

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 07-78

Introduced by: Uffman-Kirsch, Stefanik, Bobulsky

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 16 FIRE PREVENTION CODE, CHAPTER 1610 STANDARDS, SECTION 1610.02 DEFINITIONS, AND SECTION 1610.05 ENFORCEMENT; RESPONSIBILITIES OF MUNICIPAL FIRE SAFETY INSPECTOR; AND DECLARING AN EMERGENCY

WHEREAS: Recent changes in the Ohio Administrative Code affecting open burning regulations as promulgated by the State of Ohio required the City to review and have caused the City to seek amendment of the existing open burning regulations under Chapter 1610; and

WHEREAS: Council desires to provide for these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 16 Fire Prevention Code, Chapter 1610 Standards, Section 1610.02 Definitions of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1610.02 DEFINITIONS.

As used in this Fire Prevention Code, including the standards adopted in Section 1610.01:

- (a) "Municipality" means the City of North Royalton.
- (b) "Corporation Counsel" means the Director of Law.
- (c) "Chief of the Bureau of Fire Prevention" and "Bureau of Fire Prevention" mean the Fire Chief *or his/her designee* and the Fire Department, respectively.
- ~~(d) "Bulk" means large quantities in excess of 750 gallons.~~

Section 2. Part 16 Fire Prevention Code, Chapter 1610 Standards, Section 1610.05 Enforcement; Responsibilities of Municipal Fire Safety Inspector of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1610.05 ENFORCEMENT; RESPONSIBILITIES OF MUNICIPAL FIRE SAFETY INSPECTOR

- (a) This Fire Prevention Code, including the standards adopted in *Chapter 1610 and Chapter 1620* ~~Section 1610.01~~, shall be enforced by the Fire Safety Inspector and/or the Fire Chief.
- (c) The Municipal Fire Safety Inspector *or the Fire Chief or his/her designee* upon examination or inspection, *is hereby authorized to and* shall issue citations *for any or all violations of Chapter 1610, Chapter 1620, or* when he or she finds conditions as specified in Ohio R.C. 3737.41 which are especially dangerous to the safety of persons, buildings, premises or property. *The Fire Safety Inspector or Fire Chief and* shall ~~make issue notice of~~ any necessary remedial orders in connection therewith. Citation enforcement may be *to Mayor's Court, Municipal Court, or* by use of the procedures established by Ohio R.C. 3737.42 for hearing on the citation or Ohio R.C. 3737.44 for injunctive relief or a temporary restraining order and oral order for vacation of the building or premises.
- (e) Upon request of the Municipal Fire Safety Inspector, the ~~Municipal Attorney~~ *Law Director* shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

Section 3. Chapters 1610.02 and 1610.05 of the Codified Ordinances of the City of North Royalton are hereby amended as provided for herein and all other provisions of Part 16 Fire Prevention Code shall remain in full force and effect.

Section 4. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 5. It is 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 all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that Council has determined that it is immediately necessary to amend the existing open burning regulations under Chapter 1610.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Robert A. Stefanik
PRESIDENT OF COUNCIL

APPROVED: /s/ Cathy Luks
MAYOR

DATE PASSED: July 3, 2007

DATE APPROVED: July 5, 2007

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading July 3, 2007

YEAS: Stefanik, Bobulsky, Gentile, Willey,
McKee, Antoskiewicz
NAYS: none
ABSENT: Uffman-Kirsch