

FIRE DEPARTMENT CITATION

Ref. Sec. 3737.42, ORC

Citation No.

County

Name of Responsible Person: _____

Street: _____ City: _____ State: _____ Zip: _____

Known as the owner, lessee, agent, occupant or operator of the property described herein and being responsible for compliance with the OHIO FIRE CODE as it relates thereto, notice is hereby given to the person whose name is inscribed above, as follows:

On the _____ day of _____, 200____, _____

a Certified Fire Safety Inspector, Certification No. _____, did inspect the property

Street: _____ City: _____ State: _____ Zip: _____

Said property is also known or may be further described as: _____

It was found that there is reason to believe that the OHIO FIRE CODE (OFC) or an ORDER ISSUED BY THE STATE FIRE MARSHAL (FM Order) has been violated as described below and, therefore, pursuant to Section 3737.43 and 3737.51, Ohio Revised Code, it is PROPOSED that a civil penalty, if any, be assessed against you for each such violation, as indicated:

1. OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

2. OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

3. OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

WHEREFORE, by reason of the premises and pursuant to the authority vested in me by virtue of my office under Section 3737.42 of the Ohio Revised Code and Rule 1301:7-7-01 (I)(109) of the Ohio Administrative Code (Ohio Fire Code), you are hereby ORDERED to abate the violation(s) set forth above by taking the following corrective measures within _____ days:

Those sections of the Ohio Revised Code (ORC) pertaining particularly to the issuance and processing of this citation, together with penalties, are set forth below.

TAKE NOTICE that ORC Section 3737.42 (C) REQUIRES the RESPONSIBLE PERSON to POST THIS CITATION or a copy or copies thereof at or near each place of violation.

You are further notified that you are entitled to an appeal hearing before the Ohio Board of Building Appeals, 6606 Tussing Road, Reynoldsburg, Ohio 43068, but only if you request such hearing within thirty (30) days after receipt of this citation. Your written request shall include the reason for the appeal and the relief sought. A copy of this citation shall be attached to your request. At such hearing, you may appear in person or by your attorney and you may present evidence and examine witnesses for and against you. To request an appeal hearing, send a written request along with a check or money order for \$200.00 made payable to: Treasurer, State of Ohio to the address specified above.

Please be advised that if you do not request a hearing within thirty (30) days after receipt of this notice, the citing authority, may in its discretion, pursue action through the common pleas court in the county in which the property is located.

Witness my signature at _____, Ohio this _____ day of _____, 200_____

FIRE CHIEF

On the _____ day of _____, 200_____, this citation was served on the responsible person whose name is entered on the front side hereof in the following manner:

() By Certified U.S. Mail No. _____

Signature: _____

Certified Fire Safety Inspector Certification No. _____

Sec. 3737.42 (A) If, upon inspection or investigation, the fire marshal, an assistant fire marshal, or a certified fire safety inspector believes that the state fire code or an associated order has been violated, the fire marshal, assistant fire marshal, or certified fire safety inspector shall, with reasonable promptness, issue a citation to the responsible person. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the state fire code or associated order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. When the citation is issued by a certified fire safety inspector or an assistant fire marshal, a copy of the citation shall be furnished to the fire marshal.

(B) The fire marshal may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations that have no direct or immediate relationship to safety or health.

(C) Each citation issued under this section, or a copy or copies of the citation, shall be prominently posted by the responsible person, as prescribed in the state fire code, at or near each place a violation referred to in the citation occurs.

Effective: March 19, 2003

Section 3737.43 (A) If, after an inspection or investigation, the fire marshal, an assistant fire marshal, or a certified fire safety inspector issues a citation under section 3737.41 or 3737.42 of the Revised Code, the issuing authority shall, within a reasonable time after such inspection or investigation and in accordance with Chapter 119. of the Revised Code, notify the responsible person of the citation and penalty, if any, proposed to be assessed under section 3737.51 of the Revised Code, and of the responsible person's right to appeal the citation and penalty, under Chapter 119. of the Revised Code, to the state board of building appeals established under section 3781.19 of the Revised Code within thirty days after receipt of the notice.

(B) If the responsible person is aggrieved by an order of the board, the person may appeal to the court of common pleas where the property that is the subject of the citation is located, within thirty days after the board renders its decision.

