

1301:7-7-01 Scope and administration.

Chapter 1 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 101.1 Title as follows:**

After “Title.” delete the paragraph text in its entirety and insert the following: “The rules of the state fire marshal as set forth in Chapter 1301:7-7 of the Administrative Code shall be known as the “Ohio Fire Code”, abbreviated “OFC”, and hereinafter in such rules may also be referred to as the “state fire code” or “this code.””.

2. **Add section 101.1.1 as follows:**

101.1.1 Incorporation by reference. Except as otherwise specified in Ohio Administrative Code Chapters 1301:7-7-01 through 1301:7-7-80, Chapters 1 through 11 and 20 through 80 of the 2021 edition of the International Fire Code and Chapter 12 of the 2024 edition of the International Fire Code, as published by the International Code Council, Inc., and readily available at <https://www.iccsafe.org>, are hereby incorporated by reference in accordance with Sections 121.71 to 121.74 of the Revised Code as if set out at length herein.

3. **Modify section 101.2 Scope as follows:**

After “This code establishes” insert: “state fire marshal rules for the administration and enforcement of authorities granted to the fire marshal and fire code officials in Chapters 3701., 3731., 3737., 3741., 3743., 3781., 3791 and 5104., of the Revised Code and other applicable enactments, laws and rules including, but not limited to.”.

After “regulations affecting or relating to” insert “all aspects of fire and life safety in”.

4. **Modify section 101.2.1 Appendices as follows:**

Delete all text after “Provisions in the appendices” and insert “of any “International Fire Code” are not adopted as part of this code. A political subdivision with the authority to enact a local fire code may adopt these appendices as a part of such local code.”

5. **Add sections 101.2.2 through 101.2.5 as follows:**

“101.2.2 Activities, locations and persons subject to the Ohio Fire Code. Unless specifically exempted or as limited by federal or state law or this code, the provisions of this code are intended to safeguard life and property from fire and explosion and shall apply to all aspects of fire safety at any structures, building, premises, vehicles or other locations within the territorial jurisdiction of the State of Ohio. The scope of this code includes, but is not limited to, property owned by the State of Ohio or other political subdivisions of the state, all residential occupancies and premises (including, but not limited to, one, two and three family dwellings and “R” occupancies as defined in this code), and all portions and uses of agricultural premises. The scope of this code includes all aspects of fire safety for any occupancy of or any activities at the places subject to this code, including actions of or uses by any individual, corporation, business trust,

estate, trust, partnership, association, the state, a political subdivision of the state, and any other entity, public or private.

101.2.2.1 Exemptions to the Ohio Fire Code. *This code does not apply to any of the following:*

1. Property owned by the United States government in accordance with Chapter 159. of the Revised Code.
2. Structures owned by and used for a function of the United States government when such structures are designed, constructed and maintained in accordance with appropriate federal fire safety standards.
3. Structures controlled by the United States government used for a non-administrative military function of the United States government.
4. Structures owned or controlled by the State of Ohio that are used for a military function in accordance with 10 U.S.C. Chapter 1803.4.
5. The organization or structure of a municipal or township fire department. Unless otherwise specifically addressed in this code, this exemption includes items relating to matters like fire department grants, revolving loans, the firefighter's dependent's fund, municipal or township fire department or private fire company internal employment actions, taxation, funding and expenditure issues, minimum service and equipment levels, operational boundaries, or similar matters.
6. Structural building requirements covered by the Ohio Building Code.
7. Agricultural labor camps, to the extent required by Section 3733.42 of the Revised Code or rules adopted under that section.
8. Structures and premises subject to the exclusive jurisdiction of the power siting board as established in the Revised Code or in administrative rules promulgated by the power siting board, to the extent of such exclusivity.
9. The construction or installation of an industrialized unit regulated by the Ohio Building Code. All occupancy, operational and maintenance provisions of this code shall apply to all industrialized units.
10. Structures and premises subject to the exclusive jurisdiction of the public utilities commission of Ohio as established in the Revised Code or in administrative rules promulgated by the public utilities commission, to the extent of such exclusivity.

11. The construction and operation of a mine or other underground cavern, wells, well pads, or derricks subject to the exclusive jurisdiction of the Ohio Department of Natural Resources, to the extent of such exclusivity.

101.2.2.2 Limitations on applicability of the Ohio Fire Code. This code shall not be construed to:

1. Cause an employer, in complying with it, to be in violation of the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051;
2. Regulate manufacturers or manufacturing facilities with respect to occupational hazards where they are subject to regulation by the federal occupational safety and health administration;
3. Be inconsistent with, or in conflict with, regulations of the federal occupational safety and health administration or the hazardous materials regulations of the hazardous materials regulations board of the federal highway administration, United States department of transportation, or the public utilities commission;
4. Establish a minimum standard of flammability for consumer goods in any area where the "Flammable Fabrics Act," 81 Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government or any department or agency of the federal government to establish national standards of flammability for consumer goods;
5. Establish a health or safety standard for the use of explosives in mining, for which the federal government through its authorized agency sets health or safety standards pursuant to section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 U.S.C. 811.

101.2.3 Other existing codes. Unless specifically stated otherwise in this code or the Revised Code, the Ohio Fire Code applies to and is enforceable against all activities, locations, and persons subject to this Code as specified in this section independently and regardless of the applicability of the building code or similar codes.

101.2.4 Application of Ohio Fire Code to unpermitted, unapproved, or unauthorized matters. Regardless of whether any of the permit, approval, or authorization provisions of this code do or could apply to or have been executed for any matter subject to this code, the substantive safety provisions of this code apply to all such activities, locations or persons.

101.2.5 Previous fire codes. Unless otherwise specified in this code or by law, and as of the effective date of this code or any rules herein, the Ohio Fire Code shall supersede any fire code provisions previously adopted by the state fire marshal and any political subdivision fire regulations that are in conflict with this code.

6. Modify section 102.1 Construction and design provisions as follows:

Delete “The”, start a new paragraph and insert “**102.1.1 General applicability.** Except as otherwise provided in Section 102.1.2, the”.

In subparagraph 1, after “facilities and conditions” insert “, including structural alterations, additions, or repairs subject to plan review by a code official,”.

In subparagraph 1, after “of this code.” insert “This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code.”.

In subparagraph 2, after “facilities and conditions” insert “, including structural alterations, additions, or repairs subject to plan review by a code official,”.

In subparagraph 4, after “facilities and conditions” insert “not in strict compliance with the requirements of this code, regardless of whether such location is in substantial compliance with the applicable version of the building code”.

In subparagraph 4, after “distinct hazard to life or property” insert “including existing structures subject to Chapter 11. If a distinct hazard to life or property cannot be proven by the fire official by a preponderance of the evidence, the provisions of this code shall not apply to an existing building or condition. This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code”.

Add subparagraph 5 as follows:

5. Any structures that have had or are having a change of occupancy and use, including structures that were exempt, in part or in whole, from this code or the building code for any reason and the new intended or actual use of the structure is not in an exempt category under this code.

7. Add sections 102.1.2 through 102.1.5.2 as follows:

“**102.1.2 Agricultural uses and locations.** The construction and design provisions of this code, including any construction permit requirements, shall not apply to structures:

1. Subject to section 3781.061 of the Revised Code, or
2. Otherwise exempt from the building code because such structures are being used for agricultural purposes as described in division (B)(1) of section 3781.06 of the Revised Code.

Exceptions to paragraph 102.1.2 (1) and (2):

1. The conditions at the structure constitute a distinct hazard to life or property.
2. The occupancy of the structure constitutes a change of use or occupancy of the structure from one of the exempt uses listed in this section to another occupancy classification subject to this code or the building code.
3. The structure is occupied or used on an agricultural premise, other than by its owner, agent, lessee, manager, employee, or a contractor while such persons are engaged in an agricultural-related activity, operation or employment at the premise, and such occupancy or use of the structure includes public access for profit or remuneration, operation of a school or educational institution, or residential usage, and the suage would otherwise qualify for any non-agricultural use group as defined in this code or the building code, regardless of whether the use or occupancy is for a temporary, time-limited or permanent occupancy of the premises.

If a structure on an agricultural premise is not exempt from the application of the construction and design provisions of this code, the fire code official is authorized to require all reasonable measures, including but not exceeding full compliance with all or parts of the fire protection system construction features of this code that would otherwise apply to the occupancy category of the structure if it were not on an agricultural premise, as the fire code official determines is necessary to provide reasonable public safety to structure occupants and to permanently abate any distinct hazards. This section applies regardless of other sections of law regulating agricultural structures and premises unless such laws specifically include this code within the scope of such laws and this code conflicts with such laws.

102.1.2.1 Covered patios. As specified in division (G) of section 3737.83 of the Revised Code and notwithstanding the provisions of Section 102.1.2, in a building or structure incident to the agricultural purposes of the land and determined to be exempt from the rules of the board of building standards pursuant to division (B)(1) of section 3781.06 of the Revised Code or section 3781.061 of the Revised Code, the occupant load of a covered patio and its area are not to be included in the fire area calculation for the building for the determination of sprinkler thresholds in accordance with and as set forth in Section 901.4.4.1.

102.1.2.2 Notification regarding application of this code. When a building or zoning official makes a determination pursuant to division (B)(1) of section 3781.06 of the Revised Code or section 3781.061 of the Revised Code that results in a building or structure being exempt from the rules of the board of building standards, such official shall provide written notification to the affected party that the Ohio fire code does apply to the exempt location.

102.1.3 Non-required work. Any fire protection system, or portion thereof, not required by this code may be installed at any location subject to this code provided that the installation is in accordance with this code and the building code.”

102.1.4. Additional special provisions for construction and design provisions. *The construction and design provisions of this code do not apply to the following if, and to the extent that, such structures, occupancies, or features, as they are defined in the building code, are exempt from the building code or constructed in accordance with specifically applicable federal or state laws regulating the structures, occupancies, or features:*

1. Wind turbines and solar arrays not connected to building services equipment.
2. Primitive transient lodging structures with only provisions for sleeping, with no building services equipment or piping, and not greater than 400 sq. ft. in area.
3. Intermodal shipping or freight containers, moving containers, storage containers, if used exclusively as a storage container temporarily for a period not to exceed 180 days.
4. Mobile computing units.

102.1.5 Intent of construction, design, maintenance and operational provisions of the Ohio Fire Code.

102.1.5.1 Construction and design provisions. *It is the intent of this code that the construction and design provisions established in this section or elsewhere in this code will not be applied retroactively to an existing structure or associated premise unless at least one of the following is identified at the structure or premise by the fire code official:*

1. Illegal construction, including construction that did not receive or obtain specifically required certificates, permits, approvals, or authorizations associated with the construction as described in this code or the building code.
2. A distinct hazard.
3. Such construction is required by specific provisions of this code, the building code, or other laws.
4. A change of occupancy, when such a change occurs in violation of any provisions of this code or the building code, including any approval, permitting or plan review requirements.

102.1.5.2 Maintenance and operational provisions. *Unless specifically exempted from application by provisions of this code, federal law, or the Revised Code, the maintenance and operational provisions of this code apply to matters subject to this*

code even if the construction and design provisions of this code are exempted from or have limited applicability.

8. **Modify section 102.3 Change of use or occupancy** as follows:

After “102.3” insert the following:

“Minimum conditions of occupancy.

102.3.1. *All structures and premises subject to this code may be occupied by any person only in accordance with the provisions of this code, the building code and, at a minimum, the following paragraphs:*

1. *New construction. Occupancy of a newly constructed structure must be in compliance with Section 105.3.3 and Section 109.1 and Section 901.5.*

2. *Existing structures.*

2.1 *Alterations. Any alterations to an existing structure shall be done in accordance with Section 102.4.*

2.2 *Change of occupancy. Any changes of occupancy to an existing structure shall be done in accordance with Section 102.3.3.*

2.3 *General occupancy. A new or existing structure or premises may only be occupied in accordance with Section 105.3.3 and Section 109.1. No existing structure or premises or part thereof that constitutes a distinct or serious hazard to life or property or is not legally in existence at the time of adoption of this code shall be occupied.*

3. *Structures, or portions thereof, subject to this code or the building code that have verified unapproved or unpermitted (when approvals or permits are required), illegal, or noncompliant construction, alterations, modifications, or repairs under such codes shall not be occupied or used as applicable, and no person shall engage in such activities or authorize such activities at a structure under their control.*

102.3.1.1 *Occupancy of any structure, premise, vehicle or location that constitutes a distinct or serious hazard to life or property is hereby declared a public nuisance.*

102.3.2 ***Certificate of occupancy.** A responsible person shall maintain a copy of the current certificate of occupancy for a structure regulated by the building code and make it available to the fire code official upon request. This section only applies to a certificate of occupancy in existence as of November 1, 2011, issued by a building official and/or a certificate of occupancy issued by a building official on or after November 1, 2011.*

102.3.3”.

After “**Change of use or occupancy**” (which will become section 102.3.3) modify the text as follows:

In the text and the exception, delete “International Existing Building Code” and insert “building code” at all occurrences (2).

9. **Add section 102.3.4 as follows:**

102.3.4 Limited building code occupancy approvals. *Except as described in this paragraph, partial occupancy approvals issued under Section 111.1.1.3 of the building code, time limited occupancy approvals issued under Section 111.1.1.4 of the building code, temporary occupancy approvals issued under Sections 102.8 and 111.1.1.5 of the building code, certificates of completion for alterations and repairs issued under Sections 111.1.1 and 111.2 of the building code and variances to the building code issued by the state board of building appeals pursuant to section 3781.19 of the Revised Code shall be considered, to the extent of the approval or deviation from the building code issued by such officials, as conditions compliant with the construction and design provisions of this code. All maintenance and operational provisions of this code shall apply to such occupancies.*

Exception: *Any structure, location or condition that constitutes a distinct or serious hazard under this code. For such structure, location or condition, the fire code official may issue an order requiring compliance with any parts of this code or impose other conditions that such official determines are reasonably necessary to make such places safe for occupancy and use. If the local fire code official was provided an opportunity for input at a hearing conducted by the state board of building appeals pursuant to Section 3781.19 of the Revised Code and a variance to the building code for matters that impact fire safety was granted at such a hearing for a place subject to this exception, an order issued by a local fire code official under this exception shall be valid only if it is first authorized in writing by the state fire marshal.*

10. **Modify section 102.4 Application of the building code as follows:**

At the beginning of the paragraph delete “The” and insert “In addition to compliance with this code, the planning.”.

Between “new” and “structures” insert “buildings and”.

After “structures” insert “to provide the necessary egress facilities, fire protection, and built-in fire protection equipment”.

Before “comply with” insert “be controlled by and”.

Delete “International Building Code” and insert “building code of the jurisdiction”.

After “and any alterations, additions” delete “,” and insert “or”.

Delete “in use or changes in structures” and insert “of occupancy in buildings”.

After “required by” insert “*the provisions of*”.

Delete “International Building Code,” and insert “building code”.

11. Modify section 102.5 Application of the residential code as follows:

In the title after “residential code” insert “*of Ohio*”.

Delete “International Residential Code” and insert “*residential code of Ohio*”.

In subparagraph 1, after “Construction and design provisions” insert “*∴ To the extent consistent with Chapter 3781. of the Revised Code, the provisions*”.

In subparagraph 1, after “devices are installed” delete “,” and insert “*and such systems are not subject to the residential code of Ohio, the provisions for plan review and*”.

In subparagraph 1, delete “Section 105.6” and insert “*Chapter I*”.

12. Modify section 102.7 Referenced codes and standards as follows:

Before “considered to be part” insert “*incorporated by reference into and*”.

13. Insert new section 102.7.1 as follows:

102.7.1 References to Ohio codes. *References to the building code, mechanical code, plumbing code and residential code throughout this code shall be interpreted to mean the Ohio Building Code, Ohio Mechanical Code, Ohio Plumbing Code, Ohio Residential Code, respectively. References, if any, to the International Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code in this code shall be interpreted to mean the Ohio Building Code, Ohio Mechanical Code, Ohio Plumbing Code, Ohio Residential Code, respectively.*

14. Modify current section 102.7.1 Conflicts as follows:

Renumber the section by deleting “102.7.1” and inserting “**102.7.2**”.

Further amend now section **102.7.2 Conflicts** as follows:

At the end of the sentence after “apply” insert: “*unless otherwise provided in Section 3781.11 of the Revised Code*”.

15. Modify current section 102.7.2 Provisions in referenced codes and standards as follows:

Renumber the section by deleting “102.7.2” and inserting “**102.7.3**”.

16. Add sections 102.7.4 through 102.7.7 as follows:

102.7.4 *To the extent such rules relate to fire safety, the rules adopted by the state fire marshal in accordance with Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53,*

3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code, shall be incorporated by reference and considered part of this code.

102.7.5 Unless already addressed in and to the extent that such provisions do not conflict with the Revised Code or the rules listed in Section 102.7.1, the provisions of Sections 101, 102, 104, 105, 108, 109, 112, 113, 114, 115, 120 and 125 apply to the rules adopted by the state fire marshal in accordance with Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including Sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code.

102.7.6 To the extent not in conflict with the Revised Code, the applicable provisions of the “Ohio Fire Code” apply to and may be enforced against all persons, locations, things, structures, and activities regulated by Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including Sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code.

102.7.7 Enforcement of rules adopted by the state fire marshal in accordance with Chapter 3701., including Section 3701.82, Chapter 3721., including Section 3721.032, Chapter 3731., including Section 3731.02, Chapter 3737., including Sections 3737.17, 3737.65 and 3737.73, Chapter 3743., including Sections 3743.02, 3743.03, 3743.04, 3743.05, 3743.06, 3743.15, 3743.17, 3743.18, 3743.53, 3743.56, 3743.58 and 3743.70 and Chapter 5104., including Section 5104.5 of the Revised Code shall be as provided in those Revised Code sections or such rules. In addition to such rules, any applicable provisions of the “Ohio Fire Code” may be used as a basis for such enforcement actions.

17. Modify section 102.8 Subjects not regulated by this code as follows:

Delete the text and title of the paragraph in their entirety and insert “Deleted.”.

18. Modify section 102.9 Matters not provided for as follows:

Delete the text and title of the paragraph in their entirety and insert “Deleted.”.

19. Modify section 102.10 Conflicting provisions as follows:

In the title delete “Conflicting” and insert “Harmonizing.”.

After “and a specific requirement” insert “of this code or its referenced standards”

After the first sentence after “be applicable.” insert “A conflict occurs when both the general and specific requirements cannot be satisfied at the same time for the regulated matter.”

After “different sections of this code” insert “or its referenced standards”.

After “the most restrictive” insert “provision that provides the highest degree of safety”.

After the last sentence after “govern.” insert “If there is a conflict between a requirement of this code and a referenced standard, the provisions of this code shall govern unless otherwise provided in Section 3781.11 of the Revised Code.”.

20. Add section 102.13 as follows:

102.13 Underground storage tanks regulated by Chapter 1301:7-9 of the Administrative Code. Underground storage tank systems subject to regulation by Chapter 1301:7-9 of the Administrative Code shall comply with the applicable regulations contained therein and the provisions of this code. If the provisions of this code address similar requirements or are in conflict with the requirements of Chapter 1301:7-9 of the Administrative Code, then the provisions of Chapter 1301:7-9 of the Administrative Code shall apply. Underground storage tank systems not subject to regulation by Chapter 1301:7-9 of the Administrative Code that are determined by the fire code official to comply with the installation, abandonment or removal requirements as set forth in Chapter 1301:7-9 of the Administrative Code are deemed in compliance with the applicable provisions of Section 5704.2.11, 5704.2.13 or 5704.2.14. Such tanks are subject to all other applicable provisions of this code.

21. Delete section 103 Code Compliance Agency in its entirety and insert the following:
“Section 103 State and political subdivision (local) fire codes

103.1 Fire code(s) or fire safety regulations within a political subdivision. Consistent with this section, a political subdivision may, but is not required to, adopt and enforce a local fire code or fire safety regulations in accordance with the provisions of Ohio law. If a political subdivision adopts a local fire code, or other fire safety regulations, or other laws impacting fire safety, such local laws and regulations constitute an additional set of fire safety regulations in the applicable jurisdiction. Such local laws and regulations shall not and do not modify, repeal, invalidate or otherwise nullify any provisions of this code, any authorities reserved for the state fire marshal under this code, or any applicable authorities for certified fire safety inspectors to enforce the state fire code within their respective jurisdictions. Such local fire laws and regulations shall not be called the “Ohio Fire Code” even if such codes contain the same or similar substantive chapters as this code. Regardless of whether a political subdivision adopts a local fire code, this code remains in effect and is enforceable at all locations in the state in accordance with the applicable provisions of the Revised Code and this code.

103.2 The state fire code is a minimum statewide standard. This code shall constitute the minimum standards for safeguarding life and property from fire and explosion in this state. No political subdivision with the statutory authority to promulgate a local fire code or fire safety regulations may enact a local fire code or fire safety regulations, or parts thereof, or authorize a variance or waiver to such local fire code by any means, that provide a lower threshold of such safeguards or violate accepted engineering practice

involving public safety. Only the State Fire Marshal, in accordance with Section 104.8 or the state board of building appeals pursuant to Section 3781.19 of the Revised Code may authorize a variance to any provisions of this code. Consistent with this section and the Revised Code, a political subdivision may promulgate local fire code or fire safety regulation provisions that meet or exceed the minimum safety requirements as set forth in this code or that are more extensive in scope than this code.

103.3 Liability. All liability related to the application or enforcement of this code by the state or a political subdivision shall be determined in accordance with all applicable laws, immunities and defenses, including Chapters 2743. and 2744. of the Revised Code and Sections 9.85, 9.86, 9.87, 2743.02 and 2744.03 of the Revised Code.

103.4 Fire safety inspectors. The actions of fire safety inspectors, including certified fire safety inspectors, are subject to the applicable portions of the Ohio Revised Code, including Sections 3737.01(D), 3737.34, 3737.43(C) and 3737.64 of the Revised Code.

103.5 Fire prevention officers. For the purposes of Section 505.38(B) or 737.22(A) of the Revised Code, a fire prevention officer shall be appointed by the township trustees to provide services to any township without a fire department or unincorporated area of a township not served by that township's fire department as such a department was created pursuant to sections 505.37 and 505.38(A) of the Revised Code or to a village established under Title 7 of the Revised Code that has not organized a fire department."

22. Modify section 104 Duties and powers of the fire code official as follows:

In the title, delete "code".

23. Modify section 104.1 General as follows:

At the end of the first sentence after "of this code" delete ". The" and insert "and to the extent the state fire marshal has no rendered an interpretation or issued a "Technical Bulletin" regarding a particular topic, the".

At the end of the paragraph after "in this code." insert "To the extent the state fire marshal has rendered an interpretation or issued a "Technical Bulletin" regarding the provisions of this code, such interpretation shall be definitive throughout the state and in the discretion of the state fire marshal shall supersede all prior interpretations that may have been rendered by any other fire code official. No other fire code official shall render an interpretation in conflict with the state fire marshal's interpretation or technical bulletin or enforce provisions of this code in a manner in conflict with the interpretation or technical bulletin rendered by the state fire marshal."

24. Add section 104.1.1 as follows:

"104.1.1. The state fire marshal or fire chief of municipal corporations having fire departments or the fire chief of townships having fire departments shall enforce all provisions of Chapters 3781. and 3791. of the Revised Code, and any rules promulgated pursuant to those chapters, relating to fire prevention.

25. **Add sections 104.2.1 through 104.2.2.2 as follows:**

104.2.1 Plan review for fire protection systems in structures regulated by the building code. *For the purposes of this paragraph, a fire code official is authorized to conduct plan review of fire protection systems in structures regulated by the building code in accordance with Section 106.1.2 of that code and the provisions of this section. The fire code official is authorized to:*

104.2.1.1 Receive and review fire protection system and associated fire safety feature related construction documents when notice is provided to the building code official in accordance with Section 107.4.5 of the building code.

104.2.1.2 Provide to the building official written findings of the reviewed construction documents for compliance with the provisions of this code. For each element of the reviewed construction document that does not meet the requirements of this code, the fire code official shall, in that official's written findings, provide a specific reference to the relevant sections of this code that have not been fully satisfied. The fire code official shall provide the written findings to the building code official within a reasonable time frame after receipt by the fire code official that is appropriate for compliance with the building official's statutory requirements.

104.2.1.3 As necessary to complete the plan review process, inspect the premises described in the construction documents.

Pursuant to division (E) of Section 3791.04 of the Revised Code, the approval of plans and specifications by the building code official is a "license" to construct the building or structure in accordance with the approved plans and specifications to the extent of the application of the building code.

104.2.2 Except as noted in this section, construction of a structure subject to this section must be in compliance with the provisions of this code.

104.2.2.1 Prior to the issuance of a certificate of occupancy or other occupancy approval by a building code official, it is not a violation of this code for construction regulated by this code and the building code, or subject to a variance issued by the state board of building appeals pursuant to Section 3781.19 of the Revised Code, to occur in a manner or result in a condition contrary to the construction and design provisions of this code unless the state fire marshal first issues a written finding verifying that such construction and design provisions have been violated. If the state fire marshal issues such a finding, the fire code official is authorized to issue a citation and order pursuant to Section 3737.42 of the Revised Code requiring compliance with the applicable construction and design provisions of this code. As applicable, such orders may be concurrently appealed to the state board of building appeals pursuant to Section 3781.19 of the Revised Code with any adjudication orders issued by the building code official.

104.2.2.2 Notwithstanding any other provision of this section or Chapter 11, the minimum conditions of safe occupancy as specified in this code, including Sections 102.3.1 and 105.3.3.3, shall always apply to all structures, buildings, premises, conditions and activities subject to Section 101.2.”

26. Modify section 104.3 Right of Entry as follows:

Delete “Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous” and insert “In accordance with Section 3737.14 of the Revised Code and constitutional provisions governing searches”.

After the next immediate occurrence of “the fire code official” insert “and other officials or their designees as described in section 3737.14 of the Revised Code”.

After “authority to enter” delete “the building or premises” and insert “all buildings or vehicles or upon all premises, as such locations are described in Section 101.2.2 and which are within that official’s jurisdiction.”.

After “at all reasonable” delete “times to” and insert “hours to conduct an examination.”.

After “inspect” insert “or investigate”.

After “duties imposed on the” and after “If such building or premises is occupied, the” and after “If such building or premises is unoccupied,” delete “fire code”.

At the end of the last sentence after “to secure entry” insert “, including obtaining a warrant in accordance with division (F) of Section 2933.21 of the Revised Code”.

27. Modify section 104.6 Official records as follows:

Delete all text after “be retained” and insert “in accordance with the provisions of Chapter 149. of the Revised Code.”.

28. Modify section 104.6.3 Fire records as follows:

At the beginning of the paragraph delete “The” and insert “All”.

Delete “its” and insert “their”.

After “jurisdiction” insert “of organization”.

Delete “fire code official” and insert “state fire marshal. If a township or village does not have an organized fire department under its own authority or it does not exist concurrently with a municipality that has established its own fire department within its jurisdiction, then, regardless of whether it contracts for fire protection services, the fire prevention officer of such townships or villages shall ensure that the reporting functions of this section are complied with”.

29. **Add section 104.6.3.1 as follows:**

104.6.3.1 Fire reports. The fire department described in Section 104.6.3, the political subdivision served by such fire departments described in Section 104.6.3 or the fire prevention officer described in Section 104.6.3 shall report fire incidents required by Sections 3737.23 and 3737.24 of the Revised Code using coding information and procedures prescribed by the state fire marshal and shall send to the state fire marshal these reports in a manner approved by the state fire marshal. The reports shall include the "Incident Report" with all required sections/modules completed. Electronic reporting of fire incidents to the state fire marshal must be in a format approved by the state fire marshal. The state fire marshal, in the state fire marshal's sole discretion, may choose a federally recognized manner of reporting with which departments must comply. Any electronic reporting also must be in a format that is specifically compatible with the software used by the state fire marshal to process such reports and be transmitted in a format that has been approved by the state fire marshal.

All reports required under this section shall be submitted to the state fire marshal within fifteen days of the end of the calendar month in which the incident referenced in the report occurred. In months where no reportable fire incidents have occurred, the fire department described in Section 104.6.3 and the political subdivision served by the fire department described in Section 104.6.3 shall file a "No Activity Report" as prescribed by the state fire marshal and in a manner approved by the state fire marshal.

30. **Modify section 104.6.4 Administrative as follows:**

Delete all text before "the final decision of" and insert "As applicable,".

31. **Delete the title and text of section 104.7 Liability in their entirety and insert "Deleted,".**

32. **Delete the title and text of section 104.7.1 Legal Defense in their entirety and insert "Deleted,".**

33. **Modify section 104.8 Approved materials and equipment as follows:**

Delete all text and insert "Materials, equipment, devices and methods of construction within the scope of the building code shall be approved in accordance with the provisions of the building code. Other materials, equipment and devices not within the scope of the building code that are approved by the fire code official shall be constructed and installed in accordance with such approval. The fire code official's approval of materials, equipment and devices shall be consistent with the listing and labeling or authenticated research reports from authoritative sources as set forth in Section 115 for such materials, equipment and devices,".

34. **Modify section 104.8.2 Technical assistance as follows:**

Delete the last sentence of the paragraph (after "recommend necessary changes,".

35. **Delete the title and text of section 104.9 Modifications in their entirety and insert the following:**

“Variances (modifications) by state fire marshal. Whenever there are practical difficulties involved in carrying out the provisions of the state fire code, the state fire marshal, in the state fire marshal’s discretion, may modify any provision of the state fire code or any other administrative rule promulgated by the state fire marshal by issuing a variance upon written application by an affected party and upon demonstration by that party of both of the following:

- 1. That the variance will not threaten the public health, safety or welfare; and*
- 2. That the party will provide measures to protect the public health, safety and welfare that are substantially equivalent to the measures otherwise required under the state fire code or other applicable laws, rules and regulations.*

104.9.1 A request for variance submitted pursuant to this chapter shall only be considered upon production of any information or documentation requested by the state fire marshal. The particulars of such variance when granted shall be in writing, entered upon the records of the state fire marshal and furnished to the applicant and the authority having jurisdiction, if said authority is other than the state fire marshal.

104.9.2 Unless otherwise stipulated by the state fire marshal upon the granting of a variance, each variance granted pursuant to this section shall automatically terminate one year from the date of its issuance.

104.9.3 There shall be no automatic renewals of any variance granted pursuant to this paragraph. Each variance shall be specifically applied for in writing by the requesting party and independently considered by the state fire marshal.

104.9.4 Variances issued by the state board of building appeals to this code shall be in accordance with Section 3781.19 of the Revised Code and shall only apply to citations and orders issued under Sections 3737.41 and 3737.42 of the Revised Code.

104.9.5 The state fire marshal, in the marshal’s discretion, may issue variances to this code at times of public need, including in preparation for or response to natural or other disasters or emergencies.

36. Modify section 104.10 Alternative materials, design and methods of construction and equipment as follows:

At the end of the paragraph after “was not approved.” Insert “For the installation of any material or the use of any method of construction that is subject to the building code, any approval of an alternative method or material must be done in accordance with that code.”.

37. Delete the text of section 104.11 Fire investigations in its entirety and insert the following:
“The state fire marshal, or an assistant state fire marshal as designated by the state fire marshal, and the chief of the fire department of each municipal corporation in which a fire department is established, the chief of the fire department in each township in which

a fire department is established, the chief of the fire department of a joint fire district, or the fire prevention officer in each township or village where no fire department is established in accordance with Section 3737.24 of the Revised Code and other Revised Code sections applicable to the investigating agency shall have the authority to investigate the origin, cause and circumstances of any major fire or explosion. For the purposes of Section 149.43 of the Revised Code, such investigations shall be considered law enforcement matters of a criminal, quasi-criminal, civil, or administrative nature. For the purposes of Section 3929.87 of the Revised Code, an investigation that has not made a final finding, but has made findings as to the origin and cause of a fire in accordance with accepted fire investigation practices qualifies as a determination under that statute, including a finding that the cause of a fire is “undetermined” as that term is commonly defined in national fire investigation standards.”

38. Modify section 104.11.1 Assistance from other agencies as follows:

After “when requested to do so” insert “in accordance with the laws of this state”.

39. Add sections 104.11.2 through 104.11.4 as follows:

“104.11.2 Major fire definition. For the purposes of Section 3737.24 of the Revised Code and this code, a “major fire or explosion” means:

1. A fire or explosion that caused or had a substantial risk of causing death or serious physical harm to any person.
2. A fire or explosion that caused damage to or the destruction of any occupancy, property or vehicle and the estimated or actual loss associated with such fire or explosion exceeds \$500,000 in value.
3. A fire or explosion that caused damage to or the destruction of any occupancy, property or vehicle that is owned, leased or directly controlled by the United States of America, the State of Ohio or any political subdivision of the State, including schools and other educational institutions.
4. A fire or explosion that caused damage to or the destruction of any educational occupancy, whether owned by a unit of government or private entity, or any place of worship, or that harmed any person in such occupancies or locations.
5. A fire or explosion that any political subdivision fire chief determines, in that chief's discretion, to be a significant fire within that chief's jurisdiction.
6. Any fire or explosion so designated by the state fire marshal as a major fire or explosion.

104.11.3 Major fire notifications to state fire marshal. Notwithstanding the provisions of Section 104.6.3.1 and the timeframes within which fire incident information must be reported to the state fire marshal, political subdivision fire departments, including such departments and private fire companies providing services to another jurisdiction that

does not have a fire department, must immediately report to the state fire marshal any fire or explosion occurring within its jurisdiction or response area that caused or had a substantial risk of causing death or serious physical harm to any person(s).

104.11.4. As used in this section, the phrases “substantial risk” and “serious physical harm” have the same meaning as the definitions of such phrases in division (A)(6) and (A)(8) of Section 2901.01 of the Revised Code.”

40. Add sections 104.12.4 and 104.12.5 as follows:

“104.12.4 Evacuation. The fire department official in charge of an actual emergency response incident, as determined by such official, shall be authorized to order the immediate evacuation of any occupied building or premise deemed unsafe when such location has hazardous conditions that present life threatening danger to building or premise occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire department official in charge of the incident. For the purposes of this code, an emergency response incident involving an actual first responder services or ongoing fires, explosions or other hazardous events are, due to the actual occurrence of an emergency, distinguishable from events referenced in Section 3737.44 of the Revised Code.”

104.12.5 Utility disconnection. A fire chief or other fire official in charge of an emergency response shall have authority to order the disconnection of utility services in accordance with Section 110.

41. Modify section 105.1.1 Permits required, as follows:

At the end of the sentence after “the required permit” insert “when a permit is required by Section 105.1.1.1 or when a permit is required by a local fire code official in accordance with Section 105.1.1.2”.

42. Add sections 105.1.1.1 through 105.1.1.3 as follows:

105.1.1.1 Mandatory permits. The following installations or operations require a permit. Such permits shall be obtained from the fire code official as follows:

105.1.1.1.1 Explosives. A permit is required for the manufacture, processing or storage of explosives and explosive materials. In addition to any discretionary permits for explosives required by the local fire code official, permits for explosives storage and explosive material storage shall be obtained from the state fire marshal.

Exceptions:

1. Fireworks exhibition storage pursuant to Section 5610.
2. A manufacturer or wholesaler of fireworks that has paid an original or a renewal application fee in accordance with Section 5616.1.

105.1.1.1.2 Flammable and combustible liquid tanks. *A permit is required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a flammable or combustible liquid tank or any line or dispensing device connected thereto. Permits to install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank or any line or dispensing device connected thereto shall be obtained from the state fire marshal when such permits are not issued by the local fire code official.*

Exceptions:

1. No permit shall be required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a listed, lockable engine mounted tank that is connected to stationary pieces of equipment if all of the following apply:
 - 1.1. The tank has a capacity of 500 gallons or less; and
 - 1.2. The equipment remains locked at all times unless the equipment is being serviced or the tank is being filled; and
 - 1.3. All other provisions of this code, including other security provisions such as vehicle protection, are complied with.
2. No permit shall be required to install, alter, place temporarily out of service, remove, abandon or otherwise dispose of a stationary flammable or combustible liquid storage tank with a capacity of 1,100 gallons or less utilized for residential heating oil or agricultural purposes.
3. No permit shall be required for a stationary flammable or combustible liquid storage tank utilized at a construction site for a period of less than 90 days.

105.1.1.1.3 Exhibition of fireworks. *A permit is required for the temporary storage and exhibition of fireworks as set forth in Revised Code Chapter 3743. and Chapter 56. Permits required for the temporary storage and exhibition of fireworks shall be obtained from the local fire code official in accordance with the provisions of the Revised Code and Chapter 56.*

105.1.1.1.4 Ammonium nitrate. *A permit is required for the storage, use, manufacture, processing or handling of ammonium nitrate in either solid form or prill form for any facility that will at any time have an aggregate quantity of ammonium nitrate on-site in an amount in excess of 5,000 pounds. In addition to any discretionary permit required by the local fire code official, an annual operational permit shall be obtained from the state fire marshal for the storage, use, manufacture, processing or handling of ammonium nitrate under this paragraph.*

Exceptions:

1. This requirement for an annual operational permit from the state fire marshal shall not apply to ammonium nitrate within the state of Ohio that is subject to a permit under Section 105.1.1.1.1.
2. This requirement for an annual operational permit from the state fire marshal shall not apply to ammonium nitrate that is otherwise regulated by DOTn.

105.1.1.2 Discretionary permits. The local fire code official is authorized, but not required, to establish a permit program and issue a permit for the hazardous activities set forth in Sections 105.5 and 105.6. Regardless of whether or not the local fire code official has established a permit program to issue permits for the hazardous activities set forth in Sections 105.5 and 105.6, all other provisions of this code shall remain in full force and effect.

105.1.1.3 Notification of hazardous activities. When a permit is not required to engage in any hazardous activity set forth in this chapter, the person intending to engage in the hazardous activity shall first notify the local fire code official of that person's intent to engage in that hazardous activity.

43. **Modify section 105.1.2 Types of permits** as follows:
Delete the text from and including "There" through and including "as follows:".

In subparagraph 1 delete "required by Section 105.5" and insert "to be issued".

In subparagraph 2 delete "required by Section 105.6" and insert "to be issued".
44. **Modify section 105.2 Application** as follows:
At the end of the text after "fire code official." insert the following: "The requirement for plan review for fire protection systems in structures regulated by the building code submitted for plan review in accordance with this section is subject to and does not supersede or otherwise conflict with the requirements of Section 104.2.1.".
45. **Modify section 105.3 Conditions of a permit** as follows:
Delete "required by Section 105.5 or 105.6. Such" and insert "issued. When issued, such".
46. **Modify section 105.3.1 Expiration** as follows:
After "An operational permit" insert ", when issued,".

After "Construction permits" insert ", when issued,".

After "one-half the amount required for a new permit" insert ", when issued,".

At the beginning of the last sentence delete “Permits” and insert “*When issued, permits*”.

47. **Modify section 105.3.3 Occupancy prohibited before approval** as follows:

Delete “**prohibited before approval**” from the title of the section.

Delete the text of the paragraph in its entirety and insert the following subsections:

105.3.3.1 Acceptance testing of fire protection systems. *Prior to the issuance by the building official of any certificate of occupancy for any building subject to Section 104.2.1, the responsible person shall notify the fire code official to be present to witness the acceptance testing of all fire protection systems.*

105.3.3.2 Final inspection. *Prior to the issuance by the building official of any certificate of occupancy for any building subject to Section 104.2.1, the responsible person shall notify the fire code official to conduct a final inspection. The fire code official shall report any deficiencies of the fire protection systems to the building official.*

105.3.3.3 Minimum conditions for safe occupancy. *No structure, premises or building, or any portion thereof, shall be occupied unless:*

105.3.3.3.1 *Such structures, premises or buildings or portions thereof are in substantial compliance with the applicable provisions of this code and the building code.*

105.3.3.3.2 *The structure, premises or building, or any portion thereof, does not constitute a distinct or serious hazard to life or property in accordance with the provisions of this code.*

48. **Modify section 105.3.4 Conditional permits** as follows:

In the title of the section between “**Conditional**” and “**permits**”, insert “**approvals and**”.

After “Where” in the first sentence insert “*approval by the fire code official or*”.

After “on the request of” delete “a permit” and insert “*the*”.

Delete all text beginning with and including “permit to occupy the premises or portion” through and including “without endangering” and insert “*approval or permit to engage in the permitted activity or use provided that the permitted activity or use is safe and does not endanger*”.

After “notify the” delete “permit”.

After “applicant” delete “in writing”.

After “necessary to keep the” delete “permit area” and insert “*regulated activity or use*”.

In the last sentence after “holder of a conditional” insert “approval or”; also delete “permit holder’s” and insert “applicant’s”.

49. Add section 105.3.6.1 as follows:

“105.3.6.1 For structures regulated by the building code. If a building official issues a permit, plan approval or certificate of occupancy for a structure in accordance with the building code for a structure regulated by this code, the responsible person is not exempted from compliance with this code, including provisions for fire safety functions. If a review of fire protection system plans in accordance with Section 104.2.1) of this rule is not completed or a permit for construction is not issued pursuant to this code, the absence of such review or permit does not prohibit construction from occurring in accordance with the building official’s approval.”

50. Modify section 105.5 Required operational permits as follows:

In the title, delete “Required operational” and insert “Operational”.

Insert “local” between “The” and “fire code official”.

Delete “is” and insert “and, when specified in this rule, the state fire marshal are”.

After “authorized” insert “in accordance with Section 105.1.1.2”.

Delete “for the operations set forth in Section 105.4.2 through 105.5.52” and insert “as provide for in this Chapter”.

51. Modify section 105.5.1 Additive manufacturing as follows:

Delete “is required”.

52. Modify section 105.5.2 Aerosol products, aerosol cooking spray products and plastic aerosol 3 products as follows:

Delete “is required”.

53. Modify section 105.5.3 Amusement buildings as follows:

Delete “is required”.

54. Modify section 105.5.4 Aviation facilities as follows:

Delete “is required”.

55. Modify section 105.5.5 Carnivals and fairs as follows:

Delete “is required”.

56. Modify section 105.5.6 Cellulose nitrate film as follows:

Delete “is required”.

57. Modify section 105.5.7 Combustible dust-producing operations as follows:

Delete “is required”.

58. **Modify section 105.5.8 Combustible fibers as follows:**

Delete “is required”.

59. **Modify section 105.5.9 Compressed gases as follows:**

Delete “is required”.

60. **Modify section 105.5.10 Covered and open mall buildings as follows:**

Delete “is required”.

61. **Modify section 105.5.11 Cryogenic fluids as follows:**

Delete “is required”.

In the exception delete “are not required”.

62. **Modify section 105.5.12 Cutting and welding as follows:**

Delete “is required”.

63. **Modify section 105.5.13 Dry cleaning as follows:**

Delete “is required”.

64. **Modify section 105.5.14 Energy storage systems as follows:**

Delete “is required”.

65. **Modify section 105.5.15 Exhibits and trade shows as follows:**

Delete “is required”.

66. **Modify section 105.5.16 Explosives as follows:**

Delete “is required”.

At the end of the sentence after “within the scope of Chapter 56” insert “, and when such permits do not conflict with or are not inconsistent with the requirements of Chapter 3743. of the Revised Code”.

67. **Modify section 105.5.17 Fire hydrants and valves as follows:**

Delete “is required”.

In the exception, delete “is not required”.

68. **Modify section 105.5.18 Flammable and combustible liquids as follows:**

Delete “is required”.

In subparagraph 2 after “, except” delete “that a permit is not required”.

In subparagraph 2.1 Before “fire code official” insert “local”.

69. **Modify section 105.5.19 Floor finishing as follows:**
Delete “is required”.
70. **Modify section 105.5.20 Fruit and crop ripening as follows:**
Delete “is required”.
71. **Modify section 105.5.21 Fumigation and insecticidal fogging as follows:**
Delete “is required”.
72. **Modify section 105.5.22 Hazardous materials as follows:**
Delete “is required”.
73. **Modify section 105.5.23 HPM facilities as follows:**
Delete “is required”.
74. **Modify section 105.5.24 High-piled storage as follows:**
Delete “is required”.
75. **Modify section 105.5.25 Hot work operations as follows:**
Delete “is required”.
76. **Modify section 105.5.26 Industrial ovens as follows:**
Delete “is required”.
77. **Modify section 105.5.27 Lumber yards and woodworking plants as follows:**
Delete “is required”.
78. **Modify section 105.5.28 Liquid- or gas-fueled vehicles or equipment in assembly buildings as follows:**
Delete “is required”.
79. **Modify section 105.5.29 LP-gas as follows:**
Delete “is required”.

In the exception, delete “is not required”.
80. **Modify section 105.5.30 Magnesium as follows:**
Delete “is required”.
81. **Modify section 105.5.31 Miscellaneous combustible storage as follows:**
Delete “is required”.

After “rubber tires,” insert “asphalt shingles,”.
82. **Modify section 105.5.32 Mobile food preparation vehicles as follows:**
Delete “A” and insert “An operational”.

Delete “is required”.

83. Modify section 105.5.33 Motor fuel-dispensing facilities as follows:

Delete “is required”.

84. Modify section 105.5.34 Open burning as follows:

Delete “is required”.

85. Modify section 105.5.35 Open flames and torches as follows:

Delete “is required”.

86. Modify section 105.5.36 Open flames and candles as follows:

Delete “is required”.

87. Modify section 105.5.37 Organic coatings as follows:

Delete “is required”.

88. Modify section 105.5.38 Outdoor assembly event as follows:

Delete “is required”.

89. Modify section 105.5.39 Places of assembly as follows:

Delete “is required”.

90. Modify section 105.5.40 Plant extraction systems as follows:

Delete “is required”.

91. Modify section 105.5.41 Private fire hydrants as follows:

Delete “is required”.

In the exception, delete “is not required”.

92. Modify section 105.5.43 Pyroxylin plastics as follows:

Delete “is required”.

93. Modify section 105.5.44 Refrigeration equipment as follows:

Delete “is required”.

94. Modify section 105.5.45 Repair garages and motor fuel-dispensing facilities as follows:

In the title, delete “and motor fuel-dispensing facilities”.

Delete “is required”.

95. Modify section 105.5.46 Rooftop heliports as follows:

Delete “is required”.

96. Modify section 105.5.47 Spraying or dipping as follows:
Delete “is required”.
97. Modify section 105.5.48 Storage of scrap tires and tire byproducts as follows:
Delete “is required”.
98. Modify section 105.5.49 Temporary membrane structures and tents as follows:
Delete “is required”.
99. Modify section 105.5.50 Tire-rebuilding plants as follows:
Delete “is required”.
100. Modify section 105.5.51 Waste handling as follows:
Delete “is required”.
101. Modify section 105.5.52 Wood products as follows:
Delete “is required”.
102. Add section 105.5.53 as follows:
105.5.53 Lithium-ion and lithium metal batteries. An operational permit for the storage of lithium-ion or lithium metal batteries in excess of 15 cubic feet (0.42 m³).
103. Modify section 105.6 Required construction permits as follows:
In the title, delete “Required construction” and insert “Construction”.

After “The” and before “fire code official” insert “local”.

Delete “is” and insert “and, when specified in this chapter, the state fire marshal are”.

After “authorized” insert “in accordance with Section 105.1.1.2”.

Delete “as set forth in Sections 105.6.1 through 105.6.24” and insert “as provided in this chapter”.
104. Modify section 105.6.1 Automatic fire-extinguishing systems as follows:
Delete “is required”.
105. Modify section 105.6.2 Compressed gases as follows:
Delete “is required”.
106. Modify section 105.6.3 Cryogenic fluids as follows:
Delete “is required”.
107. Modify section 105.6.4 Emergency responder communication coverage system as follows:
Delete “is required”.

108. **Modify section 105.6.5 Energy storage systems as follows:**
Delete “is required”. #
109. **Modify section 105.6.6 Fire alarm and detection systems and related equipment as follows:**
Delete “is required”.
110. **Modify section 105.6.7 Fire pumps and related equipment as follows:**
Delete “is required”.
111. **Modify section 105.6.8 Flammable and combustible liquids as follows:**
Delete “is required”.

At the end of subparagraph 3 insert “and any line or dispensing device connected thereto”.
112. **Modify section 105.6.9 Fuel cell power systems as follows:**
Delete “is required”.
113. **Modify section 105.6.10 Gas detection systems as follows:**
Delete “is required”.
114. **Modify section 105.6.11 Gates and barricades across fire apparatus access roads as follows:**
Delete “is required”.
115. **Modify section 105.6.12 Hazardous materials as follows:**
Delete “is required”.
116. **Modify section 105.6.13 High-piled combustible storage as follows:**
Delete “is required”.
117. **Modify section 105.6.14 Industrial ovens as follows:**
Delete “is required”.
118. **Modify section 105.6.15 LP-gas as follows:**
Delete “is required”.
119. **Modify section 105.6.16 Motor vehicle repair rooms and booths as follows:**
Delete “is required”.
120. **Modify section 105.6.17 Plant extraction systems as follows:**
Delete “is required”.
121. **Modify section 105.6.18 Private fire hydrants as follows:**

Delete “is required”.

122. Modify section 105.6.19 Smoke control or smoke exhaust systems as follows:

Delete “are required”.

123. Modify section 105.6.20 Solar photovoltaic power systems as follows:

Delete “is required”.

124. Modify section 105.6.21 Special event structure as follows:

Delete “is required”.

125. Modify section 105.6.22 Spraying or dipping as follows:

Delete “is required”.

126. Modify section 105.6.23 Standpipe systems as follows:

Delete “is required”.

127. Modify section 105.6.24 Temporary membrane structures and tents as follows:

Delete “is required”.

In subparagraph 3.1 after “Individual tents” delete the text through and including “have” and insert “*having*”.

In subparagraph 3.2 after “12 feet (3658 mm)” delete the text through and including exceed” and insert “*not exceeding*”.

In subparagraph 3.3 “and other tents” delete the text through and including “be” and insert “*is*”.

128. Add section 105.7 as follows:

105.7 Local permit fees. *When permits are issued by the local fire code official, the local fire code official is authorized, but not required to, establish and collect fees for such permits in accordance with the applicable law.*

129. Modify section 106.1 Submittals as follows:

Delete “Construction” and insert “*Subject to the provisions of Section 104.2.1, construction*”.

Delete “a registered design professional” and insert “*an appropriate person*”.

Delete “statutes of the jurisdiction in which the project is to be constructed” and insert “*Revised Code*”.

130. Modify section 106.2.2 Fire protection system shop drawings as follows:

Delete “Shop” and insert “*Subject to the provisions of Section 104.2.1, shop*”.

131. Modify section 106.2.4 Approved documents as follows:

After “Construction documents” delete “approved” and insert “reviewed”.

After “fire code official” in the first sentence insert “in accordance with Section 104.2.1 or construction documents approved by the fire code official”.

Before “approved with the intent” insert “reviewed and”.

132. Modify section 106.2.4.1 Phased approval as follows:

At the beginning of the first sentence delete “The” and insert “Subject to the provisions of Section 104.2.1, the”.

133. Add section 106.3.1 as follows:

106.3.1 Where actual construction demonstrates substantial deviation from the construction documents approved by the building code official, the fire code official shall have the authority to require the responsible party to submit corrected construction documents to the building code official having jurisdiction for approval in accordance with the building code and to the fire code official for review in accordance with Section 104.2.

134. Delete the text and title of section 107 Fees in their entirety and insert “Deleted”.

135. Modify section 108.2 Inspections as follows:

After “to conduct such inspections” insert “in accordance with Section 3737.14 of the Revised Code”.

136. Modify section 108.2.1 Inspection requests as follows:

Delete “It” and insert “When required by the fire code official or as a condition of a permit, it”.

137. Modify section 108.2.2 Approval required as follows:

Delete “Work” and insert “When required by the fire code official, work”.

138. Modify section 108.3 Concealed work as follows:

Delete “It” and insert “When required by the fire code official, it”.

In the second sentence, after “subject to” insert “an”.

Before “prior to” insert “as required by this code or Chapter 3731., 3737., or 3743. of the Revised Code”.

After “prior to” insert “its”.

Delete all of the text at the end of the second sentence beginning with “the fire code official” through and including “accessed for inspection” and insert “the responsible party, subject to Section 104.2.2, must uncover the work for fire code official inspection”.

139. Modify section 108.4 Approvals as follows:

After “ordinances of the jurisdiction” insert “, regardless of when such violations occurred”.

140. Modify section 109.1 Maintenance of safeguards as follows:

In the title, after “safeguards” insert “*and conditions as originally approved*”.

After “Where any” insert “*feature, including any*”.

After “level of protection,” insert “*installation, or construction,*”.

After “or any other feature” insert “*subject to this code*”.

After “with the provisions of this code” insert “*or the life safety portions of the building code*”.

After “or otherwise installed, such” insert “*feature, including any*”.

After “level of protection,” insert “*installation, or construction,*”.

After “thereafter be continuously” insert “*and properly*”.

After “maintained in accordance with this code” insert “, *the applicable portions of the building code,*”.

At the end of the section after “applicable referenced standards.” Insert “*Such features must also comply with and properly maintain all items required by any initial or subsequent approvals, authorizations, conditions, permits, variances, and certificates applicable to such features issued pursuant to this code, the building code, or other laws. All subsequent construction, alteration, modifications, or repairs to such features shall be done in accordance with this code and the building code.*”.

141. Modify section 109.6 Overcrowding as follows:

Insert the following at the beginning of the section before “Overcrowding or admittance”:

It shall be a violation of this code for a responsible person to permit or engage in the overcrowding of any structure, building or premise beyond the approved capacity of such structure, building or premise or in a manner that constitutes a hazard to the occupants of the location.

142. Modify section 110.1 Authority to disconnect service utilities as follows:

At the beginning the section after “The fire” delete “code” and insert “*chief or other fire*”.

After the very next occurrence of “official” insert “*in charge of an emergency response*”.

After “authority to authorize” insert “*or order the*”.

After “in order to safely execute” insert “necessary”.

Delete “eliminate” and insert “temporarily abate”.

After “immediate hazard” delete the remaining text in its entirety and insert “to the public or emergency responders. During non-emergency response conditions, the fire code official may order the disconnection of utility services to a building, structure, or system to abate hazards to the public and emergency responders in accordance with the provisions of Sections 3737.41 through 3737.51 of the Revised Code and Section 112.”.

- 143. Delete the title and text of section 111 Means of Appeals in its entirety (including all numbering and subsections) and insert the following:**

Section 111 Appeal of orders

111.1 Appeals of orders. Citations and orders issued by the fire code official relative to the application of this code may be appealed by the responsible person to the state board of building appeals in accordance with the provisions of Chapters 3737. and 3781. of the Revised Code including Sections 3737.43 and 3781.19 of the Revised Code.

- 144. Add sections 112.1.1 through 112.1.5.1 as follows:**

112.1.1 Imminent hazards. Conditions or practices in any building or upon any premises which violate the state fire code and are such that a fire or explosion hazard exists which could reasonably and imminently be expected to cause death or serious physical harm shall be addressed in accordance with Section 3737.44 of the Revised Code, including obtaining the authorization of the state fire marshal or chief deputy state fire marshal prior to the issuance of any oral orders directing that a building or premises be vacated immediately.

112.1.2 Distinct hazards. Structural or premise conditions constituting a distinct hazard, including as described in Section 102.1.1, shall, in addition to other remedies authorized by Sections 3737.41 through 3737.51 of the Revised Code, be resolved through the issuance of a citation in accordance with Section 3737.42 of the Revised Code. As described in Section 102.1.1, such a citation may require the application of the construction and design provisions of this code to an existing structure or condition, regardless of whether such location is in substantial compliance with the applicable version of the building code.

112.1.3 Serious hazards. If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds either of the following:

1. a structure, premise or location to be a “serious hazard” as that term is defined in this code; or

2. the conditions at such structure, premise or location constitute a violation of, or require the application of Section 107.6, 901.7 or 1001.2 to such places;

the state fire marshal, assistant state fire marshal, or certified fire safety inspector is authorized to verbally order or order in writing, on a form approved by the state fire marshal, the structure, premise or location to comply with the fire code, including as described in Section 107.6, 901.7 or 1001.2, or otherwise abate the conditions causing the serious hazard.

112.1.4. After issuance, verbal orders shall forthwith be reduced to writing on a form proscribed by the state fire marshal. Once written, all orders under this section shall be provided to the responsible person and prominently posted by the responsible person at the hazard site at a location observable by any members of the public at, or by any emergency responders to, the site. If no responsible person can readily be identified, the fire code official shall post the written orders at the site. Failure to comply with an order issued under this section is a violation of this code. All orders issued under this section shall be converted to a citation pursuant to Section 3737.42 of the Revised Code as soon as is practicable and shall include a reference to this section (so that a responsible person may appeal such order and associated code violations in accordance with Section 3737.43 of the Revised Code). If the state fire marshal, assistant state fire marshal, or certified fire safety inspector withdraws, modifies or cancels an order under this section, such official shall immediately provide written notification to the responsible person on a form proscribed by the state fire marshal.

112.1.5 General fire code enforcement (R.C. 3737.42(A)). If upon inspection or investigation, the state fire marshal, an assistant state fire marshal, or a certified fire safety inspector believes that the state fire code or associated order has been violated, including for a distinct or serious hazard, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation to the responsible person in accordance with Section 3737.42 (A) of the Revised Code and Section 112.3.

112.1.5.1 Minor hazards (R.C. 3737.42(B)). If a violation of this code has no direct or immediate relationship to safety or health, the state fire marshal, assistant state fire marshal, or the certified fire safety inspector may issue a notice in lieu of a citation with respect to such de minimis violation in accordance with division (B) of Section 3737.42 of the Revised Code and Section 112.1.5.1.1. If such violations are not remedied within the time frame established by the fire code official, such official may issue a citation in accordance with division (A) of Section 3737.42 of the Revised Code.

- 145. Renumber section 112.3 Notice of violation as section 112.1.5.1.1, relocate/indent it accordingly and further amend it as follows:**

In the title of the section after “Notice of” and before “violation” insert “de minimis”.

At the beginning the text, delete “Where” and insert “In accordance with division (B) of Section 3737.42 of the Revised Code, when”.

After “area that is in violation of this code,” insert “*but such a violation has no direct or immediate relationship to safety or health.*”.

After “authorized to prepare a written notice of” insert “*de minimis*”.

146. **Renumber** section **112.3.1 Service** as section **112.1.5.1.2**, relocate/indent it accordingly and further amend it as follows:

At the beginning of the section after “A notice of” insert “*de minimis*”.

147. **Renumber** section **112.3.2 Compliance with orders and notices** as section **112.1.5.1.3**, relocate/indent it accordingly and further amend it as follows:

At the beginning of the section after “A notice of” insert “*de minimis*”.

148. **Renumber** section **112.3.3 Prosecution of violations** as section **112.1.5.1.4**, relocate/indent it accordingly and further amend it as follows:

Delete the title of the section and insert “***Remedies for noncompliance***”.

Delete “promptly” and insert “*within the specified period of abatement*”.

After “the fire code official is authorized” insert “*to take further enforcement actions in accordance with Section 112.3 or*”.

After “abate such violation” delete the text beginning with “or to” through and including “in violation of the provisions”.

149. **Renumber** section **112.3.4 Unauthorized tampering** as section **112.1.5.1.5** and relocate/indent it accordingly.

150. **Insert** section **112.1.6** as follows:

112.1.6 Enforcement to remedy dangerous conditions. *If the state fire marshal, assistant state fire marshal, or certified fire safety inspector, upon examination or inspection, finds a building or other structure especially liable to fire or endangers life or other buildings or property, or finds a building or any premises with combustible, explosive or flammable materials which are dangerous to the safety of persons or finds any structure, tank, container or vehicle used for the storage, handling or transportation of flammable or combustible materials to be dangerous to the safety of persons, the state fire marshal, assistant state fire marshal, or certified fire safety inspector shall issue a citation in accordance with Section 3737.41 of the Revised Code and Section 112.3. Nothing in this paragraph shall be construed as prohibiting or limiting a fire code official’s ability to take any other enforcement actions authorized by Chapter 3737. of the Revised Code, including issuance of citation pursuant to Section 3737.42 of the Revised Code.*

151. **Amend** section **112.2 Owner/occupant responsibility** as follows:

Delete “the owner’s authorized agent” and insert “*responsible person*”.

Before “be held responsible for” insert “also”.

152. **Add sections 112.3 through 112.3.5 as follows:**

112.3 Citations and notices of hearing. *Issuance and enforcement of citations and orders are regulated by Sections 3737.41 to 3737.46 of the Revised Code. Citations, orders and notices of hearing shall be issued in accordance with this section and Chapter 119. of the Revised Code.*

112.3.1 Form of citation. *Every citation and notice of hearing shall be in writing.*

112.3.2 Citation requirements. *Every citation shall be issued in accordance with Section 3737.41 or 3737.42 of the Revised Code.*

Each citation issued under Section 3737.42 of the Revised Code shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a certified fire safety inspector or an assistant fire marshal, a copy of the citation shall be furnished to the fire marshal.

112.3.3 Posting of citation by responsible party. *For each citation issued under Section 3737.42 of the Revised Code, a copy or copies of the citation shall be prominently posted by the responsible person at or near each place a violation referred to in the citation occurs and shall be clearly visible to any member of the public that enters a structure or premises that is subject to the citation. Citations shall remain posted until dismissed, the state board of building appeals authorizes the removal of the posted citation or all of the hazardous conditions in the citation are verified by the issuing agency as being remedied. If a responsible party refuses or is unable to post a citation, the fire code official is authorized to post citations issued by that authority at a location clearly visible to any member of the public that enters a structure or premises that is subject to the citation.*

112.3.4 Notice of appeal. *Every responsible person issued a citation under Section 3737.41 or 3737.42 of the Revised Code shall be given, as provided by Section 3737.43 of the Revised Code and within a reasonable time after such inspection or investigation and in accordance with Chapter 119. of the Revised Code, notice of the citation and penalty, if any, proposed to be assessed under Section 3737.51 of the Revised Code, and of the responsible person's right to appeal the citation and penalty, under Chapter 119. of the Revised Code, to the state board of building appeals established under Section 3781.19 of the Revised Code within thirty days after receipt of the notice.*

112.3.5 Service of citations. *Every citation and notice of hearing shall be delivered in accordance with Section 119.05 of the Revised Code. It shall be the responsibility of the agency serving adjudication documents to follow the most current provisions*

of Revised Code Chapter 119., including the service provisions contained in Section 119.05 of the Revised Code.

153. Delete the number, title and text of sections **112.4 Violation penalties** and **112.4.1 Abatement of violation** in their entirety and insert the following:

112.4 Civil penalties for violations of the Ohio Fire Code. Penalties are specified in Sections 3737.51 and 3737.99 of the Revised Code. In accordance with Section 3737.51 of the Revised Code, the fire code official may propose a civil penalty for each violation of this code as follows:

1. Any person who has received a citation for a serious violation of the fire code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars for each such violation.
2. Any person who has received a citation for a violation of the fire code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars for each such violation.
3. Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.
4. Any person who violates any of the posting requirements, as prescribed by division (C) of Section 3737.42 of the Revised Code, shall be assessed a civil penalty of not more than one thousand dollars for each violation.

112.4.1 Appropriateness of penalty. In accordance with division (F) of Section 3737.51 of the Revised Code, due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of previous violations shall be given whenever a penalty is assessed under this chapter.

112.4.2 Serious violation. In accordance with division (G) of Section 3737.51 of the Revised Code, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

112.4.3 Payment of civil penalties. In accordance with division (H) of section 3737.51 of the Revised Code, civil penalties imposed by this chapter shall be paid to the fire marshal for deposit into the general revenue fund. Such penalties may be

recovered in a civil action in the name of the state brought in the court of common pleas of the county where the violation is alleged to have occurred.

154. Amend section 113.1 Authority as follows:

After “official finds any work” insert “relating to the fire prevention provisions of Chapter 3781. and 3791. of the Revised Code or work subject to Section 104.2.1 contrary to the approved plans or work otherwise”.

After “contrary to the provisions of” insert “*the Revised Code or*”.

After “this code,” and before “in a dangerous or unsafe manner” delete “or”.

After “the fire code official is authorized” insert “, *subject to Section 104.2.2,*”.

After “issue a stop work order” insert “*in accordance with Section 3781.031 of the Revised Code or this code*”.

155. Amend section 113.2 Issuance as follows:

At the beginning of the section delete “The” and insert “A”.

Before “in writing” insert “*issued in accordance with Section 3737.42 of the Revised Code, be*”.

After “person performing the work” insert “*and a copy shall be provided to the building official having jurisdiction*”.

156. Amend section 113.3 Emergencies as follows:

After “Where an emergency exists,” insert “*meeting the definition of an imminent hazard as described in Section 3767.44 of the Revised Code,*”.

After “prior to stopping the work” insert “, *provided that the stop work order is issued in accordance with and as part of actions filed or taken under Sections 3737.44 and 3737.46 of the Revised Code*”.

157. Amend section 113.4 Failure to comply as follows:

Delete “fines established by the authority having jurisdiction” and insert “*penalties in accordance with Section 112.4 or other applicable laws, rules and regulations*”.

158. Amend section 114.1 General as follows:

After “inspection of a premises,” insert “*the fire code official finds*”.

Delete “clear and inimical threat to human life, safety or health” and insert “*dangerous condition described in division (A), (B) or (C) of Section 3737.41 of the Revised Code*”.

Delete “notice or” and insert “*citation and*”.

Delete “this section,” and insert “*Section 3737.41 of the Revised Code*”.

Before “refer the building” insert “, *as appropriate*,”.

Delete “official” and insert “*department*”.

At the end of the section after “or demolition required.” insert “*Nothing in this section shall be construed as prohibiting or limiting a fire code official’s ability to take any other enforcement actions authorized by Chapter 3737. of the Revised Code, including issuance of a citation pursuant to Section 3737.42 of the Revised Code.*”

159. Modify section 114.1.1 Unsafe conditions as follows:

Delete “, insanitary”.

Delete “, inadequate light and ventilation.”.

Before “that constitute” insert “*conditions*”.

Delete all text in the next to last sentence (beginning with “Unsafe structures” through and including “as provided for in this section.”).

160. Add sections 114.1.1.1 through 114.1.1.4 as follows:

114.1.1.1 If the fire code official finds an unsafe condition as described in this section that constitutes an imminent hazard, as that term is used in Section 3737.44 of the Revised Code, such fire code official shall take actions as required by Section 3737.44 of the Revised Code and Section 112.1.1.

114.1.1.2 If the fire code official finds an unsafe condition as described in this section that is especially liable to fire or endangers life or other buildings or property, such fire code official shall issue a citation and order that the responsible person take all necessary remedial actions as required by Section 3737.41 of the Revised Code.

114.1.1.3 If the fire code official finds an unsafe condition as described in this section that violates specific provisions of this code, such fire code official shall take such enforcement actions as provided for in this rule including, but not limited to, the issuance of a citation pursuant to Section 3737.42 of the Revised Code. This includes the issuance of a citation for a distinct hazard pursuant to Section 112.1.2 and for a serious hazard pursuant to Section 112.1.3.

114.1.1.4 If the fire code official finds an unsafe condition as described in this section that constitutes a de minimus hazard that has no direct or immediate relationship to safety of health, such fire code official shall take such enforcement actions as provide for in this rule including, but not limited to, the issuance of a notice pursuant to division (B) of Section 3737.42 of the Revised Code and Section 112.1.5.1.

161. Modify section 114.2 Evacuation as follows:

At the beginning of the section, delete “The” and insert “As authorized by and in accordance with division (C) of Section 3737.44 of the Revised Code, the”.

Delete “or the fire department official in charge of an incident” at all occurrences (2).

162. Modify section 114.3 Record as follows:

Delete the section title and text in their entirety and insert “**General requirements.** All Enforcement actions taken under this section shall comply with the provisions of Section 112 and Sections 3737.41 through 3737.51 of the Revised Code.

163. Modify section 114.4 Notice as follows:

Delete the section title and all text in their entirety and insert “Deleted.”.

164. Modify section 114.5 Method of service as follows:

Delete the section title and all text in their entirety and insert “Deleted.”.

165. Modify section 114.6 Restoration of abatement as follows:

After “restored to a safe condition. The” insert “responsible person, including the”.

After “deemed unsafe by the fire code official” insert “.”.

After “or other approved corrective action” insert “in accordance with the provisions of Section 112 and Sections 3737.41 through 3737.51 of the Revised Code”.

In the last sentence, delete “Section” and insert “this code, including Sections 102.3 and”.

After “105.1.5” insert “.”.

Delete “International Existing Building Code” and insert “building code”.

166. Modify section 114.7 Summary abatement as follows:

Delete the section title and all text in their entirety and insert “Deleted.”.

167. Add sections 115 through 126 as follows:

Section 115 State fire marshal permits and inspection fees

115.1 Permit fees. The fee for all permits issued by the state fire marshal shall be seventy-five dollars unless specifically indicated otherwise in this code.

Exceptions:

1. If a manufacturer or wholesaler of fireworks has paid an original or a renewal licensure application fee in accordance with Section 5616.1, then the manufacturer or wholesaler of fireworks is not required to pay a fee for the Class 1 magazine storage permit required by Section 105.1.1.1.1.

2. A permit fee is not required for the construction of a temporary membrane structure or tent erected on state property.

115.1.1 Fees for multiple permits. When multiple permits are applied for to the state fire marshal for a specific event or approved construction at the same location, such permit application may be consolidated into a single permit application. The total fees otherwise required for such multiple permits may be consolidated into a single fee, which may be reduced at the discretion of the state fire marshal in an amount proportionate to the corresponding inspection activity.

115.2 Construction inspection fees. The state fire marshal shall require new construction inspection fees as follows:

1. Initial inspection fee of two hundred dollars.
2. Re-inspection fee of fifty dollars.
3. First follow-up inspection fee of one hundred dollars.
4. Second follow-up inspection fee of one hundred-fifty dollars.
5. Third follow-up inspection fee of two hundred dollars.
6. Fourth follow-up inspection fee of three hundred dollars.
7. Subsequent follow-up inspection fees are increased in fifty-dollar increments.

115.3 Fire safety inspection fees. The state fire marshal shall require fire safety inspection fees for all other inspections as follows:

1. Inspection fee of one hundred dollars.
2. First re-inspection fee of fifty dollars.
3. Second re-inspection fee of seventy-five dollars.
4. Subsequent re-inspection fees are increased in fifty-dollar increments.

Exceptions:

1. The inspection fee for the initial inspection conducted pursuant to the application for any license issued by the state fire marshal shall be included in the application fee.
2. Fire safety inspection fees for child daycare and child foster homes caring for eleven or fewer children shall be fifty dollars.

3. Fire safety inspection fees for the storage of explosives and explosive materials are waived for storage facilities located on a licensed premises pursuant to Chapter 3743. of the Revised Code and Chapter 56.

Section 116 Amendments to the fire code

116.1 *When any person desires to petition the state fire marshal to adopt, amend or rescind a provision of this code, such person shall file on a format prescribed by the state fire marshal the petition with the state fire marshal.*

116.1.1. *The adoption, amendment or rescission of any provision of this code shall be accomplished according to Chapter 119. and Sections 3737.82 and 3737.86 of the Revised Code.*

116.2 *The petition shall include the following:*

1. The date the petition is submitted;
2. The number of the section of this code which is proposed for amendment, adoption or rescission;
3. The section numbers of all other sections of this code which will be affected by the matter proposed;
4. The name and address of the petitioner and the name of the petitioner's representative if a representative is employed;
5. The provisions of this code, which are proposed for adoption, amendment or rescission stated in full and in the form specified in this rule;
6. The reasons for and purpose of the matter proposed.

116.3 Changes. *Petitions for adoption, amendment or rescission of this code, required under this chapter, shall conform to the requirements of this rule including:*

116.3.1. *All matter proposed to be eliminated from this code shall be deleted by means of striking through the text.*

116.3.2. *All proposed new matter to be inserted into this code shall be inserted and be underlined.*

Section 117 Notice of public hearing

117.1 Procedures. *The procedure of the state fire marshal for giving public notice for the adoption, amendment or recession of the rules shall be in accordance with Chapter 119. and Section 3737.86 of the Revised Code, and this section.*

117.2 *The state fire marshal shall cause:*

1. *A statement of its intention to consider adopting, amending or rescinding a chapter;*
2. *A synopsis of the proposed chapter, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed chapter, amendment, or rescission relates;*
3. *A statement of the reason or purpose for adopting, amending or rescinding the chapter;*
4. *Public notice to be filed with the "Legislative Service Commission" and the "Joint Commission on Agency Rule Review" on the "Register of Ohio."*

117.3 *The state fire marshal shall be authorized to give additional notice to such public hearing as the state fire marshal deems necessary; however, the giving of such additional notice shall not be mandatory and the failure to give notice by any means other than as specified in Section 117.2 shall not in any way invalidate any action which may be taken by the state fire marshal.*

Section 118 Research reports and testing laboratories

118.1 *In those cases in which a product is proposed for use in Ohio, but such product does not meet specific standards set by the "Ohio Fire Code," the state fire marshal may require authenticated research reports from conformity assessment bodies recognized by the board of building standards pursuant to Section 114 of the "Ohio Building Code." If no applicable or appropriate conformity assessment body is recognized by the board of building standards for the product proposed for use in Ohio, the state fire marshal may require authenticated research reports from approved authoritative sources to assist in determining the acceptability of that product.*

118.2 *Authoritative sources recognized by the state fire marshal for matters not within the scope of the building code, or as otherwise determined by the state fire marshal, include but are not limited to:*

American National Standards Institute, Inc. (ANSI)
25 West 43rd Street
New York, New York 10018

American Society of Testing Materials (ASTM)
PO Box C700

West Conshohocken, Pennsylvania 19428-2959

National Institute of Standards and Technology (NIST)
Building and Fire Research Laboratory
100 Bureau Drive
Building 226, Room B216
Gaithersburg, Maryland 20899-8600"

Underwriters' Laboratories, Inc. (UL)
333 Pfingsten Road
Northbrook, Illinois 60062

Underwriters Laboratories of Canada (ULC)
7 Underwriters Road
Scarborough, Ontario, Canada M1R 3A9

Section 119 Flammability of consumer goods

119.1 Unless otherwise provided by the Revised Code, the federal standards of flammability for consumer goods are adopted and incorporated in the state fire code as the minimum standards of flammability for consumer goods in Ohio. If such federal standards change subsequent to the effective date of this chapter, only those chapters or portions of those chapters which are identical to the federal standards shall remain in effect.

Section 120 Procedure in the event of fire

120.1 Notification of fires in buildings. In the event of an unfriendly fire in any building regulated by the building code, the responsible person shall, in accordance with Section 3737.63 of the Revised Code, immediately and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire and shall spread an alarm immediately to all occupants of the building.

120.2 Notification of fires at a premises. In the event of an unfriendly fire at any premises, the responsible person shall immediately and with all reasonable dispatch and diligence, call or otherwise notify the fire department concerning the fire and shall spread an alarm immediately to all occupants of the premises.

120.3 Reporting of fires. Unfriendly fires shall be reported to the fire department having jurisdiction. As described in Section 104.6.3, the fire chief or other specified authority shall make a report and forward a copy of said report to the state fire marshal of such unfriendly fires. As required by Section 3737.24 of the Revised Code, the reporting official shall immediately notify the state fire marshal of the fire being investigated in accordance with that section, and within one week of the occurrence of the fire shall furnish the state fire marshal with a written statement of all facts relating to its cause

and origin and such other information as is required by forms provided by the state fire marshal.

