

**ORDINANCE NO. 39– 2026**

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES  
CHAPTER 1604 OHIO AND NATIONAL FIRE CODES**

**AN ORDINANCE AMENDING BARBERTON CODIFIED ORDINANCE  
CHAPTER 1604 TITLED “OHIO AND NATIONAL FIRE CODES” TO REFLECT  
AN UPDATE IN THE INSPECTION FEE SCHEDULE, UPDATED WORDING IN  
SECTION 1604.15, AND THE ADDITION OF SECTION 1604.19 “FIRE  
DEPARTMENT SPECIALITY FEES”, AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Barberton,  
State of Ohio:

**SECTION 1:** That Council hereby amends Barberton Codified Ordinance Chapter 1604  
titled “Ohio and National Fire Codes”, by showing said amendment with a ~~strike through~~ for any  
deletions and **bold** for any additions:

**CHAPTER 1604: OHIO AND NATIONAL FIRE CODES**

- 1604.01 Adoption of Ohio Fire Code.
- 1604.02 Inspection and permit fees.
- 1604.03 Torch applied roofing material.
- 1604.04 Adoption of National Fire Codes.
- 1604.05 File and distribution copies.
- 1604.06 Bureau of Fire Prevention established, duties.
- 1604.07 Definitions.
- 1604.08 Districts in which storage of explosives and blasting agents is prohibited.
- 1604.09 Districts in which storage of flammable liquids in outside aboveground tanks is prohibited.
- 1604.10 Districts in which bulk storage of liquefied petroleum gas is restricted.
- 1604.11 Routes for vehicles transporting explosives and dangerous articles.
- 1604.12 Fire lanes.
- 1604.13 Modifications.
- 1604.14 Conflict of laws.
- 1604.15 ~~Arson Bureau Established~~ **Fire Investigation Unit Established**
- 1604.16 Fire report copy fee; revolving fund.
- 1604.17 Fire loss claims.
- 1604.18 Rapid entry key lock boxes required.
- 1604.19 **Fire Department Specialty Fees**
- 1604.99 Penalty.

**§ 1604.01 ADOPTION OF OHIO FIRE CODE.**

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Ohio Fire Code, recommended by the state’s Department of Commerce, Division of State Fire Marshal, being the current edition thereof, as submitted by the state, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the same is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this section takes effect, the provisions thereof shall be controlling within the limits of the city.

**§ 1604.02 INSPECTION AND PERMIT FEES.**

(A) Inspection fees.

- (1) Inspection fees:
  - (a) Foster care/day care (11 or less): \$15;
  - (b) Day care facility: ~~\$25~~; **\$50**
  - (c) Facility needing letter or signature: \$10; and
  - (d) Oil and gas wells with issuance of permit: \$25.

(2) All other occupancy would receive the first FPB inspection free.

(3) If violations are found and follow-up inspections are needed, a fee of ~~\$25~~ **\$100** per inspection shall be charged to the occupant. **Subsequent re-inspections are increased in fifty-dollar increments.**

(4) The first follow-up inspection fee shall be waived; provided, all violations are corrected at that time.

(B) Permits/fees required by the Barberton Fire Department.

(1) Tents and air-supported structures (for purpose of public assembly, as defined in the Ohio Fire Code): \$10;

(2) Fireworks exhibition: \$250;

(3) Hot roof work (torch applied, hot tar and the like): \$10 (BBD permit required);

(4) Explosives, use: \$100;

(5) Temporary storage of explosives or fireworks: \$50/day;

(6) Bonfire (greater than three hours): \$5 (must have copy of Ohio EPA permit);

(7) Bowling lane/pin refinishing: \$10; and

(8) Fumigation and thermal insecticidal fogging: \$10.

**(9) Above ground flammable liquids tank permit: \$100**

**(10) Fire Safety Notice of Citation: \$250 per violation**

(C) Exception. Facilities involved in long-term activities on various days may purchase a permit for the calendar year; provided, they notify the Fire Department 24 hours in advance of said activity: \$100.

(D) Violation. Failure to acquire appropriate permit, as well as any violation of this chapter, shall be subject to penalties as set forth in § 1604.99 of this chapter.

#### § 1604.03 TORCH APPLIED ROOFING MATERIAL.

(A) The Council hereby declares the application of torch applied bitumen roofing material to be a “process which produces conditions hazardous to life or property”, as regulated by § FM-103.1 of the Ohio Fire Code (current edition).

(B) No person, firm or corporation shall apply torch applied bitumen roofing material to any structure within the city without complying with all of the requirements of § FM-103.0 of the Ohio Fire Code (current edition).

