

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 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 suppression or alarm systems.

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

(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. The provisions of this code shall not be deemed to nullify any provisions of state or federal law. 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

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safeguarding life and property from fire and explosion in this state. No political subdivision with the statutory authority to promulgate a fire code may enact a fire code, or parts thereof, 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. The construction and design provisions of this code shall apply to:

(a) Structures, facilities and conditions arising after the adoption of this code.

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

(c) Existing structures, facilities and conditions when identified in specific sections of this code.

(d) Existing 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. 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.

(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.

(3) 102.3 Change of use or occupancy. The provisions of the building code as listed in rule 1301:7-7-45 of the Administrative Code shall apply to all buildings undergoing a change of occupancy.

(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 Historic buildings. The construction, alteration, repair, enlargement,

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restoration, relocation or movement of existing buildings or structures that are designated as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property shall be in accordance with the provisions of the building code as listed in rule 1301:7-7-45 of the Administrative Code.

- (6) 102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in rule 1301:7-7-45 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 referenced standards, the provisions of this code shall apply.
- (7) 102.7 Subjects not regulated by this code. Where no applicable standards or requirements are set forth in this code, or are contained within other laws, codes, regulations, ordinance or bylaws adopted by the jurisdiction, compliance with applicable standards of the "National Fire Protection Association" or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing in this paragraph shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.
- (8) 102.8 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.
- (9) 102.9 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (10) 102.10 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

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(D)(4)(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 Department of fire prevention within a political subdivision

(1) 103.1 General. A political subdivision may establish a department of fire prevention in accordance with the provisions of the Revised 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 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 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 1301:7-7-45 of the Administrative Code. For 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 1301:7-7-45 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 1301:7-7-45 of the Administrative Code.

(ii) 104.2.1.2. Provide to the building official written findings of the reviewed construction documents for compliance with the provisions of this code. For each element of the reviewed

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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.

(iv) 104.2.1.4. Pursuant to section 3791.04 (E) 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.

(3) 104.3 Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect 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.

(a) 104.3.1 Warrant. When the fire code official has first 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.

(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.

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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 reports of fire investigations required by sections 3737.23 and 3737.24 of the Revised Code shall be reported using coding information and procedures prescribed by the United States Fire Administration in the "National Fire Incident Reporting System (NFIRS)" and sent to the fire marshal in a manner approved by the 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 fire marshal must be in a format approved by both the United States Fire Administration and the 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 fire marshal to process such reports and transmitted in a format that has been approved by the fire marshal.

(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 1301:7-7-45 of the Administrative Code, shall be approved in accordance with the provisions of the building code as listed in rule 1301:7-7-45 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

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

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

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.

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

(b) 104.8.2. Unless otherwise stipulated by the fire marshal upon the granting of a modification, each modification 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 modification granted pursuant to this paragraph. Each modification shall be specifically

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applied for in writing by the requesting party and independently considered by the fire marshal.

(d) 104.8.4. The fire marshal shall not grant a retroactive modification.

(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 alterative 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.

(10) 104.10 Fire investigations. The fire code official in accordance with section 3737.24 of the Revised Code shall have the authority to investigate the cause, origin and circumstances of any fire or explosion.

(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.

(11) 104.11 Authority at fires and other emergency incidents. 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 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.

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- (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:

(a) 105.1.1.1.1 Explosive storage. A permit is required for the 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 fire marshal.

Exception: Fireworks exhibition storage pursuant to paragraph (J)(3310) 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,

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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 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 installation or modification to an LP-gas system located on state property. Permits for the installation or modification to an LP-gas system located on state property shall be obtained from the 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 located on state property. Permits required for the removal of a standpipe system located on state owned property shall be obtained from the fire marshal when such permits are not issued by the local fire code official.

