

ORDINANCE NO. ____ - 22

BY: _____

AN ORDINANCE AMENDING CHAPTER 92, FIRE PREVENTION OF THE CODIFIED ORDINANCES BY ADDING SECTION 92.00, 92.10, 92.11, 92.12, 92.13, 92.40, 92.41, 92.42, 92.43, AND 92.50; AND MODIFYING SECTION(S) 92.01, 92.02, 92.03, 92.20, 92.21, 92.22, 92.23, 92.30, AND 92.99; AND DELETING SECTION(S) 92.04, 92.05, 92.06, 92.07, 92.24, 92.25, 92.26, 92.27, 92.28, 92.29, 92.31, OF THE CITY OF TIPP CITY

WHEREAS, it is the will of this Council to keep ordinances up to date with current rules and regulations; and

WHEREAS, the Chapter 92 Fire Prevention provides the necessary regulations to protect buildings and property from the risk of fire, and

WHEREAS, the changes to Chapter 92 is for the protection of the citizens living in the community as well as those visiting family and businesses in Tipp City:

NOW, THEREFORE, THE MUNICIPALITY OF TIPP CITY HEREBY ORDAINS:

SECTION 1. That this ordinance shall modify Chapter 92 – Fire Prevention for the health, safety, and welfare of all those living, working, and visiting Tipp City.

SECTION 2. That the Code of Ordinances is hereby amended to read as follows, with additions underlined, and deletions ~~struck through~~. Any section noted as “SAME” shall remain unchanged.

SECTION 3. That this ordinance shall be in full force and effect from the earliest date permitted by law.

PASSED: _____

President of Council

ATTEST: _____

APPROVED: _____

Clerk of Council

Director of Law

CHAPTER 92: FIRE PREVENTION

GENERAL PROVISIONS

§ 92.00 Purpose.

The purpose of this Chapter is to provide better protection from the risk of fire for occupants, users of, residential dwelling or units and visitors to Tipp City, through the adoption of the codes referenced herein as well as the State of Ohio, whether the individuals own or rent residential dwelling or units in the city.

§ 92.01 Definitions.

For the purpose of this chapter, the following words and phrases have the following meanings ascribed to them respectively:

BUILDING CODE. The Ohio ~~Basic~~ Building and/or Residential Building Code as adopted and amended by the State of Ohio ~~the code of ordinances of the city.~~

FIRE CODE OFFICIAL. Any state certified fire inspector employed by the Tipp City Emergency Services ~~Fire Department.~~

FIRE SUPPRESSION SYSTEM. Any installed, partial or complete fire sprinkler system designed to allow the flow of water to readily contain the outbreak of unwanted fire. It also includes standalone paint booths, restaurant hood suppression systems and any other devices designed to suppress fire.

MUNICIPALITY. The City of Tipp City.

OHIO FIRE CODE. The ~~1984 BOCA~~ Fire Prevention Code as amended by the Ohio Fire Marshall and codified in the Ohio Administrative Code and any subsequent amendments thereto.

SLEEPING AREA. The area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms) shall be considered as separate sleeping areas for purposes of this chapter.

RESIDENTIAL DWELLING/UNIT. Residential Dwelling/Unit means any structure used principally for residential purposes or any portion thereof, a non-owner occupied residence, and any other type of residence regardless of whether the unit is used as a principal residence, secondary residence, vacation residence, rental property, or residence of some other denomination suitable for residential living, such as a house, duplex, apartment, mobile home, or condominium.

§ 92.02 Adoption of Ohio Fire Code.

That section of the Ohio Administrative Code collectively known as the Ohio Fire Code and Appendices contained therein shall apply and be enforced within the city. When any subsequent provisions or amendments of the Tipp City Fire Code conflict with the provisions of the Ohio Fire Code, the Tipp City Fire Code shall be the controlling authority.

36 § 92.03 Residential smoke detectors.

37 (A) Requirements.

38 It is the responsibility of the property owner, of an occupied residential dwelling to install and/or
39 maintain smoke detectors in accordance the building code under which the building was erected
40 and if no code was established at the time, then the requirements in this ordinance will prevail.

41 The smoke detectors shall be either the ionization or photoelectric type capable of sensing visible
42 or invisible particles of combustion and providing an approved alarm signal. Failure to install or
43 maintain smoke detectors as and where required will subject the owner to the penalties of this
44 chapter.

45 (B) Locations.

46 1) Smoke detectors shall be installed in the hallway next to the bedrooms, outside of each
47 separate sleeping area in the immediate proximity of the bedrooms unless otherwise determined
48 by the Fire Code Official. At least one smoke detector shall be installed in or near each stairway
49 leading up to an occupied area in accordance with the manufactures recommendation and in such
50 a manner as to assure that rising smoke is not obstructed in reaching the detector and the detector
51 intercepts rising smoke before it reaches the occupied area, excluding crawl spaces and
52 unfinished attics.

53 2) For family units with split-levels as defined in the building code(s), a smoke detector is
54 required outside of each separate sleeping area, in the immediate vicinity of the bedrooms, and
55 on every other floor level without an intervening door.

56 (C) Alternatives.

57 Where smoke detectors are installed as part of an approved fire protection system, the
58 requirements for single station smoke detectors may be set aside. An approved system is defined
59 as a combination of devices that meet the requirements of this chapter and is installed in
60 accordance with the National Fire Protection Association Standard 72.

61 (D) Equipment.

62 (a) All devices, combination of devices and equipment required by this chapter are to be
63 installed in conformance with the Ohio Building and Residential Code, manufactures
64 instructions, and/or this chapter, and approved and listed by Underwriters' Laboratory (U.L.) for
65 the purpose in which they are intended. The Fire Code Official may in any such case determine
66 whether replacement of existing installation is required.

67 (b) In existing dwellings which are required to have smoke detectors installed, smoke
68 detectors may be battery operated.

69 (E) Maintenance.

70 (A) In a residential building or unit that is owner occupied, the owner is responsible for
71 installation, operation, and maintenance of the smoke detector(s).

72 (B) A residential dwelling/unit that is rented or leased, the property owner is responsible
73 for the installation, operation and maintenance of the smoke detector(s).

74 (C) It is unlawful for an occupant or owner to remove or render a smoke detector(s)
75 inoperative.

76 ~~(A) All new and existing residential structures shall be provided with an automatic means of~~
77 ~~detecting the presence of fire and notifying the occupants in danger of such fire.~~

78 ~~(B) Residential occupancies and terms used within this chapter shall be the same as those set~~
79 ~~forth in the Building Code.~~

80 ~~(C) A minimum of 1 single station smoke detector shall be installed in each sleeping area,~~
81 ~~bedroom, guest room or suite in all multiple family uses, including; hotels, motels, lodging~~
82 ~~houses and boarding houses.~~

83 ~~(1) A minimum of 1 single station smoke detector shall be installed in each sleeping~~
84 ~~area in all single family residential uses. The detector(s) shall be located between sleeping~~
85 ~~areas and rooms where fires typically start, such as the kitchen, garage, basement or utility~~
86 ~~room.~~

87 ~~(2) In buildings with only 1 sleeping area on a floor, the detector shall be located in the~~
88 ~~hallway outside the bedrooms. In buildings with multiple sleeping areas on a floor, additional~~
89 ~~detectors shall be installed, 1 outside each bedroom area. In multilevel buildings, detectors~~
90 ~~shall be located in sleeping areas and on each finished level of the building. Basement level~~
91 ~~detectors shall be located in the bottom of the basement stairwells. Second floor detectors shall~~
92 ~~be located at the top of the stairwell, provided no door or other obstruction blocks the path of~~
93 ~~smoke.~~

94 ~~(3) Each detector shall be installed in accordance with NFiPA 72E or NFiPA 74 as~~
95 ~~references in the Ohio Fire Code as adopted and made a part of the Tipp City Fire Code. When~~
96 ~~actuated, the smoke detector shall provide an alarm suitable to warn the occupants within the~~
97 ~~individual room or unit.~~

98 ~~(D) Multiple family dwelling units 2 or more stories in height and having only 1 common~~
99 ~~means of egress shall be provided with at least 1 single station detector powered by the 110~~
100 ~~Volt AC building electrical system at the top of the stairway.~~

101 ~~(E) It shall be the responsibility of the owner of the property to provide the equipment and~~
102 ~~devices required by this chapter, and to properly maintain such equipment and devices, except~~
103 ~~that it shall be the responsibility of the occupant of all non-transient occupancies to test and~~
104 ~~provide general maintenance of any smoke detector and battery maintenance and/or~~
105 ~~replacement of the battery within their respective control so that the detector shall be operative~~
106 ~~at all times. The occupant shall notify the property owner immediately in the event the smoke~~
107 ~~detector is found to be defective. It shall be the responsibility of the property owner to repair,~~
108 ~~or to provide and install a replacement smoke detector once notified by the occupant that a~~
109 ~~smoke detector is found to be defective.~~

110 ~~(F) (1) It is prohibited for any person to deface, remove, alter, move, damage, destroy, or~~
111 ~~otherwise tamper with any smoke detector or any part of such system providing smoke~~
112 ~~detection that could cause any malfunction, defect, or other improper alarm to be transmitted~~
113 ~~or prevented from being transmitted when necessary.~~

