

EMERGENCY

City of Cincinnati

RLT



An Ordinance No. 45

- 2013

MODIFYING the provisions of Title XVI, "Neighborhood Quality of Life Uniform Code," of the Cincinnati Municipal Code by 1601-1, "General Definitions," and Section 1601-7, "Early Fire Warning System," in order to improve the safety of the City's renter population.

WHEREAS, photoelectric smoke detection is generally more responsive to fires that begin with a long period of smoldering and ionization smoke detection is more responsive to flaming fires; and

WHEREAS, the Council wishes to ensure that residential rental property in the City have the most responsive fire detection; and

WHEREAS, to accomplish this goal, this ordinance requires the installation of photoelectric detectors outside of sleeping areas and encourages the installation of an ionization detector in the kitchen area; now, therefore,

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

Section 1. That Sections 1601-1, "General Definitions," and 1601-7, "Early Fire Warning System," of Title XVI, "Neighborhood Quality of Life Uniform Code," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 1601-1. - General Definitions.

For the purpose of this chapter, the words and phrases defined in the sections below shall have the meanings therein respectively ascribed to them, without limiting the generalities of the words, unless a different meaning is clearly indicated by the context.

- (a) "Garbage" shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (b) "Graffiti" shall mean any inscription, word, figure, marking or design that is marked, etched, scratched, drawn or painted on any premises, including buildings, structures, fixtures or other improvements, whether permanent or temporary, whether public or private, without the consent of the owner of the property or the owner's authorized agent, and which is visible from the public right-of-way or other public or quasi-public location within the city.

- (c) “Means of egress” shall mean a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: the way of exit access, the exit, and the way of exit discharge.
- (d) “Neighborhood” shall mean an area of the city comprised of all premises or parcels of land which in whole or in part are located within a radius of 500 feet of any one parcel or lot within the city.
- (e) “Person” shall mean an individual, firm, partnership, association, corporation, company or organization of any kind.
- (f) “Person in control” shall mean the owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.
- (g) “Rubbish” shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, dirt, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (h) “Owner” shall mean any person, partnership, firm or corporation, who alone or jointly with others shall be in possession of or have control of any property, dwelling or dwelling unit within the City of Cincinnati as owner, employee or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner.
- (i) “Weeds” shall mean and include any and all grass, weeds and wild plants exceeding ten inches in height.
- (j) “Early fire warning system” or “detector” shall mean an approved automatic warning system of one or more devices that detects any of the products of combustion, including visible or invisible particles of combustion, and that produces an audible alarm signal in a building for the purpose of notifying the occupants thereof of the presence of a fire. The primary power for such system may be either an AC electrical system or a monitored battery. Systems with detectors sensitive to heat only are not included in this definition for purposes of this chapter.

For the purpose of installation and maintenance only, a system shall be deemed approved if listed by the Underwriters' Laboratories, Inc., and conforms to the

applicable sections of “NFPA Standard No. 72” (referenced by the Cincinnati Building Code).

- (k) “Photoelectric early fire warning system” or “photoelectric detector” shall mean an early fire warning system that only detects the visible particles of smoke that are able to scatter light. “Photoelectric early fire warning system” or “photoelectric detector” shall not include a detector which contains more than one type of sensor.
- (l) “Ionization early fire warning system” or “ionization-type detector” shall mean an early fire warning system that only detects the disruption of ionized air by particles of smoke. “Ionization early fire warning system” or “ionization-type detector” shall not include a detector which contains more than one type of sensor.
- (m) “Residential rental property” shall mean a parcel of real property in the city of Cincinnati recorded as a deed with the Hamilton County Recorder on which is located one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, or a mobile home park or other permanent or semi-permanent site at which lots are leased or otherwise rented to tenants for the parking of a manufactured home, mobile home, or recreational vehicle that is used solely for residential purposes. “Residential rental property” shall not include a hotel, college, single room occupancy facility, dormitory, group homes, rooming or boarding houses, motels, and bed and breakfast inns or bed and breakfast homes.
- (n) “Kitchen area” shall mean a room or part of a room that is designed, built, used or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

Sec. 1601-7. - Early Fire Warning System.

- (a) The owner or person in control of a building shall install and maintain an early fire warning system outside of each separate sleeping area in the immediate vicinity of the sleeping areas in each living unit. Each of these detectors shall be audible in each adjacent, separate sleeping area in each living unit when all intervening doors are closed and all household equipment that may be in operation at night are in full operation. An early fire warning system shall also be placed, and maintained, on each additional story without a sleeping area, including basements or cellars but excluding crawl spaces and unfinished attics.
- (b) An owner or person in control may not permit a building or dwelling unit to be occupied without an approved and properly operating detector.
- (c) No person shall occupy a living unit without an approved and operating detector.

