

1301:7-7-01 Scope and administration.

Chapter 1 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 101.1 Title as follows:**

After “Title.” delete the paragraph text in its entirety and insert the following: “The rules of the state fire marshal as set forth in Chapter 1301:7-7 of the Administrative Code shall be known as the “Ohio Fire Code”, abbreviated “OFC”, and hereinafter in such rules may also be referred to as the “state fire code” or “this code.””.

2. **Add section 101.1.1 as follows:**

101.1.1 Incorporation by reference. Except as otherwise specified in Ohio Administrative Code Chapters 1301:7-7-01 through 1301:7-7-80, Chapters 1 through 11 and 20 through 80 of the 2021 edition of the International Fire Code and Chapter 12 of the 2024 edition of the International Fire Code, as published by the International Code Council, Inc., and readily available at <https://www.iccsafe.org>, are hereby incorporated by reference in accordance with Sections 121.71 to 121.74 of the Revised Code as if set out at length herein.

3. **Modify section 101.2 Scope as follows:**

After “This code establishes” insert: “state fire marshal rules for the administration and enforcement of authorities granted to the fire marshal and fire code officials in Chapters 3701., 3731., 3737., 3741., 3743., 3781., 3791 and 5104., of the Revised Code and other applicable enactments, laws and rules including, but not limited to.”.

After “regulations affecting or relating to” insert “all aspects of fire and life safety in”.

4. **Modify section 101.2.1 Appendices as follows:**

Delete all text after “Provisions in the appendices” and insert “of any “International Fire Code” are not adopted as part of this code. A political subdivision with the authority to enact a local fire code may adopt these appendices as a part of such local code.”

5. **Add sections 101.2.2 through 101.2.5 as follows:**

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

estate, trust, partnership, association, the state, a political subdivision of the state, and any other entity, public or private.

101.2.2.1 Exemptions to the Ohio Fire Code. *This code does not apply to any of the following:*

1. Property owned by the United States government in accordance with Chapter 159. of the Revised Code.
2. Structures owned by and used for a function of the United States government when such structures are designed, constructed and maintained in accordance with appropriate federal fire safety standards.
3. Structures controlled by the United States government used for a non-administrative military function of the United States government.
4. Structures owned or controlled by the State of Ohio that are used for a military function in accordance with 10 U.S.C. Chapter 1803.4.
5. The organization or structure of a municipal or township fire department. Unless otherwise specifically addressed in this code, this exemption includes items relating to matters like fire department grants, revolving loans, the firefighter's dependent's fund, municipal or township fire department or private fire company internal employment actions, taxation, funding and expenditure issues, minimum service and equipment levels, operational boundaries, or similar matters.
6. Structural building requirements covered by the Ohio Building Code.
7. Agricultural labor camps, to the extent required by Section 3733.42 of the Revised Code or rules adopted under that section.
8. Structures and premises subject to the exclusive jurisdiction of the power siting board as established in the Revised Code or in administrative rules promulgated by the power siting board, to the extent of such exclusivity.
9. The construction or installation of an industrialized unit regulated by the Ohio Building Code. All occupancy, operational and maintenance provisions of this code shall apply to all industrialized units.
10. Structures and premises subject to the exclusive jurisdiction of the public utilities commission of Ohio as established in the Revised Code or in administrative rules promulgated by the public utilities commission, to the extent of such exclusivity.

11. The construction and operation of a mine or other underground cavern, wells, well pads, or derricks subject to the exclusive jurisdiction of the Ohio Department of Natural Resources, to the extent of such exclusivity.

101.2.2.2 Limitations on applicability of the Ohio Fire Code. This code shall not be construed to:

1. Cause an employer, in complying with it, to be in violation of the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051;
2. Regulate manufacturers or manufacturing facilities with respect to occupational hazards where they are subject to regulation by the federal occupational safety and health administration;
3. Be inconsistent with, or in conflict with, regulations of the federal occupational safety and health administration or the hazardous materials regulations of the hazardous materials regulations board of the federal highway administration, United States department of transportation, or the public utilities commission;
4. Establish a minimum standard of flammability for consumer goods in any area where the "Flammable Fabrics Act," 81 Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government or any department or agency of the federal government to establish national standards of flammability for consumer goods;
5. Establish a health or safety standard for the use of explosives in mining, for which the federal government through its authorized agency sets health or safety standards pursuant to section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 U.S.C. 811.

101.2.3 Other existing codes. Unless specifically stated otherwise in this code or the Revised Code, the Ohio Fire Code applies to and is enforceable against all activities, locations, and persons subject to this Code as specified in this section independently and regardless of the applicability of the building code or similar codes.

101.2.4 Application of Ohio Fire Code to unpermitted, unapproved, or unauthorized matters. Regardless of whether any of the permit, approval, or authorization provisions of this code do or could apply to or have been executed for any matter subject to this code, the substantive safety provisions of this code apply to all such activities, locations or persons.

101.2.5 Previous fire codes. Unless otherwise specified in this code or by law, and as of the effective date of this code or any rules herein, the Ohio Fire Code shall supersede any fire code provisions previously adopted by the state fire marshal and any political subdivision fire regulations that are in conflict with this code.

6. **Modify section 102.1 Construction and design provisions** as follows:

Delete “The”, start a new paragraph and insert “**102.1.1 General applicability.** Except as otherwise provided in Section 102.1.2, the”.

In subparagraph 1, after “facilities and conditions” insert “, including structural alterations, additions, or repairs subject to plan review by a code official,”.

In subparagraph 1, after “of this code.” insert “This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code.”.

In subparagraph 2, after “facilities and conditions” insert “, including structural alterations, additions, or repairs subject to plan review by a code official,”.

In subparagraph 4, after “facilities and conditions” insert “not in strict compliance with the requirements of this code, regardless of whether such location is in substantial compliance with the applicable version of the building code”.

In subparagraph 4, after “distinct hazard to life or property” insert “including existing structures subject to Chapter 11. If a distinct hazard to life or property cannot be proven by the fire official by a preponderance of the evidence, the provisions of this code shall not apply to an existing building or condition. This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code”.

Add subparagraph 5 as follows:

5. Any structures that have had or are having a change of occupancy and use, including structures that were exempt, in part or in whole, from this code or the building code for any reason and the new intended or actual use of the structure is not in an exempt category under this code.

7. **Add sections 102.1.2 through 102.1.5.2** as follows:

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

1. Subject to section 3781.061 of the Revised Code, or
2. Otherwise exempt from the building code because such structures are being used for agricultural purposes as described in division (B)(1) of section 3781.06 of the Revised Code.

Exceptions to paragraph 102.1.2 (1) and (2):

1. The conditions at the structure constitute a distinct hazard to life or property.
2. The occupancy of the structure constitutes a change of use or occupancy of the structure from one of the exempt uses listed in this section to another occupancy classification subject to this code or the building code.
3. The structure is occupied or used on an agricultural premise, other than by its owner, agent, lessee, manager, employee, or a contractor while such persons are engaged in an agricultural-related activity, operation or employment at the premise, and such occupancy or use of the structure includes public access for profit or remuneration, operation of a school or educational institution, or residential usage, and the suage would otherwise qualify for any non-agricultural use group as defined in this code or the building code, regardless of whether the use or occupancy is for a temporary, time-limited or permanent occupancy of the premises.

If a structure on an agricultural premise is not exempt from the application of the construction and design provisions of this code, the fire code official is authorized to require all reasonable measures, including but not exceeding full compliance with all or parts of the fire protection system construction features of this code that would otherwise apply to the occupancy category of the structure if it were not on an agricultural premise, as the fire code official determines is necessary to provide reasonable public safety to structure occupants and to permanently abate any distinct hazards. This section applies regardless of other sections of law regulating agricultural structures and premises unless such laws specifically include this code within the scope of such laws and this code conflicts with such laws.

102.1.2.1 Covered patios. As specified in division (G) of section 3737.83 of the Revised Code and notwithstanding the provisions of Section 102.1.2, in a building or structure incident to the agricultural purposes of the land and determined to be exempt from the rules of the board of building standards pursuant to division (B)(1) of section 3781.06 of the Revised Code or section 3781.061 of the Revised Code, the occupant load of a covered patio and its area are not to be included in the fire area calculation for the building for the determination of sprinkler thresholds in accordance with and as set forth in Section 901.4.4.1.

102.1.2.2 Notification regarding application of this code. When a building or zoning official makes a determination pursuant to division (B)(1) of section 3781.06 of the Revised Code or section 3781.061 of the Revised Code that results in a building or structure being exempt from the rules of the board of building standards, such official shall provide written notification to the affected party that the Ohio fire code does apply to the exempt location.

102.1.3 Non-required work. Any fire protection system, or portion thereof, not required by this code may be installed at any location subject to this code provided that the installation is in accordance with this code and the building code.”

102.1.4. Additional special provisions for construction and design provisions. *The construction and design provisions of this code do not apply to the following if, and to the extent that, such structures, occupancies, or features, as they are defined in the building code, are exempt from the building code or constructed in accordance with specifically applicable federal or state laws regulating the structures, occupancies, or features:*

1. Wind turbines and solar arrays not connected to building services equipment.
2. Primitive transient lodging structures with only provisions for sleeping, with no building services equipment or piping, and not greater than 400 sq. ft. in area.
3. Intermodal shipping or freight containers, moving containers, storage containers, if used exclusively as a storage container temporarily for a period not to exceed 180 days.
4. Mobile computing units.

102.1.5 Intent of construction, design, maintenance and operational provisions of the Ohio Fire Code.

102.1.5.1 Construction and design provisions. *It is the intent of this code that the construction and design provisions established in this section or elsewhere in this code will not be applied retroactively to an existing structure or associated premise unless at least one of the following is identified at the structure or premise by the fire code official:*

1. Illegal construction, including construction that did not receive or obtain specifically required certificates, permits, approvals, or authorizations associated with the construction as described in this code or the building code.
2. A distinct hazard.
3. Such construction is required by specific provisions of this code, the building code, or other laws.
4. A change of occupancy, when such a change occurs in violation of any provisions of this code or the building code, including any approval, permitting or plan review requirements.

102.1.5.2 Maintenance and operational provisions. *Unless specifically exempted from application by provisions of this code, federal law, or the Revised Code, the maintenance and operational provisions of this code apply to matters subject to this*

code even if the construction and design provisions of this code are exempted from or have limited applicability.

8. **Modify section 102.3 Change of use or occupancy** as follows:

After “102.3” insert the following:

“Minimum conditions of occupancy.

102.3.1. *All structures and premises subject to this code may be occupied by any person only in accordance with the provisions of this code, the building code and, at a minimum, the following paragraphs:*

1. *New construction. Occupancy of a newly constructed structure must be in compliance with Section 105.3.3 and Section 109.1 and Section 901.5.*

2. *Existing structures.*

2.1 *Alterations. Any alterations to an existing structure shall be done in accordance with Section 102.4.*

2.2 *Change of occupancy. Any changes of occupancy to an existing structure shall be done in accordance with Section 102.3.3.*

2.3 *General occupancy. A new or existing structure or premises may only be occupied in accordance with Section 105.3.3 and Section 109.1. No existing structure or premises or part thereof that constitutes a distinct or serious hazard to life or property or is not legally in existence at the time of adoption of this code shall be occupied.*

3. *Structures, or portions thereof, subject to this code or the building code that have verified unapproved or unpermitted (when approvals or permits are required), illegal, or noncompliant construction, alterations, modifications, or repairs under such codes shall not be occupied or used as applicable, and no person shall engage in such activities or authorize such activities at a structure under their control.*

102.3.1.1 *Occupancy of any structure, premise, vehicle or location that constitutes a distinct or serious hazard to life or property is hereby declared a public nuisance.*

102.3.2 Certificate of occupancy. *A responsible person shall maintain a copy of the current certificate of occupancy for a structure regulated by the building code and make it available to the fire code official upon request. This section only applies to a certificate of occupancy in existence as of November 1, 2011, issued by a building official and/or a certificate of occupancy issued by a building official on or after November 1, 2011.*

102.3.3”.

After “**Change of use or occupancy**” (which will become section 102.3.3) modify the text as follows:

In the text and the exception, delete “International Existing Building Code” and insert “building code” at all occurrences (2).

9. **Add section 102.3.4 as follows:**

102.3.4 Limited building code occupancy approvals. *Except as described in this paragraph, partial occupancy approvals issued under Section 111.1.1.3 of the building code, time limited occupancy approvals issued under Section 111.1.1.4 of the building code, temporary occupancy approvals issued under Sections 102.8 and 111.1.1.5 of the building code, certificates of completion for alterations and repairs issued under Sections 111.1.1 and 111.2 of the building code and variances to the building code issued by the state board of building appeals pursuant to section 3781.19 of the Revised Code shall be considered, to the extent of the approval or deviation from the building code issued by such officials, as conditions compliant with the construction and design provisions of this code. All maintenance and operational provisions of this code shall apply to such occupancies.*

Exception: *Any structure, location or condition that constitutes a distinct or serious hazard under this code. For such structure, location or condition, the fire code official may issue an order requiring compliance with any parts of this code or impose other conditions that such official determines are reasonably necessary to make such places safe for occupancy and use. If the local fire code official was provided an opportunity for input at a hearing conducted by the state board of building appeals pursuant to Section 3781.19 of the Revised Code and a variance to the building code for matters that impact fire safety was granted at such a hearing for a place subject to this exception, an order issued by a local fire code official under this exception shall be valid only if it is first authorized in writing by the state fire marshal.*

10. **Modify section 102.4 Application of the building code as follows:**

At the beginning of the paragraph delete “The” and insert “In addition to compliance with this code, the planning,”.