114 ~~(2) Persons duly authorized to perform service or maintenance work shall notify the~~
115 ~~code official when working on an automatic fire alarm system, and should make such~~
116 ~~notification when working on any other type of detection system.~~

117 ~~(G) Housing, Building and Zoning Inspectors are authorized to enforce the applicable sections~~
118 ~~of this chapter to new and existing buildings used wholly or in part for residential purposes,~~
119 ~~where such Inspectors inspect such buildings in the ordinary course of their duties.~~

120 ~~§ 92.04 Commercial kitchen exhaust systems Delete~~

121 ~~(A) — Each existing commercial cooking appliance and domestic cooking appliance used for~~
122 ~~commercial purposes shall be protected with an approved commercial kitchen exhaust~~
123 ~~hood and duct system, with the following exceptions:~~

124 ~~(1) — Cooking appliances located within a dwelling unit and not used for commercial~~
125 ~~purposes;~~

126 ~~(2) — Completely enclosed ovens;~~

127 ~~(3) — Steam tables;~~

128 ~~(4) — Auxiliary cooking equipment that does not produce grease laden vapor, including~~
129 ~~toasters, coffee makers and egg cookers.~~

130 ~~(B) — Each existing required commercial kitchen exhaust hood and duct system shall be protected~~
131 ~~with an approved automatic fire suppression system installed in accordance with provisions~~
132 ~~of the Ohio Fire Code as adopted herein and made a part hereof.~~

133 ~~(C) — Commercial kitchen exhaust systems shall be cleaned to remove deposits of residue and~~
134 ~~grease in the system at intervals specified in the cleaning schedule required to be submitted~~
135 ~~by the mechanical code listed in Appendix A of the Ohio Fire Code. Thorough cleaning of~~
136 ~~ducts, hoods and fans shall require scraping, brushing or other positive cleaning methods.~~

137 ~~(D) — When a cleaning schedule is not on file, the code official shall require a cleaning schedule~~
138 ~~to be submitted indicating the method of cleaning and the time intervals between cleanings.~~

139 ~~§ 92.05 Electrical Delete~~

140 ~~(A) — When any electrical hazards are identified, such conditions shall be abated. All identical~~
141 ~~hazardous electrical conditions in permanent wiring shall be brought to the attention of the~~
142 ~~electrical code official.~~

143 ~~(B) — Illumination shall be provided for all service equipment areas, motor control centers and~~
144 ~~electrical panelboards.~~

145 ~~(C) — Clearance of not less than 30" (762 mm) shall be provided between all electrical service~~
146 ~~equipment and storage.~~

147 ~~(D) — The use of multiplug adaptors, such as cube adaptors, unfused plug strips or any other~~
148 ~~device that does not comply with NFPA 70 shall be prohibited.~~

149 ~~(E) — Extension cords (flexible cords) shall not be used as a substitute for permanent wiring.~~
150 ~~Extension cords and flexible cords shall not be affixed to structures, extended through walls,~~

151 ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to
152 environmental damage or physical impact.

153 ~~(F) Open junction boxes and open wiring splices shall be prohibited. Approved covers shall be
154 provided for all switch and electrical outlet boxes.~~

155 ~~(G) Electrical appliances or fixtures shall not be made available for use or used unless such
156 appliances or fixtures are listed by an approved agency. The approved agencies are
157 Underwriters Laboratory and Factory Mutual.~~

158 ~~(H) All electrical motors shall be maintained free from excessive accumulations of oil, dirt,
159 waste and debris.~~

160 ~~§ 92.06 Repository containers and key lock boxes Delete~~

161 ~~§ 92.07 Unvented heaters Delete~~

162 ~~A) The use of a brazier, salamander, space heater, room heater, furnace, water heater, or other
163 burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid
164 petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful
165 gases must comply with the following provisions;~~

166 ~~(1) When used in living quarters, or in any enclosed building or space in which persons are
167 usually present, shall be used with a flue or vent so designed, installed, and maintained
168 as to vent the products of combustion outdoors; except in storage, factory, or industrial
169 buildings which are provided with sufficient ventilation to avoid the danger of carbon
170 monoxide poisoning.~~

171 ~~(2) When used as a portable or temporary burner or heater at a construction site, or in a
172 warehouse, shed, or structure in which persons are temporarily present, shall be vented
173 as provided in division (A)(1) or used with sufficient ventilation to avoid the danger of
174 carbon monoxide poisoning.~~

175 ~~(B) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a
176 fireplace with an adequate flue, or hot plates, unless the same are used as space or room
177 heaters.~~

178 ~~(C) No person shall negligently use, or, being the owner, person in charge, or occupant of
179 premises, negligently permit the use of a burner or heater in violation of the standards for
180 venting and ventilation provided in this section.~~

181 ~~(D) Division (A) above does not apply to any kerosene-fired space or room heater that is
182 equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or
183 liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion
184 safety shut-off system, and that has its fuel piped from a source outside the building in
185 which it is located, that are approved by an authoritative source recognized by the State Fire
186 Marshal in the State Fire Code adopted by him or her under R.C. § 3737.82.~~

187 ~~(E) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural
188 gas, or liquid petroleum gas heaters exempted from division (A) above when used in
189 assembly buildings, business buildings, high hazard buildings, institutional buildings,
190 mercantile buildings, and type R-1 and R-2 residential buildings, as these groups of
191 buildings are defined in rules adopted by the Board of Building Standards under R.C. §~~

192 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant
193 of premises, negligently permit the use of a heater in violation of any rules adopted under
194 this division.

195 ~~(F) The State Fire Marshal may make rules prescribing standards for written instructions~~
196 ~~containing ventilation requirements and warning of any potential fire hazards that may~~
197 ~~occur in using a kerosene, natural gas, or liquid petroleum gas heater. No person shall sell or~~
198 ~~offer for sale any kerosene, natural gas, or liquid petroleum gas heater unless the~~
199 ~~manufacturer provides with the heater written instructions that comply with any rules~~
200 ~~adopted under this division.~~

201 ~~(G) No product labeled as a fuel additive for kerosene heaters and having a flash point below~~
202 ~~100°F or 37.8°C shall be sold, offered for sale, or used in any kerosene space heater.~~

203 ~~(H) No device that prohibits any safety feature on a kerosene, natural gas, or liquid petroleum~~
204 ~~gas space heater from operating shall be sold, offered for sale, or used in connection with~~
205 ~~any kerosene, natural gas, or liquid petroleum gas space heater.~~

206 ~~(I) No person shall sell or offer for sale any kerosene fired, natural gas, or liquid petroleum~~
207 ~~gas fired heater that is not exempt from division (A) above, unless it is marked~~
208 ~~conspicuously by the manufacturer on the container with the phrase "Not Approved For~~
209 ~~Home Use."~~

210 ~~(J) No person shall use a cabinet type, liquid petroleum gas fired heater having a fuel source~~
211 ~~within the heater, inside any building, except as permitted by the State Fire Marshal in the~~
212 ~~State Fire Code adopted by him or her under R.C. § 3737.82. (R.C. § 3701.82)~~

213 ~~(K) Whoever violates this section is guilty of a misdemeanor of the first degree. (R.C. §~~
214 ~~3701.99(B))~~

215

216

FIRE SPRINKLER AND ALARMS

§ 92.10 Fire Sprinkler and Alarm System Reporting Requirements

218 (A) All existing fire suppression systems and fire alarm systems are required to be service tested
219 annually OAC 1301: 7-7-09. The record keeping according the OAC 1301: 7-7-09 (G)
220 Section (3)107.3 shall include:

221 (1) No person shall fail to comply with the fire prevention measures or fire protection
222 activities as prescribed in the Ohio Fire Code or fail to obtain a permit or license
223 for the various uses or activities as required by such Code or fail to comply with
224 the Municipal application and plan submission and processing requirements
225 including payments of the fees designated therefor.

226 (2) Record of all tests, inspections, and maintenance required by the Ohio Fire Code
227 or other Ohio Fire Code recognized standards required under this chapter shall be
228 retained for a minimum of three (3) years and shall be submitted to Tipp City
229 Emergency Services by the company performing such tests, inspections, or
230 maintenance in a manner prescribed by the Chief of Emergency Services.

231

232 § 92.11 Fire Sprinkler and Fire Alarm Monitoring Requirements

233 (A) All property owners of existing structures containing a fire suppression system and/or fire
234 alarm system within the city shall comply with this § 92.11(B) by December 31st, 2027.

235 (B) Installation and monitoring. All existing fire suppression and fire alarm systems shall be
236 installed and monitored in accordance with the Ohio Fire Code Rule 9 and NFPA 72 as
237 listed in rule 1301:7-7-80 of the Administrative Code for all existing structures that possess
238 a fire suppression and/or fire alarm system. All unmonitored fire suppression systems must
239 comply with this code requirement as approved by the code official.

