

ORDINANCE NO. 03-99 AC CMS

AN ORDINANCE AMENDING SECTION 1501.06 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, IN ORDER TO SPECIFY DUTIES AND POWERS RELATIVE TO FIRE INVESTIGATIONS AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Section 737.27 states in part that the legislative authority of a municipal corporation may invest any officer of the Fire or Police Department with the power, and impose upon him/her the duty, to be present at all fires, investigate the cause thereof, and perform all other acts necessary for the effective and complete discharge of such duties; and

WHEREAS, the establishment and appointment of Fire Investigators within the City of Oberlin would enhance the provision of public safety.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That Section 1501.06 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended to read and provide as attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to establish and appoint the duties of Fire Investigation within the City of Oberlin as soon as possible in order to ensure the public safety of Oberlin residents", and shall take effect immediately upon passage.

PASSED: 1st Reading – November 17, 2003
2nd Reading – December 1, 2003 (E)
3rd Reading –

ATTEST:

Eugene J. Lima William J. Jurek
CLERK OF COUNCIL CHAIR OF COUNCIL

POSTED: December 2, 2003

EFFECTIVE DATE: December 2, 2003

Oberlin Fire Department

*430 South Main Street, Oberlin Ohio 44074
(440) 774-3211 Fax (440) 774-8501*

Memorandum

To: Robert DiSpirito, City Manager
From: Dennis Kirin, Fire Chief 
Date: October 23, 2003
Subject: Codified Ordinance Amendment

During the course of the Fire Department's work involving the South Park Street fire, it was brought to my attention that we do not have any direct assignment of fire investigation responsibilities within the City's Codified Ordinances. Specifically, section 737.27 of the Ohio Revised Code permits the City Council to assign this responsibility to any fire and/or police officer. Presently, we have no assignments.

Further, the State Fire Marshal's office, through the Ohio Fire Academy, provides recommendations on the areas of training necessary for individuals who are involved in fire investigation. This training includes:

- State of Ohio Firefighter certification
- OFA Fire Investigation - Basic
- OFA Fire Investigation - Advanced
- OFA Fire Investigation - Law Enforcement

Registration of fire personnel for some of these courses is predicated on the assignment of responsibility under ORC 737.27 (see attached). To facilitate future fire operations and to assure the availability of effective fire investigation, I would request that you review the following changes to amend the Oberlin Codified Ordinances, Fire Prevention Code, Section 1501.06.

Please contact me if you have any questions or concerns.

ORDINANCE NO. 03 - ____ AC CMS

AN ORDINANCE AMENDING SECTIONS 1501.06 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN, OHIO, IN ORDER TO INCORPORATE THE DUTIES AND POWERS PURSUANT TO FIRE INVESTIGATIONS AND DECLARING AN EMERGENCY

WHEREAS, Ohio Revised Code Section 737.27 states in part that the legislative authority of a municipal corporation may invest any officer of the of the Fire or Police Department with the power, and impose upon him/her the duty, to be present at all fires, investigate the cause thereof, and perform all other acts necessary for the effective and complete discharge of such duties; and

WHEREAS, the establishment and appointment of Fire Investigators within the City of Oberlin would enhance the provision of public safety; now therefore,

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Sections 1501.06 of the Codified Ordinances of the City of Oberlin, Ohio, is hereby amended, said Chapter to read and provide as attached hereto.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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 in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of public peace, health, and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to establish and appoint the duties of Fire Investigation within the City of Oberlin as soon as possible in order to ensure the public safety of Oberlin residents",

and shall take effect immediately upon passage.

PASSED: 1st Reading -
 2nd Reading-
 3rd Reading-

ATTACHMENT A

1501.06 DUTIES.

(a) It is the duty of the Bureau of Fire Prevention to enforce the Fire Prevention Code adopted in Section 1501.01 of this Chapter and all laws and ordinances of the State of Ohio and the City of Oberlin relating to fire hazards, fire prevention, fire protection, and fire investigation.

(b) Individuals holding the title of Fire Investigator shall complete any and all training required by law pursuant to Ohio Revised Code Section 737.27, as may be amended. The individuals assigned the duties of Fire Investigator shall be chosen by the Fire Chief according to criteria recommended by the State of Ohio.