Between “new” and “structures” insert “buildings and”.

After “structures” insert “to provide the necessary egress facilities, fire protection, and built-in fire protection equipment”.

Before “comply with” insert “be controlled by and”.

Delete “International Building Code” and insert “building code of the jurisdiction”.

After “and any alterations, additions” delete “,” and insert “or”.

Delete “in use or changes in structures” and insert “of occupancy in buildings”.

After “required by” insert “*the provisions of*”.

Delete “International Building Code,” and insert “building code”.

11. Modify section 102.5 Application of the residential code as follows:

In the title after “residential code” insert “*of Ohio*”.

Delete “International Residential Code” and insert “*residential code of Ohio*”.

In subparagraph 1, after “Construction and design provisions” insert “: *To the extent consistent with Chapter 3781. of the Revised Code, the provisions*”.

In subparagraph 1, after “devices are installed” delete “,” and insert “*and such systems are not subject to the residential code of Ohio, the provisions for plan review and*”.

In subparagraph 1, delete “Section 105.6” and insert “*Chapter I*”.

12. Modify section 102.7 Referenced codes and standards as follows:

Before “considered to be part” insert “*incorporated by reference into and*”.

13. Insert new section 102.7.1 as follows:

102.7.1 References to Ohio codes. *References to the building code, mechanical code, plumbing code and residential code throughout this code shall be interpreted to mean the Ohio Building Code, Ohio Mechanical Code, Ohio Plumbing Code, Ohio Residential Code, respectively. References, if any, to the International Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code in this code shall be interpreted to mean the Ohio Building Code, Ohio Mechanical Code, Ohio Plumbing Code, Ohio Residential Code, respectively.*

14. Modify current section 102.7.1 Conflicts as follows:

Renumber the section by deleting “102.7.1” and inserting “**102.7.2**”.

Further amend now section **102.7.2 Conflicts** as follows:

At the end of the sentence after “apply” insert: “*unless otherwise provided in Section 3781.11 of the Revised Code*”.

15. Modify current section 102.7.2 Provisions in referenced codes and standards as follows:

Renumber the section by deleting “102.7.2” and inserting “**102.7.3**”.

16. Add sections 102.7.4 through 102.7.7 as follows:

102.7.4 *To the extent such rules relate to fire safety, the rules adopted by the state fire marshal in accordance with Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53,*

3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code, shall be incorporated by reference and considered part of this code.

102.7.5 Unless already addressed in and to the extent that such provisions do not conflict with the Revised Code or the rules listed in Section 102.7.1, the provisions of Sections 101, 102, 104, 105, 108, 109, 112, 113, 114, 115, 120 and 125 apply to the rules adopted by the state fire marshal in accordance with Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including Sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code.

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

102.7.7 Enforcement of rules adopted by the state fire marshal in accordance with Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including Sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code shall be as provided in those Revised Code sections or such rules. In addition to such rules, any applicable provisions of the “Ohio Fire Code” may be used as a basis for such enforcement actions.

17. Modify section 102.8 Subjects not regulated by this code as follows:

Delete the text and title of the paragraph in their entirety and insert “Deleted.”.

18. Modify section 102.9 Matters not provided for as follows:

Delete the text and title of the paragraph in their entirety and insert “Deleted.”.

19. Modify section 102.10 Conflicting provisions as follows:

In the title delete “Conflicting” and insert “*Harmonizing*.”.

After “and a specific requirement” insert “of this code or its referenced standards”

After the first sentence after “be applicable.” insert “A conflict occurs when both the general and specific requirements cannot be satisfied at the same time for the regulated matter.”

After “different sections of this code” insert “or its referenced standards”.

After “the most restrictive” insert “provision that provides the highest degree of safety”.

After the last sentence after “govern.” insert “If there is a conflict between a requirement of this code and a referenced standard, the provisions of this code shall govern unless otherwise provided in Section 3781.11 of the Revised Code.”.

20. Add section 102.13 as follows:

102.13 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 Section 5704.2.11, 5704.2.13 or 5704.2.14. Such tanks are subject to all other applicable provisions of this code.

21. Delete section 103 Code Compliance Agency in its entirety and insert the following:
“Section 103 State and political subdivision (local) fire codes

103.1 Fire code(s) or fire safety regulations within a political subdivision. Consistent with this section, a political subdivision may, but is not required to, adopt and enforce a local fire code or fire safety regulations in accordance with the provisions of Ohio law. If a political subdivision adopts a local fire code, or other fire safety regulations, or other laws impacting fire safety, such local laws and regulations constitute an additional set of fire safety regulations in the applicable jurisdiction. Such local laws and regulations shall not and do not modify, repeal, invalidate or otherwise nullify any provisions of this code, any authorities reserved for the state fire marshal under this code, or any applicable authorities for certified fire safety inspectors to enforce the state fire code within their respective jurisdictions. Such local fire laws and regulations shall not be called the “Ohio Fire Code” even if such codes contain the same or similar substantive chapters as this code. Regardless of whether a political subdivision adopts a local fire code, this code remains in effect and is enforceable at all locations in the state in accordance with the applicable provisions of the Revised Code and this code.

103.2 The state fire code is a minimum statewide standard. This code shall constitute the minimum standards for safeguarding life and property from fire and explosion in this state. No political subdivision with the statutory authority to promulgate a local fire code or fire safety regulations may enact a local fire code or fire safety regulations, or parts thereof, or authorize a variance or waiver to such local fire code by any means, that provide a lower threshold of such safeguards or violate accepted engineering practice

involving public safety. Only the State Fire Marshal, in accordance with Section 104.8 or the state board of building appeals pursuant to Section 3781.19 of the Revised Code may authorize a variance to any provisions of this code. Consistent with this section and the Revised Code, a political subdivision may promulgate local fire code or fire safety regulation provisions that meet or exceed the minimum safety requirements as set forth in this code or that are more extensive in scope than this code.

103.3 Liability. All liability related to the application or enforcement of this code by the state or a political subdivision shall be determined in accordance with all applicable laws, immunities and defenses, including Chapters 2743. and 2744. of the Revised Code and Sections 9.85, 9.86, 9.87, 2743.02 and 2744.03 of the Revised Code.

103.4 Fire safety inspectors. The actions of fire safety inspectors, including certified fire safety inspectors, are subject to the applicable portions of the Ohio Revised Code, including Sections 3737.01(D), 3737.34, 3737.43(C) and 3737.64 of the Revised Code.

103.5 Fire prevention officers. For the purposes of Section 505.38(B) or 737.22(A) of the Revised Code, a fire prevention officer shall be appointed by the township trustees to provide services to any township without a fire department or unincorporated area of a township not served by that township's fire department as such a department was created pursuant to sections 505.37 and 505.38(A) of the Revised Code or to a village established under Title 7 of the Revised Code that has not organized a fire department."

22. Modify section 104 Duties and powers of the fire code official as follows:

In the title, delete "code".

23. Modify section 104.1 General as follows:

At the end of the first sentence after "of this code" delete ". The" and insert "and to the extent the state fire marshal has no rendered an interpretation or issued a "Technical Bulletin" regarding a particular topic, the".

At the end of the paragraph after "in this code." insert "To the extent the state fire marshal has rendered an interpretation or issued a "Technical Bulletin" regarding the provisions of this code, such interpretation shall be definitive throughout the state and in the discretion of the state fire marshal shall supersede all prior interpretations that may have been rendered by any other fire code official. No other fire code official shall render an interpretation in conflict with the state fire marshal's interpretation or technical bulletin or enforce provisions of this code in a manner in conflict with the interpretation or technical bulletin rendered by the state fire marshal."

24. Add section 104.1.1 as follows:

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

25. **Add sections 104.2.1 through 104.2.2.2 as follows:**

104.2.1 Plan review for fire protection systems in structures regulated by the building code. *For the purposes of this paragraph, a fire code official is authorized to conduct plan review of fire protection systems in structures regulated by the building code in accordance with Section 106.1.2 of that code and the provisions of this section. The fire code official is authorized to:*

104.2.1.1 Receive and review fire protection system and associated fire safety feature related construction documents when notice is provided to the building code official in accordance with Section 107.4.5 of the building code.

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 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 reasonable time frame after receipt by the fire code official that is appropriate for compliance with the building official's statutory requirements.

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

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

104.2.2 Except as noted in this section, construction of a structure subject to this section must be in compliance with the provisions of this code.

104.2.2.1 Prior to the issuance of a certificate of occupancy or other occupancy approval by a building code official, it is not a violation of this code for construction regulated by this code and the building code, or subject to a variance issued by the state board of building appeals pursuant to Section 3781.19 of the Revised Code, to occur in a manner or result in a condition contrary to the construction and design provisions of this code unless the state fire marshal first issues a written finding verifying that such construction and design provisions have been violated. If the state fire marshal issues such a finding, the fire code official is authorized to issue a citation and order pursuant to Section 3737.42 of the Revised Code requiring compliance with the applicable construction and design provisions of this code. As applicable, such orders may be concurrently appealed to the state board of building appeals pursuant to Section 3781.19 of the Revised Code with any adjudication orders issued by the building code official.

104.2.2.2 Notwithstanding any other provision of this section or Chapter 11, the minimum conditions of safe occupancy as specified in this code, including Sections 102.3.1 and 105.3.3.3, shall always apply to all structures, buildings, premises, conditions and activities subject to Section 101.2.”

26. Modify section 104.3 Right of Entry as follows:

Delete “Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous” and insert “In accordance with Section 3737.14 of the Revised Code and constitutional provisions governing searches”.

After the next immediate occurrence of “the fire code official” insert “and other officials or their designees as described in section 3737.14 of the Revised Code”.

After “authority to enter” delete “the building or premises” and insert “all buildings or vehicles or upon all premises, as such locations are described in Section 101.2.2 and which are within that official’s jurisdiction.”.

After “at all reasonable” delete “times to” and insert “hours to conduct an examination.”.

After “inspect” insert “or investigate”.

After “duties imposed on the” and after “If such building or premises is occupied, the” and after “If such building or premises is unoccupied,” delete “fire code”.

At the end of the last sentence after “to secure entry” insert “, including obtaining a warrant in accordance with division (F) of Section 2933.21 of the Revised Code”.

27. Modify section 104.6 Official records as follows:

Delete all text after “be retained” and insert “in accordance with the provisions of Chapter 149. of the Revised Code.”.

28. Modify section 104.6.3 Fire records as follows:

At the beginning of the paragraph delete “The” and insert “All”.

Delete “its” and insert “their”.

After “jurisdiction” insert “of organization”.

Delete “fire code official” and insert “state fire marshal. If a township or village does not have an organized fire department under its own authority or it does not exist concurrently with a municipality that has established its own fire department within its jurisdiction, then, regardless of whether it contracts for fire protection services, the fire prevention officer of such townships or villages shall ensure that the reporting functions of this section are complied with”.

29. **Add section 104.6.3.1** as follows:

104.6.3.1 Fire reports. The fire department described in Section 104.6.3, the political subdivision served by such fire departments described in Section 104.6.3 or the fire prevention officer described in Section 104.6.3 shall report fire incidents required by Sections 3737.23 and 3737.24 of the Revised Code using coding information and procedures prescribed by the state fire marshal and shall send to the state fire marshal these reports in a manner approved by the state fire marshal. The reports shall include the "Incident Report" with all required sections/modules completed. Electronic reporting of fire incidents to the state fire marshal must be in a format approved by the state fire marshal. The state fire marshal, in the state fire marshal's sole discretion, may choose a federally recognized manner of reporting with which departments must comply. Any electronic reporting also must be in a format that is specifically compatible with the software used by the state fire marshal to process such reports and be transmitted in a format that has been approved by the state fire marshal.

All reports required under this section shall be submitted to the state fire marshal within fifteen days of the end of the calendar month in which the incident referenced in the report occurred. In months where no reportable fire incidents have occurred, the fire department described in Section 104.6.3 and the political subdivision served by the fire department described in Section 104.6.3 shall file a "No Activity Report" as prescribed by the state fire marshal and in a manner approved by the state fire marshal.

30. **Modify section 104.6.4 Administrative** as follows:

Delete all text before "the final decision of" and insert "As applicable,".

31. **Delete** the title and text of section **104.7 Liability** in their entirety and insert "~~Deleted.~~".

32. **Delete** the title and text of section **104.7.1 Legal Defense** in their entirety and insert "~~Deleted.~~".

33. **Modify section 104.8 Approved materials and equipment** as follows:

Delete all text and insert "Materials, equipment, devices and methods of construction within the scope of the building code shall be approved in accordance with the provisions of the building code. Other materials, equipment and devices not within the scope of the building code that are approved by the fire code official shall be constructed and installed in accordance with such approval. The fire code official's approval of materials, equipment and devices shall be consistent with the listing and labeling or authenticated research reports from authoritative sources as set forth in Section 115 for such materials, equipment and devices."

34. **Modify section 104.8.2 Technical assistance** as follows:

Delete the last sentence of the paragraph (after "recommend necessary changes,").

35. **Delete** the title and text of section **104.9 Modifications** in their entirety and insert the following:

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

1. That the variance will not threaten the public health, safety or welfare; and
2. That the party will provide measures to protect the public health, safety and welfare that are substantially equivalent to the measures otherwise required under the state fire code or other applicable laws, rules and regulations.

