the state fire marshal or fire code official. The register, guest information records or written occupancy agreements shall clearly indicate the dates of arrival and departure for occupants in such guestroom.

(f) 118.3.6 Each licensed hotel or SRO facility shall maintain a responsible person on duty on the premises or provide appropriate notification information posted in a conspicuous place visible from the exterior.

(g) 118.3.7 Every hotel and SRO facility shall have proper plumbing, lighting and ventilation installed and maintained in accordance with the building code, plumbing code and mechanical code as listed in rule 1301:7-7-47 of the Administrative Code and this code.

(h) 118.3.8 The responsible person for the hotel or SRO facility must safely and properly maintain the building, structure, premises or lot at all times in accordance with this code, other jurisdictional codes and ordinances and the International Property Maintenance Code as listed in rule 1301:7-7-47 of the Administrative Code.

(i) 118.3.9 The responsible person of a licensed hotel shall post in each guestroom the hotel room rate indicating the maximum actual rate and include the maximum rate per number of actual occupants.

(j) 118.3.10 The responsible person or licensee of a hotel or SRO facility shall post the arson laws, as set forth in sections 2909.02 and 2909.03 of the Revised Code, in a conspicuous place in each guestroom, sleeping room, or dwelling unit in the facility.

(k) 118.3.11 The responsible person or licensee of a hotel or SRO facility shall post emergency egress routes or escape routes in a conspicuous place in each guestroom, sleeping room, or dwelling unit in the facility.

(4) 118.4 Transient hotels.

(a) 118.4.1 The requirements of the paragraph are specific to licensed transient hotels but the responsible person and licensee of the licensed transient hotel is not exempt from the requirements of paragraph (R)(3)(118.3) of this rule.

(b) 118.4.2 No person licensed to operate a transient hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house,

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rooming house, or hospital or college dormitory in the same structure as is located a licensed transient hotel, unless the licensee complies with the requirements of paragraphs (R)(3)(c)(118.3.3), (R)(3)(c)(i)(118.3.3.1) and (R)(3)(c)(ii)(118.3.3.2) of this rule.

(c) 118.4.3 The responsible person or licensee of a transient hotel licensed pursuant to division (A)(2) of section 3731.01 of the Revised Code shall not permit guests to stay in guestrooms or sleeping rooms for periods in excess of thirty (30) days.

Exception: Guests are permitted to stay up to 270 days in transient hotel guestrooms and sleeping rooms when all of the following conditions are met:

1. Not more than 40 per cent of the total transient guestrooms and sleeping rooms in the facility are transient 270 days stay hotel rooms.

2. The designation of specific guestrooms or sleeping rooms on the license application or change of status application as 270 day stay hotel rooms does not change to another category or type during the annual hotel license period.

3. The responsible person or licensee of the licensed transient hotel submits the list of 270 day stay hotel room numbers to the state fire marshal not less than 30 days prior to the first day any guest is allowed to stay in any 270 day stay hotel room.

4. The responsible person or licensee of the transient hotel designates each specific 270 day stay hotel room by room number.

5. The building official having jurisdiction and the state fire marshal have approved the existing fire alarm system.

6. 270 day stay hotel room guests do not accumulate combustible materials within the 270 day stay hotel rooms to the point that the hazard classification of the hotel room would no longer be light hazard in the opinion of the fire code official.

7. No cooking devices except for those listed as safe for residential use as the terms are defined in paragraph (R)(2)(118.2) of this rule are stored or used within the 270 day stay hotel room.

8. Smoke detectors, which shall be properly installed in all guestrooms and sleeping rooms of a transient hotel that provides 270 day stay hotel

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rooms to guests, annunciate at a constantly attended location from which the structure's fire alarm system can be manually activated.

9. A means to manually activate the structure's fire alarm system is provided at the constantly attended location where the guestroom or sleeping room smoke detectors are annunciated.

(5) 118.5 Extended stay hotels.

(a) 118.5.1 The requirements of this paragraph are specific to licensed extended stay hotels but the responsible person and licensee of the licensed extended stay hotel is not exempt from the requirements of paragraph (R)(3)(118.3) of this rule.

(b) 118.5.2 No person licensed to operate an extended stay hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed extended stay hotel, unless the licensee complies with the requirements of paragraphs (R)(3)(c)(118.3.3), (R)(3)(c)(i)(118.3.3.1) and (R)(3)(c)(ii)(118.3.3.2) of this rule.

(c) 118.5.3 No person shall operate an extended stay hotel as defined in paragraph (R)(2)(118.2) of this rule without first obtaining a license from the state fire marshal for the extended stay hotel licensure category pursuant to paragraph (R)(1)(118.1) of this rule.

(d) 118.5.4 The responsible person or licensee of the licensed extended stay hotel may permit stays of less than thirty (30) days within dwelling units or other rooms within the structure only if such dwelling units or rooms are specifically constructed and approved as also being transient sleeping rooms.

(i) 118.5.4.1 The building official having jurisdiction shall approve through a valid certificate of occupancy and the state fire marshal shall approve any dwelling unit or other room that is to be used for stays of less than thirty (30) days. This certificate of occupancy shall indicate the specific rooms within the structure that are approved for use as transient sleeping rooms.

(e) 118.5.5 The state fire marshal shall not issue an extended stay hotel license for a facility and no person shall operate a facility as an extended stay hotel as defined in paragraph (R)(2)(118.2) of this rule unless a valid certificate of occupancy has been obtained for the facility.

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(f) 118.5.6 Provisions for cooking, as approved by the building official having jurisdiction, shall be provided in each dwelling unit, and consist of, a space for food preparation, one cooking appliance, and a properly plumbed kitchen sink separate from the bathroom lavatory.

(g) 118.5.7 Provisions for eating within the dwelling unit shall be provided and shall consist of appropriate furnishings for the consumption of food.

(h) 118.5.8 Provisions for living within the dwelling unit shall be provided and shall consist of a bath area for personal hygiene that is separated from other areas in the dwelling unit and is equipped with a properly plumbed water closet, lavatory and tub/shower.

(i) 118.5.9 Provisions for sleeping within the dwelling unit shall be provided and at a minimum consist of a sleeping area with adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and accompanying bedding, mattress, box spring, pillow(s), sheets and pillow cases.

(6) 118.6 Residential hotel.

(a) 118.6.1 The requirements of this paragraph are specific to licensed residential hotel but the responsible person and licensee of the licensed residential hotel is not exempt from the requirements of paragraph (R)(3)(118.3) of this rule.

(b) 118.6.2 No person licensed to operate a residential hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed residential hotel, unless the licensee complies with the requirements of paragraphs (R)(3)(c)(118.3.3), (R)(3)(c)(i)(118.3.3.1) and (R)(3)(c)(ii)(118.3.3.2) of this rule.

(c) 118.6.3 No person shall operate a residential hotel as defined in paragraph (R)(2)(118.2) of this rule without first obtaining a license from the state fire marshal for the residential hotel licensure category pursuant to paragraph (R)(1)(118.1) of this rule.

(d) 118.6.4 Residential hotels shall only be kept, used, maintained, advertised, and held out to the public for minimum stays of more than thirty (30) days.

(e) 118.6.5 Responsible persons and licensee of licensed residential hotels shall, upon request of the dwelling unit guest, provide furniture adequate for living, eating, cooking, sanitation and sleeping within the dwelling unit.

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Furniture or furnishings provided for sleeping and sanitation shall include bed, blankets, sheets and pillow cases, towels and wash clothes. The residential hotel may charge appropriate additional fees for the provision of any furniture or provisions pursuant to this paragraph.

(7) 118.7 Licensure.

(a) 118.7.1 To obtain a new or renewal hotel or SRO facility license, the applicant shall submit to the state fire marshal an application with the appropriate fee payment as set forth in paragraph (R)(7)(c)(118.7.3) of this rule. The application shall be in a form as prescribed by the state fire marshal and shall include all information required by Chapter 3731. of the Revised Code, by this paragraph and by the state fire marshal.

(b) 118.7.2 Each applicant for a hotel facility license shall specify on the application provided by the state fire marshal the appropriate licensure category, indicating whether the facility is a, transient stay hotel/motel, extended stay hotel/motel, or a residential hotel as those terms are defined in paragraph (R)(2)(118.2) of this rule.

