

VILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. 0-____-20

ORDINANCE AMENDING SECTION 91.36 OF THE MARIEMONT CODE OF ORDINANCES

WHEREAS, the Rules and Law Committee has met to discuss certain changes that it believes need to be made to the Mariemont Code of Ordinances regarding the use of grills on balconies; and

WHEREAS, the Assistant Fire Chief for the Village of Mariemont advised of changes to the Ohio State Fire Code that he felt should be implemented within the Village of Mariemont; and

WHEREAS, Council believes that it is the best interest of the Village to amend Section 91.36 of the Mariemont Code of Ordinances, Violations of State Fire Code Prohibited, to reflect the changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO THIRDS OF THE MEMBERS DULY ELECTED THERETO CONCURRING:

SECTION I. Section 91.36 of the Mariemont Code of Ordinances which currently reads as follows:

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it. (R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) above is guilty of a misdemeanor of the first degree. (R.C. § 3737.99(B))

(C) (1) Nothing contained in this section shall in any way modify the provisions of the State Fire Code, except as expressly set forth herein.

(2) (a) The storage and use of electric grills is permitted on balconies of multi-family units, provided, the grills are inspected and approved by the Fire Department for the village. For purposes of this section, a MULTI-FAMILY UNIT shall be defined as when multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, townhomes, condominiums, and apartments.

(3) The use of open flame grills of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, except if the grill is located ten feet or more from the structure, whether owner occupied or a rental tenant.

(4) The storage of gas or charcoal grills and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor wood-burning fire pits are permitted on the balconies, porches, or patios of multi-unit structures.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

Statutory reference:

Fire Code violations, see R.C. §§ 3737.41 et seq.

State Fire Code, see O.A.C. Ch. 1301:7-7

Shall be amended as follows:

§ 91.36 VIOLATIONS OF STATE FIRE CODE PROHIBITED.

(A) No person shall knowingly violate any provision of the State Fire Code or any order made pursuant to it. (R.C. § 3737.51(A))

(B) Except as a violation of R.C. § 2923.17, regarding the felonies of unlawful possession of a dangerous ordnance and illegal manufacture or processing of explosives, involves subject matter covered by the State Fire Code, whoever violates division (A) above is guilty of a misdemeanor of the first degree.

(R.C. § 3737.99(B))

(C) (1) Nothing contained in this section shall in any way modify the provisions of the State Fire Code, except as expressly set forth herein.

(2) (a) The storage and use of electric grills is permitted on balconies of multi-family units, provided, the grills are inspected and approved by the Fire Department for the village. For purposes of this section, a MULTI-FAMILY UNIT shall be defined as when multiple separate units for dwellings are located within one or several buildings within a complex.

(b) A few examples of multi-family housing are duplexes, town homes, condominiums, and apartments.

(3) The use of open flame grills of any size, whether gas or charcoal, is not permitted on the balconies, porches, or patios of multi-unit structures, unless the grill is permanently installed with a natural gas line and the unit is equipped with a sprinkler system. In addition, the balcony must have a mounted fire extinguisher.

(4) The storage of gas or charcoal grills and their related fuels is not permitted in multi-dwelling structures, either on balconies or in the building itself.

(5) No outdoor fire pits of any kind are permitted on the balconies or porches of multi-unit structures. Outdoor fire pits are permitted on first floor patios, provided said fire pits are at least ten (10) feet away from the premises.

(6) This division (C) shall go into effect at the earliest date allowed by law.

Passed: January 14, 2012

(2000 Code, § 91.36) (Ord. O-2-13, passed 1-14-2012)

Statutory reference:

Fire Code violations, see R.C. §§ 3737.41 et seq.

State Fire Code, see O.A.C. Ch. 1301:7-7

SECTION II. In all other respects, Section 91.36 of the Mariemont Code of Ordinances shall remain unchanged and in full force and effect.

SECTION III. This Ordinance shall go into effect at the earliest date allowed by law.

Passed: December 21, 2020.

William A. Brown, Mayor

ATTEST:

Anthony J. Borgerding, Fiscal Officer

I, Anthony J. Borgerding, Fiscal Officer of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembold and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 22nd day of December 2020.

Anthony J. Borgerding, Fiscal Officer

