

ORDINANCE NO. OR40-23

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 1501.04 “ENFORCEMENT” OF THE TROTWOOD CODES OF ORDINANCES, AND ENACTING NEW SECTION 1501.04 “ENFORCEMENT” TO UPDATE REGULATIONS IN “PART FIFTEEN – FIRE PREVENTION CODE” OF THE TROTWOOD CODES OF ORDINANCES.

WHEREAS, City Staff recommend that regulations set forth Section 1501.04 “Enforcement” in “Part Fifteen – Fire Prevention Code” of the Trotwood Codes of Ordinances be updated; and

WHEREAS, updating regulations in “Part 15 – Fire Prevention Code” is in the interest of the health, safety, and welfare of the citizens of Trotwood; and

WHEREAS, repealing the old Section 1501.04 “Enforcement” of the Trotwood Codes of Ordinances and adopting a new Section 1501.04 “Enforcement” will promote more efficient municipal operations in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

**SECTION I:** The current Section 1501.04 “Enforcement” of the Trotwood Codes of Ordinances is hereby repealed in its entirety.

**SECTION II:** A new Section 1501.04 “Enforcement” is hereby enacted as set forth in Exhibit A attached hereto and incorporated herein by reference, with additions in **bold** and underscored and deletions in ~~strike~~through.

**SECTION III:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

**SECTION IV:** This Ordinance shall take effect at the earliest time allowed by law.

Passed this 4<sup>th</sup> day of December, 2023.

ATTEST:

APPROVED:

  
KARA B. LANDIS  
CLERK OF COUNCIL

  
MARY A. MCDONALD  
MAYOR

  
YVETTE F. PAGE  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR40-23 adopted by the Trotwood City Council at a regular scheduled meeting held on the 4<sup>th</sup> day of December, 2023, and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

1501.04 ENFORCEMENT.

- (a) No person shall serve as a Municipal Fire Safety Inspector unless he or she has received a certificate issued by the State Board of Emergency Medical Services under former Ohio R.C. 3303.07 or 4765.55 evidencing his satisfactory completion of a fire safety inspection training program. (ORC 3737.34)
- (b) The owner, occupant, or any person, firm, or corporation having charge or care of any lot or parcel of land within the City, whether the same is public or private, commercial, or residential, improved, or unimproved, vacant, or occupied, shall maintain unobstructed access to water supplies at all times and fire department access to existing water supplies shall not be hindered in any manner. (OFC 507.1.1)

The owner, occupant, or any person, firm, or corporation having charge or care of any lot or parcel of land within the City is responsible for maintaining the property to the street right-of-way. This includes the grass strip between the public sidewalk and the curb. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining access to fire protection equipment or fire hydrants. (OFC 507.5.4)

A 3-foot (914mm) clear space shall be maintained around the circumference of fire hydrants. (OFC 507.5). If the fire department or any other duly authorized Code Official determines that a fire hydrant or other protection equipment is obstructed by any object(s), including, but not limited to, plants, shrubs, trees, mailboxes, construction materials, the obstruction(s) will be considered a public nuisance and the owner, occupant, or any person, firm, or corporation having charge or care of the lot or parcel of land upon which the public nuisance is found shall be given a Notice to Remove the Obstruction within 48 Hours. In the event of noncompliance, a formal notice of violation will be issued to the owner, occupant, or other person, firm, or corporation having charge or care of the lot or parcel of land, in accordance with the City's Property Maintenance Code.

- ~~(bc)~~ For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. ~~State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.~~
- ~~(c)~~ ~~A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.~~
- (ed) A copy of such any complaint, or citation, or notice of violation issued pursuant to this section shall be prominently posted at or near each place a violation referred to occurs.

- (de) Upon request of ~~the~~ a Municipal Fire Safety Inspector, the City Law Director or ~~designee~~ Municipal Legal Officer shall may institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.
- (f) Upon request of a Municipal Fire Safety Inspector, a duly authorized Code Official and/or Building Program Manager of the City may issue a notice of violation to the property owner(s) and/or other interested parties pursuant to Chapters 1341 and/or 1357 of the City's Property Maintenance Code.