240 § 92.12 Unauthorized resetting or ignoring of a fire alarm

241 (A) No person shall reset or otherwise disable in anyway a fire alarm in its normal state, or an
242 alarm that has activated, without permission from the Chief of Emergency Services, the
243 fire code official, or a duly authorized member of Tipp City Emergency Services.

244 (B) No person shall ignore a fire alarm or notification of a fire condition or fail to evacuate
245 the premises or area of alarm annunciation.

246 (C) Subsections (A) and (B) do not apply to: certified alarm technicians working on an alarm
247 or sprinkler system who may for maintenance or repair purposes disable an alarm, in
248 whole or part, upon notifying Tipp City Emergency Services; one or two-family
249 dwellings.

250

251 § 92.13 Excessive alarms

252 (a) Alarm users shall be responsible for excessive alarms sent by alarm systems on premises
253 under their control. The fees imposed shall be based on the number of false alarms sent by the
254 one alarm system within a calendar year or within a twelve (12) month rolling experience period,
255 whichever is applicable, as provided below.

256 (b) There is hereby imposed on alarm users an administrative fee, based on the cost of
257 administration and emergency services response to alarms, as follows:

258 (1) For one (1) through eight (8) alarms, no fee shall be imposed.

259 (2) For the ninth (9th) and any additional alarms, a fee as established by City Council will
260 be imposed for each false alarm received.

261 (3) Any alarm user who exceeds eight (8) false alarms in two (2) or more consecutive
262 calendar years will be converted to a twelve (12) month rolling experience period.

263 (4) Administrative fees generated hereby shall be billed to the responsible alarm user
264 quarterly.

265 (c) If an alarm user changes alarm monitoring companies, the then-accumulated false alarm
266 count shall remain the same.

267 (d) Non-payment of a fee imposed hereby within thirty (30) days after it is billed may result
268 in the initiation of civil collection proceedings, criminal prosecution; administrative enforcement
269 proceedings; the issuance of orders terminating the use of the alarm system, and/or such other
270 and further enforcement proceedings as may be deemed appropriate and available.

271 (e) Upon consultation, review, and the recommendation of the Fire Code Official, the City
272 Manager may grant a waiver of the administrative fee otherwise to be imposed and collected
273 hereby premised upon the City Manager's determination that justifiable causes exist warranting
274 such waiver.

275

276 FIRE SAFETY AND BUILDING PROTECTION

277

278 § 92.20 ~~Definitions~~ Fire Department Connections

279 (A) Visible location. Fire department connections (FDCs) shall be located on the street side of
280 buildings, fully visible and recognizable from the street or nearest point of fire department
281 vehicle access or otherwise approved by the fire code official. If the fire code official
282 approves a fire department connection location that does not meet the above criteria, the fire
283 code official shall provide this input to the building code official of the building department
284 having jurisdiction.

285 (B) Existing buildings. On existing buildings, wherever the fire department connection is not
286 visible to approaching fire apparatus, the fire department connection (FDC) shall be
287 indicated by an approved sign mounted on the street front or on the side of the building.
288 Such sign shall have the letters "FDC" not less than 6 inches (152 mm) high and words in
289 letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs
290 shall be subject to the approval of the fire code official.

291 (C) All existing FDCs shall comply with the following requirement. All FDC connections will
292 be a 5" Storz connection with a cap and attached to a 30-degree elbow from the existing
293 connection.

294 ~~For the purpose of this chapter, the following definitions shall apply unless the context clearly~~
295 ~~indicates or requires a different meaning.~~

296 ~~*1.3G FIREWORKS.* Display fireworks consistent with regulations of the United States~~
297 ~~Department of Transportation as expressed using the designation "Division 1.3" in Title 49 of~~
298 ~~the Code of Federal Regulations.~~

299 ~~*1.4G FIREWORKS.* Consumer fireworks consistent with regulations of the United States~~
300 ~~Department of Transportation as expressed using the designation "Division 1.4" in Title 49 of~~
301 ~~the Code of Federal Regulations.~~

302 ~~*BEER and INTOXICATING LIQUOR.* Have the same meaning as in R.C. § 4301.01.~~

303 ~~*BOOBY TRAP.* A small tube that has a string protruding from both ends that has a friction-~~
304 ~~sensitive composition and that is ignited by pulling the ends of the string.~~

305 ~~*CIGARETTE LOAD.* A small wooden peg that is coated with a small quantity of explosive~~
306 ~~composition and that is ignited in a cigarette.~~

307 ~~CONTROLLED SUBSTANCE.~~ Has the same meaning as in R.C. § 3719.01.

308 ~~DISCHARGE SITE.~~ An area immediately surrounding the mortars used to fire aerial shells.

309 ~~EXPLOSIVE.~~ Any chemical compound, mixture, or device, the primary or common purpose of
310 which is to function by explosion. ~~EXPLOSIVE~~ includes all materials that have been classified
311 as division 1.1, division 1.2, division 1.3, or division 1.4 explosives by the United States
312 Department of Transportation in its regulations and includes, but is not limited to, dynamite,
313 black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety
314 fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and
315 igniters. ~~EXPLOSIVES~~ does not include "fireworks" as defined below, or any substance or
316 material otherwise meeting the definition of explosive set forth in this section that is
317 manufactured, sold, possessed, transported, stored, or used in any activity described in R.C. §
318 3743.80, provided the activity is conducted in accordance with all applicable laws, rules, and
319 regulations, including, but not limited to, the provisions of R.C. § 3743.80 and the rules of the
320 State Fire Marshal adopted pursuant to R.C. § 3737.82. (R.C. § 2923.11)

321 ~~FIREWORKS.~~ Any composition or device prepared for the purpose of producing a visible or an
322 audible effect by combustion, deflagration, or detonation, except ordinary matches and except
323 as provided in R.C. § 3743.80.

324 ~~FIREWORKS INCIDENT.~~ Any action or omission that occurs at a fireworks exhibition that
325 results in injury or death, or a substantial risk of injury or death, to any person, and that
326 involves either of the following:

327 (1) The handling or other use, or the results of the handling or other use, of fireworks or
328 associated equipment or other materials;

329 (2) The failure of any person to comply with any applicable requirement imposed by
330 this chapter or R.C. Chapter 3743, or any applicable rule adopted under this chapter or R.C.
331 Chapter 3743.

332 ~~FIREWORKS INCIDENT SITE.~~ A discharge site or other location at a fireworks exhibition
333 where a fireworks incident occurs, a location where an injury or death associated with a
334 fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or
335 death associated with a fireworks incident is found

336 ~~FIREWORKS PLANT.~~ All buildings and other structures in which the manufacturing of
337 fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

338 ~~HIGHWAY.~~ Any public street, road, alley, way, lane or other public thoroughfare.

339 ~~LICENSED BUILDING.~~ A building on the licensed premises of a licensed manufacturer or
340 wholesaler of fireworks that is approved for occupancy by the building official having
341 jurisdiction.

342 ~~LICENSED EXHIBITOR OF FIREWORKS~~ or ~~LICENSED EXHIBITOR~~. A person licensed
343 pursuant to R.C. §§ 3743.50 through 3743.55.

344 ~~LICENSED MANUFACTURER OF FIREWORKS~~ or ~~LICENSED MANUFACTURER~~. A person
345 licensed pursuant to R.C. §§ 3743.02 through 3743.08.

346 ~~LICENSED PREMISES~~. The real estate upon which a licensed manufacturer or wholesaler of
347 fireworks conducts business.

348 ~~LICENSED WHOLESALER OF FIREWORKS~~ or ~~LICENSED WHOLESALER~~. A person
349 licensed pursuant to R.C. §§ 3743.15 through 3743.21.

350 ~~MANUFACTURING OF FIREWORKS~~. The making of fireworks from raw materials, none of
351 which in and of themselves constitute fireworks, or the processing of fireworks.

352 ~~NOVELTIES~~ and ~~TRICK NOISEMAKERS~~.

353 (1) Devices that produce a small report intended to surprise the user, including but not
354 limited to booby traps, cigarette loads, party poppers, and snappers;

355 (2) Snakes or glow worms;

356 (3) Smoke devices;

357 (4) Trick matches.

358 ~~PARTY POPPER~~. A small plastic or paper item that contains not more than 16 milligrams of
359 friction-sensitive explosive composition that is ignited by pulling a string protruding from the
360 item, and from which paper streamers are expelled when the item is ignited.

361 ~~PROCESSING OF FIREWORKS~~. The making of fireworks from materials all or part of which
362 in and of themselves constitute fireworks, but does not include the mere packaging or
363 repackaging of fireworks.

364 ~~RAILROAD~~. Any railway or railroad that carries freight or passengers for hire, but does not
365 include auxiliary tracks, spurs, and sidings installed and primarily used in serving a mine,
366 quarry or plant.

367 ~~RETAIL SALE~~ or ~~SELL AT RETAIL~~. A sale of fireworks to a purchaser who intends to use the
368 fireworks and not to resell them.

369 ~~SMOKE DEVICE~~. A tube or sphere that contains pyrotechnic composition that, upon ignition,
370 produces white or colored smoke as the primary effect.