(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 200 square feet (19 m<sup>2</sup>) or a canopy in excess of 400 square feet (37 m<sup>2</sup>) 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 200 square feet (19 m<sup>2</sup>) or a canopy in excess of 400 square feet (37 m<sup>2</sup>) when such structure, tent or canopy is erected on state owned property shall be obtained from the 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

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authorized, but not required, to establish a permit program and issue a permit for the hazardous activities set forth in the appendix to 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 the appendix to 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.

(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 1301:7-7-45 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 such refusal.

(b) 105.2.2 Inspection authorized. Before a new operational permit is

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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 six months 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 90 days each if there is reasonable cause.

(d) 105.2.4 Action on application. The fire code official shall examine or cause to be examined applications for permits and amendments thereto 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 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 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

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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 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.
- (c) 105.3.3 Occupancy. 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. 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. No structure or building, or any portion thereof, shall be occupied unless:
- (i) 105.3.3.1. Such structures or buildings or portions thereof are in substantial compliance with the applicable provisions of this code and the building code as listed in rule 1301:7-7-45 of the Administrative Code; or
- (ii) 105.3.3.2. The structure or building, or any portion thereof, does not constitute a distinct hazard to life and 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.

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- (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.
- (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 1301:7-7-45 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 1301:7-7-45 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 (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.
- (4) 105.4 Construction documents. Construction documents shall be in accordance with this paragraph. The requirement for plan review of fire protection systems in structures regulated by the building code as listed in rule 1301:7-7-45 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) 105.4.1 Submittals. Construction documents shall be submitted in one or more sets 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.
- (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.
- (c) 105.4.3 Applicant responsibility. It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings 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.
- (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 1301:7-7-45 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 until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept

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on the site of the building or work at all times during which the work authorized thereby is in progress.

(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 fire marshal are authorized to issue operational permits for the hazardous operations as provided for in this rule.

(7) 105.7 Construction permits. The local fire code official and, when specified in this rule, the fire marshal are authorized to issue construction permits for work as provided for in this rule.

#### (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

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inspections 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.

- (3) 106.3 Concealed work. Whenever any installation subject to an inspection as required by this code or Chapters 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.

(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.
- (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

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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. Appeals of orders made by the fire code official relative to the application of this code shall be in accordance with the provisions of Chapters 3737. and 3781. 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 fire marshal, an assistant fire marshal, or a certified fire safety inspector believes that the state fire code has been violated, the fire marshal, assistant fire marshal, or certified fire safety inspector shall issue a citation to the responsible person in accordance with section 3737.42 of the Revised Code and paragraph (I)(3)(109.3) of this rule.

- (i) 109.1.1.1. If a violation of this code has no direct or immediate relationship to safety or health, the fire marshal, assistant 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 paragraph (I)(2)(109.2) of this rule.

- (b) 109.1.2 Enforcement to remedy dangerous conditions. If the fire marshal, assistant 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 fire marshal, assistant fire marshal, or certified fire safety inspector shall issue a citation in accordance with section

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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, 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.

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- (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.

(J) Section 110 Unsafe buildings

- (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 paragraphs (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.

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(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, this code, in a dangerous or 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 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, and the conditions under which the cited work is authorized to resume.
- (3) 111.3 Emergencies. Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.
- (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.

(L) Section 112 Fire marshal permits and inspection fees

- (1) 112.1 Permit fees. The fee for all permits issued by the fire marshal shall be seventy-five dollars unless specifically indicated otherwise in this code.
- (2) 112.2 Construction inspection fees. The 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.

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(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 fire marshal shall require fire safety inspection fees for all other inspections as follows:

(a) Inspection fee of one hundred dollars.

(b) Re-inspection fee of fifty dollars.

(c) Subsequent Re-inspection fees of fifty dollars per re-inspection.

Exceptions:

1. Licensed hotel and SRO facility inspection fees shall be in accordance with paragraph (R)(9)(118.9) of this rule.

2. Fire safety inspection fees for child daycare and child foster homes caring for eleven or fewer children shall be twenty-five 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.

