

ORDINANCE NO. 2019-28

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1620.02 ENTITLED “ESTABLISHMENT OF BUREAU OF FIRE PREVENTION,” TO CLARIFY THE SCHEDULE OF NON-RESIDENTIAL OR COMMERCIAL INSPECTIONS AND TO PROVIDE FOR REFERRAL TO THE CITY PROSECUTOR.

WHEREAS, for the health safety and welfare of residents, the City’s Fire Prevention Bureau has been reconstituted;

WHEREAS, the City’s Fire Prevention Bureau has been authorized to conduct various inspections and issue various permits, and the City wishes to recapture its costs or a portion thereof in connection with the performance of those inspections and permit issuances;

WHEREAS, Council finds that the fee structure set forth herein correlates to the City’s costs in conducting said inspection program;

WHEREAS, the City’s Fire Prevention Bureau wishes to provide the basis for referral to the Law Director or Prosecutor for criminal or civil prosecution/citation, as appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, OHIO THAT:

Section 1. Council hereby enacts Codified Ordinance Section 1620.98 entitled “Permit and Inspection Fees” to read in its entirety as follows:

1620.02 ESTABLISHMENT OF BUREAU OF FIRE PREVENTION

(a) This Part Sixteen – Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Division of Fire, which is hereby created and established. The fire Chief shall supervise and appoint such officers and personnel thereto as he or she deems necessary. Appointment to the Bureau of Fire Prevention shall be of such duration as is determined by the Fire Chief.

(b) The Fire Chief or any municipal fire safety inspector shall have the authority to enter premises, to inspect buildings and premises, to issue and serve orders, investigate fires, issue and revoke permits and approve materials, devices, or mode of construction as is more specifically set forth and provided in this Code.

(c) For the performance of the duties and powers provided by this section the Director of Public Safety is hereby authorized to commission and appoint the Fire Chief and any municipal fire safety inspector a special police officer.

(d) (1) When inspecting structures and occupancies other than residential structures and occupancies in the City to achieve compliance with the Fire Prevention Code, the City, through the Bureau of Fire Prevention, shall impose the following fee schedule to the owners of those structures/occupancies inspected.

(A) The fees for all permits issued by the Bureau of Fire Prevention shall be \$25.00 unless otherwise set forth below or in this Chapter 1620.

(B) Operational permits for fire hydrants shall be \$100.00 and \$75.00 of this amount shall be considered a deposit. The deposit shall be refunded when use of the hydrant has ceased and it is determined by the City that no damage associated with the use of the hydrant has occurred. If any damage has occurred, the Fire Prevention Bureau may require the permittee to make repairs within a reasonable time, or the Fire Prevention Bureau may cause the repairs to be made and deduct the cost of repairs from the deposit. To the extent that the cost of repairs exceeds the amount on deposit with the City and the City has made the repairs, the Permittee shall be liable for the difference and shall be obligated to pay the City immediately upon written demand by the City.

(C) A permit for Hot Work is \$25.00.

(D) The fee for Mobile Food Truck Inspection is \$25.00.

(E) The fee for witnessing inspection, testing, and maintenance of all Fire Protection Systems (i.e., fire alarm, sprinkler system, hood system, and the like) is \$25.00.

(F) The fee for Plan Review of Fire Protection Systems is \$200.00

(G) The fee for Annual Safety Inspections is \$25,00, except that the fee for Annual Safety Inspection of space equal to or greater than 12,000 square feet shall be \$100.00.

(H) The fee for a follow-up inspection to verify compliance with any violations is \$50.00, provided that said fee shall be waived in any instance in which all violations have been corrected as of the date and time of the follow-up inspection. The follow-up inspection shall take place within thirty (30) days of the annual inspection or initial inspection.

(I) The fee for a second follow-up inspection (i.e., 3rd overall inspection), in cases where violations are found at the time of the follow-up inspection as set forth in Section (d)(1)(H) hereof, is \$100.00. The second follow-up inspection shall take place within fourteen (14) days of the follow-up inspection described in Section (d)(1)(H) above.

(J) The fee for a third follow-up inspection and every inspection thereafter (i.e., 4th overall inspection or greater), in cases where violations are found at the time of the follow-up inspection as set forth in Section (d)(1)(I) hereof, is \$200.00. The third follow-up inspection(s) shall take place every seven (7) after the follow-up inspection described in Section (d)(1)(I) above, until compliance is achieved.

(d) (2) If it is determined by the Fire Chief and/or the Inspector of the Bureau of Fire Prevention that the correction of the particular violation requires more than 30 days after the initial inspection to complete because of its complexity or expense, the Fire Chief and/or the Inspector of the Bureau of Fire Prevention may waive the imposition of the aforesaid fees and may establish a reasonable compliance timetable for that specific violation before follow-up inspection(s) is/are required.

(e) When multiple permits are required for a specific activity at one location, the permit application may be consolidated into a single permit application, and one permit covering all inspections may be issued. The permittee shall pay for a consolidated permit that same aggregate amount that would have been paid if the permits were issued separately.

(f) Any party that fails to pass an inspection under Section (d)(1)(I) hereof may be subject to criminal or civil citation as set forth in Codified Ordinance Section 1602.99, upon referral of the matter by the Fire Chief to the Law Director or Prosecutor.

Section 2. Codified Ordinance Section 1620.02 in existence immediately prior to the passage of this ordinance is hereby repealed.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

CITY OF UNIVERSITY HEIGHTS, OHIO


MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: 05/20/2019

PASSED: 06/03/2019

ATTEST: 
KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM: 
LUKE F. MCCONNELL, LAW DIRECTOR