- (d) In any residential building in which the owner or person in control is required to have an early fire warning system it shall be the responsibility of the tenant to:
- (1) Replace an expired battery with a working battery in all detectors within the living unit when a monthly test or supervisory signal indicates the need for replacement.
 - (2) Notify the owner or person in control and the Cincinnati Fire Department of an inoperative detector within 24 hours of learning of the inoperative status of the detector. This subsection does not require notice when the only inoperative item is a battery of a detector located within a living unit.
 - (3) Test, upon initial occupancy and once a month thereafter, each detector with an exterior test device within the tenant's living unit.
- (e) In any residential building in which the owner or person in control is required to have an early fire warning system it shall be the responsibility for the owner to:
- (1) Replace an expired battery with a working battery in all detectors in common areas when a monthly test or supervisory signal indicates the need for replacement.
 - (2) Test each common area detector at least once a month to ensure that each detector battery is operational.
 - (3) Properly repair or replace an inoperative detector within 24 hours of learning of the inoperative status of a detector.
 - (4) Test, upon purchase of the building and once a month thereafter, each detector with an exterior test device within common areas.
 - (5) Test each detector in each dwelling unit upon the execution of a new lease or the renewal of a lease. At a minimum, the owner shall test each detector at least once every twelve (12) months.
 - (6) Replace all detectors once every ten (10) years.
 - (7) The owner shall fill out a City-issued form documenting each test or replacement of a detector.
- (f) Within one hundred eighty (180) days of the effective date of this ordinance, or in the event a new tenant moves into a living unit, whichever is earlier, the owner or person in control of any residential rental property with twelve (12) or fewer living units:
- (1) Shall install photoelectric detectors outside of each separate sleeping area in the immediate vicinity of the sleeping areas in each living unit.
 - (2) May install an ionization detector in the immediate vicinity of the kitchen area of each living unit.
- (g) Within seven hundred thirty (730) days of the effective date of this ordinance, or in the event a new tenant moves into a living unit, whichever is earlier, the owner or person in control of any residential rental property with thirteen (13) or greater living units:

(1) Shall install photoelectric detectors outside of each separate sleeping area in the immediate vicinity of the sleeping areas in each living unit.

(2) May install an ionization detector in the immediate vicinity of the kitchen area of each living unit.

Whoever violates this section is guilty of a first degree misdemeanor.

Whoever destroys, disconnects, or tampers with a detector shall be liable for a Class B Civil Fine.

Section 2. That existing Sections 1601-1, "General Definitions," and 1601-7, "Early Fire Warning System," of Title XVI, "Neighborhood Quality of Life Uniform Code," of the Cincinnati Municipal Code are hereby repealed.

Section 3. That Section 1501-5, "Class B Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 1501-5. - Class B Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class B Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class B Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 511-31	Storage of Unlicensed Vehicles	Class B
(2)	§ 720-15	Public [Stormwater] Facilities	Class C

(3)	§ 720-29	[Stormwater] Permits and Plan Review	Class B
(4)	§ 721-83	Street Contractor's License	Class C
(5)	§ 723-3	Unauthorized Wires, etc., in Streets	Class C
(6)	§ 1219-3	Material Subject to Spontaneous Ignition	Class B
(7)	§ 1219-7	Baled Material	Class B
(8)	§ 1219-9	Combustible Containers	Class B
(9)	§ 1219-15	Fire Doors, Shutters and Windows	Class B
(10)	§ 1219-29	Drip Pans	Class B
(11)	§ 1219-41	Exhaust Fans	Class B
(12)	§ 1219-45	Gas Shutoff Valves	Class B
(13)	Chapter 1225	Smoking and the Use of Open Flame	Class B
(14)	§ 1231-11	Obstructing Fire Hydrants	Class B
(15)	§ 718-9	Advertising in the Public Right-of-Way	Class C
(16)	Chapter 765	Special Event Permits	Class B
(17)	§ 1601-7	<u>Early Fire Warning System</u>	<u>Class C</u>

(b) Class B Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 413-25	Sidewalk or Street Parking	Class C
(2)	§ 503-25	Damaging Street Surface	Class C
(3)	§ 506-63	Driving on Sidewalk Area	Class C
(4)	§ 506-64	Driving Over New Pavement	Class C
(5)	§ 721-25	Sale of Land on Private or Undedicated Streets	Class D
(6)	§ 721-41	Street Opening Without Permit Unlawful	Class D
(7)	§ 721-61	Warning Lights; Barriers	Class D
(8)	§ 721-109	Sidewalk Covering Over Sub-space; Prohibited Materials	Class D
(9)	§ 721-111	Support for Sidewalk Covering Over Sub-space	Class D
(10)	§ 723-1	Street Obstructions	Class C
(11)	§ 723-33	Sweeping Onto Sidewalk or Roadway	Class C

(12)	§ 729-7	Setting Out Containers	Class B
(13)	§ 729-9	Setting Out Containers on Property Abutting Alleys	Class B
(14)	§ 729-27	Removal of Dead Animals	Class B
(15)	§ 729-29	Depositing Garbage on Public or Private Property	Class B
(16)	§ 729-41	Disposal of Combustible Garbage	Class B
(17)	§ 729-53	Transporting Putrescible Commercial By-Products	Class B
(18)	§ 729-69	Unloading Waste on Sidewalks	Class B
(19)	§ 729-75	Escaping Hot Water or Steam	Class B
(20)	§ 1219-5	Accumulated Waste and Waste Receptacles	Class B
(21)	§ 1219-13	Trap Doors	Class B
(22)	§ 1221-7	Smoking and Use of Open Flame	Class B

Section 4. That existing Section 1501-5, "Class B Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby repealed.

Section 5. 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 begin the transition to a new standard for early fire warning systems.

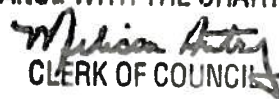
Passed: February 27, 2013


 the Mayor

Attest: 
 Clerk

 New language underscored. Deletions struck through.

FILED BY CITY CLERK OF CINCINNATI No. 45-2013
 WAS PUBLISHED IN THE CITY BULLETIN
 IN ACCORDANCE WITH THE CHARTER ON 3-12-2013


 CLERK OF COUNCIL