(i) 118.7.2.1 Each applicant for a transient hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal, such documentation shall include a valid certificate of occupancy demonstrating approval of sleeping accommodations for transient guests for a period of thirty days or less.

(a) 118.7.2.1.1 Each applicant for a transient hotel facility license shall specify on the application provided by the state fire marshal which rooms, meeting the requirements of section 3731.041 of the Revised Code, by room number, are offered for a period of 270 days or less.

(ii) 118.7.2.2 Each applicant for an extended stay hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal such documentation shall include a valid certificate of occupancy demonstrating that each unit the licensee intends to use as an extended stay guestroom has been specifically approved as a dwelling unit or efficiency containing provisions for living, eating, cooking, sanitation and sleeping.

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(a) 118.7.2.2.1 Each applicant for an extended stay hotel facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods exceeding 30 days.

(iii) 118.7.2.3 Each applicant for a SRO facility license shall complete the application provided by the state fire marshal.

(a) 118.7.2.3.1 Upon initial application or request of the state fire marshal, each applicant for an SRO facility license shall provide a valid certificate of occupancy demonstrating a use group classification for the SRO facility of R-2 as approved and issued by the building official having jurisdiction. Any facility operating prior to October 16, 1996, in the nature of a SRO facility, whether previously licensed as a hotel or not, shall be permitted to provide documentation of a use group classification of either R-1 or R-2 as approved and issued by the building official having jurisdiction.

(b) 118.7.2.3.2 Each applicant for an SRO facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods of 30 days or less.

(iv) 118.7.2.4 Transfer and information changes. If the ownership of a hotel or SRO facility is transferred from one person to another person, upon the sale or disposition of the hotel or SRO facility or its removal to a new location, the new owner shall request a transfer of the license from the state fire marshal. No license shall be transferred without the consent of the state fire marshal. The transfer of a hotel license shall be contingent upon an inspection verifying compliance with Chapter 3731. of the Revised Code and rules adopted pursuant to section 3731.02 of the Revised Code.

(a) 118.7.2.4.1 If the approval of a proposed transfer would be contrary to applicable law or this code, the state fire marshal may refuse to permit a license already issued to be transferred to a different owner. Pursuant to and in accordance with Chapter 119. of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be held in accordance with Chapter 119. of the Revised Code.

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(c) 118.7.3 If the approval of a proposed transfer would be contrary to applicable law or this code, the state fire marshal may refuse to grant any license to operate a hotel or to permit a license already issued to be transferred. Pursuant to and in accordance with Chapter 119. of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be held in accordance with Chapter 119. of the Revised Code.

(d) 118.7.4 License fees.

(i) 118.7.4.1 License fees. The initial licensure fee for a newly constructed hotel or SRO facility shall be:

(a) For all hotels or SRO facilities with exterior corridor rooms only, two thousand dollars;

(b) For all hotels or SRO facilities with interior corridor rooms only, three thousand dollars;

(c) For all hotels or SRO facilities with exterior or interior corridor rooms and places of assembly, such as restaurant, lounge, banquet facility, etc., four thousand dollars.

Any existing facility that applies for a hotel or SRO facility license under this paragraph shall be assessed an initial licensure fee equivalent to the standard renewal fee.

(ii) 118.7.4.2 Renewal fees. On or before December first of each year a renewal application as prescribed by the state fire marshal shall be submitted with the appropriate renewal fee. Renewal applications accepted on or after the last day of December of each year shall be charged a 10 per cent late fee. The renewal fee for each hotel or SRO facility license shall be a minimum of one hundred ten dollars or one dollar per room whichever is greater.

(iii) 118.7.4.3 Change of license information. Changes to license information shall require a twenty-five dollar fee.

(iv) 118.7.4.4 Transfer of license. The fee for the transfer of a license through a true bill of sale shall be five hundred dollars and a completed application for transfer shall be accompanied by the documentation requested by the state fire marshal evidencing the sale.

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(v) 118.7.4.5 Adding newly constructed portions. The fee shall be five hundred dollars for one to twenty guestroom additions, one thousand dollars for more than twenty guestroom additions, and fifteen hundred dollars for the addition of guestrooms and/or places of assembly such as restaurants, lounges, banquet facilities, mercantile or office space.

(vi) 118.7.4.6 Adding a previously licensed portion. The fee shall be two hundred dollars for one to twenty guestroom additions, four hundred dollars for more than twenty guestroom additions, and five hundred dollars for the addition of guestrooms and/or places of assembly such as restaurants, lounges, banquet facilities, mercantile or office space.

(e) 118.7.5 Removal, transfer and licensing of a portion of a facility.

(i) 118.7.5.1 If a licensee seeks to remove or transfer a portion of a currently licensed hotel or SRO facility, then the licensee shall notify the state fire marshal in writing of such portions of the licensed hotel or SRO facility premises that are to be affected by the change to license information and pay the fee set forth in paragraph (R)(7)(d)(iii)(118.7.4.3) of this rule.

(ii) 118.7.5.2 To add a previously licensed portion of a licensed premises to a current hotel or SRO facility license, the licensee shall apply for a new hotel or SRO facility license pursuant to paragraph (R)(7)(b)(i)(118.7.2.1) of this rule. This application shall reflect the entire hotel or SRO facility.

(iii) 118.7.5.3 To add a newly constructed portion that would change the total number of guestrooms, sleeping rooms and/or dwelling units to an existing licensed hotel or SRO facility, the licensee shall apply for a new hotel or SRO facility license pursuant to paragraph (R)(7)(b)(i)(118.7.2.1) of this rule. This application shall reflect the entire hotel or SRO facility.

(iv) 118.7.5.4 The state fire marshal shall not issue more than one hotel or SRO facility license for a hotel or SRO facility or portion thereof as licensed under this paragraph.

(f) 118.7.6 Compliance.

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(i) 118.7.6.1 The owner, proprietor, or agent in charge of any business or property or any business or property subject to licensure in accordance with Chapter 3731. of the Revised Code shall comply with the following:

(a) 118.7.6.1.1 No hotel or SRO facility shall be maintained, conducted, or advertised without a license.

(b) 118.7.6.1.2 No person shall advertise, conduct, maintain or operate any structure as a hotel or as an SRO facility, or any business or property meeting the definition of a hotel or SRO facility, without a license.

(c) 118.7.6.1.3 No person shall operate a structure subject to licensure in accordance with Chapter 3731. of the Revised Code that is not equipped in the manner and conditions as required under Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section 3737.82 of the Revised Code.

(d) 118.7.6.1.4 No person shall advertise, conduct, maintain, or operate a licensed hotel or licensed SRO facility in a manner that is inconsistent with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section 3737.82 of the Revised Code.

(e) 118.7.6.1.5 No person shall fail or refuse to comply with sections 3731.01 to 3731.21 of the Revised Code, this paragraph or the state fire code adopted pursuant to section 3737.82 of the Revised Code.

(f) 118.7.6.1.6 Each day of violation of paragraphs (R)(7)(f)(i)(a)(118.7.6.1.1) to (R)(7)(f)(i)(e)(118.7.6.1.5) of this rule constitutes a separate offense.

(ii) 118.7.6.2 Inspection. The state fire marshal may inspect any business or property subject to Chapter 3731. of the Revised Code at any reasonable time. Such inspections may be conducted, upon a complaint received by the state fire marshal, for licensure purposes or for any other reason, to determine if a business or property is in compliance with Chapter 3731. of the Revised Code, this paragraph or any other applicable laws, rules or regulations.

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(iii) 118.7.6.3 Notice of violation. Whenever, upon inspection, it is found that a business or property is not being conducted, or is not equipped in the manner and condition required by Chapter 3731. of the Revised Code, this paragraph, or the state fire code adopted pursuant to section 3737.82 of the Revised Code, the state fire marshal shall notify the owner, proprietor, or agent in charge of such business, or the owner or agent of the building so occupied, of such violations and of any changes or alterations as may be necessary to effect a complete compliance with sections 3731.01 to 3731.21 of the Revised Code, this paragraph or the state fire code adopted pursuant to section 3737.82 of the Revised Code.

