

CODIFIED ORDINANCES OF LANCASTER
PART FIFTEEN - FIRE PREVENTION CODE

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CODIFIED ORDINANCES OF LANCASTER
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CHAPTER 1525
Lancaster Fire Code

1525.01 Adoption.

1525.02 Amendments.

1525.01 ADOPTION.

A certain document, one (1) copy of which is on file with the Fairfield County Law Library, Lancaster City Law Director's Office (Clerk of Council), and the Lancaster Building Department, and copies of which may be ordered at cost in the Law Director's Office, being marked and designated as the Ohio Fire Code, 2017 Edition including Appendixes B-G, as published by the International Code Council, be and is hereby adopted as the Lancaster Fire Code addressing conditions hazardous to life and property from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said 2017 Ohio Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 1525.02 - Amendments (Ord. 14-21. Passed 4-26-21.)

1525.02 AMENDMENTS.

The following sections of the Lancaster Fire Code are hereby revised as follows:

Section 101.1 TITLE. The rules as set forth in this code shall be known as the "Lancaster Fire Code" abbreviated "LFC" but hereinafter may also be referred to as the "state fire code" or "this code" or "Ohio Fire Code" throughout the Code.

Section 101.2 SCOPE. This code establishes rules for the administration and enforcement of authorities granted to fire code officials in Lancaster Codified Ordinance Chapter 1303, including but not limited to, regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

Section 104.8 MODIFICATIONS BY FIRE MARSHAL. Replace "Fire Marshal" with "Fire Chief".

Section 108.1 APPEALS OF ORDERS. Appeals of orders made by the fire official relative to the application of this Code shall be in accordance with Lancaster Codified Ordinance Chapter 1303.

Section 109. VIOLATIONS. Replace "State Fire Marshal" with "Fire Chief".

Sections 109.1.1.1- 109.4. Are not adopted.

Section 109.1.5 FIRE CODE ENFORCEMENT. If upon inspection or investigation, the fire chief, or a certified fire safety inspector believes that the Lancaster Fire Code has been violated, the certified fire safety inspector or fire chief may issue to the responsible person either a Notice of Violation pursuant to Lancaster Codified Ordinance Chapter 1303 or an Administrative Violation in accordance with Lancaster Codified Ordinance 101.08.

Sections 109.1.5.1 to 109.1.5.1.4. Are not adopted.

Section 109.1.6 ENFORCEMENT TO REMEDY DANGEROUS CONDITIONS.
Replace "Section 3737.41 of the Revised Code" with "Lancaster Codified Ordinance Chapter 1303."
Replace "citation pursuant to Section 3737.42 of the Revised Code" with "Notice of Violation of violation pursuant to Lancaster Codified Ordinance Chapter 1303."

Sections 109.3 - 109.3.5. Are not adopted.

Section 109.4 PENALTIES. Penalties are specified for Administrative Violations in 101.08 of the Lancaster Codified Ordinances or for Notice of Violation in Chapter 1303 of the Lancaster Codified Ordinances.

Section 110 UNSAFE BUILDINGS. Replace "citation" with "Notice of Violation".
Replace "Section 3737.41 of the Revised Code" with "Lancaster Codified Ordinance Chapter 1303".
Replace "citation pursuant to Section 3737.42 of the Revised Code" with "Notice of Violation pursuant to Lancaster Codified Ordinance Chapter 1303".

Section 111 STOP WORK ORDER. Replace "3737.42 of the Revised Code" with "Lancaster Codified Ordinance Chapter 1303."

Section 111.4 FAILURE TO COMPLY. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, shall be subject to penalties in accordance with Lancaster Codified Ordinance Section 101.08 and Lancaster Codified Ordinance Section 1303.99.

Section 112 - 115 Are not adopted.
(Ord. 14-21. Passed 4-26-21.)

CHAPTER 1530
Payment of Proceeds From Fire Insurance Policies

1530.01	Adoption of State procedures.	1530.03	Account Insurance Escrow.
1530.02	Unsafe buildings to be removed or repaired.	1530.04	Administration.

