

CODIFIED ORDINANCES OF BEACHWOOD  
PART FIFTEEN - FIRE PREVENTION CODE

Chap. 1501. Standards Adopted. (Repealed)

Chap. 1503. International Fire Code.

Chap. 1519. Fireworks.



CODIFIED ORDINANCES OF BEACHWOOD  
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501  
Standards Adopted (Repealed)

EDITOR'S NOTE: This chapter was repealed by Ordinance 1988-30, passed January 19, 1988. See Chapter 1503.





CHAPTER 1503  
International Fire Code

1503.01	2000 edition adopted.	1503.11	Review of blueprints; plan approval.
1503.02	File and distribution copies.	1503.12	Fire alarm systems.
1503.03	Definitions.	1503.13	Floor numbers.
1503.04	Fire Prevention Officer.	1503.14	Welding in service stations.
1503.05	Appeals.	1503.15	Fired premises; declaration of nuisance.
1503.06	Modifications.	1503.16	Permits required; fees.
1503.07	Certifications. (Repealed)	1503.17	Amendments.
1503.08	Use of existing incinerators.	1503.99	Penalty.
1503.09	New incinerators prohibited.		
1503.10	Smoke; outdoor fires.		

CROSS REFERENCES

Right to examine buildings - see Ohio R.C. 337.34 et seq., 3737.14  
Investigation of fires - see Ohio R.C. 737.27, 3737.08  
State Fire Marshal - see Ohio R.C. Ch. 3737  
Petroleum liquids and gases - see Ohio R.C. 3737.17 et seq.  
Dry cleaning and dyeing - see Ohio R.C. Ch. 3739  
Gasoline, oils and paints - see Ohio R.C. Ch. 3741  
Fireworks - see Ohio R.C. 3743.32 et seq.; GEN. OFF. 672.12, 672.13  
Volunteer Fire Department - see ADM. Ch. 147  
Obstructing or tampering with fire hydrants - see GEN. OFF. 642.25  
Use of fire hydrants - see GEN. OFF. 660.18  
Hazardous materials response - see S. & P.S. Ch. 929  
Fire limits - see BLDG. Ch. 1321  
Sprinkler system permit fees - see BLDG. 1329.04  
Fire alarm system permit fees - see BLDG. 1329.06

1503.01 2000 EDITION ADOPTED.

A certain document, three (3) copies of which are on file in the office of the City of Beachwood, Ohio Department of Fire/Rescue, being marked and designated as "The International Fire Code/2000" as published by the International Code Council (ICC), is hereby adopted as the Fire Code of the City of Beachwood, County of Cuyahoga, in the State of Ohio for the control of buildings and structures herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the International Fire Code/2000 are hereby referred to, adopted, and made a part thereof, as if fully set out in this chapter. (Ord. 2002-135. Passed 8-5-02.)

#### 1503.02 FILE AND DISTRIBUTION COPIES.

At least one copy of the International Fire Code/2000 as adopted by Section 1503.01, shall be on file with the Clerk of Council. At least one copy shall also be on file in the County Law Library. In addition, the Clerk of Council shall have copies available for distribution to the public, at cost. (Ord. 2002-135. Passed 8-5-02.)

#### 1503.03 DEFINITIONS.

(a) Whenever the word "Municipality" is used in the Fire Prevention Code adopted in Section 1501.01, it shall be held to mean the City of Beachwood, Ohio.

(b) Whenever the term "Director of Law" is used in the Fire Prevention Code adopted in Section 1501.01, it shall be held to mean the Law Director of the City. (Ord. 1988-30. Passed 1-19-88.)

#### 1503.04 FIRE PREVENTION OFFICER.

(a) The position of Fire Prevention Officer in the Fire Department of the City is hereby established, which position shall be operated under the supervision of the Fire Chief and under the direction and control of the Safety Director. Such person shall be referred to and known as the Fire Prevention Officer and shall be appointed by the Fire Chief if he or she is a member of the Fire Department; otherwise he or she shall be appointed by the Mayor. The Fire Chief shall designate such other Fire Department members as assistant fire safety inspectors as he or she may from time to time deem necessary.