(iv) 118.7.6.4 Compliance. The owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with paragraph (R)(7)(f)(iii)(118.7.6.3) of this rule shall bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section 3737.82 of the Revised Code within a reasonable time set by the state fire marshal.

(v) 118.7.6.5 Methods of enforcement. If an owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with paragraph (R)(7)(f)(iii)(118.7.6.3) of this rule does not bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section 3737.82 of the Revised Code within a reasonable time set by the state fire marshal, the state fire marshal may take any enforcement actions permitted by law including, but not limited to, issuance of a notice of opportunity for hearing to deny, suspend or revoke licensure, issuance of a citation pursuant to section 3737.41 and/or 3737.42 of the Revised Code, injunctive relief pursuant to sections 3731.05, 3731.21 and 3737.44 to 3737.46 of the Revised Code and/or criminal prosecution pursuant to sections 3731.03, 3731.05 and 3731.99 of the Revised Code.

(a) 118.7.6.5.1 Nothing in this paragraph shall be construed to limit the authority of the state fire marshal to take any action permitted under sections 3737.41 to 3737.51 of the Revised Code against a hotel or SRO facility in addition to or instead of taking action against the hotel or SRO facility, or the license issued to the hotel or SRO facility under Chapter 3731. of the Revised Code or this rule.

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(vi) 118.7.6.6 For any denial, revocation or suspension of licensure actions taken by the state fire marshal, such actions shall be taken in accordance with applicable law, including Chapter 119. of the Revised Code and sections 3731.05 and 3731.06 of the Revised Code.

(g) 118.7.7 Licensure limitations.

(i) 118.7.7.1 Each applicant for a hotel or SRO facility license shall specify on the application provided by the state fire marshal which rooms are offered for occupancy for a period of thirty days or less and which rooms are offered for occupancy for a period of 270 days or less.

(8) 118.8 "Ohio Safe Stay Hotel" designation. There is hereby created within the state of Ohio the "Safe Stay Hotel" designation. The "Ohio Safe Stay Hotel" program is designed to incentivize and encourage hotel owners and operators within the state of Ohio to work with the state fire marshal to establish and maintain compliance with applicable provisions of this paragraph, the Administrative Code, and the sanitary compliance standards set forth in Chapter 3731. of the Revised Code. The purpose of this designation is to provide to the citizens of and visitors to the state of Ohio information regarding what hotel facilities within the state of Ohio are operating within those applicable standards and in conformance with the criteria set forth herein.

(a) 118.8.1 Scope. The provisions of this paragraph govern the implementation of the "Ohio Safe Stay Hotel" program and set forth the requirements and criteria for participation in the program.

(b) 118.8.2 Terms used for paragraph (R)(8)(118.8) of this rule. The following words take on exclusive meaning as used in paragraph (R)(8)(118.8) of this rule and for the purposes of this paragraph have the following meaning:

"Hotel." A hotel as defined in section 3731.01 of the Revised Code.

"Minor violation." A violation of the Ohio Fire Code that in the discretion of the state fire marshal is of such character and nature that it does not pose an immediate threat to life or property and that can be corrected immediately and without delay, and that is corrected during the course of an inspection.

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"Safe Stay Hotel." A hotel that meets all of the qualifications and criteria set forth in paragraph (R)(8)(c)(118.8.3) of this rule and that is designated as an "Ohio Safe Stay Hotel" by the state fire marshal.

(c) 118.8.3 Qualifications for "Ohio Safe Stay Hotel" designation. In order to be designated as an "Ohio Safe Stay Hotel" by the state fire marshal, a hotel must meet all of the following:

(i) The hotel must have been issued a valid license to operate a hotel by the state fire marshal for the applicable calendar year; and

(ii) The state fire marshal must receive from a hotel a hotel license renewal application to operate a hotel in a timely manner and the application shall contain true and accurate information; and

(a) For the purposes of qualifying for an "Ohio Safe Stay Hotel" designation, a hotel license renewal application is considered timely if the application, all required paperwork, and all associated fees are received by the division of state fire marshal on or before October 1 of each calendar year. The state fire marshal may change or extend this deadline in the state fire marshal's sole discretion. Notice of any change or extension of the deadline for timely submission of a hotel license renewal application shall be given as set forth in paragraph (R)(8)(i)(118.8.9) of this rule.

(iii) The hotel must not be in violation of any provision of this code, paragraph (R)(118) of this rule, or of the sanitary compliance standards set forth in chapter 3731. of the Revised Code or any rules adopted pursuant thereto; and

Exception: A hotel having only minor violations of this code at the time of inspection may qualify for the "Ohio Safe Stay Hotel" designation if all minor violations are immediately corrected during the course of the inspection and before the state fire marshal concludes the inspection as documented in an inspection report and said minor violations do not result in the issuance of a citation pursuant to section 3737.41 or section 3737.42 of the Revised Code.

(iv) No finding of nuisance shall have been issued by a court of competent jurisdiction against the hotel, hotel owner, operator, or responsible person, or against the property upon which the hotel is located; and

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(v) No finding of or conviction for lewdness, assignation or prostitution, or an offense which constitutes a felony violation of chapter 2925. or chapter 3719. of the Revised Code shall have been entered by a court of competent jurisdiction against any hotel owner, operator, or responsible person, wherein the offense or conviction relate to conduct that occured at any structure licensed under, subject to the licensure requirements of, or previously licensed under chapter 3731. of the Revised Code; and

(vi) No finding of or conviction for lewdness, assignation or prostitution, or an offense which constitutes a felony violation of chapter 2925. or chapter 3719. of the Revised Code shall have been entered by a court of competent jurisdiction against any person wherein the conduct that is the basis for such finding or conviction was engaged in on the premises of the hotel seeking a designation under this section and it is demonstrated that the hotel owner, operator or responsible person knew or should have known of such conduct prior to its occurence.

(d) 118.8.4 "Ohio Safe Stay Hotel" designation. Commencing with the licensure period after the effective date of this rule and upon submission of an application to renew a license to operate a hotel, the state fire marshal may designate the hotel as an "Ohio Safe Stay Hotel" if both of the following are met:

(i) The hotel is in compliance with the qualifications set forth in paragraph (R)(8)(c)(i)(118.8.3) to (R)(8)(c)(iii)(118.8.3) of this rule for a period of twenty four consecutive months immediately preceding the licensure period to which the application applies; and

(ii) The hotel is in compliance with the qualifications set forth in paragraph (R)(8)(c)(iv)(118.8.3) to (R)(8)(c)(vi)(118.8.3) of this rule for a period of sixty consecutive months preceding the licensure period to which the application applies.

(e) 118.8.5 Documentation. Each qualifying "Ohio Safe Stay Hotel" shall receive documentation from the state fire marshal verifying that the hotel is an "Ohio Safe Stay Hotel." Such documented designation shall be in a format that is capable of display by the hotel and that is uniform and readily identifiable to the public.

(f) 118.8.6 Publication. The state fire marshal shall create and maintian a current registry of all licensed hotels in the state of Ohio which shall indicate

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those hotels that have been designated as an "Ohio Safe Stay Hotel." The list shall be readily available to the public and shall be published in electronic format on the state fire marshal website.

(g) 118.8.7 Use of qualifying "Ohio Safe Stay Hotel" designation. Any hotel that is designated as an "Ohio Safe Stay Hotel" may represent itself as such in any publication or marketing tools used by the hotel for promotion and may utilize the logo, decal, or designation issued to it by the state fire marshal for such purposes. Such logo, decal, or designation may be reproduced by the hotel for use under this rule at any time during which the hotel is designated as an "Ohio Safe Stay Hotel" as determined by the state fire marshal. The logo, decal or designation may be used and reproduced by the facility for marketing, promotional, or other similar purposes in digital, print or other media formats, including hardcopy reproduction for use in literature or promotional materials and display in the licensed facility, and electronic reproduction for use in digital marketing campaigns.