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

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

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

104.9.4 Variances issued by the state board of building appeals to this code shall be in accordance with Section 3781.19 of the Revised Code and shall only apply to citations and orders issued under Sections 3737.41 and 3737.42 of the Revised Code.

104.9.5 The state fire marshal, in the marshal’s discretion, may issue variances to this code at times of public need, including in preparation for or response to natural or other disasters or emergencies.

36. Modify section 104.10 Alternative materials, design and methods of construction and equipment as follows:

At the end of the paragraph after “was not approved.” Insert “For the installation of any material or the use of any method of construction that is subject to the building code, any approval of an alternative method or material must be done in accordance with that code.”.

37. Delete the text of section 104.11 Fire investigations in its entirety and insert the following:
“The state fire marshal, or an assistant state fire marshal as designated by the state fire marshal, and the chief of the fire department of each municipal corporation in which a fire department is established, the chief of the fire department in each township in which

a fire department is established, the chief of the fire department of a joint fire district, or the fire prevention officer in each township or village where no fire department is established in accordance with Section 3737.24 of the Revised Code and other Revised Code sections applicable to the investigating agency shall have the authority to investigate the origin, cause and circumstances of any major fire or explosion. For the purposes of Section 149.43 of the Revised Code, such investigations shall be considered law enforcement matters of a criminal, quasi-criminal, civil, or administrative nature. For the purposes of Section 3929.87 of the Revised Code, an investigation that has not made a final finding, but has made findings as to the origin and cause of a fire in accordance with accepted fire investigation practices qualifies as a determination under that statute, including a finding that the cause of a fire is “undetermined” as that term is commonly defined in national fire investigation standards.”

38. Modify section 104.11.1 Assistance from other agencies as follows:

After “when requested to do so” insert “in accordance with the laws of this state”.

39. Add sections 104.11.2 through 104.11.4 as follows:

“104.11.2 Major fire definition. For the purposes of Section 3737.24 of the Revised Code and this code, a “major fire or explosion” means:

1. A fire or explosion that caused or had a substantial risk of causing death or serious physical harm to any person.
2. A fire or explosion that caused damage to or the destruction of any occupancy, property or vehicle and the estimated or actual loss associated with such fire or explosion exceeds \$500,000 in value.
3. A fire or explosion that caused damage to or the destruction of any occupancy, property or vehicle that is owned, leased or directly controlled by the United States of America, the State of Ohio or any political subdivision of the State, including schools and other educational institutions.
4. A fire or explosion that caused damage to or the destruction of any educational occupancy, whether owned by a unit of government or private entity, or any place of worship, or that harmed any person in such occupancies or locations.
5. A fire or explosion that any political subdivision fire chief determines, in that chief’s discretion, to be a significant fire within that chief’s jurisdiction.
6. Any fire or explosion so designated by the state fire marshal as a major fire or explosion.

104.11.3 Major fire notifications to state fire marshal. Notwithstanding the provisions of Section 104.6.3.1 and the timeframes within which fire incident information must be reported to the state fire marshal, political subdivision fire departments, including such departments and private fire companies providing services to another jurisdiction that

does not have a fire department, must immediately report to the state fire marshal any fire or explosion occurring within its jurisdiction or response area that caused or had a substantial risk of causing death or serious physical harm to any person(s).

104.11.4. As used in this section, the phrases “substantial risk” and “serious physical harm” have the same meaning as the definitions of such phrases in division (A)(6) and (A)(8) of Section 2901.01 of the Revised Code.”

40. Add sections 104.12.4 and 104.12.5 as follows:

“104.12.4 Evacuation. The fire department official in charge of an actual emergency response incident, as determined by such official, shall be authorized to order the immediate evacuation of any occupied building or premise deemed unsafe when such location has hazardous conditions that present life threatening danger to building or premise 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. For the purposes of this code, an emergency response incident involving an actual first responder services or ongoing fires, explosions or other hazardous events are, due to the actual occurrence of an emergency, distinguishable from events referenced in Section 3737.44 of the Revised Code.”

104.12.5 Utility disconnection. A fire chief or other fire official in charge of an emergency response shall have authority to order the disconnection of utility services in accordance with Section 110.

41. Modify section 105.1.1 Permits required. as follows:

At the end of the sentence after “the required permit” insert “when a permit is required by Section 105.1.1.1 or when a permit is required by a local fire code official in accordance with Section 105.1.1.2”.

42. Add sections 105.1.1.1 through 105.1.1.3 as follows:

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:

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

Exceptions:

1. Fireworks exhibition storage pursuant to Section 5610.
2. A manufacturer or wholesaler of fireworks that has paid an original or a renewal application fee in accordance with Section 5616.1.

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

Exceptions:

1. No permit shall be required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a listed, lockable engine mounted tank that is connected to stationary pieces of equipment if all of the following apply:
 - 1.1. The tank has a capacity of 500 gallons or less; and
 - 1.2. The equipment remains locked at all times unless the equipment is being serviced or the tank is being filled; and
 - 1.3. All other provisions of this code, including other security provisions such as vehicle protection, are complied with.
2. No permit shall be required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a stationary flammable or combustible liquid storage tank with a capacity of 1,100 gallons or less utilized for residential heating oil or agricultural purposes.
3. No permit shall be required for a stationary flammable or combustible liquid storage tank utilized at a construction site for a period of less than 90 days.

105.1.1.1.3 Exhibition of fireworks. *A permit is required for the temporary storage and exhibition of fireworks as set forth in Revised Code Chapter 3743. and Chapter 56. 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 Chapter 56.*

105.1.1.1.4 Ammonium nitrate. *A permit is required for the storage, use, manufacture, processing or handling of ammonium nitrate in either solid form or prill form for any facility that will at any time have an aggregate quantity of ammonium nitrate on-site in an amount in excess of 5,000 pounds. In addition to any discretionary permit required by the local fire code official, an annual operational permit shall be obtained from the state fire marshal for the storage, use, manufacture, processing or handling of ammonium nitrate under this paragraph.*

Exceptions:

1. This requirement for an annual operational permit from the state fire marshal shall not apply to ammonium nitrate within the state of Ohio that is subject to a permit under Section 105.1.1.1.1.
2. This requirement for an annual operational permit from the state fire marshal shall not apply to ammonium nitrate that is otherwise regulated by DOTn.

105.1.1.2 Discretionary permits. The local fire code official is authorized, but not required, to establish a permit program and issue a permit for the hazardous activities set forth in Sections 105.5 and 105.6. Regardless of whether or not the local fire code official has established a permit program to issue permits for the hazardous activities set forth in Sections 105.5 and 105.6, all other provisions of this code shall remain in full force and effect.

105.1.1.3 Notification of hazardous activities. When a permit is not required to engage in any hazardous activity set forth in this chapter, 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.

43. Modify section 105.1.2 Types of permits as follows:

Delete the text from and including "There" through and including "as follows:".

In subparagraph 1 delete "required by Section 105.5" and insert "to be issued".

In subparagraph 2 delete "required by Section 105.6" and insert "to be issued".

44. Modify section 105.2 Application as follows:

At the end of the text after "fire code official." insert the following: "The requirement for plan review for fire protection systems in structures regulated by the building code submitted for plan review in accordance with this section is subject to and does not supersede or otherwise conflict with the requirements of Section 104.2.1.".

45. Modify section 105.3 Conditions of a permit as follows:

Delete "required by Section 105.5 or 105.6. Such" and insert "issued. When issued, such".

46. Modify section 105.3.1 Expiration as follows:

After "An operational permit" insert ", when issued,".

After "Construction permits" insert ", when issued,".

After "one-half the amount required for a new permit" insert ", when issued,".

At the beginning of the last sentence delete “Permits” and insert “*When issued, permits*”.

47. Modify section 105.3.3 Occupancy prohibited before approval as follows:

Delete “**prohibited before approval**” from the title of the section.

Delete the text of the paragraph in its entirety and insert the following subsections:

105.3.3.1 Acceptance testing of fire protection systems. *Prior to the issuance by the building official of any certificate of occupancy for any building subject to Section 104.2.1, the responsible person shall notify the fire code official to be present to witness the acceptance testing of all fire protection systems.*

105.3.3.2 Final inspection. *Prior to the issuance by the building official of any certificate of occupancy for any building subject to Section 104.2.1, 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.*

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

105.3.3.3.1 *Such structures, premises or buildings or portions thereof are in substantial compliance with the applicable provisions of this code and the building code.*

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

48. Modify section 105.3.4 Conditional permits as follows:

In the title of the section between “**Conditional**” and “**permits**”, insert “**approvals and**”.

After “Where” in the first sentence insert “*approval by the fire code official or*”.

After “on the request of” delete “a permit” and insert “*the*”.

Delete all text beginning with and including “permit to occupy the premises or portion” through and including “without endangering” and insert “*approval or permit to engage in the permitted activity or use provided that the permitted activity or use is safe and does not endanger*”.

After “notify the” delete “permit”.

After “applicant” delete “in writing”.

After “necessary to keep the” delete “permit area” and insert “*regulated activity or use*”.

In the last sentence after “holder of a conditional” insert “*approval or*”; also delete “permit holder’s” and insert “*applicant’s*”.

49. Add section 105.3.6.1 as follows:

“105.3.6.1 For structures regulated by the building code. If a building official issues a permit, plan approval or certificate of occupancy for a structure in accordance with the building 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 Section 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.”

50. Modify section 105.5 Required operational permits as follows:

In the title, delete “Required operational” and insert “*Operational*”.

Insert “*local*” between “The” and “fire code official”.

Delete “is” and insert “*and, when specified in this rule, the state fire marshal are*”.

After “authorized” insert “*in accordance with Section 105.1.1.2*”.

Delete “for the operations set forth in Section 105.4.2 through 105.5.52” and insert “*as provide for in this Chapter*”.

51. Modify section 105.5.1 Additive manufacturing as follows:

Delete “is required”.

52. Modify section 105.5.2 Aerosol products, aerosol cooking spray products and plastic aerosol 3 products as follows:

Delete “is required”.

53. Modify section 105.5.3 Amusement buildings as follows:

Delete “is required”.

54. Modify section 105.5.4 Aviation facilities as follows:

Delete “is required”.

55. Modify section 105.5.5 Carnivals and fairs as follows:

Delete “is required”.

56. Modify section 105.5.6 Cellulose nitrate film as follows:

Delete “is required”.

57. Modify section 105.5.7 Combustible dust-producing operations as follows:

Delete “is required”.

58. Modify section 105.5.8 Combustible fibers as follows:

Delete “is required”.

59. Modify section 105.5.9 Compressed gases as follows:

Delete “is required”.

60. Modify section 105.5.10 Covered and open mall buildings as follows:

Delete “is required”.

61. Modify section 105.5.11 Cryogenic fluids as follows:

Delete “is required”.

In the exception delete “are not required”.

62. Modify section 105.5.12 Cutting and welding as follows:

Delete “is required”.

63. Modify section 105.5.13 Dry cleaning as follows:

Delete “is required”.

64. Modify section 105.5.14 Energy storage systems as follows:

Delete “is required”.

65. Modify section 105.5.15 Exhibits and trade shows as follows:

Delete “is required”.

66. Modify section 105.5.16 Explosives as follows:

Delete “is required”.

At the end of the sentence after “within the scope of Chapter 56” insert “, and when such permits do not conflict with or are not inconsistent with the requirements of Chapter 3743. of the Revised Code”.

67. Modify section 105.5.17 Fire hydrants and valves as follows:

Delete “is required”.

In the exception, delete “is not required”.

68. Modify section 105.5.18 Flammable and combustible liquids as follows:

Delete “is required”.

In subparagraph 2 after “, except” delete “that a permit is not required”.

In subparagraph 2.1 Before “fire code official” insert “local”.

69. Modify section 105.5.19 Floor finishing as follows:
Delete “is required”.
70. Modify section 105.5.20 Fruit and crop ripening as follows:
Delete “is required”.
71. Modify section 105.5.21 Fumigation and insecticidal fogging as follows:
Delete “is required”.
72. Modify section 105.5.22 Hazardous materials as follows:
Delete “is required”.
73. Modify section 105.5.23 HPM facilities as follows:
Delete “is required”.
74. Modify section 105.5.24 High-piled storage as follows:
Delete “is required”.
75. Modify section 105.5.25 Hot work operations as follows:
Delete “is required”.
76. Modify section 105.5.26 Industrial ovens as follows:
Delete “is required”.
77. Modify section 105.5.27 Lumber yards and woodworking plants as follows:
Delete “is required”.
78. Modify section 105.5.28 Liquid- or gas-fueled vehicles or equipment in assembly buildings as follows:
Delete “is required”.
79. Modify section 105.5.29 LP-gas as follows:
Delete “is required”.

In the exception, delete “is not required”.
80. Modify section 105.5.30 Magnesium as follows:
Delete “is required”.
81. Modify section 105.5.31 Miscellaneous combustible storage as follows:
Delete “is required”.

After “rubber tires,” insert “asphalt shingles,”.
82. Modify section 105.5.32 Mobile food preparation vehicles as follows:
Delete “A” and insert “An operational”.

Delete “is required”.

83. Modify section 105.5.33 Motor fuel-dispensing facilities as follows:

Delete “is required”.

84. Modify section 105.5.34 Open burning as follows:

Delete “is required”.

85. Modify section 105.5.35 Open flames and torches as follows:

Delete “is required”.

86. Modify section 105.5.36 Open flames and candles as follows:

Delete “is required”.