1530.01 ADOPTION OF STATE PROCEDURES.

The procedures contained in Sections 3929.86(C) and (D) of the Ohio Revised Code relating to recovery of costs incurred by the City in repairing, removing or securing fire-damaged buildings or other structures are hereby incorporated and adopted by reference and made a part of this Chapter with the same force and effect as though set out in full herein. (Ord. 14-97. Passed 2-24-97.)

1530.02 UNSAFE BUILDINGS TO BE REMOVED OR REPAIRED.

No insurance company doing business in the State of Ohio shall pay a claim of a named insured for fire damage to a building or other structure located within the City of Lancaster where the amount recoverable for the fire loss to the building or other structure under all insurance policies exceeds five thousand dollars (\$5,000.00) and the loss equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure unless there is compliance with the following procedures:

- (a) (1) When the loss agreed to between the named insured or insureds and the insurance company or insurance companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the buildings or structure, the insurance company or companies in accordance with subparagraph (F) of Section 715.26 of the Ohio Revised Code shall transfer from the insurance proceeds to the Service-Safety Director in the aggregate of two thousand dollars (\$2,000.00) for each fifteen thousand dollars (\$15,000.00), and each fraction of that amount, of a claim or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.
- (2) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or structure. Policy proceeds remaining after the transfer to the City of Lancaster may be disbursed in accord with the policy terms.

- (3) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Service-Safety Director, after notifying the Fire Chief and City Engineer, shall return the amount of the fund in excess of the estimate to the named insured or insureds provided that the City has not commenced to remove, repair, or secure the building or other structure.
(Ord. 21-04. Passed 4-12-04.)
- (b) Upon receipt of proceeds by the City of Lancaster as authorized by the Service-Safety Director by this Section, the Treasurer shall then place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing the building or structure incurred by the City, pursuant to Section 715.261 of the Ohio Revised Code and the provisions of this Chapter.
When transferring the funds as required in subparagraph (A) of this section, an insurance company shall provide the City of Lancaster with the name and address of the named insured or insureds, whereupon the City shall contact the named insured or insureds, certify that the proceeds have been received by the City and notify them that the following procedure will be followed. The fund shall be returned by the Treasurer at the request of the Service-Safety Director to the named insured or insureds when repairs, or removal, or securing of the building or other structure have been completed and the required proof is received by the Ohio Department of Insurance, provided that the City has not incurred any costs for repairs, removal, or securing. If the City has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the fund and if excess funds remain, the City shall transfer the remaining funds to the named insured or insureds after repairing, rebuilding, or removal has been completed. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency under Section 715.261 of the Ohio Revised Code.
Nothing in Section 3929.86(C) of the Ohio Revised Code, as adopted by this ordinance, shall be construed to prohibit the City and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated. (Ord. 14-97. Passed 2-24-97.)

1530.03 ACCOUNT INSURANCE ESCROW.

There is hereby created an Account Insurance Escrow, for the purpose of receiving and disbursing funds under the terms and conditions of Chapter 1530 of the Codified Ordinances of the City of Lancaster, Ohio. (Ord. 14-97. Passed 2-24-97.)

1530.04 ADMINISTRATION.

The Service-Safety Director is hereby appointed as the person to administer the provisions of Chapter 1530 of the Codified Ordinances of the City of Lancaster, Ohio. (Ord. 14-97. Passed 2-24-97.)

**CHAPTER 1535
Outside Tire Storage**

<p>1535.01 Definitions. 1535.02 Zoning; compliance. 1535.03 Certificate required. 1535.04 Certificate issuance conditions; permit.</p>	<p>1535.05 Permit renewal. 1535.06 Severability. 1535.99 Penalty.</p>
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1535.01 DEFINITIONS.