Section 121 Hotel and SRO facility license

121.1 License to operate a hotel or SRO facility. *For those facilities defined as a hotel or SRO facility in Section 3731.01 of the Revised Code, the issuance of a license shall be contingent upon compliance with Chapter 3731. of the Revised Code and rules adopted pursuant to Section 3731.02 of the Revised Code.*

121.1.1. *As required by division (D) of Section 3731.03 of the Revised Code, all hotel and SRO licenses shall expire on the last day of December of each year. All applications to renew a license to operate a hotel shall be submitted to the state fire marshal in accordance with this section.*

121.1.2. *If any owner, operator, lessee, or responsible person in control of a hotel or SRO facility licensed pursuant to Chapter 3731. of the Revised Code and this section maintains or operates a hotel or SRO facility where accommodations for assignment purposes are furnished, or if any owner, operator, or responsible person in control of such a hotel or SRO facility has been convicted of keeping a place in violation of the law relating to houses of assignment or places of public nuisance the owner, operator, or responsible person shall notify the state fire marshal of the conviction or finding in writing by submitting a copy of the judgement entry or other court termination or of the operation in writing by submitting other documentation notifying the state fire marshal of the activity. The notification to the state fire marshal shall be made within 60 days of the activity, the conviction or the finding, or upon submission of a license renewal application, whichever is earlier.*

121.2 Definitions. *The following terms are defined in Chapter 2.*

Agricultural labor camp.

Apartment house.

Approved.

Boarding, lodging, rooming house.

Constantly attended location.

Cooking devices.

Cooking device listed as safe for residential use.

Dwelling unit.

Dwelling unit features.

Efficiency unit.

Emergency egress routes/Escape routes.

Extended stay hotel.

Guestroom.

[Hospital/college] Dormitory.

Hotel.

Light hazard occupancy.

Person/responsible person.

Residential hotel.

Residential premises.

Single room occupancy.

Sleeping room.

SRO facility.

Temporary residence.

Transient.

Transient hotel.

Transient 270 day stay hotel room.

121.3 Hotel and SRO facilities.

121.3.1 "Hotel" does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories.

121.3.2 A SRO facility shall include, at a minimum, a sleeping area with adequate sleeping accommodations for the guest such as a bed, bunk, cot or other furniture designed for sleeping.

121.3.3 No person licensed to maintain and operate a hotel or SRO facility shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located the licensed hotel, unless the agricultural labor camp, apartment house, lodging house, rooming house or hospital or college dormitory has been constructed as, and been approved by the building official having jurisdiction over it as being a separate building within the hotel structure in accordance with approved building rated separation assemblies.

121.3.3.1 Upon initial application for licensure or upon request of the state fire marshal, a hotel or SRO facility seeking approval of separated uses as described in Section 121.3.2, must submit to the state fire marshal a valid certificate of occupancy that clearly indicates the separation of such uses as issued by the building official having jurisdiction and any other documentation requested by the state fire marshal.

121.3.3.2 The state fire marshal shall not issue more than one hotel or SRO license for any structure.

121.3.4 The most current license issued to a hotel or SRO facility shall be kept in the office of such hotel or SRO facility and produced for review when requested by the fire code official or displayed in a conspicuous and public manner therein.

121.3.5 For purposes of determining compliance with administrative licensure requirements, each hotel or SRO facility shall maintain on the premises, a register or guest information records or written occupancy agreement for a period of two years and provide such information upon request of the state fire marshal or fire code official. The register, guest information records or written occupancy agreements shall clearly indicate the dates of arrival and departure for occupants in such guestroom.

121.3.6 Each licensed hotel or SRO facility shall maintain a responsible person on duty on the premises or provide appropriate notification information posted in a conspicuous place visible from the exterior.

121.3.7 Every hotel and SRO facility shall have proper plumbing, lighting and ventilation installed and maintained in accordance with the building code, plumbing code and mechanical code and this code.

121.3.8 The responsible person for the hotel or SRO facility must safely and properly maintain the building, structure, premises or lot at all times in accordance with this code, other jurisdictional codes and ordinances and the International Property Maintenance Code.

121.3.9 The responsible person of a licensed hotel shall post in each guestroom the hotel room rate indicating the maximum actual rate and include the maximum rate per number of actual occupants.

121.3.10 The responsible person or licensee of a hotel or SRO facility shall post the arson laws, as set forth in Sections 2909.02 and 2909.03 of the Revised Code, in a conspicuous place in each guestroom, sleeping room, or dwelling unit in the facility.

121.3.11 The responsible person or licensee of a hotel or SRO facility shall post emergency egress routes or escape routes in a conspicuous place in each guestroom, sleeping room, or dwelling unit in the facility.

121.4 Transient hotels.

121.4.1 The requirements of this section are specific to licensed transient hotels but the responsible person and licensee of the licensed transient hotel is not exempt from the requirements of Section 121.3.

121.4.2 No person licensed to operate a transient hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed transient hotel, unless the licensee complies with the requirements of Sections 121.3.3, 121.3.3.1 and 121.3.3.2.

121.4.3 The responsible person or licensee of a transient hotel licensed pursuant to division (A)(2) of Section 3731.01 of the Revised Code shall not permit guests to stay in guestrooms or sleeping rooms for periods in excess of thirty (30) days.

Exception: Guests are permitted to stay up to 270 days in transient hotel guestrooms and sleeping rooms when all of the following conditions are met:

1. Not more than 40 percent of the total transient guestrooms and sleeping rooms in the facility are transient 270 day stay hotel rooms.
2. The designation of specific guestrooms or sleeping rooms on the license application or change of status application as 270 day stay hotel rooms does not change to another category or type during the annual hotel license period.
3. The responsible person or licensee of the licensed transient hotel submits the list of 270 day stay hotel room numbers to the state fire marshal not less than 30 days prior to the first day any guest is allowed to stay in any 270 day stay hotel room.
4. The responsible person or licensee of the transient hotel designates each specific 270 day stay hotel room by room number.

5. The building official having jurisdiction and the state fire marshal have approved the existing fire alarm system.
6. 270 day stay hotel room guests do not accumulate combustible materials within the 270 day stay hotel rooms to the point that the hazard classification of the hotel room would no longer be light hazard in the opinion of the fire code official.
7. No cooking devices except for those listed as safe for residential use as the terms are defined in Chapter 2 are stored or used within the 270 day stay hotel room.
8. Smoke detectors, which shall be properly installed in all guestrooms and sleeping rooms of a transient hotel that provides 270 day stay hotel rooms to guests, annunciate at a constantly attended location from which the structure's fire alarm system can be manually activated.
9. A means to manually activate the structure's fire alarm system is provided at the constantly attended location where the guestroom or sleeping room smoke detectors are annunciated.

121.5 Extended stay hotels.

121.5.1 The requirements of this section are specific to licensed extended stay hotels but the responsible person and licensee of the licensed extended stay hotel is not exempt from the requirements of Section 121.3.

121.5.2 No person licensed to operate an extended stay hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed extended stay hotel, unless the licensee complies with the requirements of Sections 121.3.3, 121.3.3.1 and 121.3.3.2.

121.5.3 No person shall operate an extended stay hotel as defined in Chapter 2 without first obtaining a license from the state fire marshal for the extended stay hotel licensure category pursuant to Section 121.1.

121.5.4 The responsible person or licensee of the licensed extended stay hotel may permit stays of less than thirty (30) days within dwelling units or other rooms within the structure only if such dwelling units or rooms are specifically constructed and approved as also being transient sleeping rooms.

121.5.4.1 The building official having jurisdiction shall approve through a valid certificate of occupancy and the state fire marshal shall approve any dwelling unit or other room that is to be used for stays of less than thirty (30) days. This

certificate of occupancy shall indicate the specific rooms within the structure that are approved for use as transient sleeping rooms.

121.5.5 The state fire marshal shall not issue an extended stay hotel license for a facility and no person shall operate a facility as an extended stay hotel as defined in Section 121.5.3 No person shall operate an extended stay hotel as defined in Chapter 2 without first obtaining a license from the state fire marshal for the extended stay hotel licensure category pursuant to Section 121.1 unless a valid certificate of occupancy has been obtained for the facility.

121.5.6 Provisions for cooking, as approved by the building official having jurisdiction, shall be provided in each dwelling unit and consist of a space for food preparation, one cooking appliance, and a properly plumbed kitchen sink separate from the bathroom lavatory.

121.5.7 Provisions for eating within the dwelling unit shall be provided and shall consist of appropriate furnishings for the consumption of food.

121.5.8 Provisions for living within the dwelling unit shall be provided and shall consist of a bath area for personal hygiene that is separated from other areas in the dwelling unit and is equipped with a properly plumbed water closet, lavatory and tub/shower.

121.5.9 Provisions for sleeping within the dwelling unit shall be provided and, at a minimum, consist of a sleeping area with adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and accompanying bedding, mattress, box spring, pillow(s), sheets and pillowcases.

121.6 Residential hotel.

121.6.1 The requirements of this section are specific to licensed residential hotels but the responsible person and licensee of the licensed residential hotel is not exempt from the requirements of Section 121.3.

121.6.2 No person licensed to operate a residential hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed residential hotel, unless the licensee complies with the requirements of Sections 121.3.3, 121.3.3.1 and 121.3.3.2.

121.6.3 No person shall operate a residential hotel as defined in Chapter 2 without first obtaining a license from the state fire marshal for the residential hotel licensure category pursuant to Section 121.1.

121.6.4 Residential hotels shall only be kept, used, maintained, advertised, and held out to the public for minimum stays of more than thirty (30) days.

121.6.5 Responsible persons and licensees of licensed residential hotels shall, upon request of the dwelling unit guest, provide furniture adequate for living, eating, cooking, sanitation and sleeping within the dwelling unit. Furniture or furnishings provided for sleeping and sanitation shall include bed, blankets, sheets and pillowcases, towels and washcloths. The residential hotel may charge appropriate additional fees for the provision of any furniture or provisions pursuant to this section.

121.7 Licensure.

121.7.1 To obtain a new or renewal hotel or SRO facility license, the applicant shall submit to the state fire marshal an application with the appropriate fee payment as set forth in Section 121.7.3. The application shall be in a form as prescribed by the state fire marshal and shall include all information required by Chapter 3731. of the Revised Code, by this section and by the state fire marshal.

121.7.2 Each applicant for a hotel facility license shall specify on the application provided by the state fire marshal the appropriate licensure category, indicating whether the facility is a transient hotel (including those that contain transient 270 day stay hotel rooms), extended stay hotel, or a residential hotel as those terms are defined in Chapter 2.

121.7.2.1 Each applicant for a transient hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal, such documentation shall include a valid certificate of occupancy demonstrating approval of sleeping accommodations for transient guests for a period of thirty days or less.

121.7.2.1.1 Each applicant for a transient hotel facility license shall specify on the application provided by the state fire marshal which rooms, meeting the requirements of Section 3731.041 of the Revised Code, by room number, are offered for a period of more than 30 days but less than 270 days.

121.7.2.2 Each applicant for an extended stay hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal such documentation shall include a valid certificate of occupancy demonstrating that each unit the licensee intends to use as an extended stay guestroom has been specifically approved as a dwelling unit or efficiency containing provisions for living, eating, cooking, sanitation and sleeping.

121.7.2.2.1 Each applicant for an extended stay hotel facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods exceeding 30 days.

121.7.2.2.2. The valid certificate of occupancy shall list the specific rooms by room number that are approved as dwelling units. In addition, the valid certificate of occupancy shall demonstrate that the dwelling units have both of the following types of features:

1. The required dwelling unit features for non-transient residence purposes in accordance with the residential group R-2 use and occupancy classification adopted by the board of building standards pursuant to Section 3781.10 of the Revised Code, or any subsequent classification established by the board that is substantially similar to that classification;
2. All of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the board pursuant to that paragraph, or any subsequent classification established by the board that is substantially similar to that classification.

121.7.2.3 Each applicant for a SRO facility license shall complete the application provided by the state fire marshal.

121.7.2.3.1 Upon initial application or request of the state fire marshal, each applicant for an SRO facility license shall provide a valid certificate of occupancy demonstrating a use group classification for the SRO facility of R-2 as approved and issued by the building official having jurisdiction. Any facility operating prior to October 16, 1996, in the nature of an SRO facility, whether previously licensed as a hotel or not, shall be permitted to provide documentation of a use group classification of either R-1 or R-2 as approved and issued by the building official having jurisdiction.

121.7.2.3.2 Each applicant for an SRO facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods of 30 days or less.

121.7.2.4. Each applicant for a residential hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal such documentation shall include a valid certificate of occupancy demonstrating that each unit the licensee intends to use as a residential stay guestroom has been specifically approved as a dwelling unit or efficiency containing provisions for living, eating, cooking, sanitation and sleeping. In addition, the certificate of occupancy shall demonstrate that the hotel has all of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the board of building standards pursuant to Chapter 3781. of the Revised Code.

121.7.2.4.1. Each applicant for a residential hotel facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods exceeding 30 days.

121.7.2.5. **Transfer and information changes.** If the ownership of a hotel or SRO facility is transferred from one person to another person, upon the sale or disposition of the hotel or SRO facility or its removal to a new location, the new owner shall request a transfer of the license from the state fire marshal. No license shall be transferred without the consent of the state fire marshal. A completed application as prescribed by the state fire marshal for transfer shall be received by the state fire marshal no later than the earlier of the following:

1. The end of the calendar year in which the transfer occurred; or
2. 90 days from the date of the transfer; or
3. Upon submission of an application to renew a hotel license.

Exception: Transfers of a license occurring before the effective date of this code shall be submitted to the state fire marshal within ninety (90) days from the effective date of this code.

Transfer fees shall be assessed in accordance with Section 121.7.3.4.

The transfer of a hotel license shall be contingent upon an inspection verifying compliance with Chapter 3731. of the Revised Code and rules adopted pursuant to Section 3731.02 of the Revised Code.

121.7.2.5.1. If the approval of the proposed transfer would be contrary to applicable law or this code, the state fire marshal may refuse to permit a license already issued to be transferred to a different owner or may refuse to grant any license to operate a hotel or to permit a license already issued to be transferred. Pursuant to and in accordance with Chapter 119. of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be in accordance with Chapter 119. of the Revised Code.

121.7.3 License fees.

121.7.3.1 **Initial license fees.** The initial licensure fee for a new hotel or SRO facility shall be:

1. For all hotels or SRO facilities with exterior corridor rooms only, two thousand dollars;

2. For all hotels or SRO facilities with interior corridor rooms only, three thousand dollars;
3. For all hotels or SRO facilities with exterior or interior corridor rooms and places of assembly, such as restaurant, lounge, banquet facility, etc., four thousand dollars.

121.7.3.2 Renewal, reactivation and re-application fees. On or before December first of each year a renewal application as prescribed by the state fire marshal shall be submitted with the appropriate renewal fee. The renewal fee for each hotel or SRO facility license shall be as follows:

1. For a hotel or SRO facility containing at least six but less than twenty-six rooms, twenty-five dollars;
2. For a hotel or SRO facility containing at least twenty-six but less than fifty-one rooms, fifty dollars;
3. For a hotel or SRO facility containing at least fifty-one but less than seventy-six rooms, seventy-five dollars;
4. For a hotel or SRO facility containing seventy-six or more rooms, one hundred dollars.

Beginning with the renewal application process for the licensing year commencing January 1, 2019, renewal applications received after the last day of December of each year shall be made inactive and require reactivation. The reactivation fee shall be three hundred dollars which shall be paid in addition to the renewal fee. Beginning with the renewal application process for the licensing year commencing January 1, 2019, renewal applications received on or after March 1st shall be considered a new application in accordance with Section 121.7 and shall pay fees in accordance with Section 121.7.3.1. Hotel or SRO facilities that fail to timely renew their licenses on or before December 31st, shall cease to operate as a hotel or SRO facility until a valid license to operate is issued to the facility by the state fire marshal.

121.7.3.3 Change of license information. Changes to license information shall require a twenty-five-dollar fee.

121.7.3.4 Transfer of license. The fee for the transfer of a license shall be five hundred dollars and a completed application for transfer shall be accompanied by documentation evidencing the sale or transfer as required by the state fire marshal. Any transfer application that is not received in a timely manner as set forth in Section 121.7.2.5 shall be accompanied by a late fee of two hundred and fifty dollars in addition to the five-hundred-dollar transfer fee.

121.7.3.5 Adding newly constructed portions. *The fee shall be five hundred dollars for one to twenty guestroom additions, one thousand dollars for more than twenty guestroom additions, and fifteen hundred dollars for the addition of guestrooms and/or places of assembly such as restaurants, lounges, banquet facilities, mercantile or office space.*

121.7.3.6 Adding a previously licensed portion. *The fee shall be two hundred dollars for one to twenty guestroom additions, four hundred dollars for more than twenty guestroom additions, and five hundred dollars for the addition of guestrooms and/or places of assembly such as restaurants, lounges, banquet facilities, mercantile or office space.*

121.7.3.7 Duplicate license. *An application for a duplicate hotel or SRO license shall be made in writing to the state fire marshal and shall be accompanied by a ten-dollar fee.*

121.7.3.8 Automatic denial for non-payment. *An application for any license issued pursuant to Section 121 shall be automatically denied if an applicant fails to provide valid payment for any fee related to an application. If a license is issued by the state fire marshal prior to the return and/or invalidation of a payment, including but not limited to return for insufficient funds, the license application shall, in accordance with Chapter 119 of the Revised Code, be deemed denied as of the expiration date of the previous license cycle and any license that may have been issued shall be deemed null and void.*

121.7.4 Removal, transfer and licensing of a portion of a facility.

121.7.4.1 *If a licensee seeks to remove or transfer a portion of a currently licensed hotel or SRO facility, the licensee shall notify the state fire marshal in writing of such portions of the licensed hotel or SRO facility premises that are to be affected by the change to license information and pay the fee set forth in Section 121.7.3.3.*

121.7.4.2 *To add a previously licensed portion of a licensed premises to a current hotel or SRO facility license, the licensee shall apply to the state fire marshal to change the license information. Such application shall include documentation as required by the state fire marshal including, but not limited to, a valid certificate of occupancy in accordance with Sections 121.7.2.1 through 121.7.2.4.1. This application shall reflect the entire hotel or SRO facility.*

121.7.4.3 *To add a newly constructed portion that would change the total number of guestrooms, sleeping rooms and/or dwelling units to an existing licensed hotel or SRO facility, the licensee shall apply to the state fire marshal to change the license information. Such application shall include documentation as requested by the state fire marshal including, but not limited to, a valid certificate of*

occupancy in accordance with Sections 121.7.2.1 through 121.7.2.4.1. This application shall reflect the entire hotel or SRO facility.

121.7.4.4 The state fire marshal shall not issue more than one hotel or SRO facility license for a hotel or SRO facility or portion thereof as licensed under this section.

121.7.5 Compliance.

121.7.5.1 The owner, proprietor, or agent in charge of any business or property or any business or property subject to licensure in accordance with Chapter 3731. of the Revised Code shall comply with the following:

121.7.5.1.1 No hotel or SRO facility shall be maintained, conducted, or advertised without a license.

121.7.5.1.2 No person shall advertise, conduct, maintain or operate any structure as a hotel or as an SRO facility, or any business or property meeting the definition of a hotel or SRO facility, without a license.

121.7.5.1.3 No person shall operate a structure subject to licensure in accordance with Chapter 3731. of the Revised Code that is not equipped in the manner and conditions as required under Chapter 3731. of the Revised Code, this section or the state fire code adopted pursuant to Section 3737.82 of the Revised Code.

121.7.5.1.4 No person shall advertise, conduct, maintain, or operate a licensed hotel or licensed SRO facility in a manner that is inconsistent with the requirements of Chapter 3731. of the Revised Code, this section or the state fire code adopted pursuant to Section 3737.82 of the Revised Code.

121.7.5.1.5 No person shall fail or refuse to comply with Sections 3731.01 through 3731.21 of the Revised Code, this paragraph or the state fire code adopted pursuant to Section 3737.82 of the Revised Code.

121.7.5.1.6 No person, licensed hotel, or licensed SRO shall engage in any hotel or SRO facility construction, alteration, modification, or repair activity subject to the plan submission or approval processes or permit processes of the building code or fire code without obtaining all such necessary approvals and permits and fully complying with such processes, the building code and the fire code for such activities.

121.7.5.1.7 No person, licensed hotel, or licensed SRO shall engage in any hotel or SRO facility construction or operations or activity in a manner or condition that violates the building code or the fire code.

121.7.5.1.8 Each day of violation of Sections 121.7.5.1.1 through 121.7.5.1.5 constitutes a separate offense.

121.7.5.1.9 In accordance with Section 121.7.3.8, no applicant shall fail or refuse to provide valid payment for any fee related to an application submitted in accordance with Chapter 3731. of the Revised Code.

121.7.5.2 Inspection. The state fire marshal may inspect any business or property subject to Chapter 3731. of the Revised Code at any reasonable time. Such inspections may be conducted, upon a complaint received by the state fire marshal, for licensure purposes or for any other reason, to determine if a business or property is in compliance with Chapter 3731. of the Revised Code, this paragraph or any other applicable laws, rules or regulations.

121.7.5.3 Notice of violation. Whenever, upon inspection, it is found that a business or property is not being conducted or is not equipped in the manner and condition required by Chapter 3731. of the Revised Code, this section, or the state fire code adopted pursuant to Section 3737.82 of the Revised Code, the state fire marshal shall notify the owner, proprietor, or agent in charge of such business, or the owner or agent of the building so occupied, of such violations and of any changes or alterations as may be necessary to effect complete compliance with Sections 3731.01 to 3731.21 of the Revised Code, this section or the state fire code adopted pursuant to Section 3737.82 of the Revised Code.

121.7.5.4 Compliance. The owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with Section 121.7.5.3 shall bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this section or the state fire code adopted pursuant to Section 3737.82 of the Revised Code within a reasonable time set by the state fire marshal.

121.7.5.5 Methods of enforcement. If an owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with Section 121.7.5.3 does not bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to Section 3737.82 of the Revised Code within a reasonable time set by the state fire marshal, the state fire marshal may take any enforcement actions permitted by law including, but not limited to, issuance of a notice of opportunity for hearing to deny, suspend or revoke licensure, issuance of a citation pursuant to Section 3737.41 and/or 3737.42 of the Revised Code, injunctive relief pursuant to Sections 3731.05, 3731.21 and 3737.44 through 3737.46 of the Revised Code and/or criminal prosecution pursuant to Sections 3731.03, 3731.05 and 3731.99 of the Revised Code.

121.7.5.5.1 Nothing in this section shall be construed to limit the authority of the state fire marshal to take any action permitted under Sections 3737.41 to

3737.51 of the Revised Code against a hotel or SRO facility in addition to or instead of taking action against the hotel or SRO facility, or the license issued to the hotel or SRO facility under Chapter 3731. of the Revised Code or this chapter.

121.7.5.6 For any denial, revocation or suspension of licensure actions taken by the state fire marshal, such actions shall be taken in accordance with applicable law, including Chapter 119. of the Revised Code and Sections 3731.05 and 3731.06 of the Revised Code.

121.7.6 Licensure limitations.

121.7.6.1 Each applicant for a hotel or SRO facility license shall specify on the application provided by the state fire marshal which rooms are offered for occupancy for a period of thirty days or less and which rooms are offered for occupancy for a period of 270 days or less.

Section 122 Small government fire department services revolving loan program

122.1 Scope. This section applies to the small government fire department services revolving loan program.

122.2 Definitions. The following terms are defined in Chapter 2:

Qualifying small government.

Fire district.

Joint fire district.

State fire marshal.

Joint fire and ambulance district.

Loan.

122.3 Qualifications.

122.3.1 Currently operating. Only a qualifying small government that meets the definition of "qualifying small government" as that term is defined in Chapter 2 and that meets one of the following is eligible to receive a loan:

1. The qualifying small government currently operates a fire department organized under Section 505.37, 505.371, 737.21 or 505.375 of the Revised Code; or

2. The qualifying small government is a township or municipality that has adopted a resolution or ordinance authorizing the creation of a fire department, fire district, joint fire district or joint fire and ambulance district under one of the sections listed above.

122.3.2 Fire reporting. In order for a fire department operated by a small government to receive a loan under this rule, the fire department must be reporting fires to the state fire marshal as required by Section 3737.24 of the Revised Code and this chapter.

122.4 Applications filing.

122.4.1 Forms. Applications for a loan shall be made only on forms provided by the state fire marshal.

122.4.2 Postmark. Only applications that are postmarked on or before the application deadline established by the state fire marshal and have been delivered to the state fire marshal's office within seven days of that deadline will be considered by the state fire marshal.

122.4.3 Electronic applications. For electronically submitted applications, only applications that are completed and filed by the deadline established by the state fire marshal will be considered by the state fire marshal.

122.5 Applications-content. In its applications the qualifying small government shall:

1. Explain how it qualifies for the loan.
2. Describe how the loan will be used including the total cost of the project and the amount of money the qualifying small government is proposing to contribute to the total cost of the project.
3. Describe the benefits to its citizens the loan will provide that are not currently available to them.
4. Describe why the small government is not able to provide this service through the use of its own funds.
5. Provide information concerning the total income available from all sources to provide fire and/or fire and ambulance service.
6. Provide information concerning the assets and liabilities of the qualifying small government that are intended in whole or in part to provide fire or fire and ambulance service.

7. Provide such other information as may be called for in the application form provided by the state fire marshal.

122.6 Requirements for buildings constructed or equipment purchased.

122.6.1 All building constructions, additions and alterations completed with funds provided by a loan shall meet all minimum requirements of division-level 4101:1, 4101:2 and 4101:3 of the Administrative Code.

122.6.2 Any fire apparatus purchased with funds from a loan shall meet the requirements of Chapter 4121:1-21 of the Administrative Code.

122.6.3 The fee title to any real property purchased or on which a structure is constructed in any part with a loan under this rule shall list the "State of Ohio, Department of Commerce, Division of State Fire Marshal" as the mortgage holder until such time as the loan obligation is satisfied.

122.6.4 The title to any vehicle purchased in part with a loan under this rule shall list the "State of Ohio, Department of Commerce, Division of State Fire Marshal" as the lien holder until such time as the loan obligation is satisfied.

122.6.5 Any fire apparatus or vehicle purchased in part under this rule shall have a repayment period not to exceed ten years.

122.7 Applications for qualifying small governments outside of application period. At the discretion of the state fire marshal, a qualifying small government may apply for and be granted a loan at any time regardless of established application periods and deadlines if all of the following apply:

1. The qualifying small government had a local emergency or disaster or is included in an area where a disaster has been declared by the governor.
2. The events of the local emergency or disaster have damaged or destroyed vehicles, buildings or equipment necessary to provide fire or fire and ambulance services.
3. The qualifying small government has made application for any federal, state and private insurance reimbursement as may be available as a result of the disaster.
4. The loan fund has necessary moneys to provide the loan.

122.8 Award of loans. The awarding of all loans shall be at the sole discretion of the state fire marshal.

122.8.1 Notification. *Upon determining which small governments shall receive a loan, the state fire marshal shall notify the qualifying small government in writing of his intent to grant the loan and of the terms and conditions of the loan.*

122.8.2 Resolution or ordinance required. *Promptly after receiving notification that the state fire marshal intends to grant a loan to the qualifying small government, the qualifying small government must adopt a resolution or ordinance which shall:*

- 1. Authorize the small government to accept the loan;*
- 2. Agree to conditions of the loan as stipulated by the state fire marshal including the authority to execute any documents necessary to grant or secure the loan.*

122.8.3 *Within forty-five days of receipt of the notice of the state fire marshal's intent to award the loan the qualifying small government shall forward a copy of the resolution or ordinance to the state fire marshal.*

122.8.4 *Upon receipt of the resolution or ordinance the state fire marshal shall establish a line of credit from the loan fund in the name of the qualifying small government.*

122.8.5 Contract of purchase agreement required. *Within one hundred twenty days of the date the notice of intent to award the loan was received, the qualifying small government shall provide to the state fire marshal a properly executed contract or purchase agreement for the construction, addition or alteration of the building or purchase of the vehicle or equipment described in the original loan application.*

122.8.6 Release of funds. *Upon determination that the contract or purchase agreement is for substantially the same project as described in the original loan application, the loan funds will be released to the qualifying small government according to the terms of the loan agreement.*

122.9 Repayment.

122.9.1 *A repayment or amortization schedule shall be established as part of the loan agreement. In establishing the repayment schedule, the state fire marshal shall consider the ability of the small government to repay the loan and the need to maintain a sufficient balance in the loan fund to insure its continued operation.*

122.9.2 *The repayment or amortization schedule shall not extend beyond twenty years.*

Section 123 Fire department grants

123.1 Scope. *This section applies to “Fire Department Grant” funds specifically appropriated by the General Assembly to the state fire marshal for award and distribution to eligible recipients for the provision of firefighting or rescue equipment, gear or similar items to the recipient, as full or partial reimbursement for the documented costs of firefighter training for, or sponsored by, an eligible recipient or, in the discretion of the state fire marshal, for other fire department needs related to the provision of fire protection services within that eligible recipient’s jurisdiction.*

The state fire marshal may establish any additional policies and procedures as may be deemed necessary to carry out the intent of this chapter.

123.2 Definitions. *The following terms are defined in Chapter 2:*

Certified training program.

Fire department.

Joint fire district.

MARCS grant.

Small municipality or small township.

Volunteer fire department.

Volunteer firefighter.

123.3 Eligibility. *Eligible recipients for grants awarded under this section are:*

1. A volunteer fire department;
2. A fire department that serves one or more small municipalities or small townships;
3. A joint fire district comprised of departments that primarily serves small municipalities or small townships;
4. The local unit of government responsible for:
 - 4.1 A fire department;
 - 4.2 A fire department that serves small municipalities or small townships; or
 - 4.3 A portion of a joint fire district comprised of volunteer departments that primarily serves small municipalities or small townships; and

5. The local unit of government responsible for the provision of fire protection services for a small municipality or small township.
6. For the purpose of these grants, a private fire company, as that phrase is defined in Section 9.60 of the Revised Code, that is providing fire protection services under contract for a political subdivision of this state, is an additional recipient for a training grant.

123.4 General terms and conditions.

123.4.1 Expenditure of funds. Funds provided by a grant under this section shall only be used for purposes for which the eligible recipient may lawfully expend public funds and in accordance with the terms of the grant award and this code.

123.4.2 An eligible recipient may receive up to \$15,000 in a fiscal year from this grant for firefighting or rescue equipment, gear or similar items or for other fire department needs related to the provision of fire protection services. If, during the preceding or current fiscal year of the grant award, the eligible recipient is in a jurisdiction that has had a natural disaster as declared by the Governor, the recipient may receive up to \$25,000 in a fiscal year from this grant for firefighting or rescue equipment, gear or similar items or for other fire department needs related to the provision of fire protection services. In addition to any other funds awarded under this grant, an eligible recipient may receive up to \$15,000 in a fiscal year from this grant as full or partial reimbursement for the documented costs of firefighter training.

123.4.3 For each fiscal year, the state fire marshal shall, as the state fire marshal determines is appropriate, apportion the available grant funds for expenditure for any of the particular purposes allowed under this paragraph. Each eligible recipient may receive only one grant for each state fiscal year for which funds are made available by the Ohio General Assembly, but such a grant may be awarded by the state fire marshal in multiple parts, including for the purposes described in Sections 123.6.1.1 through 123.6.1.2, to an eligible recipient during a state fiscal year.

123.4.4 The awarding of all grants shall be at the sole discretion of the state fire marshal.

123.4.5 All grants awarded are subject to the availability of funds.

123.4.6 Repayment of non-used funds. The state fire marshal may require repayment to the state of Ohio any or all of a grant should an eligible recipient fail, after a reasonable time, to expend all or any part of its grant.

123.4.7 Repayment of funds used for purposes other than those approved. Should the eligible recipient expend any portion of or the entire grant for any purpose other

than that which was approved by the state fire marshal, the state fire marshal may require repayment of that amount to the state of Ohio.

123.4.8 Audit. The state fire marshal may audit any awarded grant and may also require an eligible recipient receiving a grant to provide evidence that the grant has been used for the intended purpose and maintain such inventory or other records concerning purchases made with the grant as the state fire marshal deems necessary.

123.4.9 To offset the cost of administering grants under this rule, the state fire marshal may retain in the state fire marshal's operating account an amount of money equal to not more than one and one half per cent of the total funds available under this rule.

123.4.10 The state fire marshal shall not award a grant under this paragraph unless the eligible recipient is in compliance with the provisions of this rule and other applicable laws, rules and regulations. This includes compliance with fire department fire incident reporting requirements and participation, when required, in the volunteer firefighters' dependents fund described in Chapter 146. of the Revised Code.

123.4.11 Joint applications. Joint applications for grants by eligible recipients are authorized in accordance with the biannual uncoded legislation establishing these state fire marshal grant program policies.

123.5 Application.

123.5.1 Form. All applications for any grants awarded under this section shall be made on a form prescribed by the state fire marshal and include all of the information and documents required by the state fire marshal. Any application that fails to provide the requested information shall be deemed incomplete and not considered by the state fire marshal for an award of a grant under this chapter.

123.5.2 Certification. Applicants for a grant shall certify on the application form that the applicant is eligible to receive a grant under this rule. The form shall be signed by the chief of the fire department or chief executive official(s) of the local government entity applying for the grant.

123.6 Award of grant funds. Grants awarded under this section are divided into two parts: equipment and training grants.

123.6.1 In determining which eligible recipients will receive awards, the state fire marshal shall consider:

1. The population protected by the eligible recipient;
2. The size of the area for which the eligible recipient provides fire protection;

3. The operating budget of the eligible recipient from both public and private sources;
4. The intended use of the grant funds by the eligible recipient;
5. The number of fires occurring within the area protected by the eligible recipient as evidenced by reports filed with the state fire marshal under Section 3737.24 of the Revised Code;
6. The amount of money being requested by the eligible recipient; and
7. Additional factors which the state fire marshal determines necessary to assist in determining which eligible recipient should receive a grant.

123.6.2 Equipment grants. The state fire marshal may award equipment grants to eligible recipients under this section for any of the following purposes:

1. The acquisition of firefighting or rescue equipment, gear or similar items; or
2. For other fire department needs related to the provision of fire protection services.

In awarding these grants, the state fire marshal may give a preference to grants relating to the acquisition of personal protective equipment for firefighters.

123.6.2.1. As periodically authorized by the General Assembly, MARCS grant awards may be up to \$50,000 in each state fiscal year per eligible recipient. Each eligible recipient may only apply, as a separate entity or as a part of a joint application, for one MARCS grant per state fiscal year. The state fire marshal may give a preference in awarding MARCS grants to grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and is adjacent to the applicant. Eligible recipients that are or were awarded fire department grants that are not MARCS grants may also apply for and receive MARCS grants in accordance with criteria for the awarding of grant funds established by the state fire marshal. Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

123.6.3 Training grants.

123.6.3.1 The state fire marshal may award training grants to eligible recipients under this section for any of the following purposes:

1. Reimbursement of the costs of certified firefighter training programs for individual firefighters, including instructional and administrative costs and the cost of training manuals, workbooks and other similar items.
2. Reimbursement of the cost of in service or advanced training courses provided by the Ohio fire academy, including, "Fire Officer 1," "Fire Officer 2," "Emergency Vehicle Operations," "Structural Fire Attack 101," "Training in Acquired Structures" and "Understanding Fire Behavior."

123.6.3.2 The state fire marshal shall, for each fiscal year, set forth the specific trainings and classes for which grants can be awarded under this section, the maximum grant amounts to be awarded for such classes and types of documentation to be submitted to verify eligibility for reimbursement.

123.6.3.3 Expenses for travel, food and lodging are not eligible for reimbursement under this section.

Section 124 Special provisions

124.1 Child day-care centers and Type A family day-care homes.

124.1.1 Minimum standards for fire prevention and safety. Pursuant to Sections 3737.83(E) and 5104.05 of the Revised Code, this code shall constitute the minimum standards for fire prevention and fire safety in child day-care centers and in Type A family day-care homes.

124.1.2 Annual Inspection. Pursuant to Section 5104.05 of the Revised Code, the state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the child day-care center or the type A family day-care home is located shall inspect the type A home prior to initial occupancy as a Type A day-care home and annually thereafter to determine if the type A home is in compliance with rules promulgated by the fire marshal pursuant to Section 3737.83 of the Revised Code regarding fire prevention and fire safety in a type A home.

124.1.2.1 Inspection authority. Pursuant to Section 5104.051 of the Revised Code, the state fire marshal is responsible for the inspections required by divisions (A)(2) and (B)(1) of Section 5104.05 of the Revised Code. In municipal corporations and in townships outside municipal corporations where there is a fire prevention official, the inspections shall be made by the fire chief or the fire prevention official under the supervision of and according to the standards established by the state fire marshal. In townships outside municipal corporations where there is no fire prevention official, inspections shall be made by the employees of the state fire marshal.

124.1.2.2 Conflicting interpretations of fire safety statutes or rules. Pursuant to Section 5104.051 of the Revised Code, the state fire marshal shall enforce all statutes and rules pertaining to fire safety and fire prevention in child day-care centers and type A family day-care homes. In the event of a dispute between the state fire marshal and any other responsible officer under Sections 5104.05 and 5104.051 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the state fire marshal shall prevail.

124.1.3 Applicability of this code. To the extent that a Type A family day-care home is exempt from classification in a specific occupancy classification in the building code, the structure housing the Type A family day-care home is exempt from compliance with the construction and design provisions of this code, except as described in this section, for such occupancy classifications unless such locations constitute a distinct hazard. All operational and maintenance provisions of this code shall apply to all Type A family day-care homes.

124.1.3.1 Compliance with this code. Prior to and during the occupancy of a structure as a Type A family day-care home, such home shall comply with the Type A checklist listed in Appendix A of Chapter 1. All Ohio Fire Code sections listed or incorporated into that checklist shall apply to all Type A family day-care homes and such sections may be used as the basis for all fire code enforcement actions permitted under this code. It shall be a violation of this code to occupy or permit occupancy of a Type A daycare in violation of this section, the Type A checklist and its incorporated fire code provisions or the operational and maintenance provisions of this code.

124.2 Type B family daycares.

124.2.1 Inspection. The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of the department of job and family services, as a precondition of approval by the state board of education under Section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. Prior to and during the occupancy of a structure as a Type B home subject to this section, the home shall be inspected by the state fire marshal, and annually thereafter, to determine compliance with this code.

124.2.1.1 Inspection authority. In municipal corporations and in townships where there is a certified fire safety inspector, the inspections shall be made by that inspector under the supervision of the fire marshal, according to rules adopted under Section 5104.052 of the Revised Code. In townships outside

municipal corporations where there is no certified fire safety inspector, inspections shall be made by the fire marshal.

124.2.2 Applicability of this code. To the extent that a Type B family day-care home is exempt from classification in a specific occupancy classification in the building code, the structure housing the Type B family day-care home is exempt from compliance with the construction and design provisions of this code, except as described in this paragraph, for such occupancy classifications unless such locations constitute a distinct hazard. All operational and maintenance provisions of this code shall apply to all Type B family day-care homes.

124.2.2.1 Compliance with this code. Prior to and during the occupancy of a structure as a Type B family day-care home, such home shall comply with the Type B checklist listed in Appendix B of Chapter 1. All Ohio Fire Code sections listed or incorporated into that checklist shall apply to all Type B family day-care homes and such sections may be used as the basis for all fire code enforcement actions permitted under this code. It shall be violation of this code to occupy or permit occupancy of a Type B daycare in violation of this section, the Type B checklist and its incorporated fire code provisions or the operational and maintenance provisions of this code.

124.3 Residential facilities.

124.3.1 Minimum standards for fire prevention and safety. Pursuant to division (F) of Section 3737.83 of the Revised Code, the state fire marshal shall establish minimum standards for fire prevention and safety in a residential facility licensed under Section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt such rules in consultation with the director of the department of mental health and addiction services and interested parties designated by the director of the department of mental health and addiction services.

124.3.2 Applicability. This code shall apply to residential facilities.

124.3.2.1 Residential facility. A residential facility is a facility that is licensed under Section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

124.4 Homes, including nursing homes, residential care facilities, homes for the aging, and veterans' homes.

124.4.1 Enforcement and resolution of conflict. Pursuant to Section 3721.032 of the Revised Code, the state fire marshal shall enforce all statutes and rules pertaining to fire safety in homes and shall adopt rules pertaining to fire safety in homes as the marshal determines necessary. The rules adopted by the marshal shall be in addition to those fire safety rules that the board of building standards and the director of

health are empowered to adopt. In the event of a dispute between the marshal and another officer having responsibilities under Sections 3721.01 to 3721.09 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the marshal shall prevail.

124.4.1.1 Homes. As used in Section 124.4, "Home" shall have the same meaning and application as described in Chapter 3721. of the Revised Code, including division (A) of Section 3721.01 of the Revised Code.

124.4.2 Inspection. Pursuant to Section 3721.02 of the Revised Code, the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director of health.

124.4.2.1 Residential care facilities. Pursuant to Section 3721.07 of the Revised Code, every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. In accordance with Section 3721.07 of the Revised Code the director of health may issue a license for the home, if after investigation of the applicant and, if required by Section 3721.02 of the Revised Code, inspection of the home, the buildings in which the home is housed have been approved by the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal. In the approval of a home such agencies shall apply standards prescribed by the board of building standards, and by the state fire marshal, and by Section 3721.071 of the Revised Code.

124.4.3 Automatic fire extinguishing and fire alarm systems. Pursuant to Section 3721.071 of the Revised Code, homes must be equipped with both automatic fire extinguishing and fire alarm systems. Such systems shall conform to standards set forth in the regulations of the board of building standards and the state fire marshal.

124.4.3.1 Time for compliance. The time for compliance with the requirements imposed by this section shall be January 1, 1975, except that the date for compliance with the automatic fire extinguishing requirements is extended to January 1, 1976, provided the buildings of the home are otherwise in compliance with fire safety laws and regulations and:

1. The home within thirty days after August 4, 1975, files a written plan with the state fire marshal's office that:
 - 1.1 Outlines the interim safety procedures which shall be carried out to reduce the possibility of a fire;

- 1.2 Provides evidence that the home has entered into an agreement for a fire safety inspection to be conducted not less than monthly by a qualified independent safety engineer consultant or a township, municipal, or other legally constituted fire department, or by a township or municipal fire prevention officer;
- 1.3 Provides verification that the home has entered into a valid contract for the installation of an automatic fire extinguishing system or fire alarm system, or both, as required to comply with this section;
- 1.4 Includes a statement regarding the expected date for the completion of the fire extinguishing system or fire alarm system, or both.
2. Inspections by a qualified independent safety engineer consultant or a township, municipal, or other legally constituted fire department, or by a township or municipal fire prevention officer are initiated no later than sixty days after August 4, 1975, and are conducted no less than monthly thereafter, and reports of the consultant, fire department, or fire prevention officer identifying existing hazards and recommended corrective actions are submitted to the state fire marshal, the division of industrial compliance in the department of commerce, and the department of health.

It is the express intent of the general assembly that the department of medicaid shall terminate the medicaid provider agreements of those homes that do not comply with the requirements of this section for the submission of a written fire safety plan and the deadline for entering into contracts for the installation of systems.

124.4.4 Applicability of this code. This code shall apply to all homes.

124.5 Manufactured homes.

124.5.1 Applicability of this code. Except as noted herein, this code does not apply to the construction, installation and siting of manufactured homes, to the extent required by 24 CFR Part 3280, "Manufactured Home Construction and Safety Standards," and any exclusivity established in the rules adopted by either the Ohio manufactured home commission or, after January 21, 2018, the department of commerce for such structures. The change of occupancy and all operational and maintenance provisions of this code shall apply to manufactured homes.

124.5.2 Distinct or serious hazard. No manufactured home that constitutes a distinct or serious hazard to occupant safety shall be occupied.

124.6 Fire Department Registry. The state fire marshal shall develop and maintain a registry of all properly constituted fire departments in this state. For the purposes of this

section, a fire department includes a fire department of a political subdivision or fire district of this state, a private volunteer fire company or other state or political subdivision firefighting agency as determined by the state fire marshal. This registry shall not be deemed to be a state fire marshal approval, authorization or assertion, in any manner, of control over such departments.

Each fire department in this state shall provide the state fire marshal with and maintain the following fire department information: full name of the fire department, full name of the chief of the fire department, the postal address, telephone number, e-mail address and a general statement of jurisdictional boundaries for the fire department and any other information the state fire marshal determines must be included in the registry. Each fire department shall also provide a single, primary point of contact for the registry. All fire departments subject to this section shall notify the state fire marshal of and provide updated registry information to the state fire marshal within thirty days after the date of any changes to that fire department's registry information.

124.7 Fire department heroism awards. The fire marshal may, at any time, issue commendations that recognize and commemorate exemplary accomplishments and acts of heroism by firefighters and other persons at fire-related incidents or similar events occurring in the state.

Section 125 Hearings

125.1 State fire marshal licensure and certification actions. Licensure or certification actions of the state fire marshal that, pursuant to the Revised Code, afford a right to a hearing to an affected party shall be conducted in accordance with Chapter 119. of the Revised Code, the relevant sections of Chapters 3731., 3737., 3739. and 3743. of the Revised Code, and department of commerce and state fire marshal policy.

Section 126 Incident reporting at a shale oil processing premise

126.1 Scope and applicability. The reporting of a shale incident to the state of Ohio shall be in accordance with this rule. Nothing in this rule shall be construed to supplant a responsible person's obligations to call 9-1-1 in an emergency situation.

126.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein.

"Emergency responder." Means any of the following:

1. A representative of a "firefighting agency," which means a township fire district, joint ambulance district, joint emergency medical services district, joint fire district and the office of the state fire marshal;
2. A representative of a "fire department" as defined in Section 3750.01 of the Revised Code; or

3. A person performing “emergency medical services” as defined in Section 4765.01 of the Revised Code.

“Explosion.” Has the same meaning as in Chapter 2.

“Fire incident at a shale oil processing premise.” A fire or explosion at a shale oil processing premise regulated under Chapter 3737. of the Revised Code that results in any of the following conditions:

1. An emergency responder being contacted to respond or responding to such fire or explosion;
2. Death or serious physical harm to any person; or
3. Over \$50,000 in damage to any structure, property, premise or vehicle.

Routine flaring operations and other similar activities conducted in accordance with applicable laws and permits, and controlled fires preauthorized by an emergency responder with jurisdiction, are specifically excluded from the definition of a “fire incident at a shale oil processing premise,” except to the extent that such actions result in an emergency response by an emergency responder initiated by the responsible party or a contractor performing services on behalf of a responsible person, death or serious physical harm to any person or over \$50,000 in damage to any structure, property, premise or vehicle.

“Hazardous material.” Has the same meaning as in Chapter 2.

“Hazardous material incident at a shale oil processing premise.” The unauthorized release at a shale oil processing premise of a hazardous material in quantities reportable under state or federal regulations and which:

1. Involves a release of a hazardous material into a sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal waterway or on the ground, sidewalk, street, highway or into the atmosphere; and
2. The release cannot be remedied within a two-hour period.

A release or emission of a hazardous material in compliance with federal, state or local governmental agency approvals, laws, regulations or permits is specifically excluded from the definition of a “hazardous material incident at a shale oil processing premise.”

“Natural gas processing facilities.” Has the same meaning as in division (A)(1) of Section 3737.832 of the Revised Code, which is as follows: “installations, including associated buildings, pipes, valves, tanks, and other equipment, used to separate

various fluids, hydrocarbons, natural gas liquids, and impurities from the raw natural gas, manufacturing residue gas suitable for transmission and distribution to end users.”

“Natural gas liquids fractionation facilities.” *Has the same meaning as in division (A)(2) of Section 3737.832 of the Revised Code, which is as follows: “installations, including associated buildings, pipes, valves, tanks, and other equipment, used for the separation of mixtures of light hydrocarbons or natural gas liquids into individual, purity natural gas liquid products, which include ethane, propane, normal butane, iso-butane, and natural gasolines.”*

“Responsible person.” *Has the same meaning as in division (F) of Section 3737.01 of the Revised Code.*

“Shale incident.” *A “fire incident at a shale oil processing premise” or a “hazardous materials incident at a shale oil processing premise.”*

“Shale oil processing premise.” *Has the same meaning as in division (A)(3) of Section 3737.832 of the Revised Code, which is as follows: “a single parcel or contiguous parcels of real estate, including any structures, facilities, appurtenances, equipment, devices, and activities thereon, where the processing of substances extracted from the Point Pleasant, Utica, and Marcellus formations occurs at a natural gas liquids fractionation or natural gas processing facility. “Shale oil processing premise” does not include a well pad or a production operation, as those terms are defined in Section 1509.01 of the Revised Code, that is regulated under Chapter 1509. of the Revised Code.”*

126.2.1. *For purposes of this chapter, the terms “natural gas processing facilities,” “natural gas liquids fractionation facilities,” and “shale oil processing premise” do not include natural gas compressor stations or other pipeline related natural gas gathering facilities or infrastructure.*

126.3 Shale incident reporting.

126.3.1 *All shale incidents shall be reported by the responsible person to the state of Ohio by calling 1-844-OHCALL1 (1-844-642-2551) in accordance with this section.*

126.3.2 *Fire incidents at a shale oil processing premise. The reporting of a fire incident at a shale oil processing premise shall occur within thirty minutes after the responsible person or the responsible person’s representative becomes aware of the fire incident at a shale oil processing premise.*

Exceptions:

1. The immediate reporting of the fire incident at a shale oil processing premise would subject any person to a health hazard arising from the fire incident at a shale oil processing premise;
2. The immediate reporting of the fire incident at a shale oil processing premise would otherwise impede public safety personnel from satisfying their duties;
3. The immediate reporting of the fire incident at a shale oil processing premise would be otherwise impracticable under the circumstances.

If one of the above exceptions occurs, the reporting of the fire incident at a shale oil processing premise shall be made by the responsible person as soon as it is practicable and can be done safely.

126.3.2.1 If a contractor performs services on behalf of a responsible person, the contractor shall notify the responsible person or its representative immediately, but not later than thirty minutes, after the contractor becomes aware of any fire incident at a shale oil processing premise while performing services at the responsible person's shale oil processing premise unless notification within that time is impracticable under the circumstances as described in the exceptions to this paragraph as listed in Section 126.3.2.

In that case, the contractor shall notify the responsible person or its representative as soon as it is practicable and can be done safely. If a contractor performs services on behalf of a responsible person and neither the responsible person nor its representative is present at the shale oil processing premise and the contractor attempts, but is unable, to contact the responsible person or its representative, the contractor shall notify the state of Ohio as specified in Section 126.3.

126.3.3 Hazardous materials incidents at a shale oil processing premise. The reporting of a hazardous materials incident at a shale oil processing premise shall occur within two hours after the responsible person becomes aware of the hazardous materials incident at a shale oil processing premise.

Exceptions:

1. The reporting of the hazardous materials incident at a shale oil processing premise would subject any person to a health hazard arising from the hazardous materials incident at a shale oil processing premise;
2. The reporting of the hazardous materials incident at a shale oil processing premise would otherwise impede public safety personnel from satisfying their duties;

3. The reporting of the hazardous materials incident at a shale oil processing premise would be otherwise impracticable under the circumstances.

If one of the above exceptions occurs, the reporting of the hazardous materials incident at a shale oil processing premise shall be made as soon as it is practicable and can be done safely.

126.3.3.1 If a contractor performs services on behalf of a responsible person, the contractor shall notify the responsible person or its representative immediately, but not later than thirty minutes, after the contractor becomes aware of any hazardous material incident at a shale oil processing premise while performing services at the responsible person's shale oil processing premise unless notification within that time is impracticable under the circumstances as described in the exceptions to Section 126.3.3. In that case, the contractor shall notify the responsible person or its representative as soon as it is practicable and can be done safely.

If a contractor performs services on behalf of a responsible person and neither the responsible person or its representative is present at the shale oil processing premise and the contractor attempts but is unable to contact the responsible person or its representative, the contractor shall notify the state of Ohio as specified in Section 126.3.

126.3.4 A person required to notify the state of a shale incident specified in this rule shall provide, at the time of notification, all of the following information that is known or can be reasonably estimated:

1. The name and phone number of a person who can provide further information regarding the shale incident;
2. The location of the shale incident, including the address, county, township, section or lot number, directions from the nearest intersection, and global positioning system coordinates;
3. The type of shale incident;
4. The potential health effects and safety concerns associated with the shale incident;
5. The mitigation measures initiated or performed, including any evacuation;
6. Whether a local fire department, law enforcement agency or emergency medical services were contacted to respond to the shale incident;
7. The identity of other federal, state, or local agencies that were notified or responded;

8. If the shale incident involves a release of any hazardous material:

8.1 The source of the release;

8.2 The chemical name, description, or identity of all substances released and the location(s) of all "Material Safety Data Sheet(s)";

8.3 An estimate of the quantity in United States gallons released outside of secondary containment if the substance is a liquid;

8.4 An estimate of the quantity in pounds released outside of a secondary containment if the substance is a solid;

8.5 An estimate of the quantity in cubic feet released if the substance is a gas;

8.6 The date, time, and duration of the release, if known;

8.7 An identification of the environmental medium or media into or onto which the substance was released; and

8.8 Other actions proposed for response to the release.

126.3.5 The state fire marshal may require the responsible person to provide additional information as required by the state fire marshal after the shale incident which is necessary to obtain compliance with Section 126.3.4.

126.3.6 Compliance with this section does not eliminate the requirement that a responsible person or other person as referenced in this chapter comply with any other applicable state or federal laws or rules, including compliance with the hazardous materials release provisions specified in Section 5003.3, except that the notification provisions of Section 5003.3.1 shall be satisfied by calling the "One Call" hotline as set forth above.

168. Add the following 2 documents after the rule and as exhibits to it:

Type A Child Care Facility Inspection (see attached);

Type B Child Care Facility Inspection (see attached).



Department of Commerce
Division of State Fire Marshal
8895 East Main Street, Reynoldsburg, Ohio 43068
614.728.5460 Fax 614.728-5168
Email: sfm_codeenf@com.ohio.gov

Type A Child Care Facility Inspection

Owner/Administrator Name				
Address				
City		State		Zip

Inspection Checklist

Storage is neat and orderly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
A fire safety and evacuation plan is prepared and maintained on site	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Fire drills are being performed and records are being kept for review	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Address numbers are in a location that is plainly legible and visible from the street/road	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Storage is separated from heaters or heating devices	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Portable unvented heaters are not being used	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Multiplug adapters are not being used	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Extension cords are not being used in place of permanent wiring	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Approved covers are provided for all switch and electrical outlet boxes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Open wiring splices are not present	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
"Seating furniture" complies with flammability standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Interior wall and ceiling finish and trim complies with flammability standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
The single-or multiple-station smoke alarms are operable	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
The single-or multiple-station smoke alarms are clearly audible and able to warn all occupants within all areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
On each floor where child care is provided, a 2-A:10-B:C or larger portable fire extinguisher is conspicuously located within the path of egress travel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If the home is not equipped with an automatic sprinkler system, each floor used for child care has at least two means of egress (one of the means of egress may be an emergency escape and rescue opening in accordance with the Ohio Residential Code)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If the home is not equipped with an automatic sprinkler system, the grade level floor is connected to the other floors where child care is provided by means of an interior stairway providing a continuous enclosure resistant to the passage of smoke or an exterior stairway protected to prevent the accumulation of ice and snow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All children under three years of age and all non-ambulatory children receive care on a floor with an exterior grade level access/exiting door	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Where two exiting means are provided, they are as remote as practicable so as to minimize the possibility that both may be blocked by fire or other emergency	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All exiting means are located such that the maximum distance from the most remote point on any given floor along a natural unobstructed path of travel does not exceed 100 feet	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If egress from a room or space is through an adjoining or intervening room or area, that adjoining or intervening room or area is of lesser hazard than the room or space from which egress is made. A direct exiting means is provided.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA

If a means of exiting passes through a kitchen, storeroom, restroom, closet or similar space, another means of exiting is provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All egress doors are readily openable from the side from which egress is to be made without the use of a key, special effort or knowledge	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All door latching devices on closets located in child care areas can be opened by children from the inside	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If bathroom door locking hardware is used, the door can be unlocked from outside the bathroom. The unlocking device or key is readily accessible to staff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All means of egress are being maintained unobstructed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
The floor surfaces of the means of egress are provided with illumination, including angles and intersections of corridors, passageways, stairway landings and exit doors	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
The illumination is arranged so that a failure of any single lighting unit, such as the burning out of an electric light, will not leave any area in darkness	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA

Inspection Date		<input type="checkbox"/> Pass <input type="checkbox"/> Fail
Pass/Fail indication is limited to the content of this form and does not otherwise reflect compliance with any other applicable provision of the Ohio Fire code or any other licensure requirements.		
Inspection Completed By		Fire Department



Department of Commerce
Division of State Fire Marshal
8895 East Main Street, Reynoldsburg, Ohio 43068
614.728.5460 Fax 614.728-5168
Email: sfm_codeenf@com.ohio.gov

Type B Child Care Facility Inspection

Owner/Administrator Name				
Address				
City		State		Zip

Inspection Checklist

Storage is neat and orderly	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
A fire safety and evacuation plan is prepared and maintained on site	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Fire drills are being performed and records are being kept for review	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Address numbers are in a location that is plainly legible and visible from the street/road	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Storage is separated from heaters or heating devices	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Portable unvented heaters are not being used	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Multiplug adapters are not being used	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Extension cords are not being used in place of permanent wiring	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Approved covers are provided for all switch and electrical outlet boxes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Open wiring splices are not present	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
"Seating furniture" complies with flammability standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Interior wall and ceiling finish and trim complies with flammability standards	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
The single-or multiple-station smoke alarms are operable	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
The single-or multiple-station smoke alarms are clearly audible and able to warn all occupants within all areas	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
On each floor where child care is provided, a 2-A:10-B:C or larger portable fire extinguisher is conspicuously located within the path of egress travel	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If the home is not equipped with an automatic sprinkler system, each floor used for child care has at least two means of egress (one of the means of egress may be an emergency escape and rescue opening in accordance with the Ohio Residential Code)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If the home is not equipped with an automatic sprinkler system, the grade level floor is connected to the other floors where child care is provided by means of an interior stairway providing a continuous enclosure resistant to the passage of smoke or an exterior stairway protected to prevent the accumulation of ice and snow	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All children under three years of age and all non-ambulatory children receive care on a floor with an exterior grade level access/exiting door	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Where two exiting means are provided, they are as remote as practicable so as to minimize the possibility that both may be blocked by fire or other emergency	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All exiting means are located such that the maximum distance from the most remote point on any given floor along a natural unobstructed path of travel does not exceed 100 feet	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If egress from a room or space is through an adjoining or intervening room or area, that adjoining or intervening room or area is of lesser hazard than the room or space from which egress is made. A direct exiting means is provided.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA

If a means of exiting passes through a kitchen, storeroom, restroom, closet or similar space, another means of exiting is provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All egress doors are readily openable from the side from which egress is to be made without the use of a key, special effort or knowledge	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All door latching devices on closets located in child care areas can be opened by children from the inside	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
If bathroom door locking hardware is used, the door can be unlocked from outside the bathroom. The unlocking device or key is readily accessible to staff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
All means of egress are being maintained unobstructed	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
The floor surfaces of the means of egress are provided with illumination, including angles and intersections of corridors, passageways, stairway landings and exit doors	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
The illumination is arranged so that a failure of any single lighting unit, such as the burning out of an electric light, will not leave any area in darkness	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA

Inspection Date		<input type="checkbox"/> Pass <input type="checkbox"/> Fail
Pass/Fail indication is limited to the content of this form and does not otherwise reflect compliance with any other applicable provision of the Ohio Fire code or any other licensure requirements.		
Inspection Completed By		Fire Department

1301:7-7-02 Definitions.

Chapter 2 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **201.3 Terms defined in other codes** as follows:

Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*”.

Delete “International Plumbing Code” and insert “*plumbing code*”.

2. Modify section **202** to add, delete or modify definitions as follows:

Delete the term and definition for “**24-Hour basis**” in their entirety.

Modify the definition of **Accessible route** as follows:

Delete “International Building Code” and insert “*building code*”.

Add the following definitions:

Affected party. *A person whose interests are subject to an adjudication by the state fire marshal, including licensees, registrants, certificate holders and applicants for licenses, registrations and certifications.*

Agricultural purposes. *Includes agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture and animal and poultry husbandry.*

Agricultural labor camp. *Means camps as defined in Section 3733.41 of the Revised Code.*

Apartment house. *Means occupancies subject to Chapter 5321. of the Revised Code.*

Appellant. *An affected party who has requested an adjudication hearing pursuant to Chapter 119. of the Revised Code.*

Modify the definition of **Approved** as follows:

Delete “Acceptable to” and insert “*Accepted by*”.

After “official” insert “*as being in compliance with this code and as evidenced by documentation*”.

Add the following definition:

Assistant state fire marshal. *Has the same meaning as in Section 3737.01 of the Revised Code.*

Modify the definition of **Atrium** as follows:

Delete “International Building Code” and insert “building code”.

Add the following definition:

Authority having jurisdiction. *The organization, officer, or individual responsible for approving equipment, an installation, or a procedure.*

Modify the definition of **Automotive motor fuel-dispensing facility** as follows:

At the end of the sentence after “motor vehicles” insert “or approved containers”.

Add the following definitions:

Beer and intoxicating liquor. *Have the same meanings as in Section 4301.01 of the Revised Code.*

Black match. *A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.*

Modify the definition of **Boarding house** as follows:

In the title between “Boarding” and “house” insert “, lodging, rooming”.

Delete “for lodging” and insert “(for stays) where rooms are offered”.

Add the following definitions:

Booby trap. *A small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.*

Break. *An individual effect from an aerial shell; generally either color (stars) or noise (salutes). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).*

Modify the definition of **Building official** as follows:

Delete the definition and insert “Has the same meaning as defined in the building code.”

Modify the definition of **Care suite** as follows:

Delete “International Building Code” and insert “building code”.

Add the following definition:

Certified training program. *A firefighter training program conducted under the rules of the Department of Public Safety that results in the certification of an individual student as a volunteer firefighter, firefighter I transition, firefighter I, firefighter II, fire safety inspector or firefighting instructor.*

Modify the definition of **Change of occupancy, subparagraph 2** as follows:

At the end of subparagraph 2 after “building or structure” insert “or any change that causes an increase in risk”.

Add the following definition:

Cigarette load. A small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.

Modify the definition of **Clinic, outpatient** as follows:

Delete “on a less-than-24-hour basis” and insert “for fewer than twenty-four hours per day”.

Modify the definition of **Constantly attended location** as follows:

At the end of the definition after “other emergency services.” insert “As used in Section 121 this term means a location within a licensed hotel/SRO facility that is manned/occupied by hotel/SRO facility staff on a 24-hour basis. An example of such a location would be the registration desk.”.

Modify the definition of **Construction documents** as follows:

At the end of the definition after “for obtaining a permit.” Insert “This term shall include development plans, building plans and similar submission documents previously created for or provided at any time to any authority having jurisdiction over and regarding the associated project that contain any information relating to matters within the scope of this code.”.

Add the following definitions:

Controlled substance. Has the same meaning as in Section 3719.01 of the Revised Code.

Cooking devices. Any cooking appliance other than those listed as safe for residential use as defined below.

Cooking device listed as safe for residential use. Microwave oven or coffee pot or similar item as established by the state fire marshal.

CPSC. The United States Consumer Product Safety Commission.

Modify the definition of **Custodial care** as follows:

At the end of the paragraph after “psychiatric complications.” insert “Persons who receive custodial care may or may not require assistance with evacuation depending on the occupancy and/or the “condition” of the occupancy.”.

Add the following definitions:

Department. Means the Ohio department of commerce.

Director. Means the director of the Ohio department of commerce or the director’s designee.

Modify the definition of **Discharge site** as follows:

Delete the definition in its entirety and insert “*The area immediately surrounding the location where fireworks and other devices are ignited for display.*”

Modify the definition of **Display site** as follows:

Delete “display” and insert “exhibition” at all occurrences (3).

Add the following definition:

Division. *Means the Ohio department of commerce, division of state fire marshal.*

Modify the definition of **Dormitory** as follows:

In the title after “**Dormitory**” insert “*(hospital/college)*”.

Add the following definition:

DOTn. *The United States Department of Transportation.*

Modify the definition of **Dwelling** as follows:

After “A building that” insert “*exclusively*”.

After “one” delete “or” and insert “,”.

After “two” insert “, or three”.

After “dwelling units” insert “, *each of which may be occupied by a family and no more than five lodgers or boarders,*”.

Delete “used, rented, leased, let or hired out to be” and insert “*occupied or that is*”.

After “for living purposes” insert “, *physically separated from adjacent structures, and with an independent exit from each dwelling unit*”.

Modify the definition of **Dwelling unit** as follows:

At the end of the definition after “cooking and sanitation.” insert “*The dwelling unit may include any accessory space intended for the exclusive use of the occupants of an individual dwelling unit such as a private garage, greenhouse, etc.*”.

Add the following definitions:

Dwelling unit features. *Provisions for living, sleeping, eating, cooking and sanitation.*

Efficiency unit. *A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

Emergency egress routes/escape routes. As used in Section 118, a floor plan with arrows indicating the primary and secondary path to an exit.

Modify the definition of **Emergency evacuation drill** as follows:

At the end of the definition after “evacuation procedures.” insert “*Emergency evacuation drills include, but are not limited to, fire drills and drills or rapid dismissals as referenced in Section 3737.73 of the Revised Code.*”.

Modify the definition of **Equipment platform** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Explosive** as follows:

Towards the end of the sentence after “igniter cord” delete “and” and insert “.”.

At the end of the sentence after “igniters” insert “*and display fireworks, 1.3G*”.

In the second paragraph after “material classified as an explosive” insert “*other than consumer fireworks, 1.4G*”.

In the paragraph for “**Low explosives**” after “fuse lighters, fireworks” insert “*, 1.3G*”.

Modify the definition of **Explosive material** as follows:

Delete the close quotation mark after “explosive” and insert a close quotation mark after “material”.

Add the following definition:

Extended stay hotel. Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, including, but not limited to, an extended stay hotel or extended stay motel that is specifically constructed, and approved by the building official having jurisdiction over it, through a valid certificate of occupancy, and by the state fire marshal, for extended stay temporary residence by persons, and that contains six or more dwelling units with provision for living, eating, cooking, sanitation, and sleeping. The licensure category shall also include a hotel that contains both transient and extended stay rooms where the use of all such rooms is identified and approved in accordance with Chapter 1.

Modify the definition of **Fire apparatus access road** as follows:

Delete the definition in its entirety and insert “*Same as “fire lane”.*”.

Modify the definition of **Fire code official** as follows:

At the beginning of the sentence after “The” insert “*state fire marshal, assistant state fire marshal,*”.

After “fire chief” insert “*of a fire department*”.

After “enforcement of the code,” insert “including a certified fire safety inspector acting within that inspector’s jurisdiction.”.

Add the following definitions:

Fire department. A fire department organized under Section 505.37, 505.371, 505.375 or 737.21 of the Revised Code or a joint fire district organized under Section 505.371 or 505.375 of the Revised Code.

Fire district. A fire district organized under Section 505.37 of the Revised Code.

Fire hazard. In the opinion of the fire code official, any act, condition or thing that causes or creates a recognizable risk of an unfriendly fire or unwanted fire or harm to persons or property from such fires. A fire hazard includes, in the opinion of the fire code official, any act, condition or thing that violates or creates a substantial risk of violating any fire or life safety provision of this code.

Modify the definition of **Fire lane** as follows:

At the end of the definition after “other than fire apparatus.” insert new paragraphs as follows:

“A fire lane shall not be interpreted to mean a residential and/or public street and fire lane width dimensions are not applicable to highways, roadways, streets, or other similar public thoroughfares.

Exceptions:

1. Fire lane width or other fire lane dimension related requirements may be applicable to public highways, roadways, streets, or other similar public thoroughfares within a political subdivision if such subdivision specifies such requirements in its laws, resolutions or ordinances, which may include the adoption of Appendix D into local law.
2. Fire lane width dimensions may be applicable to public highways, roadways, streets, or other similar public thoroughfares if there is no other possible means of adequate emergency responder access that will accommodate existing fire apparatus capabilities of the responding jurisdiction at the time of installation of the residential and/or public street.

A fire code official may accept any public roadway and/or public street, regardless of its construction dimensions and/or features, as being adequate for emergency response purposes.”.

Add the following definition:

Fire protection equipment. See “Fire protection system” definition.

Modify the definition of **Fire protection rating** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Fire-resistance rating** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Fireworks** as follows:

Delete the definition in its entirety and insert the following:

Any composition or device prepared for the purpose of producing a visible or an audible effect of combustion, deflagration, or detonation, except ordinary matches and except as provided in Section 3743.80 of the Revised Code.

1.1G Fireworks. *Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.1G (UN0333) in Title 49, Code of Federal Regulations.*

1.2G Fireworks. *Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.2G (UN0334) in Title 49, Code of Federal Regulations.*

1.3G Fireworks. *Display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.3G (UN0335) in Title 49, Code of Federal Regulations.*

1.4G Fireworks. *Consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation Division 1.4G (UN0336) in Title 49, Code of Federal Regulations that are consistent with regulations of the US Consumer Product Safety Commission as expressed in Title 16 of the Code of Federal Regulations, or special effects fireworks as expressed using the designation Division 1.4G (UN0431) in Title 49, Code of Federal Regulations.*

1.4G Special effects fireworks. *Special effects fireworks intended for indoor use consistent with regulations of the United State Department of Transportation as expressed using the designation Division 1.4G (UN0431) in Title 49, Code of Federal Regulations that are consistent with regulations of the U.S. Consumer Product Safety Commission as expressed in Title 16 of the Code of Federal Regulations.*

1.4S Fireworks. *Pyrotechnic devices for professional use in the performing arts in conjunction with theatrical, musical or other productions which are similar to “consumer fireworks” in chemical composition and construction but not intended for consumer use. Such fireworks shall be classified as Division 1.4S (UN0337) by DOTn and marked and labeled in conformance with Title 49, Code of Federal Regulations or special effects fireworks as*

expressed using the designation Division 1.4S (UN0432) in Title 49, Code of Federal Regulations.

1.4S Special effects fireworks. Special effects fireworks intended for indoor use as expressed using the designation Division 1.4S (UN0432) in Title 49, Code of Federal Regulations.

Add the following definitions:

Fireworks exhibition. Any presentation or discharge of fireworks. A fireworks exhibition includes but is not limited to, those displays conducted in accordance with the provisions of Chapter 3743, of the Revised Code, or any variance issued thereunder, this chapter, and NFPA 1123 and NFPA 1126.

Fireworks incident. Any action or omission that occurs at a fireworks exhibition, that results in injury or death, or a substantial risk of injury or death, to any person, and that involves either of the following:

1. The handling or other use, or the results of the handling or other use, of fireworks or associated equipment or other materials.
2. The failure of any person to comply with any applicable requirement imposed by Chapter 56 or any applicable rule adopted under Chapter 56.

Fireworks incident site. A discharge site or other location at a fireworks exhibition where a fireworks incident occurs, a location where an injury or death associated with a fireworks incident occurs, or a location where evidence of a fireworks incident or an injury or death associated with a fireworks incident is found.

Fireworks plant. All buildings and other structures in which the manufacturing of fireworks, or the storage or sale of manufactured fireworks by a manufacturer, takes place.

Flame effect. The combustion of solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience. Flame effect includes, but is not limited to, manually controlled and/or operated flame effects such as flaming batons, fire pots, fire spinners and similar items.

Flame effects exhibition. The presentation, operation, or use of a flame effect in a manner subject to this code and NFPA 160. For the purposes of this code a flame effects exhibition includes but is not limited to the use of flaming batons, fire, pots, fire spinners or similar items by fire performers or similar individuals.

Modify the definition of **Fleet vehicle motor fuel-dispensing facility** as follows:

After “manufacturing property where” insert “flammable or combustible”.

After “liquids” insert “or gases”.

After “into the fuel tanks of motor vehicles” insert “or approved containers”.

Modify the definition of **Guestroom** as follows:

Delete the definition in its entirety and insert “A room offered to the public for a fee that contains, at a minimum, provisions for sleeping.”.

Modify the definition of **Gypsum board** as follows:

Delete “International Building Code” and insert “building code”.

Add the following definition:

Hearing. A hearing held by the division in compliance with Sections 119.06 to 119.13 of the Revised Code.

Modify the definition of **Highway** as follows:

Delete the definition in its entirety and insert “Any public street, road, alley, way, lane or other public thoroughfare.”.

Add the following definitions:

Hotel. A “hotel” means a transient, extended stay hotel, or residential hotel. “Hotel” includes any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved by the building code official having jurisdiction and the state fire marshal as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of a transient hotel or an extended stay hotel as defined in this paragraph. “Hotel” includes a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. “Hotel” does not include agricultural labor camps, apartments houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories.

Industrialized unit. As defined in Section 3781.06 of the Revised Code, a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. “Industrialized unit” includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. “Industrialized unit” does not include a manufactured home as defined by division (C)(4) of Section 3781.06 of the Revised Code or a mobile home as defined by division (O) of Section 4501.01 of the Revised Code.

Interlinked fire detection. *An automatic fire detection system installed in accordance with the building code, interconnected with the smoke control system.*

Joint fire district. *A joint fire district organized under Section 505.371 or 505.375 of the Revised Code.*

Joint fire and ambulance district. *Means a joint fire and ambulance district organized under Section 505.375 of the Revised Code.*

Modify the definition of **Jurisdiction** as follows:

Delete “adopted this code” and insert “*the ability to enforce this code, a referenced standard incorporated by reference into this code, or other laws referenced in this code*”.

Add the following definitions:

Last known address. *The most recent mailing address reported to the division by the person in compliance with requirements to provide the person’s address.*

License. *Any license, permit, certificate, commission, or charter issued by the division.*

Licensed building. *A building on the licensed premises of a licensed manufacturer or wholesaler of fireworks that is approved for occupancy by the building official having jurisdiction.*

Licensed exhibitor of fireworks or licensed exhibitor. *A person licensed pursuant to Sections 3743.50 to 3743.55 of the Revised Code. This includes a licensed exhibitor of indoor fireworks (Type II exhibitor license) or a licensed exhibitor of outdoor/indoor fireworks (Type I exhibitor license).*

Licensed exhibitor of flame effects. *A person licensed pursuant to Chapter 56 to conduct flame effect exhibitions and related activities in accordance with this code and NFPA 160. This is also known as a Type III exhibitor’s license.*

Licensed exhibitor of indoor fireworks. *A person licensed pursuant to Chapter 56 to conduct indoor exhibitions in accordance with NFPA 1126 of 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). This is also known as a Type II exhibitor’s license.*

Licensed exhibitor of outdoor/indoor fireworks. *A person licensed pursuant to Chapter 56 to conduct outdoor or indoor fireworks exhibitions in accordance with NFPA 1123 of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). This is also known as a Type I exhibitor’s license.*

Licensed manufacturer of fireworks or licensed manufacturer. *A person licensed pursuant to Sections 3743.02 to 3743.08 of the Revised Code.*

Licensed premises. *The approved real estate upon which a licensed manufacturer or wholesaler of fireworks conducts business. Licensed premises include but is not limited to: all property within identified boundaries, approved storage locations, and all buildings, structures, or other temporary or permanent fixtures located thereon.*

Licensed wholesaler of fireworks or licensed wholesaler. *A person licensed pursuant to Sections 3743.15 to 3743.21 of the Revised Code.*

Licensee. *Any person, institution, or entity, governmental or non-governmental, that holds a license, certificate or registration issued by the division pursuant to statute.*

Light hazard occupancy. *Occupancies or portions of other occupancies where the quantity and/or combustibility of contents is low and fires with relatively low rates of heat release are expected as determined by the fire code official.*

Modify the definition of **Liquified petroleum gas (LP-gas)** as follows:

At the end of the definition after “butylenes” insert “having a vapor pressure not exceeding that of commercial propane”.