(M) Section 113 Amendments to the fire code

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

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- (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. 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 fire marshal for giving public notice for the adoption, amendment or recession of the rules under Chapter 119. of the Revised Code shall be in accordance with this paragraph.

(2) 114.2. The fire marshal shall cause:

- (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) The date, time, and place of the public hearing on the proposed action, to be published in the fire marshal's newsletter or fire safety alert at least thirty days prior to the public hearing.
- (e) 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 fire marshal shall be authorized to give additional notice to such public hearing as the 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 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 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 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

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

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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)

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

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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.

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

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- (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 date 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 the event of an unfriendly fire (as defined in rule 1301:7-7-02 of the Administrative Code) in any building or 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 building or premises.
- (2) 117.2 Reporting of fires. Unfriendly fires shall be reported to the fire department having jurisdiction. The fire chief or designee shall make a report and forward a copy of said report to the 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. No person shall operate a hotel or SRO facility without a valid license as issued by the fire marshal pursuant to Chapter 3731. of the Revised Code. The responsible person shall obtain, and the fire marshal shall only issue, a hotel or SRO facility license pursuant to Chapter 3731. of the Revised Code. 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.

- (a) 118.1.1. For the purpose of this code, a "hotel" means either of the following licensure categories:

- (i) Transient 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.

- (ii) Extended stay hotel. Any structure consisting of one or more

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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 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 for such structures shall be extended stay hotel. This 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.

(a) "Temporary residence" means six or more dwelling unit accommodations within a single structure, other than those excluded in paragraph (R)(1)(d)(118.1.4) of this rule, offered for pay to persons for a period of one year or less.

(b) After the effective date of this paragraph, the fire marshal shall not approve as an extended stay hotel and no person shall operate a structure as a temporary residence as defined in this paragraph unless it has a valid certificate of occupancy as described in paragraph (R)(10)(b)(ii)(118.10.2.2) of this rule and has been confirmed by fire marshal inspection to contain six or more dwelling units to be licensed as extended stay hotel rooms with provisions for living, eating, cooking, sanitation, and sleeping.

(i) Provisions for cooking within each dwelling unit include, at a minimum, space for food preparation with one cooking appliance approved pursuant to section 3731.15 (B) of the Revised Code and a properly plumbed kitchen sink.

(ii) Provisions for eating within each dwelling unit include, at a minimum, a space with appropriate furnishings for the consumption of food.

(iii) Provisions for living within each dwelling unit include, at a minimum, a habitable space with proper heat, ventilation, lighting and furnishings.

(iv) Provisions for sanitation include, at a minimum, a bath area for personal hygiene separate from other areas of



the dwelling unit that is equipped with a properly plumbed water closet, lavatory, and tub/shower.

(v) Provisions for sleeping include, at a minimum, a sleeping area with adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and the accompanying bedding (white cotton or linen).

(b) 118.1.2. A "SRO facility" is 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.

(c) 118.1.3. "Hotel" does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories.

(i) "Agricultural labor camp" means camps as defined in section 3733.41 of the Revised Code.

(ii) "Apartment house" means occupancies subject to Chapter 5321. of the Revised Code.

(d) 118.1.4. Except where specifically provided, this rule does not apply to 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.

(i) 118.1.4.1. "Residential premises" shall have the same meaning as the term is defined in section 5321.01 of the Revised Code.

(e) 118.1.5. 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 or SRO facility, 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 and by the fire marshal as being, a separate building within the hotel or SRO facility structure in accordance with approved building separation rated assemblies.

(i) 118.1.5.1. Upon initial application for licensure or upon request of the fire marshal, a hotel or SRO facility seeking approval of separated uses as described in paragraph (R)(1)(e)(118.1.5) of this

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rule, must submit to the fire marshal a valid certificate of occupancy that clearly indicates the separation of such uses as issued by the building official having jurisdiction and other documentation requested by the fire marshal.