- (a) The following definitions shall be used to clarify the wording used in this chapter:
- (1) "Aquifer", as used herein, means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store or transmit water to wells or springs.
 - (2) "Ground water professional", as used herein, means any person certified by the Association of Groundwater Scientists and Engineers to conduct hydrography studies.
 - (3) "Open dumping", as used herein, means the deposition of solid wastes into waters of the City, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility.
 - (4) "Vector", as used herein, means an organism that transmits a pathogen.
 - (5) "Pathogen", as used herein, means a specific cause of disease (as a bacterium or virus).
 - (6) "City", as used herein, means the municipal corporation of the City of Lancaster, Fairfield County, Ohio.
 - (7) "Daily log", as used herein, means a record reporting the number of tires received, processed into other forms, sold or otherwise removed from the business premises, and to whom and where the tires were sent. A daily log shall be kept for each day a business is open and operating.
 - (8) "Tire", as used herein, means any new or used tire or any part thereof, of any tire made from rubber of a natural or synthetic origin.
(Ord. 32-90. Passed 10-22-90.)

1535.02 ZONING; COMPLIANCE.

Any person, firm, corporation or business entity of any type, which, as a part of its business operations, has an outside tire storage in excess of 300 tires as defined, shall operate only in a Class "E" Heavy Industrial District and shall comply with regulations established in this chapter.

(Ord. 32-90. Passed 10-22-90.)

1535.03 CERTIFICATE REQUIRED.

No person shall operate any business with the outside storage of tires without obtaining a Certificate of Occupancy and Compliance reviewed and approved by the City Planning Commission. A detailed site plan, along with a completed application for a Certificate of Occupancy and Compliance, shall be submitted no later than fifteen days prior to the monthly City Planning Commission meeting.

(Ord. 32-90. Passed 10-22-90.)

1535.04 CERTIFICATE ISSUANCE CONDITIONS; PERMIT.

A Certificate of Occupancy and Compliance shall only be issued if the proposed facility meets the following conditions. The operating facility, after a compliance is issued, shall continue to comply with these conditions:

- (a) The storage facility:
 - (1) Complies with any and all previously adopted codes such as those referenced in Lancaster Codified Ordinance Chapter 1303 or any other technical code adopted by the City of Lancaster.
(Ord. 91-05. Passed 12-19-05.)
 - (2) Shall not be located within any area determined to have a ground water time of travel of less than five years to a City-owned water well. A study is to be performed by a certified Ground Water Professional, as defined herein. The cost of any necessary hydrogeologic study to make such a determination shall be borne by the applicant.
 - (3) Shall not be located on any lot, combination of lots or parcel of land which lies within an Area of Special Flood Hazard, as defined in Chapter 1331 of the Codified Ordinances.
 - (4) Shall not be located within 500 feet of any lot, combination of lots or parcel of land zoned for residential use.
 - (5) Shall not be permitted to cover an aggregate ground area greater than 2,500 square feet, nor exceed a height of ten feet as measured from the average ground grade immediately adjacent to the storage area. Outside storage in excess of these limitations shall be considered open dumping, as defined herein, and is hereby prohibited within the corporation limits of the City.
- (b) In addition to all previously listed requirements, the storage of tires shall not be permitted unless:

- (1) A permit has been obtained from the City's Fire Prevention Bureau after approval of a detailed plan for fire control submitted by the applicant. Such business shall also be required to maintain a daily log, as defined herein detailing the amount of tires received and disposed of, and the method of disposal. Copies of the daily log shall be submitted to such Bureau on a monthly basis. The Bureau shall monitor the accumulation of tires.
- (2) A permit has been obtained from the City's Health Department after approval of a detailed plan is submitted by the applicant. Such plan shall show and provide for effective control measures for mosquitoes and other vectors. The City Board of Health shall certify that the manner in which the tires are stored does not constitute a nuisance or a public health hazard.
(Ord. 32-90. Passed 10-22-90.)

1535.05 PERMIT RENEWAL.

The permits issued by the Fire Prevention Bureau and Health Department shall be renewed annually, provided that all conditions of this chapter have been met.
(Ord. 32-90. Passed 10-22-90.)

