

**CHAPTER 1503**  
**Administration and Enforcement**

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**1503.01 DEFINITIONS.**

As used in this Fire Prevention Code, certain terms are defined as follows:

- (a) "Fire Official" means the Chief of the Fire Division of the City of Springfield, and such members of the Fire Division including, but not limited to, members of the Fire Marshal's Bureau as the Chief may designate and who have been issued a certificate by the State Superintendent of Public Instruction pursuant to Ohio R.C. 3303.07 evidencing his satisfactory completion of a fire safety inspector training program.
- (b) "Jurisdiction" means the City of Springfield, Ohio.
- (c) "Building Code" means Part Thirteen of the Codified Ordinances of the City of Springfield.  
(Ord. 06-303. Passed 8-8-06.)

**1503.02 TERMS NOT DEFINED.**

(a) Where terms are not defined in this Fire Prevention Code and are defined in the Building Code, they shall have the meaning ascribed to them in the Building Code.

(b) Where terms are not defined in this Fire Prevention Code or in the Building Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context hereby may imply.

(c) The term "Fire Official" and "Code Official" shall have the same definition and meaning as used throughout in this Fire Prevention Code.  
(Ord. 06-303. Passed 8-8-06.)

**1503.03 FIRE MARSHAL'S BUREAU.**

(a) There shall be a Fire Marshal's Bureau in the Fire Division of the City of Springfield, Ohio, which Bureau shall be operated under the supervision and control of the Fire Division Chief and shall have as its principal responsibility the enforcement of this Fire Prevention Code and those provisions of the Building Code pertaining to fire protection.

(b) The Fire Division Chief, with the approval of the City Manager, may assign such personnel as he and the City Manager may deem necessary to the Bureau. Such personnel so assigned shall be known as Fire Marshal, Assistant Fire Marshal and Inspectors. (Ord. 06-303. Passed 8-8-06.)

**1503.04 INSPECTIONS.**

The Fire Official shall inspect all buildings, structures and premises except one, two and three-family dwellings as often as may be necessary for the purpose of ascertaining and causing to be corrected, any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this Fire Prevention Code or any other ordinance affecting fire safety. (Ord. 06-303. Passed 8-8-06.)

**1503.05 COOPERATION OF OTHER OFFICIALS.**

The Fire Official may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of the officials of all other departments of the City of Springfield. (Ord. 06-303. Passed 8-8-06.)

**1503.06 RIGHT OF ENTRY.**

Whenever necessary for the purpose of enforcing the provisions of this Fire Prevention Code, or whenever the Fire Official has reasonable cause to believe that there exists in any building or structure or upon any premises, any condition which makes such building, structure or premises unsafe, the Fire Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Fire Official by this Fire Prevention Code; provided that if such building, structure or premises be occupied, he shall first present proper credentials and request entry. If such entry is refused, the Fire Official shall have recourse to every remedy provided by law to secure entry. (Ord. 06-303. Passed 8-8-06.)

**1503.07 INVESTIGATION OF FIRES.**

(a) The Fire Official shall investigate, or cause to be investigated, every fire or explosion occurring within the jurisdiction that is of a suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an occurrence is of a suspicious nature, the Fire Official shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure or premises until such evidence has been properly processed. The Fire Official shall notify such persons designated by law to pursue investigations into such matters and shall further cooperate with such authorities in the

collection of evidence and prosecution of the case and shall pursue the investigation to its conclusion.

(b) Any member of the Fire Division of the City who is the Fire Official who has been delegated authority by the Fire Chief to investigate fires shall have the power and duty to investigate the cause of all fires, examine witnesses, compel the attendance of witnesses, and the production of books and papers, enter, for the purpose of examination, any building which, in his opinion, is in danger of fire, and to do and perform all other acts necessary to the effective discharge of such duties.