87. Modify section 105.5.37 Organic coatings as follows:

Delete “is required”.

88. Modify section 105.5.38 Outdoor assembly event as follows:

Delete “is required”.

89. Modify section 105.5.39 Places of assembly as follows:

Delete “is required”.

90. Modify section 105.5.40 Plant extraction systems as follows:

Delete “is required”.

91. Modify section 105.5.41 Private fire hydrants as follows:

Delete “is required”.

In the exception, delete “is not required”.

92. Modify section 105.5.43 Pyroxylin plastics as follows:

Delete “is required”.

93. Modify section 105.5.44 Refrigeration equipment as follows:

Delete “is required”.

94. Modify section 105.5.45 Repair garages and motor fuel-dispensing facilities as follows:

In the title, delete “and motor fuel-dispensing facilities”.

Delete “is required”.

95. Modify section 105.5.46 Rooftop heliports as follows:

Delete “is required”.

96. Modify section 105.5.47 Spraying or dipping as follows:
Delete “is required”.
97. Modify section 105.5.48 Storage of scrap tires and tire byproducts as follows:
Delete “is required”.
98. Modify section 105.5.49 Temporary membrane structures and tents as follows:
Delete “is required”.
99. Modify section 105.5.50 Tire-rebuilding plants as follows:
Delete “is required”.
100. Modify section 105.5.51 Waste handling as follows:
Delete “is required”.
101. Modify section 105.5.52 Wood products as follows:
Delete “is required”.
102. Add section 105.5.53 as follows:
105.5.53 Lithium-ion and lithium metal batteries. An operational permit for the storage of lithium-ion or lithium metal batteries in excess of 15 cubic feet (0.42 m³).
103. Modify section 105.6 Required construction permits as follows:
In the title, delete “Required construction” and insert “Construction”.

After “The” and before “fire code official” insert “local”.

Delete “is” and insert “and, when specified in this chapter, the state fire marshal are”.

After “authorized” insert “in accordance with Section 105.1.1.2”.

Delete “as set forth in Sections 105.6.1 through 105.6.24” and insert “as provided in this chapter”.
104. Modify section 105.6.1 Automatic fire-extinguishing systems as follows:
Delete “is required”.
105. Modify section 105.6.2 Compressed gases as follows:
Delete “is required”.
106. Modify section 105.6.3 Cryogenic fluids as follows:
Delete “is required”.
107. Modify section 105.6.4 Emergency responder communication coverage system as follows:
Delete “is required”.

108. **Modify section 105.6.5 Energy storage systems as follows:**
Delete “is required”. #
109. **Modify section 105.6.6 Fire alarm and detection systems and related equipment as follows:**
Delete “is required”.
110. **Modify section 105.6.7 Fire pumps and related equipment as follows:**
Delete “is required”.
111. **Modify section 105.6.8 Flammable and combustible liquids as follows:**
Delete “is required”.

At the end of subparagraph 3 insert “and any line or dispensing device connected thereto”.
112. **Modify section 105.6.9 Fuel cell power systems as follows:**
Delete “is required”.
113. **Modify section 105.6.10 Gas detection systems as follows:**
Delete “is required”.
114. **Modify section 105.6.11 Gates and barricades across fire apparatus access roads as follows:**
Delete “is required”.
115. **Modify section 105.6.12 Hazardous materials as follows:**
Delete “is required”.
116. **Modify section 105.6.13 High-piled combustible storage as follows:**
Delete “is required”.
117. **Modify section 105.6.14 Industrial ovens as follows:**
Delete “is required”.
118. **Modify section 105.6.15 LP-gas as follows:**
Delete “is required”.
119. **Modify section 105.6.16 Motor vehicle repair rooms and booths as follows:**
Delete “is required”.
120. **Modify section 105.6.17 Plant extraction systems as follows:**
Delete “is required”.
121. **Modify section 105.6.18 Private fire hydrants as follows:**

Delete “is required”.

122. Modify section 105.6.19 Smoke control or smoke exhaust systems as follows:

Delete “are required”.

123. Modify section 105.6.20 Solar photovoltaic power systems as follows:

Delete “is required”.

124. Modify section 105.6.21 Special event structure as follows:

Delete “is required”.

125. Modify section 105.6.22 Spraying or dipping as follows:

Delete “is required”.

126. Modify section 105.6.23 Standpipe systems as follows:

Delete “is required”.

127. Modify section 105.6.24 Temporary membrane structures and tents as follows:

Delete “is required”.

In subparagraph 3.1 after “Individual tents” delete the text through and including “have” and insert “*having*”.

In subparagraph 3.2 after “12 feet (3658 mm)” delete the text through and including exceed” and insert “*not exceeding*”.

In subparagraph 3.3 “and other tents” delete the text through and including “be” and insert “*is*”.

128. Add section 105.7 as follows:

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

129. Modify section 106.1 Submittals as follows:

Delete “Construction” and insert “*Subject to the provisions of Section 104.2.1, construction*”.

Delete “a registered design professional” and insert “*an appropriate person*”.

Delete “statutes of the jurisdiction in which the project is to be constructed” and insert “*Revised Code*”.

130. Modify section 106.2.2 Fire protection system shop drawings as follows:

Delete “Shop” and insert “*Subject to the provisions of Section 104.2.1, shop*”.

131. Modify section 106.2.4 Approved documents as follows:

After “Construction documents” delete “approved” and insert “reviewed”.

After “fire code official” in the first sentence insert “in accordance with Section 104.2.1 or construction documents approved by the fire code official”.

Before “approved with the intent” insert “reviewed and”.

132. Modify section 106.2.4.1 Phased approval as follows:

At the beginning of the first sentence delete “The” and insert “Subject to the provisions of Section 104.2.1, the”.

133. Add section 106.3.1 as follows:

106.3.1 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 and to the fire code official for review in accordance with Section 104.2.

134. Delete the text and title of section 107 Fees in their entirety and insert “Deleted”.

135. Modify section 108.2 Inspections as follows:

After “to conduct such inspections” insert “in accordance with Section 3737.14 of the Revised Code”.

136. Modify section 108.2.1 Inspection requests as follows:

Delete “It” and insert “When required by the fire code official or as a condition of a permit, it”.

137. Modify section 108.2.2 Approval required as follows:

Delete “Work” and insert “When required by the fire code official, work”.

138. Modify section 108.3 Concealed work as follows:

Delete “It” and insert “When required by the fire code official, it”.

In the second sentence, after “subject to” insert “an”.

Before “prior to” insert “as required by this code or Chapter 3731., 3737., or 3743. of the Revised Code”.

After “prior to” insert “its”.

Delete all of the text at the end of the second sentence beginning with “the fire code official” through and including “accessed for inspection” and insert “the responsible party, subject to Section 104.2.2, must uncover the work for fire code official inspection”.

139. Modify section 108.4 Approvals as follows:

After “ordinances of the jurisdiction” insert “, regardless of when such violations occurred”.

140. Modify section 109.1 Maintenance of safeguards as follows:

In the title, after “safeguards” insert “**and conditions as originally approved**”.

After “Where any” insert “*feature, including any*”.

After “level of protection,” insert “*installation, or construction,*”.

After “or any other feature” insert “*subject to this code*”.

After “with the provisions of this code” insert “*or the life safety portions of the building code*”.

After “or otherwise installed, such” insert “*feature, including any*”.

After “level of protection,” insert “*installation, or construction,*”.

After “thereafter be continuously” insert “*and properly*”.

After “maintained in accordance with this code” insert “, *the applicable portions of the building code,*”.

At the end of the section after “applicable referenced standards.” Insert “*Such features must also comply with and properly maintain all items required by any initial or subsequent approvals, authorizations, conditions, permits, variances, and certificates applicable to such features issued pursuant to this code, the building code, or other laws. All subsequent construction, alteration, modifications, or repairs to such features shall be done in accordance with this code and the building code.*”.

141. Modify section 109.6 Overcrowding as follows:

Insert the following at the beginning of the section before “Overcrowding or admittance”:

It shall be a violation of this code for a responsible person to permit or engage in the overcrowding of any structure, building or premise beyond the approved capacity of such structure, building or premise or in a manner that constitutes a hazard to the occupants of the location.

142. Modify section 110.1 Authority to disconnect service utilities as follows:

At the beginning the section after “The fire” delete “code” and insert “*chief or other fire*”.

After the very next occurrence of “official” insert “*in charge of an emergency response*”.

After “authority to authorize” insert “*or order the*”.

After “in order to safely execute” insert “necessary”.

Delete “eliminate” and insert “temporarily abate”.

After “immediate hazard” delete the remaining text in its entirety and insert “to the public or emergency responders. During non-emergency response conditions, the fire code official may order the disconnection of utility services to a building, structure, or system to abate hazards to the public and emergency responders in accordance with the provisions of Sections 3737.41 through 3737.51 of the Revised Code and Section 112.”.

- 143. Delete the title and text of section 111 Means of Appeals in its entirety (including all numbering and subsections) and insert the following:**

Section 111 Appeal of orders

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

- 144. Add sections 112.1.1 through 112.1.5.1 as follows:**

112.1.1 Imminent hazards. Conditions or practices in any building or upon any premises which violate the state fire code and are such that a fire or explosion hazard exists which could reasonably and imminently be expected to cause death or serious physical harm shall be addressed in accordance with Section 3737.44 of the Revised Code, including obtaining the authorization of the state fire marshal or chief deputy state fire marshal prior to the issuance of any oral orders directing that a building or premises be vacated immediately.

112.1.2 Distinct hazards. Structural or premise conditions constituting a distinct hazard, including as described in Section 102.1.1, shall, in addition to other remedies authorized by Sections 3737.41 through 3737.51 of the Revised Code, be resolved through the issuance of a citation in accordance with Section 3737.42 of the Revised Code. As described in Section 102.1.1, such a citation may require the application of the construction and design provisions of this code to an existing structure or condition, regardless of whether such location is in substantial compliance with the applicable version of the building code.

112.1.3 Serious hazards. If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds either of the following:

1. a structure, premise or location to be a “serious hazard” as that term is defined in this code; or

2. the conditions at such structure, premise or location constitute a violation of, or require the application of Section 107.6, 901.7 or 1001.2 to such places;

the state fire marshal, assistant state fire marshal, or certified fire safety inspector is authorized to verbally order or order in writing, on a form approved by the state fire marshal, the structure, premise or location to comply with the fire code, including as described in Section 107.6, 901.7 or 1001.2, or otherwise abate the conditions causing the serious hazard.

112.1.4. After issuance, verbal orders shall forthwith be reduced to writing on a form proscribed by the state fire marshal. Once written, all orders under this section shall be provided to the responsible person and prominently posted by the responsible person at the hazard site at a location observable by any members of the public at, or by any emergency responders to, the site. If no responsible person can readily be identified, the fire code official shall post the written orders at the site. Failure to comply with an order issued under this section is a violation of this code. All orders issued under this section shall be converted to a citation pursuant to Section 3737.42 of the Revised Code as soon as is practicable and shall include a reference to this section (so that a responsible person may appeal such order and associated code violations in accordance with Section 3737.43 of the Revised Code). If the state fire marshal, assistant state fire marshal, or certified fire safety inspector withdraws, modifies or cancels an order under this section, such official shall immediately provide written notification to the responsible person on a form proscribed by the state fire marshal.

112.1.5 General fire code enforcement (R.C. 3737.42(A)). If upon inspection or investigation, the state fire marshal, an assistant state fire marshal, or a certified fire safety inspector believes that the state fire code or associated order has been violated, including for a distinct or serious hazard, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation to the responsible person in accordance with Section 3737.42 (A) of the Revised Code and Section 112.3.

112.1.5.1 Minor hazards (R.C. 3737.42(B)). If a violation of this code has no direct or immediate relationship to safety or health, the state fire marshal, assistant state fire marshal, or the certified fire safety inspector may issue a notice in lieu of a citation with respect to such de minimis violation in accordance with division (B) of Section 3737.42 of the Revised Code and Section 112.1.5.1.1. If such violations are not remedied within the time frame established by the fire code official, such official may issue a citation in accordance with division (A) of Section 3737.42 of the Revised Code.

- 145. Renumber section 112.3 Notice of violation as section 112.1.5.1.1, relocate/indent it accordingly and further amend it as follows:**

In the title of the section after “Notice of” and before “violation” insert “de minimis”.

At the beginning the text, delete “Where” and insert “In accordance with division (B) of Section 3737.42 of the Revised Code, when”.

After “area that is in violation of this code,” insert “*but such a violation has no direct or immediate relationship to safety or health.*”.

After “authorized to prepare a written notice of” insert “*de minimis*”.

- 146. ReNUMBER section 112.3.1 Service as section 112.1.5.1.2, relocate/indent it accordingly and further amend it as follows:**

At the beginning of the section after “A notice of” insert “*de minimis*”.

- 147. ReNUMBER section 112.3.2 Compliance with orders and notices as section 112.1.5.1.3, relocate/indent it accordingly and further amend it as follows:**

At the beginning of the section after “A notice of” insert “*de minimis*”.

- 148. ReNUMBER section 112.3.3 Prosecution of violations as section 112.1.5.1.4, relocate/indent it accordingly and further amend it as follows:**

Delete the title of the section and insert “***Remedies for noncompliance***”.

Delete “promptly” and insert “*within the specified period of abatement*”.

After “the fire code official is authorized” insert “*to take further enforcement actions in accordance with Section 112.3 or*”.