Add the following definitions:

List of licensed exhibitors. *The list required by division (C) of Section 3743.51 of the Revised Code.*

List of licensed manufacturers. *The list required by division (C) of Section 3743.03 of the Revised Code.*

List of licensed wholesalers. *The list required by division (C) of Section 3743.16 of the Revised Code.*

Loan. *Means a loan granted under the small government fire department services revolving loan program established by Section 3737.17 of the Revised Code.*

Manufactured home. *Has the same meaning as in division (C)(4) of Section 3781.06 of the Revised Code.*

Manufacturing of fireworks. *The making of fireworks from raw materials, none of which in and of themselves constitute fireworks, or the processing of fireworks.*

MARCS grant. *An equipment grant authorized by the General Assembly that is used for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the “Multi-Agency Radio Communication System (MARCS)” operated by the state.*

Modify the definition of **Marine motor fuel-dispensing facility** as follows:

After “liquids or gases used as” insert “*motor*”.

After “fuel tanks of watercraft” insert “*or approved containers*”.

Modify the definition of **Membrane structure** as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

Modify the definition of **Merchandise pad** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Mezzanine** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Mobile food preparation vehicle** as follows:

At the beginning of the definition after “Vehicles” insert “*, including but not limited to any motorized vehicles, trailers, and hand propelled carts, that are used to cook, prepare or serve food or*”.

Add the following definitions:

Motor fuel dispensing facility. *That portion of a property where flammable or combustible liquids or gases used as a fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.*

Navigable waters. *Any body of water susceptible of being used in its ordinary condition as a highway of commerce over which trade and travel is or may be conducted in the customary modes, but does not include a body of water that is not capable of navigation by barges, tugboats, and other large vessels.*

Novelties and trick noisemakers. *Include the following items:*

1. *Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers.*
2. *Snakes or glow worms.*
3. *Smoke devices containing not more than 5 grams of pyrotechnic composition.*
4. *Trick matches.*

Modify **Occupancy classification** definitions as follows:

Group A, Assembly definitions

Modify the definition of **Assembly Group A-2** as follows:

Delete “kitchens” and insert “*food service establishments*”.

Modify the definition of **Assembly Group A-3** as follows:

After “Greenhouses with public access for the conservation and exhibition of plants” insert “*”.

After “Waiting areas in transportation terminals” insert (in a new paragraph directly below and aligned with the list) “**Not used for agricultural purposes as defined in Section 3781.06 of the Revised Code*”.

Modify the definition of **Special amusement areas** as follows:

Delete “International Building Code” and insert “*building code*”.

Group B, Business definitions

Modify the definition of **Group B, Business** as follows:

Delete “kitchens” and insert “*food service establishments*” (in the list entry regarding “Food processing establishments”)

Modify the definition of **Airport traffic control towers** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Ambulatory care facilities** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Higher education laboratories** as follows:

Delete “International Building Code” and insert “*building code*”.

Group E, Educational definitions

Modify the definition of **Accessory to places of religious worship** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Group E, day care facilities** as follows:

In the title after “**facilities**” insert “– *more than 2½ years of age*”;

At the beginning of the definition delete “This” and insert “*Except for Type A or Type B Family Daycare facilities, this*”.

Modify the definition of **Five or fewer children** as follows:

At the beginning of the definition delete “A” and insert “*Except for Type A or Type B Family Daycare facilities, a*”.

After “children receiving such” insert “*day*”.

Modify the definition of **Five or fewer children in a dwelling unit** as follows:

At the beginning of the definition delete “A” and insert “*Except for Type A or Type B Family Daycare facilities, a*”.

Delete everything after but not including “Group R-3” and insert “. *The facility may comply with the construction requirements of the residential code.*”.

Modify the definition of **Within places of worship** as follows:

In both the title and text insert “*religious*” between “places of” and “worship” (2).

After “providing such” insert “*day*”.

Add a new subsection indented at the same level as but before the definition for “**Storm shelters in Group E occupancies**” as follows:

Group E, day care facilities - 2 ½ years or less of age. A day care facility that provides care for more than five but no more than 100 children 2 ½ years or less of age and the day care facilities are at the level of exit discharge, and where every room where care is provided has no fewer than one exterior exit door for which the exit access and exit discharge do not require the traversing of stairs.

Modify the definition of **Storm shelters in Group E occupancies** as follows:

Delete everything after “occupancies” and insert “*in accordance with Section 305.4 of the building code.*”.

Group F, Factory industrial

Modify the definition of **Factory industrial F-1 moderate-hazard occupancy** as follows:

Delete “kitchens” and insert “*food service establishments*” (in the list entry regarding “Food processing”).

Add “*Recreational vehicles*” to the list of examples.

Modify the definition of **Aircraft manufacturing facilities** as follows:

Delete “International Building Code” and insert “*building code*”.

Group H, High-hazard

Modify the definition of **Group H, High-hazard** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **High-hazard Group H-2** as follows:

Delete “International Building Code” and insert “*building code*” (in the list entry regarding “Combustible dusts”).

Modify the definition of **High-hazard Group H-3** as follows:

Delete “International Building Code” and insert “*building code*” (in the list entry regarding “Combustible fibers”).

Modify the definition of **High-hazard Group H-5** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify the definition of **Uses other than Group H** as follows:

In subparagraph 1, delete “International Building Code” and insert “*building code*”.

In subparagraph 3, delete “or equipment” and insert “, *building services equipment, or process equipment*”.

In subparagraph 4, delete “International Building Code” and insert “*building code*” at all occurrences (2).

In subparagraph 17, delete “International Building Code” and insert “*building code*”.

Group I, Institutional

Modify the definition of **Group I, Institutional** as follows:

After “in which care” insert “(*personal, custodial, or medical*)”.

Insert an exception to the definition as follow:

“**Exception:** *Ambulatory care facilities and outpatient clinics are classified as Group B.*”

Modify the definition of **Institutional Group I-1** as follows:

At the beginning of the definition before “Institutional Group I-1” insert “*Except as provided in this code and Sections 308.3.2 and 308.3.3 of the building code,*”.

Delete “on a 24-hour basis”.

Delete “custodial”.

After “care” insert “*and are capable of self-preservation*”.

Delete “International Building Code” and insert “*building code*”.

Modify **Condition 1** as follows: delete “custodial”.

Modify **Condition 2** as follows: delete “custodial”.

Modify **Five or fewer persons receiving custodial care** as follows:

In the title, delete “custodial”.

At the beginning of the paragraph, between “A” and “facility” insert “care”.

Delete “R-3” and everything thereafter and insert “*R as provided in Section 310 of the building code.*”.

Modify **Six to 16 persons receiving custodial care** as follows:

Delete “custodial” in the title of the definition and the text (2 occurrences).

At the beginning of the definition between “A” and “facility” insert “care”.

Modify the definition of **Institutional Group I-2** as follows:

At the beginning of the definition before “Institutional Group I-2” insert “*Except as provided in this code and Section 308.4.2 of the building code,*”.

Delete “medical care on a 24-hour basis” and insert “care”.

After “self-preservation” insert “*for more than 24 hours*”.

In the list of examples after “Nursing homes” insert “*including those defined in Section 3721.01 of the Revised Code*”.

Modify **Occupancy conditions** as follows:

Delete “International Building Code” and insert “*building code*”.

Modify **Five or fewer persons receiving medical care** as follows:

At the beginning of the definition between “A” and “facility” insert “care”.

After “five or fewer persons” insert “*not capable of self-preservation*”.

Delete “medical”.

Delete “R-3” and all text thereafter and insert “*R as provided in Section 310 of the building code.*”

Modify the definition of **Institutional Group I-3** as follows:

At the beginning of the definition before “Institutional Group I-3” insert “*Except as provided in this code and Section 308.5.2 of the building code,*”.

In the last paragraph (paragraph before the conditions) delete “International Building Code” and insert “*building code*”.

Insert a new paragraph after the Occupancy Condition 5, un-indented one level, as follows:

“Five or fewer persons secured or restrained. Buildings containing five or fewer persons who are being secured or restrained are included in the primary occupancy classification.”

Modify the definition of **Institutional Group I-4, day care facilities** as follows:

At the beginning of the definition before “Institutional Group I-4” insert “Except for Type A or Type B Family Daycare facilities and except as provided in this code and Sections 308.5.1 through 308.5.4 of the building code,”.

After “five persons of any age” insert “who are capable of self-preservation with limited physical assistance or incapable of self-preservation,”.

After “custodial care for” delete “less than” and insert “fewer than”.

After “than 24 hours” insert “per day”.

Modify **Classification as Group E** as follows:

At the beginning of the definition delete “child day”.

Delete “where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior” and insert “and the day care facilities are at the level of exit discharge and where every room where care is provided has no fewer than one exterior exit door for which the exit access and exit discharge do not require the traversing of stairs”

Modify **Five or fewer occupants receiving care in a dwelling unit** as follows:

In the title delete “occupants” and insert “persons”.

Delete “A facility such as the above” and insert “Except for a Type B Family Daycare facility, a care facility”.

Delete “custodial”.

Delete R-3” and everything thereafter and insert “R as provided in Section 310 of the building code.”

Modify **Five or fewer occupants receiving care** as follows:

In the title Delete “occupants” and insert “persons”.

At the beginning of the definition delete “A” and insert “Except as provided in this code and Section 308.5.4 of the building code, a care”.

Delete “custodial”.

Group M, Mercantile

Modify the definition of **Group M, Mercantile** as follows:

Delete “accessible to the public” and insert “*where the public has access*”.

After “Greenhouses with public access that maintain plants for display and sale” insert “*”.

After “Sales rooms” insert (in a new paragraph directly below and aligned with the list) “**Not used for agricultural purposes as defined in Section 3781.06 of the Revised Code*”.

Modify the definition of **Motor fuel-dispensing facilities** as follows:

Delete “International Building Code” and insert “*building code*”.

Group R, Residential

Modify the definition of **Group R, Residential** as follows:

Delete all text from and including “regulated by the International Residential Code” through the end of the paragraph and insert the following:

“*within the scope of the residential code.*”

Detached One-, Two-, or Three- Family Dwellings. *The residential code applies to structures comprised exclusively of one-, two-, or three-family dwellings (having independent exits) and their accessory structures. If no residential department is certified in a jurisdiction, construction documents for structures comprised exclusively of one-, two-, or three family dwellings are not required to be submitted for approval.*

Five or fewer persons receiving care in a single-family dwelling. *A single-family dwelling with five or fewer persons, excluding staff, who reside in a supervised environment, receive care, and are capable of self-preservation with or without limited verbal or physical assistance is not classified as Group R and is within the scope of the residential code.*

Group R with both shared exits and independent exits. *A building with both shared exits and independent exits is classified as Group R-2, unless the shared exit is not a required exit, in which case, the building is classified as Group R-3.”*

Modify the definition of **Residential Group R-1** as follows:

At the beginning of the paragraph before “Residential Group R-1 insert “Except as provided in this code and Section 310.3.3 of the building code.”.

Delete “containing” and insert “include buildings with”.

Add the following to the list of examples:

SRO (Single room occupancy) facilities operating prior to October 16, 1996, when approved by the building code official as an R-1 occupancy as of October 16, 1996, as specified in division (B) of section 3731.02 of the Revised Code
Transient lodging structures

Add the following paragraphs after the list of examples:

“Units not used primarily as permanent residences. R-1 occupancies typically will include sleeping units but may also include dwelling units when those units are not used primarily as permanent residences.

Transient lodging structures. Except as provided in this code and Sections 310.3.2.1 or 310.3.2.2 of the building code, a Group R-1 structure composed exclusively of a single dwelling unit with no more than twenty transient occupants may comply with the construction requirements of the residential code in lieu of the requirements of this code and the building code as set forth in and in accordance with Section 310.2.2 of the building code.

Semi-primitive transient lodging structures no greater than 400 sq. ft. in area. A Group R-1 structure that provides permanent provisions for sleeping only or sleeping with either sanitation or kitchen facilities, but not both, may comply with the applicable construction requirements of the residential code in lieu of the requirements of this code and the building code as set forth in and in accordance with Section 310.2.2.1 of the building code.

Primitive or semi-primitive transient lodging structures greater than 400 sq. ft. in area. A Group R-1 structure, for not more than twenty transient occupants, that is greater than 400 sq. ft. in area, provides permanent provisions for sleeping only or sleeping with either sanitation or kitchen facilities, but not both, may comply with the applicable construction requirements of the “residential code in lieu of the requirements of this code and the building code as set forth in and in accordance with Section 310.2.2.2 of the building code.

Ten or fewer persons in a boarding house or congregate living. A boarding house or congregate living building intended for transient occupancy for ten or fewer persons, is classified as Group R-2 or Group R-3 occupancies depending on exiting arrangements.”

Modify the definition of **Residential Group R-2** as follows:

At the beginning of the paragraph before “Residential Group R-2” insert “*Except as provided in this code and Sections 310.3.1 through 310.3.4 of the building code.*”.

Delete “two” and insert “three”.

After “permanent in nature” insert “*and where the units share an exit*”.

In the list of examples for the entry “Congregate living facilities” after “16 occupants” insert “*where occupants share an exit*”

Add the following to the list of examples:

SRO (Single room occupancy) facility

Add the following paragraphs after the list of examples:

Five or fewer persons receiving care. *A care facility with shared exit for five or fewer persons receiving care is classified as Group R-2.*

Dwelling units in mixed occupancy buildings. *This group includes residential occupancies in buildings or structures of mixed use containing one or more dwelling units where the occupants are primarily permanent in nature in structures with shared exits.*

Dwelling units with a shared exit. *This group includes buildings or structures containing two or three dwelling units where the occupants are primarily permanent in nature and when the dwelling units share an exit.*

Sixteen or fewer persons in a boarding house or congregate living. *A boarding house or congregate living in a dwelling unit with an independent exit for sixteen or fewer persons is classified as Group R-3.*

Modify the definition of **Residential Group R-3** as follows:

At the beginning of the paragraph before “Residential Group R-3” insert “*Except as provided in this code and Section 310.4 of the building code.*”.

After “R-4 or I,” insert “*and where each dwelling unit has an independent exit*”.

In the list of examples do the following:

Delete “Buildings that do not contain more than two dwelling units”

In the list for “Congregate living facilities” after “occupants” insert “*per dwelling unit*”

Insert “Vacation timeshare properties”

Delete the title and text for the paragraph entitled **Care facilities within a dwelling** in its entirety and insert the following paragraphs (aligned with the current “Lodging houses” paragraph):

Five or fewer persons receiving care not in a dwelling. A care facility with an independent exit for five or fewer persons receiving care is classified as Group R-3.

Five or fewer persons receiving care within a dwelling. A Group R-3 two- or three-family dwelling used exclusively as care facilities for an aggregate of five or fewer persons receiving care but are capable of self-preservation is permitted to comply with the construction requirements of the residential code.

A Group R-3 one-, two- or three-family dwelling used exclusively as care facilities for an aggregate of five or fewer persons receiving care and are incapable of self-preservation is permitted to comply with the construction requirements of the residential code provided an automatic sprinkler system is installed in all of the dwelling units in accordance with Sections 903.3.1.1, 903.3.1.2, 903.3.1.3 or Section 2904 of the residential code.

Dwelling units in mixed occupancy buildings. This group includes residential occupancies in buildings or structures of mixed use containing one or more dwelling units where the occupants are primarily permanent in nature and where each dwelling unit has an independent exit.”

Modify the definition of **Lodging houses** as follows:

At the beginning of the paragraph delete “Owner” and insert “A Group R-3 owner”.

Delete “houses” and insert “house”.

Delete all text after but not including “total occupants” and insert “may comply with the construction requirements of the residential code.”.

Add new paragraphs and subparagraphs after (and aligned with) the current “Lodging houses” paragraph as follows:

Group R-3 Alternative compliance options. The following are alternative compliance options for Group R-3 buildings within the scope of this code.

Multi-family alternative A. A Group R-3 building may use Chapters 2 to 11 of the residential code in place of the requirements of this code

and the building code as set forth in and in accordance with Section 310.4.5.1 of the building code.

Multi-family alternative B. A Group R-3 building may use the residential code in place of the requirements of this code and the building code as set forth in and in accordance with Section 310.4.5.2 of the building code.

More than sixteen occupants in a Boarding House or Congregate Living. A boarding house or congregate living building for more than sixteen persons is classified as Group R-2.

Modify the definition of **Residential Group R-4** as follows:

Delete “on a 24-hour basis”.

Delete “custodial”.

Delete the entire second sentence beginning “Buildings of Group R-4”.

After the list of examples delete the entire sentence, which begins “Group R-4 occupancies” and insert “Where group R-4 design criteria are not provided in this code or the building code, the construction requirements for Group R-3 apply.”

Buildings of Group R-4 are classified as one of the following occupancy conditions:”

Group S, Storage

Modify the definition of **Group S-1 moderate-hazard storage** as follows:

Delete “International Building Code” and insert “building code” (in the list entry regarding “Motor vehicle repair garages”).

Modify the definition of **Aircraft hangars** as follows:

Delete “International Building Code” and insert “building code”.

Modify the definition of **Motor vehicle repair garages** as follows:

Delete “International Building Code” and insert “building code”.

Modify the definition of **Group S-2 low-hazard storage** as follows:

Modify **Public parking garages** as follows: delete “International Building Code” and insert “building code” at all occurrences (3).

Modify **Combustible storage** as follows: delete “International Building Code” and insert “building code”.

Group U, Miscellaneous

Modify the definition of **Group U, Miscellaneous** as follows:

After “not classified in any specific occupancy” insert “and not used for agricultural purposes as defined in Section 3781.06 of the Revised Code”.

After “Agricultural buildings” insert “*”.

Delete “Aircraft hangar, accessory to a one- or two-family residence (see Section 412.4 of the International Building Code)”.

After “Retaining walls” insert “(see exceptions in Section 101.2 of the building code)”.

After “Towers” insert “(see exceptions in Section 101.2 of the building code)”.

After “Towers” and the language to be added per the preceding sentence – ending “of the building code)” – insert (in a new paragraph directly below and aligned with the list) “*Not used for agricultural purposes as defined in Section 3781.06 of the Revised Code”.

Modify **Private garages and carports** as follows: delete “International Building Code” and insert “building code”.

Modify **Residential aircraft hangars** as follows: delete “International Building Code” and insert “building code”.

Modify **Greenhouses** as follows: after “another occupancy” insert “and not used for agricultural purposes as defined in Section 3781.06 of the Revised Code”.

Modify the definition of **Open parking garage** as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

Add the following definitions:

Order. For purposes of Section 122, ‘order’ means any final adjudication of facts, issues, or amounts in controversy in any hearing conducted under the authority of Chapter 1 before the division and any final disposition or directive of the state fire marshal regarding the rights, duties, privileges, benefits, legal relationships, jurisdictional status, or standing of any affected party or appellant.

Party popper. A small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling a string protruding from the item, and from which paper streams are expelled when the item is ignited.

Modify the definition of **Person** as follows:

Delete the definition in its entirety and insert “In addition to the meaning in Section 1.59 of the Revised Code, ‘person’ means the state and any political subdivision of the state, and any other entity, public or private.”

Add the following definition:

Processing of fireworks. The making of fireworks from materials all or part of which in and of themselves constitute fireworks but does not include the mere packaging or repackaging of fireworks.

Modify the definition of **Pyrotechnic composition** as follows:

Delete the definition in its entirety and insert “A chemical mixture which upon burning and without explosion, produces a visible brilliant display, bright lights, or sounds.”.

Add the following definitions:

Pyrotechnic effect simulation equipment. Equipment that uses a chemical mixture, heat source, and the introduction of oxygen to initiate or maintain combustion and is used to produce visible or audible effects by combustion, deflagration, or detonation. Pyrotechnic effect simulation equipment includes, but is not limited to, cold spark devices.

Qualifying small government. Has the same meaning as in division (A) of Section 3737.17 of the Revised Code.

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

Representative sample showroom. A structure constructed and maintained in accordance with the building code and this code for a use and occupancy group that permits mercantile sales. A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, fireworks, explosives, explosive materials, or any similar hazardous materials or substances.

Residential facility. Shall have the same meaning as in division (B) of Section 5119.34 of the Revised Code.

Residential hotel. A structure or structures consisting of one or more buildings, with more than five dwelling units, that are specifically constructed and approved through a valid certificate of occupancy issued by the building official having jurisdiction, as having both dwelling unit features for non-transient residence purposes and all of the transient residential group R-1 use and occupancy classification adopted by the board of building standards pursuant to Chapter 3781. of the Revised Code, and that are kept, used, maintained, advertised, operated as, or held out to the public to be a

place where non-transient dwelling units are offered for pay to persons for a minimum stay of more than thirty days.

Residential premises. Has the same meaning as the term is defined in Section 5321.01 of the Revised Code.

Modify the definition of **Responsible person** as follows:

Delete “**person**” from the title and insert “**manager**”.

Add the following definitions:

Responsible person. The person responsible for compliance with the state fire code, including but not limited to, the owner, lessee, agent, operator, or occupant of a building, premises or vehicle. Responsible persons can include individuals, heirs, executors, administrators or assigns, business associations, partnerships or corporations, its or their successors or assigns or the agent of any of the aforesaid.

Retail sale or sell at retail. A sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.

Modify the definition of **Self-service motor fuel-dispensing facility** as follows:

Delete “liquid motor fuels” and insert “flammable or combustible liquids or gases”.

After “fuel tanks of motor vehicles” insert “or approved containers”.

Add the following definitions:

Serious hazard. A serious violation of the Ohio Fire Code shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could foreseeably result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use at a structure, location, vehicle or premise subject to the Ohio Fire Code. All distinct hazards constitute a serious hazard.

Single room occupancy. One occupant per room.

Sleeping room. A room that provides at a minimum adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and accompanying bedding, mattress, box spring, pillow(s), sheets and pillow cases.

Small municipality or small township. A duly constituted municipality or village under Title 7 of the Revised Code or township under Title 5 of the Revised Code having a population of less than 25,000 permanent residents.

Smoke device. A tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

Snake or glow worm. *A device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.*

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

Modify the definition of **Spray room** as follows:

Delete “International Building Code” and insert “building code”.

Add the following definitions:

SRO facility. *A facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy (SRO) basis and intended for use as a primary residence for residential guests for a period of more than thirty days. “SRO facility” does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories. “Single room occupancy (SRO) basis” means one occupant per room.*

State fire marshal. *The state fire marshal appointed pursuant to Section 3737.21 of the Revised Code or the marshal’s duly authorized representative. For the purposes of Section 122, ‘state fire marshal’ shall also mean the Ohio department of commerce, division of state fire marshal.*

Modify the definition of **Steel** as follows:

Delete “International Building Code” and insert “building code”.

Add the following definitions:

Storage location. *A single parcel or contiguous parcels of real estate approved by the state fire marshal pursuant to division (I) of Section 3743.04 of the Revised Code or division (G) of Section 3743.17 of the Revised Code that are separate from a licensed premises containing a retail showroom, and which parcel or parcels a licensed manufacturer or wholesaler of fireworks may use only for the distribution, possession, and storage of fireworks in accordance with Chapter 3743. of the Revised Code and this chapter.*

Tank, engine mounted. *An above-ground fuel tank furnished by the engine manufacturer or the emergency power system supplier and mounted on the engine, the engine frame, or under as a subbase.*

Temporary door locking device. *An assembly of parts intended to be engaged by a trained school staff member in a school building for the purpose of preventing both ingress and egress through a door in a school building for a finite period of time in an emergency situation and during active shooter drills. See Section 1010.2.16 of the building code.*

Temporary residence. *A dwelling unit accommodation room within a hotel that is used by its occupants but is not used as the permanent or principal residence of its occupants.*

Modify the definition of **Temporary special event structure** as follows:

Delete “International Building Code” and insert “*building code*”.

Add the following definitions:

Transient hotel. *Any structure consisting of one or more buildings, with more than five sleeping rooms, that, through a valid certificate of occupancy, is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.*

Transient 270 day stay hotel room. *A specifically designated sleeping room, in a licensed transient hotel meeting all the requirements contained in Section 3731.041 of the Revised Code.*

Trick match. *A kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.*

Delete the term “**Twenty-four hour basis**” and its definition in their entirety.

Add the following definitions:

Unfriendly fire. *A fire of destructive nature as distinguished from a controlled fire intended for a beneficial purpose.*

Volunteer fire department. *A fire department, organized under Section 505.37, 505.371, 505.375 or 737.21 of the Revised Code, wherein at least one-half of the firefighters are volunteer firefighters.*

Volunteer fire fighter. *A duly appointed member of a fire department on either a non-pay or part-pay basis who is ineligible to be a member of the Ohio police and fire pension fund, or whose employment as a firefighter does not in itself qualify any such person for membership in the public employees retirement system, or who has waived membership in the public employees retirement system.*

Wholesale sale or sell at wholesale. *A sale of fireworks to a purchaser who intends to resell the fireworks so purchased.*

Wire sparkler. *A sparkler consisting of a wire or stick coated with a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.*

Modify the definition of **Yard** as follows:

Delete “International Building Code” and insert “*building code*”.

2025 OFC - JCARR

1301:7-7-03 General Requirements.

Chapter 3 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 301.2 Permits as follows:**
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 303.2 Location as follows:**
In the first sentence after “or any building opening” delete “and” and insert “. Asphalt (tar) kettles shall be located”.
3. **Modify section 304.1.1 Waste material as follows:**
After “waste or rubbish of any type” insert “, including but not limited to asphalt shingles,”.
4. **Modify section 304.1.3 Space underneath seats as follows:**
Delete “International Building Code” and insert “building code”.
5. **Modify section 306.1 Motion picture projection rooms as follows:**
Delete “International Building Code” and insert “building code”.
6. **Modify section 307.1.1 Prohibited open burning Exception as follows:**
Delete “Prescribed burning” and insert “Setting a back fire”.

Delete “when authorized by the fire code official” and insert “as set forth in Sections 1503.11 and 1503.22 of the Revised Code or from any prescribed burn operations authorized under division (C) of Section 1503.18 of the Revised Code”.

7. **Add sections 307.1.2 through 307.1.2.3 as follows:**
“307.1.2 Ban on open burning, recreational fires, and portable outdoor fireplaces. The state fire marshal, in the sole discretion of the state fire marshal, may issue a ban on open burning, recreational fires, or the use of portable outdoor fireplaces at any time when the state fire marshal determines that atmospheric or drought or other environmental conditions necessitate such a ban. The ban may be issued state-wide or may be tailored to a specific area, region or county of the state as conditions warrant.

307.1.2.1 No open burning or recreational fires shall occur and no portable outdoor fireplaces shall be used in any area where a ban is in effect or at any time during a period when the state fire marshal has issued a ban.

307.1.2.2 No permit authorizing open burning, recreational fires or the use of portable outdoor fireplaces shall be issued during any time or in any area where a ban has been issued by the state fire marshal.

Exception: A permit authorizing open burning, recreational fires, or the use of portable outdoor fireplaces may be issued for any area, if any, that is not subject to the ban.

307.1.2.3 Nothing in this section shall prohibit a local fire code official with authority to do so from issuing a local ban on open burning, recreational fires, or the use of portable outdoor fireplaces at any time when conditions warrant, including during times when the state fire marshal has issued a ban as long as the local ban does not contradict the ban issued by the state fire marshal.”

8. Modify section 307.2 Permit required as follows:

Delete “Section 105.5” and insert “Chapter I”.

9. Add section 307.4.2.1 as follows:

307.4.2.1 Fire pits. Recreational fires conducted in gas-fired recreational pits shall not be conducted within 15 feet of a structure or combustible materials.

10. Modify section 308.1.4 Open-flame cooking devices to add Exception 4 as follows:

4. Where approved by the fire code official, charcoal burners are allowed to be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction where all of the following conditions are met:

4.1 The charcoal burners are attended by an adult at all times when in operation.

4.2 Portable fire extinguishers in the type, quantity and size as approved by the fire code official are present on the combustible balconies or at the cooking site located within 10 feet (3048 mm) of combustible construction. Such portable fire extinguishers shall be in an operable condition at all times and maintained in accordance with NFPA 10.

4.3 All non-structural combustible material must be removed from the combustible balconies or at the cooking site located within 10 feet (3048 mm) of combustible construction.

11. Add section 308.1.4.1 as follows:

“308.1.4.1 Natural gas fired open-flame cooking devices. Where approved in writing by the fire code official, the installation and use of natural gas fired open flame cooking devices and/or appliances shall be permissible on combustible balconies of multi-(greater than two) family dwelling unit structures or within 10 feet (3048 mm) of combustible construction at multi-family dwelling unit structures, with the following conditions:

1. The fire code official, in that official’s discretion, may require that any person responsible for the use of a natural gas fire open flame cooking device or other appliance at a multi-family dwelling unit structure, to maintain comprehensive

general liability insurance in an amount sufficient to cover any damages to persons or property that could be attributed to any fire caused by the use of an open flame cooking device.

2. The fuel supply for the natural gas fueled open flame cooking device or appliance be from the natural gas fuel supply piping system connected to the building where the cooking is to occur. There shall be no storage tanks or cylinders located in or near the dwelling unit structure where the cooking is to occur.
 3. The gas pressure supplied to the natural gas fueled cooking appliance shall be no more than the pressure recommended by the cooking device/appliance manufacturer. In no case shall the maximum pressure supplied to the device or appliance exceed 2 pounds per square inch (psi).
 4. Portable fire extinguishers in the type, quantity and size as approved by the fire code official are present on the combustible balconies or at the cooking site located within 10 feet (3048 mm) of combustible construction. Such portable fire extinguishers shall be in an operable condition at all times and maintained in accordance with NFPA 10.
 5. While the natural gas fired open flame cooking device or appliance is in use, all combustibles that are not part of the dwelling unit structure shall be kept 5 feet (1524 mm) away from the cooking device.
 6. Any and all building code requirements for the installation and use of natural gas fired grills, open flame cooking devices or appliances shall be complied with, including compliance with any permit and inspection requirements.”
12. **Modify section 308.1.6 Open-flame devices as follows:**
Delete “Section 105.5” and insert “Chapter I”.
 13. **Modify section 308.1.6.3 Sky lanterns as follows:**
Delete “an untethered” and insert “any”.
 14. **Modify section 308.2 Permits required as follows:**
Delete “Section 105.5” and insert “Chapter I”.
 15. **Modify section 308.3 Group A occupancies, Exception 2 as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
 16. **Modify section 308.3.2 theatrical performances as follows:**
After “Where approved” insert “in accordance with the permit requirements of Chapter 56”.
 17. **Modify section 311.1.1 Abandoned premises as follows:**
Delete “International Building Code” and insert “building code”.

18. **Add** section 311.2.1.1 as follows:
“311.2.1.1. Residential property subject to Section 2308.02 of the Revised Code regarding an expedited foreclosure on vacant and abandoned property, shall be secured in accordance with Section 2308.031 of the Revised Code. If a quick release device is manufactured for the product used to secure the property, the quick release device shall be installed.”
19. **Modify** section **311.3 Removal of combustibles, Exception 1** as follows:
Delete “International Building Code” and insert “building code”.
20. **Modify** section **313.1 General, Exception 1** as follows:
Delete “International Building Code” and insert “building code”.
21. **Modify** section **314.3 Highly combustible goods** as follows:
Delete “fireworks,”.
22. **Add** section 314.3.1 as follows:
“314.3.1 Display of fireworks for retail sale. The display of fireworks for retail sale shall be in accordance with Chapter 56.”
23. **Modify** section **315.2 Permit required** as follows:
Delete “Section 105.5” and insert “Chapter I”.
24. **Modify** section **317.1 General** as follows:
Delete “International Building Code” and insert “building code”.
25. **Modify** section **319.2 Permit required** as follows:
Delete “Section 105.5” and insert “Chapter I”.
26. **Modify** section **319.4.1 Fire protection for cooking equipment** as follows:
Delete “Section 904.13.” and insert “the following:
1. **New mobile food preparation vehicles.** Vehicles that are manufactured or initially titled on or after May 1, 2026, and vehicles initially modified to operate as a mobile food preparation vehicle on or after May 1, 2026, shall not be operated as a mobile food preparation vehicle in this state unless such vehicle is protected by an automatic fire extinguishing system that is listed, labelled, installed and maintained in accordance with this section and Section 904.13.
 2. **Existing mobile food preparation vehicles.** Mobile food preparation vehicles in operation as of the effective date of this code may continue to operate without a suppression system.

Exception: If any mobile food preparation vehicle that is in operation as of the effective date of this code undergoes a substantial modification to the

cooking equipment in the vehicle on or after May 1, 2026, the mobile food preparation vehicle shall be protected by an automatic fire extinguishing system that is listed, labelled, installed and maintained in accordance with this section and Section 904.13.”

27. **Add** section 319.4.2.1 as follows:

“319.4.2.1 Notwithstanding the provisions of Section 319.4.2, all mobile food preparation vehicles shall have a minimum of one 5-pound ABC portable fire extinguisher located within the vehicle and readily available to the operator of the vehicle.”

28. **Modify** section **319.8 LP-gas systems** as follows:

Delete “319.8.5” and insert “319.8.6”.

29. **Modify** section **319.8.1 Maximum aggregate volume** as follows:

Delete “200 pounds (91 kg) propane capacity” and insert “200 gallons (0.8 m³) aggregate water capacity”.

30. **Add** sections 319.8.2.1 through 319.8.2.3 as follows:

“319.8.2.1 **Rear mounted tanks.** When secured to the rear of the vehicle, propane tanks shall be mounted with a minimum 30” clearance from the bottom of the tank to the ground.

319.8.2.2 **Non-combustible materials.** All materials or devices used to secure LP-Gas containers shall be made of non-combustible material.

319.8.2.3 **Removing containers during operation activities.** LP Gas containers may be removed from the mobile food preparation vehicle during operation activities. When so removed, propane tanks shall be secured to a stationary object or otherwise securely stabilized to prevent movement, overturn and damage at all times while operation activities are occurring.”

31. **Add** section 319.8.6 as follows:

“319.8.6 **Piping and connectors.** All piping, including hose, shall be installed, tested and maintained in accordance with NFPA 58.”.

32. **Add** sections 319.11 through 319.17 as follows:

319.11 **Carbon monoxide detection.** All mobile food preparation vehicles shall be equipped with at least one listed carbon monoxide detection device.

Exception: Carbon monoxide detectors shall not be required in mobile food preparation vehicles that are not equipped with fossil fuel powered equipment (such as generators or vehicle fuel tanks) and that do not otherwise produce carbon monoxide during operation.

319.12 Egress. *All mobile food preparation vehicles while operating commercial cooking equipment shall have two accessible means of egress remotely located from each other.*

319.12.1. *No means of egress required by this paragraph shall be smaller than 5.7 square feet.*

319.13 Smoking. *Smoking shall be prohibited inside of and within 10 feet of any mobile food preparation vehicle that has any fuel source other than the vehicle fuel tank.*

319.13.1 *“No Smoking” signs shall be conspicuously posted inside each mobile food preparation vehicle, outside each mobile food preparation vehicle in the vicinity of any location where compressed gas is stored or kept, and in a location that is visible to the public.*

319.13.2 *“No Smoking” signs shall be in English, shall have a dark background, and shall have lettering in a contrasting color that is at least 4 inches tall and with a minimum brush stroke width of 1 inch.*

319.14 Emergency shut off controls. *Mobile food preparation vehicles using LP-Gas shall be provided with readily distinguishable and accessible marked exterior emergency shut off controls with a quarter-turn manual gas ball valve.*

319.14.1 Signage. *Signs shall be permanently mounted at the location of the emergency shut off controls and shall state:*

“EMERGENCY GAS SHUT-OFF VALVE”

319.14.1.1. *Signs shall be clearly visible and shall remain unobscured at all times. Signs shall be weather resistant, of contrasting colors, and shall be readable from a minimum distance of 25 feet.*

319.15 Distance and separation requirements. *While parked and in operation mobile food preparation vehicles, exclusive of awnings and appurtenances, using or containing a fuel source or generator other than the vehicle fuel tank shall be separated from the entrances and other exits of buildings or structures and combustible materials by a clear space distance of 10 feet (3 m). While parked and in operation mobile food preparation vehicles using or containing a fuel source or generator other than the vehicle fuel tank shall be separated from other mobile food preparation vehicles by a clear space distance of 3 feet (0.9144 m).*

319.16 Generators.

319. 16.1 *Generators serving a mobile food preparation vehicle shall not be fueled while the mobile food preparation vehicle is in operation.*

319. 16.2 Generators shall not be fueled while the generator is in use and shall not be fueled until the generator has been turned off and the surface temperature of the engine and fuel tank is below the autoignition temperature of the fuel.

319. 16.3 No generator shall be operated or used or fueled within the occupant space of a mobile food preparation vehicle.

319.17 Electrical Wiring and Equipment. All electrical wiring and equipment shall be installed in accordance with NFPA 70.

33. **Modify section 320.3.1 Permits required as follows:**

Delete “Section 105.5” and insert “Chapter I”.

34. **Add section 322 as follows:**

“Section 322 Laboratories using chemicals

322.1 The operation and maintenance of all laboratories shall be in accordance with the requirements of NFPA 45 or, as applicable, Chapter 38.”

35. **Add section 323 as follows:**

“Section 323 Lithium-ion and lithium metal batteries

323.1 General. The storage, use and charging of lithium-ion and lithium metal batteries shall comply with Section 323.

Exceptions:

1. New or refurbished batteries installed in the equipment, devices or vehicles they are designed to power.
2. New or refurbished batteries packed for use with the equipment, devices or vehicles they are designed to power.
3. Batteries in original retail packaging that are rated at not more than 300 watt-hours for lithium-ion batteries or contain not more than 25 grams of lithium metal for lithium metal batteries.

323.2 Permits. Permit shall be required for an accumulation of more than 15 cubic feet (0.42 m³) of lithium-ion and lithium metal batteries, other than batteries listed in the exceptions of section 323.1, as set forth in Chapter 1.

323.3 Fire safety plan. A fire safety plan shall be provided in accordance with Section 404. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.

323.4 Storage requirements. *Lithium-ion and lithium metal batteries shall be stored in accordance with Section 323.4.1, 323.4.2 or 323.4.3, as applicable.*

323.4.1 Limited indoor storage in containers. *Not more than 15 cubic feet (0.42 m³) of lithium-ion or lithium metal batteries shall be permitted to be stored in containers in accordance with all of the following:*

- 1. Containers shall be open top and constructed of noncombustible materials or shall be approved for battery collection.*
- 2. Individual containers and groups of containers shall not exceed a capacity of 7.5 cubic feet (0.21 m³).*
- 3. A second container or group of containers shall be separated by not less than 3 feet (914 mm) of open space or 10 feet (3048 mm) of space that contains combustible materials.*
- 4. Containers shall be located not less than 5 feet (1524 mm) from exits or exit access doors.*

323.4.2 Indoor storage areas. *Indoor storage areas for lithium-ion and lithium metal batteries, other than those complying with section 323.4.1, shall comply with Sections 323.4.2.1 through 323.4.2.6.*

323.4.2.1 Technical opinion and report. *A technical opinion and report complying with Section 104.8.2 shall be prepared to evaluate the fire and explosion risks associated with the indoor storage area and to make recommendations for fire and explosion protection. The report shall be submitted to the fire code official and shall require the fire code official's approval prior to issuance of a permit. In addition to the requirements of Section 104.8.2, the technical opinion and report shall specifically evaluate the following:*

- 1. The potential for deflagration of flammable gases released during a thermal runaway event.*
- 2. The basis of design for an automatic sprinkler system or other approved fire suppression system. Such design basis shall reference relevant full-scale fire testing or another approved method of demonstrating sufficiency of the recommended design.*

323.4.2.2 Construction requirements. *Where indoor storage areas for lithium-ion and lithium metal batteries are located in a building with other uses, battery storage areas shall be separated from the remainder of the building by 2-hour rated fire barriers or horizontal assemblies. Fire barriers shall be constructed in accordance with Section 707 of the building code, and horizontal assemblies shall be constructed in accordance with Section 711 of the building code.*

Exceptions:

1. Where battery storage is contained in one or more approved prefabricated portable structures providing a complete 2-hour fire-resistance-rated enclosure, fire barriers and horizontal assemblies are not required.
2. Where battery storage is limited to new batteries in packaging that has been demonstrated to and approved by the fire code official as sufficient to isolate a fire in packaging to the package interior, fire barriers and horizontal assemblies are not required.

323.4.2.3 Fire protection systems. Indoor storage areas for lithium-ion and lithium metal batteries shall be protected by an automatic sprinkler system complying with Section 903.3.1.1 or an approved alternative fire suppression system. The system design shall be based on recommendations in the approved technical opinion and report required by Section 323.4.2.1.

323.4.2.4 Fire alarm systems. Indoor storage area for lithium-ion and lithium metal batteries shall be provided with an approved automatic fire detection and alarm system complying with Section 907. The fire detection system shall use air-aspirating smoke detection, radiant energy-sensing fire detection or both.

323.4.2.5 Explosion control. Where the approved technical opinion and report required by Section 323.4.2.1 recommends explosion control, explosion control complying with Section 911 shall be provided.

323.4.2.6 Reduced requirements for storage of partially charged batteries. Indoor storage areas for lithium-ion and lithium metal batteries with a demonstrated state of charge not exceeding 30 percent shall not be required to comply with Sections 323.4.2.1, 323.4.2.2 and 323.4.2.5, provided that procedures for limiting and verifying that the state of charge will not exceed 30 percent have been approved.

323.4.3 Outdoor storage. Outdoor storage of lithium-ion or lithium metal batteries shall comply with Section 323.4.3.1 through 323.4.3.3.

323.4.3.1 Distance from storage to exposures. Outdoor storage of lithium-ion or lithium metal batteries, including storage beneath weather protection in accordance with Section 414.6.1 of the building code, shall comply with one of the following:

1. Battery storage shall be located not less than 20 feet (6096 mm) from any building, lot line, public street, public alley, public way or means of egress.

2. Battery storage shall be located not less than 3 feet (914 mm) from any building, lot line, public street, public alley, public way or means of egress, where the battery storage is separated by a 2-hour fire-resistance-rated assembly without opening or penetrations and extending 5 feet (1524 mm) above and to the sides of the battery storage area.
3. Battery storage shall be located not less than 3 feet (914 mm) from any building, lot line, public street, public alley, public way or means of egress, where batteries are contained in approved, prefabricated portable structures providing a complete 2-hour fire-resistance-rated enclosure.

323.4.3.2 Storage area size limits and separation. Outdoor storage areas for lithium-ion or lithium metal batteries, including storage beneath weather protection in accordance with Section 414.6.1 of the building code, shall not exceed 900 square feet (83.6 m²). The height of battery storage in such areas shall not exceed 10 feet (3048 mm) of open space.

323.4.3.3 Fire detection. Outdoor storage areas for lithium-ion and lithium metal batteries, regardless of whether such areas are open, under weather protection or in a prefabricated portable structure, shall be provided with an approved automatic fire detection and alarm system complying with Section 907. The fire detection system shall use radiant energy-sensing fire detection.

323.5 Micromobility Devices powered by lithium-ion or lithium metal batteries. Lithium-ion and lithium metal battery powered micromobility devices shall be operated and maintained in accordance with this section.

Exceptions:

1. Storage, repair and charging in residential occupancies of powered mobility devices, provided that such devices are for personal use by their owner.
2. Charging of a single powered mobility device in any occupancy by the owner of the device.

323.5.1 Prohibited locations. The use of a residential occupancy as a business for the charging of commercially owned powered micromobility devices as part of a rental or sales service shall not be permitted.

323.5.2 Battery chargers and equipment. Powered micromobility devices shall be charged in accordance with their listing and the manufacturer's instructions using only the original manufacture-supplied charging equipment or charging equipment in accordance with the listing and manufacturer's instructions.

323.5.3 Listing. *Powered micromobility devices shall be listed and labeled in accordance with UL 2272 or UL 2849, as applicable.*

323.5.4 Battery charging areas. *Where approved, powered micromobility devices shall be permitted to be charged in a room or area that complies with all of the following:*

- 1. Only listed devices utilizing listed charging equipment shall be permitted to be charged.*
- 2. The room or area is provided with sufficient electrical receptacles to allow the charging equipment for each device to be directly connected to a receptacle. Extension cords and relocatable power taps shall not be used.*
- 3. Storage of combustible materials, combustible waste or hazardous materials shall not be permitted.*
- 4. The charging operation shall not be conducted in or obstruct any required means of egress.*
- 5. Removable storage batteries shall not be stacked or charged in an enclosed cabinet unless the cabinet is specially designed and approved for such purpose.*
- 6. A minimum distance of 18 inches (457.2 mm) shall be maintained between each removable storage battery during charging operations unless each battery is isolated from neighboring batteries by an approved fire-resistant material.*
- 7. A minimum of 18 inches (457.2 mm) shall be maintained between the location of the battery on each powered micromobility device during charging operations.*
- 8. The indoor room or area shall be protected by a fire alarm system utilizing air-aspirating smoke detectors or radiant energy-sensing fire detection.*

323.5.5 Fire safety plan. *A fire safety plan shall be provided in accordance with Section 404.2.2. In addition, the fire safety plan shall include emergency response actions to be taken upon detection of a fire or possible fire involving lithium-ion or lithium metal battery storage.”*

1301:7-7-04 Emergency planning and preparedness.

Chapter 4 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Add** section 402.2 as follows:

“402.2 Terms used for this chapter. The following takes on exclusive meaning as used in this chapter pursuant to Section 3781.104 of the Revised Code.

Smoke detector. A readily removable device, sensitive to either visible or invisible particles of combustion or both, which automatically detects any fire condition and broadcasts locally a signal or alarm.”

2. **Modify** section **403.7.1 Group I-1 occupancies** as follows:

Delete “403.7.1.7” and insert “403.7.1.4”.

3. **Modify** section **403.7.2 Group I-2 occupancies** as follows:

Delete “403.7.2.4” and insert “403.7.2.5”.

4. **Modify** section **403.7.3.4 Staffing, Exception** as follows:

Delete “International Building Code” and insert “building code”.

5. **Modify** section **403.10.4 Buildings using occupant evacuation elevators** as follows:

Delete “International Building Code” and insert “building code”.

6. **Modify** section **403.11 Special requirements for public safety** as follows:

Delete “403.11.3.3” and insert “403.11.4”.

7. **Add** section 403.11.4 as follows:

“403.11.4 Apparatus access at carnivals, fairs, and amusement buildings. At all events subject to or permitted in accordance with Section 105.5.3 or 105.5.5, no parking, vehicle, vendor, concession apparatus, booth, or any other obstruction shall be arranged or maintained in any manner that blocks the unobstructed access of emergency response vehicles to the permitted premises or in any manner that blocks the emergency response vehicles from accessing all portions of the permitted premises. The determination of access necessary shall be based upon the size and turning radius of the equipment and vehicles of the permitting entity or authority.”

8. **Modify** section **404.1 General** as follows:

Delete “404.4.1” and insert “404.4.2”.

9. **Modify** section **404.2.1 Fire evacuation plans, subparagraph 3** as follows:

Delete “International Building Code” and insert “building code”.

10. **Modify** section **404.2.2 Fire safety plans** as follows:

In subparagraph 2.2 after “defend-in-place response” insert “, including the type, location, and operating instructions of temporary door locking devices, if any. However, this paragraph shall not be construed to give the fire code official authority to approve or prohibit the use of any temporary door locking device approved and used in conformance with the rules developed by the Ohio Board of Building Standards”.

Add subparagraph 4.10 as follows:

“4.10 Automated defibrillator devices.”

11. Modify section 404.2.3 Lockdown plans as follows:

Delete “only be permitted where such plans are approved by” and insert “be provided to”.

After “fire code official” insert “upon request”.

Before “in compliance” delete “are” and insert “be”.

12. Modify section 404.2.3.2 Drills as follows:

After “Lockdown” delete “plan”.

Delete “the approved plan” and insert “division (D) of section 3737.73 of the Revised Code”.

13. Add section 404.4.2 as follows:

“404.4.2 An evacuation plan indicating the primary and secondary emergency evacuation routes, and including proper occupant-to-building orientation, shall be permanently and conspicuously posted at the main exit door inside of each room accessible to all persons in all educational occupancies. The plan shall not be obscured from view by any materials.”

14. Modify section 405.1 General as follows:

Delete the entire second and third sentences beginning “Lockdown plan drills” and “Such drills”, respectively.

15. Add sections 405.1.1 through 405.1.3.2 as follows:

“405.1.1 Schools and children’s homes. A principal or person in charge of a public or private school or educational institution having an average daily attendance of twenty or more pupils or a person in charge of any children’s home or orphanage housing twenty or more minor persons shall instruct and train such children by means of drills or rapid dismissals so that such children in a sudden emergency may leave the building in the shortest possible time without confusion. Such drills or rapid dismissals shall be conducted in accordance with the following:

1. All drills or rapid dismissals shall be conducted at the times and frequencies prescribed in this rule.
2. The principal or person in charge of a public or private school or educational institution having an average daily attendance of twenty or more pupils shall conduct not less than one drill or rapid dismissal during each month of the school year as required by and in accordance with divisions (E) and (F) of section 3737.73 of the Revised Code.
3. The principal or person in charge of a school or educational institution that has smoke detectors or a sprinkler system in all classroom buildings of the school or educational institution shall conduct a drill or rapid dismissal not less than six times during the school year.
4. The principal or person in charge of a school or educational institution that does not have smoke detectors or a sprinkler system in all classroom buildings of the school or educational institution shall conduct a drill or rapid dismissal not less than nine times during the school year.

5. The principal or person in charge of a children's home or orphanage shall conduct drills or rapid dismissals at least once each month while the home is in operation as required by and in accordance with division (A) of section 3737.73 of the Revised Code.

A drill or rapid dismissal conducted pursuant to this section shall not be conducted in such a manner that the evacuation of students is in conjunction with the dismissal of students for the day.

In conjunction with the drills or rapid dismissals required in this section, the principal or person in charge of a public or private primary or secondary school or educational institution shall instruct pupils in safety precautions to be taken in case of a tornado alert or warning and shall designate an appropriate location or locations to be used to shelter pupils in case of a tornado, tornado alert, or warning in accordance with Section 408.

405.1.2 Records. While school is in operation, the person responsible for conducting fire drills pursuant to Section 3737.73 of the Revised Code shall file a copy of the fire drill records containing the information required under Section 405.5 and other information required by the state fire marshal for inspection verification with the state fire marshal. When required by the fire code official, such fire drill records shall also be submitted to the firefighting agency having jurisdiction that conducts inspections of the subject facility. Such fire drill records shall be submitted at the middle point and again at the end of the school year. The "school year" includes any time during which the average daily attendance comprises twenty or more pupils.

405.1.3 Intent to conduct inspections of emergency evacuation drill records. Pursuant to division (C) of section 3737.73 of the Revised Code, any duly constituted fire department of a political subdivision of this state may become the designee of the state fire marshal for the purposes of annually conducting inspections of schools, educational institutions, children's home, or orphanage to determine compliance with this paragraph and divisions (A), (B), (E), and (F) of section 3737.73 of the Revised Code as applicable.

To become the state fire marshal's designee, the fire department shall file a written notice with the state fire marshal of the department's intent to conduct inspections of schools, educational institutions, children's homes or orphanages. Such written notice shall identify each school, educational institution or children's home that the fire department intends to inspect specifically by name and address. Notice shall be submitted to the state fire marshal on or before the first day of August of each calendar year.

Any fire department that files a written notice with the state fire marshal of its intent to conduct inspections and becomes the state fire marshal's designee shall remain the state fire marshal's designee and shall conduct inspections for the purposes of determining compliance with this paragraph and with Section 3737.73 of the Revised Code until such time as the department notifies the state fire marshal that it will no longer conduct such inspections. Such notice shall be in writing and shall identify each school, educational institution, children's home, or orphanage specifically by name and address and shall clearly state that the department will no longer inspect. The notice shall be submitted to the state fire marshal at least 30 days prior to the time that the department discontinues its inspection program.

Nothing in this section shall be construed to limit a fire code official's authority to conduct an inspection of a school for the purposes of determining compliance with this code.

405.1.3.1 Inspections. After filing a notice in accordance with Section 405.1.3, a fire department shall thereafter conduct inspections in accordance with the following:

405.1.3.1.1 School or educational institution. The fire department shall annually inspect a school or educational institution for the purpose of determining whether or not the principal or person in charge of the school or educational institution has, in accordance with Section 405.1.1 and Section 3737.73 of the Revised Code, conducted drills or rapid dismissals, has instructed pupils in safety precautions to be taken in case of a tornado alert or warning, and has designated an appropriate location to be used to shelter pupils in case of a tornado, tornado alert, or warning.

405.1.3.1.2 Children's home or orphanage. The fire department shall annually inspect a children's home or orphanage for the purpose of determining whether or not the principal or person in charge of the children's home or orphanage has conducted drills or rapid dismissals in accordance with Section 405.1.1 and Section 3737.73 of the Revised Code.

Upon inspection and a determination that the school, educational institution, children's home, or orphanage has not complied with the provisions of this section or the provision of Section 3737.73 of the Revised Code, the state fire marshal's designee shall issue a written warning to the principal or person in charge of the school, educational institution or children's home. The warning shall indicate the specific violation and the date by which the violation shall be corrected.

405.1.3.2 Jurisdiction. For the purpose of this paragraph, the fire agency having jurisdiction shall be the state fire marshal or any such duly constituted fire department of a political subdivision having filed the written notice of intent to conduct inspections in accordance with this section.

16. Add section 408 as follows:

"Section 408 Tornado shelters in schools"

408.1 Pursuant to Section 3737.73 of the Revised Code, principals or persons in charge of public or private primary and secondary schools or educational institutions having an average daily attendance of twenty or more pupils shall designate appropriate locations in their respective facilities to be used to shelter pupils in case of a tornado, tornado alert, or tornado warning. The designation of such locations shall be in accordance with the standards prescribed by the fire marshal, as set forth herein. However, nothing in these rules shall be construed as requiring a school or institution to construct or improve a facility or area thereof for use as a tornado shelter, or to install a tornado alarm system.

408.2 Specific safety requirement.

408.2.1 The fire alarm system shall not be used to alert building occupants of a tornado, tornado alert, or tornado warning.

408.2.2 The principal or person in charge of the school shall submit a clear, comprehensive, detailed, and legible drawing to the local fire code official, showing the building floor plan(s) and designated tornado shelter area(s). Each room or area shown on the plan shall be clearly indicated as to its particular use. A copy of the drawing shall be maintained in the office of each school for examination by the state fire marshal or local fire code official.

408.2.3 The drawing required by Section 408.2, shall be submitted to the local fire code official for his information. A copy shall be maintained in the office of each school, for examination by the state fire marshal or local fire code official.

408.2.4 Tornado drills shall be conducted at least once a month whenever school is in session during the tornado season. For the purpose of this rule, "tornado season" is the period from the first day of March to the last day of July. A record of such drills shall be maintained in the office of each school for examination by the fire code official.

Exception: No tornado drill shall be required in March of a calendar year for any school that participated in a statewide tornado drill conducted by the Ohio emergency management agency in March of that same calendar year.

408.2.5 The occupants of modular classroom facilities shall be moved out of such facilities and to the designated tornado shelter area(s) in the event of a tornado, tornado alert, or tornado warning.

408.2.6 Each local fire code official conducting the annual inspection of each school or institution shall be designated pursuant to division (C) of Section 3737.73 of the Revised Code to verify compliance with the tornado safety provisions of this rule.

408.3 Standards for shelter designation. It is recommended that the designation of areas to be used as tornado shelters be in accordance with the following criteria:

1. Whenever possible, designate areas which are located below ground level, in the core of the building, in rooms or spaces with short ceiling spans, and on the leeward side. The farther the area is below ground level, the greater the protection. In any event, the area should be on the lowest floor, in the center of the building, and in a corridor or small room.
2. First aid kits and supplies should be in or in close to the tornado shelter area(s).
3. Avoid walls of glass, windows, skylights, and areas containing trophy cases or other fixtures of glass.
4. Avoid load-bearing walls and exterior walls, especially those on the windward side or facing the south, southwest, or west.
5. Avoid corridors which are not baffled with a wall or walls and that open to the south, southwest, or west.
6. Avoid an area with only one exit, unless overriding considerations should prevail.
7. Avoid rooms or areas which are locked, since they may not be readily accessible during an emergency.
8. Avoid, absolutely, chimneys and the use of cars, buses, and modular classroom buildings.

9. Avoid rooms or spaces with long ceiling spans, that are opposite openings or doorways that lead into rooms with windows in exterior walls, or that are within the unprotected, falling radius of higher building components.

408.4 General considerations. Every building is different and contains some vulnerable elements that cannot be counted upon to withstand a tornado. Portions of buildings that contain one or more of these elements should be avoided wherever possible.

1. Windows, skylights and other components of glass should be avoided. Glass is no match for tornado force winds and usually breaks into many jagged pieces which are blown into interior spaces from the windward side. Acrylic or poly carbonate plastics are more resistant to impact than glass, but large panes will pop out. Tempered glass will shatter into thousands of cube-like pieces that will be propelled by the winds like shrapnel. Windows at the ends of corridors, particularly those facing south, southwest, and west, are very dangerous. They will probably be blown down the corridor in a wind tunnel effect.
2. Windward side walls, which usually are on the south and west, receive the full strength of the winds. It is assumed that windows on these sides will be broken and blown into the rooms on the windward side. This often results in increased air pressure, which aids in raising the roof.
3. Wind tunnels occur in unprotected corridors facing the oncoming winds, which usually come from the south or west. Openings facing these directions allow the winds to penetrate into interior spaces. The winds apparently occupy almost the entire volume of such a wind tunnel, as debris marks have been found to cover the full height of the walls. If entrances are baffled with a solid massive wall, this effect is much less serious.
4. Lightweight roofs such as steel deck plate, wood planks, or plywood will usually be lifted up by the wind and partially carried away, with some roof debris falling below.
5. Heavier roofs, especially precast concrete planks, may lift up and move slightly and then fall, but not always returning to their original support location. If the support has collapsed, the heavy roof may fall into the area below.
6. Long-span rooms almost always have high ceilings. The exterior walls are usually higher than the typical one-story wall. Often these walls, especially those with southern or western exposures, will collapse into the long span. If they are load-bearing walls, the roof will cave in on the area also. Avoid rooms such as gyms, auditoriums and cafeterias.
7. Load-bearing walls are the sole support for floors or roofs above. If winds cause the supporting walls to fail, part or all of the roof or floors above will collapse. The most dangerous locations in a building are usually along the south and west sides, and at all corners.
8. Masonry construction is not immune to wall collapse. Most masonry walls are not vertically reinforced, and can fail when high horizontal forces occur, such as those caused by winds.”

1301:7-7-05 Fire service features.

Chapter 5 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 501.2 Permits** as follows:
Delete “Sections 105.5 and 105.6” and insert “Chapter I”.
2. **Modify section 503.1 Where required** as follows:
After “Fire apparatus access roads” insert “and fire lanes (as defined in Chapter 2)”.
3. **Modify section 503.1.1 Buildings and facilities** as follows:
At the end of the first sentence after the word “jurisdiction” insert “which are not readily accessible from a public and/or private street”.
4. **Modify section 503.2.3 Surface** as follows:
After “all-weather driving capabilities” insert “as approved by the fire code official”.
5. **Modify section 504.1 Required access** as follows:
Delete “International Building Code” and insert “building code”.
6. **Add section 507.1.1** as follows:
“507.1.1. Unobstructed access to water supplies shall be maintained at all times and fire department access to existing water supplies shall not be hindered in any manner.”
7. **Add section 507.5.7** as follows:
“507.5.7 Hydrant color. Fire hydrants shall be colored in a manner approved by the fire code official of the political subdivision in which they are located.”
8. **Modify section 508.1 General** as follows:
Delete “International Building Code” and insert “building code”.
9. **Modify section 508.1.2 Separation** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
10. **Modify section 509.2 Equipment access** as follows:
After the first sentence, after “of such equipment.” add “Unobstructed access to fire protection equipment shall be maintained at all times.”.
11. **Modify section 510.1 Emergency responder communication coverage in new buildings** as follows:
Add exception 4 as follows:
 4. One-story buildings not exceeding 12,000 square feet (1115 m²) with no below-ground areas(s).
12. **Modify section 510.3 Permit required** as follows:
Delete “Section 105.6.4” and insert “Chapter I”.

13. **Modify section 510.4.1.1 Minimum signal strength into the building** as follows:
Delete “a minimum of -95dBm throughout the coverage area and”
14. **Modify section 510.4.2.5 System monitoring, subparagraph 7** as follows:
After the end of the subparagraph, after “coverage system.” insert “*This provision is not to be interpreted to require a fire alarm system in any building that is not already required to have such a system pursuant to other applicable sections of this code.*”.
15. **Modify section 510.5 Installation requirements** as follows:
Delete “510.5.2” and insert “510.5.1”.
16. **Modify section 510.5.1 Mounting of the donor antennas(s)** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-06 Building services and systems.

Chapter 6 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 601.2 Hazard abatement as follows:**
At the end of the first sentence after “abated” insert “*by the responsible person and are a violation of this code*”.
2. **Modify section 601.2.1 correction of unsafe conditions as follows:**
At the beginning of the sentence delete “The” and insert “*In accordance with Section 109, the*”.

After “such unsafe operations or conditions” insert “*, including those operations or conditions specified in Section 601.2,*”.
3. **Modify section 603.1 General as follows:**
Delete “International Building Code” and insert “*building code*”.
4. **Modify section 603.5.2 Application and use as follows:**
Delete “Exceptions:” and Exceptions 1 and 2 in their entirety.
5. **Modify section 604.1 General as follows:**
Delete “International Building Code” and insert “*building code*”.
6. **Modify section 604.4 Emergency signs, Exception 2 as follows:**
Delete “International Building Code” and insert “*building code*”.
7. **Modify section 604.5 Maintenance of elevators as follows:**
Delete “International Building Code” and insert “*building code*”.
8. **Modify section 604.5.1 Fire service access elevators and lobbies as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
9. **Modify section 604.5.2 Occupant evacuation elevators and lobbies as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
10. **Modify section 604.5.3 Storage within elevator lobbies as follows:**
Delete “International Building Code” and insert “*building code*”.
11. **Modify section 604.5.4 Water protection of hoistway enclosures as follows:**
Delete “International Building Code” and insert “*building code*”.
12. **Modify section 605.1 General as follows:**
Delete “International Mechanical Code” and insert “*mechanical code*”.
13. **Modify section 605.2.1.1 Masonry chimneys as follows:**

Delete “International Mechanical Code” and insert “*mechanical code*”.

Delete “International Building Code” and insert “*building code*”.

14. Modify section 605.2.1.2 Metal chimneys as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

15. Modify section 605.2.1.3 Decorative shrouds as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

16. Modify section 605.2.1.4 Factory-built chimney and vent systems as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

17. Modify section 605.2.1.5 Connectors as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

18. Modify section 605.3 Chimneys and vents as follows:

Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*” at all occurrences (2).

19. Modify section 605.4 Fuel oil storage systems as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

Add an additional paragraph to the section and an exception thereto as follows:

“Permits shall be required as set forth in Chapter 1 for fuel oil storage systems exceeding 60 gallons in storage capacity.

Exception: Fuel oil storage tanks with a capacity of less than 1,100 gallons and utilized for residential purposes do not need to be permitted.”

20. Modify section 605.4.2 Fuel oil storage inside buildings as follows:

Delete “605.4.2.2” and insert “605.4.2.1”.

21. Modify section 605.4.2.3 Restricted use and connection as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

22. Modify section 605.4.2.5 Installation as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

23. Modify section 605.4.2.6 Separation as follows:

Delete “International Building Code” and insert “*building code*”.

24. Modify section 605.4.3 as follows:

Move current section “605.4.3” and renumber it as section number “605.4.4”.

Insert new section 605.4.3 as follows:

“605.4.3 Additional protection. *Above-ground tanks for the storage of fuel oil shall be safeguarded from public access or unauthorized entry. Additional protection meeting the requirements of Section 5704.1.2 shall be provided.*

Exceptions:

- 1. Facilities enclosed by a perimeter security fence where the public is prohibited from accessing the fuel oil storage area.*
- 2. Tanks enclosed in vaults.*
- 3. Fuel oil storage tanks with a capacity of less than 660 gallons and utilized for residential purposes.”*

25. Modify section 605.5 Portable unvented heaters as follows:

At the end of the opening paragraph after “ambulatory care facilities.” insert “Portable kerosene-fired space or room heaters shall be equipped with an automatic extinguishing tip-over device. Any natural gas-fired or liquid petroleum gas-fired space or room heater shall be equipped with an oxygen depletion safety shutoff system and the source of fuel shall be piped from a location outside the building. All unvented heaters shall be marked by the manufacturer in some conspicuous manner that the heater has been approved and listed by one of the authoritative sources listed in Chapter 1.”.

26. Modify section 605. 5.1 Prohibited locations as follows:

Insert a new title after “605.5.1” as follows:

Requirements and prohibitions.

Start a new paragraph and insert “605.5.1.1” before “Prohibited locations.”

At the end of now section 605.5.1.1 after “toilet rooms or storage closets.” insert “No unvented kerosene heater shall be located in any building means of egress.”.

27. Add sections 605.5.1.2 through 605.5.1.14 as follows:

“605.5.1.2 Elevation not permitted. *No unvented kerosene heater shall be elevated by being placed upon a stand or otherwise placed or suspended above the floor.*

605.5.1.3 Placement restrictions. *No unvented kerosene heater shall be placed within three feet of any furniture, drapery, curtain, decorative material, accessory, appliance, equipment, merchandise, goods, or fixture, or any other thing, which is or may be combustible.*

605.5.1.4 Must be attended. *No unvented kerosene heater shall be left unattended while it is operating.*

605.5.1.5 Non-combustible mat required. Every unvented kerosene heater shall be set and centered upon a noncombustible mat or shallow base, the dimensions of which shall be sufficient to allow at least three feet of the mat or base to extend outward in any direction from any part of the unvented kerosene heater.

605.5.1.6 Ventilation required. Every unvented kerosene heater shall be used in an area where there is adequate ventilation, as recommended by the manufacturer of such heater.

605.5.1.7 Cool-down required. No unvented kerosene heater shall be fueled or refueled while it is operating or within ten minutes of flame extinguishment, or contrary to the instructions of its manufacturer.

605.5.1.8 Indoor fueling prohibited. No unvented kerosene heater or its fuel reservoir shall be fueled or refueled inside a building. All such fueling operations shall be performed outdoors.

605.5.1.9 Fueling guidelines. Every unvented kerosene heater shall be fueled or refueled strictly in accordance with the instructions of its manufacturer.

605.5.1.10 Fuel requirements. The fuel in every unvented kerosene heater shall be only No. 1-K kerosene as prescribed in Section 5706.9.

605.5.1.11 Fuel storage. The fuel used in every unvented kerosene heater shall be stored away from occupied areas and in an approved container which shall be marked or labeled in a conspicuous manner to read: "1-K kerosene."

605.5.1.12 Fire extinguisher requirements. At least one fire extinguisher with a minimum 2-A, 20-B:C rating and capacity shall be provided and available for use within twenty-five feet of every unvented kerosene heater during its operation.

605.5.1.13 Manufacturer's instructions. No persons shall sell or offer for sale any kerosene heater in this state unless the manufacturer has provided instructions for operating the heater and certain information about its use, which shall include the following:

1. All pertinent information bearing upon the assembly and installation of the heater.
2. All pertinent information bearing upon the proper operation, maintenance, and storage of the heater.
3. All pertinent information which might reasonably bear upon the health or life safety of persons in the vicinity of the heater if recommended assembly, installation, operational, or maintenance procedures are not respected.
4. A description of all safety features incorporated in the heater.

5. Instructions for starting or lighting the heater, regulating its flame or heat, and turning it off or extinguishing its flame.
6. Proper fueling procedures.
7. A cautionary warning that the heater may be extremely hot while in operation; that, therefore, it may burn, injure, or damage any person or thing contacting it; and that, in particular, infants, children, physically or mentally incompetent persons, and pets should be kept away from the unit.
8. A cautionary warning that the heater may be extremely hot while in operation; that, therefore, the heat radiating from it may ignite any combustible thing in close proximity; that it should not be placed within three feet of any furniture, drapery, curtain, clothing, or other thing which is or may be combustible; that, however, the heater may be placed against or within three feet of a combustible wall, provided the heater is specifically designed for such installation or placement.
9. A cautionary warning that the heater may be extremely hot while in operation; that, therefore, no fueling procedure, including the removal of the fuel reservoir, should be carried out while the unit is operating and until it has cooled down.
10. A cautionary warning that the heater should not be moved while it is in operation.
11. A cautionary warning that neither the heater nor any surface of the heater should be used for the purpose of cooking or warming food, unless the heater is specifically designed for cooking and warming food.
12. A cautionary warning that no additive for the heater's fuel with a flashpoint below 100°F shall be used.
13. The recommended minimum room size for the Btu output of the heater.
14. The type and grade of fuel the heater is designed to use together with any safety or fire hazard which might be involved if improper fuel is used.
15. A cautionary warning for every unvented kerosene heater, warning that when the heater is in operation the combustion process uses oxygen from the space being heated and returns carbon monoxide to the atmosphere as a product of combustion; that, without adequate ventilation, the depletion of oxygen may present a risk of asphyxiation; and that carbon monoxide is a colorless, odorless, highly poisonous gas which, without adequate ventilation, may cause headaches, dizziness, and nausea, or even be fatal.

16. The ventilation requirements necessary for the safe operation of every unvented kerosene heater.

17. A cautionary warning for every unvented kerosene heater, warning that the fuel used in such heater should be restricted to No. 1-K kerosene, as prescribed in this code, or "Fresh, High Quality, Crystal Clear Kerosene."

605.5.1.14 Issuance of citation. If the state fire marshal, his authorized representative, or a certified fire safety inspector finds that the use of an unvented kerosene heater or the storage of its fuel is not in compliance with the provisions of this chapter, the state fire marshal, his authorized representative, or a certified fire safety inspector shall issue a citation to the responsible person as authorized by Section 3737.42 of the Revised Code."

28. **Modify section 605.6.2 Heating appliance installation and maintenance** as follows:

Delete "International Building Code" and insert "building code".

Delete "International Mechanical Code" and insert "mechanical code".

29. **Modify section 605.8 Incinerators** as follows:

Delete "International Building Code" and insert "building code".

Delete "International Mechanical Code" and insert "mechanical code".

30. **Modify section 606.1 General** as follows:

Delete "International Mechanical Code" and insert "mechanical code".

31. **Modify section 606.2 Where required** as follows:

Delete "International Mechanical Code" and insert "mechanical code" in Exceptions 1 and 2 at all occurrences (5).

Add Exception 5 as follows:

"5. A Type II hood is permitted to be installed in lieu of a Type I hood over conveyor pizza ovens where grease laden vapors or smoke are generated in quantities that do not constitute a hazard."

32. **Modify section 608.1 Scope** as follows:

Delete "International Mechanical Code" and insert "mechanical code".

33. **Modify section 608.2 Permits** as follows:

Delete "Sections 105.5 and 105.6 " and insert "Chapter I".

34. **Modify section 608.3 Refrigerants** as follows:

Delete "International Mechanical Code" and insert "mechanical code".

35. **Modify section 608.4 Refrigerant classification** as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

36. Modify section 608.5 Change of refrigerant type as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

37. Modify section 608.8 Emergency signs as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

38. Modify section 608.9.1 Refrigerants other than ammonia, subparagraph 1 as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

39. Modify section 608.10 Remote controls as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

40. Modify section 608.17 Electrical equipment and its Exception 1 as follows:

Delete “International Mechanical Code” and insert “*mechanical code*” at all occurrences (2).

41. Modify section 610.1.1 Installation as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

1301:7-7-07 Fire and smoke protection features.

Chapter 7 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 701.1 Scope as follows:**
Delete “International Building Code” and insert “building code”.
2. **Modify section 701.6 Owner’s responsibility as follows:**
Delete “International Building Code” and insert “building code”.
3. **Modify section 701.7 Unsafe conditions as follows:**
In the last paragraph, delete “114.2” and insert “3737.44 of the Revised Code and Sections 112.1.1 and 114.1.1”.

1301:7-7-08 Interior finish, decorative materials and furnishings.

Chapter 8 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **801.1 Scope** as follows:
Delete “International Building Code” and insert “building code”.
2. Insert section **802.2** as follows:
“802.2 Terms used for Section 805.5. The following words take on exclusive meanings as used in Section 805.5 only, pursuant to Section 3737.841 of the Revised Code.

Filling material. Cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or manmade material or substance that is used or can be used for stuffing in seating furniture.

Public occupancy. Means all of the following:

1. Any state correctional institution as defined in Section 2967.01 of the Revised Code and any county, multicounty, municipal, or municipal-county jail or workhouse;
2. Any hospital as defined in Section 3727.01 of the Revised Code, any hospital licensed by the department of mental health under Section 5119.20 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department of mental health under Chapter 5119. of the Revised Code;
3. Any nursing home, residential care facility, or home for the aging as defined in Section 3721.01 of the Revised Code and any adult care facility as defined in Section 3722.01 of the Revised Code;
4. Any child day-care center and any Type A family day-care home as defined in Section 5104.01 of the Revised Code;
5. Any public auditorium or stadium;
6. Public assembly areas of hotels and motels containing more than ten articles of seating furniture.

Seating furniture. Includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering, and any article of furniture, including children's furniture that can be used as a support for an individual, or their limbs or feet, when sitting or resting in an upright or reclining position and that either:

1. Is made with loose or attached cushions or pillows;
2. Is stuffed or filled in whole or in part with any filling material;
3. Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering.

Seating furniture does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:

1. Cushions or pads intended solely for outdoor use;
2. Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface; and
3. Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

Sell. Includes sell, offer, or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner.

3. Modify section **803.1 General** as follows:
Delete “International Building Code” and insert “building code”.
4. Modify **Table 803.3, footnote a** as follows:
Delete “International Building Code” and insert “building code”.
5. Modify section **803.11.1 Foam plastic combustibility characteristics** as follows:
Delete “International Building Code” and insert “building code”.
6. Modify section **803.11.2 Thermal barrier for foam plastics** as follows:
Delete “International Building Code” and insert “building code”.
7. Modify section **803.15 Heavy timber exemption** as follows:
Delete “International Building Code” and insert “building code”.
8. Insert sections **805.5 through 805.5.4** as follows:
“805.5 Public occupancies. The provisions of this section shall apply to public occupancies as defined in Section 802.2.

Exception: Upholstered furniture in rooms and spaces protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

805.5.1 Requirements. *No person shall sell for use in a public occupancy or use in a public occupancy any upholstered furniture that does not conform with the requirements of California Technical Bulletin 133.*

805.5.2 Labeling. *The manufacturer of any seating furniture sold in this state that conforms to the requirements of Section 805.4.1 shall attach a permanent label to the article, in plain view, no less than two inches by three inches and the type shall be in all capital letters and no smaller than one-eighth inch in height stating the following:*

*NOTICE THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC
OCCUPANCIES AND MEETS THE FLAMMABILITY
REQUIREMENTS OF CALIFORNIA BUREAU OF HOME
FURNISHINGS AND THERMAL INSULATION TECHNICAL
BULLETIN 133. HOWEVER, CARE SHOULD BE EXERCISED NEAR
OPEN FLAME AND WITH BURNING CIGARETTES.*

805.5.3 Testing. *The state fire marshal may inspect any testing of seating furniture conducted to determine compliance with the flammability standards of this rule.*

805.5.4 Research reports. *When deemed necessary, the state fire marshal shall require the submission of authenticated research reports to verify that the seating furniture complies with the flammability standards.*

9. **Modify section 807.2 Combustible decorative materials, Exception 1** as follows:
Delete “International Building Code” and insert “building code”.
10. **Modify section 807.5.1.2 Motion picture screens** as follows:
Delete “International Building Code” and insert “building code”.
11. **Modify section 808.1 Wastebaskets and linen containers in Group I-1, I-2 and I-3 occupancies** as follows:
Delete “International Building Code” and insert “building code”.
12. **Modify section 808.2 Waste containers with a capacity of 20 gallons or more in Group R-2 college and university dormitories** as follows:
Delete “International Building Code” and insert “building code”.
13. **Modify section 808.5 Play structures added to existing buildings** as follows:
Delete “International Building Code” and insert “building code”.