(i) No person or entity shall use the "Ohio Safe Stay Hotel" logo, decal, or designation unless and until such logo, decal, or designation is issued to it by the state fire marshal. Any hotel that has previously been issued an "Ohio Safe Stay Hotel" logo, decal, or designation shall immediately cease the use of the logo, decal, or designation if such logo, decal or designation has been revoked or not renewed by the state fire marshal. No person or entity shall misuse the logo, decal, or designation or misrepresent to the public that a hotel is or has been designated by the state fire marshal as an "Ohio Safe Stay Hotel."

(h) 118.8.8 Revocation or non-renewal of designation. The state fire marshal may revoke or deny renewal of the designation of a hotel as an "Ohio Safe Stay Hotel" in the event of any of the following:

(i) Upon a determination by the state fire marshal that the hotel is not in compliance with any of the provisions of paragraph (R)(8)(c) (118.8.3) or (R)(8)(d)(118.8.4) of this rule; or

(ii) An alteration or modification of the hotel that is not approved and/or permitted in conformance with the provisions of this rule and/or the building code as listed in rule 1301:7-7-47 of the Administrative Code; or

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(iii) Misuse of the "Ohio Safe Stay Hotel" logo, decal, or designation or misrepresentation of a hotel as a designated "Ohio Safe Stay Hotel" at any time within sixty consecutive months immediately preceding the licensure period during which the state fire marshal becomes aware of the misuse or misrepresenation.

If a hotel's designation is revoked or not renewed by the state fire marshal, the logo, decal, or designation shall be immediately removed from the hotel facility and from all of its literature and marketing and advertising campaigns in any format or medium, the hotel's designation as an "Ohio Safe Stay Hotel" in the registry of hotels shall be removed, and the hotel shall immediately cease all use and/or reproduction of the logo, decal or designation in any manner.

(i) 118.8.9 Notification. The state fire marshal shall publish on its website a written policy describing how affected persons or entities shall be notified of any revocations or non-renewals of any designations under paragraph (R)(8)(h)(118.8.8) of this rule and of any extensions of application deadlines described in paragraph (R)(8)(c)(ii)(a)(118.8.3) of this rule. A facility having its designation revoked or not renewed or facilities affected by a deadline extension shall be provided notice of such actions per the policy published on the state fire marshal's website.

(j) 118.8.10 Effective date. The provisions of this paragraph shall become effective September 1, 2015.

(S) Section 119 Small government fire department services revolving loan program

(1) 119.1 As used in this rule:

(a) "Qualifying small government" has the same meaning as in division (A) of section 3737.17 of the Revised Code.

(b) "Fire district" means a fire district organized under section 505.37 of the Revised Code.

(c) "Joint fire district" means a joint fire district organized under section 505.371 of the Revised Code.

(d) "State fire marshal" means the state fire marshal appointed pursuant to section 3737.21 of the Revised Code.

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(e) "Joint fire and ambulance district" means a joint fire and ambulance district organized under section 505.375 of the Revised Code.

(f) "Loan" means a loan granted under the small government fire department services revolving loan program established by section 3737.17 of the Revised Code.

(2) 119.2 Qualifications

(a) Only a qualifying small government that currently operates a fire department organized under section 505.37, 505.371, 737.21 or 505.375 of the Revised Code or a qualifying small government that is a township or municipality that has adopted a resolution or ordinance authorizing the creation of a fire department, fire district, joint fire district or joint fire and ambulance district under one of these sections is eligible to receive a loan.

(b) In order for a fire department operated by a small government to receive a loan under this rule, the fire department must be reporting fires to the state fire marshal as required by section 3737.24 of the Revised Code and this rule.

(3) 119.3 Applications filing

(a) Applications for a loan shall be made only on forms provided by the state fire marshal.

(b) Only applications that are post marked on or before the application deadline established by the state fire marshal and have been delivered to the state fire marshal's office within seven days of that deadline will be considered by the state fire marshal.

(4) 119.4 Applications-content

In its applications the qualifying small government shall:

(a) Explain how it qualifies for the loan.

(b) Describe how the loan will be used including the total cost of the project and the amount of money the qualifying small government is proposing to contribute to the total cost of the project.

(c) Describe the benefits to its citizens the loan will provide that are not currently available to them.

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(d) Describe why the small government is not able to provide this service through the use of its own funds.

(e) Provide information concerning the total income available from all sources to provide fire and/or fire and ambulance service.

(f) Provide information concerning the assets and liabilities of the qualifying small government that are intended in whole or in part to provide fire or fire and ambulance service.

(g) Provide such other information as may be called for in the application form provided by the state fire marshal.

(5) 119.5 Requirements for buildings constructed or equipment purchased.

(a) All building constructions, additions and alterations completed with funds provided by a loan shall meet all minimum requirements of division-level 4101:1, 4101:2 and 4101:3 of the Administrative Code.

(b) Any fire apparatus purchased with funds from a loan shall meet the requirements of Chapter 4123:1-21 of the Administrative Code.

(c) The fee title to any real property purchased or on which a structure is constructed in any part with a loan under this rule shall list the "State of Ohio, Department of Commerce, Division of State Fire Marshal" as the mortgage holder until such time as the loan obligation is satisfied.

(d) The title to any vehicle purchased in part with a loan under this rule shall list the "State of Ohio, Department of Commerce, Division of State Fire Marshal" as the lien holder until such time as the loan obligation is satisfied.

(e) Any fire apparatus or vehicle purchased in part under this rule shall have a repayment period not to exceed ten years.

(6) 119.6 At the discretion of the state fire marshal a qualifying small government may apply for and be granted at loan at any time regardless of established application periods and deadlines if all of the following apply:

(a) The qualifying small government had a local emergency or disaster or is included in an area where a disaster has been declared by the governor.

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(b) The events of the local emergency or disaster have damaged or destroyed vehicles, buildings or equipment necessary to provide fire or fire and ambulance services.

(c) The qualifying small government has made application for any federal, state and private insurance reimbursement as may be available as a result of the disaster.

(d) The loan fund has necessary moneys to provide the loan.

(7) 119.7 Award of loans

The awarding of all loans shall be at the sole discretion of the state fire marshal.

(a) Upon determining which small governments shall receive a loan, the state fire marshal shall notify the qualifying small government in writing of his intent to grant the loan and of the terms and conditions of the loan.

(b) Promptly after receiving notification that the state fire marshal intends to grant a loan to the qualifying small government, the qualifying small government must adopt a resolution or ordinance which shall:

(i) Authorize the small government to accept the loan;

(ii) Agree to conditions of the loan as stipulated by the state fire marshal including the authority to execute any documents necessary to grant or secure the loan.

(c) Within forty-five days of receipt of the notice of the state fire marshal's intent to award the loan the qualifying small government shall forward a copy of the resolution or ordinance to the state fire marshal.

(d) Upon receipt of the resolution or ordinance the state fire marshal shall establish a line of credit from the loan fund in the name of the qualifying small government.

(e) Within one hundred twenty days of the date the notice of intent to award the loan was received, the qualifying small government shall provide to the state fire marshal a properly executed contract or purchase agreement for the construction, addition or alteration of the building or purchase of the vehicle or equipment described in the original loan application.

(f) Upon determination that the contract or purchase agreement is for substantially the same project as described in the original loan

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application, the loan funds will be released to the qualifying small government according to the term of the loan agreement.

(8) 119.8 Repayment.

(a) A repayment or amortization schedule shall be established as part of the loan agreement. In establishing the repayment schedule, the state fire marshal shall consider the ability of the small government to repay the loan and the need to maintain a sufficient balance in the loan fund to insure it's continued operation.

(b) The repayment or amortization schedule shall not extend beyond twenty years.

(T) Section 120 Fire department grants

(1) 120.1 Definitions.

As used in this rule:

"Certified training program." A firefighter training program conducted under the rules of the "Department of Public Safety" that results in the certification of an individual student as a volunteer firefighter, firefighter I transition, firefighter I, firefighter II, fire safety inspector or firefighting instructor.

"Fire department." A fire department organized under section 505.37, 505.371, 505.375 or 737.21 of the Revised Code.

"Joint fire district." A fire department organized under section 505.371 or 505.375 of the Revised Code.

"Private fire company." A private fire company organized under section 9.60 of the Revised Code.

"Small municipality or small township." A duly constituted municipality or village under Title 7 of the Revised Code or township under Title 5 of the Revised Code having a population of less than 25,000 permanent residents.