(ii) 118.1.5.2. The fire marshal shall not issue more than one hotel license for any structure.

(2) 118.2 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.

(3) 118.3 Renewal Fees. On or before December first of each year a renewal application as prescribed by the fire marshal shall be submitted with the appropriate renewal fee. Renewal applications shall not be accepted on or after the last day of December of each year. 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.

(4) 118.4. 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 fire marshal. No license shall be transferred without the consent of the 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) 118.4.1. 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 fire marshal evidencing the sale.

(b) 118.4.2. If a licensee seeks to remove or transfer a portion of a currently

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licensed hotel or SRO facility, then the licensee shall notify the fire marshal in writing of such portions of the licensed hotel or SRO facility premises that are to be effected by the change to license information. For any person who wishes to obtain a hotel or SRO license for a previously licensed portion of a premises, then that person shall apply for a new hotel or SRO facility license as provided for under this paragraph. The 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.

(c) 118.4.3. Changes to license information shall require a twenty-five dollar fee.

(5) 118.5. The most current license issued to a hotel or SRO facility shall be kept in the office of such hotel or SRO facility and provided for review when requested by the fire code official or displayed in a conspicuous and public manner therein.

(6) 118.6. The fire marshal may refuse to grant any such license or permit a license already issued to be transferred. However, the aggrieved party shall be heard upon the question and the hearing shall be in accordance with Chapter 119. of the Revised Code.

(7) 118.7. The fire marshal may suspend or revoke any such license for violation of any provision of Chapter 3731. of the Revised Code or the health laws of this state. However, the fire marshal shall first notify the licensee in writing of those things necessary to effect compliance with the law. If such notice proves unavailing for the correction of the infraction and at least thirty days have elapsed since it was sent, the fire marshal shall comply with the provisions of Chapter 119. of the Revised Code prior to the issuance of an order suspending or revoking the license, including the requirements of this paragraph. However, in the case of imminent danger, the fire marshal or authorized representative may proceed pursuant to section 3737.44 of the Revised Code.

(a) Notice shall be given to the licensee, by certified mail, of the licensee's right to a hearing on the question of whether or not the license should be suspended or revoked as proposed.

(b) The notice shall include the reason(s) for such proposed action, the law or rule allegedly violated, and a statement informing the licensee of the entitlement to a hearing, if a request is received in the office of the fire marshal, within thirty days of the time of mailing the notice.

(c) The notice also shall inform the licensee that the licensee may appear in person or by attorney, or present a position in writing; and that at the

hearing the licensee may present evidence and examine witnesses.

(d) If the licensee requests a hearing, the fire marshal shall immediately set the time and place for such hearing and notify the licensee thereof. The date of the hearing shall be within fifteen days, but not earlier than seven days, after the licensee has requested the hearing. The date of the hearing may be continued upon the motion of the fire marshal.

(8) 118.8. Issuance and enforcement of citations and orders of the fire marshal involving fire prevention or protection at any hotel or SRO facility shall be in accordance with sections 3737.41 to 3737.46 of the Revised Code and the rules of the state fire code. If the fire marshal or authorized representative believes that the state fire code or any order of the fire marshal has been violated, the fire marshal or authorized representative shall with reasonable promptness issue a citation to the licensee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including reference to the state fire code or order allegedly violated, and shall state a reasonable time for abatement. The licensee shall post the citation as prescribed by the state fire code. The fire marshal or authorized representative shall notify the licensee, by certified mail, of the penalty, if any, proposed to be assessed and the right to a hearing in accordance with section 3737.43 of the Revised Code.

(9) 118.9 Inspection fees. Any order issued by the fire marshal which results in more than three compliance inspections and/or re-inspections will result in a fee of fifty dollars for each compliance inspection and/or re-inspection in excess of three.