After “abate such violation” delete the text beginning with “or to” through and including “in violation of the provisions”.

- 149. ReNUMBER section 112.3.4 Unauthorized tampering as section 112.1.5.1.5 and relocate/indent it accordingly.**

- 150. Insert section 112.1.6 as follows:**

112.1.6 Enforcement to remedy dangerous conditions. *If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds a building or other structure especially liable to fire or endangers life or other buildings or property, or finds a building or any premises with combustible, explosive or flammable materials which are dangerous to the safety of persons or finds any structure, tank, container or vehicle used for the storage, handling or transportation of flammable or combustible materials to be dangerous to the safety of persons, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation in accordance with Section 3737.41 of the Revised Code and Section 112.3. Nothing in this paragraph shall be construed as prohibiting or limiting a fire code official’s ability to take any other enforcement actions authorized by Chapter 3737. of the Revised Code, including issuance of citation pursuant to Section 3737.42 of the Revised Code.*

- 151. Amend section 112.2 Owner/occupant responsibility as follows:**

Delete “the owner’s authorized agent” and insert “*responsible person*”.

Before “be held responsible for” insert “also”.

152. **Add sections 112.3 through 112.3.5 as follows:**

112.3 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 section and Chapter 119. of the Revised Code.*

112.3.1 Form of citation. *Every citation and notice of hearing shall be in writing.*

112.3.2 Citation requirements. *Every citation shall be issued in accordance with Section 3737.41 or 3737.42 of the Revised Code.*

Each citation issued under Section 3737.42 of the Revised Code shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a certified fire safety inspector or an assistant fire marshal, a copy of the citation shall be furnished to the fire marshal.

112.3.3 Posting of citation by responsible party. *For each citation issued under Section 3737.42 of the Revised Code, a copy or copies of the citation shall be prominently posted by the responsible person at or near each place a violation referred to in the citation occurs and shall be clearly visible to any member of the public that enters a structure or premises that is subject to the citation. Citations shall remain posted until dismissed, the state board of building appeals authorizes the removal of the posted citation or all of the hazardous conditions in the citation are verified by the issuing agency as being remedied. If a responsible party refuses or is unable to post a citation, the fire code official is authorized to post citations issued by that authority at a location clearly visible to any member of the public that enters a structure or premises that is subject to the citation.*

112.3.4 Notice of appeal. *Every responsible person issued a citation under Section 3737.41 or 3737.42 of the Revised Code shall be given, as provided by Section 3737.43 of the Revised Code and within a reasonable time after such inspection or investigation and in accordance with Chapter 119. of the Revised Code, notice of the citation and penalty, if any, proposed to be assessed under Section 3737.51 of the Revised Code, and of the responsible person's right to appeal the citation and penalty, under Chapter 119. of the Revised Code, to the state board of building appeals established under Section 3781.19 of the Revised Code within thirty days after receipt of the notice.*

112.3.5 Service of citations. *Every citation and notice of hearing shall be delivered in accordance with Section 119.05 of the Revised Code. It shall be the responsibility of the agency serving adjudication documents to follow the most current provisions*

of Revised Code Chapter 119., including the service provisions contained in Section 119.05 of the Revised Code.

153. Delete the number, title and text of sections **112.4 Violation penalties** and **112.4.1 Abatement of violation** in their entirety and insert the following:

112.4 Civil penalties for violations of the Ohio Fire Code. Penalties are specified in Sections 3737.51 and 3737.99 of the Revised Code. In accordance with Section 3737.51 of the Revised Code, the fire code official may propose a civil penalty for each violation of this code as follows:

1. Any person who has received a citation for a serious violation of the fire code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars for each such violation.
2. Any person who has received a citation for a violation of the fire code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars for each such violation.
3. Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.
4. Any person who violates any of the posting requirements, as prescribed by division (C) of Section 3737.42 of the Revised Code, shall be assessed a civil penalty of not more than one thousand dollars for each violation.

112.4.1 Appropriateness of penalty. In accordance with division (F) of Section 3737.51 of the Revised Code, due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this chapter.

112.4.2 Serious violation. In accordance with division (G) of Section 3737.51 of the Revised Code, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

112.4.3 Payment of civil penalties. In accordance with division (H) of section 3737.51 of the Revised Code, civil penalties imposed by this chapter shall be paid to the fire marshal for deposit into the general revenue fund. Such penalties may be

recovered in a civil action in the name of the state brought in the court of common pleas of the county where the violation is alleged to have occurred.

154. Amend section 113.1 Authority as follows:

After “official finds any work” insert “relating to the fire prevention provisions of Chapter 3781. and 3791. of the Revised Code or work subject to Section 104.2.1 contrary to the approved plans or work otherwise”.

After “contrary to the provisions of” insert “*the Revised Code or*”.

After “this code,” and before “in a dangerous or unsafe manner” delete “or”.

After “the fire code official is authorized” insert “, *subject to Section 104.2.2,*”.

After “issue a stop work order” insert “*in accordance with Section 3781.031 of the Revised Code or this code*”.

155. Amend section 113.2 Issuance as follows:

At the beginning of the section delete “The” and insert “A”.

Before “in writing” insert “*issued in accordance with Section 3737.42 of the Revised Code, be*”.

After “person performing the work” insert “*and a copy shall be provided to the building official having jurisdiction*”.

156. Amend section 113.3 Emergencies as follows:

After “Where an emergency exists,” insert “*meeting the definition of an imminent hazard as described in Section 3767.44 of the Revised Code,*”.

After “prior to stopping the work” insert “, *provided that the stop work order is issued in accordance with and as part of actions filed or taken under Sections 3737.44 and 3737.46 of the Revised Code*”.

157. Amend section 113.4 Failure to comply as follows:

Delete “fines established by the authority having jurisdiction” and insert “*penalties in accordance with Section 112.4 or other applicable laws, rules and regulations*”.

158. Amend section 114.1 General as follows:

After “inspection of a premises,” insert “*the fire code official finds*”.

Delete “clear and inimical threat to human life, safety or health” and insert “*dangerous condition described in division (A), (B) or (C) of Section 3737.41 of the Revised Code*”.

Delete “notice or” and insert “*citation and*”.

Delete “this section,” and insert “Section 3737.41 of the Revised Code”.

Before “refer the building” insert “, as appropriate.”.

Delete “official” and insert “department”.

At the end of the section after “or demolition required.” insert “Nothing in this section shall be construed as prohibiting or limiting a fire code official’s ability to take any other enforcement actions authorized by Chapter 3737. of the Revised Code, including issuance of a citation pursuant to Section 3737.42 of the Revised Code.”

159. Modify section 114.1.1 Unsafe conditions as follows:

Delete “, insanitary”.

Delete “, inadequate light and ventilation.”.

Before “that constitute” insert “conditions”.

Delete all text in the next to last sentence (beginning with “Unsafe structures” through and including “as provided for in this section.”).

160. Add sections 114.1.1.1 through 114.1.1.4 as follows:

114.1.1.1 If the fire code official finds an unsafe condition as described in this section that constitutes an imminent hazard, as that term is used in Section 3737.44 of the Revised Code, such fire code official shall take actions as required by Section 3737.44 of the Revised Code and Section 112.1.1.

114.1.1.2 If the fire code official finds an unsafe condition as described in this section 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.

114.1.1.3 If the fire code official finds an unsafe condition as described in this section 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. This includes the issuance of a citation for a distinct hazard pursuant to Section 112.1.2 and for a serious hazard pursuant to Section 112.1.3.

114.1.1.4 If the fire code official finds an unsafe condition as described in this section that constitutes a de minimus hazard that has no direct or immediate relationship to safety of health, such fire code official shall take such enforcement actions as provide for in this rule including, but not limited to, the issuance of a notice pursuant to division (B) of Section 3737.42 of the Revised Code and Section 112.1.5.1.

161. Modify section 114.2 Evacuation as follows:

At the beginning of the section, delete “The” and insert “As authorized by and in accordance with division (C) of Section 3737.44 of the Revised Code, the”.

Delete “or the fire department official in charge of an incident” at all occurrences (2).

162. Modify section 114.3 Record as follows:

Delete the section title and text in their entirety and insert “**General requirements.** All Enforcement actions taken under this section shall comply with the provisions of Section 112 and Sections 3737.41 through 3737.51 of the Revised Code.

163. Modify section 114.4 Notice as follows:

Delete the section title and all text in their entirety and insert “Deleted.”.

164. Modify section 114.5 Method of service as follows:

Delete the section title and all text in their entirety and insert “Deleted.”.

165. Modify section 114.6 Restoration of abatement as follows:

After “restored to a safe condition. The” insert “responsible person, including the”.

After “deemed unsafe by the fire code official” insert “,”.

After “or other approved corrective action” insert “in accordance with the provisions of Section 112 and Sections 3737.41 through 3737.51 of the Revised Code”.

In the last sentence, delete “Section” and insert “this code, including Sections 102.3 and”.

After “105.1.5” insert “,”.

Delete “International Existing Building Code” and insert “building code”.

166. Modify section 114.7 Summary abatement as follows:

Delete the section title and all text in their entirety and insert “Deleted.”.

167. Add sections 115 through 126 as follows:

Section 115 State fire marshal permits and inspection fees

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

Exceptions:

1. If a manufacturer or wholesaler of fireworks has paid an original or a renewal licensure application fee in accordance with Section 5616.1, then the manufacturer or wholesaler of fireworks is not required to pay a fee for the Class 1 magazine storage permit required by Section 105.1.1.1.1.

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

115.1.1 Fees for multiple permits. *When multiple permits are applied for to the state fire marshal for a specific event or approved construction at the same location, such permit application may be consolidated into a single permit application. The total fees otherwise required for such multiple permits may be consolidated into a single fee, which may be reduced at the discretion of the state fire marshal in an amount proportionate to the corresponding inspection activity.*

115.2 Construction inspection fees. *The state fire marshal shall require new construction inspection fees as follows:*

1. Initial inspection fee of two hundred dollars.
2. Re-inspection fee of fifty dollars.
3. First follow-up inspection fee of one hundred dollars.
4. Second follow-up inspection fee of one hundred-fifty dollars.
5. Third follow-up inspection fee of two hundred dollars.
6. Fourth follow-up inspection fee of three hundred dollars.
7. Subsequent follow-up inspection fees are increased in fifty-dollar increments.

115.3 Fire safety inspection fees. *The state fire marshal shall require fire safety inspection fees for all other inspections as follows:*

1. Inspection fee of one hundred dollars.
2. First re-inspection fee of fifty dollars.
3. Second re-inspection fee of seventy-five dollars.
4. Subsequent re-inspection fees are increased in fifty-dollar increments.

Exceptions:

1. The inspection fee for the initial inspection conducted pursuant to the application for any license issued by the state fire marshal shall be included in the application fee.
2. Fire safety inspection fees for child daycare and child foster homes caring for eleven or fewer children shall be fifty dollars.

3. Fire safety inspection fees for the storage of explosives and explosive materials are waived for storage facilities located on a licensed premises pursuant to Chapter 3743. of the Revised Code and Chapter 56.

Section 116 Amendments to the fire code

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

116.1.1. *The adoption, amendment or rescission of any provision of this code shall be accomplished according to Chapter 119. and Sections 3737.82 and 3737.86 of the Revised Code.*

116.2 *The petition shall include the following:*

1. The date the petition is submitted;
2. The number of the section of this code which is proposed for amendment, adoption or rescission;
3. The section numbers of all other sections of this code which will be affected by the matter proposed;
4. The name and address of the petitioner and the name of the petitioner's representative if a representative is employed;
5. The provisions of this code, which are proposed for adoption, amendment or rescission stated in full and in the form specified in this rule;
6. The reasons for and purpose of the matter proposed.

116.3 Changes. *Petitions for adoption, amendment or rescission of this code, required under this chapter, shall conform to the requirements of this rule including:*

116.3.1. *All matter proposed to be eliminated from this code shall be deleted by means of striking through the text.*

116.3.2. *All proposed new matter to be inserted into this code shall be inserted and be underlined.*

Section 117 Notice of public hearing

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

117.2 *The state fire marshal shall cause:*

1. *A statement of its intention to consider adopting, amending or rescinding a chapter;*
2. *A synopsis of the proposed chapter, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed chapter, amendment, or rescission relates;*
3. *A statement of the reason or purpose for adopting, amending or rescinding the chapter;*
4. *Public notice to be filed with the "Legislative Service Commission" and the "Joint Commission on Agency Rule Review" on the "Register of Ohio."*

117.3 *The state fire marshal shall be authorized to give additional notice to such public hearing as the state fire marshal deems necessary; however, the giving of such additional notice shall not be mandatory and the failure to give notice by any means other than as specified in Section 117.2 shall not in any way invalidate any action which may be taken by the state fire marshal.*

Section 118 Research reports and testing laboratories

118.1 *In those cases in which a product is proposed for use in Ohio, but such product does not meet specific standards set by the "Ohio Fire Code," the state fire marshal may require authenticated research reports from conformity assessment bodies recognized by the board of building standards pursuant to Section 114 of the "Ohio Building Code." If no applicable or appropriate conformity assessment body is recognized by the board of building standards for the product proposed for use in Ohio, the state fire marshal may require authenticated research reports from approved authoritative sources to assist in determining the acceptability of that product.*

118.2 *Authoritative sources recognized by the state fire marshal for matters not within the scope of the building code, or as otherwise determined by the state fire marshal, include but are not limited to:*

American National Standards Institute, Inc. (ANSI)
25 West 43rd Street
New York, New York 10018

American Society of Testing Materials (ASTM)
PO Box C700

West Conshohocken, Pennsylvania 19428-2959

National Institute of Standards and Technology (NIST)
Building and Fire Research Laboratory
100 Bureau Drive
Building 226, Room B216
Gaithersburg, Maryland 20899-8600"

Underwriters' Laboratories, Inc. (UL)
333 Pfingsten Road
Northbrook, Illinois 60062

Underwriters Laboratories of Canada (ULC)
7 Underwriters Road
Scarborough, Ontario, Canada M1R 3A9

Section 119 Flammability of consumer goods

119.1 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 chapter, only those chapters or portions of those chapters which are identical to the federal standards shall remain in effect.