371 ~~SNAKE or GLOW WORM. A device that consists of a pressed pellet of pyrotechnic~~
372 ~~composition that produces a large snake-like ash upon burning, which ash expands in length as~~
373 ~~the pellet burns.~~

374 ~~SNAPPER. A small paper-wrapped item that contains a minute quantity of explosive~~
375 ~~composition coated on small bits of sand and that, when dropped, implodes.~~

376 ~~STORAGE LOCATION. A single parcel or contiguous parcels of real estate approved by the~~
377 ~~Fire Marshal pursuant to R.C. § 3743.04(I) or R.C. § 3743.17(G) that are separate from a~~
378 ~~licensed premises containing a retail showroom, and which parcel or parcels a licensed~~
379 ~~manufacturer or wholesaler of fireworks may use only for the distribution, possession, and~~
380 ~~storage of fireworks in accordance with this chapter.~~

381 ~~TRICK MATCH. A kitchen or book-match that is coated with a small quantity of explosive~~
382 ~~composition and that, upon ignition, produces a small report or a shower of sparks.~~

383 ~~WHOLESALE SALE or SELL AT WHOLESALE. A sale of fireworks to a purchaser who~~
384 ~~intends to resell the fireworks so purchased.~~

385 ~~WIRE SPARKLER. A sparkler consisting of a wire or stick coated with a nonexplosive~~
386 ~~pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more~~
387 ~~than 100 grams of this mixture.~~

388 § 92.21 Possession, sale, and use of fireworks. Vacant and Abandoned Buildings.

389

390 (A) Vacant and Abandoned buildings shall be visibly identified as specified herein.

391

392 (B) Placards.

393 Any vacant or abandoned buildings or structures determined to be unsafe pursuant to rule
394 1301:7-7-01 of the Administrative Code relating to structural or interior hazards shall be
395 marked as required by paragraphs (K)(5)(a)(311.5.1) to (K)(5)(e)(311.5.5) of rule 1301:7-
396 7-3 of the Administrative Code.

397 (C) Placard location.

398 Placards shall be applied on the front of the structure and be visible from the street.
399 Additional placards shall be applied to the side of each entrance to the structure and on
400 penthouses.

401 (D) Placard size and color.

402 Placards shall be 24 inches by 24 inches (610 mm by 610 mm) minimum in size with a
403 red background, white reflective stripes and a white reflective border. The stripes and
404 border shall have a 2-inch (51 mm) minimum stroke.

405 (E) Placard date.

406 Placards shall bear the date of their application to the building and the date of the most
407 recent inspection.

408 (F) Placard symbols.

409 The design of the placards shall use the following symbols:



(i) This symbol shall mean that the structure had normal structural conditions at the time of marking.

412



415

(ii) This symbol shall mean that structural or interior hazards exist and interior firefighting or rescue operations should be conducted with extreme caution. Note: for copyright claim information, please see the notice on the last page of rule 1301:7-7-03 13

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(iii) This symbol shall mean that structural or interior hazards exist to a degree that consideration should be given to limit firefighting to exterior operations only, with entry only occurring for known life hazards.

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(iv) Vacant marker hazard identification symbols: The following symbols shall be used to designate known hazards on the vacant building marker. They shall be placed directly on the symbol.

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(a) R/O-Roof open

(b) S/M-Stairs, steps and landing missing

(c) F/E-Avoid fire escapes

(d) H/F-Holes in floor

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~~(A) No person shall possess fireworks in this municipality or shall possess for sale or sell fireworks in this municipality, except a licensed manufacturer of fireworks as authorized by R.C. §§ 3743.02 through 3743.08, a licensed wholesaler of fireworks as authorized by R.C. §§ 3743.15 through 3743.21, a shipping permit holder as authorized by R.C. § 3743.40, an out-of-state resident as authorized by R.C. § 3743.44, a resident of this state as authorized by R.C. § 3743.45, or a licensed exhibitor of fireworks as authorized by R.C. §§ 3743.50 through 3743.55, or as authorized by any municipal ordinance that is substantially equivalent to any of these statutes, and except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance.~~

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~~(B) Except as provided in R.C. § 3743.80 or a substantially equivalent municipal ordinance, and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to R.C. §§ 3743.50 through 3743.55 or a substantially equivalent municipal ordinance, no person shall discharge, ignite, or explode any fireworks in this municipality.~~

442

443

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

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~~(D) No person shall sell fireworks of any kind to a person under 18 years of age. No person under 18 years of age shall enter a fireworks sales showroom unless that person is accompanied by a parent, legal guardian, or other responsible adult. No person under 18 years of age shall touch or possess fireworks on a licensed premises without the consent of the licensee. A licensee may eject any person from a licensed premises that is in any way disruptive to the safe operation of the premises.~~

450

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452

~~(E) Except as otherwise provided in R.C. § 3743.44, no person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder shall possess 1.3G fireworks in this municipality.~~

453 § 92.0622 ~~Repository containers and key lock boxes.~~ Key Boxes

- 454 (A) ~~The provisions of this section shall apply to requirements for repository containers and key lock boxes.~~
455 ~~Where required. Where access to or within a structure or an area is restricted because of secured openings~~
456 ~~or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is~~
457 ~~authorized to require a key box to be installed in an approved location. The key box shall be of an approved~~
458 ~~type listed in accordance with UL 1037 as listed in rule 1301:7-7-80 of the Administrative Code, and shall~~
459 ~~contain keys to gain necessary access as required by the fire code official.~~
- 460 (B) ~~Repository containers and/or key lock boxes shall be installed and maintained at the following facilities:~~
461 ~~Locks. An approved lock shall be installed on gates or similar barriers where required by the fire code official.~~
- 462 ~~(1) The owner or operator of any facility which is required to prepare or have available a material safety~~
463 ~~data sheet or an emergency and hazardous chemical inventory form under 42 U.S.C. 11021 and 11022~~
464 ~~(Subtitle B, Sections 311 and 312 of the Superfund Amendments and Reauthorization Act of 1986~~
465 ~~(SARA)) shall provide and maintain a repository container unit (lock box) at the facility site as set forth~~
466 ~~in this section. The repository container shall include the following information for emergency~~
467 ~~personnel:~~
- 468 ~~(a) A current list of key facility personnel knowledgeable about safety procedures of materials on~~
469 ~~site complete with telephone numbers for such personnel in the event of an incident after~~
470 ~~normal working hours of facility operation.~~
- 471 ~~(b) Current emergency and hazardous chemical inventory forms as per 42 U.S.C. 11022 (Section 312~~
472 ~~of SARA), and a binder containing the Material Safety Data sheets required under 42 U.S.C. 11021~~
473 ~~(Section 311 of SARA). In the event of a volume of MSD sheets too great to practically keep in the~~
474 ~~repository container, the information in the container must give the location of the on-site MSD~~
475 ~~sheets and the MSD sheets must be readily available for use by emergency response personnel.~~
- 476 ~~(c) A facility site plan that includes the following:~~
- 477 ~~1. The location of storage and use of hazardous materials on site with a building floor plan.~~
478 ~~2. The location of on-site emergency firefighting and spill cleanup equipment.~~
479 ~~3. A diagram of the complete sewer system, water system, and firefighting water system with~~
480 ~~hydrants.~~
481 ~~4. A copy of the local Fire Department's preplan for the facility.~~
- 482 ~~(d) The requirements for submission to the Fire Department of MSD sheets and inventory forms~~
483 ~~under 42 U.S.C. 11021 and 11022 (Sections 311 and 312 of SARA) shall be deemed satisfied by~~
484 ~~the purchase and maintenance of a repository container, as specified in this section, on the~~
485 ~~premises of the facility, which container satisfies requirements for physical security, durability,~~
486 ~~and location as established by the Tipp City Fire Department. It shall be the responsibility of the~~
487 ~~owner or operator of the facility to update the appropriate documents within the container~~
488 ~~immediately upon change within the facility. In the event the container is removed from service,~~
489 ~~temporarily or permanently, the Fire Department shall be notified immediately.~~
- 490 ~~(2)(C)~~ When a property, other than a residential building of less than 3 units, is protected by an automatic
491 alarm system, fire suppression system (fire sprinklers or individual suppression systems) and access to
492 or within a structure, or an area on that property is ~~unduly difficult~~ restricted because of secured
493 openings, and where immediate access is necessary for life saving or firefighting purposes, a key lock
494 box with the following shall be installed in an approved location:
- 495 (a) Keys to locked points of ingress whether on the interior or exterior of such buildings;
496 (b) Keys to locked mechanical equipment rooms;
497 (c) Keys to elevator controls;

- 498 (d) Keys to locked electrical rooms and/or panels; and
- 499 (e) Keys to other areas as deemed necessary by the local fire official.
- 500 ~~(C)~~(D) Repository containers and key lock boxes shall be of the type, installed in a manner and
- 501 in the location approved by the fire code official ~~local fire official~~.
- 502 ~~(D) Hazardous material data repository containers required by this section shall be identified~~
- 503 ~~by a 3 inch reflective safety yellow diagonal strip across the container.~~
- 504 (E) Repository containers and key lock boxes may be equipped with a tamper switch
- 505 connected to the building alarm system.
- 506 (F) Key box maintenance. The operator of the building shall immediately notify the fire code
- 507 official and provide the new key where a lock is changed or rekeyed. The key to such lock
- 508 shall be secured in the key box.