(c) Fire Investigators shall perform all of the duties and requirements as established by Ohio Revised Code Section 737.27, to wit: to be present at all fires; investigate the cause of all fires; examine witnesses or suspects; administer oaths; compel the presence of witnesses, books, papers, or other documents of relevant importance; and, to do and perform all other acts necessary to carry out the effective discharge of the Fire Investigator's duties.

(d) Fire Investigators shall have the power to make arrests as is relevant to any fire or explosion being investigated by the Fire Investigator; shall have the right to bear a firearm for the limited and sole purpose of the fire investigation; and enter any building, residence, dwelling or structure which, in the Fire Investigators' opinion, is in danger from fire or explosion. Fire Investigators shall notify all other authorities designated by law to pursue investigations into such matters and cooperate in the collection of evidence and the prosecution of any resulting criminal charges.

(e) The Bureau shall perform such other duties as are herein required, and as may assigned by the Fire Chief.

737.21 Department, company and rescue units; municipal fire regulations

The legislative authority of a municipal corporation may establish all necessary regulations to guard against the occurrence of fires, protect the property and lives of its citizens against damage and accidents resulting therefrom, and for such purpose may establish and maintain a fire department, provide for the establishment and organization of fire engine and hose companies and rescue units, establish the hours of labor of the members of its fire department who shall not be required to be in duty continuously more than six days in every seven, and provide such bylaws and regulations for the government of such companies and their members as is necessary and proper.

Effective: October 25, 1961

737.27 Fire investigations

The legislative authority of a municipal corporation may invest any officer of the fire or police department with the power, and impose on him the duty, to be present at all fires, investigate the cause thereof, examine witnesses, compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties.

Such officer may administer oaths, make arrests, and enter, for the purpose of examination, any building which, in his opinion, is in danger from fire. The officer shall report his proceedings to the legislative authority at such times as are required.

Effective: October 1, 1953

737.28 Removal or erection of structures

The legislative authority of a municipal corporation may regulate the erection of houses and business structures and prohibit the erection of buildings within such limits as it deems proper, unless the outer walls are constructed of noncombustible material, and, on the petition of the owners of not less than two thirds of the ground included in any square or half-square, may prohibit the erection thereon of any building, or addition to any building more than ten feet high, unless the outer walls are made of iron, stone, brick and mortar or of some of them, and may provide for the removal of any building or additions erected in violation of such prohibition.

Effective: October 1, 1953

737.34 Fire safety inspection, special

On application of the owner or person having control of an opera house, hall, theater, church, schoolhouse, college, academy, seminary, infirmary, sanitarium, children's home, hospital, medical institute, asylum, or other buildings used for the assemblages or betterment of people in a municipal corporation the chief of the division of workshops and factories shall carefully examine such buildings to ascertain the means provided for the speedy and safe egress of persons at any time there assembled, and for extinguishing fires at or in such place.

Effective: October 1, 1953

737.35 Notice of unsafe conditions required

If the chief of the division of workshops and factories finds that a structure mentioned in section 737.34 of the Revised Code is not properly arranged for the safe and speedy egress of persons therein assembled, or not properly provided with means for the extinguishment of fire at or in such structures, as required by law, or that it is such as to endanger the lives of the persons there assembled, from fire or other cause, he shall, in writing, notify the owner, officer, or agent in charge thereof, and the mayor of the municipal corporation if such structure is located in a municipal corporation, if not, the prosecuting attorney of the county wherein it is located, specifying the alterations, additions, and appliances necessary to be made and furnished.

Effective: October 1, 1953

737.36 Inspection frequency

The chief of the division of workshops and factories shall make inspections of buildings named in section 737.34 of the Revised Code, as often as such chief deems necessary, or upon the written demand of the agent or owner of such structures, or upon the written request of five or more citizens of the municipal corporation, county, or township in which such structure is located. The inspectors shall have access to such buildings at any time it is deemed necessary to inspect them.

Effective: October 1, 1953

737.37 Rules for public safety, municipal corporation

The legislative authority of a municipal corporation may make such regulations pertaining to public buildings as it considers necessary for the public safety.