(10) 118.10 License Limitations. Each applicant for a hotel license shall specify on the application provided by the fire marshal the appropriate license category, indicating whether the facility is: A place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less; and/or specifically constructed and used as a temporary residence.

(a) 118.10.1. Each applicant for a hotel or SRO facility license shall specify on the application provided by the fire marshal which rooms are offered for occupancy for a period of thirty days or less. Each applicant for an "extended stay" facility license shall specify on the application provided by the fire marshal which rooms are offered for occupancy for periods exceeding thirty days in accordance with the approved certificate of occupancy required by paragraph (R)(10)(b)(ii)(118.10.2.2).

(b) 118.10.2 Use group classification. Each hotel or SRO facility shall provide documentation of a use group classification as approved and issued by the building official having jurisdiction in accordance with the rules adopted by the board of building standards and paragraphs

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(R)(10)(i)(b)(118.10.2.1) to (R)(10)(iii)(b)(118.10.2.3) of this rule.

(i) 118.10.2.1. Each applicant for a transient hotel licensure category shall provide documentation accompanying the license application as prescribed by the fire marshal. Upon initial application or request of the 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.

(ii) 118.10.2.2. Each applicant for an extended stay licensure category shall provide documentation accompanying the license application as prescribed by the fire marshal. Upon initial application or request of the 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 provision for living, eating, cooking, sanitation and sleeping.

(iii) 118.10.2.3. Upon initial application or request of the fire marshal, each applicant for an SRO facility licensure category 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 an 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.

(iv) 118.10.2.4. For any license issued by the fire marshal pursuant to this paragraph, such license shall only be valid for those spaces within a hotel specifically approved for occupancy by the building official having jurisdiction.

(c) 118.10.3. Each hotel or SRO facility shall be utilized only in accordance with its approved use group classification, and use and occupancy approvals, as listed on its valid certificate of occupancy and its approved licensure category. Once the fire marshal has issued a valid license to a hotel or SRO facility, the use and occupancy of such hotel or SRO facility or any portion thereof shall not change without first securing a new valid certificate of occupancy for such change.

(d) 118.10.4. No person shall allow a sleeping room to be utilized as a temporary residence as defined in paragraph (R)(1)(a)(ii)(a)(118.1.1) of

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this rule unless the sleeping room has been approved by the building official having jurisdiction and the fire marshal as a dwelling unit with provisions for living, eating, cooking, sanitation, and sleeping.

(e) 118.10.5. No hotel licensed by the fire marshal that has a fire protection system shall use that system to provide fire protection for another hotel.

(f) 118.10.6. No person shall operate a hotel or SRO facility in violation of this rule.

(g) 118.10.7. Where the owner of a hotel or SRO facility is a corporation, the application shall be accompanied by a certificate of good standing from the Ohio secretary of state.

(11) 118.11 Registration. 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 fire marshal or fire code official. The register, guest information records or written occupancy agreement shall clearly indicate the dates of arrival and departure for occupants in each guestroom.

(12) 118.12. 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.

(13) 118.13. No person shall operate a transient hotel as defined in this rule without first obtaining a license from the fire marshal for the transient hotel licensure category pursuant to paragraph (R)(1)(a)(i)(118.1.1).

(a) 118.13.1. All hotels or portions thereof licensed in accordance with the definition set forth in section 3731.01 (A)(1)(a) of the Revised Code shall not allow guests to stay in guestrooms licensed pursuant to section 3731.01 (A)(1)(a) of the Revised Code in excess of thirty days.

(14) 118.14. No person shall operate an extended stay hotel as defined in this rule without first obtaining a license from the fire marshal for the extended stay hotel licensure category pursuant to paragraph (R)(1)(a)(ii)(118.1.1) of this rule.

(a) 118.14.1. All hotels licensed in accordance with the definition set forth in section 3731.01 (A)(1)(b) of the Revised Code shall only permit extended stay guests to stay in guestrooms licensed pursuant to section 3731.01 (A)(1)(b) of the Revised Code.