Section 120 Procedure in the event of fire

120.1 Notification of fires in buildings. In the event of an unfriendly fire in any building regulated by the building code, the responsible person shall, in accordance with Section 3737.63 of the Revised Code, immediately and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire and shall spread an alarm immediately to all occupants of the building.

120.2 Notification of fires at a premises. In the event of an unfriendly fire at any premises, the responsible person shall immediately and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire and shall spread an alarm immediately to all occupants of the premises.

120.3 Reporting of fires. Unfriendly fires shall be reported to the fire department having jurisdiction. As described in Section 104.6.3, the fire chief or other specified authority shall make a report and forward a copy of said report to the state fire marshal of such unfriendly fires. As required by Section 3737.24 of the Revised Code, the reporting official shall immediately notify the state fire marshal of the fire being investigated in accordance with that section, and within one week of the occurrence of the fire shall furnish the state fire marshal with a written statement of all facts relating to its cause

and origin and such other information as is required by forms provided by the state fire marshal.

Section 121 Hotel and SRO facility license

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

121.1.1. *As required by division (D) of Section 3731.03 of the Revised Code, all hotel and SRO licenses shall expire on the last day of December of each year. All applications to renew a license to operate a hotel shall be submitted to the state fire marshal in accordance with this section.*

121.1.2. *If any owner, operator, lessee, or responsible person in control of a hotel or SRO facility licensed pursuant to Chapter 3731. of the Revised Code and this section maintains or operates a hotel or SRO facility where accommodations for assignment purposes are furnished, or if any owner, operator, or responsible person in control of such a hotel or SRO facility has been convicted of keeping a place in violation of the law relating to houses of assignment or places of public nuisance the owner, operator, or responsible person shall notify the state fire marshal of the conviction or finding in writing by submitting a copy of the judgement entry or other court termination or of the operation in writing by submitting other documentation notifying the state fire marshal of the activity. The notification to the state fire marshal shall be made within 60 days of the activity, the conviction or the finding, or upon submission of a license renewal application, whichever is earlier.*

121.2 Definitions. *The following terms are defined in Chapter 2.*

Agricultural labor camp.

Apartment house.

Approved.

Boarding, lodging, rooming house.

Constantly attended location.

Cooking devices.

Cooking device listed as safe for residential use.

Dwelling unit.

Dwelling unit features.

Efficiency unit.

Emergency egress routes/Escapes routes.

Extended stay hotel.

Guestroom.

[Hospital/college] Dormitory.

Hotel.

Light hazard occupancy.

Person/responsible person.

Residential hotel.

Residential premises.

Single room occupancy.

Sleeping room.

SRO facility.

Temporary residence.

Transient.

Transient hotel.

Transient 270 day stay hotel room.

121.3 Hotel and SRO facilities.

121.3.1 “Hotel” does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories.

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

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

121.3.3.1 Upon initial application for licensure or upon request of the state fire marshal, a hotel or SRO facility seeking approval of separated uses as described in Section 121.3.2, must submit to the state fire marshal a valid certificate of occupancy that clearly indicates the separation of such uses as issued by the building official having jurisdiction and any other documentation requested by the state fire marshal.

121.3.3.2 The state fire marshal shall not issue more than one hotel or SRO license for any structure.

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

121.3.5 For purposes of determining compliance with administrative licensure requirements, each hotel or SRO facility shall maintain on the premises, a register or guest information records or written occupancy agreement for a period of two years and provide such information upon request of the state fire marshal or fire code official. The register, guest information records or written occupancy agreements shall clearly indicate the dates of arrival and departure for occupants in such guestroom.

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

121.3.7 Every hotel and SRO facility shall have proper plumbing, lighting and ventilation installed and maintained in accordance with the building code, plumbing code and mechanical code and this code.

121.3.8 The responsible person for the hotel or SRO facility must safely and properly maintain the building, structure, premises or lot at all times in accordance with this code, other jurisdictional codes and ordinances and the International Property Maintenance Code.

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

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

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

121.4 Transient hotels.

121.4.1 The requirements of this section are specific to licensed transient hotels but the responsible person and licensee of the licensed transient hotel is not exempt from the requirements of Section 121.3.

121.4.2 No person licensed to operate a transient hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed transient hotel, unless the licensee complies with the requirements of Sections 121.3.3, 121.3.3.1 and 121.3.3.2.

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

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

1. Not more than 40 percent of the total transient guestrooms and sleeping rooms in the facility are transient 270 day stay hotel rooms.
2. The designation of specific guestrooms or sleeping rooms on the license application or change of status application as 270 day stay hotel rooms does not change to another category or type during the annual hotel license period.
3. The responsible person or licensee of the licensed transient hotel submits the list of 270 day stay hotel room numbers to the state fire marshal not less than 30 days prior to the first day any guest is allowed to stay in any 270 day stay hotel room.
4. The responsible person or licensee of the transient hotel designates each specific 270 day stay hotel room by room number.

5. The building official having jurisdiction and the state fire marshal have approved the existing fire alarm system.
6. 270 day stay hotel room guests do not accumulate combustible materials within the 270 day stay hotel rooms to the point that the hazard classification of the hotel room would no longer be light hazard in the opinion of the fire code official.
7. No cooking devices except for those listed as safe for residential use as the terms are defined in Chapter 2 are stored or used within the 270 day stay hotel room.
8. Smoke detectors, which shall be properly installed in all guestrooms and sleeping rooms of a transient hotel that provides 270 day stay hotel rooms to guests, annunciate at a constantly attended location from which the structure's fire alarm system can be manually activated.
9. A means to manually activate the structure's fire alarm system is provided at the constantly attended location where the guestroom or sleeping room smoke detectors are annunciated.

121.5 Extended stay hotels.

121.5.1 The requirements of this section are specific to licensed extended stay hotels but the responsible person and licensee of the licensed extended stay hotel is not exempt from the requirements of Section 121.3.

121.5.2 No person licensed to operate an extended stay hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed extended stay hotel, unless the licensee complies with the requirements of Sections 121.3.3, 121.3.3.1 and 121.3.3.2.

121.5.3 No person shall operate an extended stay hotel as defined in Chapter 2 without first obtaining a license from the state fire marshal for the extended stay hotel licensure category pursuant to Section 121.1.

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

121.5.4.1 The building official having jurisdiction shall approve through a valid certificate of occupancy and the state fire marshal shall approve any dwelling unit or other room that is to be used for stays of less than thirty (30) days. This

certificate of occupancy shall indicate the specific rooms within the structure that are approved for use as transient sleeping rooms.

121.5.5 The state fire marshal shall not issue an extended stay hotel license for a facility and no person shall operate a facility as an extended stay hotel as defined in Section 121.5.3 No person shall operate an extended stay hotel as defined in Chapter 2 without first obtaining a license from the state fire marshal for the extended stay hotel licensure category pursuant to Section 121.1 unless a valid certificate of occupancy has been obtained for the facility.

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

121.5.7 Provisions for eating within the dwelling unit shall be provided and shall consist of appropriate furnishings for the consumption of food.

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

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

121.6 Residential hotel.

121.6.1 The requirements of this section are specific to licensed residential hotels but the responsible person and licensee of the licensed residential hotel is not exempt from the requirements of Section 121.3.

121.6.2 No person licensed to operate a residential hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed residential hotel, unless the licensee complies with the requirements of Sections 121.3.3, 121.3.3.1 and 121.3.3.2.

121.6.3 No person shall operate a residential hotel as defined in Chapter 2 without first obtaining a license from the state fire marshal for the residential hotel licensure category pursuant to Section 121.1.

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

121.6.5 Responsible persons and licensees of licensed residential hotels shall, upon request of the dwelling unit guest, provide furniture adequate for living, eating, cooking, sanitation and sleeping within the dwelling unit. Furniture or furnishings provided for sleeping and sanitation shall include bed, blankets, sheets and pillowcases, towels and washcloths. The residential hotel may charge appropriate additional fees for the provision of any furniture or provisions pursuant to this section.

121.7 Licensure.

121.7.1 To obtain a new or renewal hotel or SRO facility license, the applicant shall submit to the state fire marshal an application with the appropriate fee payment as set forth in Section 121.7.3. The application shall be in a form as prescribed by the state fire marshal and shall include all information required by Chapter 3731. of the Revised Code, by this section and by the state fire marshal.

121.7.2 Each applicant for a hotel facility license shall specify on the application provided by the state fire marshal the appropriate licensure category, indicating whether the facility is a transient hotel (including those that contain transient 270 day stay hotel rooms), extended stay hotel, or a residential hotel as those terms are defined in Chapter 2.

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

121.7.2.1.1 Each applicant for a transient hotel facility license shall specify on the application provided by the state fire marshal which rooms, meeting the requirements of Section 3731.041 of the Revised Code, by room number, are offered for a period of more than 30 days but less than 270 days.

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

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

121.7.2.2.2. The valid certificate of occupancy shall list the specific rooms by room number that are approved as dwelling units. In addition, the valid certificate of occupancy shall demonstrate that the dwelling units have both of the following types of features:

1. The required dwelling unit features for non-transient residence purposes in accordance with the residential group R-2 use and occupancy classification adopted by the board of building standards pursuant to Section 3781.10 of the Revised Code, or any subsequent classification established by the board that is substantially similar to that classification;
2. All of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the board pursuant to that paragraph, or any subsequent classification established by the board that is substantially similar to that classification.

121.7.2.3 Each applicant for a SRO facility license shall complete the application provided by the state fire marshal.

121.7.2.3.1 Upon initial application or request of the state fire marshal, each applicant for an SRO facility license shall provide a valid certificate of occupancy demonstrating a use group classification for the SRO facility of R-2 as approved and issued by the building official having jurisdiction. Any facility operating prior to October 16, 1996, in the nature of 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.

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

121.7.2.4. Each applicant for a residential hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal such documentation shall include a valid certificate of occupancy demonstrating that each unit the licensee intends to use as a residential stay guestroom has been specifically approved as a dwelling unit or efficiency containing provisions for living, eating, cooking, sanitation and sleeping. In addition, the certificate of occupancy shall demonstrate that the hotel has all of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the board of building standards pursuant to Chapter 3781. of the Revised Code.

121.7.2.4.1. Each applicant for a residential hotel facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods exceeding 30 days.

121.7.2.5. **Transfer and information changes.** If the ownership of a hotel or SRO facility is transferred from one person to another person, upon the sale or disposition of the hotel or SRO facility or its removal to a new location, the new owner shall request a transfer of the license from the state fire marshal. No license shall be transferred without the consent of the state fire marshal. A completed application as prescribed by the state fire marshal for transfer shall be received by the state fire marshal no later than the earlier of the following:

1. The end of the calendar year in which the transfer occurred; or
2. 90 days from the date of the transfer; or
3. Upon submission of an application to renew a hotel license.

Exception: Transfers of a license occurring before the effective date of this code shall be submitted to the state fire marshal within ninety (90) days from the effective date of this code.

Transfer fees shall be assessed in accordance with Section 121.7.3.4.

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.

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

121.7.3 License fees.

121.7.3.1 **Initial license fees.** The initial licensure fee for a new hotel or SRO facility shall be:

1. For all hotels or SRO facilities with exterior corridor rooms only, two thousand dollars;

2. For all hotels or SRO facilities with interior corridor rooms only, three thousand dollars;
3. 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.

121.7.3.2 Renewal, reactivation and re-application fees. On or before December first of each year a renewal application as prescribed by the state fire marshal shall be submitted with the appropriate renewal fee. The renewal fee for each hotel or SRO facility license shall be as follows:

1. For a hotel or SRO facility containing at least six but less than twenty-six rooms, twenty-five dollars;
2. For a hotel or SRO facility containing at least twenty-six but less than fifty-one rooms, fifty dollars;
3. For a hotel or SRO facility containing at least fifty-one but less than seventy-six rooms, seventy-five dollars;
4. For a hotel or SRO facility containing seventy-six or more rooms, one hundred dollars.

Beginning with the renewal application process for the licensing year commencing January 1, 2019, renewal applications received after the last day of December of each year shall be made inactive and require reactivation. The reactivation fee shall be three hundred dollars which shall be paid in addition to the renewal fee. Beginning with the renewal application process for the licensing year commencing January 1, 2019, renewal applications received on or after March 1st shall be considered a new application in accordance with Section 121.7 and shall pay fees in accordance with Section 121.7.3.1. Hotel or SRO facilities that fail to timely renew their licenses on or before December 31st, shall cease to operate as a hotel or SRO facility until a valid license to operate is issued to the facility by the state fire marshal.