#### § 1604.04 ADOPTION OF NATIONAL FIRE CODES.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the National Fire Codes, recommended by the National Fire Protection Association, International, being the current edition thereof, as submitted by the National Fire Protection Association (NFPA), and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the same is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this section takes effect, the provisions thereof shall be controlling within the limits of the city.

#### § 1604.05 FILE AND DISTRIBUTION COPIES.

Complete copies of the Ohio Fire Code and the National Fire Codes, as adopted in §§ 1604.01 and 1604.04 of this chapter, respectively, are on file with the Fire Prevention Bureau.

#### § 1604.06 BUREAU OF FIRE PREVENTION ESTABLISHED: DUTIES.

(A) The Ohio Fire Code, the National Fire Codes and this Part Sixteen shall be enforced by the Bureau of Fire Prevention in the Division of Fire, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Division.

(B) The Chief of the Fire Division shall direct the Fire Marshal, or such other fire officer he or she deems appropriate, to be in charge of the Bureau of Fire Prevention. Such officer shall carry out the duties and responsibilities of the Bureau of Fire Prevention as prescribed by the Chief.

(C) The Chief shall appoint, by appropriate means, one of the captains (or an officer of rank equal to that of shift commander) of the Fire Division to serve in the Bureau of Fire Prevention as the Fire Marshal. Such officer shall carry out the duties and responsibilities prescribed by the Chief of the Fire Division.

(D) The Fire Chief may assign, by appropriate means, other officers as necessary to serve as Deputy Fire Marshal in the Bureau of Fire Prevention. Such officers shall serve at the discretion of the Chief for any length of time the Chief deems proper and shall carry out the duties and responsibilities prescribed by the Fire Marshal or other responsible authority placed in charge of the Bureau by the Chief of the Fire Division.

- (E) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Mayor. It shall contain all proceedings under this Fire Prevention Code, with such statistics as the Chief of the Fire Division may wish to include therein. The Chief of the Fire Division shall also recommend any amendments to the Fire Prevention Code which, in his or her judgment, are desirable.

§ 1604.07 DEFINITIONS.

- (A) Wherever the word “municipality” is used in the Ohio Fire Code or the National Fire Codes, it shall be held to mean the city.
- (B) Wherever the term “corporation counsel” is used in the Ohio Fire Code or the National Fire Codes, it shall be held to mean the Director of Law of the city.
- (C) References to other officers or personnel in the Ohio Fire Code and the National Fire Codes shall be held to mean the equivalent officer or personnel of the city.

§ 1604.08 DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

Districts in which storage of explosives and blasting agents is prohibited are hereby established as follows.

- (A) The storage of explosives, ammunition and blasting agents shall be prohibited in areas of the city that are zoned residential, with the exceptions as set forth in Ohio Fire Code §§ 1301:7-7-30 and FM-3001.1.
- (B) The storage of explosives, ammunition and blasting agents shall only be permitted in areas of the city zoned either industrial or commercial. Permission must be obtained prior to the storage of explosives, ammunition, and blasting agents from the City Fire Marshal’s office, in accordance with Ohio Fire Code § 1301:7-7-30.

§ 1604.09 DISTRICTS IN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

- (A) Districts in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows.
  - (1) Storage of flammable and/or combustible liquid in above-ground tanks shall be prohibited in areas of the city zoned as residential, with the exceptions as set forth in Ohio Fire Code § 1301:7-7-28 and National Fire Protection Association Standards 30, 30A and 31, current edition.
  - (2) Above-ground storage tanks used for storage of flammable and combustible liquids are permitted in areas zoned industrial or commercial after receiving a permit from the City Fire Marshal’s office in accordance with the Ohio Fire Code § 1301:7-7-28, and shall meet the following requirements.
    - (a) Tanks shall be installed according to NFPA 30, current edition, and manufacturers’ recommendations.
    - (b) Tanks shall be permitted only after a determination that any and all safety concerns are addressed, including, but not limited to, soil stability and support pads.
    - (c) Tanks shall be installed inside a spill containment area with a capacity not less than 125% of the tanks’ total capacity.
    - (d) The tank shall bear the label of an approved testing laboratory showing approved usage.
  - (3) Any tank shall be removed when its continued existence in its present condition creates a distinct hazard or nuisance due to a change in applicable codes, change in condition of installation, surroundings or discontinued use.
- (B) Districts in which new bulk plants for flammable liquids are prohibited are hereby established as follows.
  - (1) Storage of flammable and/or combustible liquid in bulk plants shall be prohibited in areas of the city zoned as residential, with the exceptions as set forth in Ohio Fire Code § 1301:7-7-28 and National Fire Protection Association Standards 30, 30A and 31, current edition.

- (2) Bulk plants used for storage of flammable and combustible liquids are permitted in areas zoned industrial or commercial after receiving a permit from the City Fire Marshal's office in accordance with the Ohio Fire Code § 1301:7-7-28.
- (3) A permit shall be issued for any hazardous material in excess of 55 gallons in a liquid state or 55 pounds in a bulk or solid state. The permit shall be free of charge.

