

EMERGENCY

AKS

- 2024

MODIFYING Chapters 1201, “Administration,” 1213, “Fireworks,” 1231, “General Fire Laws,” and 1247, “Toxic and Hazardous Substances – Right to Know,” by **AMENDING** Sections 1201-55, “Posting of Occupancy Signs; Fees,” 1201-65, “Permit Fees,” 1201-67, “Permit Fees for Flammable and Combustible Storage Tank Installation,” 1213-11, “Application for Permit,” 1231-29, “Fees for Certain Non-Emergency Services,” and 1247-99, “Penalties,” to adjust fees charged for services provided by the Cincinnati Fire Department (“Fire Department”) to allow the Fire Department to recover the true cost of the services provided and to adjust certain penalties for violations of the Fire Prevention Code.

WHEREAS, the Cincinnati Fire Prevention code establishes the fees by which the Cincinnati Fire Department may recover the cost of various services it provides; and

WHEREAS, after a review of the Cincinnati Fire Department’s (“Fire Department”) actual costs to provide certain services, the Fire Department determined that an increase to various fees is necessary to reflect the true costs of the services being provided; and

WHEREAS, the penalties assessed for various infractions contained in the Cincinnati Fire Prevention Code have not been updated for several years, and the Fire Department determined that an increase in certain penalties is necessary to provide a greater incentive to comply with the Cincinnati Fire Prevention Code; and

WHEREAS, Council wishes to update various fees contained in the Fire Prevention Code to allow the Fire Department to recoup more of its costs of providing services and to increase certain penalties for violations of the Cincinnati Fire Prevention Code; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 1201-55, “Posting of Occupancy Signs; Fees,” 1201-65, “Permit Fees,” and 1201-67, “Permit Fees for Flammable and Combustible Storage Tank Installation,” of Chapter 1201, “Administration”; Section 1213-11, “Application for Permit,” of Chapter 1213, “Fireworks”; Section 1231-29, “Fees for Certain Non-Emergency Services,” of Chapter 1231, “General Fire Laws”; and Section 1247-99, “Penalties,” of Chapter 1247, “Toxic and Hazardous Substances – Right to Know,” of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 1201-55. Posting of Occupancy Signs; Fees.

A fee of ~~\$35.00~~\$50 shall be paid by the owner or operator of any place of assembly for each sign in excess of the initial sign provided by the fire chief stating the maximum number of occupants permitted on the premises as required by Article 15 and the Cincinnati—Ohio Basic Building Code.

Sec. 1201-65. Permit Fees.

No permit shall be issued by the fire chief until the fees hereinafter prescribed shall have been paid:

- (a) All permits required under Title XII of the Cincinnati Fire Prevention Code are ~~\$125.00~~\$200 per year except for permits required under Title XII of the Cincinnati Fire Prevention Code for which a different fee is established or for which a shorter time period is specified;
- (b) All elementary and secondary schools that meet the state board of education minimum requirements, as stated by Ohio law, shall be exempted from permit fees. All accredited institutions of higher education shall also be exempted.

Sec. 1201-67. Permit Fees for Flammable and Combustible Storage Tank Installation.

Storage Tank Installation. The base permit fees for flammable and combustible storage tank installation shall be \$200. An additional permit fee shall be charged based on the estimated cost of installation thereof, and shall be as follows:

- (a) Where the estimated cost is not more than \$500 - \$35;
- (b) Where the estimated cost is more than \$500 and not more than \$1,000 - \$35 for the first \$500 plus \$2.50 for each additional \$100 or fraction thereof;
- (c) Where the estimated cost is more than \$1,000 and not more than \$2,000 - \$47.50 for the first \$1,000 plus \$3.75 for each additional \$100 or fraction thereof;
- (d) Where the estimated cost is more than \$2,000 and not more than \$25,000 - \$85 for the first \$2,000 plus \$15 for each additional \$1,000 or fraction thereof;
- (e) Where the estimated cost is more than \$25,000 and not more than \$50,000 - \$430 for the first \$25,000 plus \$11.25 for each additional \$1,000 or fraction thereof;
- (f) Where the estimated cost is more than \$50,000 and not more than \$100,000 - \$711.25 for the first \$50,000 plus \$7.50 for each additional \$1,000 or fraction thereof;
- (g) Where the estimated cost is more than \$100,000 and not more than \$500,000 - \$1,086.25 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof;
- (h) Where the estimated cost is more than \$500,000 - \$3,336.25 for the first \$500,000 plus \$3.75 for each additional \$1,000 or fraction thereof.

Sec. 1213-11. Application for Permit.

An application for a permit to sell or use fireworks shall be made in writing to the fire chief, on forms provided for such purposes, and shall be submitted with a \$200 permit fee. Such application shall be made not less than five days prior to the date set for the display, and shall include the following:

- (a) The name of the organization sponsoring the display together with the names of persons actually in charge of the display;
- (b) The date and time of day when the display is to be held;
- (c) The exact location planned for the display;
- (d) The name and license of the fireworks exhibitor who is to supervise the discharge of fireworks;
- (e) 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;
- (f) The manner and place of storage of such fireworks prior to and during the display;
- (g) A diagram of the grounds on which the display 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 1,000 feet of the discharge and potential landing site; the diagram shall also show the line barriers behind which the audience will be restrained;
- (h) Proof that satisfactory liability insurance is carried for all employees of the applicant;
- (i) Proof of financial responsibility as evidenced by an insurance policy or indemnity bond in which the city of Cincinnati is named the co-insured and in the amount deemed adequate by the fire chief, but in no case less than \$100,000;
- (j) Proof of an exhibitor's license;
- (k) The name and license number of the fireworks manufacturer or wholesaler who supplied all items in the fireworks exhibition;
- (l) The licensed exhibitor shall be responsible for compliance with the provisions under which the fireworks exhibition permit was granted.

Sec. 1231-29. Fees for Certain Non-Emergency Services.

In the event the fire division provides services of a non-emergency nature for private individuals or companies, the fire chief is authorized to establish fees and charge said private individuals or companies for the non-emergency services provided.

Services for which a charge may be established include, but are not limited to, the witnessing of acceptance tests for automatic sprinkler, standpipe or alarm systems; the protection of private property from further damage after incidents of vandalism, natural disaster, weather or water damage; stand-by duties at railroad accidents or incidents, notably those involving hazardous materials; and cleanup of hazardous materials at an incident scene.

Fees charged will be based on the actual personnel and non-personnel expenses to the fire division for the services provided. Personnel expenses will be calculated based on salary rates of personnel utilized according to the labor-management contract in effect at the time the services are provided. Equipment, materials, Materials and supplies will be charged at their actual cost or for those items that cannot be reused, their replacement value, whichever is greater.

Sec. 1247-99. Penalties.

Any employer, person, firm or corporation or other business entity who (which) violates any provision of this chapter for which another penalty is not elsewhere specifically provided shall be charged a civil fine of ~~fine~~ not more than ~~\$500~~\$1,250.

Section 2. That the amendments to Title XII, “Cincinnati Fire Prevention Code” contained in this ordinance shall take effect on July 1, 2024.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to revise fees and penalties so that the City may begin to recover the full cost and expense of the services it provides at the earliest possible date.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Additions indicated by underline; Deletions indicated by strikethrough.