

CHAPTER X INSPECTION DUTIES

Subject 3 Fire Code Violations and Referrals

1003.01 Objective

- A. To outline procedures to be used when Fire Code Violations are found and not corrected in a timely fashion.
- B. To outline procedures used when code violations other than fire code violations are found.

1003.03 Fire Code Violations

- A. The goal of the Cincinnati Fire Department vision is to enforce the Cincinnati Fire Prevention Code (CFPC) and the Ohio Fire Code (OFC). Voluntary compliance will be used whenever possible, where this is not possible, the power to compel or prosecute will be used.
- B. All Fire Code violations shall be documented on the Fire Department Inspection Form within the Fire Inspection Module (FIM). In the event that the FIM is unavailable, violations and inspections shall be documented on a Form 109. These violations shall then be documented in the FIM as soon as it is made available.
- C. Fire Code violations must be noted on the Printed Fire Department Inspection Form, documented in the FIM and a copy given to the responsible person. If doubt exists as to whether a condition is within the scope of the inspector's authority, or if a code is in fact being violated, the inspector will delay writing the order and secure assistance from the Company Officer or Fire Prevention Bureau before issuing orders or referring the inspections. If a violation is corrected in your presence, document the violation and correction in the Fire Department Inspection Form within the FIM.
- D. If a responsible person is not on the premises, the Fire Department Inspection Form shall be printed with a copy hand delivered, mailed, faxed, or e-mailed to the responsible person. Care shall be taken to find out who is directly responsible for hazards when they are found. The occupants may have created the hazard and they should be responsible for the elimination of the hazard.
- E. When defects are found, the inspector shall attempt to gain compliance. The inspector shall make every effort to contact the responsible person and shall issue a violation notice for three visits by documenting in the FIM. If after two inspection visits, compliance has not been achieved; the Company Officer shall inspect and attempt to gain compliance. If this fails, the inspection is then to be referred to the Code Enforcement Bureau of the Fire Prevention Division.
- F. All entries in the FIM shall identify the inspector by badge number and last name.
- G. When adding violations in the FIM, the comment field shall be used to identify corrective actions for the responsible person and locations of the violations.

1003.05 Fire Code Violation Notices to Publicly Owned Properties

- A. Notice of violations pertaining to city-owned buildings shall be e-mailed or sent through Intradepartmental mail to the Code Enforcement Bureau of the Fire Prevention Division.
- B. Notices of violation pertaining to Cincinnati Public Schools shall be e-mailed or sent through Intradepartmental mail to the Code Enforcement Bureau of the Fire Prevention Division. The violations will then be forward the violations to the Cincinnati Public School, Safety Director. In the event of noncompliance, after a reasonable length of time, notify the Code Enforcement Bureau of the Fire Prevention Division.

Notices of violation for parochial and private schools shall be forwarded directly to the school's administration.

- C. To expedite compliance with orders issued to the Cincinnati Metropolitan Housing Authority for noncompliance with Section CFPC 1235-3, Fire personnel may call 381-2730. However, in all cases the written violation notice must be sent for documentation purposes.

1003.07 Fire Protection Systems Testing Guidelines

- A. The scheduling, witnessing and documentation of Fire Protection systems tests, other than, standpipe systems, will be handled by the Code Enforcement Bureau of the Fire Prevention Division.

If fire companies, District Chiefs, or other Fire Department personnel are contacted with regard to scheduling or witnessing an Acceptance Test, refer the person to the Code Enforcement Bureau of the Fire Prevention Division.

To ensure that all tests are uniform and to also expose our personnel to the Acceptance Test basics, the Code Enforcement Bureau of the Fire Prevention Division has issued a "Fire Protection System Testing Guidelines Book". This book is available to representatives of the Fire Protection Systems Industry, the Construction Industry and anyone else who may have a genuine interest in Fire Protection Systems.

- B. Test sheets for standpipes will be forwarded to the District Chief at the time a standpipe test is assigned. When the test is finished, one form shall be kept by the District Chief for district files. The second copy shall be returned to the Code Enforcement Bureau of the Fire Prevention Division. District Chiefs shall supervise the witness of test and submit completed Form 239/standpipe test with all pertinent information and approval or disapproval through channels to keep the Fire Prevention Bureau for permanent record-keeping and notification to the Building Department of test results. Refer to the Cincinnati Fire Department Fire Protection System Testing Guidelines booklet for additional information.

1003.09 Residential Smoke Detectors

- A. Residential Smoke Detectors: Most residential occupancies are required by the Cincinnati Fire Prevention Code to have installed and in operating condition an early fire warning system.