"Volunteer fire department." A fire department, organized under section 505.37, 505.371, 505.375 or 737.21 of the Revised Code, wherein at least one-half of the firefighters are volunteer firefighters.

"Volunteer firefighter." A duly appointed member of a fire department on either a nonpay or part-pay basis who is ineligible to be a member of the Ohio police

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and fire pension fund, or whose employment as a firefighter does not in itself qualify any such person for membership in the public employees retirement system, or who has waived membership in the public employees retirement system.

(2) 120.2 Scope. This rule applies to "Fire Department Grant" funds specifically appropriated by the General Assembly to the state fire marshal for award and distribution to eligible recipients for the provision of firefighting or rescue equipment, gear or similar items to the recipient, as full or partial reimbursement for the documented costs of firefighter training for, or sponsored by, an eligible recipient or, in the discretion of the state fire marshal, for other fire department needs related to the provision of fire protection services within that eligible recipient's jurisdiction.

The state fire marshal may establish any additional policies and procedures as may be deemed necessary to carry out the intent of this rule.

(3) 120.3 Eligibility.

Eligible recipients for grants awarded under this rule are:

(a) A volunteer fire department;

(b) A fire department that serves one or more small municipalities or small townships;

(c) A joint fire district comprised of departments that primarily serves small municipalities or small townships;

(d) The local unit of government responsible for:

(i) A fire department;

(ii) A fire department that serves small municipalities or small townships; or

(iii) A portion of a joint fire district comprised of volunteer departments that primarily serves small municipalities or small townships; and

(e) The local unit of government responsible for the provision of fire protection services for a small municipality or small township.

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(f) A private fire company that provides fire protection services under a contract to a political subdivision of the state. Such private fire company is eligible only for a training grant.

(4) 120.4 General terms and conditions.

(a) Funds provided by a grant under this rule shall only be used for purposes for which the eligible recipient may lawfully expend public funds and in accordance with the terms of the grant award and this code.

(b) An eligible recipient may receive up to $15,000 in a fiscal year from this grant for firefighting or rescue equipment, gear or similar items or for other fire department needs related to the provision of fire protection services. If, during the preceding or current fiscal year of the grant award, the eligible recipient is in a jurisdiction that has had a natural disaster as declared by the Governor, the recipient may receive up to $25,000 in a fiscal year from this grant for firefighting or rescue equipment, gear or similar items or for other fire department needs related to the provision of fire protection services. In addition to any other funds awarded under this grant, an eligible recipient may receive up to $15,000 in a fiscal year from this grant as full or partial reimbursement for the documented costs of firefighter training.

(c) For each fiscal year, the state fire marshal shall, as the state fire marshal determines is appropriate, apportion the available grant funds for expenditure for any of the particular purposes allowed under this paragraph. Each eligible recipient may receive only one grant for each state fiscal year for which funds are made available by the Ohio General Assembly, but such a grant may be awarded by the state fire marshal in multiple parts, including for the purposes described in paragraphs (T)(6)(a)(120.6.1) and (T)(6)(b)(120.6.2) of this rule, to an eligible recipient during a state fiscal year.

(d) The awarding of all grants shall be at the sole discretion of the state fire marshal.

(e) All grants awarded are subject to the availability of funds.

(f) The state fire marshal may require repayment to the state of Ohio any or all of a grant should an eligible recipient fail after a reasonable time, to expend all or any part of its grant.

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(g) Should the eligible recipient expend any portion of or the entire grant for any purpose other than that which was approved by the state fire marshal, the state fire marshal may require repayment of that amount to the state of Ohio.

(h) The state fire marshal may audit any awarded grant and may also require an eligible recipient receiving a grant to provide evidence that the grant has been used for the intended purpose and maintain such inventory or other records concerning purchases made with the grant as the state fire marshal deems necessary.

(i) To offset the cost of administering grants under this rule, the state fire marshal may retain in the state fire marshal's operating account an amount of money equal to not more than one and one half per cent of the total funds available under this rule.

(j) The state fire marshal shall not award a grant under this paragraph unless the eligible recipient is in compliance with the provisions of this rule and other applicable laws, rules and regulations. This includes compliance with fire department fire incident reporting requirements and participation, when required, in the volunteer firefighters' dependents fund described in Chapter 146. of the Revised Code.

(k) Eligible recipients that consist of small municipalities or small townships that all intend to or contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint application is awarded a grant, the state fire marshal shall, if feasible, proportionally award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the state fire marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then

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the joint applicants shall, with the assistance of the state fire marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of or owned, the state fire marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the state fire marshal. The state fire marshal may then award the returned equipment to any eligible recipients.

(5) 120.5 Application.

(a) All applications for any grants awarded under this rule shall be made on a form prescribed by the state fire marshal and include all of the information and documents required by the state fire marshal. Any application that fails to provide the requested information shall be deemed incomplete and not considered by the state fire marshal for an award of a grant under this rule.

(b) Applicants for a grant shall certify on the application form that the applicant is eligible to receive the grant under this rule. The form shall be signed by the chief of the fire department or chief executive official(s) of the local government entity applying for the grant.

(6) 120.6 Award of grant funds.

Grants awarded under this rule are divided into two parts: equipment and training grants.

(a) 120.6.1 In determining which eligible recipients will receive awards, the state fire marshal shall consider:

1. The population protected by the eligible recipient;

2. The size of the area for which the eligible recipient provides fire protection;

3. The operating budget of the eligible recipient from both public and private sources;

4. The intended use of the grant funds by the eligible recipient;

5. The number of fires occurring within the area protected by the eligible recipient as evidenced by reports filed with the state fire marshal under section 3737.24 of the Revised Code;

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6. The amount of money being requested by the eligible recipient; and

7. Additional factors which the state fire marshal determines necessary to assist in determining which eligible recipient should receive a grant.

(i) 120.6.1.1 Equipment grants.

The state fire marshal may award equipment grants to eligible recipients under this rule for any of the following purposes:

(a) The acquisition of firefighting or rescue equipment, gear or similar items; or

(b) For other fire department needs related to the provision of fire protection services.

In awarding these grants, the state fire marshal may give a preference to grants relating to the acquisition of personal protective equipment for firefighters.

(ii) 120.6.1.2 Training grants.

(a) The state fire marshal may award training grants to eligible recipients under this rule for any of the following purposes:

(i) Reimbursement of the costs of certified firefighter training programs for individual firefighters, including instructional and administrative costs and the costs of training manuals, workbooks and other similar items.

(ii) Reimbursement of the cost of in service or advanced training courses provided by the Ohio fire academy, including, "Fire Officer 1," "Fire Officer 2," "Emergency Vehicle Operations," "Structural Fire Attack 101," "Training in Acquired Structures" and "Understanding Fire Behavior."

(b) The state fire marshal shall, for each fiscal year, set forth the specific trainings and classes for which grants can be awarded under this paragraph, the maximum grant amounts to be awarded for such classes and types of documentation to be submitted to verify eligibility for reimbursement.

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(c) Expenses for travel, food and lodging are not eligible for reimbursement under this paragraph.

(U) Section 121 Reserved for future use

(V) Section 122 Hearings

(1) 122.1 Scope of applicability.

(a) 122.1.1 Unless otherwise noted, paragraph (V)(122) of this rule does not apply to circumstances that include, but are not limited to, the following:

(i) Acts of the state fire marshal that are ministerial in nature.

(ii) Actions of the state fire marshal that are subject to hearings under sections 3737.41 to 3737.43 of the Revised Code.

(iii) Actions of the state fire marshal that are taken pursuant to paragraph (D)(8)(104.8) of this rule.

(iv) Actions of the state fire marshal that are taken pursuant to section 3743.59 of the Revised Code.

(b) 122.1.2 Except as provided in paragraph (V)(1)(a)(122.1.1) of this rule, those actions by the state fire marshal that afford the right to a hearing pursuant to state fire marshal authority provided in Chapter 119. of the Revised Code include the proposal of the state fire marshal to do the following:

(i) Refuse to issue a license, whether it is a renewal or a new license, unless a hearing was held before the refusal to issue such license.

(ii) Suspend or revoke a license.