(b) 118.14.2. The fire marshal shall not grant a license to or may revoke the license of any extended stay facility that fails to provide a certificate of occupancy in accordance with paragraph (R)(10)(b)(ii)(118.10.2.2) of

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this rule.

- (15) 118.15. 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 1301:7-7-45 of the Administrative Code and this code.

(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 section 3737.17 (A) 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) "Fire marshal" means the state fire marshal appointed pursuant to section 3737.21 of the Revised Code.
- (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 has adopted a resolution or ordinance authorizing the creation of a fire department 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 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 fire marshal.

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- (b) Only applications that are post marked on or before the application deadline established by the fire marshal and have been delivered to the fire marshal's office within seven days of that deadline will be considered by the 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.
- (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 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 4121:1-21 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

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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 fire marshal a qualifying small government may apply for and be granted a loan at any time regardless of established application periods and deadlines if all of the following apply:

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

(b) The events of the 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 fire marshal.

(a) Upon determining which small governments shall receive a loan the 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 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 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 fire marshal's intent to award the loan the qualifying small government shall forward a copy of the resolution or ordinance to the fire marshal.

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

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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 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 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 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 Volunteer fire department grants

##### (1) 120.1. As used in this rule:

(a) "Volunteer fire department" means:

(i) A fire department, organized under section 505.37, 505.371, or 737.21 of the Revised Code, wherein at least one-half of the fire fighters are volunteer fire fighters.

(ii) A private volunteer fire company.

(b) "Private volunteer fire company" means a company of trained volunteer fire fighters having a contract to furnish fire protection to a political subdivision or fire district of this state.

(c) "Volunteer fire fighter" means any fire fighter who is not eligible for membership in the police and firemen's disability and pension fund.

(2) 120.2. Only volunteer fire departments are eligible to receive a grant under this rule.

(3) 120.3. Any volunteer fire department applying for a grant under this rule shall

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supply such information as is required on the application forms available from the fire marshal. Applicants for a grant shall certify on the application form that the fire department is eligible to receive the grant under this rule. The form shall be signed by the chief of the volunteer fire department.

(4) 120.4. Funds provided by a grant under this rule shall only be used for purposes for which the volunteer fire department may lawfully expend public funds.

(5) 120.5. The maximum amount of funds which any one volunteer fire department may receive in any one state fiscal year is ten thousand dollars. The maximum amount of funds which any one volunteer fire department may receive in any one state fiscal year may be increased to twenty-five thousand dollars if the volunteer fire department provides service for an area affected by a natural disaster. Each volunteer fire department may receive only one grant for each state fiscal year for which funds are made available by the Ohio general assembly.

(6) 120.6. In determining which volunteer fire departments will receive awards, the fire marshal shall consider:

(a) The population protected by the volunteer fire department.

(b) The size of the area for which the volunteer fire department provides protection.

(c) The operating budget of the volunteer fire department from both public and private sources.

(d) The intended use of the grant funds by the volunteer fire department.

(e) The number of fires occurring within the area protected by the volunteer fire department as evidenced by reports filed with the fire marshal under section 3737.24 of the Revised Code.

(f) The amount of money being requested by the volunteer fire department.

(g) Additional factors which the fire marshal determines necessary to assist in determining which volunteer fire departments should receive a grant. The awarding of all grants shall be at the sole discretion of the state fire marshal.

(7) 120.7. The fire marshal may require repayment to the state of Ohio any or all of a grant should a volunteer fire department fail after a reasonable time, to expend all or any part of it's grant.

(8) 120.8. Should the volunteer fire department expend any or all of the grant for any purpose other than that which was approved by the fire marshal, the fire

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marshal may require repayment of that amount to the state of Ohio.

- (9) 120.9. The fire marshal may require a volunteer fire department 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 fire marshal deems necessary.