This being part of the Cincinnati Fire Prevention Code Chapter 1235, it is the responsibility of the Fire Department to enforce.

- B. For all properties only detectors with the U.L. Label will be acceptable, in residential rental properties photoelectric smoke alarms are required outside of sleeping quarters. All smoke alarms/detectors shall be installed and maintained in accordance with the Ohio Fire Code Sections 907.2.10.1 and the Cincinnati Fire Prevention Code Section 1235-3.

- C. It is the responsibility of the owner of the building to install the devices. With the exception of photoelectric smoke alarms required outside of sleeping quarters it is the tenants responsible for maintenance of detectors/alarms as pertains to replacement of batteries or, in the case of inoperative AC electric or battery powered smoke detectors, it is the tenant's responsibility to notify the building owner of the inoperative device.

Violation notices issued should state the specific violation. Rental property owners are required to inspect the required photoelectric smoke alarms annually and when executing new lease agreements; and report their findings to the Cincinnati Fire Department.

Property Owners should use the Cincinnati Fire Department's Property Owner Photoelectric Smoke Alarm Inspection Form to document their smoke alarm inspection results. The form has been placed on the City of Cincinnati website at <http://www.cincinnati-oh.gov/fire/safety-prevention/smoke-alarms/> If the owner has generated a similar form that documents the following it is acceptable:

Annual inspection completed on this date _____

Date of a new lease agreement _____ and the following unit's alarm/s was inspected: _____

All units inspected are in working condition: Yes No

Owner's Initials:

The documentation of the required inspection shall be posted in the building's boiler room or furnace room at all times. Cincinnati Fire Inspectors will check the records when inspecting the property, in the same manner they check fire extinguishers test records by checking the dates and results of the owners' inspection.

- D. In addition to 1003.09C, the City Solicitor has ruled that a visual inspection to determine the presence of smoke detectors is all that is required by the Fire Department inspector. Inspectors can observe the built-in indicators, which signal an inoperative detector such as LED (Light Emitting Diode) not working, audible and mechanical indicators, or questioning the tenants as to the status of the smoke detector.

Company Officers shall refer any problems or questions to the Fire Prevention Bureau.

- E. When the Cincinnati Fire Department has responded to a fire in a dwelling or multi-dwelling and smoke detectors have not been installed by the owner, as required per Cincinnati Fire Prevention Code Section CFPC 1235-3, or maintained by the tenants and /or the owner, as required per Cincinnati Fire Prevention Code Section CFPC 1235-5, the District Chief or Officer in Charge shall contact the Code Enforcement Bureau of the Fire Prevention Division who will initiate the necessary legal action.

Contact the Code Enforcement Bureau of the Fire Prevention Division and a Specialist will immediately be assigned to the case.

The assigned Specialist will go to the Hamilton County Justice Center to sign a case against the violator. The Specialist will sign a warrant, a complaint, and an affidavit. The assigned Specialist will check records to verify the correct name of property owner and will file on the owner of record and name the District Chief or Officer in Charge as witnesses to be subpoenaed.

At other times that violations of the Cincinnati Fire Prevention Code Sections CFPC 1235-3 or 1235-5 are observed, violation notices shall be issued following the normal inspection procedure with compliance time as stated as within 24 hours of notice.

Prompt follow-up reinspections shall be made and if compliance is not obtained within nine calendar days follow the instructions as outlined above for fire response violations.

The assigned Specialist will name the Fire Inspector as a witness to be subpoenaed for trial. When the owner comes to trial, the Company Inspector and/or District Chief will be there to testify as witnesses to the violation and the Specialist as to the correct owner.

In absentee owner or rental agent cases where, after a concerted effort, the orders cannot be served in person, complete an inspection with violations in the FIM, use the print envelope feature in the FIM or type an address on a Fire Department envelope. It is imperative that the owner or agent's name and address are correct.

Forward the envelope, through channels, to the Fire Prevention Bureau as soon as possible.

The Code Enforcement Bureau of the Fire Prevention Division will notify the company officer that delivery has been achieved by forwarding a copy of the return receipt from the United Postal Service.

1003.11 Code Violations Other Than Fire Code Violations

- A. The Fire Inspector's primary responsibility is to enforce the Cincinnati Fire Prevention Code and the Ohio Fire Code.
- B. Inspectors should immediately request assistance as needed to save lives and

notify the Code Enforcement Bureau of the Fire Prevention Division by telephone of hazards causing an immediate threat to life.