Effective: October 1, 1953

Fire Investigation - Advanced

RCFA
ELIGIBLE



This 36-hour course, developed by the Ohio Fire Academy and the State Fire Marshal's Investigation's Bureau, is the second course in the arson investigation series. It conforms to NFPA 1033 and is designed to provide the additional investigative techniques required after the fire cause determination. This class delves into background investigations, interviewing plans, motive and/or opportunity, court room testimony and public information presentations.

Course Content: Interviews; interrogation; post-incident investigations; and presentations.

Prerequisite: Ohio Fire Academy's Basic Fire Investigation Course. Enrollment limited to personnel appointed as law enforcement or fire department investigators. For acceptance into this class, a letter affirming your status as an investigator is required from your department chief or supervisor on department or company letterhead.

Enrollment Fee: \$105

Class Size: 12-24

Course Number: 5050

Fire Investigation - Basic



RCFA
ELIGIBLE

This entry-level 36-hour course was developed by the Ohio Fire Academy and the State Fire Marshal's Investigations Bureau. The class conforms to NFPA 1033 and is designed to teach basic origin-and-cause investigation skills. Both accidental and arson fires are covered, along with motivations of the fire setter and basic legal considerations.

Course Content: Scene examination; evidence collection and preservation, and report preparation.

Special Note: Enrollment limited to personnel appointed as law enforcement or fire department investigators. For acceptance into this class, a letter affirming your status as an investigator is required from your department chief or supervisor on department or company letterhead.

Enrollment Fee: \$105

Class Size: 12-24

Course Number: 5049

PLUS
DIRECT
DELIVERY



Ohio Department of Commerce

Division of State Fire Marshal
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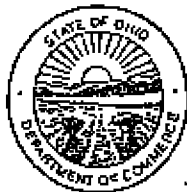
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Governor

Gary C. Suhadolnik
Director

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Requirement's for Admission to the 2004 State Fire Marshals Fire Investigative Law Enforcement Course

1. A full-time municipal firefighter who has fire investigative responsibilities that are empowered by the municipal corporation as outlined in ORC 737.27.
2. Applicants Fire Chief must submit a copy of the municipal corporations local Ordinance showing empowerment as required in number 1, and a letter stating that the applicant is assigned those duties
3. Minimum of five (5) years of full-time experience. Applicant must submit a copy of their Ohio Department of Public Safety Firefighter Certification card at time of application.
4. Applicant must have completed a Basic and Advanced Fire Investigation course or equivalent. Copies of Certificates must accompany application.
5. Applicant must complete the Ohio Fire Academy Student Course Registration, and Application to State Fire Marshals Fire Investigative Law Enforcement Course, application must be notarized.



Ohio Department of Commerce

Division of State Fire Marshal

Ohio Fire Academy

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State Fire Marshals Fire Investigative Law Enforcement Course

The State Fire Marshals Investigations Bureau and the Ohio Fire Academy in conjunction with the Ohio Peace Officer Training Commission (OPOTC) developed this 160-hour course using the OPOTC Basic Peace Officer Training Curriculum. This course was designed for those municipal firefighters assigned to fire investigative duties as outlined in ORC 737.27. All course instructors are Ohio Peace Officer Training Commission certified.

Course curriculum will consist of:

- Introduction to Basic Training
- The Criminal Justice & Structure of the American Courts
- Introduction to Report Writing
- Communications Radio Procedures & LEADS
- Laws of Arrest
- Search & Seizure
- Civil Liability & Use of Force
- Defensive Tactics and Cuffing Techniques
- Legal Aspects of Interview & Interrogation
- Testifying in Court & Rules of Evidence
- Evidence Collection Techniques
- Crime Scene Search
- Crime Scene Sketching & Detailed Drawings
- Police Photography
- Tracing Stolen Property
- Confidential Informants
- Observation, Perception, & Description
- Line-ups
- Surveillance
- Search Warrants
- Interview & Interrogation Techniques
- Investigative Report Writing
- Firearms Safety Procedures
- Handgun & related Equipment
- Basic Fundamentals of Pistol Craft
- Range