(U) Section 121 Fire department training and equipment grants

- (1) 121.1. As used in this rule:

(a) "Fire department" means:

(i) A fire department organized under section 505.37, 505.371, or 737.21 of the Revised Code;

(ii) A private volunteer fire company having a contract to furnish fire protection to a political subdivision or fire district of this state.

(b) "Certified training program" means a fire fighter 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 1 transition, firefighter 1, firefighter II, fire safety inspector or fire fighting instructor.

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

- (2) 121.2. These rules shall apply only to grants awarded from funds provided to the division of state fire marshal by the state controlling board from the mandate assistance fund.

(a) Only a fire department whose primary fire protection district has a resident population of 25,000 or less are eligible to receive a grant under this rule.

- (3) 121.3. Any fire department applying for a grant under this rule shall supply such information as is required on the application forms provided by the fire marshal as well as any additional documents that the fire marshal may require.

(a) Application form and supporting documents must be submitted to the fire marshal on or before the date established by the fire marshal.

- (4) 121.4. The fire marshal may establish whatever policies and procedures that may be deemed necessary to carry out the intent of this rule.

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- (5) 121.5. All grants awarded under this rule are awarded at the sole discretion of the fire marshal and are subject to the availability of funds.
- (6) 121.6. The fire marshal may award grants to fire departments eligible under this rule for any of the following purposes:
- (a) The cost of certified fire fighter training programs for individual fire fighters.
  - (b) The cost of in service or advanced training courses provided by the Ohio fire academy.
  - (c) The cost of fire fighting equipment, including personal protective clothing and equipment.
- (7) 121.7. The cost of certified fire fighter training programs including instructional and administrative costs, training manuals and workbooks is eligible for reimbursement subject to the availability of funds.
- (a) Reimbursement for certified training programs may be provided to fire departments up to the following specified limits:
    - (i) For each fire fighter who completes the training program to be certified as a volunteer fire fighter up to two hundred-fifty dollars.
    - (ii) For each fire fighter who completes the fire fighter 1 transition training program to be certified as a fire fighter 1 up to three hundred dollars.
    - (iii) Each fire fighter who completes the training program to be certified as a fire fighter 1 up to four hundred dollars.
    - (iv) Each fire fighter who completes the training program to be certified as a fire fighter II up to four hundred dollars.
    - (v) For each person who completes the combined fire fighter I and II training program to be certified as a fire safety inspector up to eight hundred dollars.
    - (vi) For each person who completes a training program to be certified as a fire safety inspector up to three hundred-fifty dollars.
    - (vii) For each fire fighter who completes a training program to be certified as a fire fighting instructor up to three hundred dollars.
  - (b) Expenses for travel, food and lodging are not eligible for reimbursement.

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- (8) 121.8. The fire marshal may, after consultation with the county commissioners association, municipal league and the township association, designate a portion of the funding available for grants under this rule to offset the cost to qualifying fire departments, in part or in whole, of in service or advanced fire fighter training programs provided by the Ohio fire academy.
- (9) 121.9. The fire marshal may, after consultation with the county commissioners association, municipal league and the township association, designate a portion of the fund administered under this rule to be used as grants for equipment for fire departments.
- (10) 121.10. The fire marshal may further designate that the funds designated for equipment be disbursed as grants under the provisions of paragraph (S)(119) of this rule.
- (11) 121.11. The funds so designated shall be used to extend grants awarded under paragraph (S)(119) of this rule after the original sources of funding have been exhausted.
- (12) 121.12. To offset the cost of administering grants under this rule, the fire marshal may retain in the 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.

(V) Section 122 Fire department fire reporting grants.

(1) 122.1 As used in this rule:

(a) "Fire department" means:

(i) A fire department organized under section 505.37, 505.371 or 737.21 of the Revised Code.

(ii) A private volunteer fire company having a contract to furnish fire protection to a political subdivision or fire district of this state.

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

(c) "Fire reports" means reports filed with the state fire marshal under section 3737.24 of the Revised Code.