(iii) Require a person to obtain a license when the person claims that the law does not impose such a requirement.

(2) 122.2 Definitions. The following definitions apply to paragraph (V)(122) of rule 1301:7-7-01 of the Administrative Code.

"Affected party." A person whose interests are subject to an adjudication by the state fire marshal, including licensees, registrants, certificate holders and applicants for licenses, registrations and certifications.

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"Appellant." An affected party who has requested an adjudication hearing pursuant to Chapter 119. of the Revised Code.

"Department." Means the department of commerce.

"Director." Means the director of the department of commerce or the director's designee.

"Division." Means the department of commerce, division of state fire marshal.

"Hearing." A hearing held by the division in compliance with sections 119.06 to 119.13 of the Revised Code.

"Last known address." The most recent mailing address reported to the division by the person in compliance with requirements to provide the person's address.

"License." Any license, permit, certificate, commission, or charter issued by the division.

"Licensee." Any person, institution, or entity, governmental or non-governmental, that holds a license, certificate or registration issued by the division pursuant to statute.

"State Fire Marshal." The Ohio department of commerce, division of state fire marshal.

"Order." Any final adjudication of facts, issues, or amounts in controversy in any hearing conducted under the authority of this rule before the division and any final disposition or directive of the state fire marshal regarding the rights, duties, privileges, benefits, legal relationships, jurisdictional status, or standing of any affected party or appellant.

"Person." An individual, a firm, a corporation, an association, an institution, a partnership, or an entity.

(3) 122.3 Chapter 119. hearings: notice.

(a) 122.3.1 Written notice of intended action. Whenever the state fire marshal proposes to take an action that the Ohio general assembly has expressly made subject to the administrative adjudication procedure outlined in Chapter 119. of the Revised Code, the state fire marshal shall give notice of the intended action to the affected party informing the affected party of the affected party's right to a hearing. Notice shall be given by registered

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mail, return receipt requested, and shall, at a minimum, include all of the following:

(i) The specific action or actions the state fire marshal intends to take;

(ii) The charges or other reasons for the proposed action or actions;

(iii) The statute or rule directly involved;

(iv) A statement informing the affected party that the affected party is entitled to a hearing if the affected party requests it within thirty days of the time of mailing the notice;

(v) A statement informing the affected party that at the hearing the affected party may appear in person or through an attorney;

(vi) A statement informing the affected party that the affected party or the affected party's attorney may present the affected party's position, arguments or contentions entirely in writing, and that at the hearing the affected party or the affected party's attorney may present evidence and examine witnesses appearing for and against the affected party; and

(vii) A statement informing the affected party that rules governing hearings in accordance with Chapter 119. of the Revised Code are found in rule 1301:7-7 of the Administrative Code.

(b) 122.3.2 The state fire marshal shall also mail a copy of the notice to the affected party's attorney or other representative of record. To qualify as an attorney or representative of record, the affected party or the attorney or representative must notify the state fire marshal, in writing, that the attorney or representative is to be designated the attorney or representative of record. The notification must include the address where the state fire marshal should mail the notice to the attorney or representative of record. The mailing of notice to the affected party's attorney or representative is not deemed to perfect service of the notice. Failure to mail a copy of the notice to the attorney or representative of record will not result in failure of otherwise perfected service upon the affected party. In those instances where an affected party is a corporation doing business in Ohio or is incorporated in Ohio, the mailing of notice to the corporation's statutory agent pursuant to sections 1701.07 and 1703.19 of the Revised Code will perfect service provided that all the

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requirements of paragraph (A)(3)(a)(122.3.1) of this rule have been complied with.

(c) 122.3.3 When any notice sent by registered mail pursuant to this rule is returned because the affected party fails to claim the notice, the state fire marshal shall send the notice by ordinary mail to the affected party at the affected party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the notice is returned showing failure of delivery.

(d) 122.3.4 If any notice sent by registered or ordinary mail is returned for failure of delivery, the state fire marshal either shall make personal delivery of the notice by an employee or agent of the state fire marshal or shall cause a summary of the substantive provisions of the notice to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the affected party is located. When notice is given by publication, a proof of publication affidavit, with the first publication of the notice set forth in the affidavit, shall be mailed by ordinary mail to the affected party at the affected party's last known address and the notice shall be deemed received as of the date of the last publication. An employee or agent of the state fire marshal may make personal delivery of the notice upon a party at any time.

(e) 122.3.5 Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete at the time of personal refusal or at the time of receipt by the state fire marshal of the refused mail as demonstrated by the state fire marshal time and date stamp. Failure of delivery occurs only when a mailed notice is returned by the postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired.

(4) 122.4 Chapter 119. hearings: request for a hearing.

(a) 122.4.1 Any request for a hearing made as the result of notice issued pursuant to (V)(3)(122.3) of this rule must be made in writing and mailed or delivered to the state fire marshal in the manner indicated in the notice issued pursuant to (V)(3)(122.3) of this rule within thirty calendar days of the following, as applicable:

(i) The time of mailing the notice if notice is given pursuant to paragraph (V)(3)(a)(122.3.1) of this rule;

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(ii) The date that service is complete if notice is given pursuant to paragraph (V)(3)(c)(122.3.3) or (V)(3)(e)(122.3.5) of this rule;

(iii) The date of the last publication if notice is given by publication pursuant to (V)(3)(d)(122.3.4) of this rule; or

(iv) The date of personal service.

(b) 122.4.2 If a request for a hearing is properly mailed to the state fire marshal, the request is deemed to have been made as follows:

(i) If the request is mailed by certified mail, as the date stamped by the U.S. postal service on its receipt (PS form 3800 or any future equivalent postal service form).

(ii) If the request is mailed by regular U.S. mail, as of the date of the postmark appearing upon the envelope containing the request.

(iii) If the request is mailed by regular U.S. mail and the postmark is illegible or fails to appear on the envelope, as of the date of its receipt by the state fire marshal as evidenced by the state fire marshal's time stamp.

(c) 122.4.3 If a request for a hearing is made by facsimile transmission or by electronic mail to the state fire marshal, the request is deemed to have been made as of the date of its receipt as evidenced by the receipt date generated by the facsimile transmission or the date of receipt shown in the source code of the electronic mail received by the state fire marshal.

(d) 122.4.4 If a request for a hearing is personally delivered to the state fire marshal, the request is deemed to have been made as of the date of its receipt as evidenced by the state fire marshal's time stamp.

(e) 122.4.5 All requests for hearings must clearly identify both the affected individual involved and the proposed action that is being contested.

(5) 122.5 Computation of time deadlines. Section 1.14 of the Revised Code controls the computing of time deadlines imposed by Chapter 119. of the Revised Code and rule 1301:7-7 of the Administrative Code. The time within which an act is required by law to be completed is computed by excluding the first day and including the last day. When the last day falls on a Saturday, Sunday, or legal holiday, the act may be completed on the next succeeding day that is not a Saturday, Sunday, or legal holiday. When the last day to perform an act that is required by law is to be performed in a public office and that public office is

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closed to the public for the entire day, the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

(6) 122.6 Chapter 119. hearings: appointment and powers of a hearing examiner and rules of practice.

(a) 122.6.1 Joinder of individual cases. On its own motion, or on motion of the appellant, the state fire marshal or the hearing examiner may join any individual cases where there exist incidents of common ownership or interest and where joinder would be appropriate for efficient and economic fairness to the parties.

(b) 122.6.2 Computation of time deadlines. Section 1.14 of the Revised Code controls the computing of time deadlines imposed by Chapter 119. of the Revised Code and rule 1301:7-7 of the Administrative Code. The time within which an act is required by law to be completed by excluding the first day and including the last day. When the last day falls on a Saturday, Sunday, or legal holiday, the act may be completed on the next succeeding day that is not a Saturday, Sunday, or legal holiday. When the last day to perform an act that is required by law is to be performed in a public office, and that public office is closed to the public for the entire day or before its usual closing time for that day, then the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

(c) 122.6.3 Rules of practice in hearings conducted under this rule. In all hearings conducted under rule 1301:7-7 of the Administrative Code where a stenographic record is taken and where the stenographic record may be the basis of an appeal to a court of law, any person not appearing pro se and any corporation, partnership, association, or other entity must be represented by an attorney admitted to the practice of law in this state. The state fire marshal or the hearing officer may permit persons authorized to practice law in any jurisdiction other than Ohio to represent an appellant before the state fire marshal upon the motion of an attorney licensed to practice before the courts of this state. When the appellant is represented by more than one attorney, one attorney must be designated by the appellant as "trail counsel" and that attorney is deemed the appellant's attorney of record and is primarily responsible for the appellant's case at the hearing. No attorney representing an appellant is permitted to withdraw from any hearing proceeding before the state fire marshal without prior notice being served upon the state fire marshal and prior approval by the hearing examiner.