1301:7-7-09 Fire protection and life safety systems.

Chapter 9 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 901.1 Scope** as follows:

At the end of the section after “life safety systems.” insert “*The requirements in this chapter for fire protection systems in structures regulated by the building code submitted for plan review in accordance with this section are subject to and do not supersede or otherwise conflict with the requirements of Section 104.2.1.*”.

2. **Modify section 901.2 Construction documents** as follows:

At the beginning of the first sentence delete “The” and insert “*Notwithstanding the requirements of Section 104.2.1, the*”.

Delete “issued” and insert “*obtained*”.

In the last sentence delete “and approval”.

At the end of the section after “for review.” (which will be the end of the last sentence after the above deletion) insert “*At locations or in structures not regulated by the building code, the construction documents shall be reviewed and approved by the fire code official prior to system installation.*”.

3. **Modify section 901.2.1 Statement of compliance** as follows:

After “Before requesting final” delete “approval” and insert “*inspection*”.

Delete “approved plans” and insert “*plans approved by the building code official*”.

4. **Modify section 901.3 Permits** as follows:

Delete “Sections 105.5 and 105.6” and insert “*Chapter 1 and as required by the building code*”.

5. **Modify section 901.4 Fire protection and life safety systems** as follows:

Delete “International Building Code” and insert “*building code*”.

6. **Modify section 901.4.1 Required fire protection and life safety systems** as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

7. **Modify section 901.4.2 Nonrequired fire protection and life safety systems** as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

8. **Modify section 901.4.3 Alterations in buildings and structures** as follows:

Delete “International Building Code” and insert “*building code*”.

9. **Modify section 901.4.4 Fire areas** as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (3).

10. **Add section 901.4.4.1** as follows:

901.4.4.1 Fire area calculations for certain agricultural facilities with an attached covered patio. *As specified in division (G) of section 3737.83 of the Revised Code, for buildings and structures incident to the agricultural purposes of the land and determined to be exempt from the rules of the board of building standards pursuant to division (B)(1) of section 3781.06 or section 3781.061 of the Revised Code, the occupant load of a covered patio and its area are not to be included in the fire area calculation of the building for the determination of sprinkler thresholds, if all the following apply:*

- 1. The building or structure would be classified as an assembly occupancy under this code or the building code if the exemptions described in section 3781.06 or section 3781.061 of the Revised Code did not apply to the building or structure;*
- 2. The covered patio is either:*
 - 2.1 Completely open to the atmosphere without enclosing walls on at least three sides all year with accessible means of egress on each open side;*
 - 2.2 Completely open to the atmosphere without enclosing walls on two sides all year with accessible means of egress on each open side, but only if no point in the covered patio area is more than twenty feet from an accessible means of egress and not more than fifty percent of the perimeter of the covered patio area is enclosed by walls;*
- 3. The occupant load of the covered patio does not exceed 100 occupants;*
- 4. The floor area of the covered patio is at the level of exit discharge; and*
- 5. If the patio is constructed on or after September 28, 2025, the horizontal assembly or roof and columns are constructed of materials that are non-combustible, limited-combustible, or fire-retardant treated wood.*

11. **Modify section 901.5 Installation acceptance testing** as follows:

At the end of the first sentence after “the fire code official” insert “in accordance with this code and the building official in accordance with Section 901.5 of the building code”.

Move the second sentence, beginning “The fire code official” to a subparagraph and insert “1.” before it.

In that same sentence:

After “be notified” delete “before” and insert “by the responsible person of”.

Delete “required” and insert “scheduled”.

After “acceptance testing” insert “of a fire protection system not less than forty-eight hours prior to the occurrence of such acceptance test. Advanced notice of the test schedule shall be given to the building official in accordance with Section 901.5 of the building code.”.

Add subparagraphs 2 and 3 as follows:

“2. When required by the fire code official all acceptance testing shall be conducted in the presence of the fire code official.

3. When required by the fire code official all acceptance testing shall be conducted in the presence of the person who installed the equipment or, if it is not possible for the actual installer to be present, the acceptance testing shall be conducted in the presence of another qualified representative of the company that installed the equipment.”

12. Modify section 901.5.1 Occupancy as follows:

After “have been tested” insert “, inspected”.

After “and approved” insert “by the fire code official in accordance with this code and the building official in accordance with Section 901.5 of the building code”.

13. Modify section 901.6 Inspection, testing and maintenance as follows:

At the end of the section after “Section 901.8.” insert “Any discontinuance or removal of nonrequired fire protection equipment shall be approved by the fire code official. Such approval shall be conditioned upon receipt of verification of building official determination that such fire protection equipment is nonrequired.”.

14. Modify section 901.6.3.1 Records information as follows:

In the first sentence before “manufacturer of the components” insert “the”.

At the end of the section after “life of the installation.” insert “Acceptance testing records (original documents) shall be retained for the life of the system.”.

15. Add sections 901.6.4 and 904.6.4.1 as follows:

901.6.4 Annual inspection tag for fire protection systems. An inspection tag shall be attached to each fire protection system near the main control valve, main panel, or other such appropriate and visible location as determined by the fire code official. The annual inspection tag shall contain the following information:

1. The individual performing the work and the state fire marshal installer certification number(s) (when applicable);
2. Date of test;

3. Results of inspection and test;
4. Deficiencies or impairments noted (yes or no).

901.6.4.1 When a sprinkler or standpipe system is found impaired or out of service, the tag requirement shall include an impairment tag in accordance with NFPA 25.

16. Add section 901.8.3 as follows:

901.8.3 Notification of termination of supervisory services. The responsible person shall notify the local fire code official of the termination of any supervisory service within twenty-four (24) hours of such termination.

17. Modify section 903.1.1 Alternative protection as follows:

After “Section 904” delete all text through and including “permitted” and insert “may be installed”.

At the end of the section after “fire code official” insert “pursuant to Section 901.1. At locations or in structures not regulated by the building code, the alternative automatic fire-extinguishing system shall be approved by the fire code official prior to system installation”.

18. Modify section 903.2 Where required and its Exception as follows:

After “in the locations” insert “where required by the building code official and as”.

After “903.2.12” insert “The requirements for automatic sprinkler systems in new buildings contained in this chapter are subject to and do not supersede or otherwise conflict with the requirements of Section 104.2.1.”.

In the exception delete “International Building Code” and insert “building code” at all occurrences (2).

19. Modify section 903.2.1 Group A as follows:

At the beginning of the paragraph delete “An” and insert “Except for covered patio areas at agricultural structures subject to Section 901.4.4.1, an”.

20. Modify section 903.2.1.3 Group A-3 as follows:

Add an exception after/to subparagraph 1 as follows:

“Exception: Fire areas used exclusively for religious worship services with fixed seating.”

Add exceptions after/to subparagraph 2 as follows:

“Exceptions:

1. Fire areas used primarily for worship with fixed seating.
2. Fire areas without fixed seating not used for exhibition or display.

Add and exception after/to subparagraph 3 as follows:

“Exception: Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.”

21. **Modify section 903.2.1.4 Group A-4** as follows:

Add an exception after/to subparagraph 3 as follows:

“Exception: Areas used exclusively as participant sport areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.”

22. **Modify section 903.2.3 Group E** as follows:

In subparagraph 1 delete “12,000” and insert “20,000”.

In subparagraph 1 delete “1115” and insert “1858”.

Add subparagraph 4 and an exception to it as follows:

“4. Throughout every portion of Group E day care facilities – 2½ years or less of age.

Exception: An automatic sprinkler system is not required in day care facilities that provide care for more than five but no more than 100 children 2½ years or less of age and the day care facilities are at the level of exit discharge and where every room where care is provided has no fewer than one exterior exit door for which the exit access and exit discharge do not require the traversing of stairs.”

23. **Modify section 903.2.5.2 Group H-5 occupancies** as follows:

Delete “International Building Code” and insert “building code”.

24. **Modify section 903.2.6 Group I** as follows:

Add exception 4 as follows:

“4. An automatic sprinkler system is not required in day care facilities that provide care for more than five but no more than 100 children 2½ years or less of age and the day care facilities are at the level of exit discharge and where every room where care is provided has no fewer than one exterior exit door for which the exit access and exit discharge do not require the traversing of stairs.”

25. **Modify section 903.2.8 Group R** as follows:

Add an exception as follows:

“Exception: Group R-2. An automatic sprinkler system is not required in buildings of Group R-2 permitted to have a single exit per Section 1006.3.2 of the building code where:

1. The building is not used as an “SRO” occupancy as defined in Chapter 2, and

2. The exit is constructed as an exterior stair per Section 1027 of the building code, and
 3. The dwelling units egress directly into an exit, and,
 4. Two-hour fire barriers divide the building into fire areas with a maximum of two dwelling units per floor and not more than six dwelling units per fire area, and
 5. All dwelling units in the fire area must have separations as required by Section 708.1 of the building code for dwelling units, and
 6. The building is limited to a basement and two stories above grade plane, and
 7. The building contains no more than four dwelling units per floor and no more than twelve dwelling units per building.”
26. **Modify section 903.2.9.1 Repair garages as follows:**
Delete “International Building Code” and insert “building code”.
 27. **Modify section 903.2.10 Group S-2 parking garages (subparagraphs) as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (3).
 28. **Modify section 903.2.11.4 Ducts conveying hazardous exhausts as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
 29. **Modify Table 903.2.11.6 Additional required fire-protection systems as follows:**
Add a row to the end of the table and in the first column insert “The building code” and in the second column insert “Sprinkler system requirements as set for in Section 903.2.11.6 of the building code”.
 30. **Modify section 903.3.1.1.1 Exempt locations as follows:**
At the end of subparagraph 2 after “fire code official” insert “pursuant to Section 901.1. At locations or in structures not regulated by the building code, the exempt location shall be approved by the fire code official prior to system installation”.
In subparagraph 6 delete “International Building Code” and insert “building code”.
 31. **Modify section 903.3.1.2 NFPA 13R sprinkler systems as follows:**
Delete “International Building Code” and insert “building code”.
 32. **Modify section 903.3.1.2.1 Balconies and decks, subparagraph 2 as follows:**
Delete “International Building Code” and insert “building code”.
 33. **Modify section 903.3.1.2.3 Attics, subparagraphs (3, 3.3 and 4.4) as follows:**

Delete “International Building Code” and insert “*building code*” at all occurrences (3).

34. Modify section 903.3.1.3 NFPA 13D sprinkler systems as follows:

Delete “one- and two-family dwellings; Group R-3; Group R-4, Condition 1;” and insert “*buildings of Groups I-1, R-3, Group R-4 Condition 1*”.

35. Modify section 903.3.2 Quick-response and residential sprinklers as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

36. Modify section 903.3.5 Water supplies as follows:

Delete “International Plumbing Code” and insert “*plumbing code*”.

37. Add section 903.3.7.1 as follows:

“**903.3.7.1 Locking fire department connection (“FDC”) caps.** *Where required by the fire code official and the responding fire department carries appropriate key wrenches for removal, locking “FDC” caps on fire department connections for water-based fire protection systems shall be provided.*”

38. Modify section 903.3.8.1 Number of sprinklers as follows:

Delete “six” and insert “*nineteen*”.

39. Modify section 903.4 Sprinkler system supervision and alarms as follows:

Add exceptions 9 and 10 as follows:

9. *Backflow prevention assembly water supply control valves that are locked in the open position.*

10. *With the approval of the authority having jurisdiction, remote valves located in a secure unoccupied pit or vault locked in the open position.*

40. Modify section 903.4.1 Monitoring as follows:

After “fire code official” insert “*pursuant to Section 901.1*”.

At the end of the paragraph after “constantly attended location.” insert “*At locations or in structures not regulated by the building code, the constantly attended location shall be approved by the fire code official prior to system installation.*”.

41. Modify section 903.4.2 Alarms as follows:

Add an exception as follows: “**Exception:** *Waterflow alarms are not required for limited area sprinkler systems installed in accordance with Section 903.3.8.*”

42. Modify section 904.2 Where permitted as follows:

At the end of the sentence after “fire code official” insert “*pursuant to Section 901.1. At locations or in structures not regulated by the building code, the alternative automatic fire-extinguishing system shall be approved by the fire code official prior to system installation*”.

43. Add section 904.3.5.1 follows:

“904.3.5.1 Signs. Where a fire alarm system is not installed, an approved sign shall be installed adjacent to the audible alarm or visual indicator for the automatic fire-extinguishing system that reads: “WHEN ALARM SOUNDS – CALL FIRE DEPARTMENT.”

44. **Modify section 904.5.2 Fusible link maintenance** as follows:

After “be maintained” insert “in accordance with NFPA 17A”.

45. **Modify section 904.11.1.3 Water supply protection** as follows:

Delete “International Plumbing Code” and insert “plumbing code”.

46. **Modify section 904.13 Commercial cooking systems, Exception** as follows:

Delete “International Mechanical Code” and insert “mechanical code”.

After the exception add a new paragraph as follows: “Automatic fire-extinguishing systems shall be inspected and maintained in accordance with NFPA 96 as applicable.”

47. **Modify section 904.14 Domestic cooking facilities** as follows:

Delete “International Building Code” and insert “building code” at all occurrences (3).

48. **Modify section 905.3 Required installations** as follows:

After the first sentence after “905.3.8.” insert “Where such systems are installed, the hose connections shall be installed in the locations indicated in Sections 905.4, 905.5 and 905.6.”.

49. **Modify section 905.3.1 Height** as follows:

Add exceptions 7 and 8 as follows:

“7. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.

8. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.”

50. **Modify section 905.4 Location of Class I standpipe hose connections, subparagraph 1** as follows:

After “fire code official” insert “and in accordance with the building code”.

51. **Modify section 905.5.3 Class II systems 1-inch hose** as follows:

After “fire code official” insert “pursuant to Section 901.1. At locations or in structures not regulated by the building code, the 1-inch (25 mm) hose shall be approved by the fire code official prior to system installation”.

52. **Modify section 905.9 Valve supervision, Exception 1** as follows:

After “roadway boxes” insert “provided by the municipality or public utility”.

53. Modify section 906.1 Where required as follows:

In subparagraph 1, Exception 3 after “In storage areas of Group S occupancies” insert “where the building or area is equipped throughout with an automatic sprinkler system and”.

In subparagraph 2 delete “equipment” and insert “appliances” at all occurrences (2).

In subparagraph 2 delete “I-2, Condition 1” and insert “Group I-2 nursing homes”.

In subparagraph 6 after “fire code official” insert “and in accordance with the building code”.

54. Modify section 906.5 Conspicuous location as follows:

After “fire code official determines” insert “and in accordance with the building code”.

55. Modify section 907.1 General as follows:

After the second sentence after “new buildings and structures.” insert “The requirements for fire alarm and detection systems in new buildings contained in this chapter are subject to and do not supersede or otherwise conflict with the requirements of Section 104.2.1. At locations or in structures not regulated by the building code, the fire alarm and detection system shall be approved by the fire code official prior to system installation.”.

56. Modify section 907.1.1 Construction documents as follows:

Delete “International Building Code” and insert “building code”.

At the end of the section after “fire code official” insert “and in accordance with the building code”.

57. Modify section 907.2 Where required-new buildings and structures, Exception 2 as follows:

After “fire code official” insert “and in accordance with the building code”.

After “sprinkler system impairment event.” insert “The fire code official shall provide notice to the building official when the manual fire alarm box is required.”.

58. Modify section 907.2.1 Group A as follows:

Delete “International Building Code” and insert “building code”.

59. Modify section 907.2.1.1 System initiation in Group A occupancies with an occupant load of 1,000 or more as follows:

Delete “occu-pant” and insert “occupant”.

60. Modify section 907.2.6 Group I, Exception 2 as follows:

After “fire code official” insert “and in accordance with the building code”.

61. **Modify section 907.2.6.2 Group I-2 as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (2).
62. **Modify section 907.2.6.3.2.1 Manual fire alarms boxes in detainee areas as follows:**
In the title, delete “alarms” and insert “alarm”.
63. **Modify section 907.2.6.3.3 Automatic smoke detection system, Exception 2 as follows:**
Delete “International Building Code” and insert “building code”.
64. **Modify section 907.2.7 Group M, Exception 1 as follows:**
Delete “International Building Code” and insert “building code”.
65. **Modify section 907.2.9.3 Group R-2 college and university buildings as follows:**
After “Group R-2 occupancies” insert “owned or”.
66. **Modify section 907.2.11.6 Power source, Exception as follows:**
Delete “603” and insert “1203”.
67. **Modify section 907.2.13 High-rise building, Exceptions as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (5).
68. **Modify section 907.2.18 Underground buildings with smoke control systems as follows:**
Delete “International Building Code” and insert “building code”.
69. **Modify section 907.2.21 Residential aircraft hangars as follows:**
Delete “International Building Code” and insert “building code”.
70. **Modify section 907.3.1 Duct smoke detectors as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
71. **Modify section 907.4.2.5 Protective covers as follows:**
After “protection from physical damage” insert “and in accordance with the building code”.
72. **Modify section 907.5.2 Alarm notification appliances as follows:**
After the last sentence after “for their purpose.” insert “Audible and visual alarm notification appliances shall be located and installed in accordance with this section, accessibility requirements as set forth in Chapter 11 of the building code and NFPA 72.”.
73. **Modify section 907.5.2.1 Audible alarms, Exception 3 as follows:**
Delete “International Building Code” and insert “building code”.
74. **Modify section 907.5.2.2.3 Alternative uses by adding an exception as follows:**

“Exception: When the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, the building has a single manual fire alarm pull station located in a normally occupied and secured area, and the fire alarm system provides initiating device identification and annunciation in accordance with Section 907.6.3, other high priority urgent emergency messages relating to the safety and security of the building occupants are permitted to take precedence over a fire alarm message when consistent with message priority levels and broadcasts previously established in a building-specific, emergency response plan developed by the building owners, administrators, and first responders, and such plan is approved by the building and fire code officials. No such system shall disconnect or terminate the process to notify the fire department of any fire alarm activations.”.

75. **Modify section 907.5.2.3 Visible alarms, Exception 1** as follows:

After “except where” insert “, as part of the alteration, an existing notification appliance is relocated.”.

76. **Modify section 907.6.6 Monitoring** as follows:

Delete “International Building Code” and insert “building code”.

Delete Exception 3 in its entirety.

77. **Add section 907.6.6.1.1** as follows:

“907.6.6.1.1 Transmission of information to dispatch centers. Signal information shall be transmitted from the monitoring or supervising station to the appropriate 911 dispatching center in a manner approved by the authority having jurisdiction in consultation with any 911 center dispatching for that fire department and may only be transmitted in a manner that is compatible with the technology and capabilities of the dispatch center.”

78. **Modify section 907.6.6.2 MIY monitoring** as follows:

At the end of the section after “fire code official.” insert “The fire code official shall notify the building code official of the certified building code department having jurisdiction of this approval.”.

79. **Modify section 907.7 Acceptance tests and completion** as follows:

At the end of the last sentence after “NFPA 72” insert “and the building code. When required by the fire code official, all acceptance testing shall be conducted in the presence of the fire code official”.

80. **Add section 907.7.4** as follows:

“907.7.4 Once acceptance testing is successfully completed and it is demonstrated that alarm signals are successfully relayed from the point of origin through each stage of the notification process through and including notification to the fire department, no component of the fire alarm system may be altered in any manner, including but not limited to the method in which the alarm signal is communicated to the monitoring or supervisory station and the method in which the alarm is relayed from the monitoring or

supervisor station to any 911 dispatch center serving the particular jurisdiction, without written permission of the authority having jurisdiction.”

81. **Modify section 907.8.4 Inspection, testing and maintenance** as follows:
In the second sentence before “qualification requirements of NFPA 72” insert “certification requirements of this chapter as applicable and the”
82. **Modify section 909.1 Scope and purpose** as follows:
Delete “International Building Code” and insert “building code”.

Delete “International Mechanical Code” and insert “mechanical code”.
83. **Modify section 909.2 General design requirements** as follows:
Delete “International Building Code” and insert “building code”.
84. **Modify section 909.3 Special inspection and test requirements** as follows:
Delete “International Building Code” and insert “building code”.
85. **Modify section 909.4.3 Wind effect** as follows:
Delete “International Building Code” and insert “building code”.
86. **Modify section 909.5 Smoke barrier construction** as follows:
Delete “International Building Code” and insert “building code”.
87. **Modify section 909.5.2 Testing of leakage area** as follows:
At the end of the last sentence after “fire code official” insert “pursuant to Section 901.1. At locations or in structures not regulated by the building code, the test method shall be approved by the fire code official prior to system installation”.
88. **Modify section 909.5.3 Opening protection and its exceptions** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (3).
89. **Modify section 909.5.3.1 Group I-1, Condition 2; Group I-2; and ambulatory care facilities** as follows:
Delete “International Building Code” and insert “building code”.
90. **Modify section 909.5.3.2 Ducts and air transfer openings** as follows:
Delete “International Building Code” and insert “building code”.
91. **Modify section 909.7 Airflow design method** as follows:
In the first sentence after “fire code official” insert “pursuant to Section 901.1”.

At the end of the section after “NFPA 92.” insert “At locations or in structures not regulated by the building code, airflow design method shall be approved by the fire code official prior to system installation.”.

92. **Modify section 909.8 Exhaust method** as follows:
In the first sentence after “fire code official” insert “pursuant to Section 901.1”.

At the end of the section after “NFPA 92.” insert “At locations or in structures not regulated by the building code, the exhaust method shall be approved by the fire code official prior to system installation.”.
93. **Modify section 909.9 Design fire** as follows:
At the end of the first sentence after “fire code official” insert “pursuant to Section 901.1”.

At the end of the section after “and this section.” insert “At locations or in structures not regulated by the building code, the design fire shall be approved by the fire code official prior to system installation.”.
94. **Modify section 909.10 Equipment** as follows:
At the end of the section after “fire code official” insert “pursuant to Section 901.1. At locations or in structures not regulated by the building code, the equipment shall be approved by the fire code official prior to system installation”.
95. **Modify section 909.10.2 Ducts and its exception** as follows:
Delete “International Mechanical Code” and insert “mechanical code” at all occurrences (2).
96. **Modify section 909.10.4 Automatic dampers** as follows:
Delete “approved recognized standards” and insert “Section 716.3 of the building code”.
97. **Modify section 909.10.5 Fans** as follows:
Delete “International Building Code” and insert “building code”.
98. **Modify section 909.11.1 Equipment room** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
99. **Modify section 909.13.1 Materials, Exception 1** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
100. **Modify section 909.18.8 Testing for smoke control** as follows:
Delete “International Building Code” and insert “building code”.
101. **Modify section 909.18.8.3.1 Report filing** as follows:
After “fire code official” insert “and the building code official”.
102. **Modify section 909.19 System acceptance and its Exception** as follows:
Delete “issued a certificate of occupancy” and insert “occupied”.

Delete “fire code official determines that the”.

In the exception after “approved by the” delete “fire code” and insert “*building*”.

In the exception after “official” insert “*in accordance with the building code*”.

103. Modify section 909.20.2 Construction as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (4).

104. Modify section 909.20.2.1 Door closers as follows:

Delete “International Building Code” and insert “*building code*”.

105. Modify section 909.20.3.1 Balcony doors as follows:

Delete “International Building Code” and insert “*building code*”.

106. Modify section 909.20.3.2 Vestibule doors as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

107. Modify section 909.20.4.1 Vestibule doors as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

108. Modify section 909.20.6.1 Ventilation systems, subparagraphs as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (6).

109. Modify section 909.21.1 Pressurization requirements, Exception 2 as follows:

Delete “International Building Code” and insert “*building code*”.

110. Modify section 910.2 Where required as follows:

After “heat vents” delete “or a” and insert “, *an approved*”.

Delete “removal” and insert “*exhaust*”.

After “system” insert “, *or an approved manually activated smoke exhaust system*”.

111. Add section 910.2.3 as follows:

“**910.2.3 Exit access travel distance increase.** Buildings and portions thereof used as a Group F-1 or S-1 occupancy where the maximum exit travel distance is increased in accordance with Section 1016.3.”

112. Modify section 910.4.5 Manual control location as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

113. Modify section 910.4.7 Controls as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

114. Add sections 910.6 through 910.6.6 as follows:

“910.6 Manually activated smoke exhaust system. A manually activated smoke exhaust system shall be an acceptable alternate to smoke and heat vents and to allow for the increased travel distance option provided in Section 1016.3.

910.6.1 Location. Exhaust fans shall be uniformly spaced throughout the Group F-1 or S-1 portion of the building.

910.6.2 Size. Fans shall have a maximum individual capacity of 50,000 cubic feet per minute (cfm) and provide a minimum of two air changes per hour.

910.6.3 Operation. Smoke exhaust fans shall be manually activated by individual manual controls.

910.6.4 Wiring and control. Wiring for operation and control of smoke exhaust fans shall be connected ahead of the main disconnect and protected against exposure to temperatures in excess of 1000 degrees F (538 degrees C) for a period of not less than 15 minutes. Controls shall be located so as to be immediately accessible to the fire service from the exterior of the building and protected against interior fire exposure by not less than 1-hour fire barriers constructed in accordance with Section 707 of the building code or horizontal assemblies constructed in accordance with Section 711 of the building code, or both.

910.6.5 Supply air. Supply air for exhaust fans shall be provided at or near the floor level and shall be sized to provide a minimum of 50 percent of required exhaust. Supply air for exhaust fans shall be uniformly distributed around the periphery of the area served.

910.6.6 Interlocks. Combination comfort air-handling/manually activated smoke exhaust systems are permitted. In combination comfort air-handling/manually activated smoke exhaust systems or independent comfort air-handling systems, the comfort air-handling system fans shall be controlled to automatically shut down upon duct or area smoke detector activation or sprinkler system water flow as specified in the approved manually activated smoke exhaust system sequence of operation.”

115. Modify Table 911.1 Explosion control requirements, footnote (f) as follows:
Delete “International Building Code” and insert “building code”.

116. Modify section 911.2 Required deflagration venting, subparagraph 5 as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).

117. Modify section 912.1 Installation as follows:
Add “**Exceptions:** Fire department connections are not required for:

1. Limited area sprinkler systems supplied from the domestic water system.

2. Automatic sprinkler systems having less than twenty sprinklers.”

118. Modify section 912.2 Location as follows:

After “With respect to hydrants, driveways,” add “fire apparatus access roads, public roadways,”.

At the end of the section after “fire code official.” insert “After approving the location of the fire department connection(s), the fire code official shall submit this approval to the building code official of the certified building department having jurisdiction”.

119. Modify section 912.2.1 Visible location as follows:

At the end of the section after “fire code official.” insert “If the fire code official approves a fire department connection location that does not meet the above criteria, the fire code official shall provide this input to the building code official of the certified building department having jurisdiction.”.

120. Modify section 912.4.1 Locking fire department connection caps as follows:

At the end of the section after “for removal.” insert “The fire code official shall notify the building official of the requirement for locking fire department connection caps.”.

121. Modify section 912.4.2 Clear space around connections as follows:

At the end of the section after “fire code official.” insert “The fire code official shall notify the building code official of the certified building department having jurisdiction of any conditions approved by the fire code official that exceed the minimum requirements contained in this section.”.

122. Modify section 912.6 Backflow protection as follows:

Delete “International Plumbing Code” and insert “plumbing code”.

123. Modify section 913.1 General, Exception as follows:

Delete “International Residential Code” and insert “residential code”.

124. Add section 913.1.1 as follows:

“913.1.1 Minimum suction pressure to be maintained. When a fire pump is installed, the “Ohio Environmental Protection Agency” requires the installation of a low-pressure cut-off or a low suction throttling valve to ensure that a minimum of 10 psi is maintained in the suction line while the pump is operating in accordance with rule 3745-95-07 of the Administrative Code.”

125. Modify section 913.2.1 Protection of fire pump rooms as follows:

Delete “International Building Code” and insert “building code”.

126. Modify section 913.5.2 Generator sets as follows:

After “NFPA 110.” insert “Written records of such tests shall meet the requirements of Section 604.4.2.”.

127. Modify section 913.5.3 Transfer switches as follows:

After “NFPA 110.” insert “Written records of such tests shall meet the requirements of Section 604.4.2.”.

128. Modify section 914.1 General as follows:

Delete “International Building Code” and insert “building code”.

129. Modify section 914.2.1 Automatic sprinkler system, Exception as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

130. Modify section 914.3.1 Automatic sprinkler system, Exception as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

131. Modify section 914.3.2 Secondary water supply as follows:

Delete “International Building Code” and insert “building code”.

132. Modify section 914.4.1 Automatic sprinkler system, Exception 1 as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

133. Modify section 914.5.3 Compartment smoke control system as follows:

Delete “International Building Code” and insert “building code”.

134. Modify section 914.7.1 Automatic sprinkler system and its Exception as follows:

In the last sentence after “area is temporary,” insert “movable, or portable”.

Delete “Exception” and insert “Exceptions”.

Before “Automatic sprinklers” insert “1.”.

In that exception before “is less than 1,000” delete “area” and insert “occupancy”.

Add exception 2 as follows:

“2. Automatic fire sprinklers are not required where the total floor area of a temporary special amusement occupancy in an existing building is less than 5,000 square feet (93 m²), the travel distance from any point to an exit is less than 50 feet (15,240 mm), and where, in the opinion of the fire code official, additional means have been provided to ensure an equivalent level of safety for all occupants during the hours that the special amusement building is operated and occupied. Such additional means may include, but not be limited to fire watches, reduced occupant loads, additional means of egress, additional detection and portable fire extinguishers.”

135. Modify Table 914.8.3 Hangar fire suppression requirements, footnote c as follows:

Delete “International Building Code” and insert “building code”.

136. Modify section 914.8.3.2 Separation of maximum single fire areas as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

137. Modify section 914.10 Drying rooms as follows:

Delete “International Building Code” and insert “*building code*”.

138. Modify section 915.1.6 Exempt garages as follows:

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

139. Modify section 915.6.1 Enclosed parking garages as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

140. Modify section 916.2 Permits as follows:

Delete “Section 105.6.10” and insert “*Chapter I*”.

141. Add section 918 as follows:

“Section 918 Fire protection and fire-fighting equipment certification

918.1 No person shall sell, offer for sale, or use any fire protection or fire-fighting equipment that does not meet the minimum standards for such equipment as specified in this code.

918.2 Certification required. Except for public and private mobile fire trucks, no person shall engage in the business of servicing, testing, repairing, or installing fire protection or fire-fighting equipment for profit without first being certified by the state fire marshal as required by Section 3737.65 of the Revised Code and this code.

918.3 Terms defined for this paragraph. The following words as used in Section 918 take on exclusive meanings as follows:

“Company.” Any individual, sole proprietorship, partnership, association, or corporation certified pursuant to this chapter.

“Company branch.” A separate but dependent office of a company certified pursuant to Section 918.5 that operates at a different address than the company.

“Provisional individual.” Any person enrolled in a bona fide apprenticeship training program registered with the apprenticeship council pursuant to Chapter 4139 of the Revised Code or with the bureau of apprenticeship and training of the United States department of labor.

918.4 Individual and provisional individual certification. Upon satisfactory application and examination pursuant to Sections 918.4.1 through 918.4.3 and Sections 918.4.9 through 918.4.13, the state fire marshal may certify any individual or provisional individual to service, test, repair or install fire protection or fire-fighting equipment in the following categories:

1. Automatic sprinkler and standpipe systems;

2. Fire service mains and water tanks;

Exception: Excavation and earth moving equipment operators are not required to be certified in this category provided the work they perform to meet the requirements of NFPA 22 and NFPA 24 is conducted under the direct supervision and active direction of an individual certified in this category who remains on site while the work is performed.

3. Fire pumps;

4. Fire alarm and detection equipment;

5. Household fire warning equipment only;

6. Portable fire extinguishers;

7. Engineered extinguishing equipment other than water;

8. Pre-engineered extinguishing equipment other than water;

9. Fire pump diesel technician;

10. Aerosol extinguishing equipment; or

11. Such other categories as deemed necessary by the state fire marshal.

918.4.1 Application. “Satisfactory application” includes but is not limited to the provision to the state fire marshal of all information requested by the state fire marshal or required by this chapter.

918.4.1.1 Reciprocal license. For an individual person applying for a reciprocal license in accordance with Chapter 4796 of the Revised Code, the provision to the state fire marshal of documentation demonstrating compliance with both Chapter 4796 of the Revised Code and all applicable provisions of Section 918 to the extent not otherwise addressed in Chapter 4796 of the Revised Code and any other documentation deemed necessary by the state fire marshal.

918.4.1.2 Engaging in unauthorized work. If the state fire marshal has obtained evidence that the applicant, within two years prior to the date of examination, engaged in unauthorized fire protection installer work, the state fire marshal may deny the application. If the state fire marshal has obtained evidence that a renewal applicant, within two years of the date of renewal application, has engaged in fire protection installer work performed in violation of applicable codes, the state fire marshal may deny the renewal application.

918.4.2 Training. *Those seeking certification to work on a particular engineered or pre-engineered system must show at least one of the following:*

- 1. Proof from the manufacturer of training or approval to work on the manufacturers engineered or pre-engineered system; or*
- 2. Documentation demonstrating that the applicant has witnessed the Ohio Fire Code compliant installation of ten engineered or pre-engineered systems within two years immediately prior to making application. The documentation shall include the Ohio license number of the individual performing the installation, the type of system, and the date and Ohio location of the installation.*

918.4.3 Testing requirements. *Except for provisional individuals, all applicants shall obtain a passing grade of at least seventy per cent on a fire protection installer examination administered by the state fire in order to obtain certification. The state fire marshal may administer the examination by procuring or engaging a third party to provide testing services. Fees for the examination may be assessed.*

918.4.4 *An individual may only work in those categories, as listed in Section 918.4, for which the individual has been certified pursuant to Sections 918.4.1 through 918.4.3.*

918.4.5 Company affiliation. *An individual must be certified pursuant to section 918.4 and operate as a company or must be associated with a certified company when such individual engages in the business of servicing, testing, repairing or installing fire protection or fire-fighting equipment for profit including all individuals who work as a sole proprietor or in their individual name. Individuals engaging in such work using their personal name or working as a sole proprietor shall also be certified as a company in accordance with Section 918.5 in addition to maintaining their individual certification.*

918.4.6 Experience and education. *Individuals may only work on those particular engineered or pre-engineered systems for which the individual has recent experience or education to show competence and has provided documentation thereof to the state fire marshal. Individuals may only engage in the servicing, testing, or repairing of any fire protection or fire-fighting equipment if they are knowledgeable and experienced in the testing, maintenance and servicing requirements of the equipment and of the testing, service or maintenance methods of the equipment being worked on. Entities who engage persons to work on engineered or pre-engineered systems or to test, service, repair or provide maintenance on fire protection or fire-fighting equipment shall only engage competent and qualified individuals for work.*

918.4.7 Certificate to be carried on person while engaging in work. *Every certified individual shall have the certificate issued pursuant to Section 918.4 on their person*

or readily available in electronic format while engaging in the business of servicing, testing, repairing or installing fire protection or fire-fighting equipment for profit and produce the certificate for inspection upon request by the fire code official.

918.4.8 Supervision required. A provisional individual must be supervised by a certified individual at all times such provisional individual is engaging in work requiring certification. The certified individual directly supervising an individual issued a provisional certificate shall only supervise one provisional certificate holder while engaging in work requiring certification. The certified individual directly supervising the provisional certificate holder shall possess a valid and current certificate for the certification category of the work being performed.

918.4.9 Forms for certification and renewal. Applications for certification and renewals shall be made on forms provided by the state fire marshal. All applications and renewals shall be accompanied by the appropriate fee, to be made payable to "Treasurer, State of Ohio."

918.4.10 Application content. Original application for certification and renewal of an individual or provisional individual shall, at a minimum, include the following:

1. Name of applicant and valid contact information including address, phone number, electronic mailing address and, if applicable, facsimile number;
2. Categories for which applicant is seeking certification;
3. If for a provisional individual, a copy of the individual's RAPIDS certificate (Registered Apprenticeship Partners Information Database System) through the U.S. department of labor);
4. Upon request of the state fire marshal, documentation describing the applicant's recent work history relating to fire protection installer work or similar construction trade experience including evidence that the work performed was completed with certified individuals and in compliance with applicable codes;
5. All required fees; and
6. Any other information requested by the state fire marshal.

918.4.11 Application fees. Fees for an individual or provisional certification shall be as follows:

1. Original application of an individual or provisional individual: thirty-five dollars for each category for which certification is sought;
2. Renewal of an individual or provisional individual: forty dollars;

3. Application for a duplicate license: ten dollars; such application shall be made in writing to the state fire marshal.

918.4.12 Certification expiration. Applications for renewal must be received by the state fire marshal prior to the expiration date. Individual certification licenses and company certification of an individual operating alone expire in accordance with the following schedule:

1. Last name beginning with "A-G" on January second of each year;
2. Last name beginning with "H-M" on April first of each year;
3. Last name beginning with "N-S" on July first of each year;
4. Last name beginning with "T-Z" on October first of each year.

918.4.13 Late application. Upon expiration of certification all applications for renewal will be considered as an original application and the applicant shall be required to pass a fire protection installer examination administered by the state fire marshal prior to certification.

Exception: The state fire marshal, in the state fire marshal's sole discretion, may grant a medical extension to the renewal application deadline for an applicant who demonstrates good cause, as determined by the state fire marshal, and provides supporting documentation as requested by the state fire marshal.

918.5 Company certification. Upon satisfactory application, the state fire marshal may certify any company to engage in the business of servicing, testing, repairing, and installing fire protection and fire-fighting equipment. A company certification authorizes a company to engage in fire protection installer work only for those fire protection installer categories for which its employees are certified pursuant to this section.

918.5.1 Application content. Original and renewal applications for certification or renewal of a company and any branches associated therewith shall, at a minimum, include the following as required by the state fire marshal:

1. Name of applicant;
2. The primary business address of the company;
3. Names of all persons responsible for the normal operations of the company (e.g., officers of the corporation, partners, etc.);
4. Proof of liability insurance or bonding in an amount of at least fifty thousand dollars for completion and/or performance purposes;

5. If a non-resident, an irrevocable consent to legal service in Ohio (needed for original application only);
6. All required fees; and
7. Any other information requested by the state fire marshal.

918.5.1.1 Company name change. If a company name changes to something other than that which was filed with the state fire marshal pursuant to Section 918.5.1, the company shall file a name change form with the state fire marshal within 45 days of the date the name change became legally effective. A fee of twenty-five dollars shall be submitted with the form. A separate form and fee are not required for company branches.

918.5.2 Application fees. Fees for a company certification shall be as follows:

1. Original application of a company: two hundred dollars, except that an individual operating as a company shall be required to pay a fee of fifty dollars.
2. Renewal of a company: one hundred fifty dollars, except that an individual operating as a company shall be required to pay a fee of twenty-five dollars. All renewal applications not submitted prior to the date of expiration shall pay original application fees in accordance with Section 918.5.2 Item 1.
3. Application for a duplicate license: ten dollars; such application shall be made in writing to the state fire marshal.
4. Application for an original or renewal company branch certificate: ten dollars per company branch certificate.
 - 4.1 A company branch certificate status is contingent upon the status of the company and shall only operate if the company maintains a valid certificate.
 - 4.2 A company branch certificate is renewed upon the satisfactory and approved renewal of the company unless otherwise indicated in writing by the company.
 - 4.3 The company is responsible for any fire protection installation or fire-fighting equipment business conducted out of or in association with a company branch.

918.5.3 Certificate expiration. All company certification licenses expire July first of each year. Renewal shall be pursuant to standard renewal procedure. Upon

expiration of certification, all applications for renewal received by the state fire marshal thereafter shall be considered as a new application and the company applicant shall pay new application fees in accordance with Section 918.5.2 Item 1.

918.6 Address and insurance information. Any certified individual or certified company that changes its primary mailing address, including electronic mailing address, as previously filed with the state fire marshal or that experiences expiration of required insurance coverage, shall submit written notification of such change of address or insurance expiration to the state fire marshal within thirty days of the change of address or insurance expiration. A certified company or the company branch shall submit written notification to the state fire marshal of a company branch office's address change or closure within thirty days of such change or closure.

918.7 Denial, suspension or revocation of a certificate. An application for any certificate issued pursuant to Section 918 may be denied, or a certificate issued pursuant to Section 918 may be suspended or revoked for cause by the state fire marshal. Denial, suspension or revocation for cause includes, but is not limited to, any of the following:

1. For knowingly committing an act that violates any provision of this code, the building code, or the Revised Code;
2. For engaging in or permitting a person to engage in activity requiring certification, but for which activity the person is not certified;
3. For gross negligence or gross incompetence;
4. For knowingly making any misrepresentation or false promise, or for dishonest or illegal dealing;
5. For a continued course of misrepresentation or the making of false promises individually, through employees or agents, through advertising, or otherwise;
6. For failure to notify the state fire marshal of a change of primary mailing address;
7. In the case of a company, for failure to maintain the liability insurance or bonding in an amount of at least fifty thousand dollars for completion and/or performance purposes;
8. In the case of a provisional individual, for failure to complete the apprenticeship program or failure to maintain enrollment in the apprenticeship training program; or
9. In the case of a company, for failure to notify the state fire marshal upon expiration of the required insurance coverage or of any changes to the

information required by Section 918.6 or for failure to provide satisfactory evidence documenting such changes to the required information.

918.7.1 R.C. Chapter 119. The state fire marshal shall comply with the provisions of Chapter 119. of the Revised Code whenever denying, suspending or revoking a certificate pursuant to Section 918.7.

918.7.2 Company association. No person who has been denied certification, or whose certification is under suspension or revocation pursuant to Section 918.7, may be associated with any company certified pursuant to Section 918.

918.7.3 Automatic denial for non-payment. An application for any certificate issued pursuant to Section 918 shall be automatically denied if an applicant fails to provide valid payment for any fee related to an application. If a certification is issued by the state fire marshal prior to the return and/or invalidation of a payment, including but not limited to return for insufficient funds, the certification application shall, in accordance with Chapter 119 of the Revised Code, be deemed denied as of the expiration date of the previous certification cycle and any certification that may have been issued shall be deemed null and void.

918.7.4 No reapplication for two years. If an application for certification is denied, or if a certification issued pursuant to Section 918 is suspended or revoked, the company, company branch, or individual shall immediately cease engaging in the business of servicing, testing, repairing or installing fire protection or fire-fighting equipment for profit. If a certification is denied, suspended or revoked, that company or a company that had its certification denied, suspended or revoked, or an individual who had their certification denied, suspended or revoked, may not reapply for certification pursuant to Section 918 until the suspension is lifted or until two years expire from the date of denial or revocation of certification.

Exception: A company that had its certification denied or an individual who had their certification denied solely for failure to submit a complete application, may reapply for certification pursuant to Section 918 without waiting for two years to expire from the date of denial of certification.”

1301:7-7-10 Means of egress.

Chapter 10 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section 1001.1 General as follows:

At the end of the first sentence after “by this chapter” insert “and in compliance with accessibility requirements as set forth in Chapter 11 of the building code”.

After “apply to new construction.” insert “The new construction requirements of this chapter for the means of egress in structures regulated by the building code submitted for plan review in accordance with this section are subject to and do not supersede or otherwise conflict with the requirements of Section 104.2.1.”.

After the end of the last sentence, after “apply to existing buildings.” insert “Except for maintenance requirements contained in Section 1032, the provisions of this chapter for a means of egress system in existing buildings shall apply only in accordance with Section 102.1.”

In the exception, delete “International Residential Code” and insert “residential code”.

2. Modify section 1002.1 Definitions as follows:

After “Stairway, spiral” insert “Temporary door locking device.” to the list of terms.

3. Modify section 1003.2 Ceiling height, Exceptions (1, 2, 7 and 8) as follows:

Delete “International Building Code” and insert “building code” at all occurrences (4).

4. Modify section 1003.3.3 Horizontal projections as follows:

Delete “685” and insert “686”.

Delete “2030” and insert “2032”.

5. Modify section 1003.5 Elevation change, Exceptions (2 and 3) as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

6. Modify section 1004.5 Areas without fixed seating, Exception as follows:

Delete “fire code official” and insert “building official”.

7. Modify Table 1004.5 Maximum floor area allowances per occupant as follows:

In the row for ‘Mall buildings-covered and open’ after “See section 402.8.2 of the” delete “International Building Code” and insert “building code”.

8. Modify section 1004.5.1 Increased occupant load as follows:

In the second sentence after “Where required by the fire code official” insert “pursuant to Section 1001.1”.

At the end of the section after “be posted.” insert “*At locations or in structures not regulated by the building code, the increased occupant load shall be approved by the fire code official.*”

9. **Modify section 1004.6 Fixed seating as follows:**

In the second paragraph delete “International Building Code” and insert “*building code*”.

10. **Modify section 1004.7 Outdoor areas and its Exception 2 as follows:**

In the second sentence after “by the fire code official” insert “*pursuant to Section 1001.1*”.

At the end of the section after “plus the outdoor areas.” insert “*At locations or in structures not regulated by the building code, the occupant load shall be approved by the fire code official.*”

In Exception 2 after “Both outdoor areas” delete “associated with” and insert “*dedicated to individual dwelling units in*”.

In Exception 2 before “Group R-2” delete “individual dwelling units of”.

11. **Modify section 1005.7.2, Other projections, Exception as follows:**

Delete “International Building Code” and insert “*building code*”.

12. **Modify section 1006.2.1, Egress based on occupant load and common path of egress travel distance, Exception 2 as follows:**

Delete “International Building Code” and insert “*building code*”.

13. **Modify Table 1006.2.1 Spaced with one exit or exit access doorway, footnote d as follows:**

Delete “International Building Code” and insert “*building code*”.

14. **Modify section 1006.2.2.3 Refrigerated rooms or spaces, Exception as follows:**

Delete “International Mechanical Code” and insert “*mechanical code*”.

15. **Modify section 1008.3.4 Duration as follows:**

Delete “International Building Code” and insert “*building code*”.

16. **Modify section 1009.2 Continuity and components, subparagraph 1 as follows:**

Delete “International Building Code” and insert “*building code*”.

17. **Modify section 1009.4.1 Standby power as follows:**

Delete “International Building Code” and insert “*building code*”.

18. **Modify section 1009.4.2 Area of refuge, Exception 3 as follows:**

Delete “International Building Code” and insert “*building code*”.

19. **Modify section 1009.5 Platform lifts** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
20. **Modify section 1009.6.4 Separation** as follows:
Delete “International Building Code” and insert “building code”.
21. **Add section 1009.6.5.1** as follows:
“1009.6.5.1 Testing and maintenance. All two-way communication systems shall be tested in the presence of the fire code official upon completion of installation. Communication systems shall be inspected and tested in accordance with NFPA 72 to verify that all components are operational.”
22. **Modify section 1009.7.2 Separation** as follows:
Delete “International Building Code” and insert “building code”.
23. **Modify section 1010.1.1 Size of doors, Exception 3** as follows:
After “Door openings to” insert “reach in”.
24. **Modify section 1010.1.3 Forces to unlatch and open doors** as follows:
Delete “The forces to unlatch doors” and insert “Doors required to be accessible shall comply with accessibility requirements as set forth in Chapter 11 of the building code. Doors not required to be accessible or for which accessibility requirements as set forth in Chapter 11 of the building code has no requirements”.
25. **Modify section 1010.1.4 Floor elevation and its exceptions** as follows:
Delete “0.25” and insert “one”.

Delete “12” and insert “fifty”.

At the beginning of Exception 4 delete “Variations” and insert “In units not required to be Type A, Type B or accessible, variations”.

In Exception 6 delete “International Building Code” and insert “building code”.
26. **Modify section 1010.1.5 Landings at doors, Exception** as follows:
At the end of the exception after “(914 mm)” insert “when the units are not required to be accessible or Type A units”.
27. **Modify section 1010.1.6 Thresholds, Exception 1.2** as follows:
Delete “International Building Code” and insert “building code”.
28. **Add an exception to section 1010.2 Door operations** as follows:
“Exception: A temporary door locking device that is approved by the building official and noted on the certificate of occupancy in accordance with Section 1010.2.16 of the building code, and that is used in accordance with Sections 1010.2.16.1 and 1010.2.16.2 of the building code as applicable.”

29. **Amend section 1010.2.1 Unlatching** by adding Exception 5 as follows:
“5. A temporary door locking device that is approved by the building official and noted on the certificate of occupancy in accordance with Section 10102.16 of the building code, and that is used in accordance with Sections 1010.2.16.1 and 1010.2.16.2 of the building code as applicable.”
30. **Modify section 1010.2.2 Hardware** as follows:
Delete “International Building Code” and insert “*building code*”.
- Add an exception as follows: “***Exception:*** *A temporary door locking device that is approved by the building official and noted on the certificate of occupancy in accordance with Section 1010.2.16 of the building code, and that is used in accordance with Sections 1010.2.16.1 and 1010.2.16.2 of the building code as applicable.*”
31. **Add subparagraph 11 to section 1010.2.4 Locks and latches** as follows:
“11. A temporary door locking device that is approved by the building official and noted on the certificate of occupancy in accordance with Section 1010.2.16 of the building code, and that is used in accordance with Sections 1010.2.16.1 and 1010.2.16.2 of the building code as applicable.”
32. **Modify section 1010.2.7 Stairway doors, Exception 2** as follows:
Delete “International Building Code” and insert “*building code*”.
33. **Modify section 1010.2.8 Locking arrangements in educational occupancies** as follows:
After “comply with” delete the remaining text, beginning with “all of the following conditions” through and including “unlocking operation in Item 1” and insert “*the building code*”.
34. **Add subparagraphs 9 and 10 to section 1010.2.13.1 Delayed egress locking systems** as follows:
“9. The procedures for the operation(s) of the unlocking system shall be described and approved as part of the emergency planning and preparedness required by Chapter 4.”.
10. All clinical staff shall have the keys, codes or other means necessary to operate the locking devices.”
35. **Modify section 1010.2.14 Controlled egress doors in Groups I-1 and I-2** as follows:
In the second sentence after “approved automatic smoke detection system installed” insert “*throughout the locked space*”.
36. **Modify section 1010.3.1 Revolving doors, subparagraph 7** as follows:
Delete “International Building Code” and insert “*building code*”.

37. **Modify section 1010.3.3 Special-purpose horizontal sliding, accordion or folding doors, subparagraph 5** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
38. **Modify section 1011.5.2 Riser height and tread depth, Exception 3** as follows:
Delete “7¾ inches (197 mm) ” and insert “8¼ inches (209.55 mm)” [regarding maximum riser height].

Delete “10 inches (254 mm)” and insert “9 inches (228.6 mm)” [regarding minimum tread depth only].
39. **Modify section 1011.7 Stairway construction, Exception 2** as follows:
Delete “International Building Code” and insert “*building code*”.
40. **Modify section 1011.10 Spiral stairways** as follows:
Delete “International Building Code” and insert “*building code*”.
41. **Modify section 1011.11 Handrails** as follows:
Delete “International Building Code” and insert “*building code*”.
42. **Modify section 1011.12.2 Roof access** as follows:
Delete “International Building Code” and insert “*building code*”.
43. **Modify section 1011.15 Ship’s ladders** as follows:
Delete “International Building Code” and insert “*building code*”.
44. **Modify section 1011.16 Ladders** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.

Delete “International Building Code” and insert “*building code*”.

In subparagraph 6, delete “International Mechanical Code” and insert “*mechanical code*”.
45. **Modify section 1012.1 Scope, Exception 2** as follows:
Delete “ICC A117.1” and insert “*building code*”.
46. **Modify section 1012.6.3 Length, Exception 1** as follows:
Delete “International Building Code” and insert “*building code*”.
47. **Modify section 1012.6.4 Change in direction, Exception** as follows:
Delete “International Building Code” and insert “*building code*”.
48. **Modify section 1012.6.5 Doorways** as follows:
Delete “ICC A117.1” and insert “the *building code*”.

49. **Modify section 1012.10 Edge protection, Exception 1** as follows:
Delete “ICC A117.1” and insert “building code”.
50. **Modify section 1013.1 Where required, Exception 2** as follows:
At the end of the exception after “fire code official” insert “pursuant to Section 1001.1. At locations or in structures not regulated by the building code, main exterior exit doors or gates which obviously and clearly are identifiable as exits need not have exit signs where approved by the fire code official”.
51. **Modify section 1013.6.3 Power source** as follows:
Delete “604” and insert “1203”.
52. **Modify section 1014.1 Where required** as follows:
Delete “International Building Code” and insert “building code”.
53. **Modify section 1015.2 Where required** as follows:
Delete “International Building Code” and insert “building code”.
54. **Modify section 1015.2.1 Glazing** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
55. **Modify section 1016.2 Egress through intervening spaces, subparagraph 1** as follows:
Delete “International Building Code” and insert “building code”.
56. **Modify Table 1017.2 Exit access travel distance, footnote a.** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (7).
57. **Add subparagraphs 4 and 5 to section 1017.2.2 Groups F-1 and S-1 increase** as follows:
“4. The portion of the building classified as Group F-1 or S-1 is equipped throughout with an early suppression fast response (ESFR) automatic fire sprinkler system in accordance with Section 903.3.1.1; and
5. The portion of the building classified as Group F-1 or S-1 is equipped with a normally activated smoke exhaust system complying with Section 910.5.”
58. **Modify section 1018.3 Aisles in Groups B and M, Exception.** as follows:
Delete “International Building Code” and insert “building code”.
59. **Modify section 1018.5 Aisles in other than assembly spaces and Groups B and M, Exception.** as follows:
Delete “International Building Code” and insert “building code”.
60. **Modify section 1019.3 Occupancies other than Groups I-1 and I-3 and its Exception 5.** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).

61. **Modify** section **1019.4 Groups I-1 and I-3 occupancies** and its **Exception** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
62. **Modify** section **1020.2 Construction** and its **Exception 5** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (3).
63. **Delete** **Table 1020.2 Corridor fire-resistance rating** and its **footnotes** and replace it with the following:

[BE] **Table 1020.2**
Corridor fire-resistance rating

Occupancy	Occupant load served by corridor	Required fire-resistance rating (hours)			
		Without sprinkler system or provided with a partial sprinkler system	With sprinkler system ^c		
			Type of Sprinkler System		
			13D	13R	13
H-1, H-2, H-3	All	NP	NP	NP	1
H-4, H-5	Greater than 30	NP	NP	NP	1
A, B, E, F, M, S, U	Greater than 30	1	NP	NP	0
R	Greater than 10	1	1 ^d	0.5	0.5
I-1	All	NP	1	1	1
I-2 ^a	All	NP	NP	NP	0
I-3	All	NP	NP	NP	1 ^b
I-4	All	1	NP	1	0

NP = Not Permitted

- a. For requirements for occupancies in Group I-2, see Sections 407.2 and 407.3 of the building code.
- b. For a reduction in the fire-resistance rating for occupancies in Group I-3, see Section 408.8 of the building code.
- c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 where allowed.
- d. Group R-3 and R-4 buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.3. See Section 903.2.8 for occupancies where automatic sprinkler systems are permitted in accordance with Section 903.3.1.3.

64. **Modify** section **1020.2.1 Hoistway opening protection** as follows:
Delete “International Building Code” and insert “*building code*”.
65. **Modify** section **1020.6.1 Corridor ceiling, subparagraph 3** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
66. **Modify** section **1021.4 Location, subparagraph 3** as follows:
Delete “International Building Code” and insert “*building code*”.
67. **Modify** section **1023.2 Construction** and its **Exceptions 1, 2 and 3** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (5).
68. **Modify** section **1023.3.1 Extension** and its **Exception 3** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (4).
69. **Modify** section **1023.4 Openings** as follows:
Delete “International Building Code” and insert “*building code*”.
70. **Modify** section **1023.5 Penetrations** and its **Exception** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).

71. **Modify section 1023.6 Ventilation as follows:**
Delete “International Building Code” and insert “*building code*”.
72. **Modify section 1023.7 Interior exit stairway and ramp exterior walls as follows:**
Delete “International Building Code” and insert “*building code*”.
73. **Modify section 1023.9.1 Signage requirements as follows:**
After “comply with” insert “Chapter 11 of the *building code* and”.
74. **Modify section 1023.12 Smokeproof enclosures as follows:**
Delete “International Building Code” and insert “*building code*”.
75. **Modify section 1023.12.1 Termination and extension as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
76. **Modify section 1023.12.2 Enclosure access, Exception as follows:**
Delete “International Building Code” and insert “*building code*”.
77. **Modify section 1024.3 Construction as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
78. **Modify section 1024.5 Openings as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
79. **Modify section 1024.6 Penetrations and its Exception as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
80. **Modify section 1024.7 Ventilation as follows:**
Delete “International Building Code” and insert “*building code*”.
81. **Modify section 1026.2 Separation and its Exception as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (6).
82. **Modify section 1026.3 Opening protectives as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
83. **Modify section 1026.4.1 Capacity as follows:**
Delete “International Building Code” and insert “*building code*”.
84. **Modify section 1027.2 Use in a means of egress as follows:**
After “means of egress for Group I-2,” insert “*I-4 and daycare facilities in Group E*”.

After “For occupancies other than Group I-2,” insert “*I-4 and daycare facilities in Group E occupancies*,”.

85. **Modify section 1027.5 Location, subparagraph 3** as follows:
Delete “International Building Code” and insert “*building code*”.
86. **Modify section 1028.2 Exit discharge, Exception 2.3** as follows:
Delete “International Building Code” and insert “*building code*”.
87. **Modify section 1030.1.1.1 Spaces under grandstands and bleachers** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
88. **Modify section 1030.6.2 Smoke-protected assembly seating** as follows:
In the last sentence after “A life safety evaluation, complying with” insert “*Section 12.4.2 or Section 13.4.2 of*”.
89. **Modify section 1030.14.1 Ramped aisles** as follows:
Delete “International Building Code” and insert “*building code*”.
90. **Modify section 1030.16.4 Rails** as follows:
Delete “International Building Code” and insert “*building code*”.
91. **Modify section 1031.5.3 Drainage and its Exception** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
92. **Modify section 1032.2.1 Security devices and egress locks** as follows:
After the last sentence insert “*Any security device or system that emits any medium that could obscure a means of egress in any building, structure or premise shall be prohibited except as otherwise provided in this chapter.*”.
93. **Modify section 1032.2.1.1 Fire escapes** as follows:
Add a new paragraph to the section after “from the exterior of the enclosures.” as follows:

“*Where installed, fire escapes shall either be maintained in safe and operable condition and in accordance with the fire code in existence at the time of their installation or be removed in accordance with the building code.*”
94. **Modify section 1032.2.2 Locking arrangements in educational occupancies** as follows:
Delete everything in the paragraph including and after “permitted to be” through and including “NFPA 80” and insert “*in accordance with the building code.*”
95. **Modify section 1032.3.1 Group I-2** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-11 Construction requirements for existing buildings.

Chapter 11 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section 1101.1 Scope as follows:

At the end of the sentence, after “of this code” insert “in accordance with Section 102.1. The provisions of this rule shall not apply to existing buildings unless the conditions at the building constitute a distinct hazard to life or property in the opinion of the fire code official in accordance with Section 102.1.

Exceptions:

1. The provisions of Section 1104 shall apply to all existing buildings.
2. The provisions of Section 1103.9 shall apply to all existing occupancies identified in Section 1103.9.
3. The provisions of Section 1103.11 shall apply to existing occupancies if required by the fire code official.”.

2. Modify section 1101.2 Intent as follows:

Delete “International Building Code” and insert “building code”.

3. Modify section 1103.1 Permits as follows:

Delete “Sections 105.5 and 105.6” and insert “Chapter I”.

Delete “International Building Code” and insert “building code”.

4. Modify section 1103.3.2 Elevator emergency operation, Exception 1 as follows:

Delete “International Building Code” and insert “building code”.

5. Modify section 1103.4.1 Group I-2 and I-3 occupancies, Exceptions 2.2.2 and 3 as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

6. Modify section 1103.4.8 Occupancies other than Groups I-2 and I-3, subparagraphs 4 and 6 as follows:

Delete “International Building Code” and insert “building code” at all occurrences (2).

7. Modify section 1103.4.9.1 Enclosure as follows:

Delete “International Building Code” and insert “building code”.

8. Modify section 1103.4.9.2.1 Chute intake direct from corridor as follows:

Delete “International Building Code” and insert “building code”.

9. **Modify section 1103.4.9.2.2 Chute intake via a chute-intake room as follows:**
Delete “International Building Code” and insert “*building code*”.
10. **Modify section 1103.4.9.4 Chute discharge rooms as follows:**
Delete “International Building Code” and insert “*building code*”.
11. **Modify section 1103.4.9.5 Chute discharge protection as follows:**
Delete “International Building Code” and insert “*building code*”.
12. **Modify section 1103.4.10 Flue-fed incinerators as follows:**
Delete “International Building Code” and insert “*building code*”.
13. **Modify section 1103.5.3 as follows:**
After “Section 903.3.1.1” insert “, *this code, the building code, and section 3721.071 of the Revised Code*”.

Delete the last two sentences (beginning “The automatic sprinkler system” and “[DATE BY WHICH]” in their entirety.
14. **Modify section 1103.5.4 High-rise buildings, subparagraph 2 as follows:**
Delete “International Building Code” and insert “*building code*”.
15. **Modify section 1103.9 Carbon monoxide detection as follows:**
At the beginning of the first sentence, delete “Carbon” and insert “*On or before January 1, 2019, carbon*”.
16. **Add sections 1103.11 and 1103.11.1 as follows:**
“1103.11 Identification of existing structures with solar photovoltaic power systems.
Existing structures and premises equipped with photovoltaic power systems shall be provided with approved signage in an approved location which reads “Warning Dual Power Supply Sources Utility Grid and PV Power Source Electric System” which will be in white letters on a red background. Each letter shall be a minimum of 3 inches and a minimum of ½ inch stroke width.

1103.11.1 Maintenance of Required Signage and Markings. All signage and markings required by this section and NFPA 70 shall be maintained.”
17. **Modify section 1104.5 Illumination emergency power, subparagraph 4, Exception as follows:**
Delete “International Building Code” and insert “*building code*”.
18. **Modify section 1104.17 Corridor construction, Exception 3 as follows:**
Delete “International Building Code” and insert “*building code*”.
19. **Modify section 1104.17.1 Corridor openings as follows:**
Delete “International Building Code” and insert “*building code*”.

20. **Modify section 1104.18 Dead ends, Exception 2** as follows:
Delete “International Building Code” and insert “*building code*”.
21. **Modify Table 1104.18 Common path, dead-end and travel distances limits (by occupancy), footnote c** as follows:
Delete “International Building Code” and insert “*building code*”.
22. **Modify section 1105.4.1 Occupancy classification** as follows:
Delete “International Building Code” and insert “*building code*”.
23. **Modify section 1105.4.3.1 Separation** as follows:
Delete “International Building Code” and insert “*building code*”.
24. **Modify section 1105.4.3.2 Protection** as follows:
Delete “International Building Code” and insert “*building code*”.
25. **Modify section 1105.5.7 Ducts and air transfer openings** as follows:
Delete “International Building Code” and insert “*building code*”.
26. **Modify section 1105.7.2 Smoke barriers and its Exception 2** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
27. **Modify section 1105.7.3 Opening protectives** as follows:
Delete “International Building Code” and insert “*building code*”.
28. **Modify section 1105.7.4 Penetrations** as follows:
Delete “International Building Code” and insert “*building code*”.
29. **Modify section 1105.7.5 Joints** as follows:
Delete “International Building Code” and insert “*building code*”.
30. **Modify section 1105.7.6 Duct and air transfer openings and its Exception** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
31. **Modify section 1105.8 Group I-2 care suites** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-12 Energy systems.

Chapter 12 of the International Fire Code, 2024 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Throughout the rule:
Delete “(Material based on NFPA 855 2023 Ed.)” at all occurrences.
2. **Modify section 1201.3 Mixed system installation** as follows:
Delete “104.2.2” and insert “104.8.2”.
3. **Modify section 1203.1 General** as follows:
Delete “International Building Code” and insert “*building code*”.
4. **Modify section 1203.1.3 Installation** as follows:
Delete “International Building Code” and insert “*building code*”.
5. **Modify section 1203.1.8 Group I-2 occupancies** as follows:
Delete “International Building Code” and insert “*building code*”.
6. **Modify section 1203.2.1 Ambulatory care facilities** as follows:
Delete “International Building Code” and insert “*building code*”.
7. **Modify section 1203.2.8 Group I-2 occupancies** as follows:
Delete “International Building Code” and insert “*building code*”.
8. **Modify section 1203.2.9 Group I-3 occupancies, Exception 1** as follows:
Delete “International Building Code” and insert “*building code*”.
9. **Modify section 1203.2.11 High-rise buildings** as follows:
Delete “International Building Code” and insert “*building code*”.
10. **Modify section 1203.2.15 Means of egress illumination** as follows:
Delete “1008.2.4” and insert “1008.3”.
11. **Modify section 1203.2.16 Membrane structures** as follows:
Delete “International Building Code” and insert “*building code*”.
Delete “3103.9.4” and insert “3103.10.4”.
12. **Modify section 1203.2.19 Underground buildings** as follows:
Delete “International Building Code” and insert “*building code*”.
13. **Modify section 1205.1 General** as follows:
Delete “International Building Code” and insert “*building code*”.

Delete “International Residential Code” and insert “*residential code*”.

Delete “1205.2” and insert “*1205.1.1*”.

14. **Add sections 1205.1.1 and 1205.1.1.1** as follows:

“1205.1.1 Identification of existing structures with solar photovoltaic power systems.
Structures and premises equipped with photovoltaic power systems shall be provided with approved signage in an approved location which reads “Warning Dual Power Supply Sources Utility Grid and PV Power Source Electric System” which will be in white letters on a red background. Each letter shall be a minimum of 3 inches and a minimum of ½ inch stroke width.

1205.1.1.1 Maintenance of Required Signage and Markings. *All signage and markings required by this section and NFPA 70 shall be maintained.”*

15. **Modify section 1205.2 Access and pathways** as follows:

After the last exception and as another paragraph to the section, insert “Roof access points shall be approved by the fire code official.”.

16. **Modify section 1205.2.1 Solar photovoltaic (PV) systems for Group R-3 buildings, Exception 1** as follows:

Delete “International Residential Code” and insert “*residential code*”.

17. **Modify section 1206.2 Permits** as follows:

Delete “Section 105.6.9” and insert “*Chapter I*”.

18. **Modify section 1206.3 Equipment, subparagraph 3** as follows:

Delete “104.2.2” and insert “*104.8.2*”.

19. **Modify section 1206.6.2 Separation** as follows:

Delete “International Building Code” and insert “*building code*”.

20. **Modify section 1207.1.4 Permits, subparagraphs 1 and 2** as follows:

In subparagraph 1, delete “Section 105.6.5” and insert “*Chapter I*”.

In subparagraph 2, delete “Section 105.5.14” and insert “*Chapter I*”.

21. **Modify section 1207.1.5.1 Utilities applicability** as follows:

Delete “based on the requirements of the applicable governmental laws and regulations” and insert “*in accordance with Section 104.2*”.

22. **Modify section 1207.1.6 Hazard mitigation analysis** as follows:

Delete “104.2.2” and insert “*104.8.2*”.

23. **Modify section 1207.1.7 Large-scale fire test** as follows:

Delete “104.2.2” and insert “*104.8.2*”.

24. Modify section 1207.3.7 Retrofits, subparagraph 1 as follows:
Delete “Section 105.6.5” and insert “Chapter I”.
25. Modify section 1207.3.9 Reused and repurposed equipment as follows:
Delete “104.9.1” and insert “104.8.1”.
26. Modify section 1207.4.4 Seismic and structural design as follows:
Delete “International Building Code” and insert “building code”.
27. Modify section 1207.4.7 Toxic and highly toxic gases as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
28. Modify Table 1207.6 Electrochemical ESS Technology-Specific Requirements, footnote b as follows:
Delete “104.2.2” and insert “104.8.2”.
29. Modify section 1207.6.1 Exhaust ventilation as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
30. Modify section 1207.6.1.2.2 Installation instructions as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
31. Modify section 1207.6.3 Explosion control, exception 2 as follows:
Delete “104.2.2” and insert “104.8.2”.
32. Modify section 1207.7.4 Fire-resistance-rated separations as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
33. Modify section 1207.9.2 Open parking garage installations as follows:
Delete “International Building Code” and insert “building code”.
34. Modify section 1207.11.3 Location, subparagraph 2 as follows:
Delete “International Building Code” and insert “building code”.
35. Modify section 1207.11.8 Ventilation as follows:
Delete “International Mechanical Code” and insert “mechanical code”.

1301:7-7-20 Aviation facilities.

Chapter 20 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **2001.3 Permits** as follows:
Delete “Section 105.5” and insert “Chapter 1”.
2. Modify section **2004.6 Open flame** as follows:
Delete “International Building Code” and insert “building code”.
3. Modify section **2004.6.2 Airport fuel systems** as follows:
Before “be designed and constructed” insert “*comply with and*”.
After “in accordance with” insert “*the applicable portions of*”.
4. Modify section **2006.17 Fuel-transfer locations - Exception** as follows:
Delete “International Building Code” and insert “building code”.
5. Modify section **2007.1 General** as follows:
Delete “International Building Code” and insert “building code”.
6. Modify section **2007.4 Exits** as follows:
Delete “International Building Code” and insert “building code”.

1301:7-7-21 Dry cleaning.

Chapter 21 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **2101.2 Permit required** as follows:
Delete “Section 105.5” and insert “*Chapter 1*”.
2. Modify section **2103.3 Design** as follows:
Delete “International Building Code” and insert “*building code*”.
3. Modify section **2104.2.1 Ventilation** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
4. Modify section **2105.3 Type IV and V systems** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
5. Modify section **2107.1 General equipment requirements** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-22 Combustible dust-producing operations.

Chapter 22 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **2201.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter 1*”.
2. Modify section **2203.3.1 Dust-collection systems** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
3. Modify section **2203.3.1.1 Location, Exception 1** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
4. Modify section **2203.3.3 Cleanouts** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
5. Modify section **2204.1 Combustibility and explosivity tests** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-23 Motor fuel-dispensing facilities and repair garages.

Chapter 23 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **2301.1 Scope** as follows:

After “fleet vehicle motor fuel-dispensing facilities,” insert “*service stations at bulk plants*,”.

After “in accordance with this chapter,” insert “*NFPA 30, NFPA 30A*,”.

Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*”.

2. Add section **2301.1.1** as follows:

“**2301.1.1.** *Notwithstanding Sections 102.1 and 102.2 and unless otherwise noted in this chapter, the provisions of this chapter shall not apply to facilities, equipment, structures or installations existing or approved for construction or installation prior to the effective date of this chapter, except in those cases where the fire code official demonstrates by a preponderance of the evidence that the existing facility, equipment, structure or installation creates a distinct hazard to life or adjacent property.*”

3. Modify section **2301.2 Permits** as follows:

Delete “Section 105.5” and insert “*Chapter 1. In accordance with Section 105.1.1, permits required for the installation, alteration, abandonment, removal or to place temporarily out of service a stationary flammable or combustible liquid storage tank shall be obtained from the fire marshal when such permits are required by this code and are not issued by another officer listed in Section 3737.14 of the Revised Code.*”

Exception: *A stationary flammable or combustible liquid storage tank with a capacity of 1,100 gallons or less utilized for agricultural purposes*”.

4. Modify section **2301.3 Construction documents** as follows:

Delete “automotive, marine or fleet vehicle”.

After “motor fuel-dispensing facilities” insert “, *service stations at bulk plants*”.

5. Modify section **2301.4 Indoor motor fuel-dispensing facilities** as follows:

Delete “International Building Code” and insert “*building code*”.

6. Modify section **2301.6 Heat-producing appliances** as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

7. Modify section **2302.1 Definitions** as follows:

After “Marine motor fuel-dispensing facility” insert “***Motor fuel-dispensing facility***”.

8. Add section **2302.2** as follows:
“2302.2 **“Approved” as used in Chapter 23.** As used in this chapter and notwithstanding the definition as set forth in Chapter 2, the term “approved”, unless otherwise further specified or defined in this chapter, means: listed, labeled or tested for the specified purpose and documented in research reports from an authoritative source listed in Section 118.2, or otherwise acceptable to the fire code official.”
9. Modify section **2303.1 Location of dispensing devices, subparagraph 2, Exception** as follows:
Delete “International Building Code” and insert “building code”.
10. Modify section **2303.2 Emergency disconnect switches** as follows:
Before “within 100 feet (30 480 mm)” insert “outside and”.

At the beginning of the next to last sentence, delete “Such devices” and insert “Emergency disconnect switches”.
11. Modify section **2304.2 Attended self-service motor fuel-dispensing facilities** as follows:
Delete “2304.2.5” and insert “2304.2.11, NFPA 30A as listed in division (A) of Section 3741.14 of the Revised Code, and the Occupational Safety and Health Act of 1970 and any amendments thereto or standards as may be adopted by the state fire marshal pursuant to division (B) of Section 3741.14 of the Revised Code”.
12. Modify section **2304.2.1 Special-type dispensers** as follows:
At the beginning of the first sentence, delete “Approved special” and insert “Special”.

In the first sentence, after “remote-preset types, are allowed at” insert “attended self-service”.
13. Modify section **2304.2.2 Emergency Controls** as follows:
Delete “Approved emergency” and insert “Emergency”.
14. Modify section **2304.2.3 Operating instructions** as follows:
At the beginning of the section, delete “Dispenser” and insert “Signs providing dispenser”.
15. Modify section **2304.2.5 Communications** as follows:
At the beginning of the second sentence, delete “An” and insert “A telephone or other”.
16. Add sections **2304.2.6 through 2304.2.11** as follows:
“2304.2.6 **Smoking prohibited.** Gasoline and other flammable or combustible liquids shall be dispensed only by a person who is not smoking or vaping. Smoking and vaping shall be prohibited in the dispensing area.

2304.2.7 Signage. A sign in block letters at least four inches in height shall be conspicuously displayed on each gasoline pump island where self-service is offered stating that it is a self-service island.

2304.2.8 Signage material. All signs required by Sections 2304.2.3, 2304.2.7 and 2304.3.5 shall be constructed of rigid, weather-resistant material.

2304.2.9 Attendant training. It shall be the responsibility of the operator of the motor fuel dispensing facility to see that all attendant employees are properly trained in handling emergencies of a flammable fuel type.

2304.2.10 Codes and standards. It shall be the responsibility of the operator of the motor fuel dispensing facility to see that all attendant employees read and are familiar with applicable codes and standards.

2304.2.11 Dispensing devices. Existing listed or labeled dispensing devices shall be permitted to be modified provided that the modifications made are “Listed by Report” by an approved testing laboratory or as otherwise approved by the fire code official. Modification proposals shall contain a description of the component parts used in the modification and the recommended methods of installation on specific dispensing devices. Modification proposals shall be made available to the fire code official upon request.”

