

ORDINANCE NO. 09 -43 AC CMS

AN ORDINANCE AMENDING SECTIONS 1501.25 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, ESTABLISHING REQUIRED PERMITS AND FEES FOR SERVICES OF THE OBERLIN FIRE DEPARTMENT AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Section 1501.25 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended to read as set forth in **Exhibit A** attached hereto.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to amend the issuance of required fire code permits and fees within the City of Oberlin as soon as possible in order to ensure the public safety of Oberlin residents",

and shall take effect immediately upon passage.

PASSED: 1st Reading – June 1, 2009(E)
2nd Reading-
3rd Reading-

ATTEST:



Belinda B. Anderson

CLERK OF COUNCIL



David E. Sonner

PRESIDENT OF COUNCIL

POSTED: 06/02/2009

EFFECTIVE DATE: 06/01/2009

EXHIBIT "A"

- (a) The Fire Chief shall prepare application forms and a filing system for permits to be issued pursuant to the Fire Prevention Code and shall perform all functions required thereunder.
- (b) The following schedule shall apply to all Fire Prevention Code and permit fees within the City:

	Administrative Fees	Fee	Term
	Inspection or acceptance test after normal working hours plus \$25 per hour or portion thereof	\$200	
	Reinspection, retesting or additional test	\$50	
	Subsequent follow-up inspections or testing (incremental)	+\$50	
	Additional plan review	\$25	Per hour

	Fire Inspection Fees	Fee	Term
	Inspections during normal working hours	NC	
	- First reinspection	NC	
	- Second and subsequent reinspections	\$50	Per visit
	Inspections after normal working hours		
	- Initial inspection	\$20	
	- Additional reinspections	\$50	Per visit
	Licence inspection - day care	\$50	Annual
	License inspections - group homes	\$25	Annual
	Adoption, foster home inspection	NC	
	Certificate of fire code compliance	\$20	
	Fire Watch (per hour or portion thereof per inspector)	\$25	Per hour
	Fireworks (per hour/per inspector)	\$25	Per hour
	Fireflow test	\$75	

Section	Operational Permits	Fee	Term
105.6.1	Aerosol products	\$65	Annual
105.6.2	Amusement buildings	\$65	Annual
105.6.3	Aviation facilities	\$65	Annual
105.6.4	Carnivals and fairs	\$65	Event
105.6.5	Cellulose nitrate films	\$100	Annual
105.6.6	Combustible dust-producing operations	\$65	Annual
105.6.7	Combustible fibers	\$65	Annual
105.6.8	Compressed gases	\$65	Annual
	- Flammable in excess of 200 cu ft		
	- Highly toxic or toxic: any amount		
	- Inert and simple asphyxiant in excess of 6,000 cu ft		
	- Corrosive in excess of 200 cu ft		
	- Oxidizing in excess of 504 cu ft		
105.6.9	Covered mall buildings	\$65	Annual
105.6.10	Cryogenic fluids	\$65	Annual
105.6.11	Cutting and welding	\$30	Annual
105.6.12	Dry cleaning plants	\$65	Annual
105.6.13	Exhibits and trade shows	\$90	Event
105.6.14	Explosives		
	- Store, handle, sale	\$300	Annual
	- Use of explosives	\$300	Annual
	- Transport explosives	\$100	Annual
	- Store/sale ammunition	\$100	Annual
	- Black powder, store/sale	\$65	Annual
	- Fireworks display	\$100	Event
105.6.15	Fire hydrants and valves (use)	\$25	Day
105.6.16	Flammable and combustible liquids		