**§ 1604.10 DISTRICTS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GAS IS RESTRICTED.**

Districts in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows.

- (A) In areas of the city zoned residential, no storage or use of liquefied petroleum gas shall be permitted except temporary or limited use of small quantities, each tank less than 60 pounds, or a quantity which does not create a safety hazard or nuisance. These may be permitted under special rules established by the City Fire Marshal's office for each case. This rule does not apply to liquefied petroleum gas bottles of 30 pounds or under used for cooking at residences or used for recreational vehicles.
- (B) In areas of the city that are zoned either industrial or commercial, facilities offering liquefied petroleum gas for sale on a bottle exchange basis shall limit the quantity held in stock to 20 containers with a maximum individual capacity of 30 pounds. Prior to a facility offering liquefied petroleum gas for sale or maintaining a stock of containers, the facility shall permit the Fire Marshal or his or her designee to inspect the facility and shall obtain approval from the Fire Marshal or his or her designee concerning placards, traffic barriers, defoliation, cabinet construction, clearances and locks.
- (C) In areas of the city that are zoned either industrial or commercial, above-ground outside storage of liquefied petroleum gases may be permitted in accordance with National Fire Protection Association 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, current edition, as interpreted by the Fire Marshal and this chapter, and in compliance with O.A.C. 1301:7-7-61.
- (D) Any location having more than two 20-pound or greater liquefied petroleum gas bottles for sale or exchange and/or having liquefied petroleum gas containers with more than 50 pounds shall provide the Fire Department with the name of the location, the address, the telephone number, the minimum and maximum amounts of liquefied petroleum gas on site, what type of containers (i.e. 20-pound bottles, bulk storage tank), a 24-hour emergency contact name and number and a map or diagram showing the tank and/or storage containers in relationship to the location.

**§ 1604.11 ROUTES FOR VEHICLES TRANSPORTING EXPLOSIVES AND DANGEROUS ARTICLES.**

- (A) Routes for vehicles transporting explosives and blasting agents shall be as determined by Council.
- (B) Routes for vehicles transporting hazardous chemicals and other dangerous articles shall be as determined by Council.

**§ 1604.12 FIRE LANES.**

Fire lanes shall be established by the Director of Public Safety, the Police Chief and the Fire Chief.

**§ 1604.13 MODIFICATIONS.**

The Fire Marshal shall have power to modify any of the provisions of the Ohio Fire Code and the National Fire Codes upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of such codes; provided that, the spirit of the codes shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Marshal thereon, shall be entered upon the records of the Fire Division, and a signed copy shall be furnished the applicant.

**§ 1604.14 CONFLICT OF LAWS.**

In the event of any conflict between any of the provisions of the Ohio Fire Code, the National Fire Codes or this Part Sixteen, the higher or stricter standard shall prevail.

**§ 1604.15 ~~ARSON BUREAU~~ FIRE INVESTIGATION UNIT ESTABLISHED.**

- (A) ~~An Arson Bureau~~ **The Fire Investigation Unit** is hereby established and the same shall be incorporated into the Fire Prevention Bureau of the Division of Fire. Such Bureau shall be operated under the supervision of the Fire Marshal, or such other fire officer as designated by the Fire Chief.

The Fire Marshal, as provided in § 1604.06 of this chapter, shall perform any and all duties in the ~~Arson Bureau~~ **Fire Investigation Unit** required by the Fire Chief or his or her designee.

- (B) The Fire Marshal, his or her designee, is hereby charged with the responsibility of being present at all fires, investigating the causes thereof, examining witnesses, compelling the attendance of witnesses and the production of books and papers, and performing all other acts necessary to the effective discharge of such duties as stated in Ohio R.C. 737.27.

§ 1604.16 FIRE REPORT COPY FEE; REVOLVING FUND.

- (A) The ~~Arson Bureau~~ **Fire Investigation Unit** is hereby authorized to assess insurance companies, corporations and individuals, the sum of \$5 for each copy of a fire report.
- (B) The Finance Director is hereby authorized and directed to establish a revolving fund which shall be known as 2D22, "~~Arson Bureau~~ **Fire Investigation Unit** Revolving Fund".

§ 1604.17 FIRE LOSS CLAIMS.