1535.06 SEVERABILITY.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.
(Ord. 32-90. Passed 10-22-90.)

1535.99 PENALTY.

(a) Any person, firm, corporation or business entity violating any of the provisions of this chapter, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a misdemeanor of the first degree, and upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1,000) and/or six months' imprisonment. Each day that a violation continues, after notification, shall constitute a separate offense.

(b) The imposition of the penalties, herein described, shall not prevent the legal officer of the City from instituting appropriate action to prevent unlawful activity, or to restrain, correct or abate a violation; or to prevent illegal occupancy of a building, structure or premises; or to stop an illegal act, conduct a business, or use of a building or structure in or about any premises.
(Ord. 32-90. Passed 10-22-90.)

CHAPTER 1540
Fire Safety

<p>1540.01 Definitions.</p> <p>1540.02 Open burning in restricted areas.</p>	<p>1540.99 Penalty.</p>
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1540.01 DEFINITIONS.

(EDITOR'S NOTE: This section is reserved for future definitions.)

1540.02 OPEN BURNING IN RESTRICTED AREAS.

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof, or Ohio R.C. 3704.11.

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

- (1) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots, and similar occupational needs.
- (2) Bonfires, campfires, and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes if the following conditions are met:
 - A. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent or lower than those created from the burning of seasoned firewood;
 - B. They are not used for waste disposal purpose; and
 - C. They shall have a total fuel area of three feet or less in diameter and two feet or less in height.
- (3) Disposal of hazardous explosive materials, military munitions, or explosive devices that require immediate action to prevent endangerment of human health, public safety, property or the environment and that are excluded from the requirement to obtain a hazardous waste permit pursuant to paragraph (D)(1)(d) of rule 3745-50-45 of the Administrative Code.

- _____ (4) Recognized training in the use of fire extinguishers for commercial or industrial fire prevention.

Fires allowed by subsections (b)(1), (b)(2) and (b)(4) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

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

- (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.
- (2) Bonfires or campfires used for ceremonial purposes that do not meet the requirements of subsection (b)(2) hereof, provided the following conditions are met:
 - A. They have a total fuel area no greater than five feet in diameter by five feet in height and burn no longer than three hours;
 - B. They are not used for waste disposal purposes; and
 - C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.
- (3) Disposal of agricultural waste generated on the premises if the following conditions are observed:
 - A. The fire is set only when atmospheric conditions will readily dissipate contaminants;
 - B. The fire does not create a visibility hazard on the roadways, railroad tracks or air fields;
 - C. The fire is located at a point on the premises no less than 1000 feet from any inhabited building not located on said premises;
 - D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
 - E. No materials are burned which contain rubber, grease, asphalt, or liquid petroleum products.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA, in accordance with paragraph (A) of rule 3745-19-05:

- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternative method of disposal, excluding those materials identified in subsection (b)(3) hereof.
- (2) Instruction in methods of fire fighting or for research in the control of fires as recognized by the State Fire Marshal, Division of the Ohio Department of Commerce and the guidelines set forth in the National Fire Protection Association's NFPA publication 1403: "Standards on Live Fire Training Evolutions, Chapter 4, Acquired Structures", provided that the application required in paragraph (A)(1) of rule 3745-19-05 is submitted by the commercial or public entity responsible for the instruction;

- (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Director and performed as identified in the appendix of this rule. If deemed necessary, the open burning may be authorized with prior oral approval by the Director followed by the issuance of a written permission to open burn within seven working days of the oral approval.
- (4) Recognized horticultural, silvicultural, range, or wildlife management practices; and
- (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
(Ord. 15-07. Passed 3-12-07.)

1540.99 PENALTIES.

Whoever violates this section is guilty of an unclassified misdemeanor with a one hundred fifty dollar (\$150.00) fine on the first offense, and a misdemeanor of the fourth degree on any subsequent offenses. (Ord. 15-07. Passed 3-12-07.)