Section	Operational Permits	Fee	Term
	- Temporary (less than 30 days)	\$35	
	- Class I > 5 gal inside or 10 gal stored/used outside	\$35	Annual
	- Use or store Class II, Class IIIA, Class IIIB	\$65	Annual
	- To operate tank vehicles, equipment, plants, terminals	\$65	Annual
	- Use or store aboveground or underground tanks/systems	\$65	Annual
	- To manufacture, process, blend or refine	\$100	Annual
	- Liquid storage room	\$65	Per room
	- Liquid storage warehouse	\$100	Annual
	- Use, dispense and mix room	\$65	Per room
105.6.17	Floor finishing	\$65	Event
105.6.18	Fruit and crop ripening	\$65	Annual
105.6.19	Fumigation and thermal insecticidal fogging	\$35	Event
	General fire code permit	\$50	
105.6.20	Hazardous materials (per code table)	\$200	Annual
105.6.21	HPM facilities	\$200	Annual
105.6.22	High-piled storage	\$65	Annual
105.6.23	Hot work operations	\$65	Annual
105.6.24	Industrial ovens	\$30	Annual
105.6.25	Lumber yards and woodworking plants	\$65	Annual
105.6.26	Liquid or gas-fueled vehicles or equipment in assembly buildings	\$65	Event
105.6.27	LP-gas	\$65	Per tank
105.6.28	Magnesium	\$65	Annual
105.6.29	Miscellaneous combustible storage	\$50	Annual
105.6.30	Open burning (except recreational fires)	\$25	Event
105.6.31	Open flames and torches	\$65	Annual
105.6.32	Open flames and candles	\$65	Annual
	- In conjunction with other permits	\$10	Annual
105.6.33	Organic coatings	\$75	Annual
105.6.34	Places of assembly		
	- Less than 100 occupants	\$10	Annual
	- Each additional 100 occupants	\$25	Annual
	- Maximum	\$200	Annual
105.6.35	Private fire hydrants (add/remove/use)	\$65	Event
105.6.36	Pyrotechnic special effects material	\$150	Event
105.6.37	Pyroxylin plastics	\$65	Annual
105.6.38	Refrigeration equipment	\$65	Annual
105.6.39	Repair garages and motor fuel-dispensing facilities	\$65	Annual
105.6.40	Rooftop heliports	\$100	Annual
105.6.41	Spraying or dipping	\$65	Annual
105.6.42	Storage of scrap tires and tire byproducts	\$65	Annual
105.6.43	Tents, air supported structures (over 400 sq ft)	\$65	Event
105.6.44	Tire-rebuilding plants	\$65	Annual
105.6.45	Waste handling	\$65	Annual
105.6.46	Wood products	\$65	Annual

Section	Construction Permits	Fee	Term
	All construction permit fees include initial plan review and first inspection/acceptance test during normal working hours unless otherwise specified.		
	Additional fees required for plan resubmission, retest, additional tests, and tests after normal working hours.		
	Acceptance test after normal working hours: initial fees + base + \$25 per hour or portion thereof	\$100	Base
105.7.1	Automatic sprinkler systems (install or modification)		

	- Base fee	\$200	
	- plus \$0.40 per head	\$0.40	
	Underground pressure test/flush	\$150	
	Automatic fire extinguishing systems (per system)	\$75	
	Commercial hood system	\$75	
	Smoke control system	\$150	
	Emergency generator test	\$100	
105.7.2	Battery systems	\$95	
105.7.3	Compressed gases	\$75	
105.7.4	Cryogenic fluids	\$75	
105.7.5	Fire alarm and detection systems		
	- Base fee	\$50	
	- plus \$1.00 per device	\$1.00	
105.7.6	Fire pumps and related equipment	\$150	
105.7.7	Flammable and combustible liquids		
	- Install, construct or alter tank or equipment	\$75	
	- Install, alter, remove, abandon, or otherwise dispose of tank	\$75	
	- Temporary closure	\$50	
	- Construct a Use/Dispensing and Mixing Room, Liquid Storage Room, or Liquid Storage Warehouse	\$155	
	- Flammable liquids dispensing (per dispenser)	\$10	
105.7.8	Hazardous materials	\$100	
105.7.9	Industrial ovens	\$100	
105.7.10	LP-gas		
	- Permanent AST tank installation (per tank)	\$75	
	- Permanent UST tank installation (per tank)	\$150	
	- Temporary tank installation	\$45	
	Special event inspection/permit	\$100	
105.7.11	Private fire hydrants	\$45	
105.7.12	Spraying or dipping operations	\$75	
105.7.13	Standpipe systems (per riser)	\$75	
105.7.14	Temporary membrane structures, tents, canopies (except recreational camping, funeral tents)	\$25	

(c) False and Nuisance Fire Alarm Fees.

Definitions:

False Alarm: The activation of any fire alarm system which results in a response by the fire department and which is caused by the negligence or intentional misuse of the fire alarm system by the alarm user, owner, its employees, agents or any other activation of a fire alarm system not caused by heat, smoke or fire, exclusive of a nuisance fire alarm.

Fire Alarm System: A system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Nuisance Fire Alarm: The activation of any fire alarm system, which results in a response by the fire department, caused by mechanical failure, malfunction, improper installation, lack of proper maintenance or any other response for which the fire department personnel are unable to determine the apparent cause of the alarm activation.

Owner: Any person who owns the premises in which a fire alarm system is installed or the person or persons who lease, operate, occupy or manage the premises. The owner shall be responsible for the activation of a fire alarm system.