- (A) There is hereby adopted by the Council of the city, for the purpose of providing for the total cost of removing, repairing or securing a fire-damaged building, the procedure described in Ohio R.C. 3929.86(C) and (D), together with all amendments thereto as of 3-17-1987, as adopted by the Ohio General Assembly. This section of the Ohio Revised Code, along with any amendments thereto, is hereby incorporated by reference herein as fully as if set out at length.
- (B) The Clerk of Council is hereby directed to file a certified copy of original Ord. 150-1991, passed 10-28-1991, with the Ohio Superintendent of Insurance.
- (C) The procedure described in Ohio R.C. 3929.86(C) and (D), as adopted herein, shall apply only to fire losses that occur after the filing of the certified copy of original Ord. 150-1991 with the Ohio Superintendent of Insurance.
- (D) The Finance Director shall carry out the duties prescribed in Ohio R.C. 3929.86(C) and (D), as adopted herein.
- (E) In accordance with Ohio R.C. 731.231, a complete copy of Ohio R.C. 3929.86(C) and (D), as adopted herein, is on file with the Clerk of Council for public inspection and also on file in the Summit County Law Library, fourth floor of the Summit County Courthouse.

§ 1604.18 RAPID ENTRY KEY LOCK BOXES REQUIRED.

- (A) The following structures shall be equipped with a rapid entry key lock system, manufactured by Knox-Box Rapid Entry System or a system approved by the Chief of Fire, at an accessible location near the main entrance of the structure or at a location approved by the Fire Marshal:
  - (1) All buildings in the city having an automatic alarm system or equipped with an automatic fire suppression system, except one-, two- and three-family owner-occupied dwellings;
  - (2) Multi-family residential structures, including senior citizen apartment/condo complexes, that have restricted access through locked doors and have a common corridor for access to living units;
  - (3) All high rise buildings (i.e., structures having floors at or above 50 feet above ground level);
  - (4) Commercial and industrial buildings identified by fire officials as difficult to access during emergencies; and
  - (5) All complexes containing multiple businesses (such as plazas, strip malls and the like) shall be required to have a minimum of one lock box containing keys for every business.
- (B) All new construction subject to this section shall have the rapid entry lock box installed and operational prior to the issuance of a certificate of occupancy.
- (C) All structures in existence on the effective date of this section shall have a rapid entry key lock box installed whenever a building permit is issued or two years from the effective date.
- (D) The Fire Division shall be authorized to implement rules and regulations for the rapid entry key lock box system.

- (E) The owner or operator of a structure required to have a rapid entry key box shall, at all times, keep a key or keys in the box that will allow for complete and unobstructed access to the structure and all out buildings associated with the structure. These keys are to be marked and identified in a manner approved by the Fire Marshal.
- (F) Any person who owns or operates a structure subject to this section shall be subject to the penalties set forth in § 1604.99 of this chapter.

**§ 1604.19 FIRE DEPARTMENT SPECIALITY FEES**

- (A) **The Fire Chief or their designee shall have the authority to recover the costs associated with Specialty Services, including but not limited to runs related to hazardous materials, public utilities, structural collapse, trench and confined space, fires caused by arson and lift assistance.**
- (B) **Such charges are intended to recover the costs associated with the use of manpower, equipment and supplies.**
- (C) **Cost recovery may be levied for any incident, such as those listed above, if the time from the initial dispatch to the time the Fire Department clears the scene exceeds thirty (30) minutes. If this time is exceeded, the charges shall commence from the time of dispatch to the time of the Fire Department clearing the scene.**
  - 1. Exceptions:**
    - a. Charges for Incidents specifically for Hazardous Materials shall be billed regardless of the amount of time spent on scene.**
- (D) **Fees related to Specialty Services are as follows:**

<b>Pumper or Rescue Truck</b>	<b>\$350.00/hr</b>
<b>Ladder Truck</b>	<b>\$425.00/hr</b>
<b>Chief Officer Vehicle</b>	<b>\$100.00/hr</b>
<b>All other vehicles/Boat</b>	<b>\$100.00/hr</b>
<b>Personnel</b>	<b>actual hourly or overtime rate Per employee</b>
<b>Materials</b>	<b>Replacement cost</b>
<b>Equipment</b>	<b>Repair/replacement cost if damaged/destroyed</b>
<b>Ambulance</b>	<b>\$150/hr</b>
<b>Support Vehicles</b>	<b>\$50/hr</b>

**(E) All fees/ charges shall be invoiced to the building owner or responsible party and paid within 30 days to the Barberton Fire Department.**

**§ 1604.99 PENALTY.**

- (A) Whoever violates any of the provisions of the Ohio Fire Code or the National Fire Codes herein adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or builds in violation of any detailed statement of specifications or plans submitted and approved

thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or fails to comply with such an order as affirmed or modified by a court of competent jurisdiction, shall severally for each and every such violation and non-compliance respectively, be found guilty of a misdemeanor of the second degree. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

- (B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**SECTION 2.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, due to the passing of the City Charter Amendment, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed March 23, 2026

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2026

\_\_\_\_\_  
Mayor