(C) As used in this section, "issuing authority" means the office of the fire marshal, in the case of a citation issued by the fire marshal or an assistant fire marshal, or the applicable township or municipal corporation, in the case of a citation issued by a certified fire safety inspector.

Effective: March 19, 2003

Section 3737.45 If any responsible person fails to comply with an order of the fire marshal, an assistant fire marshal, or a certified fire safety inspector as finally affirmed or modified by the state board of building appeals under [section 3737.43](#) of the Revised Code, within the time fixed in the order, then the fire marshal, assistant fire marshal, or certified fire safety inspector may file a complaint in the court of common pleas of the county where the property is located for a court order authorizing the fire marshal, assistant fire marshal, or certified fire safety inspector to cause the building, structure, or premises to be repaired or demolished, materials to be removed, and all dangerous conditions to be remedied, if such was the mandate of the order as affirmed or modified by the state board of building appeals, at the expense of the responsible person. If the responsible person, within thirty days thereafter, fails, neglects, or refuses to pay the expense that would be incurred in enforcing the order of the court of common pleas under this section, the court shall order that the real estate upon which the building, structure, or premises is or was situated be sold pursuant to [Chapter 2329](#), of the Revised Code, except as otherwise provided in this section. The proceeds of the sale shall be credited to the fire marshal's fund. The fire marshal shall use the proceeds of the sale to cause the repair or demolition of any building, structure, or premises, the removal of materials, or the remedy of all dangerous conditions unless the purchaser of the real estate enters into an agreement with the court to perform the repair, demolition, removal, or remedy within a time period acceptable to the court. No bid of a prospective purchaser shall be acceptable which is insufficient to pay the expense that the fire marshal would incur. If the amount received from the sale exceeds the expense that the fire marshal would incur, the court shall direct the payment of the surplus first to those parties with encumbrances, mortgages, or liens on the real estate in order of their priority, and then to the responsible person or into the court for its use and benefit.

Effective: March 19, 2003

Section 3737.51 (A) No person shall knowingly violate any provision of the state fire code or any order made pursuant to it.

(B) Any person who has received a citation for a serious violation of the fire code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars for each such violation.

(C) Any person who has received a citation for a violation of the fire code or any order issued pursuant to it, and such violation is specifically determined

not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars for each such violation.

(D) Any person who fails to correct a violation for which a citation has been issued within the period permitted for its correction, may be assessed a civil penalty for not more than one thousand dollars for each day during which such failure or violation continues.

(E) Any person who violates any of the posting requirements, as prescribed by division of section 3737.42 of the Revised Code, shall be assessed a civil penalty of not more than one thousand dollars for each violation.

(F) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, the history of previous violations shall be given whenever a penalty is assessed under this chapter.

(G) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.

(H) Civil penalties imposed by this chapter shall be paid to the fire marshal for deposit into the general revenue fund. Such penalties may be recovered in a civil action in the name of the state brought in the court of common pleas of the county where the violations is alleged to have occurred.

Effective: July 1, 1979

Section 3737.99 (B) Except as a violation of section 3737.821 of the Revised Code involves subject matter covered by the state fire code and except as such a violation is covered by division (G) of this section, whoever violates division (A) of section 3737.51 of the Revised Code is guilty of a misdemeanor of the first degree.

Effective: July 11, 1989

INSTRUCTIONS FOR FIRE OFFICIALS

1. Type or print all entries except signatures.
2. Reference the provisions of the Ohio Fire Code deemed violated by entering its number in the space provided for alleging each violation.
3. Use a continuation sheet if more than three (3) violations should be alleged or more space is otherwise required.
4. Enter the citation number at the top of each continuation sheet.
5. Provide a copy of the citation to the State Fire Marshal by mailing to the Code Enforcement Bureau, 6606 Tussing Road, Reynoldsburg, Ohio 43068.

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

Ref. Section 3737.42, ORC

Citation No. _____

_____ OFC Section or FM Order No. violated: _____
Description of violation: _____
_____ Civil Penalty: \$ _____

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Description of violation: _____
_____ Civil Penalty: \$ _____

Corrective Action: _____