121.7.3.3 Change of license information. Changes to license information shall require a twenty-five-dollar fee.

121.7.3.4 Transfer of license. The fee for the transfer of a license shall be five hundred dollars and a completed application for transfer shall be accompanied by documentation evidencing the sale or transfer as required by the state fire marshal. Any transfer application that is not received in a timely manner as set forth in Section 121.7.2.5 shall be accompanied by a late fee of two hundred and fifty dollars in addition to the five-hundred-dollar transfer fee.

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

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

121.7.3.7 Duplicate license. *An application for a duplicate hotel or SRO license shall be made in writing to the state fire marshal and shall be accompanied by a ten-dollar fee.*

121.7.3.8 Automatic denial for non-payment. *An application for any license issued pursuant to Section 121 shall be automatically denied if an applicant fails to provide valid payment for any fee related to an application. If a license is issued by the state fire marshal prior to the return and/or invalidation of a payment, including but not limited to return for insufficient funds, the license application shall, in accordance with Chapter 119 of the Revised Code, be deemed denied as of the expiration date of the previous license cycle and any license that may have been issued shall be deemed null and void.*

121.7.4 Removal, transfer and licensing of a portion of a facility.

121.7.4.1 *If a licensee seeks to remove or transfer a portion of a currently licensed hotel or SRO facility, the licensee shall notify the state fire marshal in writing of such portions of the licensed hotel or SRO facility premises that are to be affected by the change to license information and pay the fee set forth in Section 121.7.3.3.*

121.7.4.2 *To add a previously licensed portion of a licensed premises to a current hotel or SRO facility license, the licensee shall apply to the state fire marshal to change the license information. Such application shall include documentation as required by the state fire marshal including, but not limited to, a valid certificate of occupancy in accordance with Sections 121.7.2.1 through 121.7.2.4.1. This application shall reflect the entire hotel or SRO facility.*

121.7.4.3 *To add a newly constructed portion that would change the total number of guestrooms, sleeping rooms and/or dwelling units to an existing licensed hotel or SRO facility, the licensee shall apply to the state fire marshal to change the license information. Such application shall include documentation as requested by the state fire marshal including, but not limited to, a valid certificate of*

occupancy in accordance with Sections 121.7.2.1 through 121.7.2.4.1. This application shall reflect the entire hotel or SRO facility.

121.7.4.4 The state fire marshal shall not issue more than one hotel or SRO facility license for a hotel or SRO facility or portion thereof as licensed under this section.

121.7.5 Compliance.

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

121.7.5.1.1 No hotel or SRO facility shall be maintained, conducted, or advertised without a license.

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

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

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

121.7.5.1.5 No person shall fail or refuse to comply with Sections 3731.01 through 3731.21 of the Revised Code, this paragraph or the state fire code adopted pursuant to Section 3737.82 of the Revised Code.

121.7.5.1.6 No person, licensed hotel, or licensed SRO shall engage in any hotel or SRO facility construction, alteration, modification, or repair activity subject to the plan submission or approval processes or permit processes of the building code or fire code without obtaining all such necessary approvals and permits and fully complying with such processes, the building code and the fire code for such activities.

121.7.5.1.7 No person, licensed hotel, or licensed SRO shall engage in any hotel or SRO facility construction or operations or activity in a manner or condition that violates the building code or the fire code.

121.7.5.1.8 Each day of violation of Sections 121.7.5.1.1 through 121.7.5.1.5 constitutes a separate offense.

121.7.5.1.9 In accordance with Section 121.7.3.8, no applicant shall fail or refuse to provide valid payment for any fee related to an application submitted in accordance with Chapter 3731. of the Revised Code.

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

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

121.7.5.4 Compliance. The owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with Section 121.7.5.3 shall bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this section or the state fire code adopted pursuant to Section 3737.82 of the Revised Code within a reasonable time set by the state fire marshal.

121.7.5.5 Methods of enforcement. If an owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with Section 121.7.5.3 does not bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to Section 3737.82 of the Revised Code within a reasonable time set by the state fire marshal, the state fire marshal may take any enforcement actions permitted by law including, but not limited to, issuance of a notice of opportunity for hearing to deny, suspend or revoke licensure, issuance of a citation pursuant to Section 3737.41 and/or 3737.42 of the Revised Code, injunctive relief pursuant to Sections 3731.05, 3731.21 and 3737.44 through 3737.46 of the Revised Code and/or criminal prosecution pursuant to Sections 3731.03, 3731.05 and 3731.99 of the Revised Code.

121.7.5.5.1 Nothing in this section shall be construed to limit the authority of the state fire marshal to take any action permitted under Sections 3737.41 to

3737.51 of the Revised Code against a hotel or SRO facility in addition to or instead of taking action against the hotel or SRO facility, or the license issued to the hotel or SRO facility under Chapter 3731. of the Revised Code or this chapter.

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

121.7.6 Licensure limitations.

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

Section 122 Small government fire department services revolving loan program

122.1 Scope. This section applies to the small government fire department services revolving loan program.

122.2 Definitions. The following terms are defined in Chapter 2:

Qualifying small government.

Fire district.

Joint fire district.

State fire marshal.

Joint fire and ambulance district.

Loan.

122.3 Qualifications.

122.3.1 Currently operating. Only a qualifying small government that meets the definition of “qualifying small government” as that term is defined in Chapter 2 and that meets one of the following is eligible to receive a loan:

1. The qualifying small government currently operates a fire department organized under Section 505.37, 505.371, 737.21 or 505.375 of the Revised Code; or

2. The qualifying small government is a township or municipality that has adopted a resolution or ordinance authorizing the creation of a fire department, fire district, joint fire district or joint fire and ambulance district under one of the sections listed above.

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

122.4 Applications filing.

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

122.4.2 Postmark. Only applications that are postmarked on or before the application deadline established by the state fire marshal and have been delivered to the state fire marshal's office within seven days of that deadline will be considered by the state fire marshal.

122.4.3 Electronic applications. For electronically submitted applications, only applications that are completed and filed by the deadline established by the state fire marshal will be considered by the state fire marshal.

122.5 Applications-content. In its applications the qualifying small government shall:

1. Explain how it qualifies for the loan.
2. 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.
3. Describe the benefits to its citizens the loan will provide that are not currently available to them.
4. Describe why the small government is not able to provide this service through the use of its own funds.
5. Provide information concerning the total income available from all sources to provide fire and/or fire and ambulance service.
6. 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.

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

122.6 Requirements for buildings constructed or equipment purchased.

122.6.1 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.

122.6.2 Any fire apparatus purchased with funds from a loan shall meet the requirements of Chapter 4121:1-21 of the Administrative Code.

122.6.3 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.

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

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

122.7 Applications for qualifying small governments outside of application period. At the discretion of the state 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:

1. The qualifying small government had a local emergency or disaster or is included in an area where a disaster has been declared by the governor.
2. The events of the local emergency or disaster have damaged or destroyed vehicles, buildings or equipment necessary to provide fire or fire and ambulance services.
3. 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.
4. The loan fund has necessary moneys to provide the loan.

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

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

122.8.2 Resolution or ordinance required. *Promptly after receiving notification that the state fire marshal intends to grant a loan to the qualifying small government, the qualifying small government must adopt a resolution or ordinance which shall:*

- 1. Authorize the small government to accept the loan;*
- 2. Agree to conditions of the loan as stipulated by the state fire marshal including the authority to execute any documents necessary to grant or secure the loan.*

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

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

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

122.8.6 Release of funds. *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 terms of the loan agreement.*

122.9 Repayment.

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

122.9.2 *The repayment or amortization schedule shall not extend beyond twenty years.*

Section 123 Fire department grants

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

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

123.2 Definitions. *The following terms are defined in Chapter 2:*

Certified training program.

Fire department.

Joint fire district.

MARCS grant.

Small municipality or small township.

Volunteer fire department.

Volunteer firefighter.

123.3 Eligibility. *Eligible recipients for grants awarded under this section are:*

1. A volunteer fire department;
2. A fire department that serves one or more small municipalities or small townships;
3. A joint fire district comprised of departments that primarily serves small municipalities or small townships;
4. The local unit of government responsible for:
 - 4.1 A fire department;
 - 4.2 A fire department that serves small municipalities or small townships; or
 - 4.3 A portion of a joint fire district comprised of volunteer departments that primarily serves small municipalities or small townships; and

5. The local unit of government responsible for the provision of fire protection services for a small municipality or small township.
6. For the purpose of these grants, a private fire company, as that phrase is defined in Section 9.60 of the Revised Code, that is providing fire protection services under contract for a political subdivision of this state, is an additional recipient for a training grant.

123.4 General terms and conditions.

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

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

123.4.3 For each fiscal year, the state fire marshal shall, as the state fire marshal determines is appropriate, apportion the available grant funds for expenditure for any of the particular purposes allowed under this paragraph. Each eligible recipient may receive only one grant for each state fiscal year for which funds are made available by the Ohio General Assembly, but such a grant may be awarded by the state fire marshal in multiple parts, including for the purposes described in Sections 123.6.1.1 through 123.6.1.2, to an eligible recipient during a state fiscal year.

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

123.4.5 All grants awarded are subject to the availability of funds.

123.4.6 Repayment of non-used funds. The state fire marshal may require repayment to the state of Ohio any or all of a grant should an eligible recipient fail, after a reasonable time, to expend all or any part of its grant.

123.4.7 Repayment of funds used for purposes other than those approved. Should the eligible recipient expend any portion of or the entire grant for any purpose other

than that which was approved by the state fire marshal, the state fire marshal may require repayment of that amount to the state of Ohio.

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

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

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

123.4.11 Joint applications. Joint applications for grants by eligible recipients are authorized in accordance with the biannual uncoded legislation establishing these state fire marshal grant program policies.

123.5 Application.

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

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

123.6 Award of grant funds. Grants awarded under this section are divided into two parts: equipment and training grants.

123.6.1 In determining which eligible recipients will receive awards, the state fire marshal shall consider:

1. The population protected by the eligible recipient;
2. The size of the area for which the eligible recipient provides fire protection;

3. The operating budget of the eligible recipient from both public and private sources;
4. The intended use of the grant funds by the eligible recipient;
5. The number of fires occurring within the area protected by the eligible recipient as evidenced by reports filed with the state fire marshal under Section 3737.24 of the Revised Code;
6. The amount of money being requested by the eligible recipient; and
7. Additional factors which the state fire marshal determines necessary to assist in determining which eligible recipient should receive a grant.

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

1. The acquisition of firefighting or rescue equipment, gear or similar items; or
2. For other fire department needs related to the provision of fire protection services.

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

123.6.2.1. As periodically authorized by the General Assembly, MARCS grant awards may be up to \$50,000 in each state fiscal year per eligible recipient. Each eligible recipient may only apply, as a separate entity or as a part of a joint application, for one MARCS grant per state fiscal year. The state fire marshal may give a preference in awarding MARCS grants to grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and is adjacent to the applicant. Eligible recipients that are or were awarded fire department grants that are not MARCS grants may also apply for and receive MARCS grants in accordance with criteria for the awarding of grant funds established by the state fire marshal. Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

123.6.3 Training grants.

123.6.3.1 The state fire marshal may award training grants to eligible recipients under this section for any of the following purposes:

1. Reimbursement of the costs of certified firefighter training programs for individual firefighters, including instructional and administrative costs and the cost of training manuals, workbooks and other similar items.
2. Reimbursement of the cost of in service or advanced training courses provided by the Ohio fire academy, including, "Fire Officer 1," "Fire Officer 2," "Emergency Vehicle Operations," "Structural Fire Attack 101," "Training in Acquired Structures" and "Understanding Fire Behavior."

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

123.6.3.3 Expenses for travel, food and lodging are not eligible for reimbursement under this section.

Section 124 Special provisions

124.1 Child day-care centers and Type A family day-care homes.

124.1.1 Minimum standards for fire prevention and safety. Pursuant to Sections 3737.83(E) and 5104.05 of the Revised Code, this code shall constitute the minimum standards for fire prevention and fire safety in child day-care centers and in Type A family day-care homes.

124.1.2 Annual Inspection. Pursuant to Section 5104.05 of the Revised Code, the state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the child day-care center or the type A family day-care home is located shall inspect the type A home prior to initial occupancy as a Type A day-care home and annually thereafter to determine if the type A home is in compliance with rules promulgated by the fire marshal pursuant to Section 3737.83 of the Revised Code regarding fire prevention and fire safety in a type A home.

124.1.2.1 Inspection authority. Pursuant to Section 5104.051 of the Revised Code, the state fire marshal is responsible for the inspections required by divisions (A)(2) and (B)(1) of Section 5104.05 of the Revised Code. In municipal corporations and in townships outside municipal corporations where there is a fire prevention official, the inspections shall be made by the fire chief or the fire prevention official under the supervision of and according to the standards established by the state fire marshal. In townships outside municipal corporations where there is no fire prevention official, inspections shall be made by the employees of the state fire marshal.

124.1.2.2 Conflicting interpretations of fire safety statutes or rules. Pursuant to Section 5104.051 of the Revised Code, the state fire marshal shall enforce all statutes and rules pertaining to fire safety and fire prevention in child day-care centers and type A family day-care homes. In the event of a dispute between the state fire marshal and any other responsible officer under Sections 5104.05 and 5104.051 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the state fire marshal shall prevail.

124.1.3 Applicability of this code. To the extent that a Type A family day-care home is exempt from classification in a specific occupancy classification in the building code, the structure housing the Type A family day-care home is exempt from compliance with the construction and design provisions of this code, except as described in this section, for such occupancy classifications unless such locations constitute a distinct hazard. All operational and maintenance provisions of this code shall apply to all Type A family day-care homes.