(b) The Fire Prevention Officer shall enforce all provisions of this Fire Prevention Code. He or she shall have such other powers and perform such other duties as are set forth in other sections of this Fire Prevention Code and other ordinances and as may be conferred and imposed from time to time by law. (Ord. 1988-30. Passed 1-19-88.)

#### 1503.05 APPEALS.

Whenever the Fire Prevention Officer disapproves an application or refuses to grant a permit applied for, or when it is claimed that this Fire Prevention Code does not apply or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant may appeal that decision to the Fire Chief within fifteen days from the date of the decision appealed. If the Fire Chief refuses to overrule the decision, the applicant may appeal to the Safety Director within twenty days from the date of the decision appealed. (Ord. 1988-30. Passed 1-19-88.)

#### 1503.06 MODIFICATIONS.

The Fire Chief, or the Safety Director on appeal under Section 1503.05, shall have the power to reasonably modify any of the provisions of this Fire Prevention Code upon application in writing by the owner or lessee or his or her duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of this Code, provided that the spirit of this Code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief or the Safety Director thereon, shall be entered upon the records of the Fire Department and a signed copy shall be furnished the applicant. (Ord 1988-30. Passed 1-19-88.)



#### 1503.07 CERTIFICATIONS.

(EDITOR'S NOTE: Former Section 1503.07 was repealed by Ordinance 2002-135, passed August 5, 2002.)

#### 1503.08 USE OF EXISTING INCINERATORS.

Summary Abatement. Any existing incinerator may, at any time, be shut down and the firing door padlocked, chained, sealed, tagged and/or removed from the premises by order of the Fire Prevention Bureau, when immediately necessary to abate a nuisance, protect persons or property or prevent a violation of the law.

(Ord. 2002-135. Passed 8-5-02.)

#### 1503.09 NEW INCINERATORS PROHIBITED.

Incinerators shall not be installed in, or used in conjunction with, any single-family, multi-family, apartment, office, commercial, or any other building or structure.

(Ord. 2002-135. Passed 8-5-02.)

#### 1503.10 SMOKE; OUTDOOR FIRES.

(a) Smoke Limits. The emission within the City of smoke, from any device, equipment, smokestack or chimney of any building is hereby declared to be a nuisance and may be summarily abated by any member of the Police Department or the Fire Department, in addition to the prosecution and fine provided for in this Fire Prevention Code.

(b) Bonfires and Outdoor Rubbish or Cooking Fires. No person, tenant or leaseholder shall store any portable or outdoor grill or associated fuel, or kindle or maintain a fire to be used for preparation of food or for any other purpose in any type of outdoor or portable grill in any multifamily dwelling unit or on or below any balcony constructed in conjunction therewith or within ten feet of any structure housing more than three families.

(Ord. 2002-135. Passed 8-5-02.)

**1503.11 REVIEW OF BLUEPRINTS; PLAN APPROVAL.**

(a) All plans and specifications received by the Building Department that pertain to or involve building fire protection shall be reviewed by the Fire Prevention Officer. When such plans have been found to conform to the Fire Prevention Code and all other codes adopted by the City pertaining to fire protection and fire safety, a report by the Fire Prevention Officer, noting his observations and/or concerns shall be generated and returned to the Building Department. When plans are submitted which do not conform to such codes, a list of all violations, with their corresponding Code section numbers, shall be indicated in said report. The owner of such plans or his or her representative shall subsequently submit revised plans, addenda, or other data to show evidence of compliance with the applicable provisions of the Codes to the Building Department. If such data are not received within a reasonable length of time, not to exceed thirty days, the Building Commissioner may revoke the plan approval.

(b) The construction, erection, or alteration of a building, or any addition thereto, or the equipment and maintenance thereof, shall conform to the required plans which have been reviewed by the Fire Prevention Officer and approved by the Building Commissioner. When the Bureau of Fire Prevention finds that work or equipment is contrary to approved plans, the owner or contractor shall be notified as to where and in what respect the work or equipment does not conform to the approved plans, and the owner or contractor shall be informed that the failure to comply with the approved plans will be reported to the Building Commissioner.  
(Ord. 2002-135. Passed 8-5-02.)

**1503.12 FIRE ALARM SYSTEMS.**

(a) Every new and existing public, private and parochial school shall have an approved fire alarm system which shall be monitored in accordance with the provisions of the Ohio Building Code.