17. Modify section **2304.3 Unattended self-service motor fuel-dispensing facilities** as follows:

Delete “2304.3.7” and insert “2304.3.13, NFPA 30A as listed in division (A) of Section 3741.14 of the Revised Code and the Occupational Safety and Health Act of 1970 and any amendments thereto or standards as may be adopted by the state fire marshal pursuant to division (B) of Section 3741.14 of the Revised Code. This section shall not apply to an unattended fleet vehicle motor fuel dispensing facility”.

18. Modify section **2304.3.2 Dispensers** as follows:

After the first sentence after “Section 2306.7.” insert “Only card operated dispensing devices approved by authoritative sources listed in Chapter shall be used.”.

After the last sentence, insert “Approved key- or card-operated dispensing devices may be activated by the customer with the use of an authorized key or card.”.

19. Modify section **2304.3.3 Emergency controls** as follows:

Delete “Approved emergency” and insert “Emergency”.

20. Modify section **2304.3.7 Quantity limits** as follows:

In subparagraph 2, before “quantity” delete “in” and insert “to an approved”.

At the end of subparagraph 2, delete “as approved” .

Add the following as an exception to Section 2304.3.7:

“Exception: This section shall not apply to fixed dispensing equipment at an unsupervised location at an airport that is used to dispense fuel directly into the fuel tank of an aircraft.”

21. Add sections **2304.3.8 through 2304.3.13** as follows:

“2304.3.8 Spill containment. Containment of small spills shall be controlled by grading the pavement away from the building and scoring the pavement or may be done by the use of an oil/water separator.

2304.3.9 Dispensing devices. Existing listed or labeled dispensing devices shall be permitted to be modified provided that the modifications made are “Listed by Report” by an approved testing laboratory or as otherwise approved by the fire code official. Modification proposals shall contain a description of the component parts used in the modification and the recommended methods of installation on specific dispensing devices. Modification proposals shall be made available to the fire code official upon request.

2304.3.10 Smoking prohibited. Gasoline and other flammable or combustible liquids shall be dispensed only by a person who is not smoking. Smoking shall be prohibited in the dispensing area.

2304.3.11 Required fire protection. In addition to fire protection equipment otherwise required by this code, an unattended motor fuel-dispensing facility shall also include automatic fixed suppression systems, and automatic fire detection, and transmission of an alarm to an off-site approved supervising station in accordance with Section 903.4.1.

Exceptions:

1. That portion of an unattended motor fuel-dispensing facility that is exclusively used to dispense fuel directly from fixed dispensing equipment into the fuel tank of aircraft shall not be required to have an automatic fixed suppression or automatic fire detection system.
2. That portion of an unattended motor fuel-dispensing facility that is exclusively used to dispense fuel directly from fixed dispensing equipment into the fuel tank of aircraft shall not be required to have transmission of an alarm to an off-site approved supervising station provided that the facility installs a telephone line or call box that complies with all of the following:
 - 2.1 An operational and fully functioning telephone or call box shall be not less than 20 feet but not more than 100 feet from each dispensing location;
 - 2.2 Each telephone or call box shall either provide a direct line to an off-site approved supervising station or to an approved emergency response authority;

2.3 Each telephone or call box shall be properly and conspicuously identified;

2.4 Each telephone or call box shall not require a coin or other form of payment to operate; and

2.5 The telephone or call box shall be installed at a location that complies with the above and that is approved by the fire code official.

2304.3.11.1 Compressed natural gas facilities. The requirement for an automatic fixed suppression system shall not apply to that portion of an unattended, open to the public motor fuel-dispensing facility where CNG is dispensed if all of the following apply:

1. The fueling areas where CNG is dispensed is equipped with a fire detection device(s) that is directly tied to the emergency shut down system; and
2. Upon activation of the emergency shut down system, operation of all CNG dispensers will automatically shut down and all CNG will automatically be isolated away from the dispensing area; and
3. Upon activation of the emergency shut down system, a notification system will automatically trigger notification to the fire department; and
4. No liquid fuels are being dispensed under the same canopy where CNG is being dispensed.

2304.3.12 Signage. Signs shall be provided in accordance with Sections 2304.2.3, 2304.2.7 and 2304.3.5.

2304.3.13 Signage material. All signs required by Section 2304.3.12 shall be constructed of rigid, weather-resistant material.

22. Modify section **2304.4 Dispensing into portable containers** as follows:
Delete “approved”.

23. Modify section **2304.4.1 Approved containers required** as follows:
After “unless such container” insert “is properly constructed of metal or other material approved by the fire code official.”.

Delete “, is listed or of approved material and construction.”.

24. Modify section **2304.4.2 Nozzle operation** as follows:
Delete “and be manually held open during the dispensing operation”.

At the end of the section, insert “No person shall utilize the automatic latch-open device during the dispensing operations.”.

25. Modify section **2305.1.2 Tank capacity calculation** as follows:

Delete “by an approved gauging device” and insert “in accordance with accepted industry practices”.

26. Modify section **2305.2.1 Inspection** as follows:

At the end of the last sentence, after “maintained” insert “in accordance with Section 109.3”.

27. Modify section **2305.5 Fire extinguishers** as follows:

Delete “Approved portable” and insert “Portable”.

28. Modify section **2305.6 Warning signs and its subparagraphs** as follows:

At the beginning of the first sentence, delete “Warning” and insert “As required by Section 3741.14 of the Revised Code and this code, warning”.

Delete “within sight of each dispenser in the fuel-dispensing area” and insert “on each gasoline pump island where self-service is offered”.

After “state the following” insert “, with at a minimum the capitalized words below being in block letters”.

In Subparagraph 1, capitalize all text and after “SMOKING” insert “OR VAPING”.

In Subparagraph 2 delete “Shut off motor” and insert in capitalized text “STOP ENGINE”.

In Subparagraph 6 at the beginning of the sentence insert “WARNING -”; capitalize all text in the subparagraph.

Add subparagraph 8 in capitalized text as follows:

“8. PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST REMAIN AT THE REFUELING POINT DURING REFUELING.”

Add an exception to Section 2305.6 as follows:

Exception: Signs installed at dispensers prior to February 1, 2026, containing language that is substantially similar to items 1 through 8 of this section shall be deemed as compliant with this section.”

29. Modify section **2306.2 Method of storage** as follows:

Delete “Approved methods of storage for” and insert “Storage of”.

Delete “liquid fuels” and insert “flammable or combustible liquids”.

After “at motor fuel-dispensing facilities” insert “to which the public does not have access”.

Delete “in accordance with Sections 2306.2.1 through 2306.2.6” and insert “stored in aboveground tanks in accordance with Sections 2306.2.2 through 2306.2.6 or stored in underground tanks in accordance with either Chapter 1301:7-9 of the Administrative Code as required or, when not so required, stored in accordance with Section 2306.2.1.

At motor fuel-dispensing facilities to which the public has access the only approved method of storage shall be in underground tanks in accordance with Chapter 1301:7-9 of the Administrative Code.

Exception: Where approved by the fire code official, the approved method of storage of Class I, II and IIIA flammable or combustible liquids at marine motor fuel-dispensing facilities to which the public has access shall not be required to have an underground tank as long as the approved aboveground tank is in accordance with Sections 2306.2.2 through 2306.2.6, and in accordance with Section 2310.1.”

30. Modify section 2306.2.3 Above-ground tanks located outdoors, above grade and its subparagraphs as follows:

Delete “by this section”.

After the end of the first paragraph after “provided.” (which will be the end of the sentence subsequent to the deletion above) insert “Existing aboveground tank installations, even if previously approved, that are determined to constitute a hazard by the fire code official shall not be continued in service. Unsafe tanks shall be removed as required by the fire code official and in accordance with this code.”.

Add an exception to subparagraph 1 as follows: “**Exception:** An aboveground tank approved by an authoritative source listed in Chapter 1 as a fire-resistant tank may be utilized in lieu of a protected tank when installed in accordance with Table 2306.2.3.”.

In subparagraph 4, delete “farms,” and insert “areas used for agricultural purposes and”.

In subparagraph 4, delete “or rural areas”.

31. Modify Table 2306.2.3 Minimum separation requirements for above-ground tanks as follows:

In the first column (Tank type) and second row of the table after “Protected above-ground tanks” insert “d”.

Add footnote d as follows:

“d. A fire-resistant tank may be utilized in lieu of a protected tank when approved by the fire code official and installed in accordance with the distance requirements of NFPA 30A.”.

32. Modify section **2306.2.6 Special Enclosures** as follows:

In the first sentence after “tanks for liquid” delete “motor”.

33. Modify section **2306.3 Security** as follows:

Delete “in an approved manner”.

After the last sentence, insert “Tanks shall be enclosed with a chain link fence at least 6 feet (1.8 m) high. The fence shall be separated from the tanks by at least 3 feet (0.9 m) and shall have a gate that is secured against unauthorized entry.”

Exceptions:

1. Fueling facilities that are located on a property that has a perimeter security fence.

2. Tanks that are enclosed in vaults.”.

34. Add section **2306.7.4.1** as follows:

2306.7.4.1 As of the effective date of this chapter, for tank systems regulated under 1301:7-9 of the Ohio Administrative Code, manifolding of existing product piping under a dispenser and above the shear valve, impact valve or fire valve, is prohibited. This does not apply to dispenser blending devices above the shear valve, impact valve or fire valve.

35. Modify section **2306.7.5 Dispenser hose** as follows:

In the second sentence delete “listed and”.

36. Modify section **2306.7.6.1 Special requirements for nozzles** as follows:

In the first sentence delete “all” and insert “one”.

37. Modify section **2306.7.7.1 Leak detection** as follows:

After “a leak in the piping” delete “and dispensers”.

After “provide an indication” insert “to alert the operator of the presence of a leak”.

38. Modify section **2306.7.9.1 Vapor-balance systems** as follows:

In the title of the section, delete “balance” and insert “recovery”.

At the beginning of the sentence, delete “Vapor-balance” and insert “Vapor-recovery systems are systems designed to capture and retain, without processing, vapors displaced during transfer or filling operations. Vapor-recovery”.

39. Modify section **2306.7.9.1.1 Dispensing devices** as follows:
After “nationally recognized testing laboratory” insert “*or by an authoritative source listed in Chapter I*”.

Delete the last sentence beginning “Means” and ending “blocked.”
40. Modify section **2306.7.9.1.2 Vapor-return line closeoff** as follows:
Delete “An acceptable method” and insert “*A means*”.

Delete “close off the vapor return line” and insert “*prevent the discharge of vapor*”.
41. Modify section **2306.7.9.1.3 Piping** as follows:
Delete “vapor-balance” and insert “*vapor-recovery*”.

In the first sentence, delete “Sections” and insert “*Section*”.

In the first sentence, delete “, 5704.2.9 and 5704.2.11”.

In the second sentence after “manufacturer’s” insert “*installation*”.

At the beginning of the second paragraph, delete “Existing and new vent” and insert “*Vent*”.
42. Modify section **2306.7.9.2 Vapor-processing systems** as follows:
Before the first sentence insert “*Vapor processing systems are designed to capture and process vapors displaced during transfer or filling operations by use of mechanical or chemical means.*”.
43. Modify section **2306.7.9.2.2 Location** as follows:
Delete “50 feet (15 240 mm)” and insert “*20 feet (6096 mm)*”.
44. Modify section **2306.7.9.2.4 Piping** as follows:
Delete “in a mechanical-assist system” and insert “*for vapor-processing systems*”.
45. Modify section **2306.8.1 Listed equipment** as follows:
At the end of the section after “listed for the specific purpose” insert “*and approved as that term is defined in this chapter*”.
46. Modify section **2306.8.2 Compatibility** as follows:
At the end of the paragraph after “the marking on the unit.” insert “*Existing dispensers may be modified to meet compatibility requirements in accordance with Section 2304.3.9*”.
47. Modify section **2306.8.3 Change of system contents** as follows:
Delete the title and text of the paragraph in their entirety and insert “*Deleted.*”

48. Modify section **2306.8.4 Facility identification** as follows:
After “identified by” insert “*marking the fill pipes in accordance with API 1637 or*”.
49. Modify section **2306.8.5 Marking** as follows:
Delete “Dispensers” and insert “*As approved by the state fire marshal dispensers*”.

Delete “in an approved manner”.
50. Modify section **2307.4 Location of dispensing operations and equipment, Exception** as follows:
Delete “International Building Code” and insert “*building code*”.
51. Modify section **2308.3 Location of dispensing operations and equipment, Exception 1** as follows:
Delete “International Building Code” and insert “*building code*”.
52. Modify section **2308.3.1 Location on property, Exception to subparagraph 2** as follows:
Delete “International Building Code” and insert “*building code*”.
53. Modify section **2308.8.1.2.6 Signage** as follows:
In the first sentence, delete “Approved”.

In the second sentence, delete “Approved” and insert “*Signs that read*”.

After “Bonded” delete “signs”.
54. Modify section **2309.3.1.2 Indoors** as follows:
Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*”.
55. Modify section **2309.3.1.5.1 Construction** as follows:
Delete “International Building Code” and insert “*building code*”.
56. Modify section **2309.3.2 Canopies** as follows:
Delete “International Building Code” and insert “*building code*”.
57. Modify section **2310.1 General** as follows:
Delete “International Building Code” and insert “*building code*”.

At the end of the paragraph after “Chapter 57.” insert “*Where underground storage of flammable or combustible liquids is impractical due to geological conditions of the site, shore tanks supplying marine service stations may be located aboveground in special enclosures, vaults or protected aboveground tanks which provide physical protection and fire-resistive protection as a unit, when approved by the fire code official. The request to*

install such aboveground tanks shall be accompanied by a site survey which supports the request. The survey shall be prepared by a registered professional engineer of the appropriate discipline.”.

58. Modify section **2310.3.5 Liquefied petroleum gas** as follows:
At the beginning of the second sentence delete “Approved storage” and insert “Storage”.

Delete “. See also” and insert “in accordance with”.
59. Modify section **2311.1 General** as follows:
Delete “International Building Code” and insert “building code”.
60. Modify section **2311.2.1 Cleaning of parts** as follows:
Delete “listed and”.
61. Modify section **2311.2.2 Waste oil, motor oil and other Class IIIB liquids** as follows:
After “stored in” delete “approved”.

After “tanks or containers” insert “approved in accordance with Chapter 57”.
62. Modify section **2311.2.3 Drainage and disposal of liquids and oil-soaked waste** as follows:
In the first sentence after “drain to” delete “approved”.

Delete “International Plumbing Code” and insert “plumbing code”.
63. Modify section **2311.2.3.1 Disposal of liquids** as follows:
After “be stored in” delete “approved”.
64. Modify section **2311.3.1 Equipment** as follows:
Delete “International Building Code” and insert “building code”.

Delete “International Mechanical Code” and insert “mechanical code”.
65. Modify section **2311.4.1 Construction** as follows:
Delete “International Building Code” and insert “building code”.
66. Modify section **2311.4.3 Ventilation** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
67. Modify section **2311.8.2 Repair garages used for the repair of hydrogen-fueled vehicles** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
68. Modify section **2311.8.3 Motor vehicle repair rooms** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).

69. Modify section 2311.8.8 Exhaust ventilation system as follows:
At the end of the first sentence before “mechanical ventilation system” delete “an approved” and insert “a”.

Delete “International Mechanical Code” and insert “mechanical code”.
70. Modify section 2311.8.9.2 Failure of the gas detection system as follows:
At the end of the last sentence delete “approved location” and insert “occupied area or other location approved by the fire code official”.
71. Modify section 2311.8.10 Classified electrical area, Exception 2 as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
72. Add section 2312 as follows:
“Section 2312 Service station at a bulk plant or terminal
- 2312.1 General.** That portion of a bulk plant property where flammable or combustible liquids are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles, marine craft or approved containers shall comply with this section and NFPA 30A.
- Exception:** The dispensing of diesel fuel at a terminal or bulk plant into a motor vehicle that is transporting petroleum products or equipment essential to the operation of the terminal or bulk plant, provided that the motor vehicle is owned or leased by or operated under a contract with a person who has been issued a motor fuel dealers license under Section 5735.02 of the Revised Code. For such dispensing, the provisions of this chapter governing capacity limitations shall not apply.
- 2312.2 Separation.** All equipment utilized in connection with the storage and dispensing operations of a motor fuel-dispensing facility shall be separated by a minimum of 100 feet from the area in which aboveground bulk plant operations are conducted and by a security fence. Any gates in the required fence shall be secured against unauthorized entry.
- 2312.3 Independent operations.** Motor fuel-dispensing facility operations shall be totally independent of the bulk plant operations to include:
1. Above-ground tanks located in the bulk plant shall not supply dispensing devices at the motor fuel-dispensing facility.
 2. Storage tanks at the motor fuel-dispensing facility shall not be connected by piping to aboveground tanks located in the bulk plant.”

1301:7-7-24 Flammable finishes.

Chapter 24 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **2401.3 Permits** as follows:
Delete “Sections 105.5 and 105.6” and insert “*Chapter 1*”.
2. Modify section **2404.2 Location of spray-finishing operations** as follows:
Delete “International Building Code” and insert “*building code*”.
3. Modify section **2404.3.1 Spray rooms** as follows:
Delete “International Building Code” and insert “*building code*”.
4. Modify section **2404.3.3.6 Size** as follows:
Delete “International Building Code” and insert “*building code*”.
5. Modify section **2404.3.4 Spraying spaces** as follows:
Delete “International Building Code” and insert “*building code*”.
6. Modify section **2404.6.1 Drying operations** as follows:
At the end of the paragraph delete “areas” and insert “*area*”.
7. Modify section **2404.7 Ventilation** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
8. Modify section **2404.7.2 Recirculation, Exception 1.5** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
9. Modify section **2405.2 Location of dip-tank operations** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-25 Fruit and crop ripening.

Chapter 25 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 2501.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.
2. **Modify section 2504.5 Heating, Exception** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.

1301:7-7-26 Fumigation and insecticidal fogging.

Chapter 26 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 2601.2 Permits as follows:**
Delete “Section 105.5” and insert “*Chapter I*”.

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1301:7-7-27 Semiconductor fabrication facilities.

Chapter 27 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 2701.1 Scope as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
2. **Modify section 2701.4 Existing buildings and existing fabrication areas as follows:**
Delete “International Building Code” and insert “*building code*”.
3. **Modify section 2701.5 Permits as follows:**
Delete “Section 105.5” and insert “*Chapter I*”.
4. **Modify section 2703.2.2 General requirements as follows:**
Delete “International Building Code” and insert “*building code*”.
Delete “International Mechanical Code” and insert “*mechanical code*”.
5. **Modify section 2703.3.1 Fabrication areas as follows:**
Delete “International Building Code” and insert “*building code*”.
6. **Modify section 2703.3.2 Pass-throughs in exit access corridors as follows:**
Delete “International Building Code” and insert “*building code*”.
7. **Modify section 2703.3.3 Liquid storage rooms as follows:**
Delete “International Building Code” and insert “*building code*”.
8. **Modify section 2703.3.4 HPM rooms as follows:**
Delete “International Building Code” and insert “*building code*”.
9. **Modify section 2703.3.8 Service corridors as follows:**
Delete “International Building Code” and insert “*building code*”.
10. **Modify section 2703.10.4 Exhaust ducts for HPM as follows:**
Delete “International Mechanical Code” and insert “*mechanical code*”.
11. **Modify section 2703.14 Exhaust ventilation systems for HPM as follows:**
Delete “International Building Code” and insert “*building code*”.
Delete “International Mechanical Code” and insert “*mechanical code*”.
12. **Modify section 2703.14.1 Where required and subparagraphs 1, 3, and 4 as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (4).
13. **Modify section 2703.14.2 Penetrations as follows:**

Delete “International Building Code” and insert “*building code*” at all occurrences (2).

14. **Modify section 2703.15.1 Required electrical systems, subparagraph 11** as follows:
Delete “International Building Code” and insert “*building code*”.
15. **Modify section 2704.3.1 HPM storage** as follows:
Delete “International Building Code” and insert “*building code*”.
16. **Modify section 2705.2.3.2 Protection of vessels, subparagraph 2** as follows:
Delete “International Building Code” and insert “*building code*”.
17. **Modify section 2705.3.1 Corridors and enclosures for stairways and ramps**, as follows:
Delete “International Building Code” and insert “*building code*”.
18. **Modify section 2705.3.2.1 Fabrication area alterations**, as follows:
Delete “International Building Code” and insert “*building code*”.
19. **Modify section 2705.3.3 Service corridors**, as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-28 Lumber yards and agro-industrial, solid biomass and woodworking facilities.

Chapter 28 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 2801.2 Permit as follows:**
Delete “Section 105.5” and insert “Chapter 1”.
2. **Modify section 2803.1 Open yards as follows:**
Delete “International Building Code” and insert “building code”.
3. **Modify section 2803.2 Dust control as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
4. **Modify section 2803.3 Waste removal as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
5. **Modify section 2808.3.1 Increase in pile or stack size, subparagraph 6 as follows:**
Delete “public” and insert “local”.

1301:7-7-29 Manufacture of organic coatings.

Chapter 29 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 2901.2 Permits** as follows:
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 2905.1 Design** as follows:
Delete “International Building Code” and insert “building code”.
3. **Modify section 2909.2 Tank storage** as follows:
Delete “International Building Code” and insert “building code”.
4. **Modify section 2909.4 Nitrocellulose storage** as follows:
Delete “International Building Code” and insert “building code”.
5. **Modify section 2909.6 Finished products** as follows:
Delete “International Building Code” and insert “building code”.

1301:7-7-30 Industrial ovens.

Chapter 30 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 3001.1 Scope** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
2. **Modify section 3001.2 Permits** as follows:
Delete “Sections 105.5 and 105.6” and insert “*Chapter I*”.
3. **Modify section 3003.1. Ventilation** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*” at all occurrences (2).
4. **Modify section 3004.2 Shutoff valves** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.

1301:7-7-31 Tents, temporary special event structures and other membrane structures.

Chapter 31 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 3101.1 Scope as follows:**
Delete “International Building Code” and insert “*building code*”.
2. **Modify section 3103.1 General as follows:**
Delete “International Building Code” and insert “*building code*”.
3. **Modify section 3103.4 Permits as follows:**
Delete “Sections 105.5 and 105.6” and insert “*Chapter 1*”.
4. **Modify section 3103.8.2 Location, Exception 2.2 as follows:**
Delete “International Building Code” and insert “*building code*”.
5. **Modify section 3103.8.4 Membrane structures on buildings as follows:**
Delete “International Building Code” and insert “*building code*”.
6. **Modify section 3103.8.6 Fire break as follows:**
At the end of the section after “fire code official” insert “*and the building code official in accordance with the applicable requirements of the building code*”.
7. **Modify section 3103.9.1 Tents and membrane structures greater than one story as follows:**
Delete “International Building Code” and insert “*building code*”.
8. **Modify section 3103.9.2 Tents and membrane structures greater than 7,500 square feet as follows:**
Delete “International Building Code” and insert “*building code*”.
9. **Modify section 3103.9.3 Tents and membrane structures with an occupant load greater than 1,000 as follows:**
Delete “International Building Code” and insert “*building code*”.
10. **Modify section 3104.1 General as follows:**
Delete “International Building Code” and insert “*building code*”.
11. **Modify section 3104.4 Affidavit as follows:**
In the title, delete “Affidavit” and insert “*Certificate*”.

In the text, delete “affidavit” and insert “*certificate*”.
12. **Modify section 3105.3 Permits as follows:**
Delete “Sections 105.5 and 105.6” and insert “*Chapter 1*”.

13. **Modify section 3105.5 Required documents, subparagraph 1** as follows:
Delete “International Building Code” and insert “*building code*”.
14. **Modify section 3105.6 Inspections** as follows:
Delete “107” and insert “108”.
15. **Modify section 3106.2.2 Permits** as follows:
Delete “Sections 105.5” and insert “*Chapter 1*”.
16. **Modify section 3107.5 Fireworks** as follows:
Delete “100 feet (30 480 mm)” and insert “*150 feet (45 720 mm)*”.
17. **Modify section 3107.12.1 Installation** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.

At the end of the section after “fire code official” add “*and the building code official in accordance with the applicable requirements of the building code*”.
18. **Modify section 3107.12.2 Venting** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.

1301:7-7-32 High-piled combustible storage.

Chapter 32 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **3201.2 Permits** as follows:
Delete “Section 105.5 and 105.6” and insert “Chapter 1”.
2. Modify section **3201.3 Construction documents** as follows:
Delete “International Building Code” and insert “building code”.
3. Modify **figure 3203.9(2), footnote b** as follows:
Delete “inSection” and insert “in Section”.
4. Modify section **3206.3.2 Multiple high-piled storage areas, subparagraph 1** as follows:
Delete “International Building Code” and insert “building code”.
5. Modify section **3206.9 Fire department hose connections** as follows:
Delete “International Building Code” and insert “building code”.
6. Modify section **3207.2 Fire protection** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
7. Modify section **3208.1.1 Storage racks** as follows:
Delete “International Building Code” and insert “building code”.
8. Modify section **3208.2 Fire protection** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).

1301:7-7-33 Fire safety during construction and demolition.

Chapter 33 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section 3303.3.1 Violations as follows:

After “Section 112.1” delete all text beginning with “and” and ending with and deleting “Upon the third offense, the” and insert “*and the responsible person shall be subject to enforcement actions authorized by Chapter 3737. of the Revised Code and Section 112. The*”.

Delete “satisfactory assurances of future compliance have been presented to and approved by” and insert “*the violations noted in the stop work order are adequately remedied in the opinion of*”.

2. Modify section 3303.5 Fire safety requirements for buildings of Types IV-A, IV-B and IV-C construction, subparagraph 3 as follows:

Delete “International Building Code” and insert “*building code*”.

3. Modify section 3315.1 Completion before occupancy as follows:

Delete “International Building Code” and insert “*building code*”.

1301:7-7-34 Tire rebuilding and tire storage.

Chapter 34 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 3401.2 Permit required** as follows:

Delete “Section 105.5” and insert “Chapter I”.

2. **Modify section 3403.1. Construction** as follows:

Delete “International Building Code” and insert “building code”.

3. **Modify section 3405.1 Individual piles** as follows:

In the first sentence

Delete “5,000” and insert “2,500”;

Delete “464.5” and insert “232”;

At the end of the sentence after “continuous area” insert “unless a larger area is specifically authorized in accordance with Chapter 3734. of the Revised Code”.

In the second sentence

Delete “50,000” and insert “20,000”;

Delete “1416” and insert “566”;

Delete “10” and insert “8”;

Delete “3048” and insert “2438”;

At the end of the sentence after “in height” insert “unless a larger area is specifically authorized in accordance with Chapter 3734. of the Revised Code”.

4. **Modify section 3405.2 Separation of piles** as follows:

Delete “40” and insert “56”;

Delete “12 192” and insert “17 069”;

Insert and exception as follows: “**Exception:** If the total number of tires in the pile is 500 or less, the individual storage piles shall be separated from other piles of salvage by a clear space of at least 25 feet (7620 mm).”.

5. **Modify section 3405.3 Distance between piles of other stored products** as follows:

Delete “40” and insert “56”;

Delete “12 192” and insert “17 069”;

Insert an exception as follows: “**Exception:** If the total number of tires in the pile is 500 or less, the tire storage piles shall be separated by a clear space of at least 25 feet (7620 mm) from piles of other stored product.”.

6. **Modify section 3405.4 Distance from lot lines and buildings** as follows:

Delete “50” and insert “56”;

Delete “15 240” and insert “17 069”;

Insert an exception as follows: “**Exception:** If the total number of tires in the pile is 500 or less, the tire storage piles shall be located at least 25 feet (7620 mm) from lot lines and buildings.”.

7. **Modify section 3405.5 Fire breaks** as follows:

Delete “40” and insert “56”;

Delete “12 192” and insert “17 069”;

Delete “and for a distance of 100 feet (30 480 mm) from the stored product to”;

Insert an exception as follows: “**Exception:** If the total number of tires in the pile is 500 or less, a clear space of 25 feet (7620 mm) is sufficient.”.

8. **Modify section 3405.6 Volume more than 150,000 cubic feet** as follows:

After “be in accordance with” insert “*Chapter 3734. of the Revised Code and*”.

1301:7-7-35 Welding and other hot work.

Chapter 35 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 3501.2 Permits as follows:**
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 3502.1. Definitions as follows:**
Delete “Responsible person” and insert “Responsible manager”.
3. **Modify section 3503.3. Hot work program permit as follows:**
Delete “person” and insert “manager”.
4. **Modify section 3504.3 Area reviews as follows:**
Delete “Section 105.5” and insert “Chapter I”.

1301:7-7-36 Marinas.

Chapter 36 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code is further modified as follows:

1. **Modify section 3603.5 Electrical equipment as follows:**
Delete “608” and insert “603”.

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1301:7-7-37 Combustible fibers.

Chapter 37 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 3701.3 Permits as follows:**
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 3703.5 Dust collection as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
3. **Modify section 3704.3 Storage of more than 100 cubic feet to 500 cubic feet as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (3).
4. **Modify section 3704.4 Storage of more than 500 cubic feet to 1,000 cubic feet as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (3).
5. **Modify section 3704.5 Storage of more than 1,000 cubic feet as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (3).

1301:7-7-38 Higher education laboratories.

Chapter 38 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 3801.1 Scope as follows:**
Delete “International Building Code” and insert “*building code*”.
2. **Modify section 3801.2 Application as follows:**
Delete “International Building Code” and insert “*building code*”.
3. **Modify section 3804.1 General as follows:**
Delete “International Building Code” and insert “*building code*”.
4. **Modify section 3804.1.1.1 Separation from other nonlaboratory areas subparagraph 1 and its exception and subparagraph 2 as follows:**
Delete “International Building Code” and insert “*building code*” at all occurrences (4).
5. **Modify section 3804.1.1.7 Ventilation as follows:**
Delete “International Mechanical Code” and insert “*mechanical code*”.
6. **Modify Table 3805.4 Design and number of control areas in existing nonsprinklered laboratories, footnote d as follows:**
Delete “International Building Code” and insert “*building code*”.
7. **Modify Table 3806.2.1 Design and number of control areas in existing sprinklered laboratories, footnote d as follows:**
Delete “International Building Code” and insert “*building code*”.

1301:7-7-39 Plant processing and extraction facilities.

Chapter 39 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify** the title of the chapter as follows:
Insert “*Plant*” before “**Processing**”.
2. **Modify** section **3901.1 Scope** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
3. **Modify** section **3901.3 Permits** as follows:
Delete “Sections 105.5 and 105.6” and insert “*Chapter 1*”.
4. **Insert** section **3901.4** as follows:
“**3901.4** *All plant processing or extraction facilities subject to both this rule and Chapter 3796. of the Revised Code shall be inspected by the state fire marshal to determine facility and operational compliance with this code. Such inspections shall initially occur in coordination with the medical marijuana processor license application process described in rule 3796:3 of the Administrative Code and recur at least annually thereafter. Fire code officials may conduct other inspections of facilities subject to this rule in accordance with section 3737.14 of the Revised Code and this code.*”
5. **Modify** section **3903.1 Construction** as follows:
Delete “International Building Code” and insert “*building code*”.
6. **Modify** section **3904.1 General requirements** as follows:
Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*”.
7. **Modify** section **3904.2.2 Approvals** as follows:
Delete “fire code official” and insert “*state fire marshal*” at all occurrences (2).
8. **Modify** section **3904.2.2.1 Technical report** as follows:
Delete “fire code official” and insert “*state fire marshal*” at all occurrences (2).
9. **Modify** section **3904.2.2.3 Site inspection** as follows:
Delete “fire code official” and insert “*state fire marshal*” at all occurrences (2).

1301:7-7-40 Storage of distilled spirits and wines.

Chapter 40 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **4003.1 Spill control** by adding an exception as follows:

*“**Exception:** Drainage or containment systems are not required for the storage of distilled spirits and wines in wooden barrels and casks where the storage complies with the following as applicable:*

1. *In type V-B construction the maximum storage height shall not exceed 6 barrels high and the maximum storage area shall not exceed 6,000 square feet.*
2. *In all other types of construction the maximum storage height shall not exceed 6 barrels high and the maximum storage area shall not exceed 20,000 square feet.”.*

2. Add section 4003.1.1 as follows:

*“**4003.1.1 Containment volume.** Where required, containment volume shall equal the volume of four times the quantity of the largest drum or barrel stored in the containment area plus 20 minutes of fire water falling over either the containment area or the sprinkler remote design area, whichever is less.”*

3. Modify section **4003.2 Ventilation** as follows:

Delete “International Mechanical Code” and insert “mechanical code”.

4. Modify section **4003.3.1 Smoking** subparagraph 1. as follows:

Delete “Sections 105.5 and 105.6” and insert “Chapter 1”.

5. Modify section **4003.3.4 Electrical** as follows:

Delete “608” and insert “603”.

6. Modify section **4004.3 Basement storage** as follows:

After “in accordance with” and before “Chapter 9” insert “the building code and to the extent not addressed therein” at all occurrences (2).

7. Modify section **4004.4 Bulk beverage storage areas** to add an exception as follows:

*“**Exception:** Where the fire area is less than 10,000 square feet, mixed commodity storage shall be permitted provided it complies with all other provisions of this chapter and all other applicable provisions of this code including, but not limited to, Chapter 32.”*

8. Modify section **4005.1 Automatic sprinkler system** as follows:

After “as required by” and before “Chapter 9” insert “the building code and to the extent not addressed therein”.

9. Add section 4007 as follows:

“SECTION 4007 PUBLIC ACCESS

4007.1 Public access. *Notwithstanding the provisions of any other section of this code, the public may access distillery locations for the purposes of touring storage and production areas of the distillery in accordance with Sections 4007.1.1 and 4007.1.2.*

4007.1.1 Security. *The public may access property used for the storage of distilled spirits and wines in barrels and casks for purposes of tours where all of the following conditions are met:*

- 1. The maximum number of people that are on the property at any time does not exceed the maximum occupancy load for the facility as determined by the building code official, and*
- 2. The maximum number of people that are within a storage area or production area does not exceed the maximum occupancy load for that area as determined by the building code official, and*
- 3. All members of the public are escorted and/or supervised by distillery personnel at all times while on the premises, and*
- 4. All other provisions of this code are complied with including all other applicable security and safety measures.*

4007.1.2 Above-ground tank storage in area where there is public access. *Above-ground tank storage for the storage of distilled spirits and wines may occur on premises to which the public has access where the public access is conducted in accordance with the provisions of Section 4007.1.1 and the above ground tanks comply with the safeguarding requirements of Section 5704.1.2.”*

1301:7-7-50 Hazardous materials – general provisions.

Chapter 50 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **5001.1 Scope** and its **Exception 4** as follows:

In the second paragraph after “except that where specific requirements” insert “, exceptions or exemptions”.

Delete “apply in accordance with the applicable chapter” and insert “*take precedence over the similar requirements of this chapter*”.

In exception 4, after “The off-site” insert “*and on-site*”.

In exception 4, delete “accordance with” and insert “*compliance with and regulated by the*”.

In exception 8, delete “fireworks and”

Add exception 8.1 as follows:

8.1 Unless specifically referenced in Table 5003.1.1(1) of this chapter or as otherwise stated in Chapter 56 as being regulated in this chapter, the display, storage, sale or use of fireworks in accordance with Chapter 56.

2. Add section **5001.1.2** as follows:

5001.1.2. Notwithstanding Sections 102.1 and 102.2 and unless otherwise noted in this chapter, the provisions of this chapter relating to motor fuel-dispensing facilities and flammable and combustible liquids as otherwise regulated in Chapters 23 and 57 shall not apply to facilities, equipment, structures or installations existing or approved for construction or installation prior to the effective date of this chapter, except in those cases where the fire code official demonstrates by a preponderance of the evidence that the existing facility, equipment, structure or installation creates a distinct hazard to life or adjacent property.

3. Modify section **5001.5 Permits** as follows:

Delete “Sections 105.5 and 105.6” and insert “*Chapter I*”.

After “Where” insert “*a permit is*”.

Delete the text beginning “by the fire code official” through and including “apply for approval”.

Delete the period at the end of the first sentence.

Delete the second sentence (beginning “Such application”) in its entirety.

At the beginning of the third sentence delete “The” and insert “the”.

In the third sentence delete “an approved” and insert “a”.

4. Modify section **5001.6.1 Temporarily out-of-service facilities** as follows:

Delete “maintain a permit and”.

At the end of the paragraph after “and inspected” insert “in accordance with the requirements of this code and any required permit”.

5. Modify section **5001.6.2 Permanently out-of-service facilities** as follows:

Delete “for which a permit is not kept current or is”.

After “on a regular basis” insert “in accordance with the requirements of this code and any required permits”.

Delete “permittees” and insert “the responsible person”.

Delete “an approved” and insert “a”.

6. Modify section **5001.6.3 Facility closure plan** as follows:

After “handling or use of hazardous materials,” delete “it” and insert “the plan”.

7. Add section **5002.2** as follows:

5002.2 “Approved” as used in Chapter 50. *As used in this chapter and notwithstanding the definition as set forth in Chapter 2, the term “approved,” unless otherwise further specified or defined in this chapter, means: listed and labeled, or tested and documented in authenticated research reports from an authoritative source listed in Section 118.2, or otherwise acceptable to the fire code official.*

8. Modify **Table 5003.1.1(1) Maximum allowable quantity per control area of hazardous materials posing a physical hazard** as follows:

After the row for “Combustible liquid” insert a new row into the table for consumer fireworks as follows: “Consumer fireworks 1.4G H-3^s 0^r NA NA NA NA NA NA NA”.

In the row for Explosives – Division 1.4G, in the “Solid pounds (cubic feet)” column, delete “125^{e, b}” and insert “0”.

In the row for Flammable gas - liquified, in the “Storage - Liquid gallons (pounds)” column after “(150)^{d, e}” add “, u”

In the row for Flammable gas - gaseous, in the “Gas (cubic feet at NTP)” column after “(1,000)^{d, e}” add “, l”

In the row for Flammable gas - liquified, in the “Use-closed systems - Liquid gallons (pounds)” column after “(150)^{d,e}” add “, u”

In the row for Flammable gas - gaseous, in the “Use-closed systems - Gas (cubic feet at NTP)” column after “(1,000)^{d,e}” add “, t”

In footnote d delete “approved”.

In footnote f delete “approved”.

Delete the text of footnote l and insert “Deleted”.

In footnote p, subparagraph 4, delete “International Mechanical Code” and insert “mechanical code”.

Add footnotes r, s, t and u as follows:

- r. For material classified as consumer fireworks by DOTn and exempted from regulation as fireworks pursuant to Section 3743.80 of the Revised Code, such as novelties and trick noisemakers and wire sparklers as defined in Section 3743.01 of the Revised Code and labeled as 1.4G materials by DOTn, shall have a maximum allowable quantity per control area of 125 pounds.
- s. Except as noted in this footnote, the “Consumer Fireworks” row of this table shall not apply to structures containing material classified as 1.4G (consumer) fireworks by DOTn and further defined as a fountain device pursuant to division (H) of section 3743.01 of the Revised Code and Chapter 2 when such devices are possessed and sold pursuant to a license issued under section 3743.26 of the Revised Code. Such structures, or portions thereof, shall comply with all other applicable portions of this code and the building code for the approved occupancy classification or use of the structure. Such structures shall comply with this table, including the “Consumer Fireworks” row, when any materials subject to this table other than those defined as a 1.4G (Consumer) fireworks fountain device are possessed within the structure.
- t. The maximum allowable quantity of A2L refrigerants is 195,000 cubic feet at NTP in Group M and S occupancies and 162,500 cubic feet at NTP in all other occupancy groups. Where Notes d and e apply, the applicable increases shall be applied.
- u. The maximum allowable quantity of A2L refrigerants is 20,000 pounds in Group M and S occupancies and 10,000 pounds in all other occupancies. Where Notes d and e apply, the applicable increases shall be applied. In Group S occupancies equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the maximum allowable quantities in storage areas exceeding 50,000 square feet are allowed to be increase by 2 percent for each 1,000 square feet of area in excess of 50,000 square feet, up to an aggregate amount per control area of 80,000 pounds.

9. Modify **Table 5003.1.1(2) Maximum allowable quantity per control area of hazardous materials posing a health hazard** as follows:
In footnote d delete “approved”.
10. Modify **Table 5003.1.1(3) Maximum allowable quantity per control area of hazardous materials posing a physical hazard in an outdoor control area** as follows:
In the row for Flammable gas - liquified, in the “Storage - Liquid gallons (pounds)” column after “(300)” add “^e”
In the row for Flammable gas - gaseous, in the “Gas cubic feet at NTP” column after “(3,000)” add “^e”
In the row for Flammable gas - liquified, in the “Use-closed systems - Liquid gallons (pounds)” column after “(150)” insert “^f”
In the row for Flammable gas - gaseous, in the “Use-closed systems – Gas cubic feet at NTP” column after “(1,500)” add “^f”
Add footnotes e and f as follows:
e. The maximum allowable quantity of A2L refrigerants is 195,000 gas cubic feet at NTP and 20,000 pounds as a liquid in storage.
f. The maximum allowable quantity of A2L refrigerants is 97,500 gas cubic feet at NTP and 10,000 pounds as a liquid in a closed system.
11. Modify section **5003.2.1 Design and construction of containers, cylinders and tanks** as follows:
After “constructed in accordance with” insert “*this code and other*”.
12. Modify section **5003.2.2 Piping, tubing, valves and fittings** as follows:
Delete “ASME B31.1” and insert “*this code*”.
13. Modify section **5003.2.2.2 Additional regulations for supply piping for health-hazard materials, Exception** as follows:
Delete “International Building Code” and insert “*building code*”.
14. Modify section **5003.2.3 Equipment, machinery and alarms** as follows:
Delete “listed or”.
15. Modify section **5003.2.4.2 Above-ground tanks** as follows:
After “of the particular matter involved” insert “*as provided by this code*”.
16. Modify section **5003.2.8 Seismic protection** as follows:
Delete “International Building Code” and insert “*building code*”.

17. Modify section **5003.3.1.1 Records** as follows:
Delete “permittee” and insert “*responsible person*”.
18. Modify section **5003.6 Signs** as follows:
Delete “Signs” and insert “*Unless otherwise provided for in NFPA 704, signs*”.
19. Modify section **5003.8.1 Buildings** as follows:
Delete “International Building Code” and insert “*building code*”.
20. Modify **Table 5003.8.2 Detached building required, footnote a.** as follows:
Delete “International Building Code” and insert “*building code*”.
21. Modify section **5003.8.3 Control areas, Exception** as follows:
Delete “International Building Code” and insert “*building code*”.
22. Modify section **5003.8.3.1 Construction requirements** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).
23. Modify section **5003.8.3.3 Number** as follows:
Delete “International Building Code” and insert “*building code*”.
24. Modify section **5003.8.4.1 Construction** as follows:
Delete “International Building Code” and insert “*building code*”.
25. Modify section **5003.8.4.2 Ventilation systems** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
26. Modify section **5003.8.5.2 Ventilation** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
27. Modify section **5003.8.5.3 Fire-extinguishing system** as follows:
Deleted “approved”.
28. Modify section **5003.8.6.2 Ventilation** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
29. Modify section **5003.9.2 Security** as follows:
Delete “in a manner approved by the fire code official” and insert “*against inappropriate access*”.
30. Modify section **5003.9.9 Shelf storage** as follows:
Delete “International Building Code” and insert “*building code*”.

Move the fourth sentence, beginning “Shelf storage of” below Exception #2 at the same level/indentation as the opening paragraph.

31. Modify section **5003.10.2 Carts and trucks required, Exception 2** as follows:
Delete “drums” and insert “*containers*”.

Before “trucks” delete “drum” and insert “*carts or*”.
32. Modify section **5003.11 Group M storage and display and Group S storage** as follows:
After “Group M occupancy, or an outdoor control area” insert “*associated with a Group M or Group S occupancy*”.
33. Modify **Table 5003.11.1 Maximum allowable quantity per indoor and outdoor control area in Group M and S occupancies-nonflammable solids, nonflammable and noncombustible liquids** as follows:
In the row for “Toxics”, in the “Solids” column, after “1,000” insert “*k*”.

Delete “>” in the row for Class 3 Oxidizers at all occurrences (3).

In footnote b delete “approved”.
34. Modify section **5004.2 Sill control and secondary containment for liquid and solid hazardous materials, Exception** as follows:
Delete “approved”.
35. Modify section **5004.2.2.4 Outdoor design** as follows:
In the second sentence after “If the” insert “*secondary containment*”.

After “open to rainfall,” insert “*the*”.

After “secondary containment” (which will be the 2nd occurrence of the term in the 2nd sentence after the above edit) insert “*area*”.
36. Modify section **5004.2.2.6 Drainage system design** as follows:
Delete “International Plumbing Code” and insert “*plumbing code*”.
37. Modify section **5004.3.1 System requirements, subparagraph 1** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
38. Modify section **5004.5 Automatic sprinkler systems** as follows:
Delete “approved”.
39. Modify section **5004.11 Clearance from combustibles** as follows:
After “kept clear of” insert “*weeds, debris and other*”.

Delete “and vegetation” and insert “*not necessary to the storage*”.
40. Modify section **5004.13 Weather protection** as follows:
Delete “International Building Code” and insert “*building code*”.

41. Modify section **5005.2 Indoor dispensing and use** as follows:
Delete “International Building Code” and insert “*building code*”.
42. Modify section **5005.3.9 Weather protection** as follows:
Delete “International Building Code” and insert “*building code*”.

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1301:7-7-51 Aerosols.

Chapter 51 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 5101.1 Scope as follows:**
Delete “International Building Code” and insert “*building code*”.
2. **Modify section 5101.2 Permit required as follows:**
Delete “Sections 105.5” and insert “*Chapter I*”.

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1301:7-7-53 Compressed gases.

Chapter 53 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 5301.2 Permits as follows:**
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 5303.7.6. Heating as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
3. **Modify section 5303.16.1 Listing required, Exception as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (2).
4. **Modify section 5303.16.2 Design and construction as follows:**
Delete “International Building Code” and insert “building code”.
5. **Modify section 5303.16.9 Ventilation as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
6. **Modify section 5305.5 Venting as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
7. **Modify section 5306.1 General as follows:**
Delete “International Building Code” and insert “building code”.
8. **Modify section 5306.2 Interior supply location as follows:**
Delete “International Building Code” and insert “building code”.
9. **Modify section 5306.2.1 One-hour exterior rooms as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (2).
10. **Modify section 5306.2.2 One-hour interior room as follows:**
Delete “International Building Code” and insert “building code” at all occurrences (2).
Delete “International Mechanical Code” and insert “mechanical code”.
11. **Modify section 5306.2.3 Gas cabinets, subparagraph 1 as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
12. **Modify section 5307.4.4 Pressurization and ventilation as follows:**
Delete “International Mechanical Code” and insert “mechanical code”.
13. **Modify section 5307.4.6 Seismic and structural design as follows:**
Delete “International Building Code” and insert “building code”.

1301:7-7-54 Corrosive material.

Chapter 54 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 5401.2 Permits as follows:**
Delete “Section 105.5” and insert “Chapter I”.

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1301:7-7-55 Cryogenic fluids.

Chapter 55 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 5501.2 Permits** as follows:
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 5503.1.2 Concrete containers** as follows:
Delete “International Building Code” and insert “building code”.
3. **Modify section 5503.5.2 Securing of containers** as follows:
Delete “International Building Code” and insert “building code”.
4. **Modify section 5504.2.1.2 Construction of indoor areas** as follows:
Delete “International Building Code” and insert “building code”.
5. **Modify section 5504.2.1.3 Ventilation** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
6. **Modify section 5504.2.2.2 Construction of indoor areas** as follows:
Delete “International Building Code” and insert “building code”.
7. **Modify section 5504.2.2.3 Ventilation** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
8. **Modify section 5505.4.1 Dispensing areas** as follows:
Delete “International Building Code” and insert “building code”.
9. **Modify section 5505.4.1.1 Ventilation** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.

1301:7-7-56 Explosives and fireworks.

Chapter 56 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **5601.1 Scope** as follows:

After “The provisions of” insert “Sections 5601 through 5607”.

After “explosive materials,” delete “fireworks” and insert “matters described in Section 3743.80 of the Revised Code”.

After “small arms ammunition.” insert “The provisions referencing fireworks in Sections 5601 through 5605, 5608 through 5610 and 5612 through 5628 shall govern the possession, manufacture, storage, handling, sale and use of fireworks. The provisions of Section 5611 shall govern the operation of flame effects. The provisions in Section 5626 shall govern the possession, storage, handling, discharge and use of 1.4G fireworks purchased pursuant to sections 3743.27, 3743.45, 3743.451 and 3743.48 of the Revised Code. The provisions in Sections 5626 and 5627 shall be incorporated into and considered part of the state fire code adopted pursuant to Section 3737.82 of the Revised Code and may be enforced pursuant to the provisions of chapters 3737. and 3743. of the Revised Code and Chapter 1.”

2. Modify section **5601.1.3 Fireworks** as follows:

After “sale, handling” insert “, exhibition”.

After “are prohibited” insert “except as permitted in accordance with Chapter 3743. of the Revised Code and this rule. Matters relating to the construction and operation of a fireworks retail showroom subject to division (B) of Section 3743.04 or Section 3743.25 of the Revised Code or a fountain device retailer subject to Sections 3743.26 through 3743.29 of the Revised Code, including matters not addressed in NFPA 1124 (2022 Edition) shall comply with NFPA 1124 (2006 Edition). All other references to NFPA 1124 in this rule shall mean NFPA 1124 (2022 Edition)”.

Delete “Exceptions:” and exceptions 1 through 4 in their entirety.

3. Add sections **5601.1.3.1** through **5601.1.3.4** as follows:

5601.1.3.1 Fireworks variances by state fire marshal. In addition to the authority to grant modifications in accordance with Section 104.8, the state fire marshal may, in accordance with Section 3743.59 of the Revised Code, grant a variance to any provision of this code promulgated under the authority of Chapter 3743. of the Revised Code upon written application by an affected party and upon demonstration by that party of all of the following:

1. That a literal enforcement of the provision will result in a practical difficulty in complying with the requirements of this code; and

2. That the variance will not threaten the public health, safety or welfare.

5601.1.3.2. A request for variance submitted pursuant to this rule shall only be considered upon production of any information or documentation requested by the state fire marshal. The particulars of such variance when granted shall be in writing, entered upon the records of the state fire marshal and furnished to the applicant and the authority having jurisdiction, if said authority is other than the state fire marshal.

5601.1.3.3. Unless otherwise stipulated by the state fire marshal upon the granting of a variance, each variance granted pursuant to this rule shall automatically terminate one year from the date of its issuance.

5601.1.3.4. There shall be no automatic renewals of any variance granted pursuant to this rule. Each variance shall be specifically applied for in writing by the requesting party and independently considered by the state fire marshal.

4. **Modify section 5601.2 Permit required** as follows:

At the beginning of the section delete “Permits” and insert “In addition to permits otherwise required by the Revised Code, permits”.

Delete “Section 105.5” and insert “Chapter 1, including Section 105”.

Delete “section” and insert “chapter”.

After the end of the sentence insert “Permits required for manufacture, processing and explosives storage and explosive material storage as set forth in Chapter 1 shall be obtained from the state fire marshal. No permit shall be required under this code for any actions by a law enforcement agency taken pursuant to Section 3743.68 of the Revised Code, including the confiscation, verification and testing, storage, or destruction of fireworks.”.

5. **Modify section 5601.2.1 Residential uses** as follows:

After “5601.2.1” insert “Conditions for the issuance of a permit to manufacture, process or store explosives or explosive materials. No permit shall be issued for the manufacturing, processing or storage of explosives or explosive materials unless the following conditions are met:

1. The applicant submits an application for permit on a form prescribed by the state fire marshal.
2. The applicant pays the required fees and satisfies the background check and financial responsibility requirements as required by this rule.
3. The applicant provides a list of all explosives and explosive materials to be manufactured, processed or stored under the permit.

4. The applicant provides a map showing the distances between the locations of the activities subject to the permit and any adjacent structures, lot lines, railroads and roadways.
5. The activities and locations subject to the permit have been inspected by the fire code official having jurisdiction and found to be in compliance with NFPA 495 and this code.

Before “**Residential uses**” insert “**5601.2.2**”, space accordingly and further amend the text of that section as follows:

After “any permit” insert “under this code”.

After “any explosives” insert “or fireworks”.

Delete “**Exception:**” and insert “**Exceptions: 1.**”.

Add exception 2 as follows:

Storage of consumer fireworks in accordance with Section 5626.

6. Modify section **5601.2.2 Sale and retail display** as follows:

In the heading, delete “**5601.2.2**” and insert “**5601.2.3**”.

7. Modify section **5601.2.3 Permit restrictions** as follows:

In the heading, delete “**5601.2.3**” and insert “**5601.2.4**”.

Add an exception as follows:

Exception: Permit limitations on the quantity of fireworks possessed or stored at a licensed premises for fireworks, as that term is defined in Section 3743.01(BB) of the Revised Code, shall be approved by the state fire marshal before any enforcement of such provisions by a local fire code official.

8. Modify section **5601.2.4 Financial responsibility** as follows:

In the heading, delete “**5601.2.4**” and insert “**5601.2.5**”.

After “Before a permit” insert “for the storage of explosives or explosive materials”.

After “upon which any judicial judgment results.” insert “Before a permit for the manufacture or processing of explosives or explosive materials, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property that arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results.”.

In the last sentence, delete “this bond requirement” and insert “the requirements of Section 5601.2.5 but are not exempt from the blasting or fireworks exhibition requirements of Sections 5601.2.5.1 or 5601.2.5.2.

9. Modify section **5601.2.4.1 Blasting** as follows:

In the heading, delete “**5601.2.4.1**” and insert “**5601.2.5.1**”.

10. Modify section **5601.2.4.2 Fireworks display** as follows:

In the heading, delete “**5601.2.4.2**” and insert “**5601.2.5.2**”.

In the heading, delete “**display**” and insert “**exhibition**”.

Delete the text of the section in its entirety and insert the following:

The applicant for a fireworks exhibition permit shall provide to the local fire official and law enforcement officer an indemnity bond in the amount of at least one million dollars with surety satisfactory to the fire official and law enforcement officer of the jurisdiction, conditioned for payment of all final judgments that may be rendered against the exhibitor on account of injury, death, or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars for liability arising from injury, death, or loss to persons or property emanating from the fireworks exhibition.

11. Add section **5601.2.6** as follows:

***5601.2.6 Prohibition on permits and background check requirements.** No person shall be eligible for a permit for the manufacture, processing or storage of explosives under this code if the individual has been convicted of or pled guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. All persons seeking a permit for the storage of explosives or explosive materials shall complete a civilian background check for criminal history as administered or approved by the state fire marshal. The state fire marshal may accept a currently valid “Certificate of Clearance” or other similar documentation issued by the bureau of alcohol, tobacco, firearms and explosives as satisfactory documentation of a person’s criminal history. Applicants shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual’s civilian criminal background check.*

12. Modify section **5601.4 Qualifications** as follows:

Delete “display” and insert “exhibition”.

13. Modify section **5601.7 Seizure** as follows:

After “explosives” delete “,” and insert “or”.

After “explosive materials” delete “or fireworks”

After “in violation of this chapter.” Insert “In addition to peace officers with jurisdiction, the fire code official may seize fireworks in accordance with division (B) of Section 3743.68 of the Revised Code.”

14. Add sections 5601.7.1 and 5601.7.2 as follows:

5601.7.1 Seizure of fireworks. The authority seizing any fireworks shall notify the state fire marshal not more than three days following the date of the seizure and shall state the reason for the seizure, as well as the quantity, type, and location of the fireworks. Any fireworks seized pursuant to division (B) of Section 3743.68 of the Revised Code shall be made in accordance with statutory and constitutional provisions governing searches and seizures by law enforcement officers. The state fire marshal's or certified fire safety inspector's office shall keep the seized fireworks pending the time they are no longer needed as evidence. A sample of the seized fireworks is sufficient for evidentiary purposes. The remainder of the seized fireworks may be disposed of pursuant to an order from a court of competent jurisdiction after notice and a hearing. The state fire marshal's or certified fire safety inspector's office may impound seized fireworks at the site where they were seized and cause them to be secured and held pending the time they are no longer needed as evidence.

5601.7.2 Disposal of unneeded fireworks. Fireworks disposed of by the state fire marshal, certified fire safety inspector, peace officer, or law enforcement officer shall be in a manner prescribed by the state fire marshal after final determination by the court or upon final termination of proceedings, whichever is later and the state fire marshal or that office is not liable for claims for the loss of or damages to the seized fireworks. If no proceedings are commenced pursuant to the rule, the state fire marshal may dispose of or order the disposal of the fireworks pursuant to Chapter 2981. of the Revised Code after all of the following:

1. A random sampling of the fireworks has been taken.
2. An inventory list has been taken of all types and kinds of fireworks.
3. An analysis of the random sampling has been completed by the state fire marshal.
4. Photographs have been taken of the fireworks to be destroyed.
5. The state fire marshal has given written approval for the destruction of the fireworks at least ten days prior to the date of disposal.
6. A disposal form shall be provided by the state fire marshal and such form shall be completed and state the specific total weight of the fireworks seized, the total weight of fireworks to be destroyed, and the total weight of the fireworks not to be destroyed.

15. Modify section 5602.1 Definitions as follows:

Insert the following terms as alphabetically appropriate:

Authority having jurisdiction.

Beer and intoxicating liquor.

Black match.

Booby trap.

Break.
Cigarette load.
Controlled substance.
CPSC.
Dotn.
Fireworks incident.
Fireworks incident site.
Fireworks plant.
Flame effect.
Interlinked fire detection.
Licensed building.
Licensed exhibitor of fireworks or licensed exhibitor.
Licensed exhibitor of indoor fireworks.
Licensed exhibitor of outdoor/indoor fireworks.
Licensed manufacturer of fireworks or licensed manufacturer.
Licensed premises.
Licensed wholesaler of fireworks or licensed wholesaler.
List of licensed exhibitors.
List of licensed manufacturers.
List of licensed wholesalers.
Manufacturing of fireworks.
Navigable waters.
Novelties and trick noisemakers.
Party popper.
Processing of fireworks.
Railroad.
Representative sample showroom.
Retail sale or sell at retail.
Smoke device.
Snake or glow worm.
Snapper.
Storage location.
Trick match.
Wholesale sale or sell at wholesale.
Wire sparkler.

After “Fireworks.” Delete “Fireworks, 1.3G.” and “Fireworks, 1.4G.” and insert the following:

1.1G Fireworks.
1.2G Fireworks.
1.3G Fireworks.
1.4G Fireworks.
1.4G Special effects fireworks.
1.4S Fireworks.
1.4S Special effects fireworks.

Delete **“Fireworks Display.”** and insert **“Fireworks exhibition.”**.

16. Add section **5602.2** as follows:

5602.2 Terms used for Section 5615.10. *In accordance with Section 3743.75 of the Revised Code, the following terms, only as used in Section 5615.10, have the following exclusive meanings:*

“Particular location.” *A licensed premises and, regardless of when approved, any storage location approved in accordance with Section 3743.04 or 3743.17 of the Revised Code and this rule.*

“Person.” *Any person or entity, in whatever form or name, that acquires possession of a manufacturer or wholesaler of fireworks license issued pursuant to this rule by transfer of possession of license, whether that transfer occurs by purchase, assignment, inheritance, bequest, stock transfer, or any other type of transfer, on the condition that the transfer is in accordance with division (D) of Section 3743.04 of the Revised Code or division (D) of Section 3743.17 of the Revised Code and is approved by the state fire marshal.*

17. Modify section **5603.1 General** as follows:

After “reports of any accidents,” insert “fireworks matters,”.

After “conform to the” insert “applicable”.

After “of this section” insert “and this chapter”.

At the end of the section after “of this section and this chapter.” insert “Records relating to the manufacturing, sale, transportation, shipping, storage, possession, discharge, or use of fireworks or fireworks incidents shall be created, maintained and disposed of in accordance with the Revised Code and this chapter.”.

18. Modify section **5603.3 Loss, theft or unauthorized removal** as follows:

After “removal of explosive materials” insert “or 1.1G fireworks, 1.2G fireworks or 1.3G fireworks”.

19. Add section **5603.3.1** as follows:

5603.3.1 Fireworks. *In addition to the requirements of Section 5603.3, manufacturers, wholesalers, fountain device retailers, shippers and exhibitors shall report any theft or loss of any fireworks to the local law enforcement agency within twenty-four hours after the discovery of the theft or loss and shall send a copy of the report prepared by the local law enforcement agency to the state fire marshal. If such report is unavailable, the manufacturer, wholesaler, fountain device retailer, shipper or exhibitor shall notify the state fire marshal of the investigating law enforcement agency. In the event of such theft or loss of any fireworks or pyrotechnic devices, the local fire code official shall cooperate with the state fire marshal in conducting a joint investigation of the circumstances.*

20. Modify section **5603.4 Accidents** as follows:

In the title, delete “**Accidents**” and insert “***Accident and fireworks incident notifications***”.

At the beginning of the text delete “Accidents” and insert “*In addition to the requirements of Section 3743.451 of the Revised Code, accidents and fireworks incidents subject to Section 3743.451 of the Revised Code*”.

21. Add section **5603.4.1** as follows:

5603.4.1 Injury or damage report. *The local fire code official shall immediately make a report to the state fire marshal when any fireworks related fire, explosion, unauthorized discharge, personal injury, or other significant fireworks incident occurs, including all fires, explosions, personal injuries received or resulting from fireworks at a manufacturing plant, wholesale facility, from a shipment of fireworks in transit, or from fireworks at an exhibition. The report shall provide the location where the fire, explosion, or injury occurred and the name, address and telephone number of any person injured as a result when such information is available. The scene must be held until released by the state fire marshal.*

22. Modify section **5603.5 Misfires** as follows:

Delete “pyrotechnic display operator” and insert “*licensed exhibitor of fireworks*”.

23. Modify section **5604.2 Magazine required, Exception 2** as follows:

Delete “International Building Code” and insert “*building code*”.

24. Modify **Table 5604.5.2(3) Table of distances (Q-D) for buildings and magazines containing explosives-Division 1.4, footnote a** as follows:

Delete “International Building Code” and insert “*building code*”.

25. Modify section **5604.6 Construction** as follows:

At the end of the sentence delete “5604.6.5.2” and insert “5604.6.6”.

26. Add section 5604.6.6 as follows:

“5604.6.6 Grounding. *Outdoor magazines shall be properly grounded.*

Exception: *Type III portable day boxes are not required to be grounded.”.*

27. Modify section **5604.9 Inspection** as follows:

After “opened and inspected” insert “*by the permit holder*”.

Delete “seven-day intervals” and insert “*intervals of seven days*”.

At the end of the section after “or its contents.” insert “*The permit holder shall document said inspections including the date of inspection, name of person conducting inspection and a verification of the inventory. The permit holder shall maintain such records for a*

minimum of one year and provide such documentation to the state fire marshal upon request.”.

28. Add section **5604.9.1** as follows:

5604.9.1 If in the state fire marshal’s discretion, the state fire marshal determines that conditions affecting the security of explosives exist that require more frequent inventory inspections, the permit holder shall conduct such inspections on a daily basis unless otherwise notified by the state fire marshal for the duration of the prevailing conditions. Such conditions would exist when the United States department of homeland security threat advisory system, or a similar system of the United States government or the state of Ohio, reaches a high or severe level or the governor of Ohio declares a state of emergency pursuant to section 5502.21 of the Revised Code or the governor otherwise activates the Ohio militia in accordance with Ohio Constitution Article 9, Section 4.

29. Modify section **5605.5 Buildings and equipment** as follows:

Delete “International Building Code” and insert “building code”.

30. Modify the title of section **5608 Fireworks display** as follows:

In the title of the section, delete “display” and insert “exhibition”.

31. Modify section **5608.1 General** as follows:

Delete the title and text of the section in their entirety and insert the following:

Permit. This section applies to any exhibition of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). No 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335) or 1.4G fireworks (UN0336) may be displayed or otherwise discharged indoors.

A permit shall be obtained from the local fire official and law enforcement officer of the jurisdiction for any outdoor exhibition of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432) fireworks and any indoor exhibition of 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432) pursuant to the applicable provisions of Section 3743.54 of the Revised Code. The permit shall bear the signatures of the fire official and law enforcement official having jurisdiction and the licensed exhibitor applying to conduct the fireworks exhibition. The permit shall identify the certified fire safety inspector, fire chief, or fire prevention officer who will be present before, during, and after the fireworks exhibition, where appropriate.

32. Add sections **5608.1.1** and **5608.1.2** as follows:

5608.1.1 Permit form. The form for exhibition permit as prescribed by the state fire marshal shall be legibly and fully completed by the licensed exhibitor to clearly indicate the circumstances of the public fireworks exhibition the exhibitor wishes to conduct.

5608.1.2 Approval. Before any fireworks exhibition permit issued under this rule is considered to be a valid permit to allow the licensed exhibitor to acquire fireworks and conduct a fireworks exhibition, the permit must be signed and dated by the local officials having jurisdiction.

33. Modify section **5608.2 Permit application** as follows:
In the title, delete “**application**” and insert “**approval**”.

Delete the text of the section in its entirety and insert the following:

A fireworks exhibition permit should be obtained from such local officials at least five days in advance of the fireworks exhibition. Failure to obtain the exhibition permit prior to five days in advance of the fireworks exhibition may result in denial of the approval required to conduct the fireworks exhibition.

34. Delete the numbers, titles and text of sections **5608.2.1** through and including **5608.4** and its exceptions in their entirety and insert the following:

5608.3 Fee. When the legislative authority of the political subdivision has prescribed a fee for the issuance of a permit for a fireworks exhibition, the fire official and law enforcement officer shall not issue such permit until the exhibitor pays the requisite fee and meets the financial responsibility requirements of Section 5601.2.4.2.

5608.4 Inspection of site. The fire chief or fire prevention officer of the authority having jurisdiction shall inspect the premises where the fireworks exhibition is to take place and determine whether the fireworks exhibition is in compliance with Chapter 3743. of the Revised Code and NFPA 1123 (Chapter 5, site selection) and the applicable portions of NFPA 1126. The radius of separation distance between all mortars, racks or other points of fireworks discharge and any members of the public shall be measured, regardless of obstruction or other topographical features, as a direct point to point line of sight measurement. All such separation distances shall be measured from the same horizontal plane of elevation between the fireworks discharge point and members of the public. No members of the public shall, regardless of their relative difference in elevation from the horizontal plane of measurement, be permitted within the required radius of separation. For the purposes of this section, the radius of separation extends infinitely above and below the horizontal plane of measurement. The inspection shall be conducted prior to the issuance of the permit for a fireworks exhibition.

5608.5 Inspection checklist. At the time of the required site inspection, the fire chief or fire prevention officer, shall complete the required detailed inspection checklist as prescribed by the state fire marshal and set forth in the appendix to this rule. If the exhibition is to be inspected is an outdoor exhibition, the fire chief or fire prevention officer shall complete the detailed inspection checklist, in consultation with a police chief or other similar chief law enforcement officer of a municipal corporation, township, or township police district or with a designee of such a police chief or other similar chief law enforcement officer. No exhibition of fireworks shall occur in this state until the

licensed exhibitor possesses a copy of the appropriate checklist signed by the fire official and the licensed exhibitor.

5608.6 Exhibitor's license requirement. No permit for a fireworks exhibition shall be granted unless the applicant is in possession of a valid license to exhibit fireworks issued by the state fire marshal. Each applicant for a permit shall show the applicant's license as an exhibitor of fireworks to the fire chief or fire prevention officer and, upon request to the police chief or other similar law enforcement officer.

5608.7 Fireworks exhibition permit application detailed information required.

5608.7.1 When an Ohio licensed exhibitor applies for the permit required by Section 5608.1, the licensed exhibitor shall submit all of the following information to the local officials having jurisdiction over the exhibition. Such information shall include but not be limited to:

5608.7.1.1 The name of the organization sponsoring the fireworks exhibition together with the names of persons actually in charge of the fireworks exhibition.

5608.7.1.2 The date and time of day when the fireworks exhibition is to be held.

5608.7.1.3 The exact location planned for the fireworks exhibition.

5608.7.1.4 The name and license number of the fireworks exhibitor who is to supervise the discharge of fireworks and of all personnel assisting within the discharge perimeter.

5608.7.1.5 The class of fireworks to be discharged with the number of set pieces and shells (specify single- or multiple-break), including experimental rockets or missiles.

5608.7.1.5.1 For the indoor exhibition of fireworks, the requirements for pyrotechnic product information in accordance with Chapter 7 of NFPA 1126.

5608.7.1.6 The manner and place of storage of all fireworks prior to and during the fireworks exhibition for all fireworks storage shall be in accordance with Section 5610.1.

5608.7.1.7 A diagram of the premises on which the fireworks exhibition is to be held, showing the point at which the fireworks are to be discharged, the location of all buildings, highways, railroads, or other inhabited structures within one thousand feet of the discharge and potential landing site. The diagram shall also show the line barriers behind which the audience will be restrained.

5608.7.1.7.1 For the indoor exhibition of fireworks, the diagram must include:

1. The interior of the structure to be used for the exhibition and the layout of all devices to be used at the exhibition.
2. A description of the direction the devices shall be fired and the fallout radius for each device.
3. The lines behind which the audience shall be restrained.

5608.7.1.7.2 For the indoor exhibition of fireworks, certifications that the set, scenery and rigging materials are treated with appropriate flame retardant.

5608.7.1.8 Proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverages in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the authority having jurisdiction, is in force for the applicant and includes acts of all employees.

5608.7.1.9 A copy of each exhibitor's license and proof of assistant's registration for all individuals proposed to operate within the discharge perimeter.

5608.7.1.10 The name and license number of the fireworks manufacturer, wholesaler or out-of-state shipper who supplied all items in the fireworks exhibition.

5608.7.2 The licensed exhibitor reflected on the fireworks exhibition permit at the time of the fireworks exhibition shall be responsible for compliance with the provisions under which the fireworks exhibition permit was granted.

5608.7.3 A copy of the issued permit and the completed inspection checklist shall be sent to the state fire marshal by the fire official no later than five days after the date of the fireworks exhibition. In the event of any incident resulting in an investigation or other inquiry by the state fire marshal or other authority having jurisdiction, the completed permit and the completed inspection checklist shall be made immediately available to the state fire marshal or other authority having jurisdiction upon request.

5608.8 Permit, denial and revocation. The local fire official and, for the outdoor exhibition of fireworks a law enforcement officer of the jurisdiction may deny or revoke a fireworks exhibition permit for any of the following:

5608.8.1 The applicant/exhibitor does not possess a valid exhibitor's license issued by the state fire marshal.

5608.8.2 The site on which the fireworks exhibition is to take place does not conform to the applicable rules.

5608.8.3 The applicant has failed to pay the permit fee or provide the required information.

5608.8.4 The applicant has failed to provide the required indemnity bond or proof of insurance.

5608.8.5 The exhibitor has failed to postpone a fireworks exhibition when so ordered due to unsafe conditions or operations, inclement weather, wind conditions, unsafe spectator conditions, or any other condition in violation of this chapter.

5608.8.6 The exhibitor has failed to store the fireworks in a safe manner prior to or during the fireworks exhibition or is firing the fireworks exhibition in an unsafe manner.

5608.8.7 The licensed exhibitor present at the fireworks exhibition is not the licensed exhibitor that was designated to be present pursuant to Section 5608.7.1.4. The authority having jurisdiction is authorized to approve a substitution of another licensed exhibitor under extenuating circumstances prior to the fireworks exhibition provided that the substitute licensed exhibitor:

5608.8.7.1 Demonstrates to the authority having jurisdiction possession of a valid fireworks exhibitors' license;

5608.8.7.2 Signs the fireworks exhibition permit and thereby accepts the full responsibility and liability for conducting the fireworks exhibition as initially approved;

5608.8.7.3 Produces proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverages in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the authority having jurisdiction, is in force for the applicant and includes acts of all employees;

5608.8.7.4 Demonstrates to the authority having jurisdiction that they are authorized by the initial exhibitor to conduct the fireworks exhibition;

5608.8.7.5 Follows the initially approved conditions of the fireworks exhibition permit;

5608.8.7.6 Conducts the fireworks exhibition in accordance with the requirements of this chapter.

5608.9 Ceasing operations. *The conducting of an exhibition by an exhibitor, all exhibition discharges, and any associated exhibition operations shall immediately cease and the fireworks exhibition shall be postponed or cancelled when:*

- 1. a fireworks incident occurs;*
- 2. the ceasing of operations is so ordered by the authority having jurisdiction or the licensed fireworks exhibitor due to unsafe conditions or operations, inclement weather, wind conditions, unsafe spectator conditions, or any other condition in violation of this rule;*
- 3. any substantially unsafe exhibition conditions or operations, wind or spectator conditions, or inclement weather occur;*
- 4. any other substantially unsafe conditions occur including those that result in conditions that violate this rule.*

Any ceasing of operations shall result in the automatic revocation of the exhibition permit associated with the operations.

The orders to cease operations, postpone the fireworks exhibition and the revocation of the fireworks exhibition permit may be communicated verbally by the authority having jurisdiction. When so ordered or when the fireworks exhibition permit has been revoked, the exhibitor shall cease firing of the fireworks exhibition immediately.

5608.9.1 Resuming operations. *Unless a fireworks incident has occurred, the exhibitor may reapply for and be granted a new permit for the fireworks exhibition when the fire official and, for an outdoor exhibition, a law enforcement officer are satisfied that all rules, conditions, and operations are safe or have been complied with. If a fireworks incident has occurred, an exhibition permit may only be reissued upon the state fire marshal's completion of an investigation pursuant to section 3743.541(B) of the Revised Code.*

5608.9.2. Firework Incidents. *All persons conducting or assisting in the conduct of a fireworks exhibition must comply with Section 5603.4 and Sections 5608.9.2.1 through 5608.9.2.31 as required by division (B) of Section 3743.541 of the Revised Code:*

5608.9.2.1 *The appropriate certified fire safety inspector, fire chief, or fire prevention officer or appropriate state or local law enforcement authority with jurisdiction over a fireworks incident site shall immediately notify the state fire marshal, the state fire marshal's designee, or a member of the state fire marshal's staff regarding the occurrence of the fireworks incident and the location of the fireworks incident site.*

5608.9.2.2 At any time after a fireworks incident occurs, unless the state fire marshal otherwise delegates the state fire marshal's authority to the appropriate state or local law enforcement authority with jurisdiction over the fireworks incident site, the state fire marshal, the state fire marshal's designee, or a member of the state fire marshal's staff shall supervise and coordinate the investigation of the fireworks incident and supervise any dismantling, repositioning, or other disturbance of fireworks, associated equipment or other materials, or other items within the fireworks incident site or of any evidence related to the fireworks incident.

5608.9.2.3 A state or local law enforcement officer, certified fire safety inspector, fire chief, or fire prevention officer, or any person authorized and supervised by a state or local law enforcement officer, certified fire safety inspector, fire chief, or fire prevention officer, prior to the arrival of the state fire marshal, the state fire marshal's designee, or a member of the state fire marshal's staff at a fireworks incident site, may dismantle, reposition, or move any fireworks, any associated equipment or other materials, or any other items found within the site or any evidence related to the fireworks incident only as necessary to prevent an imminent fire, imminent explosion, or similar threat of additional injury or death to any member of the public at the site.

5608.10 Safety requirements. All fireworks exhibitions shall be conducted in accordance with the following as applicable to the type of exhibition:

5608.10.1 Mortars. All mortars used in a fireworks exhibition that are greater than or equal to eight inches in diameter shall be equipped with electronic ignition equipment in accordance with NFPA 1123.