509

510 § 92.23 ~~Manufacturing or wholesale sale without a license; prohibitions.~~ Fire lanes

- 511 (A) Fire lanes shall be required at all hospitals, nursing homes, schools, places of public
- 512 assembly, public buildings, hotels, motels and buildings deemed necessary by the Chief
- 513 of Emergency Services or the fire code official requiring reserved space to permit fire
- 514 equipment access to these buildings.
- 515 (B) The width of fire lanes shall be the width necessary for Emergency Services operations
- 516 for firefighting and rescue.
- 517 (C) Parking of motor vehicles (attended or unattended) or otherwise obstructing designated
- 518 fire lanes shall be prohibited at all times.
- 519 (D) Whenever any Police Officer or the Parking Enforcement Officer or any Fire Code
- 520 Official entitled to enforce the Ohio Fire Code observes a violation of this section, such
- 521 officer, in addition to any remedy provided for by law, may issue a parking ticket. The
- 522 fee as established by State Law or City Council.
- 523 (E) No motor vehicle, trailer, or semi-trailer shall be parked in a fire lane for any reason and if
- 524 so, is subject to being ticketed.
- 525 (F) No merchandise shall be set in the fire lane at any time for storage purposes or for sale.
- 526 ~~(A) No licensed manufacturer or licensed wholesaler of fireworks shall knowingly fail to~~
- 527 ~~comply with the rules adopted by the State Fire Marshal pursuant to R.C. §§ 3743.05 and~~
- 528 ~~3743.18 or the requirements of R.C. §§ 3743.06 and 3743.19.~~
- 529 ~~(B) No licensed manufacturer or licensed wholesaler of fireworks shall fail to maintain~~
- 530 ~~complete inventory, wholesale sale and retail records as required by R.C. §§ 3743.07 and~~
- 531 ~~3743.20, or to permit an inspection of these records or the premises of a fireworks plant or~~
- 532 ~~the wholesaler pursuant to R.C. §§ 3743.08 and 3743.21.~~
- 533 ~~(C) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an~~
- 534 ~~order of the State Fire Marshal issued pursuant to R.C. §§ 3743.01(B)(1) and 3743.21(B)(1)~~
- 535 ~~within the specified period of time.~~

536 ~~(D) No licensed manufacturer or licensed wholesaler of fireworks shall fail to comply with an~~
537 ~~order of the State Fire Marshal issued pursuant to R.C. §§ 3743.08(B)(2) and 3743.21(B)(2)~~
538 ~~until the nonconformities are eliminated, corrected or otherwise remedied or the 72 hour~~
539 ~~period specified in those divisions has expired, whichever occurs first.~~

540 ~~(E) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other~~
541 ~~flame producing item, or open flame on, or shall carry a concealed source of ignition into,~~
542 ~~the premises of a fireworks plant or on the premises of a wholesaler of fireworks, except as~~
543 ~~smoking is authorized in specified lunchrooms or restrooms by a manufacturer or~~
544 ~~wholesaler pursuant to R.C. § 3743.06(C) or R.C. § 3743.19(D).~~

545 ~~(F) No person shall have possession or control of, or be under the influence of, any intoxicating~~
546 ~~liquor, beer, or controlled substance while on the premises of the fireworks plant or on the~~
547 ~~premises of a wholesaler of fireworks.~~

548 ~~§ 92.24 Purchasers to comply with law; unauthorized purchases.~~

549 ~~(A) No person who resides in another state and purchases fireworks in this municipality shall~~
550 ~~obtain possession of the fireworks in this municipality unless the person complies with R.C. §~~
551 ~~3743.44.~~

552 ~~(B) No person who resides in another state and who purchases fireworks in this municipality~~
553 ~~shall obtain possession of fireworks in this municipality other than from a licensed~~
554 ~~manufacturer or wholesaler, or fail, when transporting 1.3G fireworks, to transport them~~
555 ~~directly out of the state within 72 hours after the time of their purchase. No such person shall~~
556 ~~give or sell to any other person in this municipality fireworks that the person has acquired in~~
557 ~~this state.~~

558 ~~(C) No person who resides in this state and purchases fireworks in this municipality shall~~
559 ~~obtain possession of the fireworks in this municipality unless the person complies with R.C. §~~
560 ~~3743.45.~~

561 ~~(D) No person who resides in this state and who purchases fireworks in this municipality under~~
562 ~~R.C. § 3743.45 shall obtain possession of the fireworks in this municipality other than from a~~
563 ~~licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to~~
564 ~~transport them directly out of the state within 48 hours after the time of their purchase. No such~~
565 ~~person shall give or sell to any other person in this municipality fireworks that the person has~~
566 ~~acquired in this state.~~

567 ~~§ 92.25 Exhibition without a license; prohibitions for exhibitions.~~

568 ~~(A) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of~~
569 ~~the rules adopted by the State Fire Marshal pursuant to R.C. § 3743.53(B) and (E) or to~~
570 ~~comply with R.C. § 3743.53(C) and (D).~~

571 ~~(B) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has~~
572 ~~been secured for the exhibition pursuant to R.C. § 3743.54 or a substantially equivalent~~
573 ~~municipal ordinance, or if a permit so secured is revoked by a Fire Chief or fire prevention~~
574 ~~officer, in consultation with a Police Chief or other similar chief law enforcement officer, or~~

575 with a designee of a Police Chief or other similar chief law enforcement officer, pursuant to
576 those sections.

577 ~~(C) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition
578 other than in accordance with R.C. §§ 3743.54 and 3743.55, or a substantially equivalent
579 municipal ordinance.~~

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

584 ~~(E) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor
585 in conducting fireworks exhibitions unless the employee is registered with the State Fire
586 Marshal under R.C. § 3743.56.~~

587 **~~§ 92.26 Reserved Unauthorized transportation or shipping.~~**

588 ~~(A) No person shall transport fireworks in this municipality except in accordance with the rules
589 adopted by the State Fire Marshal pursuant to R.C. § 3743.58.~~

590 ~~(B) As used in this division, FIREWORKS includes only 1.3G and 1.4G fireworks. No person
591 shall ship fireworks into this municipality by mail, parcel post, or common carrier unless the
592 person possesses a valid shipping permit issued under R.C. § 3743.40, and the fireworks are
593 shipped directly to the holder of a license issued under R.C. § 3743.03, 3743.16 or 3743.51.~~

594 ~~(C) No person shall ship fireworks within this municipality by mail, parcel post, or common
595 carrier unless the fireworks are shipped directly to the holder of a license issued under R.C.
596 § 3743.01, 3743.16 or 3743.51.~~

597 **~~§ 92.27 Reserved Application of subchapter.~~**

598 This subchapter does not apply to the following:

599 ~~(A) The manufacture, sale, possession, transportation, storage, or use in emergency
600 situations of pyrotechnic signaling devices and distress signals for marine, aviation, or
601 highway use;~~

602 ~~(B) The manufacture, sale, possession, transportation, storage or use of fuses, torpedoes,
603 or other signals necessary for the safe operation of railroads;~~

604 ~~(C) The manufacture, sale, possession, transportation, storage or use of blank cartridges in
605 connection with theaters or shows, or in connection with athletics as signals for
606 ceremonial purposes;~~

607 ~~(D) The manufacture for, the transportation, storage, possession or use by, or the sale to the
608 armed forces of the United States and the militia of this state of pyrotechnic devices;~~

609 ~~(E) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy
610 canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains
611 or less of explosive material are used, provided that they are constructed so that a hand
612 cannot come into contact with a cap when it is in place for explosion, or apply to the
613 manufacture, sale, possession, transportation, storage or use of those caps;~~

614 ~~(F) The manufacture, sale, possession, transportation, storage or use of novelties and trick~~
615 ~~noisemakers, auto burglar alarms, or model rockets and model rocket motors designed,~~
616 ~~sold, and used for the purpose of propelling recoverable aero models;~~

617 ~~(G) The manufacture, sale, possession, transportation, storage or use of wire sparklers.~~

618 ~~(H) The conduct of radio-controlled special effect exhibitions that use an explosive black~~
619 ~~powder charge of not more than one-quarter pound per charge, and that are not~~
620 ~~connected in any manner to propellant charges; provided, that the exhibition complies~~
621 ~~with all of the following:~~

622 ~~(1) No explosive aerial display is conducted in the exhibition;~~

623 ~~(2) The exhibition is separated from spectators by not less than 200 feet;~~

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

628 ~~**§ 92.28 Reserved Arrest of offender; seizure and forfeiture of fireworks; distribution of**~~
629 ~~**finer.**~~

630 ~~(A) The Fire Marshal, an assistant fire marshal, or a certified fire safety inspector may arrest, or~~
631 ~~may cause the arrest of, any person whom he or she finds in the act of violating, or who he~~
632 ~~or she has reasonable cause to believe has violated, any provision of this subchapter. Any~~
633 ~~arrest shall be made in accordance with statutory and constitutional provisions governing~~
634 ~~arrests by law enforcement officers.~~