False fire alarms that qualify under this section include:

1. Alarm caused by improper installation or maintenance of the fire alarm system. This includes missing backup batteries, loose connections, smoke detectors mounted near air vents or otherwise overly sensitive detection devices.
2. Alarm caused by alarm user or alarm company working on the system or testing the system without notifying the alarm company or fire dispatch.
3. False alarm activated by owner or an employee.
4. Occupant conducting a fire drill without notifying the alarm company or fire dispatch.
5. Alarm caused by an employee of the business or family member of a residence smoking near a detector.
6. Alarm caused by normal cooking where the owner could relocate a smoke detector or provide better ventilation.
7. Alarm caused by dust from building or site construction or demolition.
8. Burglar alarm reported as a fire alarm by an alarm company.
9. Alarm for which there is no explanation. If a cause for the alarm cannot be identified - no pull station activated, smoke was not present, etc. - the alarm system will be assumed to have malfunctioned and the fee assessment applies.

A response to the activation of a fire alarm system shall result when any officer or member of the Fire Department is dispatched to the premises where the fire alarm system has been activated.

Nuisance Fire Alarms. In the event the activation of a fire alarm system is deemed by a fire official to be a nuisance fire alarm, the owner shall be notified in writing. This notification shall require the owner to return a completed Report of Service/Repair within fifteen (15) days of receipt of the fire alarm activation report to verify, to the reasonable satisfaction of the fire official, that:

1. The fire alarm system has actually been examined by a qualified fire alarm technician; and
2. A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the nuisance fire alarm.

Failure to return a Report of Service/Repair within said fifteen (15) day period, which is reasonably satisfactory to the fire official, shall result in assessment against the owner of a fee for the nuisance fire alarm.

The provisions of this section shall not apply to any newly installed fire alarm system for a period of forty-five days (45) from the date of installation, but shall apply from and after the expiration of the initial forty-five day (45) period following installation.

False Fire Alarms. No fee shall be assessed for the first three (3) false fire alarms at the same premises responded to by the Fire Department during each calendar year. Thereafter, the owner shall pay a fee for false fire alarms responded to by the Fire Department at the same premises during each calendar year, except when the fire alarm business is responsible for the false fire alarm. If the fire official determines that a false fire alarm was directly caused by an onsite employee or representative of the fire alarm business, the fire alarm business shall be assessed the fee and the incident shall not be counted against the owner. False fire alarms activated by any components connected to the fire alarm system shall be included in computing the total number of false fire alarms for purposes of this subsection. The activation of a fire alarm system will not be considered a false fire alarm if the alarm is activated due to malicious causes beyond the control of the owner.

The fees for false and nuisance fire alarms may be assessed as follows:

Description	Fee
Failure to return a Report of Service/Repair	\$500
False alarm caused by on-site alarm company employee	\$350
Service fee - 4 th false fire alarm	\$50

Service fee - 5 th false fire alarm	\$100
Service fee - 6 th and above false fire alarm	\$200
Service fee - 4 th nuisance fire alarm	\$25
Service fee - 5 th nuisance fire alarm	\$50
Service fee - 6 th and above nuisance fire alarm	\$100
Late payment fee	\$25
If fee not paid within 30 days, fee increases to \$300 fee per occurrence.	

(d) Motor Vehicle Collision or Incident Fee. The Fire Department shall initiate a user fee for the delivery of Fire Department services, personnel, supplies, and equipment to the scene of a motor vehicle collision or crash (MVA), including, but not limited to, securing the scene of the accident, establishment of a safety zone, extrication of victims trapped, providing any fire/medical services, and the extinguishment of vehicle fires, as necessary. The rate of the user fee shall include the actual costs incurred by the Fire Department.

The user fee shall only be billed to the motor vehicle insurance carrier of a non-resident(s) responsible for the incident, representing an add-on-cost of the claim for damages. The City will accept the amount received from the insurance company as full payment and will not invoice any resident directly.

(e) Site Assessment Fee. The fee assessed for a review of property records of tanks, ground contamination, or hazardous materials spills at a particular site or property. A fee of \$25 per site or property reviewed.

(f) Charges for Emergency Ambulance Transport. A fee shall be charged to recipients of emergency medical services (ambulance) transportation performed by Fire Department, from the emergency site to the nearest appropriate hospital and/or medical facility. For all City residents, invoicing will be in the form of a request of an assignment of insurance company proceeds available to the resident, and the City will accept as full payment the usual and customary rates as allowed by the particular insurance company. The City will not charge or collect any amount of money in excess of the insurance payments received and available to any resident who receives fire department services for the reason that operating revenues received from local taxes, of all kinds, are being treated as payment of otherwise applicable co-payments and deductibles.

Nonresidents will be invoiced for the entire cost of the rescue squad services after being credited for any available assignment of insurance company proceeds.

Fees shall be assessed on the following basis:

Level of service	Fee
Basic life support transport	\$335
Advanced life support transport	\$620

(g) The Fire Chief may waive any or all of the above requirements in cases of hardship.

(h) The City Manager and/or Finance Director are authorized to contract with a company specializing in the billing of Fire Department services for motor vehicle accidents and emergency medical services, for collection of such user fees as a result of the service being provided.