5608.10.2 Standard of stability. All fireworks mortars and mortar racks used at a fireworks exhibition shall conform to the requirements of NFPA 1123 and this section to ensure stability.

5608.10.2.1 All mortar racks shall be securely positioned in accordance with the requirements of NFPA 1123. The methods used to securely position the mortar rack shall not include the use of items such as plastic ties, string, twine, tape, or any other material that may easily break, dislodge, ignite, or otherwise permit the repositioning of the mortar rack.

5608.10.2.2 All mortars, bundles, box items, cakes, candle placements, and mortar racks shall be inherently stable or be properly secured and braced to prevent repositioning. It is not acceptable to create inherent stability of mortar racks only by connection to other mortar racks.

5608.10.2.3 All mortar racks shall be individually secured by one or more approved method. Approved methods include but are not limited to: utilizing steel stakes, sturdy wood stakes, or spikes securely attached to the rack frame with

approved materials; utilizing sand bags of sufficient quantity and height placed on each side of and in direct contact with the rack frame; utilizing wood or steel feet of sufficient length, strength, and durability, securely attached in a perpendicular orientation to the ends of the rack frame; utilizing sideboards securely mounted in a perpendicular orientation to both ends of the rack frame; or by the construction of A-frame braces of sufficient strength and durability securely attached to both ends of the rack frame.

5608.10.2.4 The stability of all mortars, bundles, box items, cakes, candle placements and mortar racks shall be verified by the licensed fireworks exhibitor and fire official immediately prior to the fireworks exhibition. Each such item shall be individually addressed in an appropriate manner to ensure its integrity and stability prior to providing affirmative documentation of such stability on the required inspection checklist.

5608.10.3 Exhibition site activity. Each licensed exhibitor shall display prominently upon their person any visible identification required by the fire code official at all times when within the discharge perimeter or otherwise at the exhibition site. Each licensed exhibitor shall make their exhibitor license available for review to any fire or law enforcement officer upon request.

5608.10.3.1 Discharge perimeter for an outdoor exhibition. Only fire officials, licensed fireworks exhibitors or persons who are employees of licensed exhibitors of fireworks and who are registered with the state fire marshal under Section 3743.56 of the Revised Code shall be permitted within the discharge perimeter during a fireworks exhibition.

5608.10.3.2 Fall out area for an indoor exhibition. Only fire officials, licensed fireworks exhibitors, or persons who are employees of licensed exhibitors of fireworks and who are registered with the state fire marshal under Section 3743.56 of the Revised Code shall be permitted within the fall out area during a fireworks exhibition. If approved by the fire official, persons associated with a theatrical or other similar performance related to the exhibition may also be permitted within the fall out area during an indoor fireworks exhibition.

5608.10.4 Inspection. An inspection of all affected premises shall be conducted immediately following a fireworks exhibition for purposes of locating and disposing of defective or unexploded fireworks. If an outdoor fireworks exhibition is conducted at night, an inspection shall also be conducted at sunrise the following morning.

5608.10.5 Fire official. The governing authority having jurisdiction in the location where an outdoor exhibition is to take place shall require that a certified fire safety inspector, fire chief, or fire prevention officer be present before, during, and after the outdoor fireworks exhibition. The fire safety inspector, fire chief or fire prevention officer, shall complete the detailed inspection checklist as prescribed by the state fire marshal and set forth in the appendix of this rule. If the exhibition to be inspected is

an outdoor exhibition, the fire chief or fire prevention officer shall complete the detailed inspection checklist, in consultation with a police chief or other similar chief law enforcement officer of a municipal corporation, township, or township police district or with a designee of such a police chief or other similar chief law enforcement officer.

5608.10.6 Assistants. No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the state fire marshal under Section 3743.56 of the Revised Code and Section 5619.10.

5608.10.7 Unless otherwise specifically directed by this chapter, the Administrative Code, or the Revised Code, all fireworks used in any type of exhibit shall be used in accordance with the instructions provided by the manufacturer.

5608.10.8 No person, and no licensed exhibitor of fireworks or their registered assistant(s) without a proper exhibition permit, shall handle, touch, or use any fireworks at any exhibition subject to this section unless specifically authorized to take such actions in Section 3743.451 of the Revised Code.

Section 5609 Shipping and transportation

5609.1 General. As used in this section, “fireworks” includes 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0432), 1.4S fireworks (UN0337) and 1.4S special effects fireworks (UN0432). All fireworks transported on the highways in this state for any purpose and all wholesale and commercial sales of fireworks shall be packaged, shipped, placarded, and transported in accordance with this code, DOTn regulations applicable to the transportation, and the offering for transportation, of hazardous materials, and NFPA 1123, 1124 and 1126. All fireworks otherwise transported into or through this state shall be transported in accordance with applicable law. For purposes of this section, “wholesale and commercial sales” includes all sales for resale and any nonretail sale made in furtherance of a commercial enterprise. For purposes of enforcement of these regulations by any authorized state agency, any sales transaction exceeding one thousand pounds shall be rebuttably presumed to be a wholesale or commercial sale. The placarding provisions of NFPA 1123 Annex D.5.4 apply to all types of public roadway transportation of fireworks, including transportation not defined as being in commerce under DOTn regulations.

5609.2 Interstate shipment of fireworks. No person shall ship fireworks into this state by mail, parcel post, or common carrier unless the person possesses a valid shipping permit issued under Section 3743.40 of the Revised Code, and the fireworks are shipped directly to the holder of a license issued under Section 3743.03 or 3743.16 of the Revised Code or to the holder of a license issued under Section 3743.51 of the Revised Code who possesses a valid exhibition permit issued in accordance with Section 3743.54 of the

Revised Code and the fireworks being shipped are to be used at that specifically permitted exhibition.

5609.3 Intrastate shipment of fireworks. No person shall ship fireworks within this state by mail, parcel post, or common carrier unless the fireworks are shipped directly to the holder of a license issued under Section 3743.03 or 3743.16 of the Revised Code or to the holder of a license issued under Section 3743.51 of the Revised Code who possesses a valid exhibition permit issued in accordance with Section 3743.54 of the Revised Code and the fireworks being shipped are to be used at that specifically permitted exhibition.

5610 Storage of fireworks at exhibition site.

35. **Modify section 5608.5 Storage of fireworks at display site as follows:**

Delete “5608.5 Storage of fireworks at display site.” and insert “5610.1 Storage.”.

After “The storage of fireworks at the” delete “display” and insert “exhibition”.

After “NFPA 1123” delete “or” and insert “and”.

After “NFPA 1126.” insert “All fireworks to be used at a fireworks exhibition shall be stored in an approved magazine at the exhibition site until immediately prior to their use. Such magazine shall be located in an area approved by the local fire official and shall meet the table of distances requirements of this chapter. Magazines shall be constructed in accordance with this chapter. No fireworks may be acquired or stored by an exhibitor until the permit for the specific exhibition that the fireworks will be used at has been issued. Such storage shall not exceed a period of seventy-two hours prior to the start of the fireworks exhibition as provided for in the approved permit unless all of the following apply:

1. The fire code official having jurisdiction over the exhibition approves the extended time period for storage as part of the exhibition permit.
2. All fireworks are stored at the exhibition site as that site is described in the permit.
3. The fireworks stored at the exhibition site in accordance with this rule shall only be those fireworks approved by the fire code official having jurisdiction as necessary for the specific exhibition listed in the exhibition permit that describes the extended storage period.
4. The extended time period for storage shall not exceed a maximum of fourteen days.”.

36. **Modify section 5608.5.1 Supervision and weather protection as follows:**

Delete “5608.5.1” and insert “5610.2”.

Delete “display” and insert “*exhibition*”.

37. Modify section **5608.5.2 Weather protection** as follows:

Delete “**5608.5.2**” and insert “**5610.3**”.

Delete “display” and insert “*exhibition*”.

38. Modify section **5608.5.3 Inspection** as follows:

Delete “**5608.5.3**” and insert “**5610.4**”.

At the beginning of the section, delete “Shells” and insert “*Fireworks*”.

At the end of the first sentence, delete “display” and insert “*exhibition*”.

At the beginning of the second sentence before “having tears” delete “Shells” and insert “*Fireworks*”.

In the last sentence after “After the fireworks” delete “display” and insert “*exhibition*”.

In the last sentence after “deteriorated or dud” delete “shells” and insert “*fireworks*”.

In the exception, delete “displays” and insert “*exhibitions*”.

39. Modify section **5608.5.4 Sorting and separation and its exception** as follows:

Delete “**5608.5.4**” and insert “**5610.5**”.

Delete “display” and insert “*exhibition*” at all occurrences (2).

Between “all” and “shells” insert “*aerial*”.

In the exception after “For electrically fired” delete “displays” and insert “*fireworks exhibitions*”.

In the exception before “where all shells” delete “displays” and insert “*exhibitions*”.

40. Modify section **5608.5.5 Ready boxes and its exception** as follows:

Delete “**5608.5.5**” and insert “**5610.6**”.

At the beginning of the section delete “Display fireworks, 1.3G,” and insert “*Fireworks*”.

After “at the site during the fireworks” delete “display” and insert “*exhibition*”.

In the exception delete “displays” and insert “*exhibitions*” at all occurrences (2).

41. Delete the following section numbers, section headings and the text of the sections in their entirety:

5608.6 Installation of mortars.

5608.7 Handling.

5608.8 Fireworks display supervision.

5608.9 Post-fireworks display inspection.

5608.10 Disposal.

42. Delete the section number, section heading and all text of section **5609 Temporary storage of consumer fireworks** and its subsection **5609.1 General** in their entirety.

43. Add sections **5611** through **5628.6.3** as follows:

Section 5611 Flame effects permit

5611.1 Scope. This section shall apply to the following:

1. Use of flame effects for entertainment, exhibition, demonstration or simulation before an audience;
2. Design, fabrication, installation, testing, control, operation, and maintenance of equipment, materials, procedures, and systems used to produce flame effects;
3. Rehearsal, videotaping, audio taping, or filming of any television, radio, or movie production if such production is before an audience and includes the use of flame effects;
4. Rehearsal of any production incorporating flame effects intended to be presented before an audience;
5. Storage and holding at a venue where flammable and combustible materials are used to create flame effects.

5611.2. This rule shall not apply to:

1. Flame effects produced solely by pyrotechnic special effects devices;
2. Use of pyrotechnic special effects;
3. Storage of flammable solids, liquids, and gases not to be used to create flame effects;
4. Manufacture, off-site storage, and transportation of materials and equipment used to produce flame effects;
5. Use of flame effects in fire training, except where there is an audience that is not part of the training;

6. Manufacture, transportation, storage, sale, or use of model or high-power rocket motors;
7. Traditional non-theatrical public display of flames such as the following:
 - 7.1 Use of lighted candles in restaurants or religious services;
 - 7.2 Fireplace in areas open to the public;
 - 7.3 Restaurant cooking visible to the patrons;
 - 7.4 Listed Group II flame effects.
8. Use of motor vehicles in races or sanctioned competitive sporting events.

5611.3 Permit. A permit shall be obtained from the local fire code official of the jurisdiction for the use of any flame effect in an indoor and outdoor flame effects exhibition as set forth in Section 5611.1 at least five days in advance of the production, exhibition, demonstration, or simulation using the flame effects. Failure to obtain a permit prior to five days in advance of the production or non-compliance with the requirements of this code and NFPA 160 may, in the discretion of the local fire code official, result in denial or revocation of the permit.

Before any flame effects exhibition permit issued under this chapter is considered to be a valid permit to allow the licensed flame effects exhibitor to conduct a flame effects exhibition, the permit, upon approval, must be signed and dated by the local fire code official having jurisdiction. As required by the local fire code official to confirm compliance with this section, receipt of the permit and/or any conditions associated thereto, the flame effects exhibitor shall sign and date the permit application, the permit and/or any other required documentation.

When a permit is required by this chapter, a local fire code official shall be present during the production, exhibition, demonstration, or simulation using flame effects.

Exception: When issuing a permit for a group I or group II flame effects production, exhibition, demonstration, or simulation using flame effects, the local fire code official may determine that a local fire code official need not be present during such an exhibition.

If a permit is required by this rule, the permit shall identify the local fire code official who will be present before, during, and after the flame effects exhibition.

If any portion of the fire protection or life safety systems of a structure are interrupted during the operation of flame effects, a local fire code official must grant a prior approval of and be present during such interruptions.

Any performance adding flame effects different from the performance described in the permittee's plan shall require approval by the local fire code official having jurisdiction.

5611.4 Permit form. The application form for exhibition permit as prescribed by the state fire marshal shall be legibly and fully completed by the licensed flame effects exhibitor to clearly indicate the circumstances and class of the flame effects exhibition the flame effects exhibitor wishes to conduct.

5611.5 Flame effects use plan. Before the performance of any production, the permit applicant shall submit a plan for the presentation, operation, or use of flame effects to the local fire code official. The plan shall be made in writing in such form as is acceptable to the local fire code official and shall demonstrate compliance with this code and NFPA 160. The plan shall include but is not limited to the following:

1. The name of the person, group, or organization sponsoring the production;
2. The date and time of day of the production;
3. The exact location of the production;
4. The name of the licensed exhibitor of flame effects and proof of a current, valid licensed exhibitor of flame effects license issued by the state fire marshal;
5. The number, names, and ages of any and all persons who support or aid the flame effects exhibition in any manner including holding the unlit flame effect prior to actual lighting and presentation of the flame effect by a licensed exhibitor of flame effects;
 - 5.1 Except as described in Section 5611.9.1, no person who is not a licensed exhibitor of flame effects may present, operate or use a flame effect or conduct a flame effect exhibition or related activities subject to this code and NFPA 160 unless that person is a currently licensed exhibitor of flame effects.
6. The qualifications and experience of the flame effects exhibitor;
7. The flame effects classification and design criteria in accordance with NFPA 160;
8. A diagram of the site indicating the location of all flame effects devices, the areas affected by each device, location of the audience and separation distances, means of egress, and information on all fuels and ventilation for each effect;
9. A narrative description of the flame effects, controls, and control sequences of all devices, and emergency response procedures;
10. If applicable, a valid Material Safety Data Sheet (MSDS) for each fuel utilized;

11. Documentation that the set, scenery, and rigging materials are treated with appropriate flame retardant.

After a permit has been granted, the permittee shall keep the plan available at the site for safety inspectors or other designated agents of each authority having jurisdiction.

5611.6 Fee. When the legislative authority of the political subdivision has prescribed a fee for the issuance of a permit for a flame effects exhibition, the local fire code official shall not issue such permit until the flame effects exhibitor pays the requisite fees as required by the local legislative enactment setting forth such fee.

5611.7 Inspection of site. Prior to issuance, the local fire code official having jurisdiction shall inspect the premises where the flame effects exhibition is to take place and determine whether the exhibition, demonstration, or simulation using flame effects is in compliance with this chapter, Chapter 3743. of the Revised Code, and NFPA 160 (Annex C, Inspection Guidelines).

5611.8 Inspection checklist. At the time of the required site inspection, the local fire code official having jurisdiction shall complete the required detailed inspection checklist as prescribed by the state fire marshal. No production, exhibition, demonstration, or simulation using flame effects shall occur in this state until the licensed flame effects exhibitor possesses a copy of the appropriate checklist signed by the local fire code official.

5611.9 Requirements to conduct a flame effects exhibition. No person shall engage in the production, exhibition, demonstration, or simulation using flame effects unless the person obtains a permit in accordance with this chapter. No permit for a flame effects exhibition shall be granted unless the applicant is a currently licensed exhibitor of flame effects in accordance with Section 5619 to exhibit, demonstrate, or simulate using flame effects. Each applicant for a permit shall show the applicant's license as a licensed exhibitor of flame effects to the local fire code official and, upon request, to the police chief or other similar law enforcement officer.

5611.9.1 Flame effects exhibition of Group 1 Flame Effects

5611.9.1.1 Definition. For the purposes of this section "Group 1 Flame Effect" means an attended, manually controlled flame effect."

5611.9.1.2 Flame effects exhibition of Group 1 flame effects. No flame effects exhibition of Group 1 flame effects may occur at any location in this state unless a person who holds a current and valid licensed exhibitor of flame effects license obtains a valid permit for the exhibition in accordance with this chapter. Such licensed exhibitor who obtained the permit shall be present at the site where the flame effects exhibition is taking place and shall remain on site at all times during which a flame effect is lit and/or live fire is present, including but not limited to

rehearsals, dress rehearsals and live productions. The licensed exhibitor of flame effects shall oversee all parts of the flame effects exhibition including preparation, use and extinguishment of flame effects.

Exceptions:

1. If approved in writing by the local authority having jurisdiction in advance of the performance, a currently and validly licensed exhibitor of flame effects other than the licensed exhibitor of flame effects that obtained the permit may be on site at a flame effects exhibition of Group 1 flame effects as a substitute for the initially permitted licensed exhibitor of flame effects in accordance with the above provisions and any conditions established by the local authority having jurisdiction instead of the exhibitor that obtained the permit.
2. The above requirement that the licensed exhibitor of flame effects be on-site at all times that live fire is present does not apply to traditional non-theatrical public displays of flames such as the following:

2.1 Use of lighted candles in restaurants or religious services

2.2 Fireplaces in areas open to the public

2.3 Restaurant cooking visible to the patrons

2.4 Listed Group II flame effects.

5611.9.1.3 Safety briefing required. Prior to any flame effects exhibition of Group 1 flame effects before a live audience the licensed exhibitor of flame effects who obtained the permit for the performance, or other licensed exhibitor of flame effects who the local authority having jurisdiction approves in accordance with Section 5611.9.1.2, Exception 1, shall conduct a fire safety briefing with all individuals associated with the production who will in any manner be involved in the preparation, use and/or extinguishment of flame effects. The briefing shall consist of a review of basic safety protocols and any guidance issued by the state fire marshal for all phases of the preparation, use and extinguishment of the flame effects to be used. All persons who will engage in the preparation, use or extinguishment of the flame effects shall demonstrate competence to the satisfaction of the licensed exhibitor of flame effects by experience and training or by holding a valid license issued by the state allowing the individual to engage in the subject conduct.

5611.10 Permit, denial and revocation. The local fire code official may deny or revoke a flame effects exhibition permit for any of the following:

1. The applicant/exhibitor does not possess a valid flame effects exhibitor's license issued by the state fire marshal.
2. The site on which the flame effects exhibition is to take place does not conform to the applicable rules.
3. The applicant has failed to pay the permit fee or provide the required information.
4. The applicant has failed to provide the required indemnity bond or proof of insurance, if such indemnity bond or proof of insurance is required by the local fire code official at the local fire code official's discretion.
5. The flames effects exhibitor has failed to postpone a flame effects exhibition when so ordered due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule.
6. The flames effects exhibitor has failed to store the flame effects in a safe manner prior to or during the flame effects exhibition or is firing the flame effects exhibition in an unsafe manner.
7. The licensed flames effects exhibitor present at the flame effects exhibition is not the licensed flame effects exhibitor that was designated to be present pursuant to Sections 5611.2 and 5611.4. The local fire code official is authorized to approve a substitution of another licensed flame effects exhibitor under extenuating circumstances prior to the flame effects exhibition provided that the substitute licensed flame effects exhibitor:
 - 7.1 Demonstrates to the local fire code official possession of a valid flame effects exhibitor's license;
 - 7.2 Signs the flame effects exhibition permit and thereby accepts the full responsibility and liability for conducting the flame effects exhibition as initially approved;
 - 7.3 If required by the local fire code official, produces proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverage in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the local fire code official, is in force for the applicant and includes acts of all employees;
 - 7.4 Demonstrates to the local fire official that they are authorized by the initial flame effects exhibitor to conduct the flame effects exhibition;
 - 7.5 Follows the initially approved conditions of the flame effects exhibition permit;

7.6 Conducts the flame effects exhibition in accordance with the requirements of this chapter.

8. The licensed flame effects exhibitor failed to produce, exhibit, demonstrate, or simulate using flame effects in accordance with this chapter or otherwise failed to comply with the requirements set forth in this chapter.

5611.11 Ceasing operations. Operations shall immediately cease and the flame effects exhibition shall be postponed by the licensed flame effects exhibitor when so ordered by the local fire code official or due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this chapter.

The local fire code official shall order the immediate cessation of the flame effects exhibition due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this chapter. The orders to cease operations, postpone the flame effects exhibition and the revocation of the flame effects exhibition permit may be communicated verbally by the local fire code official. When so ordered or when the flame effects exhibition permit has been revoked, the flame effects exhibitor shall cease the flame effects exhibition immediately. The flame effects exhibitor may reapply for a new permit for the flame effects exhibition when the local fire code official is satisfied that all rules, conditions, and operations are safe or have been complied with.

5611.12 General. All flame effects control systems shall be designed and installed to prevent accidental firing and unintentional release of fuel.

5611.13 Holding areas, quantity, use, operation, design, and control of flame effects.

5611.13.1 General All flame effect materials and devices not connected for use shall be stored in accordance with applicable codes and standards and any state and local regulations.

5611.13.2 Holding areas All flammable flame effect materials and loaded devices that have been removed from storage areas in anticipation of use shall be stored in a holding area acceptable to the local fire code official.

5611.13.3 Quantity limitations. The maximum quantity of flammable flame effect materials and loaded devices stored in a holding area shall be that quantity used in one day.

Quantities of flammable flame effect materials and devices in excess of those used in one day shall be permitted to be stored in holding areas with the approval of the local fire official.

Flammable flame effect materials and loaded devices in holding areas shall be secured or supervised continuously by an attendant trained in emergency response procedures.

All flame effects and flame effects exhibitors shall comply with NFPA 160 and the NFPA 160 annexes.

5611.14 Insurance. The local fire code official having jurisdiction may require the applicant to maintain valid general liability insurance or an indemnity bond in force for the applicant and includes acts of all employees that is issued by a company licensed to provide such coverage in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the local fire official.

5611.15 Documentation.

5611.15.1 General All flame effects devices and materials shall have drawings, manuals, or written descriptions to describe the type of item and performance specifications of the flame effects created. This documentation shall be on site and available to the local fire official.

5611.16 Operating procedures All flame effects shall have written operating instructions including start-up, show operations normal shutdown procedures, and emergency shutdown procedures. Operating instructions shall be available to the operator.

Section 5612 Operational requirements

5612.1 All licensed manufacturers, wholesalers, shippers, and fireworks exhibitors shall comply with the applicable requirements listed in this chapter, the building code, NFPA 1123, NFPA 1124 (2006 or 2017 edition as applicable per Section 5601.1.3) and NFPA 1126, relating to operation, record keeping and reporting, site security, separation distances, heating, lighting, electrical equipment, smoking regulations, fire and explosion prevention, fire protection and emergency procedures, transportation, and operations of fireworks exhibits.

5612.1.1 All manufacturing or processing of fireworks must be in accordance with Chapter 3743. of the Revised Code, the applicable provisions of NFPA 1123, NFPA 1124 and NFPA 1126 and, to the extent not addressed by the Revised Code or NFPA 1123, NFPA 1124 and NFPA 1126, in accordance with Section 5605.

5612.2 Licensed manufacturers and licensed wholesalers need not comply with any requirements of Section 5613 which concern the distance requirements of division (G) of section 3743.06 or division (H) of Section 3743.19 of the Revised Code if the buildings were erected on or before May 30, 1986 and were occupied by a licensee with a license for that location prior to December 1, 1990.

5612.3 Continuing education. Each licensed manufacturer, wholesaler, or exhibitor shall comply with the applicable continuing education requirements as follows:

5612.3.1 Manufacturer. *Each licensed manufacturer of fireworks that possesses fireworks for sale and sells fireworks under division (C) of Section 3743.04 of the Revised Code, or a designee of the manufacturer, whose identity is provided to the state fire marshal by the manufacturer, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed manufacturer or the manufacturer's designee who attends a required program, within one year after attending the program, shall conduct in-service training for other employees of the licensed manufacturer regarding the information obtained in the program. A licensed manufacturer shall provide the state fire marshal with notice of the date, time, and place of all in-service training. The state fire marshal shall establish the subjects to be taught, the length of the classes, and the standards for approval, and the time periods for notification by the licensee to the state fire marshal of any in-service training.*

Exception: *If approved by the state fire marshal, any licensed manufacturer of fireworks that possesses fireworks for sale and sells fireworks under division (C) of Section 3743.04 of the Revised Code, or a designee of the manufacturer, whose identity is provided to the state fire marshal by the manufacturer, who serves as an instructor at a continuing education program outlined above shall not have to attend an additional continuing education program as a student during that same licensing year.*

5612.3.2 Wholesaler. *Each licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, annually shall attend a continuing education program. The state fire marshal shall develop the program and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed wholesaler or the wholesaler's designee who attends a required program, within one year after attending the program, shall conduct in-service training for other employees of the licensed wholesaler regarding the information obtained in the program. A licensed wholesaler shall provide the state fire marshal with notice of the date, time, and place of all in-service training. The state fire marshal shall establish the subjects to be taught, the length of the classes, and the standards for approval, and the time periods for notification by the licensee to the state fire marshal of any in-service training.*

Exception: *If approved by the state fire marshal, any licensed wholesaler of fireworks or a designee of the wholesaler, whose identity is provided to the state fire marshal by the wholesaler, who serves as an instructor at a continuing education program as outlined above shall not have to attend an additional continuing education program as a student during that same licensing year.*

5612.3.3 Exhibitor. *Each licensed exhibitor of fireworks or a designee of the exhibitor, whose identity is provided to the state fire marshal by the exhibitor, shall attend a continuing education program consisting of not less than six hours of instruction once every three years. The state fire marshal shall develop the program*

and the state fire marshal or a person or public agency approved by the state fire marshal shall conduct it. A licensed exhibitor or the exhibitor's designee who attends a required program, within one year after attending the program, and on an annual basis during the following two years, shall conduct in-service training for other employees of the licensee regarding the information obtained in the program. After each in-service training, the licensed exhibitor shall provide a roster to the state fire marshal's office listing all those that attended the in-service training. A licensed exhibitor shall provide the state fire marshal with certified proof of full compliance with all applicable annual training requirements of the United States Department of Transportation and of the Occupational Safety and Health Administration. A licensed exhibitor shall provide the state fire marshal with notice of the date, time, and place of all in-service training not less than thirty days prior to an in-service training event. An individual exhibitor who has no employees shall not fulfill continuing education requirements through a designee. An exhibitor who fulfills the continuing education requirements through a designee shall provide the identity and exhibitor license number of the designee to the state fire marshal prior to the training program. Each licensed exhibitor shall provide documentation evidencing compliance with the continuing education requirements in the manner prescribed in the license renewal application material.

5612.3.3.1. Upon approval of the state fire marshal, any licensed exhibitor of fireworks or a designee of the exhibitor whose identity is provided to the state fire marshal by the exhibitor, who serves as an instructor at a continuing education program as outlined above may count any hour(s) spent instructing as credit toward the exhibitor's or the designee's continuing education requirements as long as the hours of instruction were performed during the licensure period for which credit is sought.

5612.3.4 Records. All records documenting the completion of the continuing education required by this chapter shall be maintained for a period of three years and shall be available for inspection by the state fire marshal or his/her designee when requested.

5612.3.5 In the discretion of the state fire marshal, continuing education classes provided under this section by the state fire marshal may be virtual or offered through similar digital means consistent with policies the state fire marshal establishes for such classes.

Section 5613 Testing of fireworks for classification

5613.1 Suspect fireworks. If there is reason to believe that the explosive composition or the pyrotechnic mixture of a particular fireworks device of the manufacturer, wholesaler, shipper, or exhibitor does not meet the DOTn classification regulations, such person shall furnish a random sampling of such fireworks device to the state fire marshal for testing to determine compliance of the device with DOTn classification regulations.

1. Fireworks shall be evaluated and tested by the state fire marshal by written request or by seizure.
2. The classification test shall not be construed as conferring classification to any other item, nor shall the trade name of any item be changed without notifying the state fire marshal thirty days prior to such change.
3. Fireworks or pyrotechnic devices that have not been classified by DOTn classification standards shall not be used, stored, or sold for use within this state.

5613.2 Fee. Fireworks or pyrotechnic devices that are submitted to the state fire marshal for classification by licensed manufacturers, wholesalers, shippers, or exhibitors shall be accompanied by a fee of twenty dollars for each item.

5613.3 Submission of live samples. When required by the state fire marshal, live samples shall be submitted to the state fire marshal for testing. The number of samples necessary shall be determined by the state fire marshal, but in no case shall the number of samples be less than ten.

5613.4 No person, other than the state fire marshal, a licensed manufacturer, licensed wholesaler or a licensed exhibitor pursuant to a properly issued exhibition permit, shall test fireworks. All testing of fireworks shall be in accordance with Chapter 3743. of the Revised Code, this rule and, to the extent not addressed by the Revised Code or this rule, in accordance with the applicable provisions of NFPA 1123, NFPA 1124 and NFPA 1126.

Section 5614 Fireworks categories and labeling and general requirements

5614.1 Pursuant to Chapter 3743. of the Revised Code, including Section 3743.05 of the Revised Code, the state fire marshal establishes the following fireworks categories and uses:

5614.1.1 Manufacturing. A licensed manufacturer of fireworks may manufacture or process only the following categories of fireworks in accordance with Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.2 Sales and other operations. In accordance with Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 (2006 or 2017 edition as applicable per Section 5601.1.3) and/or NFPA 1126, a licensed manufacturer may offer for sale and sell at wholesale or retail fireworks if manufactured by the licensee or fireworks manufactured by another, and may conduct other fireworks related activities on its licensed premises, for only the following categories of fireworks: 1.1G fireworks (UN0333), 1.2G fireworks

(UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

In accordance with Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 (2006 or 2017 edition as applicable per Section 5601.1.3) and/or NFPA 1126, a licensed wholesaler may offer for sale and sell fireworks at wholesale or retail, and may conduct other fireworks related activities on its licensed premises, for only the following categories of fireworks: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

In accordance with Chapter 3743 of the Revised Code, including section 3743.27 of the Revised Code, Section 5627, and the applicable portions of NFPA 1124, a licensed fountain device retailer may offer for sale and sell at retail 1.4G fireworks (UN 0336) that meet the definition of a 'fountain device' as defined in division (H) of section 3743.01 of the Revised Code and this code.

5614.1.3 Acquisition of fireworks and other general provisions.

5614.1.3.1 Out of state residents acquiring and taking possession of fireworks while such persons are in Ohio, and who are not acquiring fireworks pursuant to a license issued under Chapter 3743 of the Revised Code, may obtain only the following category of fireworks from a licensed manufacturer or licensed wholesaler in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code (including Sections 3743.46 and 3743.48 of the Revised Code), this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126: 1.4G fireworks (UN0336). Such persons shall not make, acquire, possess, sell, distribute, store, use, transport, exhibit or display any other category of fireworks while in Ohio without the proper state issued license and other required permits for such activities.

5614.1.3.2 Out of state persons acquiring fireworks while such persons are not located in Ohio may obtain the following categories of fireworks from a licensed manufacturer or licensed wholesaler in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.3.3 Ohio residents acquiring and taking possession of fireworks while such persons are in Ohio, and who are not acquiring fireworks pursuant to a license issued under Chapter 3743 of the Revised Code, may obtain only the following category of fireworks from an Ohio licensed manufacturer or

wholesaler in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code (including Sections 3743.45 and 3743.48 of the Revised Code), this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126: 1.4G fireworks (UN0336). Such persons shall not make, acquire, possess, sell, distribute, store, use, transport, exhibit or display any other category of fireworks while in Ohio without the proper state issued license and other required permits for such activities.

5614.1.3.4 Licensed manufacturers and licensed wholesalers may acquire, in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126, the following categories of fireworks from other licensed manufacturers and licensed wholesalers or licensed out of state shippers: 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.3.5 A licensed exhibitor of fireworks may, upon presentation of a properly issued and valid permit pursuant to section 3743.54 of the Revised Code, acquire, in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126, only the following categories of fireworks for such properly permitted exhibition only from a licensed manufacturer, a licensed wholesaler or, if such fireworks are shipped directly to an exhibition site, from a licensed out of state shipper:

5614.1.3.5.1 For an outdoor display exhibition: 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.3.5.2 For an indoor display exhibition: 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.3.5.3 Unless in accordance with Section 3743.46 of the Revised Code, no licensed exhibitor of fireworks shall:

1. acquire any fireworks, including 1.3G fireworks, for use in any exhibition other than those categories of fireworks authorized by this rule and such acquisition shall only be for up to the maximum amounts or quantities, and for the types of fireworks listed in the specific exhibition permit used to acquire the fireworks.
2. possess or store any fireworks, including 1.3G fireworks, for use in any exhibition in a manner not authorized by this Chapter, Section 5610.1, and other applicable laws and regulations.

5614.1.3.6 A licensed fountain device retailer may acquire, in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126, only the following categories of fireworks from Ohio licensed manufacturers and licensed wholesalers or licensed out of state shippers: 1.4G fireworks (UN0336) that meet the definition of a 'fountain device' as defined in division (H) of section 3743.01 of the Revised Code and this code.

5614.1.3.7 A person may acquire in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code (including sections 3743.27 and 3743.45 of the Revised Code), this rule and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126, only the following categories of fireworks from Ohio licensed fountain device retailer: 1.4G fireworks (UN0336) that meet the definition of a 'fountain device' as defined in division (H) of section 3743.01 of the Revised Code and this code.

5614.1.4 Ignition, discharge and display of fireworks. Except as authorized in section 3743.45 of the Revised Code and Sections 5626 and 5627, the ignition, discharge and display of fireworks may only occur in accordance with Chapter 3743. of the Revised Code, this code, and Section 5614.1.4. Other than the testing of fireworks described in Section 5613, only a licensed exhibitor acting in accordance with a properly issued exhibition permit and in accordance with the federal laws, rules and regulations, Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126, may ignite, discharge or display only the following categories of fireworks:

5614.1.4.1 For an outdoor display exhibition. 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.4.2 For an indoor display exhibition. 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.4.3 An indoor or outdoor use of pyrotechnic effect simulation equipment.

5614.1.5 Shipping into Ohio. Only the following categories of fireworks may be shipped into Ohio:

5614.1.5.1 Directly to a licensed manufacturer or a licensed wholesaler. 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.5.2 Directly to a licensed exhibitor at the site of a properly permitted outdoor exhibition for such exhibitor. 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

5614.1.5.3 Directly to a licensed exhibitor at the site of a properly permitted indoor exhibition for such exhibitor. 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432).

All such shipments must be in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126.

5614.1.6 Possession, transportation and storage of fireworks. The possession, transportation and storage of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) shall be in accordance with federal laws, rules and regulations, Chapter 3743. of the Revised Code, this chapter and the applicable provisions of NFPA 1123, NFPA 1124 and/or NFPA 1126.

No other types of fireworks may be manufactured, sold, purchased, shipped, transported, possessed, ignited, displayed, stored or otherwise used in Ohio.

5614.2 Fireworks labeling. All fireworks manufactured, sold, shipped, transported, or displayed in this state shall be labeled in accordance with the CPSC regulations and other applicable laws, rules or regulations, including regulations promulgated by the United States Department of Transportation.

5614.3 Sales. A licensed manufacturer, wholesaler, or fountain device retailer shall only sell fireworks that meet the standards set by the consumer product safety commission or by the American fireworks standard laboratories or that have received an EX number from the United States Department of Transportation or an FC Number from a Department of Transportation approved fireworks certification agency. The state fire marshal may publish and maintain a listing of the specific EX numbers from the United States Department of Transportation or FC Numbers from a Department of Transportation approved fireworks certification agency of fireworks that can be sold in Ohio. At least thirty days prior to publishing or updating such a list, the state fire marshal shall distribute it to all Ohio licensed manufacturers and wholesalers of fireworks for comment.

5614.4 Sale and use of 1.4G Fireworks - For Professional Use (also known as 1.4G Pro fireworks).

5614.4.1 Definition. For purposes of this section, "1.4G Fireworks - For Professional Use" means fireworks manufactured consistent with the standards for

“1.3G Fireworks”, as that term is defined in this code, that have been relabeled as 1.4G Fireworks “For Professional Use” (or similar terminology), or 1.4G fireworks bearing the label, or required by federal law, Ohio law, or the fire marshal to be labeled as, “For Professional Use” (or similar terminology).

5614.4.2 Classification. For the purposes of this code, “1.4G Fireworks - For Professional Use” shall be considered “1.3G fireworks” and shall not be considered as 1.4G fireworks (consumer fireworks) and cannot be sold to the public or discharged under sections 3743.45 through 3743.47. For the purposes of this code, the acquisition, discharge, manufacturing, possession, sale, storage, transportation, or use of fireworks meeting the definition of “1.4G Fireworks - For Professional Use” shall be in accordance with and meet the same statutory and rule standards as “1.3G fireworks”, including all acquisition, licensure, display, permitting, possession, and storage laws and rules

5614.5 General. No person or holder of a license issued pursuant to Chapter 3743. of the Revised Code shall acquire, possess, use, discharge, display, exhibit, ship, transport, store, manufacture, test, dispose, wholesale, sell at retail, or distribute any fireworks in this state unless such actions are in accordance with, at a minimum, the Revised Code, the Ohio Administrative Code, Chapter 56, and applicable political subdivisions laws and regulations.

Section 5615 General requirements for licensure application and license

5615.1 License fee.

5615.1.1 Every license fee required in accordance with this chapter shall be paid with an acceptable form of payment as established by the state fire marshal, including a money order, postal note, cashier’s check, credit card, approved digital payment process, certified check or personal check payable to the “Treasurer, State of Ohio.”

5615.1.2 Every required license fee shall be paid at or mailed to the “Division of State Fire Marshal,” at the address specified on the application material, or through a process established by the state fire marshal.

5615.2 Expired license. Renewal applications received after the required submittal dates shall be considered new applications and, for any licenses subject to Section 5619, shall meet the examination requirement of Section 5619.7.

5615.3 Duplicate license. In the event that a valid license is lost or accidentally destroyed, an application for a duplicate license shall be made in writing to the state fire marshal. The application for a duplicate license shall be accompanied by a ten-dollar fee.

5615.4 Misuse of license. No person who has been issued a manufacturer’s or wholesaler’s license shall give or permit any other person to use such license in violation

of division (D) of Section 3743.04 and division (D) of Section 3743.17 of the Revised Code. No person who has been issued a shipping permit shall give or permit any other person to use such permit in violation of division (F) of Section 3743.40 of the Revised Code. No person who has been issued an exhibitor's license shall give or permit any other person to use such license in violation of division (B) of Section 3743.52 of the Revised Code. Any license or permit is not transferable or assignable to any other holder at the same location without the written permission of the state fire marshal, nor shall any license be extended beyond the dates set out therein.

Exceptions:

1. A permit for a fireworks exhibition may be transferred to a substitute licensed exhibitor as provided for in Section 5608.8.7.
2. A permit for a flame effects exhibition of Group 1 flame effects may be transferred to another licensed exhibitor of flame effects in accordance with Section 5611.9.1.

5615.5 Forfeiture of fee. When a license has been denied, revoked or suspended pursuant to this chapter and Chapter 119. of the Revised Code, the fee for such license shall be forfeited and deposited into the state fire marshal's rotary fund and applied as a fee for license processing.

5615.6 Issuance, denial suspension, or revocation. The state fire marshal shall not issue an initial or renewal license, permit or registration authorized by Chapter 3743. of the Revised Code, and may suspend or revoke such licenses permits, if the applicant for the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to, after June 30, 1997, a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country and such actions by the state fire marshal are in accordance with division (A) of section 3743.70 of the Revised Code.

5615.7 Investigation. Subject to Section 3743.70 of the Revised Code, upon receipt of an application and the required accompanying matter, the state fire marshal shall forward to the superintendent of the bureau of criminal identification and investigation a request that the bureau conduct an investigation of the applicant and, if applicable, additional individuals who hold, own, or control five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. If the applicant for initial licensure has resided in this state for less than five continuous years immediately prior to the date the applicant submits an initial application, the superintendent also shall request that the Federal Bureau of Investigation conduct an investigation of the applicant and, if applicable, additional

individuals who hold, own or control a five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. The superintendent shall forward the results of the investigation to the state fire marshal and may charge a reasonable fee for providing the results. The state fire marshal shall also assess the applicant any fee charged by the superintendent for the results to the applicant.

5615.8 License status. The state fire marshal shall not place the existing license of a manufacturer or wholesaler in a temporarily inactive status while the holder of the license is attempting to qualify to retain the license.

5615.9 Geographic transfer of license. All geographic transfers of a manufacturer of fireworks license or a wholesaler of fireworks license may only occur in accordance with, and in compliance with, section 3743.75 of the Revised Code.

5615.10 Ownership transfer of license. Upon application by a licensed manufacturer or wholesaler of fireworks, a manufacturer or wholesaler license may be transferred to another person for the same particular location for which the license was issued if the assets of the manufacturer or wholesaler are transferred to that person by inheritance or by a sale approved by the state fire marshal. The state fire marshal shall not approve any transfer applications under this section unless:

1. The state fire marshal receives a satisfactory application for such a transfer on a form approved by the state fire marshal.
2. The person seeking to transfer the license is the verified owner of the license and is otherwise permitted by law to transfer its ownership interests in such license.
3. The person receiving ownership of the license meets the requirements of the Revised Code and this code for the possession of such a license.
4. The licensed premises for the particular location is inspected by the state fire marshal.
5. The license and the licensed premises are in compliance with the provisions of the Revised Code and this code.

Section 5616 Requirements for manufacturers and wholesalers

5616.1 Application. Unless otherwise required by law, application by a manufacturer or wholesaler for an original license or a renewal license shall be made on or after the first day of August but prior to the first day of October preceding the license year for which the original application or renewal application is being made. The application form shall

be as prescribed by the state fire marshal. Failure to submit the application and license fee prior to the first day of October may require that the applicant wait until the following year to make another application. The original and renewal fee for a manufacturer or wholesaler license shall be two thousand seven hundred fifty dollars. The manufacturer or wholesaler license is effective for one year beginning on the first day of December. The state fire marshal shall issue or renew a license only on that date and at no other time unless otherwise specified by law.

5616.1.1 If an applicant has any storage locations approved in accordance with the Revised Code or this code, the applicant also shall submit a fee of one hundred dollars per storage location for the inspection of each storage location.

5616.2 Denial or revocation of license. A manufacturer or wholesaler license may be suspended, denied or revoked pursuant to Chapter 119. of the Revised Code when any of the following occur:

5616.2.1 The applicant has failed to submit proof of comprehensive general liability insurance or licensee has failed to maintain the same.

5616.2.2 The applicant has failed to provide the required information on the application form provided by the state fire marshal including, but not limited to failure to include, the identification of a statutory agent if applicable or other designated agent for service of process at the time of application and prompt notification of any changes in the statutory agent.

5616.2.3 The applicant has failed to include the required fee for the license with the application.

5616.2.4 The applicant withdraws his or her application prior to an investigation or inspection by the state fire marshal to determine if the license shall be issued.

5616.2.5 The applicant or licensee has made a misrepresentation or filed false statements.

5616.2.6 There is substantial evidence that the fireworks premises are not in full compliance with Chapters 3781. and 3791. of the Revised Code, or any applicable building or zoning regulations.

5616.2.7 To the extent authorized by division (A) of Section 3743.70 of the Revised Code, the state fire marshal shall suspend, revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state,

another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.

5616.2.8 The licensed premises fails to comply with the requirements as set forth in Section 5623.

5616.2.9 The applicant, licensee or premises fails to comply with the requirements or any provision of the Ohio Revised Code, Ohio Administrative Code or NFPA standards or any order of the state fire marshal.

5616.2.10 The applicant or licensee fails to comply with the applicable provisions of sections 3743.22, 3743.44, 3743.45, 3743.451 or any rules adopted pursuant to that section, 3743.46, 3743.47, including failure to provide the required safety pamphlet or have safety glasses available, 3743.48, 3743.60, 3743.61, 3743.63 or 3743.65 of the Revised Code.

5616.3 Fireworks listing. Applicants for all manufacturer or wholesaler licenses shall submit with their application to the state fire marshal a complete detailed list of all types of fireworks that they intend to wholesale, sell, offer for sale, transport, process, or otherwise dispose of. The list shall contain the following information:

5616.3.1 The classification of all fireworks, including 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) materials in accordance with the regulations of the U.S. Department of Transportation (DOTn 49 CFR), the type of all fireworks, and the names of each device in the inventory. Records of the amount of each type of device kept in the inventory shall be made available for inspection by the state fire marshal or his designee or fire code official upon request.

5616.4 Change in fireworks list. Applicants for a manufacturer or wholesaler license shall notify the state fire marshal in writing of any changes in content, construction, additions of, or deletion of any fireworks device on the submitted list. All lists shall be updated annually for license renewal.

5616.5 Map. All applicants for an initial manufacturer or wholesaler license, and thereafter at the discretion of the state fire marshal, shall submit a map showing the premises, all premises boundaries, building locations, building dimensions, distances between buildings, distance of the buildings from lot lines, railroads, roadways and habitable structures on adjoining properties. The map shall be sufficient to clearly delineate the boundaries, dimensions and all structures or other temporary or permanent fixtures located thereon that constitute the licensed premises. All buildings and structures shall be numbered and a list shall be attached to the map that corresponds to the building and structure number assigned to each, indicating the type of construction, date of construction (if erected after May 30, 1986) and actual use of each building and structure. Maps shall be drawn to scale by an architect, engineer or cartographer.

5616.5.1 Boundaries of a licensed premises. *If a licensed premises consists of more than one parcel of real estate, those parcels shall be contiguous unless an exception is allowed pursuant to Chapter 3743. of the Revised Code and this chapter for storage locations. The boundaries of a licensed premises, including the boundaries of an approved storage location, shall not change unless the license holder has first obtained written approval from the state fire marshal. The state fire marshal shall approve the change to such licensed premises boundaries only when the applicant clearly shows all of the following:*

5616.5.1.1 *The proposed change would not be contrary to public health, safety or welfare.*

5616.5.1.2 *The proposed area of premises expansion or premises contraction shall maintain the contiguity of the approved boundaries for the licensed premises or storage location.*

5616.5.2 Applications for such change shall include the submission of all of the following items:

5616.5.2.1 *A tax or appraisal map and/or a survey plot or other professionally prepared map.*

5616.5.2.2 *Property deeds, lease agreements, and/or other appropriate proof of ownership or control. If the applicant does not own the licensed premises in fee simple, then the applicant must submit documentation, such as a copy of the current lease or rental agreement for the property, that the conduct of fireworks sales or related activity is an approved use of the premises by the owner.*

5616.5.2.3 *A narrative description of all properties, structures, lot lines, and boundaries of the licensed premises involved and in the proposed change thereto.*

5616.5.2.4 *All other relevant information requested by the state fire marshal.*

5616.6 Ownership. *Applicants for all manufacturer and wholesaler licenses shall submit with their application the parcel number and a copy of the deed of ownership or land contract for all of the parcels constituting the licensed premises. If the applicant does not own the licensed premises in fee simple, then the applicant must submit documentation, such as a copy of the current lease or rental agreement for the property, that the conduct of fireworks sales or related activity is an approved use of the premises by the owner.*

5616.7 Signature. *The application for a manufacturer or wholesaler license shall be signed by the applicant. If the application is made by a partnership, it shall be signed by each partner of the partnership. If the application is made by a corporation, it shall be signed by the president of the corporation. The original or a certified copy of the articles of incorporation filed with the office of the secretary of state, stating each officer and*

statutory agent by name, and the letter of good standing shall be included with the application. Any change in the name of the identified officers of a corporation or the name of the identified statutory agent if applicable or other designated agent for service of process for each manufacturer or wholesaler that occurs during the licensure period shall be immediately submitted in writing to the state fire marshal.

5616.8 Magazine. For a manufacturer of fireworks license, each fireworks plant shall have at least one Class 1 magazine that is approved by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury and that is otherwise in conformity with federal law. Such approval shall be evidenced only by a license issued by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury.

Exception: This requirement does not apply to fireworks plants existing on or before August 3, 1931.

Section 5617 Fingerprint and insurance requirements for manufacturers and wholesalers of fireworks

5617.1 Each manufacturer or wholesaler of fireworks shall submit with each application for licensure one set of the applicant's fingerprints and a set of fingerprints of any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license. The state fire marshal shall retain the fingerprints or similar identifying information submitted with each licensure application. On renewal, the applicant must submit fingerprints or similar identifying information for all new owners or shareholders of five per cent or more of the beneficial interest of the license. Persons who have previous fingerprint sets or similar identifying information on file with the state fire marshal shall resubmit new fingerprint sets or updated similar identifying information no later than thirty-six months from the date the previous fingerprint set or similar identifying information was submitted.

5617.2 Each applicant for a fireworks wholesaler license shall submit proof of comprehensive general liability insurance coverage, specifically including fire and smoke casualty on premises, in an amount not less than one million dollars for each occurrence for bodily injury liability and wrongful death at its business location. Proof of such insurance shall be submitted together with proof of coverage in an amount not less than one million dollars for products liability on all inventory located at the business location. All applicants shall submit evidence of comprehensive general liability insurance coverage verified by the insurer and certified as to its provision of the minimum coverage required. The insurer who issued such insurance policy shall comply with all applicable Ohio laws or all applicable laws of the state where the insurer is located.

5617.3 Each applicant for a fireworks manufacturer license shall submit proof of comprehensive general liability insurance coverage, specifically including fire and smoke casualty on premises and products, in an amount not less than one million dollars

for each occurrence for bodily injury liability and wrongful death liability at the fireworks plant. All applicants shall submit evidence of comprehensive general liability insurance coverage verified by the insurer and certified as to its provision of the minimum coverage required. The insurer who issued such insurance policy shall comply with all applicable Ohio laws or all applicable laws of the state where the insurer is located.

5617.4 In the event of a fire or explosion, any person who is injured or suffers property damage shall immediately notify the state fire marshal in writing of any claim against a manufacturer or wholesaler of fireworks.

5617.5 The manufacturer or wholesaler shall notify the state fire marshal in writing at least fifteen days in advance of the expiration date, maturity date, or termination date of a liability insurance policy. The manufacturer or wholesaler shall surrender his license to the state fire marshal upon expiration, termination or cancellation of the required insurance coverage.

5617.6 A licensed wholesaler or manufacturer shall maintain comprehensive general liability insurance coverage in the amount and type specified in Chapter 3743. of the Revised Code at all times. Each policy of insurance shall contain a provision requiring the insurer to give not less than fifteen days prior written notice to the state fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage of any required insurance coverage. A licensed wholesaler or manufacturer shall secure supplemental insurance in an amount and type that satisfies the requirements for coverage so that no lapse in coverage occurs at any time. A licensed wholesaler or manufacturer who secures supplemental insurance shall file evidence of the supplemental insurance with the state fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required.

5617.7 Failure by the applicant for or holder of a manufacturer or wholesaler license to comply with any section of this chapter is cause for the denial, revocation, or suspension of such license pursuant to Chapter 119. of the Revised Code.

Section 5618 Requirements for out-of-state shipping permit

5618.1 Application. Any person who wishes to ship fireworks including 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) into this state shall submit an application for a license. Application shall be made as follows:

5618.1.1 The application shall be on the form provided by the state fire marshal and shall be accompanied by a fee of two thousand seven hundred fifty dollars.

5618.1.2 The application shall be accompanied by a certified copy or other copy acceptable to the state fire marshal of the applicant's license or permit issued in the

applicant's state of residence, authorizing the applicant to engage in the manufacture, wholesale sale, or transportation of fireworks in that state.

5618.1.3 A statement by the applicant shall be attached to the application indicating that he understands and will abide by the rules adopted by the state fire marshal, pursuant to Section 3743.58 of the Revised Code, for transporting fireworks, and that the applicant will ship all fireworks in accordance with the DOTn regulations.

5618.2 Issuance. To the extent authorized by division (A) of section 3743.70 of the Revised Code, the state fire marshal shall not issue an initial license or permit if the applicant for the license or permit, or any individual holding, owning, or controlling five percent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. The state fire marshal shall revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.

5618.3 Bill of lading. For each shipment of fireworks that is sent into this state, a copy of the bill of lading shall be submitted to the state fire marshal upon request, listing the type, amount and the destination.

5618.4 Possession. The holder of a shipping permit shall have an accurate copy of the permit in the holder's possession in this state at all times while in the course of shipping the fireworks directly into this state. A shipping permit is not transferable or assignable.

Section 5619 Requirements for an exhibitor's license

5619.1 Categories of exhibitor licenses. No person shall conduct a fireworks exhibition or flame effects exhibition in this state without a license issued by the state fire marshal. There shall be three categories of exhibitor licenses:

1. A licensed exhibitor of outdoor/indoor fireworks (Type I).
2. A licensed exhibitor of indoor fireworks (Type II).
3. A licensed exhibitor of flame effects (Type III).

5619.1.1 Licensed exhibitor of flame effects required to be on site. No licensed exhibitor of flame effects shall conduct and no flame effects exhibition may occur at

any location in this state except as set forth in Sections 5611.9 through 5611.9.1.3 and all other applicable provisions of this code.

5619.2 Application. Any person who wishes to be an exhibitor of indoor, outdoor, theatrical, or special effects fireworks or flame effects in this state shall submit an application as prescribed by the state fire marshal for an annual license and a license fee of fifty dollars.

5619.2.1 Applicants for a new exhibitor's license or a renewal of an existing license shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian background check.

5619.2.2 Applicants for a reciprocal exhibitor's license in accordance with Chapter 4796. of the Revised Code shall, upon the request of the state fire marshal, provide documentation demonstrating compliance with both Chapter 4796. of the Revised Code and all applicable provisions of Sections 5616 and 5619 to the extent not otherwise addressed in Chapter 4796. of the Revised Code and any other documentation deemed necessary by the state fire marshal.

5619.3 Applicant. An applicant for an exhibitor license shall be at least twenty-one years of age and shall submit proof of age satisfactory to the state fire marshal. The applicant shall be in compliance with Chapter 4123. of the Revised Code.

5619.4 Application period.

5619.4.1 New applications. All applications for new exhibitor licenses shall be submitted and received in the office of the state fire marshal thirty days in advance of the requested examination. The applicant shall designate the appropriate classification of licensed exhibitor on the application material submitted to the state fire marshal.

5619.4.1.1 Licensed exhibitor of indoor/outdoor fireworks (Type I). Any individual who applies to be examined and is licensed in the classification of a Type I fireworks exhibitor shall only be authorized to conduct the following fireworks exhibitions:

5619.4.1.1.1 An outdoor display exhibition of 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) in accordance with the provisions of Chapter 3743. of the Revised Code, this chapter and NFPA 1123 and the applicable requirements of NFPA 1126.

5619.4.1.1.2 An indoor display exhibition of 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) in accordance with NFPA 1126.

5619.4.1.1.3 An indoor or outdoor use of pyrotechnic effect simulation equipment.

5619.4.1.2 Licensed exhibitor of indoor fireworks (Type II). Any individual who applies to be examined and is licensed as an exhibitor of indoor fireworks shall only be authorized to use 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) before a proximate audience in accordance with the provisions of Chapter 3743. of the Revised Code, this chapter and NFPA 1126.

5619.4.1.3 Licensed exhibitor of flame effects (Type III). Any individual who applies to be examined and is licensed in the classification of an exhibitor of flame effects shall only be authorized to conduct a flame effects exhibition and related activities in accordance with the provisions of this code and NFPA 160.

5619.4.2 Renewal applications. All applications for renewal of an exhibitor license shall be actually received in the office of the state fire marshal no later than the expiration date. Renewal applications actually received after the above required submittal dates shall be considered new applications and shall meet the examination requirement of Section 5619.7.

5619.4.3 Processing, denial, or revocation of an exhibitor of fireworks license. The state fire marshal may suspend consideration of an application for an exhibitor of fireworks license (when permitted as a ministerial act) or, in accordance with Chapter 119. of the Revised Code, deny the issuance of an initial exhibitor of fireworks license, revoke an existing exhibitor of fireworks license, or deny the renewal of an existing exhibitor of fireworks license if any of the conditions in Sections 5619.4.3.1 through 5619.4.3.12 occur.

5619.4.3.1 The applicant or holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country;

5619.4.3.2 The applicant or licensed exhibitor failed to provide the information required by the application form prescribed by the state fire marshal or information as otherwise requested by the state fire marshal in order to properly further process an application;

5619.4.3.3 The application materials were not accompanied by the requisite fee;

5619.4.3.4 The exhibitor is not twenty-one years of age;

5619.4.3.5 The application for renewal of an exhibitor license is not actually received in the office of the state fire marshal by the expiration date of the existing license or at least thirty days in advance of the requested examination, as applicable;

5619.4.3.6 The application for the renewal is not accompanied by the documentation evidencing compliance with the continuing education requirements in accordance with Section 5613.3.3;

5619.4.3.7 The applicant withdraws its application prior to an investigation or inspection by the state fire marshal to determine if the license shall be issued;

5619.4.3.8 The license holder surrenders its license;

5619.4.3.9 The applicant or licensee has made a misrepresentation or filed false statements in its application or licensee information, or failed to timely, completely, and accurately provide the state fire marshal with updates of such information during its application or period of licensure;

5619.4.3.10 The applicant or licensee is prohibited from engaging in any of the activities authorized by such license by operation of law, an action, directive, rule, or order of any federal or state agency, any court order, or similar requirement;

5619.4.3.11 There is substantial evidence that the exhibitor of fireworks license applicant, a filed exhibitor of fireworks license application, or the actions of the applicant or licensee are not in full compliance with Chapters 3737. or 3743. of the Revised Code, any rules promulgated or referenced standards incorporated or adopted in accordance with those chapters (including the applicable portions of NFPA 1123, NFPA 1124 or NFPA 1126), any permit issued in accordance with Section 3743.54 of the Revised Code or Sections 5608 or 5610 of this code, or any other applicable federal, state, or local laws; or

5619.4.3.12 There is substantial evidence that the applicant or licensee, including a reciprocal exhibitor of fireworks license applied for or received under Section 4796.03 of the Revised Code, has engaged in negligence or intentional misconduct, or had a license or certification denied, license or certification suspended, license or certification revoked, or license or certification surrendered, when such actions are related to the applicant's or license holder's work in the same profession, occupation, or occupational activity in any other state or country.

5619.4.4 Notification to the state fire marshal required. *An applicant or licensed exhibitor of fireworks, including a reciprocal exhibitor of fireworks license applied for or received under Section 4796.03 of the Revised Code, shall immediately notify the state fire marshal of any negligence, intentional misconduct, license or certification denial, license or certification suspension, license or certification revocation, or license or certification surrender related to the applicant's or license holder's work in the same profession, occupation, or occupational activity in any other state or country, or for any such activities occurring in Ohio within the scope of its Ohio license.*

5619.5 Fees for application. *Application fees for exhibitors are nonrefundable. The application fee is forfeited to the state fire marshal when the applicant fails to meet the requirements of Chapter 3743. of the Revised Code or the "Ohio Fire Code," when an applicant fails to achieve a passing grade on any examination. The fee under such circumstances shall be deemed necessary for the processing of the application, and the administering of the examination of the applicant. Said fee shall be deposited into the state fire marshal's rotary fund. The state fire marshal shall also assess the applicant any fee charged by the superintendent of the bureau of criminal identification and investigation for the results of a background check.*

5619.6 Qualification requirements. *Every applicant for a new exhibitor license shall submit with his application one of the following or such applicant shall be denied an exhibitor license pursuant to Chapter 119. of the Revised Code:*

5619.6.1 *Written documentation issued within the 36 months prior to the application of the applicant's proficiency in handling and discharging fireworks, and that the applicant is capable of handling the responsibilities associated with exhibitions as prescribed by Section 5608, in a manner that emphasizes the safety and security of the public. The above documentation shall be endorsed by the signature of a licensed exhibitor, manufacturer or wholesaler of fireworks in Ohio. If an endorsement signature of a licensed exhibitor, manufacturer or wholesaler in Ohio is not provided, the state fire marshal may require additional documentation demonstrating that the applicant has safely conducted as appropriate, 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) and flame effects exhibitions in Ohio, indicating the date, location, and type of exhibition.*

5619.6.2 *A certified copy or other copy acceptable to the state fire marshal of a valid license issued by another state authorizing the fireworks exhibitor to conduct all types of fireworks exhibitions and discharging any and all types as appropriate, 1.1G fireworks (UN0333), 1.2G fireworks (UN0334), 1.3G fireworks (UN0335), 1.4G fireworks (UN0336), 1.4G special effects fireworks (UN0431), 1.4S fireworks (UN0337) or 1.4S special effects fireworks (UN0432) and flame effects in that state.*

5619.6.3 Written documentation demonstrating competency by experience or training in the presentation, operation, and use of flame effects.

5619.7 Examination requirements. Every applicant for a new exhibitor license shall take and pass a written examination administered by the state fire marshal prior to the issuance of the license. The state fire marshal may administer the examination by procuring or engaging a third party to provide testing services. The third-party examiner may assess fees in addition to those imposed by the state fire marshal. Every applicant shall present acceptable photographic identification to the state fire marshal or the marshal's approved test provider for the purpose of applicant identification verification when arriving for and prior to taking an examination.

5619.7.1 The state fire marshal shall not issue an initial license or permit under Chapter 3743. of the Revised Code if the applicant for the license or permit, or any individual holding, owning, or controlling a five percent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleads guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.

5619.8 Examination. The written examination required by this rule for a fireworks exhibitor license shall consist of questions pertaining to laws relating to fireworks, rules relating to fireworks, and relevant safety practices and procedures. The written examination for a flame effect exhibitor license shall consist of questions relating to the proper presentation, operation, or use of flame effects before an audience and relevant safety practices and procedures.

5619.8.1 To satisfactorily pass the written examination, the applicant must obtain a minimum grade of seventy per cent or such applicant shall be denied an exhibitor license pursuant to Chapter 119. of the Revised Code.

5619.8.2 If an applicant does not pass the required written application, the applicant may retake the test in accordance with a timetable for retesting established by the state fire marshal.

5619.8.3 Applicants reapplying to take a repeat examination shall file a new application and a license fee as required in Section 5619.7.

5619.8.4 The state fire marshal or the state fire marshal's designee may authorize fire officials to participate in the fireworks exhibitor license exam process for training purposes consistent with policies the state fire marshal may establish for such processes.

5619.9 Location of examination. The examination required by this chapter shall be administered at locations, dates, and times as designated by the state fire marshal.

5619.10 Employee registration. *Each fireworks exhibitor licensed under Section 3743.51 of the Revised Code shall register with the state fire marshal all employees who assist the licensed exhibitor in conducting fireworks exhibitions unless such employees have already been registered by another licensed exhibitor. The employees must be registered with the state fire marshal at least fourteen days prior to assisting the licensed exhibitor in conducting a fireworks exhibition. Individuals involved only in the setup or clean up of the discharge site before or after the exhibition and do not handle 1.3G fireworks, are not required to be registered. The state fire marshal shall maintain a record of licensed exhibitors and registered employees and make it available, upon request, to any law enforcement agency. A licensed exhibitor shall file an application, on a form prescribed by the state fire marshal, to register a new employee not later than seven days after the date on which the employee is hired unless the employee is already registered.*

Exception: *Any individual that is a valid Ohio licensed exhibitor of fireworks pursuant to the provisions of this chapter who wishes to act as an employee of another properly licensed exhibitor is not required to be registered pursuant to this section.*

5619.10.1 Registration requirements. *The state fire marshal shall not register a person under this section unless the following requirements have been satisfied.*

5619.10.1.1 Registration fee. *Each application to register an employee of a licensed exhibitor of fireworks, regardless of time of registration as provided for in Section 5620.9.6.1 shall be accompanied by a nonrefundable registration fee of twenty-five dollars. The state fire marshal shall also assess the applicant any fee charged by the superintendent of the bureau of criminal identification and investigation for the results of a background check.*

5619.10.1.2 Background check. *To the extent authorized by division (A) of section 3743.70 of the Revised Code, no person shall be registered under this section if the individual has been convicted of or pled guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. All persons seeking to be registered under this section shall provide fingerprint or similar identifying information, and complete a civilian background check for criminal history as administered or approved by the state fire marshal. The state fire marshal may accept a currently valid certificate of clearance or other similar documentation issued by the bureau of alcohol, tobacco, firearms and explosives as satisfactory documentation of a person's criminal history. Applicants shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian criminal background check.*

5619.10.2 Application. *Each application filed with the state fire marshal to register an employee of a licensed exhibitor of fireworks shall be accompanied by:*

5619.10.2.1 Proof of age satisfactory to the state fire marshal verifying the employee is at least eighteen years of age.

5619.10.2.2 Verification of the completion of a minimum of three hours of in-service education in the safe operation of a public display. Verification includes any of the following:

1. A signed statement from the licensed exhibitor on a form including the information as prescribed by the state fire marshal;
2. Any other information as requested by the state fire marshal.

5619.10.2.3 Documentation of the completed civilian background check as required by this rule.

5619.10.3 Qualification requirements. *The application for employee registration shall be denied by the state fire marshal when any of the following occur:*

5619.10.3.1 The licensed fireworks exhibitor fails to provide the information required by the application form prescribed by the state fire marshal or as otherwise required by this section.

5619.10.3.2 The application materials were not accompanied by the requisite fee;

5619.10.3.3 The employee to be registered is not eighteen years of age;

5619.10.3.4 The employee to be registered has been convicted of or pleads guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.

5619.10.4 Effective dates of registration. *Employee registrations under this rule shall not be effective until the proper issuance of documentation by the state fire marshal.*

5619.10.5 Proof of registration. *Each registered assistant shall carry the proof of registration issued by the state fire marshal while assisting the licensed exhibitor in conducting a fireworks exhibition and shall make it available to any fire or law enforcement official upon request.*

5619.10.5.1 Each registered assistant shall display prominently upon their person any visible identification required by the fire code official at all times when within the discharge perimeter.

5619.10.6 Registration expiration. After the effective date of this rule, each registration shall be for a period of one year unless otherwise provided for in this section.

5619.10.6.1 The registration of an employee may occur at any of the following times:

5619.10.6.1.1 In conjunction with an initial exhibitor application;

5619.10.6.1.2 Initial employee registration in accordance with Section 5619.10;

5619.10.6.1.3 An application for exhibitor renewal in accordance with Section 5619.4.2.

5619.10.6.2 If the time of employee registration occurs pursuant to Section 5619.9.6.1.2, the period of such employee's registration shall be limited to a period no longer than the remaining portion of the registering exhibitor's license.

5619.10.6.3 Each application for registration shall be prescribed by the state fire marshal and accompanied by the registration fees, proof of age, and verification of in-service education as required for initial registration in accordance with this section. Any such subsequent registration may be denied pursuant to Section 5619.9.3.

5619.10.7 Any change in employee registration information submitted to the state fire marshal other than during the exhibitor's renewal application period described in Section 5619.9.6 shall be accompanied by a fee equivalent to the registration fees prescribed in Section 5619.9.1.

Section 5620 Fire safety requirements in buildings

5620.1 General. The layout, arrangement and construction of buildings and structures in which fireworks are manufactured, processed, stored, and offered for sale, shall comply with the applicable requirements of the "Ohio Building Code" and "Ohio Fire Code", for the appropriate high hazard occupancy use group classification, and shall be provided with fire protection, fire extinguishing equipment and explosion relief venting as required by the "Ohio Building Code" and "Ohio Fire Code."

5620.1.1 Buildings and structures and their service equipment shall be constructed, maintained and operated as required by this chapter, NFPA 1123 and NFPA 1124 (2006 or 2017 edition as applicable per Section 5601.1.3).

5620.1.2 In addition to the provisions of this section, fireworks retail and representative sales showrooms shall comply with Section 5621.

5620.1.3 Consistent with division (D) of Section 3743.25 and division (B) of Section 3781.11 of the Revised Code and except as otherwise expressly permitted in Section 3743.48 of the Revised Code and Section 5622.6, the provisions of Section 3743.25 of the Revised Code, and this Chapter, including all safety and construction provisions for showrooms and storage areas, apply to all areas of a licensed premise regardless of whether such location is subject to the provisions of Section 3781.061 of the Revised Code or similar provisions, or any political subdivision laws or regulations that provide a lower threshold of safety than required by Chapter 3743. of the Revised Code or any rules promulgated thereunder, in the building code, or the fire code.

5620.2 If, during the effective period of its licensure, a licensed manufacturer or wholesaler, or a person that intends to either apply for licensure as or operate as a fireworks manufacturer or wholesaler, wishes to perform any construction, locate or relocate any buildings or structures, or make any structural change or renovation, on an intended or existing licensed premises, the state fire marshal and the building code official(s) having jurisdiction shall be notified in writing.

5620.2.1 The state fire marshal may require the submission of documentation, including, but not limited to, plans covering the proposed construction or structural change, location or relocation or renovation or change in manufacturing, if the state fire marshal determines such documentation is necessary for evaluation purposes prior to the issuance of a preliminary authorization for construction.

5620.2.2 Upon receipt of the notification and additional documentation required by the state fire marshal, the state fire marshal shall issue a preliminary authorization for construction and shall inspect the premises to determine if the proposed construction or structural change, location or relocation, or renovation or change in manufacturing is in accordance with Chapter 3743. of the Revised Code and the chapters adopted by the state fire marshal.

5620.2.2.1 When the person or licensee submits construction documents and preliminary authorization for construction to the building official having jurisdiction and obtains a set of construction documents approved by the building official, a copy of such approved documents shall be submitted to the state fire marshal by the licensee.

5620.2.3 Upon the inspection and a review of the submitted documentation, if the state fire marshal determines that the construction, location, relocation, structural change or renovation or change in manufacturing conforms to Chapter 3743. of the Revised Code and the chapters adopted by the state fire marshal, the state fire

marshal shall issue a final written authorization for the construction, location, relocation, structural change or renovation or change in manufacturing.

5620.2.4 No construction, relocation, structural change or renovation shall commence until the person or licensee has received the final written authorization issued by the state fire marshal.

5620.3 Building requirements. For every structure on a licensed premises, each required means of egress shall be accessible in accordance with the building code and any newly installed or modified exit door assembly shall be provided with panic hardware.

5620.4 Separation distances. Each structure on a licensed premises shall comply with the separation distance requirements of NFPA 1124 (2006 or 2017 edition as per Section 5601.1.3).

5620.4.1 A building used by a licensed manufacturer or licensed wholesaler need not comply with any requirements of Section 5621 which concern the structure of a building or with the distance requirements of division (G) of Section 3743.06 or division (H) of Section 3743.19 of the Revised Code if the building was erected on or before May 30, 1986, and was legally being used for fireworks activities under authority of a valid license issued by the state fire marshal as of December 1, 1990, pursuant to Sections 3743.03, 3743.04, 3743.16, and 3743.17 of the Revised Code.

5620.5 Safety requirements. Each structure on a licensed premises shall have and maintain floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and the superintendent of the division of industrial compliance that are submitted under seal as required by Section 3791.04 of the Revised Code.

5620.6 Smoking. Smoking or the carrying of pipes, cigarettes, or cigars, matches, lighters, other flame-producing items, or open flame on, or the carrying of a concealed source of ignition into, the premises of a wholesaler or fireworks plant is prohibited, except that a wholesaler or manufacturer may permit smoking on a licensed premises only in specified lunchrooms and/or restrooms in buildings and other structures in which no manufacturing, handling, sales, or storage of fireworks takes place. "No Smoking" signs shall be posted on the premises as required by the state fire marshal.

5620.7 Doors. All exit doors of all buildings on the licensed premises shall swing outward.

5620.8 Occupancy of Structures on a licensed premises.

5620.8.1. All structures on a licensed premises shall only be occupied in accordance with the Revised Code, the building code, section 102.3 of the fire code, and this Chapter.

5620.8.2 No fireworks representative sample or retail showroom structures shall be occupied without having a verified and building code compliant certificate of occupancy for the showroom.

5620.8.3 No non-showroom structures or building areas subject to the building code or fire code shall be occupied without having a verified and building code compliant certificate of occupancy for the area.

Section 5621 Fireworks storage

5621.1 All fireworks and pyrotechnic devices shall be stored and maintained in compliance with the provisions of the Revised Code, Sections 5620.1, 5621, 5626, and 5627 and in accordance with the provisions of NFPA 1124. To the extent not addressed by the Revised Code, Section 5620.1, 5621 5626 and 5627 and NFPA 1124, fireworks storage must also be in accordance with Section 5604. All licensed manufacturers and wholesalers shall store fireworks only on the licensed premises or on an approved storage location that is part of a licensed premises. Residential storage of 1.4G fireworks purchased at retail by consumers for personal use per Sections 3743.45 and 3743.48 of the Revised Code are only required to comply with the storage provisions of Section 5626.

5621.2 “1.3G” fireworks, black powder, and other raw bulk explosive materials shall be stored in magazines in accordance with the provisions of this chapter.

5621.3 Trailers and magazines for the storage of fireworks. Fireworks may be stored in trailers if the trailers are properly enclosed, secured, placarded, and grounded and are separated from any structure to which the public is admitted by a distance that will allow fire-fighting equipment to have full access to the structures on the licensed premises in accordance with Chapter 5 or as approved in writing by the local fire code official. In no instance shall trailers used for the storage of fireworks be located at a distance less than the minimum separation distances specified in NFPA 1124. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of any class of fireworks. Members of the public shall be prohibited from access to the contents of any storage trailers at all times. Trailers and magazines used for the storage of fireworks shall be completely enclosed with an approved steel chain link fence or similar barrier at least 6 feet high. The state fire marshal shall approve the installation and location of such fences or similar barriers. The installation and location of such fences or similar barriers shall properly maintain the required fire department access and properly prohibit unauthorized public access. Such fences or similar barriers shall be separated from all storage trailers and magazines containing fireworks by at least 10 feet and shall have a gate that is locked and secured against unauthorized entry.

5621.3.1 The storage of any 1.3G fireworks in semi-trailers is limited to the normal loading and unloading of shipments of fireworks that have been shipped in accordance with DOTn regulations.

Exception: Semi-trailers which have been converted to a magazine approved for the storage of explosive materials.

5621.3.2 Fireworks may be stored in trailers at approved storage locations only in accordance with the provisions of division (J) of Section 3743.04 and division (H) of Section 3743.17 of the Revised Code and this chapter.

Section 5622 Fireworks showrooms

5622.1 General requirements.

5622.1.1 Applicability limitations. The provisions of Section 5622 concerning the structure of the buildings used on a licensed premises or with the distance requirements of division (G) of Section 3743.06 or division (H) of Section 3743.19 of the Revised Code does not apply to buildings that were erected on or before May 30, 1986 and were occupied by a licensed manufacturer or wholesaler with a license for that location prior to December 1, 1990.

5622.1.2 Safety provisions. Except as authorized in division (C)(2)(c) of section 3743.25 of the Revised Code, the safety requirements established in division (C) of Section 3743.25 of the Revised Code and Section 5620 are not subject to any variance, waiver or exclusion pursuant to Chapter 3743. of the Revised Code or any applicable building code.

5622.1.3 Number of sales structures. Each licensed premises shall only contain one showroom sales structure.

5622.1.4 Public access. The only structures, or portions thereof, on a licensed premises that the public may enter are approved retail sales or representative sample showrooms meeting the provisions of this chapter. The public is prohibited from accessing any other structures, buildings, magazines or storage trailers on the licensed premises.

Exception: The public may enter portions of a licensed premise as set forth in Section 5622.6, and in Section 3743.48 of the Revised Code.

5622.1.5 Age limitations. No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen 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 eighteen 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.

5622.1.6 Safety officer. A uniformed safety officer shall be present at all times that any fireworks building is open to the public during the period commencing fourteen days before, and ending two days after, each fourth of July. The officer shall be highly visible, stationed at the showroom entrance, and shall enforce the provisions of Chapter 3743. of the Revised Code and any applicable fire and building codes, including but not limited to maximum occupancy load and no smoking regulations to the extent the officer is authorized by law, and be one of the following:

1. A deputy sheriff;
2. A law enforcement officer of a municipal corporation, township, or township or joint township police district;
3. A private uniformed security guard registered under Section 4749.06 of the Revised Code.

