

FIRST READING: 9.11.17
SECOND READING: 9.25.17
THIRD READING: 12.11.17

AMENDED
ORDINANCE NO. 56-17

BY: THOMAS J. HUNT

AN EMERGENCY ORDINANCE TO AMEND FIRE CODE CHAPTER 1501 BY
MODIFYING SECTION 1501.01 ENTITLED ADOPTION, AND ADDING SECTION 521.12
ENTITLED DRIFTING SMOKE NUISANCE TO CHAPTER 521 REGARDING HEALTH,
SAFETY AND SANITATION, OF THE CODIFIED ORDINANCES OF THE CITY OF
ROCKY RIVER

WHEREAS, the Administration of the City of Rocky River, has deemed it necessary to amend
Section 1501.01, entitled Adoption regarding the City Fire Code, and adding Section 521.12
entitled Drifting Smoke Nuisance in Chapter 521 regarding Health, Safety and Sanitation; and

WHEREAS, included within the amendments are revisions to Codified Ordinances Section
1501.01, as well as addition of Codified Ordinances Section 521.12, as provided in Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY
RIVER, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That Section 1501.01 concerning adoption within the Fire Code be amended, and
Section 521.12 entitled Drifting Smoke Nuisance in Chapter 521, Health, Safety, and Sanitation,
be added to the Codified Ordinances of the City of Rocky River as further described in Exhibit
A, incorporated by reference herein.

SECTION 2. That this Ordinance is declared to be an emergency measure necessary for the
immediate preservation of public peace, health and safety, and for the further reason that the
subject ordinance addresses fire hazards and related items affecting the community and, provided
it receives the affirmative vote of two-thirds (2/3) of all members elected to Council, it shall take
effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall
take effect and be in force from and after the earliest period allowed by law.

PASSED: December 11th, 2017

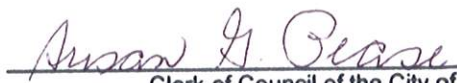

JAMES W. MORAN
President of Council

PRESENTED

TO MAYOR: December 11th, 2017 APPROVED: December 11th, 2017

TEST:

I, the undersigned clerk of council of the city of Rocky River,
State of Ohio, do hereby certify that publication of the
foregoing ordinance was duly made by posting a true copy
thereof in the lobby of the Rocky River City Hall, in
accordance with the charter of Rocky River, commencing on
the 11th day of December, 2017.

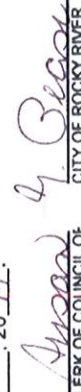

Susan G. Pease

Clerk of Council of the City of Rocky River, Ohio

City of Rocky River
County of Cuyahoga } ss

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF
ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE
FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE
NO. 56-17 ADOPTED BY THE COUNCIL OF SAID CITY
ON THE 11th DAY OF December, 2017 THAT THE
PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND
CERTIFIED OF RECORD ACCORDING TO LAW. THAT NO
PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH
ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND
THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD
IN ORDINANCE RECORD NO. 56-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED
MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 11th DAY OF
December, 2017.


CLERK OF COUNCIL OF
CITY OF ROCKY RIVER, OHIO

1501.01 ADOPTION.

(a) There is hereby adopted by the Municipality, the 2011 Ohio Fire Code (OFC), along with any subsequent revisions thereto, as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective November 1, 2011, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).

(b) The following amendments, substitutions, additions and deletions to the Ohio Fire Code as described in subsection (a) above are hereby adopted:

(1) Section (c) 307.4.3 Exception: Portable outdoor fireplaces used at one- and two-family dwellings. Is deleted.

(2) Section (d) 308.1.4 Exceptions: 1. One- and – two-family dwellings. Is deleted.

(3) Section (d) 308.1.4 Exceptions: 2. Where buildings, balconies and decks are protected by an automatic sprinkler system. Is deleted.

(Amended Ord. 56-17. Passed 12/11/17.)

521.12 DRIFTING SMOKE NUISANCE.

(a) No person shall unreasonably cause, permit or create a public nuisance by or through the emission or escape of air contaminants into the air from any combustible source or sources of control equipment which are of such unreasonable character, intensity and/or duration as to endanger, or be detrimental to the health, safety or welfare of any individual. The test for reasonableness is whether the reasonable person's ordinary senses or sensibilities are affected by the drifting smoke nuisance.

(b) Anyone alleged to violate, or be in violation of section (a) of this ordinance upon first offense shall be issued a warning for compliance.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate drifting smoke nuisance offense as defined in subsection (a), that offender is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more drifting smoke nuisance offenses, that offender is guilty of a misdemeanor of the third degree.

(Amended Ord. 56-17. Passed 12/11/17.)