635 ~~(B) If the Fire Marshal, an assistant fire marshal, or certified fire safety inspector has probable~~
636 ~~cause to believe that fireworks are being manufactured, sold, possessed, transported, or used~~
637 ~~in violation of this subchapter, he or she may seize the fireworks. Any seizure of fireworks~~
638 ~~shall be made in accordance with statutory and constitutional provisions governing searches~~
639 ~~and seizures by law enforcement officers. The Fire Marshal's office or certified fire safety~~
640 ~~inspector's office shall impound at the site or safely keep seized fireworks pending the time~~
641 ~~they are no longer needed as evidence. A sample of the seized fireworks is sufficient for~~
642 ~~evidentiary purposes. The remainder of the seized fireworks may be disposed of pursuant to~~
643 ~~an order from a court of competent jurisdiction after notice and a hearing.~~

644 ~~(C) Fireworks manufactured, sold, possessed, transported, or used in violation of this subchapter~~
645 ~~shall be forfeited by the offender. The Fire Marshal's office or certified fire safety~~
646 ~~inspector's office shall dispose of seized fireworks pursuant to the procedures specified in~~
647 ~~R.C. §§ 2981.11 to 2981.13 for the disposal of forfeited property by law enforcement~~
648 ~~agencies, and the Fire Marshal or that office is not liable for claims for the loss of or~~
649 ~~damages to the seized fireworks.~~

650 ~~(D) This section does not affect the authority of peace officers, as defined in R.C. § 2935.01, to~~
651 ~~make arrests for violations of this subchapter or to seize fireworks manufactured, sold,~~
652 ~~possessed, transported, or used in violation of this subchapter.~~

653 ~~(E) Any fines imposed for a violation of this subchapter relating to the sale, purchase,~~
654 ~~possession, or discharge of fireworks shall be distributed as set forth in R.C. § 3743.68(D).~~

655 **§ 92.29 Reserved Safety requirements for fireworks showroom structures.**

656 ~~(A) (1) Except as described in division (A)(2) of this section, all retail sales of 1.4G fireworks by~~
657 ~~a licensed manufacturer or wholesaler shall only occur from an approved retail sales~~
658 ~~showroom on a licensed premises or from a representative sample showroom as described~~
659 ~~in this section on a licensed premises. For the purposes of this section, a retail sale includes~~
660 ~~the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or~~
661 ~~wholesaler to the purchaser of the fireworks.~~

662 ~~(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall~~
663 ~~occur in accordance with the provisions of the Ohio Revised Code and rules adopted~~
664 ~~by the State Fire Marshal under R.C. Chapter 119. Such rules shall specify, at a~~
665 ~~minimum, that the licensed exhibitor holds a license under R.C. § 3743.51, that the~~
666 ~~exhibitor possesses a valid exhibition permit issued in accordance with R.C. § 3743.54,~~
667 ~~and that the fireworks shipped are to be used at the specifically permitted exhibition.~~

668 ~~(B) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur~~
669 ~~from a licensed premises to persons who intend to resell the fireworks purchased at~~
670 ~~wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as~~
671 ~~follows:~~

672 ~~(1) The direct sale and shipment of fireworks to a person outside of this state;~~

673 ~~(2) From an approved retail sales showroom as described in this section;~~

674 ~~(3) From a representative sample showroom as described in this section;~~

675 ~~(4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a~~
676 ~~structure or building on that premises. All other portions of the wholesale sales~~
677 ~~transaction may occur at any location on a licensed premises.~~

678 ~~(5) Any other method as described in rules adopted by the Fire Marshal under R.C.~~
679 ~~Chapter 119.~~

680 ~~(C) (1) A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a~~
681 ~~representative sample showroom or a retail sales showroom. Each licensed premises shall~~
682 ~~only contain one sales structure.~~

683 ~~(2) A representative sample showroom shall consist of a structure constructed and~~
684 ~~maintained in accordance with the Nonresidential Building Code adopted under R.C.~~
685 ~~Chapter 3781 and the Fire Code adopted under R.C. § 3737.82 for a use and occupancy~~
686 ~~group that permits mercantile sales. A representative sample showroom shall not~~
687 ~~contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive~~
688 ~~materials, or any similar hazardous materials or substances. A representative sample~~
689 ~~showroom shall be used only for the public viewing of fireworks product~~
690 ~~representations, including paper materials, packaging materials, catalogs, photographs,~~
691 ~~or other similar product depictions. The delivery of product to a purchaser of fireworks~~
692 ~~at a licensed premises that has a representative sample structure shall not occur inside~~
693 ~~any structure on a licensed premises. Such product delivery shall occur on the licensed~~
694 ~~premises in a manner prescribed by rules adopted by the State Fire Marshal pursuant to~~
695 ~~R.C. Chapter 119.~~

696 ~~(3) If a manufacturer or wholesaler elects to conduct sales from a retail sales showroom,~~
697 ~~the showroom structures, to which the public may have any access and in which~~
698 ~~employees are required to work, on all licensed premises, shall comply with the~~
699 ~~following safety requirements:~~

700 ~~(a) A fireworks showroom that is constructed or upon which expansion is undertaken~~
701 ~~on and after June 30, 1997, shall be equipped with interlinked fire detection, fire~~
702 ~~suppression, smoke exhaust, and smoke evacuation systems that are approved by~~
703 ~~the Superintendent of Industrial Compliance in the Department of Commerce.~~

704 ~~(b) A fireworks showroom that first begins to operate on or after June 30, 1997, and~~
705 ~~to which the public has access for retail purposes shall not exceed 5,000 square~~
706 ~~feet in floor area.~~

707 ~~(c) A newly constructed or an existing fireworks showroom structure that exists on~~
708 ~~September 23, 2008, but that, on or after September 23, 2008, is altered or added~~
709 ~~to in a manner requiring the submission of plans, drawings, specifications, or data~~
710 ~~pursuant to R.C. § 3791.04, shall comply with a graphic floor plan layout that is~~
711 ~~approved by the State Fire Marshal and Superintendent of Industrial Compliance~~
712 ~~showing width of aisles, parallel arrangement of aisles to exits, number of exits~~
713 ~~per wall, maximum occupancy load, evacuation plan for occupants, height of~~
714 ~~storage or display of merchandise, and other information as may be required by~~
715 ~~the State Fire Marshal and Superintendent of Industrial Compliance.~~

716 ~~(d) A fireworks showroom structure that exists on June 30, 1997, shall be in~~
717 ~~compliance on or after June 30, 1997, with floor plans showing occupancy load~~
718 ~~limits and internal circulation and egress patterns that are approved by the State~~
719 ~~Fire Marshal and Superintendent of Industrial Compliance, and that are submitted~~
720 ~~under seal as required by R.C. § 3791.04.~~

721 ~~(D) The safety requirements established in division (C) of this section are not subject to any~~
722 ~~variance, waiver, or exclusion pursuant to this chapter or any applicable building code.~~

724 FIREWORKS AND EXPLOSIVES

725 § 92.30 ~~Sale of explosives to minors~~ Fireworks Display Permit

726 The Chief of Emergency Services, fire code official, or designee shall utilize the rules and
727 regulations of the Ohio Fire Code, for granting permits for public displays of fireworks, blasting
728 or use of explosives within Tipp City.

729 Each event is separate and unique. Therefore, each use of any types of explosives will need a
730 permit from the Tipp City Emergency Service Department.

731 The fee of the permit and all services provided will be estimated at the time of the permit
732 application based on the parameters required for the event being permitted, which may include
733 but not limited too; employee(s) hourly wages or equivalent thereof, including benefits,
734 equipment hourly rate for equipment on site, etc.

735 ~~(A) No person shall sell, give away or otherwise dispose of or deliver to any person under 21~~
736 ~~years of age any explosives, as defined in R.C. § 2923.11(M), whether such person is acting~~
737 ~~for himself or herself or for any other person.~~

738 ~~(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.~~

739 ~~§ 92.31 Blasting; permit required. Deleted~~

740 ~~No person shall cause a blast to occur within the municipality without making application in~~
741 ~~writing beforehand, setting forth the exact nature of the intended operation, and receiving a~~
742 ~~permit to blast from the Mayor or other proper municipal officer. The Mayor or other proper~~
743 ~~municipal officer before granting such permit, may require the applicant to provide a bond to~~
744 ~~indemnify the municipality and all other persons against injury or damages, which might result~~
745 ~~from the proposed blasting.~~

746 OPEN BURING

747

748 § 92.40 Definitons.

749 (a) “Agricultural waste” means any waste material generated by crop, horticultural, or livestock
750 production practices, and includes such items as woody debris and plant matter from stream
751 flooding, bags, cartons, structural materials, and landscape wastes that are generated in
752 agricultural activities, but does not include land-clearing waste; buildings; garbage; dead
753 animals; animal waste; motor vehicles and parts thereof; nor economic poisons and containers
754 thereof, unless the manufacturer has identified open burning as a safe disposal procedure.