5622.1.7 Fuses. If any fireworks item is removed from its original package or otherwise has an exposed fuse, then the fuse of the item shall be covered completely by repackaging or secure bagging or the firework shall be removed from direct public access and located behind a counter or in a closed display case until it is sold.

5622.1.8 Location requirements. All retail sales and representative sample showrooms shall be located on grade level only.

5622.1.9 Occupant load. A sufficiently sized and legible copy of the approved maximum occupant load shall be prominently posted within every retail sales or representative sales showroom structure near the main entrance.

5622.2 Construction and maintenance requirements.

5622.2.1 General.

5622.2.1.1 Awnings and tents. Awnings and tents shall not be used as facilities for the sale or storage of fireworks. An awning or tent attached to a retail sales or representative sample showroom may be used for storing nonflammable shopping convenience items such as shopping carts or baskets or for providing a shaded area for patrons waiting to enter the public sales area.

Exception: In accordance with division (D) of Section 3743.48 of the Revised Code and in accordance with Section 5622.6, a licensed manufacturer or licensed wholesaler may construct a tent or other temporary structure on a licensed premises to provide shelter for employees and purchasers at the point of curbside delivery. Such structures shall be approved by the state fire

marshal and shall be in compliance with all state and local laws including but not limited to the building code, this code, and all applicable zoning requirements.

5622.2.1.2 Fire protection systems. Each fire alarm, fire detection, smoke control, fire suppression or other fire protection system installed in each building on the licensed premises shall be inspected, tested and maintained in an operable condition in accordance with the requirements of the Revised Code and the building code and this code.

5622.2.1.2.1 If any fire alarm, fire detection, smoke control or other fire protection system, or critical component of any such systems, is not functioning or has been turned off for repair or maintenance, the building shall be closed to members of the public unless the state fire marshal approves a fire watch while the system is being repaired or maintained.

5622.2.1.2.2 Suppression system. A fire suppression system as defined in Section 3781.108 of the Revised Code may be turned off only for repair, drainage of the system to prevent damage by freezing during the period of time, approved by the state fire marshal, that the facility is closed to all public access during the winter months, or maintenance of the system. If any repair or maintenance is necessary during the times when the facility is open for public access and business as approved by the state fire marshal, the licensee shall notify in advance the state fire marshal, the appropriate insurance company and fire chief or fire prevention officer regarding the nature of the maintenance or repair and the time when it will be performed.

5622.2.1.2.3 If any fire suppression system as defined in Section 3781.108 of the Revised Code is not functioning or has been turned off for repair or maintenance, the fireworks wholesale showroom shall be closed to members of the public unless the state fire marshal approves a fire watch while the system is being repaired or maintained.

5622.2.1.3 Separation. All fireworks sales structures shall be separated by construction or distance from the storage facilities. Storage areas for fireworks that are in the same building where fireworks are displayed and sold to the public shall be separated from the areas to which the public has access by an appropriately rated fire wall in accordance with the building code. If the licensee installs and properly maintains a sprinkler system that utilizes early suppression fast response sprinkler heads throughout the structure and the sprinkler system is designed and installed in compliance with NFPA 13, a fire barrier wall may be substituted for a fire wall between the areas to which the public has access and the storage portions within the structure.

5622.2.1.4 Storage. All licensed premises shall have an approved storage building, structure or magazine located on the premises as required by the

provisions of this chapter. A license shall not be issued to any manufacturer or wholesaler for a showroom area that does not have an approved storage building, structure or magazine that meets the provisions of this chapter.

5622.3 Retail sales showroom.

5622.3.1 Retail sales showroom safety requirements. All manufacturer and wholesaler retail sales showroom structures, to which the public may have access and in which employees are required to work, on all licensed premises, shall comply with the following safety requirements:

5622.3.1.1 Fire protection systems. A retail sales showroom that is constructed, undergoes major alteration or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance in the department of commerce. The fire suppression system shall be a wet sprinkler system designed and installed in accordance with NFPA 13.

A fireworks retail sales showroom structure that exists on July 1, 1997, shall be retrofitted on or before June 1, 1998, and otherwise shall be equipped with interlinked fire detection, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of the division of industrial compliance.

5622.3.1.2 Maximum size. A retail sales showroom that first begins to operate on or after June 30, 1997, or that resumes operations at any time after a period of inactive status of licensure greater than one year, and to which the public has access for retail purposes shall not exceed seven thousand five hundred square feet in floor area.

5622.3.1.2.1 Required suppression. A retail sales showroom to which the public has access for retail purposes that, through construction of a new showroom, expansion of an existing showroom, or similar means, and after February 7, 2022, first exceeds five thousand square feet, shall be equipped with a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under NFPA 13 (Standard for the Installation of Sprinkler Systems (2019 edition)).

5622.3.1.2.1.1 Variance. Notwithstanding division (D) of Section 3743.25 of the Revised Code or Section 5622.1.2, the state fire marshal may provide a variance to the requirements of division (C)(2)(b) of Section 3743.25 of the Revised Code pursuant to section 3743.59 of the Revised Code for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under NFPA 13 (Standard for the Installation of Sprinkler Systems (2019 edition)).

5622.3.1.3 Floor plans. *A newly constructed or existing fireworks showroom structure that existed on September 23, 2008, but that is constructed, altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to Section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent of the division of industrial compliance showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.*

5622.3.1.4 Egress plans. *All fireworks showroom structures shall be in compliance with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent of industrial compliance, and that are submitted under seal as required by Section 3791.04 of the Revised Code.*

5622.3.1.4.1 *A sufficiently sized and legible copy of the approved egress floor plan shall be prominently posted within the showroom structure near the main entrance.*

5622.3.1.4.2 *Any proposed change to the approved egress floor plan shall be submitted to the state fire marshal and superintendent of the division of industrial compliance for approval. Changes shall not be made to aisle widths, egress patterns, location or overall height of showroom fixtures or other elements of the approved egress floor plan without first obtaining the written approval of the state fire marshal and superintendent of the division of industrial compliance.*

5622.3.1.5 Occupancy load. *The maximum occupant load for any retail sales showroom shall not exceed one occupant per sixty square feet of gross floor area. The maximum occupant load may be increased to one occupant per thirty square feet of gross floor area if both of the following conditions are satisfied:*

- 1.** *A minimum of one means of egress approved by the building official and the state fire marshal is provided for each twenty-five occupants or fraction thereof.*
- 2.** *A minimum of three means of egress approved by the building official and the state fire marshal are located to provide direct access in separate directions from any point in the area served so as to minimize the possibility that adequate exit capacity would be blocked by any one fire or other emergency condition.*

5622.4 Representative sample showroom. *Except as otherwise expressly permitted in division (D) of Section 3743.48 of the Revised Code or in Section 5622.6, a licensed premises may contain one structure or portions thereof, to which the public may have access for the purpose of conducting sales from a representative sample showroom. All such representative sample showrooms shall be:*

5622.4.1 Occupancy. *Constructed, altered and maintained in accordance with the building code for a use and occupancy group that permits mercantile sales and this code and approved by the building official having jurisdiction over the subject facility via a valid certificate of occupancy and the state fire marshal for such use.*

5622.4.2 Notice. *Prior to any such construction, alteration, or use of a structure, or portion thereof, for public view of product representations, the intended or existing licensee shall notify the state fire marshal in writing of the intent to alter, construct or utilize a structure, or portion thereof, for public viewing of product representations and obtain authorizations for such use and for the construction of or alteration of such structures, or portions thereof, in accordance with Section 5620.2.*

5622.4.3 *Operated in accordance with the certificate of occupancy, the use group classifications and maximum occupant load requirements of the building code, this code, and the approval described in this section.*

5622.4.4 *A representative sample showroom shall not contain any pyrotechnics, pyrotechnic materials, explosives, explosive materials, fireworks, or any similar hazardous materials or substances. When the public has access to a representative sample showroom, such structures or portions thereof may only contain a product representation that consists of paper materials, packaging materials, catalogs, photographs or similar product depiction. The public may not access any other portions of such structures.*

5622.4.5 *A representative sample showroom shall be used only for the public viewing of firework product representations, including paper materials, packaging materials, catalogs, photographs, or other similar product depictions.*

5622.5 Sales. General.

5622.5.1 Sales from a licensed building. *Except as otherwise expressly permitted in division (D) of Section 3743.48 of the Revised Code or in Section 5622.6, at no time shall a licensed manufacturer or wholesaler sell any class of fireworks outside a licensed building. A licensed manufacturer or wholesaler shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. The sale of fireworks from a storage building or magazine is prohibited and the general public shall be prohibited from such areas.*

5622.5.2 *The sale of fireworks from motor vehicles is prohibited.*

5622.5.3 Sales from a representative sample showroom. *Except as otherwise expressly permitted in division (D) of Section 3743.48 of the Revised Code or in Section 5622.6, the delivery of product to a purchaser of fireworks at a licensed premises that has a representative sample showroom structure shall not occur inside any structure on a licensed premises, but shall occur on the licensed premises.*

5622.5.4 Retail sales. *A retail sale includes the transfer of the possession of the 1.4G fireworks from the licensed manufacturer or wholesaler to the purchaser of the fireworks.*

Except as otherwise expressly permitted in division (D) of Section 3743.48 of the Revised Code or in Section 5622.6, all retail sales of 1.4G fireworks by a licensed manufacturer or wholesalers shall only occur from the inside of an approved retail sales showroom or a representative sample showroom, located on a licensed premises and from no other structure or device outside a licensed building.

5622.5.5 Wholesale sales. *All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:*

- 1. The direct sale and shipment of fireworks to a person outside of this state.*
- 2. From an approved retail sales showroom as described in this section.*
- 3. From a representative sample showroom as described in this section.*
- 4. By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.*
- 5. Any other method as described in this chapter.*

5622.6 Online sale of 1.4G consumer fireworks.

5622.6.1 Licensed manufacturers and wholesalers permitted to conduct online sales of 1.4G consumer fireworks. *A licensed manufacturer or licensed wholesaler may, but is not required to, conduct online sales of 1.4G fireworks in accordance with Section 3743.48 of the Revised Code and this section. A licensed manufacturer or licensed wholesaler shall ensure that all selection, ordering, payment, and delivery is carried out in accordance with the procedures and requirements of Chapter 3743. of the Revised Code and this Chapter, except to the extent that any procedures and requirements in Chapter 3743. of the Revised Code or any rule in this Chapter directly conflicts with the provisions of Section 3743.48 of the Revised Code or this section, the provisions of Section 3743.48 of the Revised Code and this section control.*

5622.6.2 Definition. *For the purposes of this section, "online sale" means a retail sale through an internet web site or other digital platform.*

5622.6.3 Sale requirements. *Each online sale of 1.4G fireworks shall be specifically associated with a single licensed manufacturer or licensed wholesaler, identified by license identification number and the address of the licensed premises.*

5622.6.4 transfer of possession *A licensed manufacturer or licensed wholesaler shall transfer possession of 1.4G fireworks purchased in an online sale only in the retail showroom of the licensed premises or via curbside delivery made in accordance with all of the following:*

- 1. The delivery is made to the verified purchaser of the 1.4G fireworks.*
- 2. The delivery occurs on the licensed premises associated with sale.*
- 3. The delivery occurs in a designated customer pick-up zone which may be accessible by motor vehicles.*
- 4. The purchaser is provided a safety pamphlet, in accordance with Section 3743.47 of the Revised Code, at the point of delivery.*
- 5. The purchaser is offered safety glasses for a nominal fee at the point of delivery in accordance Section 3743.47 of the Revised Code.*

5622.6.5 Tents or other temporary structures permitted for pickup. *A licensed manufacturer or licensed wholesaler may construct a tent or other temporary structure on a licensed premises to provide shelter for employees and purchasers at the point of curbside delivery, provided that such structures are approved by the state fire marshal and are in compliance with all state and local laws, including the state building code, the state fire code, and any applicable zoning requirements.*

5622.6.6 Verification of purchaser required. *A licensed manufacturer or licensed wholesaler shall not transfer possession of 1.4G fireworks purchased in an online sale to any person other than the verified purchaser. Before transferring possession, the licensed manufacturer or licensed wholesaler shall verify all of the following:*

- 1. The number and types of items included in the order;*
- 2. That the purchaser is at least eighteen years of age;*
- 3. That the purchaser's name is the same name associated with the credit or debit card with which the order was placed;*

4. That the purchaser attests to understanding and agrees to comply with all applicable federal, state, and local laws regarding consumer fireworks storage and use;
5. That the purchaser signs all forms required by law;
6. That the purchaser pays the fee imposed by Section 3743.22 of the Revised Code.

5622.6.7 Requirements for licensed manufacturers and licensed wholesalers that conduct online sales of 1.4G fireworks. A licensed manufacturer or licensed wholesaler that conducts online sales of 1.4G fireworks shall do all of the following:

1. Comply with all applicable state and local laws, including the state building code, state fire code, and zoning requirements;
2. Implement reasonable traffic control measures for curbside deliveries;
3. Maintain all regular fireworks sales records, including any records necessary to demonstrate compliance with this section and make those records available upon request of the state fire marshal or any law enforcement officer, fire code official, or building code official with jurisdiction.

5622.6.8 Prohibitions for licensed manufacturers and licensed wholesalers that conduct online sales of 1.4G fireworks. A licensed manufacturer or licensed wholesaler who conduct online sales of 1.4G consumer fireworks shall not do any of the following:

1. Deliver fireworks via mail order, parcel service, or any other delivery process that occurs outside of the licensed premises;
2. Sell or offer for sale fireworks or other items outside of the licensed retail or representative sample showroom except as expressly authorized by this section or section 3743.48 of the Revised Code;
3. Display fireworks for sale outside of a retail showroom;
4. Permit any member of the public to access any areas on the licensed premises other than the retail or representative sample showroom and the designated area for curbside delivery.

5622.6.9 Hybrid purchase and delivery systems. A licensed wholesaler or licensed manufacturer may implement a hybrid firework purchase and delivery system composed of one or more of the following:

1. Standard retail or representative sample showroom sales as authorized by division (C) of Section 3743.25 of the Revised Code;
2. Online selection of, or payment for, 1.4G fireworks products and in-store showroom delivery of those products;
3. Online selection of, or payment for, 1.4G fireworks products and curbside delivery of those products;
4. Retail or representative sample showroom-based product selection and payment, and curbside delivery of those products;
5. Other similar purchase and delivery systems approved in writing by the state fire marshal in accordance with division (J) of Section 3743.48 of the Revised Code or Section 5622.6.9.1.

5622.6.9.1 A licensed wholesaler or licensed manufacturer may submit to the state fire marshal proposals for alternative 1.4G firework purchase and delivery systems that satisfy the requirements of this section. The state fire marshal shall review each such proposal and, if the alternative firework purchase and delivery system satisfies the requirements of this section, may approve that firework purchase and delivery system for use by the licensed wholesaler or licensed manufacturer.

5622.6.9.1.1 No licensed wholesaler or licensed manufacturer shall engage in any hybrid purchase and delivery system not specifically permitted under this section or division (I) of section 3737.48 of the Revised Code until the proposed system is approved in writing by the state fire marshal.

5622.6.10 Exclusions. This section does not apply to 1.3G fireworks or wholesale sales.

5622.6.11 Application of other provisions. Nothing in this section shall be construed to do any of the following:

1. Reduce, waive, or otherwise eliminate any licensure or safety requirements in this chapter or Chapter 3743. of the Revised Code;
2. Exempt any retail sales of 1.4G fireworks from the fee imposed by section 3743.22 of the Revised Code;
3. Reduce, waive, or otherwise eliminate any of a licensed manufacturer's or licensed wholesaler's liability, insurance, workers compensation, or other legal obligations.

Section 5623 Fireworks wholesale and retail business hours

5623.1 Waiver. *An application from a licensed wholesaler to waive the business hour requirements of division (H) of Section 3743.19 of the Revised Code shall contain all of the following information as certified by the applicant:*

5623.1.1 *The name, address, and license number of the wholesaler.*

5623.1.2 *The reason for closing the business.*

5623.1.3 *The exact date the business will be closed and the exact date the business will reopen.*

5623.1.4 *An inventory list of the fireworks that will be stored on the premises during the time that the business is closed.*

5623.1.5 *A name, telephone number and address where the licensed wholesaler may be contacted in the event of an emergency.*

5623.1.6 *The name, address and telephone number of a responsible person who shall have access and keys to all buildings on the premises.*

5623.1.7 *The manner in which the building(s) and site have been secured to prevent trespassing, theft, or unauthorized entry into the building(s) or structure(s).*

5623.1.8 *The name and signature of the local fire official and law enforcement officer who have been notified of the anticipated closing date.*

5623.1.9 *The name and contact information for the fire and building officials who have been notified if the fire suppression system is to be turned off while the facility is closed and who will be contacted by the licensee when the system is restored to service.*

5623.2 *If a licensed wholesaler is granted a waiver pursuant to this section and the wholesaler reopens the premises listed in the waiver for fireworks sales prior to the expiration date of the waiver period, the licensed wholesaler shall notify in writing the state fire marshal, local fire official and the local law enforcement officer of the date the wholesaler reopens.*

5623.3 If a licensed wholesaler reopens pursuant to Section 5623.2, any waiver granted to the wholesaler under this section shall automatically expire.

Section 5624 Storage locations

5624.1 A licensed manufacturer or wholesaler may expand its licensed premises within the state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the license premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply:

5624.1.1 The licensee submits an application to the state fire marshal and an application fee of one hundred dollars per storage location for which the licensee is requesting approval.

5624.1.2 The identity of the holder of the license remains the same at the storage location.

5624.1.3 The storage location has received a valid certificate of zoning compliance as applicable and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this rule at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations.

5624.1.4 Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structure on the licensed premises in accordance with the distances specified in these rules.

5624.1.5 Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, any other state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country, after September 29, 2005.

5624.1.6 The state fire marshal approved the application for expansion.

5624.2 Permitted uses of storage location. The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the state fire marshal deems necessary in accordance with Section 3743.03 of the Revised Code.

5624.3 A licensee who obtains approval for the use of a storage location in accordance with division (I) of Section 3743.04 of the Revised Code shall use the storage location exclusively for the following activities, in accordance with this rule:

5624.3.1 Packaging, assembling, or storing of fireworks, by a licensed manufacturer, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to regulation by the building code. All such storage shall be in accordance with NFPA 1124.

5624.3.2 Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similar licensed persons located in another state or country.

5624.3.3 Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with this chapter.

5624.4 A licensee who obtains approval for the use of a storage location in accordance with division (G) of Section 3743.17 of the Revised Code shall use the storage location exclusively for the following activities, in accordance with this chapter:

5624.4.1 Packaging, assembling, or storing fireworks, by a licensed wholesaler, which shall occur only in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers are not subject to regulation by the building code. All such storage shall be in accordance with NFPA 1124.

5624.4.2 Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similarly licensed persons located in another state or country.

5624.4.3 Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with this chapter.

5624.5 Limitations on sales activity at a storage location. A licensed manufacturer or wholesaler shall not engage in any sales activity, including the retail sale of fireworks otherwise permitted under division (C)(2) or (C)(3) of Section 3743.04 of the Revised Code or pursuant to Section 3743.44, 3743.45 or 3743.48 of the Revised Code, at the storage location approved in accordance with this chapter.

5624.6 Prohibitions against public access. Each licensee responsible for a storage location shall prohibit public access to the storage location in accordance with this code.

5624.6.1 Storage locations shall be secured against unauthorized entry and safeguarded against inappropriate public access.

5624.6.1.1 Manufacturer's storage locations consisting only of approved trailers or similar approved structures shall include provisions that preclude public access by providing a 6-foot-high chain link fence a minimum of 10 feet from such trailer or structure that completely surrounds the trailer or similar structure in such a manner as to prohibit public access (or equivalent means) as approved by the state fire marshal.

5624.6.1.2 Storage locations consisting only of storage buildings shall include provisions that preclude public access to all storage and use areas where fireworks are stored or present within such storage buildings including but not limited to, proper separation assemblies with approved locks and security devices. All such security measures and installation of locks or devices shall be in accordance with the building code and approved by the state fire marshal.

5624.6.1.3 Storage locations consisting of buildings, structures and trailers shall include provisions that preclude public access by means of fences, proper separation assemblies, locks, security devices, or equivalent means to prevent accidental or intentional contact with the fireworks present at the storage location, in accordance with the provisions of this section, the building code, and this code as approved by the state fire marshal.

5624.6.2 The public shall not access a storage location unless such access is otherwise permitted by this chapter.

5624.7 A storage location approved by the state fire marshal in accordance with divisions (G) and (I) of Section 3743.04 of the Revised Code may not be relocated for a minimum period of five years.

Section 5625 Sale of fireworks

5625.1 If a person is required by the Ohio Revised Code or this chapter to possess or display a license or permit issued or authorized pursuant to Chapter 3743. of the Revised Code to acquire, display, possess, store or transport fireworks, such person shall maintain a copy of that license at all times that person engages in any activity regulated by the rule. For all license or permit holders, other than a licensed manufacturer or wholesaler of fireworks, a copy of such license or permit must be maintained with the fireworks associated with the license or permit and provided to any law enforcement or fire officials upon request.

Section 5626 Consumer / 1.4G Fireworks

5626.1 Scope. This section applies to the possession, storage, handling, discharge and use of 1.4G fireworks by consumers pursuant to Sections 3743.45, 3743.451 and 3743.48

of the Revised Code. Such fireworks may also be subject to other provisions of this code and the Revised Code including Section 3743.48 of the Revised Code and Section 5622.6. To the extent that any matter regarding the possession, storage, handling, discharge or use of 1.4G fireworks by consumers pursuant to Sections 3743.45 and 3743.451 of the Revised Code are addressed in this section or conflict with other provisions of this chapter, the provisions of this section control.

5626.2 Definitions. For purposes of Section 5626 the following take on exclusive meaning as follows:

“1.4G fireworks.” 1.4G fireworks, as that term is defined in the Revised Code and this code, that are purchased, handled, stored, possessed, used, or discharged by consumers pursuant to section 3743.27 or section 3743.45 of the Revised Code. This term includes consumer fireworks.

“1.4G fireworks discharge site.” The area where any 1.4G firework is discharged including the point of discharge and the area immediately surrounding that point.

Consumer fireworks discharge incident. Any act or omission that occurs at a location where 1.4G fireworks are purchased, possessed, handled, stored, used or discharged that results in injury or death or a substantial risk of injury or death to any person or results in property damage in excess of one thousand dollars and that involves either

1. the discharge, handling or other use, or the results of the discharge, handling or other use, of 1.4G fireworks or associated materials, or
2. the failure of any person to comply with any applicable requirement imposed by Chapter 3743. of the Revised Code or this code.

“Discharge.” Includes the use, explosion, detonation, ignition or any other discharge or use of 1.4G fireworks in any manner.

“Fireworks establishment.” Any fireworks manufacturer, wholesaler, retailer, or storage premise subject to licensure under Chapter 3743. of the Revised Code.

“Spectator.” Any person other than a person who is directly engaged in the discharge of 1.4G fireworks.

5626.3 General. The possession, storage, handling, and discharge in this state of 1.4G fireworks shall be in accordance with Sections 3743.27, 3743.45, 3743.451 and 3743.48 of the Revised Code, this section and, as applicable, this chapter.

5626.3.1 Local regulation. The provisions of this section are not to be construed in any way to limit the authority of a local governing body to restrict or ban the use of fireworks within their territorial jurisdiction pursuant to division (D) of Section

3743.45 of the Revised Code and Section 5626.3.1.1. Any such duly enacted law, rule or regulation supersedes any less restrictive provision set forth herein and controls within the territorial boundaries of that jurisdiction.

5626.3.1.1 In accordance with division (D) of section 3743.45 of the Revised Code, a county, with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:

1. Restrict the dates and times a person may discharge, ignite, or explode 1.4G fireworks purchased pursuant to Section 3743.45 of the Revised Code and this section.
2. Ban the discharge, ignition, or explosion of 1.4G fireworks purchased pursuant to Section 3743.45 of the Revised Code and this section. A resolution adopted by a board of township trustees under division (D) of Section 3743.45 of the Revised Code prevails over a conflicting resolution adopted under division (D) of Section 3743.45 of the Revised Code by the board of county commissioners in the county within which the township is located.

5626.3.2 Other laws and regulations. This section does not limit the enforcement of any ordinance, resolution, or statute that regulates noise, disturbance of the peace, or disorderly conduct.

5626.3.3 Public exhibition. 1.4G fireworks discharged pursuant to and in accordance with Sections 3743.27 and 3743.45 of the Revised Code and this section, if conducted on a not for profit basis by the person conducting the discharge, shall not be considered a public exhibition subject to licensure and permit requirements of sections 3743.50 through 3743.56 of the Revised Code as long as no 1.4G firework is used in the same display as any 1.3G firework.

5626.3.4 Licensed exhibition. 1.4G fireworks shall not be possessed, stored, handled or discharged at a licensed fireworks exhibition by anyone other than a licensed exhibitor.

5626.3.5 Inducing panic. 1.4G fireworks shall not be possessed, stored, handled or discharged in any manner that would or would have a high likelihood of inducing panic as set forth in section 2917.31 of the Revised Code.

5626.3.6 Safety compliance. Unless otherwise specified by the Revised Code or this code, all 1.4G fireworks shall be used and discharged in accordance with the manufacturer's instructions and recommended practices and in accordance with the most recent CPSC guidelines available at the time of use or discharge.

5626.3.6.1 Tampering. *Persons who obtain possession of any 1.4G firework shall not in any manner tamper with, dismantle or alter the 1.4G firework other than normal discharge.*

5626.3.7 Liability. *Any person who possesses, stores, handles or discharges 1.4G fireworks or any person who is responsible for such possession, storage, handling or discharge shall be liable in accordance with all applicable laws, rules and regulations and subject to any immunities and defenses thereto in Ohio law for any injury, death, or property damage resulting therefrom.*

5626.4 Possession, storage, and handling. *Any person who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed retailer, licensed manufacturer, or licensed wholesaler and shall be subject to Sections 3743.45 and 3743.48 of the Revised Code and this code.*

5626.4.1 *In addition to compliance with all applicable provisions of the Revised Code and this code, all 1.4G fireworks shall be*

- 1. Possessed only in accordance with Chapter 3743. of the Revised Code and this code;*
- 2. Handled carefully and with due consideration of the explosive nature of fireworks;*
- 3. Stored in compliance with all applicable provisions of this code and not in a manner that endangers the public at large;*
- 4. Stored in an amount not greater than 125 pounds net weight pyrotechnic composition within any structure, building or vehicle;*
- 5. Stored at least 150 feet from other explosives, explosive material, or hazardous materials that are subject to Chapter 50;*
- 6. Stored in a cool, dry place away from ignition sources including but not limited to heat, shock, friction and sparks, and at least 25 feet from hot work activity, open flames, and flammable and combustible liquids including, but not limited to, gasoline, diesel fuel, and kerosene;*

Exception to items (4) and (5): *Quantity limits may be increased and separation distances may be decreased by the fire marshal for 1.4G fireworks that are properly permitted in accordance with Section 105.1.1.1.1 and Section 5601.2 and stored in a magazine in accordance with Section 5604 and any applicable zoning regulations.*

5626.4.2 *1.4G fireworks shall not be stored in sleeping areas, within means of egress, in mechanical or service areas of any occupancy group or residential location, or*

outside in open areas unless the 1.4G fireworks are properly permitted in accordance with Section 105.1.1.1.1 and Section 5601.2 and stored in a magazine in accordance with Section 5604.

5626.4.3 1.4G fireworks shall not be stored at any I occupancy or within any residential facility licensed under title 37 of the Revised Code.

5626.4.4 1.4G fireworks acquired pursuant to Section 3743.45 of the Revised Code shall not be stored for any period exceeding 180 days after acquisition unless such storage is properly permitted in accordance with Section 105.1.1.1.1 and Section 5601.2 and stored in a magazine in accordance with Section 5604.

5626.5 Discharge of 1.4G fireworks. The discharge of 1.4G fireworks, including the 1.4G fireworks discharge site, trajectory, fallout, and spectator separation, shall comply with Chapter 3743. of the Revised Code and this code.

5626.5.1 Days of discharge. Unless otherwise limited or prohibited by state or local laws, rules or regulations, any person authorized under section 3743.45 of the Revised Code and this section to possess 1.4G fireworks in this state may discharge those fireworks in accordance with section 3743.45 of the Revised Code and this section on private property, with express authorization from the property owner, and only on the following days each year:

1. The first day of January;
2. Chinese new year's day;
3. The fifth day of May;
4. The last Monday in May, and the Saturday and Sunday immediately preceding that day;
5. The nineteenth day of June;
6. The third, fourth, and fifth days of July;
7. The first Friday, Saturday, and Sunday before and after the fourth day of July;
8. The first Monday of September, and the Saturday and Sunday immediately preceding that day;
9. Diwali;
10. The thirty-first day of December.

5626.5.2. Times of discharge. *Unless further limited by local laws, rules or regulations, the discharge of 1.4G fireworks as set forth in Section 3743.45 of the Revised Code and this section shall only occur on the days listed in Section 5626.5.1 and only between the hours of 4:00 p.m. and 11: 00 p.m. on each day.*

Exceptions:

- 1. On the thirty-first day of December 1.4G fireworks may be discharged until 11:59 p.m.*
- 2. On the first day of January 1.4G fireworks may also be discharged between 12:00 a.m. and 1:00 a.m.*

5626.5.3 Drought or hazardous conditions. *Regardless of any other provision of this section, the discharge of 1.4G fireworks is prohibited in accordance with the following:*

5626.5.3.1 *If adverse weather conditions prevail or begin such that an unreasonable hazard to persons or property exists due to such conditions, including but not limited to high winds, precipitation or other atmospheric conditions, the discharge of 1.4G fireworks shall be postponed or discontinued until the hazard has been eliminated.*

5626.5.3.2 *If any unsafe condition is detected, such as hazardous debris falling into a spectator area, any person discharging 1.4G fireworks shall immediately cease the discharge of 1.4G fireworks until the unsafe condition is eliminated or corrected.*

5626.5.3.3 *1.4G fireworks shall not be discharged in any area where a burn ban, fire weather watch or red flag warning has been issued by a governing authority during any time such a ban, watch or warning is in effect or until such time as the issuing authority has lifted the ban, watch or warning.*

5626.5.4 Weather protection. *Pyrotechnic materials used in the discharge of 1.4G fireworks shall be protected from adverse weather conditions.*

5626.5.5 Clean up. *Any person who discharges 1.4G fireworks shall conduct an inspection of all affected premises to locate debris resulting from the discharge of 1.4G fireworks and promptly remove and properly dispose of all such debris. Such inspection and clean up shall occur immediately after the discharge or within 12 hours of the discharge if the discharge occurs after dark.*

5626.5.6 Prohibited conduct. *All of the following are prohibited:*

- 1. The handling and discharge of 1.4G fireworks by any person under the age of eighteen;*

2. The presence of any person under the age of eighteen within 150 feet of the point of discharge of 1.4G firework aerial devices;
3. The provision of or other distribution of 1.4G fireworks to any person under the age of eighteen;
4. The indoor discharge of 1.4G fireworks;
5. The presence of tents within a 1.4G fireworks discharge site while fireworks are being discharged;
6. The storage of 1.4G fireworks within the 1.4G fireworks discharge site in such a manner that accidental ignition would have a high likelihood of occurring;
7. The pointing, aiming or discharging of 1.4G fireworks at or towards any person or object including bystanders, spectators, emergency services personnel, vehicles, aircraft, watercraft or any structure;
8. The discharge of 1.4G fireworks in any area that is not consistent with sections 3743.45 and 3743.451 of the Revised Code and this section.
9. The discharge of 1.4G fireworks within the boundaries of any federal, state or local forest, park, public recreation area or place of nature conservancy;
10. The discharge of 1.4G fireworks in a manner that would be deemed hazardous to property or endanger a person or animal;
11. The discharge of 1.4G fireworks within 150 feet of property that houses livestock, measured from the point of discharge to the nearest point of the property line, unless the person who intends to discharge the fireworks provides at least five days written notice to the owner of the property where the livestock is housed which states the date, time, and location where the fireworks will be discharged;
12. The discharge of 1.4G fireworks on public property or private school property;
13. The ignition or discharge of 1.4G fireworks in any street, highway, alley or public way;
14. The presence of smoking materials, matches, lighters, or open flame devices within 50 feet (15 m) of any area where 1.4G fireworks or other pyrotechnic materials are present.

Exception: Matches, lighters, or open flame devices to be specifically used to lawfully ignite 1.4G fireworks for discharge purposes may be within the 1.4G fireworks discharge site.

15. The discharge of 1.4G fireworks in a manner that violates any applicable federal, state, or local law, including any zoning regulations.

5626.5.7 Separation distances. 1.4G fireworks discharge sites shall remain clear of ignitable materials or any other hazards and shall be separated from spectators, structures and other hazards in accordance with Sections 5626.5.7.1 through 5626.5.7.4.1. Separation distances in Sections 5626.5.7.1 through 5626.5.7.4.1 shall be applied independently and completely to every aspect of each 1.4G firework discharge subject to Sections 5626.5.7.1 through 5626.5.7.4.1. When determining separation distances, any conflict or ambiguity shall be resolved in a manner that provides the greatest degree of public safety and property protection.

5626.5.7.1 Separation distances from spectators. The minimum separation distance from any spectator to the point of discharge of each 1.4G firework shall be at least as great as those specified in Sections 5626.5.7.1.1 through 5626.5.7.1.2.

5626.5.7.1.1 Aerial devices. For 1.4 G firework aerial devices including, but not limited to, shells, roman candles, cakes, and bottle rockets, the minimum required discharge radius shall be at least 150 feet.

5626.5.7.1.2 Ground devices. For non-aerial 1.4G firework devices discharged at ground level primarily for ground effect including but not limited to fountains, firecrackers or ground effect devices, the minimum required discharge radius shall be at least 50 feet.

5626.5.7.2 Separation distances from buildings and structures. Except for greater distances as otherwise provided in Sections 5626.5.7.3 through 5626.5.7.4.1, the minimum separation distance from the point of discharge of each 1.4G firework aerial shell to the nearest point of any structure or building shall be at least 150 feet, and for any ground device, the minimum separation distance from the point of discharge of each 1.4G firework ground device to the nearest point of any structure or building shall be at least 50 feet.

5626.5.7.3 Increased separation distances for certain structures and areas. Notwithstanding the presence of spectators, the minimum separation distance from the point of discharge of each 1.4G firework to the locations specified below shall be determined and applied as follows:

5626.5.7.3.1 Multitenant properties, hotels, motels, dormitories, fraternities, and sororities. The distance from the point of discharge of any 1.4G fireworks to the nearest point of a structure or building that is used as

a multitenant structure, hotel, motel, dormitory, fraternity, or sorority shall be at least three times the distance required in Sections 5626.5.7.1.1 through 5626.5.7.1.2.

5626.5.7.3.2 Hospitals, educational facilities, health care facilities, Institutional Group occupancies, and residential facilities licensed under Title 37 of the Revised Code. The distance from the point of discharge of any 1.4G firework to the nearest point of a structure or building that is used as a hospital, educational facility, health care facility Institutional Group occupancy, or a residential care facility licensed under Title 37 of the Revised Code shall be at least twice the distance required in Sections 5626.5.7.1.1 through 5626.5.7.1.2.

5626.5.7.3.3 Military installations, railroads, airports and fireworks establishments. The distance from the point of discharge to any railroad or the nearest point of a property line of property that is used as a military installation, airport or fireworks establishment shall be at least three times the distance required in Sections 5626.5.7.1.1 through 5626.5.7.1.2. If a flight restriction is in place surrounding a facility the required distances shall be calculated based on the restriction.

5626.5.7.3.4 Bulk storage areas. The distance between the point of discharge of any 1.4G firework to the nearest point of a bulk storage area containing materials that have a flammability, explosive, or toxic hazard shall be at least twice the distance required in Sections 5626.5.7.1.1 through 5626.5.7.1.2.

5626.5.7.3.4.1 The fuel tanks on vehicles or other motorized equipment located in the 1.4G fireworks discharge site shall not be considered bulk storage.

5626.5.7.4 Aerial shells. Any area selected as a 1.4G fireworks discharge site for the discharge of 1.4G firework aerial shells shall be located so that the post ignition trajectory of the shells shall not come within 25 feet (7.6 m) of any overhead object, structure, or vehicle.

5626.5.7.4.1 The fallout area for 1.4G firework aerial shells shall be an open area. Spectators, unauthorized vehicles, watercraft, or readily combustible materials shall not be located within the fallout area during any period in which fireworks are being discharged.

5626.6 Consumer fireworks discharge incident. Any consumer fireworks discharge incident shall be reported to the fire code official and law enforcement official immediately.

5626.6.1 Report. The fire code official shall immediately make a report regarding the fireworks incident and shall forward a copy of the report to the state fire marshal

within 72-hours of the incident. The report shall provide the time, date and location where the consumer fireworks discharge incident occurred, the name address and telephone number of all of the following as applicable: the person who was conducting the discharge, any person who discharged fireworks that resulted in any injury or death, the owner of the property where the discharge occurred, the owner of the property where the injury or damage occurred, the person(s) injured or fatally injured as a result of the discharge, and any other person present during the discharge.

5626.6.2 Tampering. The disturbance, dismantling, repositioning, moving or altering of any firework item, any associated equipment or other material, or any other item within the 1.4G fireworks discharge site, or any evidence related to a consumer fireworks discharge incident is prohibited.

Exception: Items may, as authorized by a fire official or law enforcement official on site, be moved as necessary to prevent further injury or death to any member of the public or a threat of imminent fire or explosion.

Section 5627 Fountain Device Retailers

5627.1 Scope. Except as noted herein, this section applies to the licensure, acquisition, handling, possession, sales, storage and use (including discharge) of the subset of 1.4G fireworks that are further defined as fountain devices by any person other than a licensed manufacturer of fireworks or a licensed wholesaler of fireworks. Such fountain devices may also be subject to other provisions of this code. To the extent that any matter regarding the licensure, handling, possession, sales, storage, or use of fountain devices purchased pursuant to Chapter 3743. of the Revised Code are addressed in this section or the provisions in this section conflict with provisions otherwise contained in this code, the provisions of this section control.

5627.2 Definitions.

5627.2.1 For the purposes of Section 5627, this chapter, and as used elsewhere in this code, the following words and terms shall be defined as follows:

"Fountain device." A specific type of 1.4G firework that meets all of the following criteria:

1. It is nonaerial and nonreport producing;
2. It is recognized and manufactured in accordance with Sections 3.1.1 and 3.5 of APA standard 87-1 (2001 edition);
3. It is a ground-based or hand-held sparkler with one or more tubes containing a nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition, with or without additional effects that may include

a colored flame, audible crackling effect, audible whistle effect, or smoke;
and

4. It contains not more than seventy-five grams of the nonexplosive pyrotechnic mixture in any individual tube and not more than five hundred grams or less for multiple tubes.

"Fountain device retailer" or "licensed retailer." A person licensed pursuant to Section 3743.26 of the Revised Code.

"Fountain device sales location." The approved building where licensed fountain device sales occur and any approved contiguous designated external fountain device storage areas on the same premise as the approved building.

"Retail sale" or "sell at retail." A sale of fireworks to a purchaser who intends to use the fireworks, and not resell them.

5627.2.2 For the purposes of Section 5627, the following take on exclusive meaning as follows:

"CFRS facility." A consumer fireworks retail sales facility as defined in NFPA 1124 (2006 edition).

"Highly flammable materials." A "flammable gas", "flammable liquid", "flammable liquified gas" "flammable material", or "flammable solid" as defined in this code that are capable of being readily ignited from common sources of heat or similar causes. Examples of highly flammable materials include aerosols, acetone, rubbing alcohol, hand sanitizers, pool chemicals, automotive fluids, and other similar products, regardless of form or packaging, existing in a structure licensed for fountain device retail sales.

"Open for business." Having the intent and ability to engage in any lawful licensed fountain device retailer activity authorized by Sections 3743.26 to 3743.29 of the Revised Code.

"Store." A store as define in NFPA 1124 (2006 edition), except that a fountain device retailer's sales location may be considered to be a "store" and not a CFRS facility, and not subject to CFRS facility requirements, if its sales structure is used primarily for the sales of fountain devices and the total inventory of the fountain devices within the sales structure does not exceed 125 pounds (56.8 kg) net explosive weight of pyrotechnic composition.

5627.2.3 The following terms are defined in Chapter 2:

"Net explosive weight."

“Pyrotechnic composition.”

5627.3 General. *A licensed retailer's acquisition, possession, storage, and sale of fountain devices may only occur in compliance with the Revised Code and this section.*

5627.3.1 *The possession and discharge of all fountain devices lawfully acquired from a licensed manufacturer of fireworks, a licensed wholesaler of fireworks, or a licensed fountain device retailer by the public may only occur in accordance with the provisions of Sections 3743.27, 3743.28, 3743.29, 3743.45, 3743.451, 3743.48 and 3743.65 of the Revised Code, Section 5626, and any other applicable federal, state and political subdivision laws, including any prohibitions or limitations on such discharges. All other possession and discharge of fountain devices, except for uses by a licensed exhibitor of fireworks in accordance with a properly issued exhibition permit pursuant to Section 3743.54 of the Revised Code, is prohibited.*

5627.3.2. *All retail sales of fountain devices by a licensed manufacturer of fireworks, a licensed wholesaler of fireworks, or a licensed fountain device retailer to the public shall be subject to the fee provisions and any associated audit or compliance requirements of Section 3743.22 of the Revised Code and any associated rules.*

5627.4 Application and licensure.

5627.4.1 Requirements for fountain device retailer license.

5627.4.1.1 Application periods. *Except as otherwise specified in division (C) of section 3743.26 of the Revised Code for a person not yet “open for business” or as authorized under division (D) of Section 3743.26 of the Revised Code, any person who wishes to receive an initial license as a fountain device retailer in this state shall submit an application for licensure to the state fire marshal before the first day of October. Applications for an initial fountain device retailer license by a person not yet “open for business” immediately before the first day of October, but that becomes “open for business” at another time during the year, may be submitted at any time during a calendar year as provided for in Section 3743.26 of the Revised Code. Applicants for a fountain device retailer license authorized under division (D) of Section 3743.26 of the Revised Code for calendar year 2022 shall be filed in accordance with that section.*

5627.4.1.2 Application form. *All fountain device retailer license applications shall be on a form prescribed by the state fire marshal. All of the following shall be submitted with the fountain device retailer license application:*

1. *A license fee in the amount of twenty-five dollars;*
2. *An affidavit affirming that the applicant is in compliance with NFPA 1124 (2006 edition), or will be in compliance before engaging in the storage or retail sale of fountain devices;*

3. Proof of comprehensive general liability insurance coverage, specifically including fire and smoke casualty on premises, in an amount not less than one million dollars for each occurrence for bodily injury liability and wrongful death at its business location. Proof of such insurance shall be submitted together with proof of coverage in an amount not less than one million dollars for products liability on all inventory located at the business location.

5627.4.2 Separate application for each location. A separate application for licensure as a fountain device retailer shall be submitted for each location at which a person wishes to engage in the retail sale of fountain devices. Only one fountain device retailer license, carrying a distinct license number as designated by the state fire marshal, may be issued per structure and any parcels associated with the licensed structure at any particular location within the State.

5627.4.3 Minimum license holder qualifications. The background check and disqualifying offense-based licensure prohibitions established in Section 3743.70 of the Revised Code shall not apply to fountain device retailers.

5627.4.4 License year and renewal. Unless otherwise specified in the Revised Code, the license year for a licensed fountain device retailer is the first day of December of a calendar year through the thirtieth day of November of the following year. If a licensed retailer wishes to continue or resume engaging in the retail sale of fountain devices at a particular location after its effective license for that location expires, regardless of the length of time elapsed from the date of expiration, the licensee shall apply before the first day of October immediately prior to the start of the new license year for a new license pursuant to this section. The state fire marshal shall send a written notice of the expiration of a license to a licensed fountain device retailer not later than the first day of September for any year that the licensed fountain device retailer has an active license.

5627.5 Conditions of fountain device retailer licensure.

5627.5.1 License Period. The state fire marshal shall, on the first day of December and, except as provided in divisions (C) and (D) of Section 3737.26 of the Revised Code, at no other time, issue qualifying applicants a license to sell fountain devices at retail.

Except as provided in divisions (C) and (D) of Section 3737.26 of the Revised Code, a licensed retailer's license is effective for one year beginning on the first day of December and shall expire on the 30th day of November of the year after it was issued.

5627.5.2 Fees. Every license fee required in accordance with this section shall be paid with cash or by money order, postal note, cashier's check, credit card, certified check or personal check payable to the "Treasurer, State of Ohio" and be paid at or

mailed to the "Division of State Fire Marshal," at the address specified on the application material.

5627.5.3 Expired license. Fountain device retailer license renewal applications received after the required submittal dates shall be considered new applications and meet the new license requirement of Sections 3743.26 and 3743.27 of the Revised Code and Section 5627.4 of this section.

5627.5.4 Duplicate license. If a valid fountain device retailer license is lost or accidentally destroyed, an application for a duplicate license shall be made in writing to the state fire marshal and be accompanied by a ten-dollar fee.

5627.5.5 Misuse of license. No person who has been issued a fountain device retailer license shall give or permit any other person to use such license and such license is not transferable or assignable to any other holder at the same location, nor shall any license be extended beyond the dates set out thereon.

5627.5.6 Forfeiture of fee. When a license has been denied, suspended, or revoked pursuant to Chapter 119. of the Revised Code and this chapter, the fee for such license shall be forfeited and deposited into the appropriate state fire marshal's fund and applied as a fee for license processing.

5627.5.7 Denial or revocation of license. The state fire marshal may suspend consideration of an application or deny the issuance of an initial fountain device retailer license, revoke an existing fountain device retailer license, or deny the renewal of a fountain device retailer license if any of the following occur:

1. The applicant has failed to submit proof of comprehensive general liability insurance or licensee has failed to maintain the same.
2. The applicant has failed to provide the required information on the application form provided by the state fire marshal including, but not limited to failure to include the identification of a statutory agent, if applicable, or other designated agent for service of process at the time of application and prompt notification of any changes in the statutory agent.
3. The applicant has failed to include the required fee for the license with the application.
4. The applicant owes fees or assessments of any type to the state fire marshal for other fireworks related pending applications or existing licenses.
5. The applicant withdraws its application prior to an investigation or inspection by the state fire marshal to determine if the license shall be issued.

6. The applicant or licensee has made a misrepresentation or filed false statements in its application.
7. There is substantial evidence that the fountain device retailer license applicant, the operations of the licensee, or any conditions at the licensed premises are not in full compliance with Chapters 3737, 3743, 3781, and 3791. of the Revised Code, any rules promulgated in accordance with those chapters, or any other applicable federal, state or local laws, including building or zoning regulations.

5627.6 Sales Locations – General. A licensed fountain device retailer is authorized to possess fountain devices and sell fountain devices at retail only in accordance with the following:

1. A licensed retailer's possession and storage of fountain devices shall comply with NFPA 1124 (2006 edition).
2. A licensed retailer shall only acquire fountain devices for sale to the public from a licensed manufacturer or a licensed wholesaler.
3. A licensed retailer may only sell fountain devices in its inventory at retail to the public. A licensed retailer shall not resell such fountain devices at wholesale to any person or to other fountain device retailers but may transfer product to other licensed locations owned by the same licensee.
4. A licensed retailer shall prominently display its current fountain device retailer license at the fountain device sales location authorized by that license.
5. A licensed retailer shall only possess and sell fountain devices as packaged merchandise with covered fuses.
6. A licensed retailer's possession, storage, and sale of fountain devices shall comply with the state fire marshal's rules adopted pursuant to Section 3743.28 of the Revised Code, the fire code and all other applicable federal, state, and local laws rules and regulations.
7. A licensed retailer shall possess and sell fountain devices only at the location described in the application for licensure and approved by the state fire marshal, and the sale shall be from the inside of a licensed building and from no structure or device outside a licensed building. At no time shall a licensed retailer sell fountain devices outside of a licensed building, including from tents or under awnings, or engage in representative sample operations.
8. Mail order, internet based, or customer delivery-based sales that involve the delivery of fountain devices to a purchaser at any location other than from the licensed fountain device sales premise are prohibited.

9. Retail sales of fountain devices, at locations other than a licensed premise for a licensed manufacturer of fireworks or a licensed wholesaler of fireworks, shall be limited to mercantile occupancies, or locations providing higher level of public safety, as defined in the building code.
10. Retail sales of fountain devices shall be in accordance with this section's sales floor requirements.
11. Fountain device retailers shall notify the local fire code official having jurisdiction over the licensed sales location of its initial licensure under this section and intended maximum amounts of fountain device inventory at the licensed location. The local fire code official may require the fountain device retailer to periodically renew such notifications, including any renewals or terminations of the fountain device retailer license.
12. A licensed retailer shall own or control via a lease or similar document the building where fountains are offered for sale or stored under that licensed retailer's license, including all egress pathways, merchandise sales areas, employee supervision areas, and other licensed areas subject to this section. To determine compliance with this section, the state fire marshal may accept from a licensed retailer with common ownership of more than five licensed locations a submission of a certification of ownership or control for all of that licensed retailer's locations on a form issued by or otherwise deemed acceptable to the state fire marshal.

5627.6.1 Sales Locations - General Safety Requirements.

5627.6.1.1 Portable Fire Extinguishers. Portable fire extinguishers shall be provided and maintained as required for extra (high) hazard occupancy in accordance with NFPA 10.

5627.6.1.2 Fire Safety and Evacuation Plan. An approved fire safety and evacuation plan shall be prepared in writing, posted and maintained in accordance with this code.

5627.6.1.3 Housekeeping.

5627.6.1.3.1 Fountain sales areas and storage rooms shall be kept free of accumulations of debris and rubbish.

5627.6.1.3.2 Any loose pyrotechnic composition shall be removed immediately and safely and properly disposed of by the licensee.

5627.6.1.3.3 Vacuum cleaners or other mechanical cleaning devices shall not be used.

5627.6.1.3.4 Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of non-sparking materials.

5627.6.1.3.5 Fountain devices that are damaged shall be immediately removed from the sales floor, not offered for sale, and safely and properly disposed of by the licensee.

5627.6.1.3.6 Damaged fountain devices shall be permitted to be returned to the dealer or shall be disposed of according to the manufacturer's instructions.

5627.6.1.4 Smoking. Smoking shall not be permitted inside any licensed fountain device sales location structure or within 50 feet (15.5 m) of any external fountain device storage area.

5627.6.1.4.1 No Smoking Signs. At least one sign that reads as follows, in letters at least 2 inches (51 mm) high on a contrasting background, shall be conspicuously posted at each entrance or within 10 feet (3.05 m) of every aisle directly serving the fountain device sales area: "FIREWORKS — NO SMOKING"

5627.6.1.5 Signage prohibiting fireworks discharge. At least one sign that reads as follows, in letters at least 4 inches (102 mm) high on a contrasting background, shall be conspicuously posted on the exterior of each side of the fountain device sales location:

NO FIREWORKS DISCHARGE

WITHIN 300 FEET

5627.6.2 Records of inventory. Fountain device retailers shall maintain a current and accurate inventory of all fountain device inventory on the premises. Such records shall be made available to the state fire marshal or the local fire code official having jurisdiction upon request.

5627.6.3 Suspension of sales and seasonal inventory. The fire code official with jurisdiction may require any fountain device retailer within that official's jurisdiction to provide written notice that the retailer is temporarily suspending sales for a period of longer than thirty days, has depleted its seasonal inventory of fountain devices, or otherwise no longer has fountain devices on its premises during the period of its licensure.

5627.7 Construction requirements for sales locations. All structures used for the possession and sale of fountain devices after the effective date of this chapter, whether such structures are newly constructed or fountain device sales are initiated in an existing

structure, may only be constructed, occupied, operated and maintained in accordance with and as required by this code and the building code.

All fountain device sales locations shall comply with the Sections 5627.7.1 and 5627.7.2.

5627.7.1 Fountain device sales locations. All fountain device sales locations shall meet or exceed the requirements for mercantile occupancies open to the public, or for categories providing higher level of public safety, as defined in the building code.

5627.7.2 Coordination of Codes: The provisions of Section 5627 supersede any of the more restrictive provisions of Chapter 7 of NFPA 1124 (2006 edition) applicable to Fountain Device Retailers that address the same specific subject matter.

5627.7.3 Fountain device sales locations. Fountain device sales locations, including sales structures associated with the license, shall comply with the requirements of Sections 5627.7.3.1 through 5627.7.3.7.1 as specified.

5627.7.3.1 Permits and certificates of occupancy. All fountain device sales locations shall obtain and comply with all applicable construction, maintenance, and operational permit and certificate of occupancy requirements, or conditions thereof, as required by state or local laws, ordinances, or regulations, this code and the building code.

5627.7.3.2 Plans. For any new construction of or the alteration or modification of an existing fountain device sales location, initial occupancy or use of a structure as a fountain device sales location, or as a part of any licensure process, the state fire marshal may require the submission of plans designating the following for all fountain device sales locations:

1. Minimum distances from the following to the nearest point of the sales structure:

1.1 Public ways.

1.2 Buildings.

1.3 Other firework sales facilities.

1.4 Motor vehicle fuel-dispensing station dispensers.

1.5 Retail propane-dispensing station dispensers.

1.6 Flammable and combustible liquid aboveground tank storage.

1.7 Flammable gas and flammable liquefied gas, bulk aboveground storage, and dispensing areas within 300 ft (91.5 m) of the facility used for the retail sales of consumer fireworks.

2. Vehicle access and parking areas.

3. Location and type of portable fire extinguishers.

4. Floor plan and layout of storage and displays to indicate compliance with this chapter and applicable state or local laws, ordinances, or regulations.

5. Means of egress.

6. Construction details.

5627.7.3.3 Means of Egress. The minimum number of exits provided from the retail sales area for all fountain device sales locations shall be in accordance with the building code and with Sections 5627.7.3.3.1 through 5627.7.3.3.3.

5627.7.3.3.1 Required means of egress from the retail sales area shall not be allowed to pass through storage rooms.

5627.7.3.3.2 Maintenance. The means of egress shall be maintained in accordance with Section 1031 as applicable.

5627.7.3.3.3 Exit signs. Exit signs shall be installed and maintained in accordance with Section 1013 and Section 1104.5 as applicable and be visible under emergency illumination conditions in the event of a power supply failure.

5627.7.3.4 Aisle Width Aisle width for all fountain device sales locations shall comply with Sections 5627.7.3.4.1 and 5627.7.3.4.2.

5627.7.3.4.1 Aisles shall have a minimum clear width of 48 inches (1.2 m).

5627.7.3.4.2 The required width of aisles shall be maintained unobstructed at all times when the facility is occupied by the public.

5627.7.3.5 Aisle Arrangements Dead-end aisles shall be prohibited for all fountain device sales locations.

5627.7.3.6 Doors and Doorways. Doors and doorways used in the means of egress for all fountain device sales locations shall comply with Sections 5627.7.3.6.1 through 5627.7.3.6.3.

5627.7.3.6.1 Egress doors shall be not less than 36 inches (910 mm) in width [providing a minimum of 32 inches (813 mm) clear width].

5627.7.3.6.2 Every egress door that has a latching device shall be provided with panic hardware complying with the building code and this code.

5627.7.3.6.3 Means of egress doors shall be of the side-hinge swinging type and shall be arranged to swing in the direction of egress travel.

5627.7.3.7 Alteration, modification or change of use of sales structure. Any alteration, modification, or change of use of any structure used for the retail sale of fountain devices may only occur in compliance with and in accordance with this code and the building code.

5627.7.3.7.1 Equipment. Any alteration or any installation of new equipment within any fountain device sales location associated with or in areas containing fountain devices may only be done in accordance with the requirements of this code and the building code.

5627.8 Employee education and training. All fountain device retailer employees who are responsible for the storage, display or sale of fountain devices or who visually supervise fountain device displays in accordance with division (A)(4) of Section 3743.27 of the Revised Code, or other responsible persons as designated by the fountain device retailer, shall be adequately trained in all of the following before performing their assigned job duties:

1. The safe handling, packaging and storage of fountain devices.
2. Safe and proper fountain device display location placement, operations, and associated conditions.
3. Fountain device shelving, separation and height requirements.
4. Basic fire safety measures, including but not limited to the location and proper use of fire extinguishers and the procedures for contacting emergency personnel.
5. The statutes and rules that govern the possession, display, storage, handling and sale of fountain devices, and permitted fountain device licensee activities.

5627.8.1 Timing and frequency. Employee training shall occur prior to any employees' or designated persons' handling, oversight, or sales of fountain devices. The training shall be repeated and updated as deemed necessary by the licensed retailer to ensure compliance with the minimum standards of this section. A properly trained individual is authorized to train other employees of the same licensee.

5627.8.2 Records. *Each fountain device retailer shall maintain current training records onsite at the fountain device sales location for each employee who is responsible for the storage, display or sale of fountain devices or who visually supervises fountain device displays that identifies the person providing the training specified in this section to the employees, the dates of training, the employees trained, and any other information required by the state fire marshal. Such records shall be made available to the state fire marshal, fire code officials and law enforcement officials upon request.*

5627.9 Fountain device displays. *All fountain devices offered for sale at a licensed fountain device sales location may only occur in compliance with Sections 5627.9.1 through 5627.9.3.*

5627.9.1 Location and quantity. *Fountain device displays shall be limited to three hundred square feet. No single fountain device display shall exceed one hundred fifty square feet, and each display must be placed at least twenty-five feet from any other fountain device display and any other highly flammable materials including but not limited to aerosols, acetone, rubbing alcohol, hand sanitizers, pool chemicals, automotive fluids, and other similar products.*

5627.9.2 Supervision. *Fountain device displays shall be under the visual supervision of an employee of the licensed retailer or other responsible party while the licensed retail location is open to the public.*

5627.9.3 Entrances and exits. *No fountain device display shall be located within a means of egress or in any manner that blocks entrances or exits, and shall at a minimum meet the following distances from entrances and exits:*

- 1. No fountain devices shall be displayed for sale or stored within 5 ft (1.5 m) of any public entrance in an enclosed building or structure.*
- 2. No fountain devices shall be displayed for sale or stored within 2 ft (0.6 m) of any exit or private entrance in an enclosed building or structure.*

5627.9.4 Sales shelving gondolas. *All fountain device display shelving gondolas shall comply with Sections 5627.9.4.1 through 5627.9.4.2.1.1.*

5627.9.4.1 Flame Breaks. *All fountain device displays shall have and maintain flame breaks in accordance with the following:*

- 1. From the display surface to not less than 6 inches (150 mm) above the full height of the displayed merchandise or to the underside of the display surface directly above.*
- 2. For the full depth of the displayed merchandise.*

5627.9.4.1.1 Where displays of merchandise face aisles that run along both long sides of the display fixtures or display surface, a flame break shall be installed lengthwise between the abutting display fixtures or along the approximate longitudinal centerline of the display surface so as to separate the merchandise facing one of the aisles from the merchandise that abuts it facing the other aisle.

5627.9.4.1.2 Where a merchandise display level contains packaged fountain merchandise, such merchandise shall be permitted to be displayed in a continuous length on the same level, where the display does not exceed 32 feet (9.8 m) without the flame break required in Section 5627.9.4.1.

5627.9.4.1.3 An aisle having a minimum width of 48 inches (1.2 m) shall be permitted to substitute for the flame break required in Section 5627.9.4.1.

5627.9.4.1.4 Flame breaks shall be allowed to be omitted in fountain device sales locations protected throughout with an automatic sprinkler system installed in accordance with NFPA 13.

5627.9.4.2 Shelving. All fountain device displays shall have and maintain shelving in accordance with Sections 5627.9.4.2.1 through 5627.9.4.2.1.1.

5627.9.4.2.1 Holes or other openings. Shelving or other surfaces used to support fountain display merchandise shall be permitted to have not more than 10 per cent of the area of the shelf contain holes or other openings.

5627.9.4.2.1.1 The 10 percent limitation on the area of holes or other openings in the shelf used to support fountain display merchandise shall not be applicable under the following conditions:

1. Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than 1/4 inches (6 mm) thick and separated from each other by an open space not less than 1 1/2 inches (38 mm) wide
2. Where such merchandise is suspended from or fastened to the shelf or surface or is displayed as packaged merchandise on the surface or in bins

5627.9.4.3 Horizontal Barriers. Combustible materials and merchandise shall not be stored directly above fountain devices in retail sales displays unless a horizontal barrier is installed directly above the fountain devices as prescribed in Section 7.4.2.2.5 of NFPA 430.

5627.9.4.4 Sales Displays The requirements of this section shall apply to fountain device sales areas, unless otherwise specifically indicated.

5627.9.4.4.1 Height of Sales Displays. *To provide for visual access of the retail sales area by the employees and customers, partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 feet (1.8 m) in height above the floor surface inside the perimeter of the retail sales area.*

5627.9.4.4.1.1 Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 feet (1.8 m) above the floor surface within the fountain sales area.

5627.9.4.4.1.2 Where located along the perimeter of the fountain sales area, the maximum height of sales displays shall be limited to 12 feet (3.66 m).

5627.9.4.4.1.3 Freestanding display racks, pallets, tables, or bins containing packaged fountain merchandise shall be permitted without flame breaks, provided the dimensions of the area occupied by the fountain merchandise do not exceed 4 feet (1.2 m) in width, 8 feet (2.4 m) in length, and 6 feet (1.8 m) in height, and the displayed fountain merchandise is separated from other displays of merchandise by aisles having a minimum clear width of 4 feet (1.2 m).

5627.9.4.4.2 Covered Fuses. *Only consumer fountain devices meeting the criteria for covered fuses shall be permitted where retail sales of fountain devices are conducted.*

5627.9.4.4.2.1 A fountain device shall be considered as having a covered fuse if the fountain device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fountain device cannot be touched directly by a person handling the item without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or destroy the packaging material, wrapping, or container within which the fountains are contained.

5627.10 Sales to the public. *The sale of fountain devices may only occur in compliance with Chapter 3743. of the Revised Code and Sections 5627.10.1 through 5627.10.7.*

5627.10.1 A licensed retailer shall only possess and sell fountain devices as packaged merchandise with covered fuses.

5627.10.2 Sales to minors prohibited. *No licensed retailer shall sell fountain devices to a person who is under eighteen years of age.*

5627.10.3 Age verification. *The age of a person purchasing fountain devices shall be verified prior to the completion of the sale via evidence that the person is at least*

18 years of age. Acceptable forms of identification that can be used for age verification include an unexpired, government issued photo identification including a driver's license, identification card, passport, military identification card or immigration card. Such verification can be accomplished via a transaction scan consistent with Sections 2927.021, 2927.022, 4301.61 and 4601.611 of the Revised Code.

5627.10.4 Sales to persons under the influence of drugs or alcohol prohibited. No licensed retailer shall knowingly sell fountain devices to a person who is obviously under the influence of alcohol or a drug of abuse, as defined in Section 4506.01 of the Revised Code.

5627.10.5 Safety pamphlet. Licensed fountain device retailers shall furnish a copy of a safety pamphlet to each purchaser of 1.4G fireworks.

Exception: A safety pamphlet does not have to be furnished to a purchaser who is a licensed retailer, licensed manufacturer, licensed wholesaler, or licensed exhibitor of fireworks in this state.

5627.10.5.1 Safety pamphlet requirements. At a minimum, the safety pamphlet shall contain all of the following information, printed in a legible and appropriately sized text:

"Do not allow children to play with fireworks. Sparklers, a firework often considered by many to be the ideal "safe" device for children, burn at very high temperatures and should not be handled by children. Children may not understand the danger involved with fireworks and may not act appropriately while using the devices or in case of emergency.

Set off fireworks outdoors in a clear area, away from houses, dry leaves, or grass and other flammable materials.

Keep a bucket of water nearby for emergencies and for pouring on fireworks that fail to ignite or explode.

Do not try to relight or handle malfunctioning fireworks. Soak them with water and throw them away.

Be sure other people are out of range before lighting fireworks.

Never light fireworks in a container, especially a glass or metal container.

Keep unused fireworks away from firing areas.

Store fireworks in a cool, dry place.

Check instructions for special storage directions.

Observe state and local law.

Never have any portion of your body directly over a firework while lighting.

Do not experiment with homemade fireworks."

5627.10.6 Safety glasses. Licensed fountain device retailers shall have safety glasses available for sale for a nominal charge, or provided to consumers for free, at the fountain device display.

Exception: Safety glasses do not have to be made available for a purchaser who is a licensed retailer, licensed manufacturer, licensed wholesaler, or licensed exhibitor of fireworks in this state.

5627.10.6.1 Safety glasses standard. Safety glasses made available pursuant to Section 5627.10.6 shall meet or exceed ANSI Z87.1 standards.

5627.10.7 Discharge. No person shall discharge fireworks within 300 feet of any portion of a fountain device sales facility.

5627.11 Storage. Storage of all fountain devices may only occur in compliance with Sections 5627.11.1 through 5626.11.5.5.

5627.11.1 Licensed fountain device retailers may store fountain devices to be sold at the licensed location that are not otherwise located in the approved public display areas of the licensee at the following locations:

1. nonpublic interior areas of sales structures or
2. an approved magazine or trailer outside of the licensed structure but on the same premise.

5627.11.2 Approved packaging. All fountain devices shall be stored in DOTn approved cartons and packaging, in accordance with NFPA 1124.

5627.11.3 Further distribution prohibited. Fountain devices may not be stored for further distribution by a licensed retailer at any premise other than the licensed fountain device sales location.

5627.11.4 Interior storage within licensed structure. Interior storage within a licensed fountain device retailer sales location may only occur in compliance with Sections 5627.11.4.1 through 5627.11.4.3.2.

5627.11.4.1 Size. *Interior storage within a licensed fountain device sales location shall be limited to a total storage space not exceeding 600 square feet.*

5627.11.4.2 Quantity. *The maximum total quantity of fountain devices that may be stored in the interior of a fountain device sales location shall not exceed 125 pounds [56.8 kg] net weight of pyrotechnic composition unless approved by the building code official having jurisdiction and the state fire marshal.*

5627.11.4.2.1 *Where the actual net weight of the pyrotechnic composition of fountain devices are not known, 25 percent of the gross weight of the fountain devices, including packaging, shall be permitted to be used to determine the net weight of the pyrotechnic composition.*

5627.11.4.3 Rooms. *Storage rooms containing fountain devices shall be protected with an automatic sprinkler system installed in accordance with NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.*

5627.11.4.3.1 *Door and window openings in a fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 1 hour and shall be installed in accordance with NFPA 80.*

5627.11.4.3.2 *Any other openings or penetrations in a fire barrier wall shall be protected in accordance with the building code.*

5627.11.5 Exterior storage. *Fountain devices stored on the exterior of a fountain device sales location shall be contained in either a trailer or a storage magazine. Such exterior storage at a licensed fountain device sales location may only occur in compliance with Sections 5627.11.5.1 through 5627.11.5.5.*

5627.11.5.1 Trailers. *Fountain devices may be stored in trailers if the trailers are properly enclosed, secured, placarded, disabled and grounded and are separated from any structure to which the public is admitted by a distance that will allow fire-fighting equipment to have full access to the structures on the licensed premises in accordance with Chapter 5 or as approved in writing by the local fire code official. In no instance shall trailers used for the storage of fountain devices be located at a distance less than the minimum separation distances specified in NFPA 1124. Such trailers may be moved into closer proximity to any structure only to accept or discharge cargo for a period not to exceed forty-eight hours. Only two such trailers may be placed in such closer proximity at any one time. At no time may trailers be used for conducting sales of fountain devices.*

5627.11.5.2 Type 4 Storage Magazines. *The use of type 4 storage magazines in lieu of an approved trailer is acceptable and must meet the requirements of 27 C.F.R. 555.210 and this code.*

5627.11.5.3 Public access prohibited. *Members of the public shall be prohibited from access to the contents of any storage trailers at all times.*

5627.11.5.4 Enclosure required. *Trailers and magazines used for the storage of fountain devices shall be completely enclosed in accordance with Section 5621.3.*

5627.11.5.5 Parking. *No motor vehicle or trailer used for the storage of fountain devices shall be parked within 10 feet (3 m) of a fountain sales facility, except when delivering, loading, or unloading fountains or other merchandise and materials used, stored, or displayed for sale in the facility.*

5627.12 Inspections and Enforcement. *The state fire marshal may inspect any proposed fountain device sales location for licensure purposes before a license is issued or renewed, and any licensed fountain device retailer at any time for purposes of license compliance determinations and enforcement of state and local laws applicable to fountain device retailers or the sale of fountain devices. Such inspections may include sales and inventory locations, fountain device retailer records, sales fee records and practices, storage areas, fire protection systems and inspection, maintenance and testing records of fire protection system(s), and any premise areas subject to licensure.*

The state fire marshal may take any actions authorized by Sections 3743.26 to 3743.29 of the Revised Code and this code to enforce any applicable laws and rules for fountain devices.

Section 5628 Consumer grade fireworks fee

5628.1 Scope. *The provisions of this section shall govern the administration of the fee, pursuant to Section 3743.22 of the Revised Code, imposed on licensed retailers, licensed manufacturers, and licensed wholesalers selling 1.4G fireworks in this state. The fee shall equal four per cent of the gross receipts of a licensed manufacturer, licensed wholesaler, and a licensed retailer from retail sales of 1.4G fireworks in this state made on or after May 18, 2022.*

5628.2 Definitions. *For the purposes of Section 5628, the following take on exclusive meaning and shall be defined as follows:*

“Fee.” *The consumer fireworks (1.4G Fireworks) sales fee established in division (B) of Section 3743.22 of the Revised Code.*

“Fee period.” *The period beginning on the first day of October and ending on the thirtieth day of the following September.*

“Gross receipts.” *Excludes the amount of taxes a licensed retailer, licensed manufacturer, or licensed wholesaler collects from a consumer under Chapter 5739. of the Revised Code on behalf of the state or a political subdivision.*

5628.3 Retail sale. *For the purpose of this section, a retail sale of 1.4G fireworks is made in this state only if the purchaser intends to use the fireworks, and not resell them, and receives the 1.4G fireworks at a location in this state.*

5628.4 General

5628.4.1 *A licensed retailer, licensed manufacturer, or licensed wholesaler may separately or proportionately bill or invoice a fee imposed under this section to another person.*

5628.4.2 *All money collected under this section shall be credited to the fireworks fee receipts fund. Seven-eighths of the money in the fund shall be used by the state fire marshal solely to fund firefighter training programs. Remaining money in the fund shall be used solely to pay expenses of the state fire marshal in performing the duties prescribed by this section.*

5628.5 Reporting. *The fee and associated sales information shall be reported by licensed manufacturers, licensed wholesalers, and licensed retailers to the state fire marshal and be on a form prescribed by the state fire marshal in accordance with Section 3743.22 of the Revised Code and Sections 5628.5.1 through 5628.5.2.*

5628.5.1 Remittance. *All fees due shall be remitted to the state fire marshal on or before the twenty-third day after the last day of each fee period. The amount of the fee due shall be computed on the basis of gross receipts from retail sales made in each fee period. A licensed retailer, licensed manufacturer, or licensed wholesaler whose license is issued, denied (for any period of appeal), suspended, canceled, or revoked, or not renewed after expiration during a fee period shall report and remit the fee based on sales of 1.4G fireworks made during any fee period, or portion thereof, when it conducted sales subject to this section.*

5628.5.1.1 More frequent remittance. *The state fire marshal may establish processes to permit a licensee or required person to submit partial or full fee payments from each licensee or person for each fee period on a periodic basis during a fee period or may require a single remittance to the state fire marshal of all fees due for a fee period between the first day after and the close of business for the state fire marshal on the twenty-third day after the last day of each fee period.*

5628.5.1.2 Deadline for remittance. *Regardless of submission processes used, all licensees and persons subject to Section 3743.22 of the Revised Code must submit the full amount of all fee remittances due under Section 3743.22 of the Revised Code for each fee period to the state fire marshal by 5 p.m. eastern standard time on the twenty-third day after the last day of the applicable fee period.*

5628.5.2 No sales during a fee period. *A licensed retailer, licensed manufacturer, or licensed wholesaler that does not record any sales of consumer fireworks during a fee period, or portion thereof specified by the state fire marshal, shall file a form(s) as prescribed by the state fire marshal and indicate that no sales were transacted in such fee period.*

5628.6 Enforcement. *If the state fire marshal determines that a licensed retailer, licensed manufacturer, or licensed wholesaler fails to timely report and remit the full amount of the fee as required by this section and Section 3743.22 of the Revised Code, the state fire marshal may do either of the following:*

- 1. Order, in writing, the retailer, wholesaler, or manufacturer to report and remit to the state fire marshal, within a specified period of time, any such underpayment;*
- 2. Revoke or deny renewal of the license of the retailer, manufacturer, or wholesaler, which shall subject a manufacturer or wholesaler to the consequences prescribed in division (D) of Section 3743.08 of the Revised Code or division (D) of Section 3743.21 of the Revised Code.*

5628.6.1 Collection action. *The state fire marshal may certify any delinquent amount owed by a licensed retailer, licensed manufacturer, or licensed wholesaler to the attorney general for purposes of collection in accordance with Section 131.02 of the Revised Code.*

5628.6.2 Information collected by the Ohio department of taxation. *The state fire marshal may request information in the possession of the department of taxation as necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks, a licensed wholesaler of fireworks, or a licensed retailer with Section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(19) of Section 5703.21 of the Revised Code.*

5628.6.3 Denial or revocation of a license. *Notwithstanding the foregoing, the fire marshal may deny any renewal or new license application filed by a person previously holding any license as a licensed retailer, licensed manufacturer, or licensed wholesaler after such a license was denied renewal, suspended, or revoked if the applicant is not in full compliance with all of the fee payment or other provisions of Section 3743.22 of the Revised Code or this section applicable to that previously issued license.*

44. **Add the following 4 documents after the rule and as exhibits to it:**
Application for Fireworks Exhibition Permit (see attached);

Checklist for Indoor Proximate Audience Fireworks Exhibition (see attached);

**Checklist for Outdoor Fireworks Exhibition or Outdoor Proximate Audience
Fireworks Exhibition (see attached);**

Checklist for Flame Effects Exhibition (see attached).

2025 OFC - JCARR



Department of Commerce
Division of State Fire Marshal
8895 East Main Street, Reynoldsburg, Ohio 43068
614.728.5460 Fax 614.728-5168
Email sfm_codeenf@com.state.oh.us

Permit # _____

- ☐ Outdoor/Proximate Audience
☐ Indoor/Proximate Audience
☐ Flame Effects

Application for Fireworks Exhibition Permit

Permit applications must be accompanied by all support documents required by Ohio Revised Code 3743.54 and Ohio Administrative Code 1301:7-7-56. This signed document is preliminary authorization for a fireworks exhibition to be conducted.