(c) Any member of the Fire Division of the City who is a Fire Official, a Notary Public, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program and who has been delegated authority by the Fire Chief to investigate fires may compel the attendance of witnesses and the production of books and papers, administer oaths, make arrests, bear firearms, and enter, for the purpose of examination, any building which, in his opinion, is in danger from fire.

(d) Any person ordered by a Fire Official, empowered under divisions (b) or (c) of this section, to appear and give testimony or to produce books and papers shall appear at the time and place designated in such order and shall give testimony and produce books and records in compliance with the order issued by the Fire Official.  
(Ord. 06-303, passed 8-8-06; Ord. 13-15, passed 1-22-13.)

#### **1503.08 ANNUAL REPORT.**

A report of the Fire Marshal's Bureau shall be made annually and submitted to the City Manager. Such report shall contain all proceedings under the Fire Prevention Code, with such statistics as the Fire Official may wish to include therein. The Fire Official shall also recommend any amendments to this Fire Prevention Code which, in his judgment, shall be desirable.

(Ord. 06-303. Passed 8-8-06.)

#### **1503.09 ADMINISTRATIVE LIABILITY.**

No officer, agent or employee of the City of Springfield, shall render himself personally liable for any injury or damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Fire Prevention Code or by reason of any failure to act in connection therewith. No such officer, agent or employee shall be liable for the costs of any action, suit or proceeding that may be instituted in pursuance of the provisions of this Fire Prevention Code, and any suit instituted against any such officer, agent or employee as a result of any act required or permitted in the discharge of his duties under this Fire Prevention Code shall be defended by the Director of Law until the final determination of the proceedings therein.

(Ord. 06-303. Passed 8-8-06.)

#### **1503.10 RULES AND REGULATIONS.**

The Fire Official shall have authority as may be necessary in the interest of public safety, health and general welfare to promulgate rules and regulations, to interpret and

implement the provisions of this Fire Prevention Code, to secure the intent thereof and to designate requirements, applicable because of climatic or other conditions, but no such rules shall have the effect of waiving any fire safety requirements specifically provided in this Fire Prevention Code, or violating accepted engineering practice involving public safety.

(Ord. 06-303. Passed 8-8-06.)

#### **1503.11 APPEALS.**

(a) Any person aggrieved by any decision made by the Fire Official in accordance with this Fire Prevention Code, or any order or citation issued by the Fire Official pursuant to this Fire Prevention Code may appeal in writing to the Board of Building Appeals within ten (10) days following receipt of such decision or service of such order or citation as provided by this Fire Prevention Code. In requesting an appeal, such person or his attorney shall specify the basis for such appeal and the relief sought to be obtained therefrom. The Board of Building Appeals shall schedule a hearing on such appeal within a reasonable time and shall notify such person or his attorney at least seven (7) days in advance of the time and place of such hearing. At such hearing, the Board of Building Appeals shall receive any relevant evidence that such person, his attorney, the Fire Official, and any other person who, in the discretion of the Board of Building Appeals, has an interest in or knowledge of the subject matter of the hearing, may offer. Testimony received at such hearing shall be under oath and shall be reduced to writing unless otherwise dispensed with by such person or his attorney. The Board of Building Appeals may adopt reasonable rules and regulations for conducting such hearing. Following such appeal, the Board of Building Appeals shall affirm, modify, or dismiss the decision, order, or citation of the Fire Official.

(b) Each application for an appeal to the Board of Building Appeals from an action of the Fire Official shall be accompanied by a fee of two hundred dollars (\$200.00). Fees shall be deposited in accordance with applicable laws and shall be used to defray the normal expenses of the appeal.

(Ord. 06-303. Passed 8-8-06.)