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(d) 122.6.4 Authority of hearing examiners appointed by the department. The director may assign a hearing examiner to conduct any hearing held subject to rule 1301:7-7 of the Administrative Code. Any person assigned to be a hearing examiner must be admitted to the practice of law in the state of Ohio and have such other qualifications as the director deems necessary. The hearing examiner may be an employee of the department or under contract to the department. The hearing examiner has the same powers as granted to the department in conducting the hearing. These powers include, but are not limited to, the following:

(i) The general authority to regulate the course of the hearing and to issue orders governing the conduct of the hearing.

(ii) The authority to administer oaths or affirmations, order the production of documents and the attendance of witnesses, call and examine witnesses in a reasonable and impartial manner, and to determine the order in which the participants to a hearing will present testimony and be examined in a manner consistent with essential fairness and justice.

(iii) The authority to pass upon the admissibility of evidence, and rule on objections, procedural motions, and other procedural matters.

(iv) The authority to issue orders intended to facilitate settlement of the case, including the scheduling of settlement conferences, directing the exchange of offers and demands, and any other actions that may facilitate the prompt resolution of disputed matters.

(v) The authority to hold one or more pre-hearing conferences of the participants for the purpose of resolving issues that can be resolved by the participants including facilitation of a settlement, identifying the witnesses to be presented and the subject of their testimony, discussing possible admissions or stipulations regarding the authenticity of records, identifying and marking exhibits, and ruling on any procedural motions of the participants, resolving outstanding discovery claims, and clarifying the issues to be addressed at the hearing, and discussing any other matters deemed appropriate by the hearing examiner for the thorough and expeditious preparation and disposition of the case.

(vi) The authority to take such other actions as might be necessary to avoid unnecessary delay, prevent presentation of irrelevant or cumulative evidence, prevent argumentative, repetitious, or

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irrelevant examination or cross-examination, and to assure that the hearing proceeds in an orderly and expeditious manner.

(vii) Nothing in this rule, nor in any other state fire marshal rule, is to be construed as granting a hearing examiner the authority to dismiss any hearing. Nothing in this rule nor any other state fire marshal rule limits the state fire marshal's authority to withdraw a proposal to enter an order of adjudication or limits the authority of the state fire marshal to define the scope of any hearing.

(viii) Upon the motion of the hearing examiner, the state fire marshal, or the appellant, the hearing examiner may require the submission of briefs and memoranda at any time during the proceeding. The hearing examiner may limit these filings to one or more specific issues and may prescribe procedures and time schedules for their submission. All briefs, memoranda, motions, or other pleadings are subject to the following requirements:

(a) All briefs, memoranda, motions or other pleadings must be filed with the state fire marshal within three days after service. A certificate of service is to be attached attesting both to the service of a copy of the pleading on the opposing party and the provision of a copy to the hearing examiner. Service is governed by rule 5 (7/1/2007) of the Ohio rules of civil procedure except that any reference to "court" in rule 5 will be interpreted to refer to the state fire marshal.

(b) Only those pleadings, order, and other papers filed with the state fire marshal will be a part of the official record.

(c) All briefs, memoranda, motions, or other pleadings and papers must be on eight-and-one-half-inch by eleven-inch paper and double-spaced.

(d) All orders, reports, recommendations, and rulings issued by the hearing examiner are to be signed, dated, and filed with the state fire marshal.

(e) 122.6.5 Withdrawal of proposed adjudication orders. The state fire marshal, upon its own motion, at any time before the issuance of an order of adjudication, may withdraw its proposal to implement such an order without prejudice to the rights of the parties.

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(7) 122.7 Chapter 119. hearings: subpoena issuance and enforcement.

(a) 122.7.1 The state fire marshal, upon its own motion or that of any appellant, will issue a subpoena requiring the attendance of witnesses and the production of books and records as are necessary for the purpose of conducting a hearing.

(b) 122.7.2 Upon the request of the appellant, the state fire marshal will issue a subpoena for any witness of a subpoena duces tecum to compel the production of any books, records, or papers. The state fire marshal will issue such subpoena in blank to a party requesting it, who is solely responsible for completing the subpoena form, including the address where the person is to be served, and returning it to the state fire marshal along with a written request for service. The written request along with the completed subpoena must be received by the state fire marshal no later than twenty-one business days before the commencement of the hearing or deposition, unless otherwise ordered for good cause shown. Upon its own initiate and for its own use, the state fire marshal may issue a subpoena for any purpose set forth in this rule or otherwise authorized by law. At its discretion, the state fire marshal may make available electronically a subpoena in blank and may authorize electronic submission of a completed subpoena.

(c) 122.7.3 All subpoenas issued under this rule are to be directed to the sheriff of the county where the person to be served resides or is found. The subpoena is to be served and returned in the same manner as a subpoena in a criminal case. Fees and mileage of the sheriff will be the same as that allowed in the court of common pleas in criminal cases. Fees and mileage of the witness are governed by section 119.094 of the Revised Code. The state fire marshal will pay allowable fees and mileage.

(d) 122.7.4 In case of disobedience or neglect of any subpoena served upon any person, or the refusal of any witness to testify to any matter in which there may be lawful interrogation, the state fire marshal will apply to the court of common pleas where such disobedience, neglect, or refusal occurs for an order to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

(W) Section 123 Declaration regarding material assistance/non-assistance to terrorist orgranization

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(1) 123.1 All applicants for a permit, license or certification issued by the state fire marshal in accordance with the provisions of this code subject to sections 2909.32 to 2909.34 of the Revised Code ("Declaration Regarding Material Assistance/Non-assistance to Terrorist Organization"), shall fully complete the required declaration of material assistance certification form as a pat of any application process. Any incomplete certification form shall be considered by the state fire marshal to be an incomplete application for a permit, license, or certification unless the department of public safety reinstates the application. If the applicant provides an affirmative response indicating that the applicant has provided material assistance to a terrorist organization, such application shall be denied by the state fire marshal regardless of the status of the remaining portions of the application unless the application is reinstated by the department of public safety. If any person who receives a permit, license, or certification from the state fire marshal that is subject to sections 2909.32 to 2909.34 of the Revised Code, while such permit, license, or certification is active pursuant to the provisions of this code, takes an action that results in an affirmative response to any question on the certification form, the state fire marshal shall revoke such permit, license or certification.

(X) Section 124 Incident reporting at a shale oil processing premise

(1) 124.1 Scope and applicability. The reporting of a shale incident to the state of Ohio shall be in accordance with this rule. Nothing in this rule shall be construed to supplant a responsible person's obligations to call 9-1-1 in an emergency situation.

(2) 124.2 Definitions. The following words and terms shall, for the purposes of this rule, have the meanings shown herein.

"Emergency responder" means any of the following:

1. A representative of a "firefighting agency," which means a township fire district, joint ambulance district, joint emergency medical services district, joint fire district and the office of the state fire marshal;

2. A representative of a "fire department" as defined in section 3750.01 of the Revised Code; or

3. A person performing "emergency medical services" as defined in section 4765.01 of the Revised Code.

"Explosion." Has the same meaning as paragraph (B)(1)(2702.1) of rule 1301:7-7-27 of the Administrative Code.