124.1.3.1 Compliance with this code. Prior to and during the occupancy of a structure as a Type A family day-care home, such home shall comply with the Type A checklist listed in Appendix A of Chapter 1. All Ohio Fire Code sections listed or incorporated into that checklist shall apply to all Type A family day-care homes and such sections may be used as the basis for all fire code enforcement actions permitted under this code. It shall be a violation of this code to occupy or permit occupancy of a Type A daycare in violation of this section, the Type A checklist and its incorporated fire code provisions or the operational and maintenance provisions of this code.

124.2 Type B family daycares.

124.2.1 Inspection. The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of the department of job and family services, as a precondition of approval by the state board of education under Section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. Prior to and during the occupancy of a structure as a Type B home subject to this section, the home shall be inspected by the state fire marshal, and annually thereafter, to determine compliance with this code.

124.2.1.1 Inspection authority. In municipal corporations and in townships where there is a certified fire safety inspector, the inspections shall be made by that inspector under the supervision of the fire marshal, according to rules adopted under Section 5104.052 of the Revised Code. In townships outside

municipal corporations where there is no certified fire safety inspector, inspections shall be made by the fire marshal.

124.2.2 Applicability of this code. To the extent that a Type B family day-care home is exempt from classification in a specific occupancy classification in the building code, the structure housing the Type B family day-care home is exempt from compliance with the construction and design provisions of this code, except as described in this paragraph, for such occupancy classifications unless such locations constitute a distinct hazard. All operational and maintenance provisions of this code shall apply to all Type B family day-care homes.

124.2.2.1 Compliance with this code. Prior to and during the occupancy of a structure as a Type B family day-care home, such home shall comply with the Type B checklist listed in Appendix B of Chapter 1. All Ohio Fire Code sections listed or incorporated into that checklist shall apply to all Type B family day-care homes and such sections may be used as the basis for all fire code enforcement actions permitted under this code. It shall be violation of this code to occupy or permit occupancy of a Type B daycare in violation of this section, the Type B checklist and its incorporated fire code provisions or the operational and maintenance provisions of this code.

124.3 Residential facilities.

124.3.1 Minimum standards for fire prevention and safety. Pursuant to division (F) of Section 3737.83 of the Revised Code, the state fire marshal shall establish minimum standards for fire prevention and safety in a residential facility licensed under Section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt such rules in consultation with the director of the department of mental health and addiction services and interested parties designated by the director of the department of mental health and addiction services.

124.3.2 Applicability. This code shall apply to residential facilities.

124.3.2.1 Residential facility. A residential facility is a facility that is licensed under Section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

124.4 Homes, including nursing homes, residential care facilities, homes for the aging, and veterans' homes.

124.4.1 Enforcement and resolution of conflict. Pursuant to Section 3721.032 of the Revised Code, the state fire marshal shall enforce all statutes and rules pertaining to fire safety in homes and shall adopt rules pertaining to fire safety in homes as the marshal determines necessary. The rules adopted by the marshal shall be in addition to those fire safety rules that the board of building standards and the director of

health are empowered to adopt. In the event of a dispute between the marshal and another officer having responsibilities under Sections 3721.01 to 3721.09 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the marshal shall prevail.

124.4.1.1 Homes. As used in Section 124.4, "Home" shall have the same meaning and application as described in Chapter 3721. of the Revised Code, including division (A) of Section 3721.01 of the Revised Code.

124.4.2 Inspection. Pursuant to Section 3721.02 of the Revised Code, the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director of health.

124.4.2.1 Residential care facilities. Pursuant to Section 3721.07 of the Revised Code, every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. In accordance with Section 3721.07 of the Revised Code the director of health may issue a license for the home, if after investigation of the applicant and, if required by Section 3721.02 of the Revised Code, inspection of the home, the buildings in which the home is housed have been approved by the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal. In the approval of a home such agencies shall apply standards prescribed by the board of building standards, and by the state fire marshal, and by Section 3721.071 of the Revised Code.

124.4.3 Automatic fire extinguishing and fire alarm systems. Pursuant to Section 3721.071 of the Revised Code, homes must be equipped with both automatic fire extinguishing and fire alarm systems. Such systems shall conform to standards set forth in the regulations of the board of building standards and the state fire marshal.

124.4.3.1 Time for compliance. The time for compliance with the requirements imposed by this section shall be January 1, 1975, except that the date for compliance with the automatic fire extinguishing requirements is extended to January 1, 1976, provided the buildings of the home are otherwise in compliance with fire safety laws and regulations and:

1. The home within thirty days after August 4, 1975, files a written plan with the state fire marshal's office that:
 - 1.1 Outlines the interim safety procedures which shall be carried out to reduce the possibility of a fire;

- 1.2 Provides evidence that the home has entered into an agreement for a fire safety inspection to be conducted not less than monthly by a qualified independent safety engineer consultant or a township, municipal, or other legally constituted fire department, or by a township or municipal fire prevention officer;
 - 1.3 Provides verification that the home has entered into a valid contract for the installation of an automatic fire extinguishing system or fire alarm system, or both, as required to comply with this section;
 - 1.4 Includes a statement regarding the expected date for the completion of the fire extinguishing system or fire alarm system, or both.
2. Inspections by a qualified independent safety engineer consultant or a township, municipal, or other legally constituted fire department, or by a township or municipal fire prevention officer are initiated no later than sixty days after August 4, 1975, and are conducted no less than monthly thereafter, and reports of the consultant, fire department, or fire prevention officer identifying existing hazards and recommended corrective actions are submitted to the state fire marshal, the division of industrial compliance in the department of commerce, and the department of health.

It is the express intent of the general assembly that the department of medicaid shall terminate the medicaid provider agreements of those homes that do not comply with the requirements of this section for the submission of a written fire safety plan and the deadline for entering into contracts for the installation of systems.

124.4.4 Applicability of this code. This code shall apply to all homes.

124.5 Manufactured homes.

124.5.1 Applicability of this code. Except as noted herein, this code does not apply to the construction, installation and siting of manufactured homes, to the extent required by 24 CFR Part 3280, "Manufactured Home Construction and Safety Standards," and any exclusivity established in the rules adopted by either the Ohio manufactured home commission or, after January 21, 2018, the department of commerce for such structures. The change of occupancy and all operational and maintenance provisions of this code shall apply to manufactured homes.

124.5.2 Distinct or serious hazard. No manufactured home that constitutes a distinct or serious hazard to occupant safety shall be occupied.

124.6 Fire Department Registry. The state fire marshal shall develop and maintain a registry of all properly constituted fire departments in this state. For the purposes of this

section, a fire department includes a fire department of a political subdivision or fire district of this state, a private volunteer fire company or other state or political subdivision firefighting agency as determined by the state fire marshal. This registry shall not be deemed to be a state fire marshal approval, authorization or assertion, in any manner, of control over such departments.

Each fire department in this state shall provide the state fire marshal with and maintain the following fire department information: full name of the fire department, full name of the chief of the fire department, the postal address, telephone number, e-mail address and a general statement of jurisdictional boundaries for the fire department and any other information the state fire marshal determines must be included in the registry. Each fire department shall also provide a single, primary point of contact for the registry. All fire departments subject to this section shall notify the state fire marshal of and provide updated registry information to the state fire marshal within thirty days after the date of any changes to that fire department's registry information.

124.7 Fire department heroism awards. The fire marshal may, at any time, issue commendations that recognize and commemorate exemplary accomplishments and acts of heroism by firefighters and other persons at fire-related incidents or similar events occurring in the state.

Section 125 Hearings

125.1 State fire marshal licensure and certification actions. Licensure or certification actions of the state fire marshal that, pursuant to the Revised Code, afford a right to a hearing to an affected party shall be conducted in accordance with Chapter 119. of the Revised Code, the relevant sections of Chapters 3731., 3737., 3739. and 3743. of the Revised Code, and department of commerce and state fire marshal policy.

Section 126 Incident reporting at a shale oil processing premise

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

126.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

"Emergency responder." Means any of the following:

1. A representative of a "firefighting agency," which means a township fire district, joint ambulance district, joint emergency medical services district, joint fire district and the office of the state fire marshal;
2. A representative of a "fire department" as defined in Section 3750.01 of the Revised Code; or

3. A person performing “emergency medical services” as defined in Section 4765.01 of the Revised Code.

“Explosion.” Has the same meaning as in Chapter 2.

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

1. An emergency responder being contacted to respond or responding to such fire or explosion;
2. Death or serious physical harm to any person; or
3. Over \$50,000 in damage to any structure, property, premise or vehicle.

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

“Hazardous material.” Has the same meaning as in Chapter 2.

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

1. Involves a release of a hazardous material into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway or on the ground, sidewalk, street, highway or into the atmosphere; and
2. The release cannot be remedied within a two-hour period.

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

“Natural gas processing facilities.” Has the same meaning as in division (A)(1) of Section 3737.832 of the Revised Code, which is as follows: “installations, including associated buildings, pipes, valves, tanks, and other equipment, used to separate

various fluids, hydrocarbons, natural gas liquids, and impurities from the raw natural gas, manufacturing residue gas suitable for transmission and distribution to end users.”

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

“Responsible person.” *Has the same meaning as in division (F) of Section 3737.01 of the Revised Code.*

“Shale incident.” *A “fire incident at a shale oil processing premise” or a “hazardous materials incident at a shale oil processing premise.”*

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

126.2.1. *For purposes of this chapter, the terms “natural gas processing facilities,” “natural gas liquids fractionation facilities,” and “shale oil processing premise” do not include natural gas compressor stations or other pipeline related natural gas gathering facilities or infrastructure.*

126.3 Shale incident reporting.

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

126.3.2 *Fire incidents at a shale oil processing premise. The reporting of a fire incident at a shale oil processing premise shall occur within thirty minutes after the responsible person or the responsible person’s representative becomes aware of the fire incident at a shale oil processing premise.*

Exceptions:

1. The immediate reporting of the fire incident at a shale oil processing premise would subject any person to a health hazard arising from the fire incident at a shale oil processing premise;
2. The immediate reporting of the fire incident at a shale oil processing premise would otherwise impede public safety personnel from satisfying their duties;
3. The immediate reporting of the fire incident at a shale oil processing premise would be otherwise impracticable under the circumstances.

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

126.3.2.1 If a contractor performs services on behalf of a responsible person, the contractor shall notify the responsible person or its representative immediately, but not later than thirty minutes, after the contractor becomes aware of any fire incident at a shale oil processing premise while performing services at the responsible person's shale oil processing premise unless notification within that time is impracticable under the circumstances as described in the exceptions to this paragraph as listed in Section 126.3.2.

In that case, the contractor shall notify the responsible person or its representative as soon as it is practicable and can be done safely. If a contractor performs services on behalf of a responsible person and neither the responsible person nor its representative is present at the shale oil processing premise and the contractor attempts, but is unable, to contact the responsible person or its representative, the contractor shall notify the state of Ohio as specified in Section 126.3.

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

Exceptions:

1. The reporting of the hazardous materials incident at a shale oil processing premise would subject any person to a health hazard arising from the hazardous materials incident at a shale oil processing premise;
2. The reporting of the hazardous materials incident at a shale oil processing premise would otherwise impede public safety personnel from satisfying their duties;

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

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

126.3.3.1 If a contractor performs services on behalf of a responsible person, the contractor shall notify the responsible person or its representative immediately, but not later than thirty minutes, after the contractor becomes aware of any hazardous material incident at a shale oil processing premise while performing services at the responsible person's shale oil processing premise unless notification within that time is impracticable under the circumstances as described in the exceptions to Section 126.3.3. In that case, the contractor shall notify the responsible person or its representative as soon as it is practicable and can be done safely.

If a contractor performs services on behalf of a responsible person and neither the responsible person or its representative is present at the shale oil processing premise and the contractor attempts but is unable to contact the responsible person or its representative, the contractor shall notify the state of Ohio as specified in Section 126.3.

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

1. The name and phone number of a person who can provide further information regarding the shale incident;
2. The location of the shale incident, including the address, county, township, section or lot number, directions from the nearest intersection, and global positioning system coordinates;
3. The type of shale incident;
4. The potential health effects and safety concerns associated with the shale incident;
5. The mitigation measures initiated or performed, including any evacuation;
6. Whether a local fire department, law enforcement agency or emergency medical services were contacted to respond to the shale incident;
7. The identity of other federal, state, or local agencies that were notified or responded;

8. If the shale incident involves a release of any hazardous material:

8.1 The source of the release;

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

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

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

8.5 An estimate of the quantity in cubic feet released if the substance is a gas;

8.6 The date, time, and duration of the release, if known;

8.7 An identification of the environmental medium or media into or onto which the substance was released; and

8.8 Other actions proposed for response to the release.

126.3.5 The state fire marshal may require the responsible person to provide additional information as required by the state fire marshal after the shale incident which is necessary to obtain compliance with Section 126.3.4.

126.3.6 Compliance with this section does not eliminate the requirement that a responsible person or other person as referenced in this chapter comply with any other applicable state or federal laws or rules, including compliance with the hazardous materials release provisions specified in Section 5003.3, except that the notification provisions of Section 5003.3.1 shall be satisfied by calling the “One Call” hotline as set forth above.

168. Add the following 2 documents after the rule and as exhibits to it:

Type A Child Care Facility Inspection (see attached);

Type B Child Care Facility Inspection (see attached).