#### **1503.12 DANGEROUS OR HAZARDOUS CONDITIONS.**

(a) Whenever, upon inspection or investigation, the Fire Official finds in any building or structure or upon any premises dangerous or hazardous conditions or materials, as follows, he shall order such dangerous condition to be removed or remedied in accordance with the provisions of this Fire Prevention Code:

- (1) Dangerous conditions which are liable to cause or contribute to the spread of fire in or on such premises, building or structure or endanger the occupants thereof;
- (2) Conditions which would interfere with the efficiency and use of any fire protection equipment;
- (3) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operations of the Fire Division in case of fire;
- (4) Accumulations of dust or waste materials in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts;
- (5) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment;

- (6) Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material;
- (7) Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances;
- (8) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials;
- (9) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials; and
- (10) All equipment, materials, processes or operations which are in violation of the provisions and intent of this Fire Prevention Code.  
(Ord. 06-303. Passed 8-8-06.)

#### **1503.13 EVACUATION.**

(a) When, in the opinion of the Fire Official, there is a present danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the Fire Official may order the immediate evacuation of such building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or re-enter until authorized to do so by the Fire Official.

(b) Any person who refuses to leave, interferes with the evacuation of other occupants, or continues any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Fire Prevention Code.  
(Ord. 06-303. Passed 8-8-06.)

#### **1503.14 ISSUANCE OF CITATION; EXCEPTIONS; ENFORCEMENT; PROHIBITION.**

(a) Except as herein provided, whenever the Fire Official finds that this Fire Prevention Code, or any order issued pursuant to it has been violated, he shall with reasonable promptness issue a citation to the persons responsible for such violation. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the order or provision of this Fire Prevention Code alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. Such citation shall be served upon the persons responsible for the violation either by personal delivery or by delivering a copy of same to such persons by certified mail to such persons last known post office address, or, if service is unable to be made by personal delivery or by certified mail, service shall be effected by publication once in a newspaper of general circulation within the City of Springfield.

(b) Whenever a citation is not complied with within the time fixed in such citation, the Fire Official shall request the Director of Law to institute the appropriate legal proceeding to abate such violation.

(c) No person shall knowingly fail to abate any violation cited by the Fire Official within

the time fixed for such abatement in the citation.

(Ord. 06-303. Passed 8-8-06.)

**1503.15 ABATEMENT BY CITY; COLLECTION OF EXPENSE.**

If a citation is not complied with within the time fixed in such citation, the City Manager may cause the building or structure to be repaired or demolished, or may cause dangerous or hazardous materials or conditions to be removed or remedied, as necessary to abate the violation, at the expense of the persons responsible for such violation. At least thirty (30) days prior to the repairing or demolition of such building or structure, or the removal or remedying of such materials or conditions, the City Manager shall give or cause to be given notice by certified mail of his intention with respect to such building or structure to the holders of liens of record upon the real property on which such building or structure is located and to the owners of record of such property. The holders of liens of record upon such property may enter into an agreement with the City to perform the repair, demolition, removal or other remedial action. If an emergency exists, as determined by the City Manager, notice may be given other than by certified mail and less than thirty (30) days prior to such repair, demolition, removal or other remedial action. If the persons responsible for such violation fail, neglect or refuse to pay the expenses incurred in the repairing or demolition of such building or structure, or the removal or remedying of such materials or conditions, the City Manager shall, with the assistance of the Director of Law, cause the expense incurred in the repairing or demolition of such building or structure, or the removal or remedying of such materials or conditions, to be charged against the land on which such building or structure is or was situated as a municipal lien or cause such expense to be added to the tax duplicate as an assessment, or to be levied as a special tax against the land on which the building or structure is or was situated, or to be recovered in a suit at law against the persons responsible for such violation.

(Ord. 06-303. Passed 8-8-06.)

**1503.99 PENALTY.**

Except as otherwise provided, whoever knowingly violates any provision of this Fire Prevention Code, or any order or citation issued pursuant to it, is guilty of a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000) or be imprisoned not more than six (6) months, or both. Each day that a violation continues, after service of notice as provided in this Fire Prevention Code, shall be deemed a separate offense.

(Ord. 06-303. Passed 8-8-06.)