(b) All new and existing buildings, other than one, two or three family residential buildings, equipped with fire alarm systems, shall have those systems monitored in accordance with the provisions of the Ohio Building Code.

(c) No person shall silence, reset or otherwise disable in any way any fire alarm system without first obtaining permission from the City Dispatch Center.

(d) No person shall ignore a fire alarm or notification of a fire condition and fail to evacuate the premises or area of alarm annunciation without delay.  
(Ord. 2002-135. Passed 8-5-02.)

**1503.13 FLOOR NUMBERS.**

Each apartment, condominium or commercial building over two stories in height shall have the respective floor numbers installed on the hallway exit doors on the stairway side.  
(Ord. 1988-30. Passed 1-19-88.)

**1503.14 WELDING IN SERVICE STATIONS.**

No person shall perform any welding or cutting operations or use any heat producing torch or device within or upon the property of any gasoline service station.  
(Ord. 1988-30. Passed 1-19-88.)

**1503.15 FIRED PREMISES; DECLARATION OF NUISANCE.**

Any premises within the City wherein a fire has occurred and either interior or exterior damage to a building or structure has been suffered, is hereby declared to be a public nuisance. Such nuisance may be summarily abated or the premises condemned for occupancy by the Fire Chief when he or she has determined that a hazard to the public health or safety exists. Prior to such abatement, the premises shall first be inspected by City inspectors or others, and each shall make a written recommendation to the Building Commissioner as to the specified work to be performed in order to properly abate such nuisance and to protect the public health and safety. The Building Commissioner shall cause a notice of nuisance abatement to be issued if he or she finds the premises to be uninhabitable and unsafe.  
(Ord. 1988-30. Passed 1-19-88.)

**1503.16 PERMITS REQUIRED; FEES.**

(a) Permits required by this Fire Prevention Code will be issued upon payment to the City of fees as specified herein, provided that the application for a permit is first approved by the Fire Prevention Officer.

(b) Permits and specified fees shall be required for the following:

(1) Flammable and combustible liquids storage and handling.

- A. Underground tank installations - new. For each tank up to 1,000 gallons: \$25.00, plus \$5.00 for each additional 1,000 gallons or fraction thereof on tank capacity over 1,000 gallons.
- B. Underground tank installations - existing.
  - 1. To render existing tanks temporarily out of service (maximum ninety days as provided in this Fire Prevention Code): \$25.00
  - 2. To return temporarily out of service tanks to full service: \$25.00
  - 3. To conduct approved repairs to any tank: \$25.00
  - 4. To remove and discard any tank: \$25.00
  - 5. To conduct any in-ground tank test: \$50.00
- C. Temporary storage in approved portable tanks - maximum 660 gallons.
  - 1. Initial installation and for first ninety days at a single location: \$25.00 each tank.
  - 2. Each additional thirty day period: \$25.00 each tank.
- D. Flammable and combustible liquid dispensing devices or remote pumps.
  - 1. New installations in conjunction with new tanks: application fee listed in paragraph (b)(1)A. hereof, plus \$5.00 for each dispenser or remote pump for attendant or self service.



2. To repair or replace existing dispenser or remote pump: \$25.00
  3. To convert existing dispenser or remote pump to be self-service: \$25.00, plus for each dispenser or remote pump to be equipped with approved remote self-service actuator-monitor capability.
  - E. Note: All flammable and combustible liquid fees are cumulative with other application fees covered under other schedules (i.e. electrical fees, etc.)
- (2) Fire prevention, inspection, and control administrative permits.
- A. Licensure inspections (when required by other than these Codified Ordinances): \$25.00
  - B. Witnessing required acceptance tests of newly-installed, enlarged or extended fire alarm, detection or fire suppression systems for which a permit is required under Section F-501.2 of the BOCA Fire Prevention Code:
    1. Fee to witness first scheduled acceptance test attempt: \$0
    2. Fee to witness second test attempt (required in the event of failure to pass acceptance test on first attempt): \$50.00
    3. Fee to witness each subsequent acceptance test attempt: \$100.00
- (3) Fire safety operating/activity permits.
- A. Bonfires
    1. Bonfires of up to 500 cubic feet of approved fuel materials: \$25.00
    2. Bonfires of over 500 but less than 1,000 cubic feet of approved fuel materials (Fire Department supervision required): \$75.00

