

**Rule Summary and Fiscal Analysis (Part A)****Department of Commerce**

Agency Name

**Division of State Fire Marshal**

Division

**Jennifer Bair Smith**

Contact

**6606 Tussing Road Box 4009 Reynoldsburg OH  
43068-0000**

Agency Mailing Address (Plus Zip)

**614-752-7476**

Phone

**614-728-5168**

Fax

**1301:7-7-03**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**General requirements.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3737.22, 3737.82**

5. Statute(s) the rule, as filed, amplifies or implements: **3737.22, 3737.82**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The State Fire Marshal proposes to adopt Chapter 3 of the 2009 International Fire Code as amended, to revise and update the administrative rules comprising the Ohio Fire Code. Also, this rule is being proposed to comply with five year rule review requirements.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This section of the Ohio Fire Code prescribes rules to govern the occupancy and maintenance of all structures and premises for precautions against fire and the spread of fire. For further details on the changes to this rule, please see the attached exhibit "A".

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

Materials incorporated by reference in this rule are listed in O.A.C. 1301:7-7-47 and are generally available to affected persons (including members of the fire service, persons responsible for life safety in public occupancies, and design professionals) in the following manner:

1. All text or materials are published by either other governmental agencies, private organizations or industry associations. All of these publications may be obtained by the publishing companies that distribute this material nationally or by any person, without any restriction, from the organization that promulgated the material or text. Some of these reference materials are free and some may be purchased for a reasonable fee. O.A.C. 1301:7-7-47 lists the incorporated material and contact information for each of the organizations that publish the listed incorporated material.

2. Most of the incorporated material is also available at Ohio public libraries, the Division of State Fire Marshal, the Board of Building Standards, or at local government offices, including fire departments.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0

This rule will have no fiscal impact.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The 2011 Ohio Fire Code will be available on the State Fire Marshal website with free access. Thus, purchase of a hard copy of the new code is optional and not required.

16. Does this rule have a fiscal effect on school districts, counties, townships, or

municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**Department of Commerce,  
Division of State Fire Marshal**

**Ohio Fire Code  
RSFA Supplement  
Rule 1301:7-7-03**

**EXHIBIT A**

**Rule 3** The majority of the new language and rescissions in this rule was part of a restructuring of the rule. In addition some language was amended to update references and to clarify the intent or scope of a section of the rule or to update the language so that it is consistent with the 2009 International Fire Code (IFC). Finally, the following amended sections are noteworthy or contain a new requirement but have no or de minimis fiscal impact/cost of compliance:

- 304.3.2 Language was added to clarify what is approved under the current code. Therefore, the new language does not establish a new requirement.
- 304.3.4 Language was added to be consistent with the IFC. This new language provides requirements regarding the placement of trash dumpsters near combustible walls. This required action has no fiscal impact or cost of compliance.
- 307.4.3 Language was added to be consistent with the IFC. This new language provides requirements regarding the placement of portable outdoor fireplaces during operation. This required action has no fiscal impact or cost of compliance.
- 308.1.3 This section was moved from OFC 308.4
- 308.1.4 This section was moved from OFC 308.3
- 308.1.4.1 The new language provides requirements regarding the placement of natural gas fired open flame cooking devices on balconies of multi-family dwelling unit structures. These requirements address the safe placement of the cooking device and the accessibility of a fire extinguisher. These requirements also give the fire code official the ability to require general liability insurance. These requirements should have a de minimis cost of compliance.
- 308.1.5 This section was moved from OFC 308.3.3.
- 308.1.6 This section clarifies requirements and was moved from OFC 308.5.

- 308.1.6.2 This section was moved from 308.5.2.
- 308.1.7 This section was moved from OFC 308.1.7.
- 308.1.7.1 Language was added to be consistent with the IFC. This new language provides requirements regarding the prohibition of candles aisles or exits. This required action has no fiscal impact or cost of compliance.
- 308.1.8.1-  
308.1.8.5 These sections were moved from OFC 308.6.1-308.6.5.
- 308.2 This section consolidates, for user convenience, the situations when a permit is required. There are no new permit requirements.
- 308.3-  
308.3.2 These sections were moved from OFC 308.3.6 -308.3.7
- 308.4 This new section clarifies this rule's intent with respect to Group R occupancies. It does not provide any new requirements.
- 316 Language was added to be consistent with the IFC and Ohio Building Code (OBC). This new language provides requirements regarding the safety of firefighters. These new requirements have no fiscal impact and no or de minimis cost of compliance.