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"Fire incident at a shale oil processing premise." means the following:

A fire or explosion at a shale oil processing premise regulated under Chapter 3737. of the Revised Code that results in any of the following conditions:

1. An emergency responder being contacted to respond or responding to such fire or explosion;

2. Death or serious physical harm to any person; or

3. Over $50,000 in damage to any structure, property, premise or vehicle.

Routine flaring operations and other similar activities conducted in accordance with applicable laws and permits, and controlled fires preauthorized by an emergency responder with jurisdiction, are specifically excluded from the definition of a "fire incident at a shale oil processing premise", except to the extent that such actions result in an emergency response by an emergency responder initiated by the responsible party or a contractor performing services on behalf of a responsible person, death or serious physical harm to any person or over $50,000 in damage to any structure, property, premise or vehicle.

"Hazardous material." Has the same meaning as paragraph (B)(1)(2702.1) of rule 1301:7-7-27 of the Administrative Code.

"Hazardous material incident at a shale oil processing premise." Means the unauthorized release at a shale oil processing premise of a hazardous material in quantities reportable under state or federal regulations and which:

1. Involves a release of a hazardous material into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway or on the ground, sidewalk, street, highway or into the atmosphere; and

2. The release cannot be remedied within a two hour period.

A release or emission of a hazardous material in compliance with federal, state or local governmental agency approvals, laws, regulations or permits is specifically excluded from the definition of a "hazardous material incident at a shale oil processing premise."

"Natural gas processing facilities." Has the same meaning as section 3737.832(A)(1) of the Revised Code, which is as follows: "installations, including associated buildings, pipes, valves, tanks, and other equipment, used to separate various fluids, hydrocarbons, natural gas liquids, and impurities

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from the raw natural gas, manufacturing residue gas suitable for transmission and distribution to end users."

"Natural gas liquids fractionation facilities." Has the same meaning as section 3737.832(A)(2) of the Revised Code, which is as follows: "installations, including associated buildings, pipes, valves, tanks, and other equipment, used for the separation of mixtures of light hydrocarbons or natural gas liquids into individual, purity natural gas liquid products, which include ethane, propane, normal butane, iso-butane, and natural gasolines."

"Responsible person." Has the same meaning as in section 3737.01(F) of the Revised Code.

"Shale incident" means a "fire incident at a shale oil processing premise" or a "hazardous materials incident at a shale oil processing premise."

"Shale oil processing premise." Has the same meaning as in section 3737.832(A)(3) of the Revised Code, which is as follows: "a single parcel or contiguous parcels of real estate, including any structures, facilities, appurtenances, equipment, devices, and activities thereon, where the processing of substances extracted from the Point Pleasant, Utica, and Marcellus formations occurs at a natural gas liquids fractionation or natural gas processing facility. "Shale oil processing premise" does not include a well pad or a production operation, as those terms are defined in section 1509.01 of the Revised Code, that is regulated under Chapter 1509. of the Revised Code."

(a) 124.2.1. For purposes of this rule, the terms "natural gas processing facilities", "natural gas liquids fractionation facilities," and "shale oil processing premise" do not include natural gas compressor stations or other pipeline related natural gas gathering facilities or infrastructure.

(3) 124.3 Shale incident reporting.

(a) 124.3.1. All shale incidents shall be reported by the responsible person to the state of Ohio by calling 1-844-OHCALL1 (1-844-642-2551) in accordance with this paragraph.

(b) 124.3.2. Fire incidents at a shale oil processing premise. The reporting of a fire incident at a shale oil processing premise shall occur within thirty minutes after the responsible person or the responsible person's representative becomes aware of the fire incident at a shale oil processing premise.

Exceptions:

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1. The immediate reporting of the fire incident at a shale oil processing premise would subject any person to a health hazard arising from the fire incident at a shale oil processing premise;

2. The immediate reporting of the fire incident at a shale oil processing premise would otherwise impede public safety personnel from satisfying their duties;

3. The immediate reporting of the fire incident at a shale oil processing premise would be otherwise impracticable under the circumstances.

If one of the above exceptions occurs, the reporting of the fire incident at a shale oil processing premise shall be made by the responsible person as soon as it is practicable and can be done safely.

(i) 124.3.2.1 If a contractor performs services on behalf of a responsible person, the contractor shall notify the responsible person or its representative immediately, but not later than thirty minutes, after the contractor becomes aware of any fire incident at a shale oil processing premise while performing services at the responsible person's shale oil processing premise unless notification within that time is impracticable under the circumstances as described in the exceptions to this paragraph as listed in paragraph (X)(3)(b) (124.3.2.) of this rule.

In that case, the contractor shall notify the responsible person or its representative as soon as it is practicable and can be done safely. If a contractor performs services on behalf of a responsible person and neither the responsible person nor its representative is present at the shale oil processing premise and the contractor attempts, but is unable, to contact the responsible person or its representative, the contractor shall notify the state of Ohio as specified in paragraph (X)(3)(124.3) of this rule.

(c) 124.3.3 Hazardous materials incidents at a shale oil processing premise. The reporting of a hazardous materials incident at a shale oil processing premise shall occur within two hours after the responsible person becomes aware of the hazardous materials incident at a shale oil processing premise.

Exceptions:

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1. The reporting of the hazardous materials incident at a shale oil processing premise would subject any person to a health hazard arising from the hazardous materials incident at a shale oil processing premise;

2. The reporting of the hazardous materials incident at a shale oil processing premise would otherwise impede public safety personnel from satisfying their duties;

3. The reporting of the hazardous materials incident at a shale oil processing premise would be otherwise impracticable under the circumstances.

If one of the above exceptions occurs, the reporting of the hazardous materials incident at a shale oil processing premise shall be made as soon as it is practicable and can be done safely.

(i) 124.3.3.1 If a contractor performs services on behalf of a responsible person, the contractor shall notify the responsible person or its representative immediately, but not later than thirty minutes, after the contractor becomes aware of any hazardous material incident at a shale oil processing premise while performing services at the responsible person's shale oil processing premise unless notification within that time is impracticable under the circumstances as described in the exceptions to paragraph (X)(3)(c)(124.3.3) of this rule. In that case, the contractor shall notify the responsible person or its representative as soon as it is practicable and can be done safely.

If a contractor performs services on behalf of a responsible person and neither the responsible person or its representative is present at the shale oil processing premise and the contractor attempts but is unable to contact the responsible person or its representative, the contractor shall notify the state of Ohio as specified in paragraph (X)(3)(124.3) of this rule.

(d) 124.3.4. A person required to notify the State of a shale incident specified in this rule shall provide, at the time of notification, all of the following information that is known or can be reasonably estimated:

(i) The name and phone number of a person who can provide further information regarding the shale incident;

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(ii) The location of the shale incident, including the address, county, township, section or lot number, directions from the nearest intersection, and global positioning system coordinates;

(iii) The type of shale incident;

(iv) The potential health effects and safety concerns associated with the shale incident;

(v) The mitigation measures initiated or performed, including any evacuation;

(vi) Whether a local fire department, law enforcement agency or emergency medical services were contacted to respond to the shale incident;

(vii) The identity of other federal, state, or local agencies that were notified or responded;

(viii) If the shale incident involves a release of any hazardous material:

(a) The source of the release;

(b) The chemical name, description, or identity of all substances released and the location(s) of all "Material Safety Data Safety Sheet(s)";

(c) An estimate of the quantity in United States gallons released outside of secondary containment if the substance is a liquid;

(d) An estimate of the quantity in pounds released outside of secondary containment if the substance is a solid;

(e) An estimate of the quantity in cubic feet released if the substance is a gas;

(f) The date, time, and duration of the release, if known;

(g) An identification of the environmental medium or media into or onto which the substance was released; and,

(h) Other actions proposed for response to the release.

(e) 124.3.5. The state fire marshal may require the responsible person to provide additional information as required by the state fire marshal after the shale

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incident which is necessary to obtain compliance with paragraph (X)(3)(d)(124.3.4) of this rule.

(f) 124.3.6. Compliance with this rule does not eliminate the requirement that a responsible person or other person as referenced in this rule comply with any other applicable state or federal laws or rules, including compliance with the hazardous materials release provisions specified in paragraph (C)(3)(2703.3) of rule 1301:7-7-27 of the Administrative Code, except that the notification provisions of paragraph (C)(3)(a)(2703.3.1) of rule 1301:7-7-27 of the Administrative Code shall be satisfied by calling the One Call hotline as set forth above.

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CERTIFIED ELECTRONICALLY

Certification

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Date

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