Note: This fee includes the cost for one Fire Department engine company, one rescue squad and manpower for two hours.
  - B. Paint removal. For using a torch or other flame producing device to remove paint from a building: \$25.00
  - C. Combustible Storage. For storage in excess of 2,500 cubic feet gross volume of combustible packing cases, boxes, rubber tires, cork, etc., upon any premises: \$25.00
  - D. Airports, heliports, helistops and hangars. Before initiating operation of airports, heliports, helistops and hangars: \$25.00
  - E. Application of flammable finishes. For spraying or dipping operations using more than one gallon of flammables or combustibles in a day: \$25.00
  - F. Dry Cleaning. To operate a dry cleaning business utilizing flammable or combustible agents: \$25.00
  - G. Fumigation and thermal insecticidal fogging. To perform fumigation or thermal insecticidal fogging: \$25.00

- H. Lumber yards and woodworking plants. For the storage or use of 100,000 board feet of lumber or more: \$25.00
- I. Ovens and furnaces. For industrial ovens operating at atmospheric pressures and temperatures not to exceed 1,400 degrees Fahrenheit, which ovens are heated with oil or gas fuel or which contain flammable vapors during operation: \$25.00
- J. Places of assembly. For operation of a place of assembly which can accommodate fifty or more persons: \$25.00
- K. Service stations and garages. To use a building, shed or enclosure as a place of business for servicing or repairing a motor vehicle: \$25.00
- L. Waste material handling plants. To operate a plant which processes or stores waste material: \$25.00
- M. Welding or cutting; calcium carbide and acetylene generators.
  - 1. To perform welding or cutting operations: \$25.00 (a permit is not required for each welding or cutting job location.)
  - 2. For the storage of cylinders or containers used in conjunction with welding or cutting operations when more than 2,000 cubic feet aggregate quantity of flammable compressed gas (excluding LPG), 300 pounds of LPG or 6,000 cubic feet of nonflammable compressed is stored: \$25.00
  - 3. For the storage of 200 pounds or more of calcium carbide: \$25.00
  - 4. For acetylene generators having a carbide capacity exceeding five pounds: \$25.00
- N. Cellulose nitrate motion picture film.
  - 1. For the storage of twenty five pounds or more of cellulose nitrate motion picture film: \$25.00
  - 2. To sell or dispose of any cellulose nitrate motion picture film: \$25.00
- O. Cellulose nitrate (pyroxylin) plastics. For the storage or handling of twenty-five pounds or more of cellulose nitrate (pyroxylin) plastics: \$25.00
- P. Combustible fibers. or the storage or handling of 100 cubic feet or more of combustible fibers: \$25.00
- Q. Compressed gases. For the storage, handling or use of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas: \$25.00
- R. Cryogenic liquids. For the production, storage or sale of cryogenic liquids: \$25.00
- S. Fireworks (when permitted). For the display, sale or discharge of fireworks: \$25.00

- T. Flammable and combustible liquids.
1. To install, remove, repair, or alter in any way any line carrying flammable or combustible liquids: \$25.00
  2. For the storage, handling or use of Class I liquids in excess of five gallons in a dwelling or other place of human habitation or appurtenance thereto, or in excess of ten gallons in any other building or occupancy: \$25.00, except that no permit shall be required for
    - a. The storage or use of flammable liquids in the fuel tank of a motor vehicle, aircraft or motorboat, or in a mobile power plant or mobile heating plant; or
    - b. The storage or use of paints, oils, varnishes or similar mixtures when such liquids are stored for painting, maintenance or similar purposes upon the premises and are not stored for a period exceeding thirty days.
  3. For the storage, handling or use of Class II or Class III combustible liquids in excess of twenty-five gallons in a building, or in excess of sixty gallons outside of a building, except for fuel oil being used in connection with oil burning equipment in single family residential buildings: \$25.00
  4. For the manufacture, processing, blending or refining of flammable or combustible liquids: \$25.00
- U. Hazardous materials and chemicals.
1. For the use, storage or handling of more than fifty-five gallons of corrosive liquids, more than 500 pounds of oxidizing materials, more than ten pounds of organic peroxides, more than 500 pounds of nitromethane or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers/fertilizer mixtures covered in the BOCA National Fire Prevention Code, as adopted in Section 1503.01, or any amount of highly toxic material or poisonous gas: \$25.00
  2. For the storage or handling of any installation of more than one micro curie of radium not contained in a sealed source, or more than one millicurie of radium or other radioactive material for which a specific license from the United States Atomic Energy Commission (AEC) is required in accordance with nationally recognized good practice: \$25.00
- V. Liquefied petroleum gases.
1. For each installation of liquefied petroleum gas utilizing storage containers or 100 gallons or more individual water capacity, or with an aggregate water capacity of 100 gallons or more: \$25.00
  2. For each roofing, tarring or similar operation in which LPG is used as a heat source, regardless of water capacity: \$25.00