755 (b) “Bonfire.” An outdoor fire utilized for ceremonial purposes that is larger than a recreational
756 fire.

757 (c) “Economic poisons” include but are not restricted to pesticides such as insecticides,
758 fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed
759 disinfectants; and defoliant.

760 (d) “Emergency burning” means the burning of clean wood waste or deceased animals caused
761 by a natural disaster or an uncontrolled event such as the following:

762 (1) A tornado.

763 (2) High winds.

764 (3) An earthquake.

765 (4) An explosion.

766 (5) A flood.

767 (6) A hail storm, a rain storm, or an ice storm.

768 (e) “Garbage” means any waste material resulting from the handling, processing, preparation,
769 cooking and consumption of food or food products.

770 (f) “Landscape waste” means any plant waste material, except garbage, including trees, tree
771 trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and
772 crop residues.

- 773 (g) “Land clearing waste” means plant waste material which is removed from land, including
774 plant waste material removed from stream banks during projects involving more than one
775 property owner, for the purpose of rendering the land useful for residential, commercial,
776 or industrial development. “Land clearing waste” also includes the plant waste material
777 generated during the clearing of land for new agricultural development.
- 778 (h) “Ohio EPA” means the Ohio Environmental Protection Agency director or agencies
779 delegated authority by the director of the Ohio environmental protection agency pursuant
780 to Ohio R.C. 3704.03 or the chief of any Ohio environmental protection agency district
781 office.
- 782 (i) “Open burning” means the burning of any materials wherein air contaminants resulting
783 from combustion are emitted directly into the ambient air without passing through a stack
784 or chimney. Open burning includes the burning of any refuse or salvageable material in
785 any device not subject to or designed specifically to comply with the requirements of rule
786 3745-17-09 or 3745-17-10 of the Ohio Administrative Code.
- 787 (j) “Patio appliances.” “Patio appliances” include any devices designed to burn wood and
788 have a total fuel area of three feet or less in diameter and two feet or less in height for
789 pleasure, cooking, warmth or similar purposes. Patio appliances may be portable or
790 stationery and includes outdoor fireplaces.
- 791 (k) “Recreational fire.” An outdoor fire burning materials other than rubbish where the fuel
792 being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or
793 barbecue pit and has a total fuel area of three feet or less in diameter and two feet or less
794 in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
795 Recreational fires include campfires and any fires burned in makeshift devices for the
796 above purposes.
- 797 (l) “Residential waste” means any waste material, including landscape wastes, generated on a
798 one-, two- or three-family residence as a result of residential activities, but not including
799 garbage.
- 800 (m) Incorporation by reference. This chapter includes references to certain matter or materials.
801 The text of the incorporated materials is not included in the regulations contained in this
802 chapter. The materials are hereby made a part of the regulations in this chapter. For
803 materials subject to change, only the specific version specified in the regulation are
804 incorporated. Material is incorporated as it exists on the effective date of this rule. Except
805 for subsequent annual publication of existing (unmodified) Code of Federal Regulation
806 compilations, any amendment or revision to a referenced document is not incorporated
807 unless and until this rule has been amended to specify the new dates.
- 808 (1) Availability. The materials incorporated by reference are available as follows:
- 809 A. National Fire Protection Association. Information on the National Protection
810 Association codes may be obtained by contacting association at 1 Batterymarch Park,
811 Quincy, Massachusetts 02169-7471, 617-770-3000. Codes may be ordered
812 www.nfpa.org/catalog/home/index.asp. Copies of the code at most public libraries and
813 “The State Library of Ohio.”
- 814 (2) Incorporated materials.

815 A. NFPA publication 1403; “Standard on Live Fire Training Evolutions, Chapter 4,
816 Acquired Structures;” November 2001 Edition.

817

818 § 92.41 Relation to other prohibitions

819 (a) Notwithstanding any provision in Chapter 3745-19 of the Administrative Code or this
820 chapter, no open burning shall be conducted in an area where an air alert, warning, or emergency
821 under Chapter 3745-25 of the Administrative Code is in effect. Open burning that is offensive or
822 objectionable because of smoke or odor emissions or when atmospheric conditions or local
823 circumstances make such fires hazardous shall be prohibited.

824 (b) No provisions of Chapter 3745-19 of the Administrative Code or this chapter, permitting
825 open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person
826 from compliance with any section of the Revised Code, or any regulation of any State
827 department, or any local ordinance or regulation dealing with open burning.

828 (c) The Fire Code Official, in addition to issuing citations for violation of this chapter, is also
829 authorized to order the extinguishment by a permit holder or any other person responsible for
830 open burning that creates or adds to a hazardous or objectionable situation.

831

832 § 92.42 Open burning regulations

833 (a) No person or property owner shall cause or allow open burning in the City except as
834 provided in Sections 92.41 to 92.43 of this chapter or in Ohio R.C. 3704.11.

835 (b) Open burning shall be allowed for the following purposes without notification to or
836 permission from the Ohio EPA:

837 (1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of
838 outdoor workers and strikers, smudge pots and similar occupational needs.

839 (2) Campfires, recreational fires, including outdoor fires in fireplace equipment or patio
840 appliances, whether for cooking food for human consumption, pleasure, religious, ceremonial,
841 warmth, recreational, or similar purposes, if the following conditions are met:

842 A. The fires are fueled with clean seasoned firewood, natural gas or equivalent, or any
843 clean burning fuel with emissions that are equivalent to or lower than those created from
844 the burning of seasoned firewood;

845 B. The fires are not used for waste disposal purposes; and

846 C. The fires shall have a total fuel area of three feet or less in diameter and two feet or
847 less in height.

848 D. The fires are constantly attended by a person at least 18 years of age until the fire is
849 extinguished. A minimum of one portable fire extinguisher complying with Paragraph F
850 (906 of Rule 1301:7-7-09 of the Administrative Code with a minimum 4-A rating or
851 other approved on-site fire extinguishing equipment such as dirt, sand, water barrel,
852 garden hose or water truck shall be available for immediate utilization.

853 E. If the fire is a campfire, recreation fire or outdoor fire in fireplace equipment, the fire
854 must be located no closer than twenty (25) feet from any structure and provisions are
855 made to prevent the fire from spreading to within twenty (25) feet of a structure.

856 F. If the fire is in a patio appliance, then in addition to the requirements of (b)(2)A., B.,
857 C., and D. above, the following condition must also be met:

858 1. The fire may not be within fifteen (15) feet of a structure including a
859 combustible deck or patio, excepting patio appliances that incorporate a screen encompassing all
860 open areas of the burn chamber and are designed to prevent ignition through conduction through
861 its base may be placed on a combustible deck. However, the appliance shall be at least fifteen
862 (15) feet from any other structure including the structure that it is attached to.

863 2. Disposal of hazardous explosive materials, military munitions or explosive
864 devices that require immediate action to prevent endangerment of human health, public safety,
865 property or the environment and that are excluded from the requirement to obtain a hazardous
866 waste permit pursuant to paragraph (D)(1)(d) of Rule 3745-50-45 of the Administrative Code.

867 3. Recognized training in the use of fire extinguishers for commercial or
868 industrial fire prevention.

869 (c) Open burning shall be allowed for the following purposes with prior notification to the Ohio
870 EPA in accordance with paragraph (B) of Rule 3745-19-05 of the Administrative Code:

871 (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio
872 EPA from the local health department, cooperative extension service, Ohio Department of
873 Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate
874 disposal method.

875 (2) Bonfires or campfires used for ceremonial purposes that do not meet the standards of
876 paragraph (b)(2) of this section, provided the following conditions are met:

877 A. Bonfires have a total fuel area no greater than five feet in diameter by five feet in
878 height and burn no longer than three hours;

879 B. Bonfires are not used for waste disposal purposes; and

880 C. Bonfires are fueled with clean seasoned firewood, natural gas or equivalent, or any
881 clean burning fuel with emissions that are equivalent to or lower than those created from the
882 burning of seasoned firewood.

883 D. Bonfires shall not be conducted within fifty (50) feet of a structure or combustible
884 material unless the fire is in a barbecue pit. Conditions which could cause a fire to spread within
885 50 feet of a structure shall be eliminated prior to ignition.

886 (3) Disposal of agricultural waste generated on the premises if the following conditions are
887 observed:

888 A. The fire is set only when atmospheric conditions will readily dissipate contaminants;

889 B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air
890 fields;

891 C. The fire is located at a point on the premises no less than 1,000 feet from any
892 inhabited building not located on said premises;

893 D. The wastes are stacked and dried to provide the best practicable condition for
894 efficient burning; and

895 E. No materials are burned which contain rubber, grease, asphalt or liquid petroleum
896 products.

897 (d) Open burning shall be allowed for the following purposes upon receipt of written
898 permission from the Ohio EPA, in accordance with paragraph (A) of Rule 3745-19-05 of the
899 Administrative Code, provided that any conditions specified in the permission are followed:

900 (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is
901 no practical alternate method of disposal, excluding those materials identified in paragraph
902 (B)(3) of this rule;

903 (2) Instruction in methods of firefighting or for research in the control of fires as recognized
904 by the State Fire Marshal division of the Ohio Department of Commerce and the guidelines set
905 forth in the National Fire Protection Association's (NFPA) publication 1403: *Standard on Live*
906 *Fire Training Evolutions, Chapter 4, Acquired Structures*, provided that the application required
907 in paragraph (A)(1) of rule 3745-19-05 is submitted by the commercial or public entity
908 responsible for the instruction;

909 (3) In emergency or other extraordinary circumstances for any purpose determined to be
910 necessary by the director and performed as identified in the appendix of this rule. If deemed
911 necessary, the open burning may be authorized with prior oral approval by the director followed
912 by the issuance of a written permission to open burn within seven working days of the oral
913 approval;

914 (4) Recognized horticultural, silvicultural (science and art of growing and cultivating forest
915 crops), range, or wildlife management practices; and

916 (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of
917 commercial film making or video production activities for motion pictures and television.