- C. Hazards presenting a less imminent danger shall be forwarded through the company to the Code Enforcement Bureau of the Fire Prevention Division for referral to the proper authority.

1003.13 Open Vacant Buildings

- A. Vacant buildings which are unsecured or are being vandalized and require boarding up shall be referred to Fire Prevention for referral to the Department of Buildings and Inspections. Refer to Section 110 for Unsafe Buildings in the Ohio Fire Code.

1003.15 Overcrowding/Places of Assembly

- A. Overcrowding is possible in a place of assembly and also in other occupancies such as businesses.

The following example should serve as a guide to the Fire Inspector:

If a place of assembly is posted for 105, and the Fire Inspector finds an occupancy load of 155, the Fire Inspector is to give written orders to immediately bring the occupancy load to the posted level. Refer to Section 107.6 of the Ohio Fire Code.

These orders are written for immediate compliance because these conditions constitute an immediate or impending hazard of fire inimical to life and/or property and the person affected shall comply within the time provided by this notice or order, without right of appeal. When the responsible person complies immediately, then the Fire Inspector's responsibility has been fulfilled. This shall be considered an inspection and shall be documented in the FIM.

If a Fire Inspector returns to the place of assembly and finds overcrowding a second time, then initiate written orders and cause the responsible person to be cited to court. Future overcrowding by the same responsible persons will be cause for a citation to court along with issuing written orders.

The Fire Inspector has 30 days to cite the responsible person to court for overcrowding. To cite a person for overcrowding, the Fire Inspector is to refer the citation process through his Company Officer to the Code Enforcement Bureau of the Fire Prevention Division. If overcrowding occurs during non-business hours, refer the situation to the Code Enforcement Bureau of the Fire Prevention Division during the next business day. The Fire Inspector is responsible for obtaining the necessary information to cite the responsible person. The necessary information should include:

1. The date and time of the violation.
2. The full name and home address of the responsible person.

3. The responsible person's date of birth, height, weight, color of hair and eyes, sex, race and social security number.
4. The responsible person's employer and address.
5. A written explanation of the reason for the citation.
6. The number of occupants counted (not an estimate) and the posted maximum occupancy. The Code Enforcement Bureau of the Fire Prevention Division will list the Fire Inspector as a witness for court appearance. The involvement of the Code Enforcement Bureau of the Fire Prevention Division is to maintain consistency in the paperwork, court proceedings and to assist the Fire Inspector in technical aspects of the Fire Code and court demeanor.

Overcrowding is the same as blocking exit way aisles or chaining exit doors in the closed position. The Fire Inspector shall not allow these violations to exist.

If a responsible person refuses to correct an overcrowded situation after written orders have been issued, then have the responsible person arrested by a Police Officer using the CFPC Section relating to "Failure to Comply with Orders", Section 1201-47. When you have the responsible person arrested and the place of assembly is still operating under the second responsible person, the Fire Inspector issues written orders to the second person to eliminate the overcrowding situation.

If the second responsible person refuses to correct the violation, then have the second person arrested. Follow this pattern until the last responsible person is arrested and the place of assembly is evacuated and closed.

The Fire Inspector must confer with the District Chief, or if not certain of the proper arrest procedures, request the District Chief's presence at the scene of the overcrowding. Obtain the necessary information required for Hamilton County municipal warrant, affidavit, and complaint forms, as listed under "citing to court procedures". The District Chief, arresting Police Officer, or County Clerk can help fill out these forms, if the proper information has been obtained. The Fire Inspector shall go to the Justice Center to sign on owner, agent or responsible person.

Cincinnati Police officers have the authority to cite for overcrowding situations above the maximum occupancy limit as determined by the Fire Department through the Neighborhood Quality of Life Uniform Code (Chapter XVI of the Cincinnati Municipal Code).

When inspecting an occupancy which falls under the category of a place of assembly, but it does not comply as a place of assembly, initiate written orders to bring the occupant load to 49 using the Ohio Fire Code Section 107.6 for overcrowding. If the responsible person refuses to bring the occupant load to 49, follow the arrest procedures for failing to comply with orders (CFPC 1201-47) until the establishment is evacuated and closed.

The guideline for overcrowding in occupancies other than places of assembly, when the responsible person will not cooperate and reduce the occupancy load for the Fire Inspector, is to follow the chain of command and request a Building

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Inspector to respond to the scene. The Building Inspector will determine if the occupancy is overcrowded and bring the occupant load to the safe level, cite, or have the responsible person arrested. The Fire Inspector will appear in court, if necessary, as a witness to the overcrowded situation.