Exhibition	Location of Exhibition Site/Event _____
	Address _____ City _____ County _____
	Date of Exhibition _____ Time of Exhibition _____ Rain Date _____
	Sponsor _____ Sponsor Contact _____ Phone Number _____
Product	Company Supplying Fireworks _____
	Phone Number _____ Ohio Manufacturer/Wholesaler/Out-of-State Shipper ID _____
	Address _____ City _____ State _____
Exhibitor	Licensed Exhibitor Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Ohio Exhibitor ID(s) _____
	Please mark license category <input type="checkbox"/> Fireworks NFPA 1123/NFPA 1124 <input type="checkbox"/> Special Effects NFPA 1126 <input type="checkbox"/> Flame NFPA 160
	Exhibitor Name _____ Phone Number _____
	Address _____ City _____ State _____
	Company Affiliation (if applicable) _____
	I understand that I, as the Exhibitor of this exhibition, shall be held strictly responsible for any damage to persons or properties resulting from fireworks, pyrotechnics, or flame effects used at this exhibition. I understand and will comply with all applicable laws and rules. Exhibitor Signature _____ Date _____
Liability	Insurance/Bonding Company _____ Coverage Amount _____
	Address _____ City _____ State _____
Inspection/Approval	List certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer to be present before, during and after exhibition. Before _____ During _____ After _____
	This form must be signed and approved by the Fire Authority Having Jurisdiction (AHJ) and Law Enforcement AHJ (if outdoor exhibition). Per ORC 3743.55, the exhibitor is required to have this document to purchase fireworks for the exhibition. The completed permit application and completed checklist constitute final approval by the AHJ.
	Signature of Fire Chief or Designee _____ Date _____
	Print Name _____ Fire Department Name _____
	Signature of Law Enforcement AHJ _____ Date _____
	Print Name _____ Municipality/Township/County _____

Provide signed copies of this document and the checklist to the Exhibitor, Fire AHJ, Law Enforcement AHJ and Ohio State Fire Marshal.



Department of Commerce
Division of State Fire Marshal
8895 East Main Street, Reynoldsburg, Ohio 43068
614.728.5460 Fax 614.728-5168
Email sfm_codeenf@com.state.oh.us

Checklist for Indoor Proximate Audience Fireworks Exhibition

Permit # _____

Location of Event	
City & County of Exhibition	Date & Time of Exhibition
FD Name	Exhibitor's Name
Exhibitors License Number	Exhibitor's Phone Number

Initialing each step indicates the step has been completed

Fire Official Exhibitor

1. Was insurance or a bond of \$1,000,000.00 or more verified?		
2. Was the product purchase verified to be from a licensed Ohio Wholesaler, Manufacturer, or Out-Of-State Shipper with a shipping permit? License # _____		
3. Has the exhibitor provided the number, names, and ages of all assistants that will be present?		
4. Was the site inspection conducted before issuing the permit? Date of Site Inspection: _____		
5. Has all planning and use of pyrotechnics been coordinated with the venue owner, manager, or producer?		
6. Was a written plan submitted to the AHJ identifying the firing and fallout area for each device, location of the audience, number and types of devices to be fired, and a description of each effect?		
7. Have locations, distances, and details of the site plan been verified for accuracy?		
8. Was certification provided that the set, scenery, rigging materials, and all materials worn by performers in the fallout area are inherently flame retardant or have been treated?		
9. Was a walk-through and demonstration provided and approved?		
10. Were MSDS sheets provided for all pyrotechnic materials to be used in the effects?		
11. When the fireworks arrived at the site, were they in a properly placarded vehicle/trailer?		
12. Are all devices mounted so that no fallout damages property, causes personal injury, or death?		
13. Is the fire protection system going to be interrupted during the performance? Yes or No (circle one) If yes, has the owner been notified? Is an approved fire watch in place during that time?		
14. Is all required portable firefighting equipment present and ready for use?		
15. Are pyrotechnic products, binary systems, and mixing containers identified or marked by the manufacturer?		
16. Has the type of communication to be used during the exhibition been determined?		
17. Are all pyrotechnic materials/devices stored in a secured, inaccessible, or supervised area?		
18. Are all firing devices constructed and secured to remain in a fixed position during firing?		
19. Is smoking or open flame prohibited where pyrotechnic materials are present?		
20. Are all mortars and flash pots constructed so they do not fragment or become distorted in shape when pyrotechnic material is fired?		
21. Have measures been established to provide crowd management, security, fire protection, and emergency services?		

By signing this form below, I acknowledge that I understand and have followed all the requirements and procedures described in this checklist. To the best of my knowledge, the information included in this document is complete and accurate. Procedures described herein have been followed by myself and all the other properly authorized participants in this exhibition of fireworks.

Fire Chief/Fire Prevention Officer: _____ Date: _____

Ohio Licensed Exhibitor: _____ Date: _____

Provide completed copy of form to the following: Exhibitor, Fire Chief/Fire Prevention Officer, Law Enforcement Officer and State Fire Marshal

Code References

1. In accordance with division (D) of Section 3743.54 of the Revised Code.
2. In accordance with division (A) of Section 3743.54 of the Revised Code.
3. In accordance with sections (5608.7) and (5608.8.7) of this rule.
4. In accordance with division (C) of Section 3743.54 of the Revised Code.
5. In accordance with NFPA 1126 Section 6.1.4 as listed in rule 1301:7-7-80 of the Administrative Code.
6. In accordance with NFPA 1126 Section 6.3.2 as listed in rule 1301:7-7-80 of the Administrative Code.
7. In accordance with NFPA 1126 Section 6.1 as listed in rule 1301:7-7-80 of the Administrative Code.
8. In accordance with NFPA 1126 Section 6.3.2 as listed in rule 1301:7-7-80 of the Administrative Code.
9. In accordance with NFPA 1126 Section 6.4.1.1 as listed in rule 1301:7-7-80 of the Administrative Code.
10. In accordance with NFPA 1126 Section 6.3.2 as listed in rule 1301:7-7-80 of the Administrative Code.
11. In accordance with section (5609.1) of this rule.
12. In accordance with NFPA 1126 Section 8.2 as listed in rule 1301:7-7-80 of the Administrative Code.
13. In accordance with NFPA 1126 Section 6.4.3 as listed in rule 1301:7-7-80 of the Administrative Code.
14. In accordance with NFPA 1126 Section 8.1 as listed in rule 1301:7-7-80 of the Administrative Code.
15. In accordance with NFPA 1126 Section 7.2 and NFPA 1126 Section 7.4 as listed in rule 1301:7-7-80 of the Administrative Code.
16. In accordance with NFPA 1126 Section 8.3.5 as listed in rule 1301:7-7-80 of the Administrative Code.
17. In accordance with NFPA 1126 Chapter 5 and NFPA 1126 Section 8.5.6 as listed in rule 1301:7-7-80 of the Administrative Code.
18. In accordance with NFPA 1126 Section 8.2 as listed in rule 1301:7-7-80 of the Administrative Code.
19. In accordance with NFPA 1126 Section 8.5.5 as listed in rule 1301:7-7-80 of the Administrative Code.
20. In accordance with NFPA 1126 Section 8.2.5 as listed in rule 1301:7-7-80 of the Administrative Code.
21. In accordance with NFPA 1126 Section 6.1.3 as listed in rule 1301:7-7-80 of the Administrative Code.

NFPA 1126-2021 Edition

Additional Requirements

- Both the fire official and licensed exhibitor should mutually agree in advance on a method used to communicate during the exhibition. Agreement should also be made in advance pertaining to the exact location the fire official will be stationed to maintain safety for all involved.
- If a condition arises requiring the entry of fire protection or other emergency response personnel into the fallout area security perimeter, the display shall be halted until the situation is resolved.
- If a significant hazard exists due to, lack of crowd control, or other condition, the exhibition shall be halted until resolved.
- The security of the display site shall be maintained until released by the exhibitor.
- Check with the safety person and monitors for any signs of problems.
- Allow registered assistants to enter the area and attend to extinguishing fires, smoldering embers and debris in the fire area and fallout area.
- Before entering the area, wait a minimum period of time that the exhibitor deems necessary, to include letting the area cool with resulting inspection by fireworks crew.
- Confer with the licensed exhibitor and, if mutually agreed, release fire crew and equipment from the scene. Do not release security or monitors. Maintain barricades for area until spectators have left.
- Be sure all live product and duds are properly repackaged and secured into the vehicle. Replace placards on vehicle.
- Appropriate reinspection of the site should be mutually agreed to.

The completed permit application and completed checklist constitute final approval by the AHJ. These forms shall be submitted to the State Fire Marshal's office by the fire official no later than **five** days after the date of exhibition. Please return to:

Division of State Fire Marshal
Code Enforcement
8895 East Main Street
Reynoldsburg, Ohio 43068
sfm_codeenf@com.state.oh.us

This checklist is not a substitute to reviewing and complying with Chapter 3743 of the Revised Code, Ohio Fire Code 1301:7-7-56, NFPA 1126 as listed in rule 1301:7-7-80 of the Administrative Code as it relates to Fireworks Exhibitions.

TO REPORT AN INCIDENT CALL 800.589.2728 OR 614.752.7106



Department of Commerce
Division of State Fire Marshal
8895 East Main Street, Reynoldsburg, Ohio 43068
614.728.5460 Fax 614.728-5168
Email sfm_codeenf@com.state.oh.us

**Checklist for Outdoor Fireworks Exhibition
or Outdoor Proximate Audience Fireworks Exhibition**

Permit # _____

Location of Event	
City & County of Exhibition	Date & Time of Exhibition
FD Name	Exhibitor's Name
Exhibitors License Number	Exhibitor's Phone Number

Initialing each step indicates the step has been completed

Fire Official Exhibitor

1. Was insurance or a bond of \$1,000,000.00 or more verified?		
2. Was the product purchase verified to be from a licensed Ohio Wholesaler, Manufacturer, or Out-Of-State Shipper with a shipping permit? License # _____		
3. Has the exhibitor identified the names of all assistants who will be present? Has the exhibitor provided copies of all licenses and permits?		
4. Was the site inspection conducted before issuing the permit? Date of site inspection: _____		
5. Have locations, distances, and details of the site plan been verified for accuracy?		
6. Does the proposed location for temporary storage of fireworks (up to 14 days) comply with this rule?		
7. Is adequate fire protection available?		
8. Does the distance to the spectator area comply with a minimum of 70 feet per inch of the largest shell and/or close proximity separation distances for audiences in accordance with NFPA 1126 as listed in rule 1301:7-7-80 of the Administrative Code?		
9. Is the display site selection in accordance with NFPA 1123 (Chapter 5, Site Selection) and/or NFPA 1126 as listed in rule 1301:7-7-80 of the Administrative Code?		
10. When the fireworks arrived at the site, were they in a properly placarded vehicle/trailer?		
11. If the show requires reloading of fireworks, are the extra fireworks properly secured in a ready box, 25 feet upwind of the mortars?		
12. Was the condition of mortars checked for damage, dents, broken plugs, etc.?		
13. Are all shells greater than or equal to 8" in diameter provided with electronic ignition?		
14. Are the mortars made of approved material, of sufficient strength, length, and durability to cause shells to be propelled to safe altitudes?		
15. Are buried mortars installed to comply with NFPA 1123 Section 4.4 as listed in rule 1301:7-7-80 of the Administrative Code?		
16. Have all mortars, mortar racks, bundles, box items, ground displays, cakes, and candle placements been examined? Are items not inherently stable, secured properly, and braced for stability?		
17. Are the racks properly positioned to prevent them from firing towards the spectators?		
18. Are the racks braced in a manner that secures the balance of the mortars should one fail?		
19. Are all security personnel and monitors in place and positioned to prevent unauthorized persons from entering the discharge site?		
20. Is smoking or open flame prohibited where fireworks are present?		
21. Are only the licensed exhibitors and designated registered assistants within the discharge perimeter?		

By signing this form below, I acknowledge that I understand and have followed all the requirements and procedures described in this checklist. To the best of my knowledge, the information included in this document is complete and accurate. Procedures described herein have been followed by myself and all the other properly authorized participants in this exhibition of fireworks.

Fire Chief/Fire Prevention Officer: _____ **Date:** _____

Ohio Licensed Exhibitor: _____ **Date:** _____

Provide completed copy of form to the following: Exhibitor, Fire Chief/Fire Prevention Officer, Law Enforcement Officer and State Fire Marshal

Code References

1. In accordance with division (D) of Section 3743.54 of the Revised Code.
2. In accordance with division (A) of Section 3743.54 of the Revised Code.
3. In accordance with section (5608.7) and (5608.8.7) of this rule.
4. In accordance with division (C) of Section 3743.54 of the Revised Code.
5. In accordance with section (5608.4) of this rule.
6. In accordance with section (5608.7) and section (5610.1) of this rule.
7. In accordance with NFPA 1123 Section 8.1 and 8.1.1 and NFPA 1126 Section 8.1 and A.8.1.6.1 as listed in rule 1301:7-7-80 of the Administrative Code.
8. In accordance with NFPA 1123 Section 5.1.3.1 and NFPA 1126 Section 8.4 as listed in rule 1301:7-80 of the Administrative Code.
9. In accordance with section (5608.4) of this rule and NFPA 1123 Table 5.1.3.1 as listed in rule 1301:7-7-80 of the Administrative Code.
10. In accordance with section (5609.1) of this rule.
11. In accordance with NFPA 1123 Section 4.2.4.3 as listed in rule 1301:7-7-80 of the Administrative Code.
12. In accordance with NFPA 1123 Section 4.3.1.1 as listed in rule 1301:7-7-80 of the Administrative Code.
13. In accordance with division (C) of section 3743.53 of the Revised Code.
14. In accordance with NFPA 1123 Section 4.3.7 as listed in rule 1301:7-7-80 of the Administrative Code.
15. In accordance with NFPA 1123 Section 4.4 as listed in rule 1301:7-7-80 of the Administrative Code.
16. In accordance with NFPA 1123 Section 4.5.5 as listed in rule 1301:7-7-80 of the Administrative Code and section (5608.10.2) of this rule.
17. In accordance with NFPA 1123 Section 5.2.1.4.1 and Section 4.3.2 as listed in rule 1301:7-7-80 of the Administrative Code.
18. In accordance with NFPA 1123 Section 4.6.1 as listed in rule 1301:7-7-80 of the Administrative Code.
19. In accordance with NFPA 1123 Section 8.1.2.1 and NFPA 1126 Section 8.2.6 as listed in rule 1301:7-80 of the Administrative Code.
20. In accordance with NFPA 1123 Section 8.1.6.1 and NFPA 1126 Section 8.5.5 as listed in rule 1301:7-7-80 of the Administrative Code.
21. In accordance with section (5608.10.3) of this rule.

NFPA 1123-2018 Edition

NFPA 1126-2021 Edition

Additional Requirements

- Both the fire official and licensed exhibitor should mutually agree in advance on a method used to communicate during the exhibition. Agreement should also be made in advance pertaining to the exact location the fire official will be stationed to maintain safety for all involved.
- If a condition arises requiring the entry of fire protection or other emergency response personnel into the fallout area security perimeter, the display shall be halted until the situation is resolved.
- If a significant hazard exists due to weather, lack of crowd control, or other condition, the exhibition shall be halted until resolved.
- The security of the display site shall be maintained until released by the exhibitor.
- Check with the safety person and monitors for any signs of problems.
- Allow registered assistants to enter the area and attend to extinguishing fires, smoldering embers and debris in the fire area and fallout area.
- Before entering the area, wait a minimum period of time that the exhibitor deems necessary, to include letting the area cool with resulting inspection by fireworks crew.
- Confer with the licensed exhibitor and, if mutually agreed, release fire crew and equipment from the scene. Do not release security or monitors. Maintain barricades for area until spectators have left.
- Be sure all live product and duds are properly repackaged and secured into the vehicle. Replace placards on vehicle.
- Where fireworks are displayed at night, appropriate morning reinspection of the site should be mutually agreed to.

The completed permit application and completed checklist constitute final approval by the AHJ. These forms shall be submitted to the State Fire Marshal's office by the fire official no later than **five** days after the date of exhibition. Please return to:

Division of State Fire Marshal
Code Enforcement
8895 East Main Street
Reynoldsburg, Ohio 43068
sfm_codeenf@com.state.oh.us

This checklist is not a substitute to reviewing and complying with Chapter 3743. of the Revised Code, Ohio Fire Code 1301:7-7-56, NFPA 1123, NFPA 1124 and NFPA 1126 as listed in rule 1301:7-7-80 of the Administrative Code as it relates to Fireworks Exhibitions.

TO REPORT AN INCIDENT CALL 800.589.2728 OR 614.752.7106



Department of Commerce
Division of State Fire Marshal
8895 East Main Street, Reynoldsburg, Ohio 43068
614.728.5460 Fax 614.728-5168
Email sfm_codeenf@com.state.oh.us

Checklist for Flame Effects Exhibition

Permit # _____

Location of Event	
City & County of Exhibition	Date & Time of Exhibition
FD Name	Exhibitor's Name
Exhibitors License Number	Exhibitor's Phone Number

Initialing each step indicates the step has been completed

Fire Official Exhibitor

1. Was insurance or a bond of \$1,000,000.00 or more verified?		
2. Has the exhibitor provided the numbers, names, and ages of all individuals who will be in the proximate area of the flame effect?		
3. Was the site inspection conducted before issuing the permit? Date of Site Inspection: _____		
4. Has all planning and use of flame effects been coordinated with the venue owner, manager, or producer?		
5. Has the holding area been approved by the AHJ?		
6. Flame effects stored in the holding area are only for what is to be used that day?		
7. Was a written plan previously submitted to the AHJ and currently on site, identifying the flame effect area for each flame effect device, location of the audience, number and classification of each flame effect device to be used, and a description of each device?		
8. Have locations, distances, and details of the site plan been verified for accuracy?		
9. Is the area where flame effects devices are installed and to be fired being kept in a neat and orderly condition?		
10. Did the flame effect operator inspect all areas where flame effects are to be ignited before start-up and after shutdown?		
11. Are all performers aware of flame effects and potentially hazardous situations?		
12. Has an emergency operations plan been submitted and approved by the AHJ?		
13. Was certification provided that the set, scenery, rigging materials, and all materials worn by performers in the fallout area are inherently flame retardant or have been treated?		
14. Was a walk-through and demonstration provided and approved?		
15. Were MSDS sheets provided for all materials and fuels to be used in the effects?		
16. Do all electrical firing systems have written instructions and/or a description of the performance specification of the flame effect created?		
17. Does the flame effect system have a control system for emergency stop and complete shutdown?		
18. Is the fire protection system going to be interrupted during the performance? Yes or No (circle one) If yes, has the owner been notified? Is an approved fire watch in place during that time?		
19. Is all required portable firefighting equipment present and ready for use?		
20. Has the type of communication to be used during the exhibition been determined?		
21. Are all devices and fuel stored in a secure, inaccessible, or supervised area?		
22. Is smoking or open flame prohibited where materials or fuel are present?		
23. Have measures been established to provide crowd management, security, fire protection, and emergency services, and has a safety briefing been completed for all involved in the use of the flame effects?		

By signing this form below, I acknowledge that I understand and have followed all the requirements and procedures described in this checklist. To the best of my knowledge, the information included in this document is complete and accurate. Procedures described herein have been followed by myself and all the other properly authorized participants in this exhibition of fireworks.

Fire Chief/Fire Prevention Officer: _____ **Date:** _____

Ohio Licensed Exhibitor: _____ **Date:** _____

Provide a completed copy of form to the following: Exhibitor, Fire Chief/Fire Prevention Officer, Law Enforcement Officer and State Fire Marshal

Code References

1. In accordance with division (D) of Section 3743.54 of the Revised Code and (5611.14) of this rule.
2. In accordance with paragraph (5611.5(5)) of this rule.
3. In accordance with division (C) of Section 3743.54 of the Revised Code.
4. In accordance with NFPA 160 Section 5.3.4 and 5.5.1 as listed in rule 1301:7-7-80 of the Administrative Code.
5. In accordance with NFPA 160 Section 4.2 as listed in rule 1301:7-7-80 of the Administrative Code.
6. In accordance with NFPA 160 Section 4.2.1 as listed in rule 1301:7-7-80 of the Administrative Code.
7. In accordance with NFPA 160 Section 5.3.1 as listed in rule 1301:7-7-80 of the Administrative Code and (5611.5) of this rule.
8. In accordance with NFPA 160 Section 5.3.2 as listed in rule 1301:7-7-80 of the Administrative Code.
9. In accordance with NFPA 160 Section 7.2 as listed in rule 1301:7-80 of the Administrative Code and (5611.13) of this rule.
10. In accordance with NFPA 160 Section 7.3 as listed in rule 1301:7-7-80 of the Administrative Code and (5611.13) of this rule.
11. In accordance with NFPA 160 Section 7.5 as listed in rule 1301:7-7-80 of the Administrative Code.
12. In accordance with NFPA 160 Section 7.9 as listed in rule 1301:7-7-80 of the Administrative Code.
13. In accordance with NFPA 160 Section 7.10 as listed in rule 1301:7-7-80 of the Administrative Code.
14. In accordance with NFPA 160 Section 5.4 as listed in rule 1301:7-7-80 of the Administrative Code.
15. In accordance with NFPA 160 Section 5.3.2 as listed in rule 1301:7-7-80 of the Administrative Code.
16. In accordance with NFPA 160 Section 6.2 as listed in rule 1301:7-7-80 of the Administrative Code and (5611.16) of this rule.
17. In accordance with NFPA 160 Section 9.3.1 as listed in rule 1301:7-80 of the Administrative Code and (5611.16) of this rule.
18. In accordance with NFPA 160 Section 16.4 as listed in rule 1301:7-7-80 of the Administrative Code.
19. In accordance with NFPA 160 Section 16.3 as listed in rule 1301:7-7-80 of the Administrative Code.
20. In accordance with NFPA 160 Section 16.4.3 as listed in rule 1301:7-7-80 of the Administrative Code.
21. In accordance with NFPA 160 Section 4.2.2 as listed in rule 1301:7-7-80 of the Administrative Code.
22. In accordance with NFPA 160 Section 7.4 as listed in rule 1301:7-7-80 of the Administrative Code.
23. In accordance with NFPA 160 Section 7.9 as listed in rule 1301:7-7-80 of the Administrative Code and (5611.9.1.3) of this rule.

NFPA 160-2021 Edition

Additional Requirements

- Both the fire official and licensed exhibitor should mutually agree in advance on a method used to communicate during the exhibition. Agreement should also be made in advance pertaining to the exact location the fire official will be stationed to maintain safety for all involved.
- If a condition arises requiring the entry of fire protection or other emergency response personnel into the fallout area security perimeter, the display shall be halted until the situation is resolved.
- If a significant hazard exists due to weather, lack of crowd control, or other conditions, the exhibition shall be halted until resolved.
- The security of the display site shall be maintained until released by the exhibitor.
- Check with the safety person and monitors for any signs of problems.
- Allow registered individuals to enter the area and attend to extinguishing fires, smoldering embers and debris in the flame effect area.
- Confer with the licensed exhibitor and, if mutually agreed, release fire crew and equipment from the scene. Do not release security or monitors. Maintain barricades for area until spectators have left.
- Appropriate reinspection of the site should be mutually agreed to.

The completed permit application and completed checklist constitute final approval by the AHJ. These forms shall be submitted to the State Fire Marshal's office by the fire official no later than **five** days after the date of exhibition. Please return to:

Division of State Fire Marshal
Code Enforcement
8895 East Main Street
Reynoldsburg, Ohio 43068
sfm_codeenf@com.state.oh.us

This checklist is not a substitute to reviewing and complying with Chapter 3743. of the Revised Code, Ohio Fire Code 1301:7-7-56, and NFPA 160 as listed in rule 1301:7-7-80 of the Administrative Code as it relates to Fireworks Exhibitions.

TO REPORT AN INCIDENT CALL 800.589.2728 OR 614.752.7106

1301:7-7-57 Flammable and combustible liquids.

Chapter 57 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **5701.1 Scope and application** as follows:

After “in accordance with” insert “*NFPA 30, the building code, the mechanical code,*”.

2. Add section **5701.1.1** as follows:

“**5701.1.1** *Notwithstanding Sections 102.1 and 102.2 and unless otherwise noted in this chapter, the provisions of this chapter shall not apply to facilities, equipment, structures or installations existing or approved for construction or installation prior to the effective date of this chapter, except in those cases where the fire code official demonstrates by a preponderance of the evidence that the existing facility, equipment, structure or installation creates a distinct hazard to life or adjacent property.*”

3. Modify section **5701.2 Nonapplicability** as follows:

In subparagraph 1 after “provisions for flammable” insert “*and combustible*”.

In subparagraph 10 delete “The” and insert “*To the extent a subject area referenced in or regulated by this Chapter related to the storage of beer, distilled spirits and wines in barrels and casks is addressed elsewhere in this code (including Chapter 40 of this code), the*”.

In subparagraph 10 at the end of the sentence after “barrels and casks” insert “*is exempt from this Chapter*”.

Add subparagraph 14 as follows:

“**14.** *Underground storage tank (UST) systems regulated by rule 1301:7-9 of the Administrative Code. For the purposes of this provision “**Underground storage tank system**” means an underground storage tank and the connected underground piping, underground ancillary equipment, and containment system, if any. UST Systems also include below underground vent piping, underground tanks and underground piping up to and including the shear/impact valve, check valve or first isolation valve once the piping exits the underground.*”

4. Modify section **5701.3 Referenced documents** as follows:

Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*”.

5. Modify section **5701.4 Permits** as follows:

Delete “Sections 105.5 and 105.6.” and insert “*Chapter 1. In accordance with Section 105.1.1, permits required for the installation, alterations to tanks, piping or appurtenances, abandonment, removal or to place temporarily out of service a stationary*”

flammable or combustible liquid storage tank shall be obtained from the fire marshal when such permit is not issued by another officer listed in Section 3737.14 of the Revised Code.

Exceptions:

1. A stationary flammable or combustible liquid storage tank with a capacity of 1,100 gallons or less utilized for residential heating oil or agricultural purposes.
 2. A listed lockable engine mounted tank that is connected to stationary pieces of equipment if all of the following apply:
 - 2.1 The tank has a capacity of 500 gallons or less; and
 - 2.2 The equipment remains locked at all times unless the equipment is being serviced or the tank is being filled; and
 - 2.3 All other provisions of this code, including other security provisions such as vehicle protection, are complied with.
 3. A stationary flammable or combustible liquid storage tank utilized at a construction site for a period of less than 90 days.”.
6. Add section **5702.2** as follows:
“5702.2 “Approved” as used in Chapter 57. As used in this chapter and notwithstanding the definition as set forth in Chapter 2, the term “approved,” unless otherwise further specified or defined in this chapter, means: listed, labeled, or tested and documented in authenticated research reports from an authoritative source listed in Section 118.2, or otherwise acceptable to the fire code official.”
7. Modify section **5703.5.4 Identification** as follows:
Delete “on each” and insert “at the point of”.
After “loading and unloading” delete “riser”.
8. Modify section **5703.6.1 Nonapplicability** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
9. Modify section **5703.6.5 Protection from external corrosion and galvanic action** as follows:
In the last sentence before “joined” insert “directly”.
10. Modify section **5703.6.6 Valves** as follows:
After “a sufficient number of” insert “valves, including”.

After “check valves” insert a comma.

Delete “protect the plant” and insert “provide protection”.

11. Modify section **5703.6.6.2 Manual drainage** as follows:

After “at approved locations” insert “appropriate for the facility that are”.

Delete “their” and insert “valve”.

12. Modify section **5703.6.9 Flexible joints** as follows:

Delete “listed and”.

13. Modify section **5703.6.9.1 Fiberglass-reinforced plastic piping** as follows:

In the last paragraph, delete “and listed”.

14. Modify section **5703.6.10 Pipe joints** as follows:

In the first sentence, delete “listed” and insert “approved”.

In the second sentence, delete “approved”.

In the second sentence, after “methods and materials” insert “suitable”.

15. Add sections **5704.1.1 and 5704.1.2** as follows:

“**5704.1.1** The aboveground tank storage of flammable and combustible liquids, shall be prohibited on premises to which the public has access.

Exceptions:

1. At a bulk plant or terminal, the public may access the facility premises but shall be prohibited from the bulk storage and transfer operation area in accordance with Section 5704.1.2.

2. At a property that contains a fleet vehicle motor fuel dispensing facility, the public may access the property but shall be prohibited from the fleet vehicle facility in accordance with Section 2306.3.

3. At premises that have an aboveground storage tank connected to stationary pieces of equipment such as internal combustion engine driven generators, fire pumps or other fixed pieces of equipment, the public may access the property but shall be prohibited from the aboveground fuel storage area in accordance with Section 5704.1.2.

4. At a property containing a flammable or combustible liquid storage tank serving an on-site electric generator used only for non-commercial purposes only at one-, two-, or three-family dwelling units where the flammable liquid storage tank(s) has a capacity of 60 gallons or greater or where the

combustible liquid storage tank(s) has a capacity of 660 gallons or greater, the public may access the property but shall be prohibited access to the tank in accordance with Section 5704.1.2.

5. At a distillery, the public may access a premises where the above ground tank storage of flammable and combustible liquids occurs for the purpose of touring storage and production areas of the premises when such public access to the distillery structure or premises occurs in accordance with Section 4007. Above ground storage tanks at such distilleries must otherwise comply with the applicable provisions of this chapter.

5704.1.2 Security. Storage, dispensing, use and handling shall be secured against unauthorized entry and safeguarded against public access. Aboveground tanks that are not enclosed in vaults shall be enclosed by a fence, as listed below, at least 6 feet (1.8 m) high. The fence shall have a gate that is secured against unauthorized entry and shall either be:

1. Chain link or other non-combustible material, spaced at a minimum of three (3) feet from the tank on all sides; or
2. Fire-retardant coated wood or other fire-retardant combustible material, spaced at a minimum of 6 feet from the tank on all sides. No gaps shall be more than 3 inches in width.

Exceptions:

1. Listed, lockable engine mounted tanks that are connected to stationary pieces of equipment shall not be required to be enclosed in vaults or to have fencing if all of the following apply:
 - 1.1 The tank has a capacity of 500 gallons or less; and
 - 1.2 The equipment remains locked at all times unless the equipment is being serviced or the tank is being filled; and
 - 1.3 All other provisions of this code, including other security provisions such as vehicle protection, are complied with.”
2. A distillery shall not be required to be safeguarded against public access to the extent authorized in Section 4007 and only during such time that public access is occurring on the premises in accordance with that section. The property shall be safeguarded at all times when public access in accordance with Section 4007 is not occurring at the premises and shall otherwise be safeguarded against unauthorized entry in accordance with this section at all other times.

16. Modify section **5704.2.1 Change of tank contents** as follows:
At the end of the second sentence after “testing of a tank” insert “to verify compatibility of the proposed new contents with the existing tank”.
17. Modify section **5704.2.2 Use of tank vehicles and tank cars as storage tanks** as follows:
After “not be used as” insert “fixed”.
18. Modify section **5704.2.6 Separation from incompatible materials** as follows:
Delete “Grass, weeds” and insert “Weeds”.
19. Modify section **5704.2.7.3.2 Vent-line arresters and pressure-vacuum vents** as follows:
Delete “Listed or approved” and insert “Where installed, vent-line”.
20. Modify section **5704.2.7.5.8 Overfill prevention** as follows:
In the first sentence, delete “An approved” and insert “A”.

After “5704.2.9.7.5” insert “and 5704.2.9.7.7”.
21. Modify section **5704.2.7.7 Design of supports** as follows:
Delete “International Building Code” and insert “building code”.
22. Modify section **5704.2.7.11 Tank lining** as follows:
After “interior from corrosion” insert “, repair”.
23. Add sections **5704.2.7.11.1 through 5704.2.7.11.5** as follows:
“**5704.2.7.11.1.** The local fire code official shall determine whether or not the repair of leaking and/or deteriorating underground storage tanks containing flammable or combustible liquids shall be permitted within its jurisdiction. If such repair is permitted by the local fire code official, it shall be accomplished in the manner prescribed in Sections 5704.2.7.11.2 through 5704.2.7.11.5.

5704.2.7.11.2. Manufacturers desiring to have their product used in Ohio shall register the specifications for the internal coating systems for the repair of underground storage tanks containing flammable or combustible liquids with the state fire marshal. The specifications shall clearly describe the composition of the product, strength, limitations on use, preparation procedures, application procedures, quality control techniques, curing times and temperatures, field thickness testing procedures, field hardness testing procedures, and a method for determining whether an existing tank is repairable. This information, along with the results of the standards tests, shall be signed and sealed by a registered professional engineer.

5704.2.7.11.3. Each manufacturer who has registered an internal coating system must submit to the fire marshal a list of qualified applicators. It is the responsibility of the manufacturer to keep this list current. The list shall indicate that the applicator is qualified to seal metal tanks, nonmetallic tanks or both. The internal coating procedure shall be in accordance with API 1631.

5704.2.7.11.4. The applicator shall inform the following officials of the location of each project in the following manner:

1. The local fire official shall have in its possession a written notice stating the location of the project and the applicator's anticipated timetable for each stage of the project, prior to the commencement of the project. A copy of such written notice shall be mailed to the state fire marshal simultaneously with its delivery to the local fire official.
2. Any applicator who fails to make proper notification of the project location will be removed, for a period of six months, from the qualified applicator list on file with the state fire marshal. Reinstatement can be accomplished only by the manufacturer resubmitting the applicator's name after the six-month period has elapsed.
3. A current Certificate of Insurance covering the liability of the applicator shall be filed with the state fire marshal.
4. A sample of the Application for Tank Repairs may be obtained from the state fire marshal.

5704.2.7.11.5. A Certificate of Performance shall be utilized as follows:

1. A Certificate of Performance on each field application shall be submitted to the local fire official. The certificate (to be designed by the state fire marshal and printed and supplied by the contractor) shall be signed by the qualified applicator and will confirm that the tank preparation and product application complies with the sealant manufacturer's specifications which are registered with the state fire marshal.
2. A sample of the Certificate of Performance may be obtained from the state fire marshal."

24. Modify section 5704.2.8.1 Listing required, Exception as follows:

Delete "International Building Code" and insert "building code" at all occurrences (2).

Delete "professional engineer" and insert "registered design professional".

25. Modify section 5704.2.8.2 Design and construction as follows:

Delete "International Building Code" and insert "building code".

26. Modify section 5704.2.8.3 Secondary containment as follows:

In the last sentence, delete "certified" and insert "demonstrated by testing".

27. Modify section 5704.2.8.9 Ventilation as follows:

Delete “International Mechanical Code” and insert “*mechanical code*”.

28. Modify section **5704.2.8.11 Monitoring and detection** as follows:
Delete “an approved,” and insert “a”.
29. Modify section **5704.2.8.15 Accessway** as follows:
Delete “an approved,” and insert “a”.
30. Modify section **5704.2.9 Above-ground tanks** as follows:
After “5704.2.9.7.9.” insert “*Existing above-ground tank installations, even if previously approved, that are determined to constitute a hazard by the fire code official shall not be continued in service. Unsafe tanks shall be brought into compliance with the provisions of this code or removed as required by the fire code official and in accordance with this code.*”.
31. Modify section **5704.2.9.1. Existing noncompliant installations** as follows:
Delete the title and text in their entirety and insert “*Deleted.*”.
32. Modify section **5704.2.9.2.3 Fire protection of supports, Exception 2** as follows:
Delete “an approved” and insert “a”.
33. Modify section **5704.2.9.3 Supports, foundations and anchorage** as follows:
Delete “International Building Code” and insert “*building code*”.
34. Modify section **5704.2.9.4 Stairways, platforms and walkways** as follows:
Delete “International Building Code” and insert “*building code*”.
35. Modify section **5704.2.9.6.1 Locations where above-ground tanks are prohibited** as follows:
After the section number and heading, delete the text in its entirety and insert the following:
“*The above-ground tank storage of flammable and combustible liquids shall be prohibited on premises to which the public has access.*”

Exceptions:

1. *At a bulk plant or terminal, the public may access the facility premises but shall be prohibited from the bulk storage and transfer operation area in accordance with Section 5704.1.2.*
2. *At a property that contains a fleet vehicle motor fuel dispensing facility, the public may access the property but shall be prohibited from the fleet vehicle facility in accordance with Section 2306.3.*
3. *At premises that have an aboveground storage tank connected to stationary pieces of equipment such as internal combustion engine driven generators,*

fire pumps or other fixed pieces of equipment, the public may access the property but shall be prohibited from the aboveground fuel storage area in accordance with Section 5704.1.2.

4 At a property containing a flammable or combustible liquid storage tank serving an on-site electric generator used only for non-commercial purposes only at one-, two-, or three-family dwelling units where the flammable liquid storage tank(s) has a capacity of 60 gallons or greater or where the combustible liquid storage tank(s) has a capacity of 660 gallons or greater, the public may access the property but shall be prohibited access to the tank in accordance with Section 5704.1.2.”

36. Modify section 5704.2.9.6.3 Separation between adjacent tanks containing flammable or combustible liquids and LP-gas as follows:

At the beginning of the second paragraph delete “An approved means” and insert “Dikes, diversion curbs, grading or other method approved by the fire code official”.

After “under adjacent LP-gas containers” delete “such as by dikes, diversion curbs or grading”.

37. Modify section 5704.2.10.5 Equipment controls and piping in diked areas, Exception 1 as follows:

Before “resistive coating” insert “fire”.

38. Modify section 5704.2.11.3 Overfill protection and prevention systems as follows:

Delete “Fill pipes” and insert “Underground storage tanks”.

39. Modify section 5704.2.11.4.2 Leak detection as follows:

Delete “an approved” and insert “a”.

Delete “from any component of the system”.

40. Modify section 5704.2.13.1.2 Out of service for 90 days, subparagraph 1 as follows:

At the end of the sentence after “from the tank” insert “to the extent practical. No more than one-inch of liquid shall remain in the tank”.

41. Add an exception to section 5704.2.13.1.3 Out of service for one year as follows:

“Exception: Those underground tank systems that are out of service for more than one year where an extension of the one year out of service period has been granted by the state fire marshal. Any request for an extension of the out of service period shall be submitted in writing prior to the end of the one year out of service period, or extension thereof, to the state fire marshal. All such written requests for extension must contain the following information:

1. The name and address of the owner(s) of the property where the underground storage tank is located and the names and addresses of the underground storage tank owners and operators, if available;
 2. The address of the site where the underground storage tank is located;
 3. The date of the last use of the underground storage tank and the amount of additional time being requested; and
 4. Documentation that the underground storage tank is safeguarded in accordance with Section 5704.2.13.1.2.”
42. Modify section **5704.2.13.2.3 Out of service for one year** as follows:
Before “Tanks within” delete “Exception” and insert “Exceptions 1.”.

Add Exception 2 as follows:
“2. Above-ground tanks that have been emptied of liquid, rendered vapor free and safeguarded against trespassing when approved by the fire code official.”
43. Modify section **5704.3.2.1.1 Materials** as follows:
Delete “approved”.
44. Modify section **5704.3.3.1 Portable fire extinguishers** as follows:
Delete “Approved portable” and insert “Portable”.
45. Modify section **5704.3.3.5 Shelf storage** as follows:
Delete “International Building Code” and insert “building code”.
46. Modify section **5704.3.6.2 Container capacity, Exception** as follows:
Delete “approved”.
47. Modify section **5704.3.7.1 General** as follows:
Delete “International Building Code” and insert “building code”.
48. Modify section **5704.3.7.5.1 Fire-protection systems** as follows:
Delete “an approved” and insert “a”.

After “testing laboratory” insert “listed in Chapter 1”.
49. Modify section **5704.3.7.5.2 Portable fire extinguishers** as follows:
Delete “approved”.
50. Modify section **5704.3.8 Liquid storage warehouses** as follows:
Delete “International Building Code” and insert “building code”.
51. Modify section **5704.3.8.4 Automatic sprinkler systems** as follows:

In the third paragraph delete “an approved” and insert “a”.

After “testing laboratory” insert “*listed in Chapter 1*”.

52. Modify section **5704.4.1 Plans** as follows:

After “Storage” insert “*of flammable and combustible liquids in closed containers and portable tanks outside of buildings*”.

After “approved” insert “*site storage*”.

After “plans.” insert “*Such site storage plans shall be submitted to the fire code official at the time of notification or with the permit application as required in Chapter 1.*”.

53. Modify section **5704.4.2 Location on property** as follows:

After “Outdoor storage of liquids in” insert “*closed*”.

54. Modify **Table 5704.4.2 Outdoor liquid storage in containers and portable tanks** as follows:

In the title of the table after “**Outdoor storage of liquids in**” insert “*closed*”.

In the title of the second column “**Container storage-maximum per pile**” delete “**Container**” and insert “***Closed container***”.

55. Modify section **5704.4.2.2 Access** as follows:

After “Storage of” insert “*closed*”.

56. Modify section **5704.4.2.3 Security** as follows:

Delete “free from” and insert “*clear of*”.

57. Modify section **5704.4.2.4 Storage adjacent to buildings** as follows:

At the end of the last sentence before “container or portable tank.” insert “*closed*”.

58. Modify section **5704.4.3 Spill control and secondary containment, Exception** as follows:

At the beginning of the exception, delete “Containers” and insert “*Closed containers*”.

Delete “approved”.

After “Section 5004.2.3 and” insert “*closed*”.

59. Modify section **5704.4.8 Empty closed containers and portable tank storage** as follows:

In the title of the section before “**containers**” insert “*closed*”.

In the title of the section before “**tank storage**” insert “*portable*”.

In the first sentence before “tanks” insert “*portable*” at all occurrences (2).

In the first sentence before “containers” insert “closed” at all occurrences (2).

At the beginning of the second sentence delete “Tanks” and insert “Portable tanks”.

In the second sentence before “containers” insert “closed”.

60. Modify section **5705.2.3 Piping, hoses and valves** as follows:
Delete “or listed”.
61. Modify section **5705.2.4 Class I, II and III liquids, subparagraph 5** as follows:
Delete “engineered”.
62. Modify section **5705.3.4 Location of processing vessels, Exception** as follows:
Delete “International Building Code” and insert “building code”.
63. Modify section **5705.3.5.3 Quantities exceeding limits for control areas, subparagraphs 1 and 2** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
In subparagraph 2, delete “and Section 5705.3.7.6”.
64. Modify section **5705.3.6.2 Listed and approved machines** as follows:
In the title of the section, delete “Listed and approved” and insert “Approved”.
After “degreasing conducted in” delete “listed and”.
65. Modify section **5705.3.6.2.3 Solvent quantity limits, subparagraph 3** as follows:
Delete “approved” at all occurrences (2).
Before “an aggregate of 480 gallons” delete “and” and insert “in accordance with Chapter 9. The total quantities shall not exceed”.
66. Modify section **5705.3.7.1 Construction, location and fire protection** as follows:
Delete “International Building Code” and insert “building code” at all occurrences (2).
67. Modify section **5705.3.7.2 Basements** as follows:
Delete “International Building Code” and insert “building code”.
68. Modify section **5705.3.7.3 Fire protection** as follows:
Delete “International Building Code” and insert “building code”.
69. Modify section **5705.3.7.4 Doors** as follows:
Delete “International Building Code” and insert “building code”.
70. Modify section **5705.3.7.5.1 Ventilation** as follows:

Delete “International Building Code” and insert “*building code*”.

Delete “International Mechanical Code” and insert “*mechanical code*”.

71. Modify section **5705.3.7.5.3 Spill control and secondary containment** as follows:

Before “exceeding 1.3-gallon (5 L) capacity” insert “*or tanks*”.

Before “or systems exceeding a 5.3-gallon (20 L) capacity.” insert “*, tanks*”.

Before “exceeds 55 gallons (208 L)” insert “*or tank*”.

72. Delete the title and text of section **5705.3.7.6 Closed systems and its subsections** in their entirety and insert “*Deleted*” after **5705.3.7.6**.

73. Modify section **5705.3.8 Use, dispensing and handling outside of buildings** as follows:

After “Dispensing of” insert “*flammable and combustible*”.

Delete “into motor vehicle fuel tanks”.

74. Modify section **5705.4.8 Storage of residues** as follows:

Delete “and Chapter 50”.

75. Modify section **5705.4.9 Portable fire extinguishers** as follows:

Delete “Approved portable” and insert “*Portable*”.

76. Modify section **5706.1 General, subparagraph 2** as follows:

Delete “Well drilling and operating” and insert “*Reserved for future use*”.

77. Modify section **5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites** and its **Exception** as follows:

Delete “on farms and rural areas” and insert “*at areas used for agricultural purposes*”.

In the exception, delete “International Mechanical Code” and insert “*mechanical code*”.

78. Modify section **5706.2.3 Containers for storage and use** as follows:

Delete “International Building Code” and insert “*building code*”.

79. Delete the title and text of section **5706.2.4.4 Locations where above-ground tanks are prohibited** in their entirety and insert “*Deleted*”.

80. Modify section **5706.2.8 Dispensing from tank vehicles** as follows.

In subparagraph 1, delete “specific function is that of” and insert “*functions shall include*”.

In subparagraph 2, delete “does not exceed” and insert “*shall not be exceeded from the reel or be more than*”.

In subparagraph 3, delete “is” and insert “and hose are”.

In subparagraph 4, delete “an approved” and insert “a”.

In subparagraph 4, delete “provided”.

81. Modify section 5706.2.8.1 Location as follows.

In the title of the section, delete “Location” and insert “Separation distance”.

Delete “50 feet (15 240 mm)” and insert “15 feet (4572 mm)”.

After “structures” insert “, property lines”.

82. Modify section 5706.3 Well drilling and operating and its subsections as follows.

Delete the entire text of the section in its entirety and after the section number and heading insert “Facilities and activities that are engaged in the exploration, development and production of crude oil and natural gas and that are regulated under Chapter 1509. of the Revised Code and rule 1501 of the Administrative Code are hereby excluded from regulation under the provisions of this code.”

Delete sections 5706.3.1 through 5706.3.8 in their entirety including the section numbers, headings and all text.

83. Modify section 5706.4.1 Building construction as follows:

Delete “International Building Code” and insert “building code”.

84. Modify section 5706.4.4 Ventilation as follows:

Delete “International Mechanical Code” and insert “mechanical code”.

85. Add section 5706.4.11 and its subsections as follows:

“5706.4.11 Dispensing from bulk plants prohibited. The dispensing of flammable or combustible liquids from aboveground bulk storage tanks located at a bulk plant shall be prohibited.

Exception: The dispensing of diesel fuel at a terminal or bulk plant into a motor vehicle that is transporting petroleum products or equipment essential to the operation of the terminal or bulk plant, provided that the motor vehicle is owned or leased by or operated under a contract with a person who has been issued a motor fuel dealers license under Section 5735.02 of the Revised Code. For such dispensing, the provisions of this rule governing capacity limitations shall not apply.

5706.4.11.1. Aboveground storage tanks and associated dispensers utilized for dispensing purposes at a fleet vehicle motor fuel dispensing facility located at a bulk plant shall be separated from bulk plant operations (bulk tanks and loading racks) by a minimum of 100 feet.

5706.4.11.1.1. The dispensing tanks and dispensers shall be installed in compliance with Sections 5704 and 5705.

5706.4.11.1.2. The individual capacity of the tanks shall not exceed 12,000 gallons and the aggregate capacity shall not exceed 48,000 gallons. Dispensing areas containing the maximum aggregate capacity shall be separated from each other and the bulk plant operations by a minimum of 100 feet.

5706.4.11.1.3. At a property that contains a fleet vehicle motor fuel dispensing facility, the public may access the property but shall be prohibited from the fleet vehicle facility.”

86. Modify section **5706.5 Bulk transfer and process transfer operations** as follows:
Delete “approved and”.

87. Modify section **5706.5.1.1 Location** as follows:

In the first sentence, delete “approved”.

At the end of the first sentence after “locations” insert “properly protected from ignition sources”.

Toward the beginning of the third sentence, delete “vehicles” and insert “vehicle transfer facilities”.

In the third sentence, delete “cars engaged in bulk transfer or process transfer operations” and insert “car transfer facilities”.

88. Modify section **5706.5.1.18 Security** and its **Exception 2** as follows:

Delete “noncombustible” and insert “chain link”.

Delete “5 feet (1524 mm)” and insert “6 feet (1.8 m)”.

In exception 2, delete “determined appropriate by” and insert “acceptable to”.

89. Modify section **5706.5.4.4 Fueling of vehicles at farms, construction sites and similar areas** as follows:

In the title of the section, delete “farms,”.

Delete “on farms and rural areas” and insert “at areas used for agricultural purposes”.

90. Modify section **5706.5.4.5 Commercial industrial, governmental or manufacturing** and its subparagraphs as follows:

At the beginning of the first sentence after “Dispensing of Class” insert “I,”.

In the first sentence, delete “where permitted,”.

Delete the text of subparagraph 1 in its entirety' and renumber remaining subparagraphs accordingly.

Delete text in subparagraph 2 (which becomes subparagraph 1) beginning with and including "provide to the jurisdiction" through the end of the subparagraph and insert the following:

"notify the local fire code official of their intent to conduct mobile fueling operations at a commercial, industrial, governmental, or manufacturing establishment. Upon receipt of such notification, the fire code official may conduct an inspection of the premises."

Delete the text of subparagraphs 3 and 4 in their entirety and renumber remaining paragraphs accordingly.

Subparagraph 5 becomes subparagraph 2.

At the beginning of subparagraph 6 (which becomes subparagraph 3), delete "Mobile fueling" and insert "*Dispensing operations*".

Subparagraphs 7, 8, 9, 10 and 11 become subparagraphs 4, 5, 6, 7 and 8, respectively.

At the beginning of subparagraph 12 (which becomes subparagraph 9), delete "Absorbent materials, nonwater-absorbent pads, a 10-foot-long (3048 mm) containment boom, an approved container with lid and a nonmetallic shovel" and insert "*Materials and equipment, such as absorbent pads,*".

Delete the text of subparagraph 13 and its exception in their entirety and renumber remaining paragraphs accordingly.

In subparagraph 14 (which becomes subparagraph 10) after "fire, leak or spill" insert "*in accordance with 49 CFR 172.704*".

Subparagraphs 15, 16 and 17 become subparagraphs 11, 12 and 13, respectively.

At the end of subparagraph 18 (which becomes subparagraph 14) after "operations" insert "*unless the continued operation of the engine is necessary to protect the cargo of the vehicle or to maintain the vehicle's operation*".

Subparagraphs 19 and 20 becomes subparagraphs 15 and 16, respectively.

In subparagraph 21 (which becomes subparagraph 17), delete text beginning with "chock blocks" through and including the text "in place".

Delete the text of subparagraph 22 in its entirety and insert the following:

“18. Sufficient space shall be left in the motor vehicle tank to allow for the possible expansion of motor vehicle fuel.”

Renumber remaining paragraphs accordingly.

In subparagraph 23 (which becomes subparagraph 19), delete “an approved” and insert “a” at all occurrences (2).

Add subparagraph 20 as follows:

“20. In the event of an unauthorized discharge, action shall be taken to prevent liquids spilled during dispensing operations from flowing into buildings or offsite.”.

Renumber remaining paragraphs accordingly; subparagraphs 24 and 25 become subparagraphs 21 and 22, respectively.

91. Modify section **5706.6.2.2 Parking on thoroughfares, Exception 1** as follows:

Delete the last sentence of Exception 1.

92. Modify section **5706.6.2.3 Duration exceeding 1 hour** as follows:

In subparagraph 1, delete “25 feet (7620 mm)” and insert “10 feet (3048 mm)”.

At the end of subparagraph 1, insert “in accordance with the building code”.

In subparagraph 2 after “buildings other than those approved” insert “in accordance with the building code”.

93. Modify section **5706.6.3 Garaging** as follows:

After “fire code official” insert “in accordance with the building code”.

94. Add sections **5706.9 through 5706.9.2** as follows:

“**5706.9 Fuel for kerosene heaters.** The state fire marshal recognizes and hereby adopts standard specification ASTM D3699-98, issued by the American Society for Testing and Materials, for the purpose of prescribing two grades of kerosene suitable for use in kerosene heaters, as follows:

5706.9.1 No. 1-K kerosene. This is a special low-sulfur grade kerosene with a maximum sulfur content of four-hundredths of one percent (0.04 percent) by weight, suitable for use in unvented kerosene heaters.

5706.9.2 No. 2-K kerosene. This is a regular grade kerosene with a maximum sulfur content of thirty-hundredths of one percent (0.30 percent) by weight, suitable for use in vented or flue-connected kerosene heaters.”

95. Modify section **5707.1.1 Approval required** as follows:

In the title, delete “required”.

In the first sentence:

Delete “and approval from the fire code official” and insert “*if required pursuant to Chapter I*”.

Delete the second sentence (beginning “Mobile fueling operations” and ending “at approved locations.”) in its entirety.

In the third sentence (which will become the second sentence):

After “The fire code official is authorized” insert “*but not required*”.

Delete “approve” and insert “*designate*”.

At the end of the sentence after “fueling is allowed” insert “*within that official’s jurisdiction*”.

After the end of the section after the above addition of “*official’s jurisdiction.*” insert “*Mobile fueling operations within such jurisdiction shall occur only at the designated locations.*”.

1301:7-7-58 Flammable gases and flammable cryogenic fluids.

Chapter 58 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **5801.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter 1*”.
2. Modify section **5803.1.1 Special limitations for indoor storage and use, Exception 3** as follows:
Delete “International Building Code” and insert “*building code*”.
3. Modify section **5806.2 Limitations** as follows:
Delete “[Jurisdiction to Specify]”.
4. Modify section **5806.4.3 Depth, cover and fill** as follows:
Delete “International Building Code” and insert “*building code*”.
5. Modify section **5808.1 General** as follows:
Delete “International Building Code” and insert “*building code*”.
6. Modify section **5808.3 Design and construction** as follows:
Delete “International Building Code” and insert “*building code*”.
7. Modify section **5808.3.2 Windows** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-59 Flammable solids.

Chapter 59 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **5901.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.
2. Modify section **5906.2.2 Storage of greater than 1,000 cubic feet** as follows:
Deleted “International Building Code” and insert “*building code*”.
3. Modify section **5906.2.3 Storage in combustible containers or within 30 feet of other combustibles** as follows:
Delete “International Building Code” and insert “*building code*”.
4. Modify section **5906.4.2 Storage of 50 to 1,000 cubic feet** as follows:
Delete “International Building Code” and insert “*building code*”.
5. Modify section **5906.5.7 Fire-extinguishing materials** as follows:
Delete “folowing” and insert “*following*”.

1301:7-7-60 Highly toxic and toxic materials.

Chapter 60 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 6001.2 Permits** as follows:
Delete “Section 105.5” and insert “Chapter I”.
2. **Modify section 6003.1.3 Treatment system-highly toxic liquids** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
3. **Modify section 6003.1.4.2 Separation-highly toxic solids and liquids** as follows:
“Delete “International Building Code” and insert “*building code*”.
4. **Modify section 6003.2.3.2 Treatment system-highly toxic liquids** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
5. **Modify section 6004.2.2.7 Treatment systems** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.
6. **Modify section 6004.2.2.8 Emergency power** as follows:
Delete “603” and insert “1203”.
7. **Modify section 6005.3.1 Cabinets** as follows:
“Delete “International Building Code” and insert “*building code*”.

“Delete “International Mechanical Code” and insert “*mechanical code*”.
8. **Modify section 6005.3.2 Ozone gas generator rooms** as follows:
Delete “International Mechanical Code” and insert “*mechanical code*”.

1301:7-7-61 Liquefied petroleum gases.

Chapter 61 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 6101.2 Permits** as follows:
Delete “Sections 105.5 and 105.6” and insert “Chapter 1 for stationary installations utilizing storage containers over 2,000 gallons individual water capacity, for all rooftop installations of ASME containers or for multiple containers exceeding 4,000 gallons water capacity aggregate”.
2. **Modify section 6103.2.1.1 Use in basement, pit or similar location** as follows:
After the title and before “LP-gas” insert “Unless otherwise permitted by NFPA 58.”.
3. **Add section 6103.2.1.4.1 and its exception** as follows:
“6103.2.1.4.1. Cylinders not connected for use shall be stored in accordance with Section 6109.

Exception: Cylinders shall not be stored in a laboratory room.”
4. **Modify section 6103.2.1.7 Use for food preparation** as follows:
Delete “International Mechanical Code” and insert “mechanical code”.
5. **Add section 6103.2.1.7.1 as follows:**
“6103.2.1.7.1. Cylinders used with commercial food service appliances shall be used inside restaurants and in attended commercial food catering operations in accordance with the following:
 1. Cylinders and appliances shall be listed.
 2. Commercial food service appliances shall not have more than two 10-ounce (296 ml) nonrefillable butane gas cylinders, each having a maximum capacity of 1.08 lb (0.490 Kg).
 3. Cylinders shall comply with UL 147B.
 4. Cylinders shall be connected directly to the appliance and shall not be manifolded.
 5. Cylinders shall be an integral part of the listed, approved, commercial food service device and shall be connected without the use of a rubber hose.
 6. Storage of cylinders shall be in accordance with Section 6109.”.
6. **Modify section 6104.2 Maximum capacity within established limits** as follows:
Delete “[Jurisdiction to Specify]”.

Delete “Exception:” and insert “Exceptions: 1. ”.

Add exception 2 as follows: “2. Where LP-gas storage containers having an aggregate water capacity of more than 4,000 gallons (15.1 m³) are located in heavily populated or congested areas, the citing provisions of Section 6104 shall be permitted to be modified as indicated by the fire safety analysis described in section 6.29.3 of NFPA 58.”

7. **Modify section 6104.4 Multiple LP-gas container installations** as follows:
Add subparagraph 6 as follows: “6. Where the provisions of sections 6.30.3 and 6.30.4 of NFPA 58 are met, the minimum separation distance between groups of ASME containers protected by hose stream only shall be one-half the distances in Table 6.7.2.1 of NFPA 58.”.
8. **Modify section 6105.1 Nonapproved equipment** as follows:
At the end of the sentence after “LP-gas” insert “in accordance with Chapter 5 of NFPA 58”.
9. **Modify section 6106.1 Attendants** as follows:
At the end of the sentence after “attendant” insert “in accordance with Section 4.4 of NFPA 58”.
10. **Add section 6107.5** as follows:
“6107.5 Transfer. Transfer of LP-gas to and from an LP-gas container shall be conducted with permission of the owner of the container.”
11. **Modify section 6109.7 Storage in basement, pit or similar location** as follows:
At the end of sentence one after “might collect” insert “unless otherwise permitted by NFPA 58”.
12. **Add section 6109.9.1** as follows:
“6109.9.1. Storage in restaurants and at food service locations of 10 ounces (283 g) butane nonrefillable containers shall be limited to no more than 24 containers, and an additional twenty-four 10-ounce (283 g) butane nonrefillable containers stored in another location within the building, where constructed with at least a 2-hour fire wall protection.”
13. **Add section 6109.10.2** as follows:
“6109.10.2 Storage within residential buildings. Storage of cylinders within a residential building, including the basement or any storage area in a common basement storage area in multiple-family buildings and attached garages, shall be limited to cylinders each with a maximum water capacity of 2.7 pounds (1.2 kg) and shall not exceed 5.4 pounds (2.4 kg) aggregate water capacity for smaller cylinders per each living space unit.”
14. **Modify section 6109.11.2 Construction** as follows:
Delete “International Building Code” and insert “building code”.
15. **Add sections 6109.13.1 and 6109.13.1.1** as follows:
“6109.13.1. Cylinders at a location open to the public shall be protected by either of the following:
 1. An enclosure in accordance with Section 6.21.4 of NFPA 58.
 2. A lockable ventilated metal locker or rack that prevents tampering with valves and pilferage of the cylinder.6109.13.1.1 Protection against vehicle impact shall be provided in accordance with good engineering practice where vehicle traffic normally is expected at that location.”
16. **Add section 6112** as follows:
“SECTION 6112 INSPECTION OF DOTn CYLINDERS

6112.1. All DOTn cylinders in stationary service on the effective date of this rule, and which are not requalified according to DOTn standards, shall be inspected according to the criteria of Sections 5.2.2 and 5.2.3 of NFPA 58, no later than September 1, 2008.”

1301:7-7-62 Organic peroxides.

Chapter 62 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 6201.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.
2. **Modify section 6204.1.2 Distance from detached buildings to exposures** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-63 Oxidizers, oxidizing gases and oxidizing cryogenic fluids.

Chapter 63 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 6301.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter 1*”.
2. **Modify section 6306.4 Maximum aggregate quantity – Exception 2** as follows:
Delete “International Building Code” and insert “*building code*” at all occurrences (2).

1301:7-7-64 Pyrophoric materials.

Chapter 64 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 6401.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.
2. **Modify section 6404.1.4 Separation from incompatible materials** as follows:
Delete “International Building Code” and insert “*building code*”.

1301:7-7-65 Pyroxylin (cellulose nitrate) plastics.

Chapter 65 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. **Modify section 6501.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.

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1301:7-7-66 Unstable (reactive) materials.

Chapter 66 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **6601.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.
2. Modify section **6604.1 Indoor storage** as follows:
Deleted “International Building Code” and insert “*building code*”.

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1301:7-7-67 Water-reactive solids and liquids.

Chapter 67 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify section **6701.2 Permits** as follows:
Delete “Section 105.5” and insert “*Chapter I*”.

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1301:7-7-80 Referenced Standards.

Chapter 80 of the International Fire Code, 2021 edition, as incorporated by reference and modified in Section 101.1.1 of this code, is further modified as follows:

1. Modify the “User note” by moving the language out of a “Note” to serve as a disclaimer at the start of the rule / before the listed referenced standards and further modify the language as follows:

Delete the term “User note:”

In the first paragraph:

Delete “About this chapter:”.

In the last sentence delete “, in essence,”.

In the last sentence after “of this code” delete “to the extent of the reference to the standard” and insert “and are hereby incorporated by reference into and considered a part of the requirements of this code to the prescribed extent of each such reference to the standard”.

In the second paragraph:

Delete “document” and insert “code” at all occurrences (2).

2. Modify the following standards, referenced editions, titles, and/or section references as indicated:

API

Add “RP 1631 (1997): Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks 5704.2.7.11.3”.

ASHRAE

For standard **170 Ventilation of Health Care Facilities** modify the referenced year/version by deleting “2017” and inserting “2021”.

ASME

For standard **A17.3 Safety Code for Existing Elevators and Escalators** modify the referenced year/version by deleting “2017” and inserting “the edition as referenced in rule 4101:5-3-01 of the Administrative Code”.

For standard **B31.1 Power Piping** delete “5003.2.2”.

ASSP

For standard **ANSI/ASSP Z359.1 The Fall Protection Code** modify the referenced year/version by deleting “2020” and inserting “2019”.

ASTM

Add “D3699-98: Standard Specification for Kerosene 5706.9”

BHMA

For standard **A156.19 Power Assist and Low-energy Power-operated Doors** modify the referenced year/version by deleting “2019” and inserting “2020”.

For standard **A156.38 Low-energy Power-operated Sliding and Folding Doors** modify the referenced year/version by deleting “2019” and inserting “2020”.

CA

For **California Technical Bulletin 133** add the following cites: *805.5.1* and *805.5.2*.

CPSC

Delete “16 CFR Part 1507 – 2002: Fireworks Devices 202, 5601.1.3”

DOTn

For **49 CFR Part 172 Hazardous Materials Tables, Special Provisions, hazardous Materials Communications, Emergency Response Information and Training Requirements** add the following cite: *5706.5.4.5*.

For **49 CFR Parts 100-185 Hazardous Materials Regulations** delete “5601.1.3” and insert “*5601.3*”.

Add “*49 CFR 1998: Transportation 5616.3.1*”.

ICC

Delete “IBC–21: International Building Code” and all cite references but move all of the cite references and only the cite references to the new section “**OBBS**” added below and as indicated there.

Add “*ICC A117.1-09 Accessible and Usable Buildings and Facilities (for alterations and change of occupancy 907.5.2.3.3, 1009.8.2, 1009.9, 1009.11, 1010.2.13.1, 1013.4, 1023.11*”.

For **ICC A117.1-17 Accessible and Usable Buildings and Facilities** after the title add “*(for new construction and additions)*”.

Also delete the following cites: *1010.2.1, 1012.6.5* and *1012.10*.

Add “*IFC-21: International Fire Code 101.1.1, throughout*”.

Add “*IFC-24: International Fire Code*”

101.1.1, Chapter 12”.

Delete “IMC–21: International Mechanical Code” and all cite references but move all of the cite references and only the cite references to the new section “OBBS” added below and as indicated there.

Delete “IPC–21: International Plumbing Code” and all cite references but move all of the cite references and only the cite references to the new section “OBBS” added below and as indicated there.

For **IPMC International Property Maintenance Code** add the following cite:
121.3.8.

Delete “IRC–21: International Residential Code” and all cite references but move all of the cite references and only the cite references to the new section “OBBS” added below and as indicated there.

NFPA

For **NFPA 10 Standard for Portable Fire Extinguishers** modify the referenced year/version by deleting “2018” and inserting “2022”.

Also add the following cites: *308.1.4, 308.1.4.1 and 906.1.*

For **NFPA 11 Standard for Low-, Medium- and High-expansion Foam** modify the referenced year/version by deleting “2016” and inserting “2021”.

For **NFPA 12 Standard on Carbon Dioxide Extinguishing Systems** modify the referenced year/version by deleting “2018” and inserting “2022”.

For **NFPA 12A Standard on Halon 1301 Fire Extinguishing Systems** modify the referenced year/version by deleting “2018” and inserting “2022”.

For **NFPA 13 Standard for the Installation of Sprinkler Systems** modify the referenced year/version by deleting “2019” and inserting “2022”.

Also delete “3210.1,”.

For **NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes** modify the referenced year/version by deleting “2019” and inserting “2022”.

For **NFPA 13R Standard for the Installation of Sprinkler Systems in Low-rise Residential Occupancies** modify the referenced year/version by deleting “2019” and inserting “2022”.

For **NFPA 17A Standard for Wet Chemical Extinguishing Systems** add the following cite: *904.5.2.*

For NFPA 20 Standard for the Installation of Stationary Pumps for Fire Protection modify the referenced year/version by deleting “2019” and inserting “2022”.

For NFPA 22 Standard for Water Tanks for Private Fire Protection add the following cite: *918.4*.

For NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances modify the referenced year/version by deleting “2019” and inserting “2022”.

Also add the following cite: *918.4*.

For NFPA 25 Standard for the Inspection, Testing and Maintenance of Water-based Fire Protection Systems modify the referenced year/version by deleting “2020” and inserting “2023”.

Also add the following cite: *901.6.4.1*.

For NFPA 30 Flammable and Combustible Liquids Code add the following cite: *5701.1*.

For NFPA 30A-21 Code for Motor Fuel-dispensing Facilities and Repair Garages add the following cites: *2301.1, 2304.2, 2304.3, Table 2306.2.3* and *2312.1*.

For NFPA 31 Standard for the Installation of Oil-burning Equipment delete “605.4.3” and insert “605.4.4”.

For NFPA 45 Standard on Fire Protection for Laboratories Using Chemicals delete “(2015 Edition)” at the end of the document title.

Also add the following cite: *322.1*.

For NFPA 58 Liquefied Petroleum Gas Code add the following cites: *319.8.6, 6103.2.1.1, 6104.2, 6105.1, 6106.1, 6109.7, 6109.13.1, and 6112.1*.

For NFPA 70 National Electric Code modify the referenced year/version by deleting “2020” and inserting “2023”.

Also add the following cites: *319.17, 323.5, 1204.4, 1204.7, 1205.1.1.1, 1207.11, and 5707.4.3*

Also delete “1206.14” and insert “1206.13”.

Also delete “1207.11.10” and insert “1207.11.9”.

For NFPA 72 National Fire Alarm and Signaling Code modify the referenced year/version by deleting “2019” and inserting “2022”.

Also add the following cites: *907.5.2, 907.6.6.1* and *1009.6.5.1*.

For NFPA 76 Standard for the Fire Protection of Telecommunications Facilities delete “1207.1.2.1” and insert “1207.1.4.1”.

For NFPA 80 Standard for Fire Doors and Other Opening Protectives modify the referenced year/version by deleting “2019” and inserting “2022”.
Also delete “1032.2.2”.

For NFPA 101 Life Safety Code in the title after “Life Safety Code” insert “(only applies for Section 1030.6.2)”.

For NFPA 110 Standard for Emergency and Standby Power Systems modify the referenced year/version by deleting “2019” and inserting “2022”.

For NFPA 111 Standard on Stored Electrical Energy Emergency and Standby Power Systems modify the referenced year/version by deleting “2019” and inserting “2022”.

For NFPA 160 Standard for the Use of Flame Effects Before an Audience delete “5611.2, 5611.4, 5611.6, 5612.12.3” and insert “5611.3, 5611.5, 5611.7, 5611.13.3”.

For NFPA 385 Standard for Tank Vehicles for Flammable and Combustible Liquids deleted “5707.2” and insert “5707.2.1, 5707.2.2”.

For NFPA 409 Standard for Aircraft Hangars modify the referenced year/version by deleting “2016” and inserting “2022”.

For NFPA 652 The Fundamentals for Combustible Dust delete “320.3.5” and insert “320.3.4”.

For NFPA 704 Standard System for Identification of the Hazards of Materials for emergency Response add the following cite: 5003.6.

Add “855-20 Standard for the Installation of Stationary Energy Storage Systems 1201.1”.

For NFPA 1123 Code for Fireworks Display delete the following cites: 5608.1, 5608.2.2, 5608.5 and 5608.6.

Also add the following cites: 5608.4, 5608.10.1, 5608.10.2, 5608.10.2.1, 5609.1, 5610.1, 5612.1, 5612.1.1, 5613.4, 5614.1.1, 5614.1.2, 5614.1.3.1, 5614.1.3.2, 5614.1.3.3, 5614.1.3.4, 5614.1.3.5, 5614.1.3.6, 5614.1.3.7, 5614.1.4, 5614.1.5.3, 5614.1.6, 5619.4.1.1.1, 5620.1.1, and 1301:7-7-56 Appendix

For NFPA 1124-06 Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles add the following cites: 5612.1,

5614.1.2, 5620.1.1, 5620.4, 5627.2.2, 5627.4.1.2, 5627.6, 5627.7.2, 1301:7-7-56 Appendix

For NFPA 1124-17 Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles modify the referenced year/version by deleting “2017” and inserting “2022”.

Also add the following cites: 5601.1.3, 5612.1, 5612.1.1, 5613.4, 5614.1.1, 5614.1.2, 5614.1.3.1, 5614.1.3.2, 5614.1.3.3, 5614.1.3.4, 5614.1.3.5, 5614.1.3.6, 5614.1.3.7, 5614.1.4, 5614.1.5.3, 5614.1.6, 5620.1.1, 5620.4, 5621.1, 5621.3, 5624.3.1, 5624.4.1, 5627.11.2, 5627.11.5.1, 1301:7-7-56 Appendix

For NFPA 1126 Standard for the Use of Pyrotechnics Before a Proximate Audience delete the following cites: 5608.1, 5608.2.2 and 5608.5.

Also add the following cites: 202, 5608.7.1.5.1, 5609.1, 5610.1, 5612.1, 5612.1.1, 5613.4, 5614.1.1, 5614.1.2, 5614.1.3.1, 5614.1.3.2, 5614.1.3.3, 5614.1.3.4, 5614.1.3.5, 5614.1.3.6, 5614.1.3.7, 5614.1.4, 5614.1.5.3, 5614.1.6, 5619.4.1.1.1, 5619.4.1.1.2, 5619.4.1.2, 1301:7-7-56 Appendix

Delete “NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting B103.3” and all cite references.

For NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems modify the referenced year/version by deleting “2018” and inserting “2022”.

OBBS

Add a new section formatted consistently with other standards for the Ohio Board of Building Standards as follows:

OBBS Ohio Board of Building Standards
6606 Tussing Road
Reynoldsburg, OH 43068

OBC Ohio Building Code

Insert all section cite references deleted above for the IBC

Add, in numerical order, the following cites: 101.2.2.1, 101.2.3, 102.1.1, 102.1.2, 102.1.3, 102.1.4, 102.1.5.1, 102.3.1, 102.3.2, 102.3.3, 102.3.4, 104.2.1, 104.2.1.1, 104.2.1.2, 104.2.1.3, 104.2.2.1, 104.8, 104.10, 105.2, 105.3.3.3.1, 105.3.6.1, 106.3.1, 109.1, 112.1.2, 114.1.2, 118.1, 118.2, 120.1, 121.3.7, 121.7.5.1.6, 121.7.5.1.7, 124.1.3, 124.2.2, 308.1.4.1, 323.4.2.2, 232.4.3.1, 323.4.3.2, 323.5, 323.6.4, 901.1, 901.2, 901.2.1, 901.3, 901.5, 901.5.1, 903.1.1, 903.2.8, Table 903.2.11.6, 903.4.1, 904.2, 905.4, 905.5.3, 906.1, 906.5, 907.1, 907.2, 907.2.6, 907.4.2.5, 907.5.2, 907.6.6.2, 907.7, 909.5.2, 909.7, 909.8, 909.9, 909.10, 909.10.4, 909.18.8.3.1, 909.19, 909.20.4.1, 910.6.4, 912.2, 912.2.1, 912.4.2, 918.7, 1001.1, 1004.5.1, 1004.7, 1010.1.3, 1010.2, 1010.2.1, 1010.2.4, 1010.2.8, 1011.15,

1011.16, 1012.1, 1012.6.5, 1012.10, 1013.1, 1023.9.1, 1032.2.1.1, 1032.2.2, 1032.3.1, 1032.4, 1103.5.3, 1104.1, 2204.1, 2309.3.1.2, 2703.3.3, 3103.8.6, 3107.12.1, 3303.5, 4004.3, 4005.1, Table 5003.1.1(1), 5003.8.3.3, 5612.1, 5620.1, 5620.2, 5620.3, 5622.1.2, 5622.1.6, 5622.2.1.1, 5622.2.1.3, 5622.4.1, 5622.4.3, 5624.3.1, 5624.4.1, 5624.6.1.2, 5624.6.1.3, 5627.6, 5627.7, 5627.7.1, 5627.7.3.1, 5627.7.3.3, 5627.7.3.6.2, 5627.7.3.7, 5627.7.3.7.1, 5627.11.4.2, 5627.11.4.3.2, 5701.1, 5706.6.2.3, 5706.6.3.

Delete the following cites: 1024.8, 3103.3.1,

OMC Ohio Mechanical Code

Insert all section cite references deleted above for the IMC

Add, in numerical order, the following cites: 121.3.7, 2203.3.1, 2203.3.1.1, 2203.3.3, 4003.2, 5701.1,

Delete “1207.11.7” and insert “1207.11.8”.

OPC Ohio Plumbing Code

Insert all section cite references deleted above for the IPC

Add, in numerical order, the following cite: 121.3.7

ORC Ohio Residential Code

Insert all section cite references deleted above for the IRC

UL

For 30 Metal Safety Cans delete “5707.2” and insert “5707.2.1”.

Add “147B-05: Nonrefillable (Disposable) Type Metal Container Assemblies for Butane 6103.2.1.7.1”.

Add “1778-2014: Uninterruptible Power Systems – with Revisions through October 2017 1207.3.1, 1207.3.7.1, 1207.5.1, 1207.5.3, 1207.5.5, 1207.6.3”.

Delete “2017–2008: General-purpose Signaling Devices and Systems–with revisions through January 2016 3905.1.2”.

For 2196 Standard for the Fire Test for Circuit Integrity of Fire-resistive Power, Instrumentation, Control and Data Cables add the following cite: 909.20.6.1.

Add “2272–2016 Electrical Systems for Personal E-mobility Devices 323.5.3”.

Add “2849–2020 Electrical Systems for eBikes
323.5.3”.

Add “3741–2020 Standard for Safety for Photovoltaic Hazard Control
1205.2, 1205.2.3”.

For NFPA 9540 Standard for Energy Storage Systems and Equipment add the
following cite: 1207.11.

For NFPA 9540A Standard for Safety Test Method for Evaluating Thermal
Runaway Fire Propagation in Battery Energy Storage Systems delete “1207.1.5:
and insert “1207.1.7”.

Also delete “1207.6.3”.