918

919 § 92.43 Permission to individuals and notification to the Ohio EPA

920 (a) An application for permission to open burn, if required, shall be submitted in writing at least
921 ten working days before the fire is to be set. Saturday, Sunday, and legal holidays shall not be
922 considered a working day. It shall be in such form and contain such information as required by
923 the Ohio EPA.

924 (b) Except as provided in divisions (a)(6) and (a)(7) of this section, such applications shall
925 contain, as a minimum, information regarding:

926 1. The purpose of the proposed burning;

927 2. The nature of quantities of material to be burned;

928 3. The date or dates when such burning will take place;

929 4. The location of the burning site, including a map showing distances to residences,
930 populated areas, roadways, air fields, and other pertinent landmarks; and

931 5. The methods or actions which will be taken to reduce the emissions of air
932 contaminants.

933 (c) Permission to open burn shall not be granted unless the applicant demonstrates to the
934 satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be
935 conducted in a time, place, and manner as to minimize the emission of air contaminants; and will
936 have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio
937 EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter
938 3745-19 of the Administrative Code.

939 (d) Except as provided in division (A)(6) of this section, permission to open burn must be
940 obtained for each specific project. In emergencies where public health or environmental quality
941 will be seriously threatened by delay while written permission is sought, the fire may be set with
942 oral permission of the Ohio EPA.

943 (e) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open
944 burn shall be grounds for revocation of such permission and refusal to grant future permission, as
945 well as for the imposition of other sanctions provided by law

946 (f) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission
947 to open burn on an annual basis for the purpose of training firefighters on pre-flashover
948 conditions using the Ohio fire academy's mobile training laboratory at either the academy or at
949 other training sites in Ohio. The annual application required pursuant to division (a)(1) of this
950 section shall contain information as required in division (a)(2) of this section, except the
951 information required in divisions (a)(2) and (a)(2)D. of this section need not be provided unless it
952 is available at the time of submittal of the application. The academy shall contact the appropriate
953 Ohio EPA district office or local air agency at least five working days before each training
954 session of the date or dates when the training session will take place and its location. Saturday,
955 Sunday, and legal holidays shall not be considered a working day.

956 (g) For open burning defined under paragraph (D)(2) of Rule 3745-19-03 and paragraph (C)(2)
957 of Rule 3745-19-04 of the Administrative Code, permission to open burn shall not be granted
958 unless the applicant provides proof of written notice of intent to demolish received by the
959 appropriate Ohio EPA field office in accordance with rule 3745-20-03 of the Administrative
960 Code.

961 (h) Notification.

962 (1) Notification shall be submitted in writing at least ten working days during normal
963 business hours, Monday – Friday excluding weekends and holidays before the fire is to be set.
964 Saturday, Sunday, and legal holidays shall not be considered a working day. It shall be in such
965 form and contain such information as shall be required by the Ohio EPA.

966 (2) Such notification shall inform the Ohio EPA regarding:

- 967 A. The purpose of the proposed burning;
- 968 B. The nature and quantities of materials to be burned;
- 969 C. The date or dates when such burning will take place; and
- 970 D. The location of the burning site.

971 (3) The Ohio EPA, after receiving notification, may determine that the open burning is not
972 allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the
973 applicant to this effect.

974

975

ADMINISTRATION AND ENFORCEMENT

976 § 92.4550 Appeals.

977 (A) (1) Whenever a code official disapproves an application or refuses to grant a permit applied
978 for, or when it is claimed that the provisions of the code do not apply or that the intent and
979 meaning of the code have been misconstrued or wrongly interpreted, the applicant may,
980 within thirty (30) days, appeal in writing to the ~~Fire~~ Chief of Emergency Services. The ~~Fire~~
981 Chief of Emergency Services shall render a decision in writing within thirty (30) days of the
982 written appeal.

983 (2) The decision of the ~~Fire~~ Chief of Emergency Services may be appealed to the Fire
984 Code Board of Appeals. All appeals to the Fire Code Board of Appeals must be made
985 in writing within thirty (30) days of the Fire Chief's decision.

986 (B) The Fire Code Board of Appeals shall consist of three (3) persons appointed by the City
987 Manager ~~and approved by Council~~ who have previous experience in fire prevention and
988 control. The City Manager may remove any member of the Board for cause upon written
989 charges.

990 (C) The Fire Code Board of Appeals shall elect a chairperson and adopt the rules necessary to
991 the conduct of its affairs. The Board shall not be a standing board, but will be called by the
992 City Manager upon receipt of an application for the appeal. All members of the Fire Code
993 Board of Appeals must be present to constitute a quorum for the conducting of business.
994 The Board may administer oaths and compel the attendance of witnesses. All meetings and
995 records shall be open to the public.

996 (D) (1) The Fire Code Board of Appeals shall act by resolution or motion and shall keep minutes
997 of its proceedings, showing the vote of each question, if a member is absent, or fails to vote,
998 the facts of each appeal considered by the Board, and the section of an ordinance, if
999 applicable, which the Board has considered in approving or disapproving any petition or
1000 other matter brought before the Board.

1001 (2) An appeal of a decision by the ~~Fire~~ Chief of Emergency Services shall stay all
1002 proceedings unless the code official certifies that, by reason of facts pertaining to the
1003 matter in question, a stay in their opinion would cause imminent peril to life and/or
1004 property. When the certification is made, proceedings shall not be stayed except by a
1005 restraining order granted by the Fire Code Board of Appeals or by the Court of
1006 Common Pleas.

1007 (E) The Fire Code Board of Appeals shall fix a reasonable time for the hearing of any appeal. It
1008 shall give at least ten (10) days notice of the time and place of the hearing to the code
1009 official and appellant, the notice to be delivered personally or by mail addressed to the
1010 parties. Any party may appear at the hearing in person, by agent, or by attorney. The Board
1011 shall decide the appeal within a reasonable time.

1012 (F) A decision rendered by the Fire Code Board of Appeals may be appealed to any appropriate
1013 court of law. Application for review shall be made in the manner and time required by law
1014 following the filing of the Board's decision in the office of the City Manager.

1015 § 92.99 Penalty.

1016 (A) Whoever violates any of the provisions of this chapter for which no other penalty is provided
1017 herein, is guilty of a minor misdemeanor on a first offense and shall be fined not more than
1018 \$100.00; on a second offense and each subsequent offense, the person is guilty of a
1019 misdemeanor of the fourth degree, and shall be fined not more than \$250.00 or imprisoned
1020 not more than 30 days, or both. Unless otherwise provided by law. Each day's violation shall
1021 constitute a separate offense.

1022 ~~(B) (1) Except as otherwise provided in division (B)(2) or (B)(3) of this section, whoever~~
1023 ~~violates any provisions of §§ 92.20 through 92.27 is guilty of a misdemeanor of the first~~
1024 ~~degree.~~

1025 ~~(2) If the offender previously has been convicted of or pleaded guilty to a violation of R.C.~~
1026 ~~§ 3743.60(I) or R.C. § 3743.61(I), or a substantially equivalent municipal ordinance, a~~
1027 ~~violation of § 92.23(E) is a felony to be prosecuted under appropriate state law.~~

1028 ~~(3) Whoever violates § 92.25(A) is guilty of a misdemeanor of the first degree. In addition~~
1029 ~~to any other penalties that may be imposed on a licensed exhibitor of fireworks under~~
1030 ~~this division and unless the third sentence of this division applies, the person's license~~
1031 ~~as an exhibitor of fireworks or as an assistant exhibitor of fireworks shall be~~
1032 ~~suspended, and the person is ineligible to apply for either type of licence, for a period~~
1033 ~~of five years. If the violation of § 92.25(A) results in serious physical harm to persons~~
1034 ~~or serious physical harm to property, the person's license as an exhibitor of fireworks~~
1035 ~~or as an assistant exhibitor of fireworks shall be revoked, and that person is ineligible~~
1036 ~~to apply for a license as or to be licensed as an exhibitor of fireworks or as an assistant~~
1037 ~~exhibitor of fireworks in this state. (R.C. § 3743.99(C), (D))~~

1038 ~~(C) Whoever violates any provision of § 92.31 shall be subject to the penalty as provided~~
1039 ~~in § 10.99.~~

1040 .

1041