- W. Magnesium. For the melting, casting, heat treating, machining or grinding or more than ten pounds of magnesium in a day: \$25.00
- X. Matches. For the manufacture or storage of matches exceeding twenty-five cases in aggregate: \$25.00  
(Ord. 1997-60. Passed 3-17-97.)

#### 1503.17 AMENDMENTS.

The International Fire Code/2000 as adopted in Section 1503.01, is hereby amended as follows:

Section 101.1 (second line) Insert: City of Beachwood, Ohio.

Section 105.7 Required Construction Permits: The Code Official is authorized to issue construction permits for work as set forth in Sections 105.7.5, 105.7.7, 105.7.9, and 105.7.12 and delete Sections 105.7.8, 105.7.10 and 105.7.11.

Section 108 Board of Appeals: Delete.

Section 111.4 Insert "Fifty (50) dollars or more than one hundred (100) dollars".

Chapter 4 Emergency Planning: Delete Chapter and adopt OAC 1301:7-7-07 by reference.

Chapter 9 Add Section 914 - Certification (contractors); refer to OAC 1301:7-7-05(A) Section FM-500.0

Add Section 915 - General; refer to OAC 1301:7-7-05(B) Section FM-501.0

Chapter 33 Fireworks: Delete and adopt OAC 1301:7-7-31 by reference for enforcement by the Fire Department as stipulated herein.

Chapter 34 Flammable & Combustible Liquids: Delete and adopt OAC 1301:7-7-28 for enforcement by the Fire Department as stipulated herein.

Chapter 38 Section 3804.2 amend to limit aggregate capacity of any one installation to not exceed a water capacity of 500 gallons.

Chapter 45 Delete from International Fire Code/2000 (referenced standards) the reference to IBC-2000-International Building Code and insert the "2000 OBC".

Chapter 45 Delete from International Fire Code/2000 (referenced standards) the reference to IBC-2000-International Mechanical Code and insert the "2000 OMC".

Chapter 45 Delete from International Fire Code/2000 (referenced standards) the reference to IBC-2000-International Plumbing Code and insert the "2000 OPC".

(Ord. 2002-135. Passed 8-5-02.)

1503.99 PENALTY.

(a) The owner, tenant, firm or corporation, or any officer of such corporation, or any other person, whether a corporation or an officer thereof or an individual, in charge of any building or premises where anything in violation of this Fire Prevention Code is placed or exists, and any person, firm or corporation who violates or causes or knowingly permits any violation of this Code in buildings or on premises under his or her control or charge, and any person, firm or corporation who violates or fails to comply with any of the provisions of this Code, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) In addition to the penalties provided herein, the Fire Prevention Officer may suspend or revoke any permit issued under this Code by written notice.

(c) The Director of Law shall also take such legal action as may be required to enforce this Code.  
(Ord. 1988-30. Passed 1-19-88.)

CHAPTER 1519  
Fireworks

1519.01	Definitions.	1519.04	Possession, sale or discharge prohibited; exceptions.
1519.02	Public exhibition permit required; fee; bond; records.	1519.05	Application.
1519.03	Unlawful conduct by exhibitor.	1519.99	Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)  
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)  
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68  
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.  
(2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (j) "Novelties and trick noisemakers" include the following items:
  - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
  - (2) Snakes or glow worms;
  - (3) Smoke devices;
  - (4) Trick matches.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.  
(ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND;  
RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other

similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

#### 1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### 1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

#### 1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than two hundred feet;

- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.  
(ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