(2) 122.2. Only fire departments are eligible to receive a grant under this rule.

(3) 122.3 Any fire department applying for a grant under this rule shall supply such information as is required on the application forms available from the fire

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marshal as well as any additional documents that the fire marshal may require.

(a) Application forms and supporting documents must be submitted to the fire marshal on or before the date established by the fire marshal.

(b) Applicants for a grant shall certify on the application form that the fire department is eligible to receive the grant under this rule. The form shall be signed by the chief of the fire department.

(4) 122.4. Funds provided by a grant under this rule shall only be used for purposes for which the fire department may lawfully expend public funds.

(5) 122.5. The fire marshal may establish whatever policies and procedures that he may deem necessary to carry out the intent of this rule.

(6) 122.6. All grants awarded under this rule are awarded at the sole discretion of the fire marshal and are subject to the availability of funds. For all grants awarded under this rule, the fire marshal shall develop a point system based upon the factors listed in paragraph (V)(9)(122.9) of this rule to assist the fire marshal in determining:

(a) Fire department grant eligibility.

(b) The priority by which fire departments shall be awarded grants.

(c) The amount of monies to be awarded to a fire department for a fire department reporting grant.

(7) 122.7. The maximum amount of funds which any one fire department may receive in any one state fiscal year is fifty thousand dollars. Each fire department may receive only one grant for each state fiscal year for which funds are made available by the Ohio general assembly.

(8) 122.8. The fire marshal may award grants to fire departments eligible under this rule for any of the following purposes:

(a) The cost of data processing equipment, including computers, servers, routers and other equipment necessary for the installation or upgrade of the fire reporting system.

(b) The cost of software necessary for the installation or upgrade of the fire reporting system, not to include on-going maintenance service costs.

(c) The cost of in-service or advanced training to implement or upgrade a fire reporting system, including instructional and administrative costs, training manuals and workbooks, subject to the availability of funds.

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- (9) 122.9. In determining which fire departments will receive awards, the fire marshal shall consider:
- (a) The population protected by the fire department.
  - (b) The size of the area for which the fire department provides fire protection.
  - (c) The information technology and operating budget of the fire department from both public and private sources.
  - (d) The costs to the fire department of implementing an updated fire data reporting system approved by the fire marshal, including the costs to the fire department of converting existing fire department data into such a system.
  - (e) The readiness of the fire department to convert its existing data reporting system into an updated fire data reporting system approved by the fire marshal.
  - (f) The intended use of the grant funds by the fire department.
  - (g) The number of fires occurring within the area protected by the fire department as evidenced by reports filed with the fire marshal under section 3737.24 of the Revised Code.
  - (h) The amount of money being requested by the fire department.
  - (i) Additional factors which the fire marshal determines necessary to assist in determining which fire departments should receive a grant.
- (10) 122.10. The fire marshal may require repayment to the state of Ohio for any or all of a grant should a fire department fail, after a reasonable time, to expend all or any part of the grant.
- (11) 122.11. Should the fire department expend any or all of the grant for any purpose other than that which was approved by the fire marshal, the fire marshal may require repayment of that amount to the state of Ohio.
- (12) 122.12. The fire marshal may require a fire department 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 fire marshal deems necessary.

Replaces: 1301:7-1-01, 1301:7-1-02, 1301:7-1-03, 1301:7-1-04,  
1301:7-1-05, 1301:7-3-01, 1301:7-3-02, 1301:7-3-03,  
1301:7-3-04, 1301:7-3-05, 1301:7-3-06, 1301:7-3-07,  
1301:7-3-08, 1301:7-3-09, 1301:7-5-01, 1301:7-5-02,  
1301:7-5-04, 1301:7-5-08, 1301:7-5-19, 1301:7-5-20,  
1301:7-5-21, 1301:7-7-01

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3737.24, 3737.41, 3737.42, 3737.43, 3737.51,  
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