

Increasing Certificate of Occupancy Compliance within the City of Fairborn

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**Certification Statement**

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

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### Abstract

Fire departments are being encouraged to engage in community risk reduction efforts, one of which is code enforcement. The goal is to prevent tragedies such as the Ghost Ship and Station Nightclub fires. The problem is businesses are operating within the City of Fairborn without a required certificate of occupancy. The purpose of this research is to develop strategies to increase certificate of occupancy compliance within the City of Fairborn. Action research methodology was applied using a mixed methods approach. Four research questions were addressed: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, (c) what methods are other communities using to ensure certificate of occupancy compliance, and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? Data was collected through questionnaires, archival research, surveys, and interviews. The research revealed that public safety officials are failing to ensure certificate of occupancy compliance, despite seeing value in the program. A common barrier cited, which prevents business owners from obtaining a certificate of occupancy, was a general lack of awareness of the requirement and familiarization with the process. Of Fairborn Fire Department (FFD) employees who responded to a survey, 80% rated certificate of occupancy compliance within the FFD response district as fair, poor, or very poor. The City of Fairborn's current certificate of occupancy program is most effective when business owners voluntarily participate in the process. New strategies are recommended to increase certificate of occupancy compliance within the City of Fairborn, by identifying business owners who fail to enroll in the process voluntarily. These recommended strategies include updating local ordinances, publishing educational materials about the process, and improving the efficiencies of current operations.

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### Increasing Certificate of Occupancy Compliance within the City of Fairborn

Fire departments are being encouraged to engage in community risk reduction efforts by organizations such as Vision 20/20 and the National Fire Protection Association (NFPA). Community risk reduction has been defined by the NFPA as “programs, actions, and services used by a community, which prevent or mitigate the loss of life, property, and resources associated with life safety, fire, and other disasters within a community” (The NFPA Urban Fire and Life Safety Task Force, 2016). Vision 20/20 simply states that community risk reduction “is a process to identify and prioritize local risks” (Vision 20/20, n.d.). There are five E’s of community risk reduction, which provide strategic focus: education, enforcement, economic incentive, engineering, and emergency response (The NFPA Urban Fire and Life Safety Task Force, 2016). Traditionally, the fire service has primarily focused its resources on the emergency response element (The NFPA Urban Fire and Life Safety Task Force, 2016). Historically, as fire department budgets are trimmed back, fire prevention efforts are the first to go (Crawford, 2014). This research is focused primarily on the code enforcement element of community risk reduction. Code enforcement is the process of making sure that people within the community are complying with the established codes, ordinances, and laws (Coffman, 2013). The three primary purposes of building codes are structural safety, environmental safety and fire safety (Lewis, 2017). Some code enforcement officials claim that the codes are written in blood, as many code updates result from tragic incidents.

The enforcement of building and fire codes are generally provided by local government entities, either directly through building and fire departments or indirectly through contracted services. A challenge exists because the citizens of the community generally determine the funding levels provided to support the departments that provide the code enforcement activities.

As Abraham Lincoln (1863) declared in his Gettysburg Address, “government of the people, by the people, for the people.” This allows the opportunity for political influence to enter the code enforcement discipline. There appear to be two distinctly different community perspectives about code enforcement, which are those present before and after a tragedy. Before a tragedy, if code enforcement officials are too aggressive at enforcing the codes adopted by the community, they may face political attacks against their organization or even personally (Coffman, 2013). Lack of community support could threaten the future funding of their organization or even their positions within the organization (Coffman, 2013). Therefore, code enforcement officials, such as chief building officials and fire marshals, must remain cognizant of the political consequences associated with their actions. As a result, these officials must continuously operate in the gray area of interpretation and enforcement, of what may appear to be black and white within the print of the codes. However, after a tragedy occurs, the community is quick to place the blame on the code enforcement officials for any lack of enforcement per the letter of the code.

The City of Fairborn has not been immune to the challenges associated with code enforcement. As an example, Section 111.1 of the 2017 Ohio Building Code (OBC) states that “No building or structure, in whole or in part, shall be used or occupied until the building official has issued an approval in the form of a certificate of occupancy or certificate of completion in compliance with this section” (Chapter 4101:1 Ohio building code, 2017). The problem is businesses are operating within the City of Fairborn without a required certificate of occupancy. The purpose of this research is to develop strategies to increase certificate of occupancy compliance within the City of Fairborn. Action research methodology was applied using a mixed methods approach.

Four research questions were addressed: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, (c) what methods are other communities using to ensure certificate of occupancy compliance, and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn?

### **Background and Significance**

The Fairborn Fire Department (FFD) is publicly operated by the City of Fairborn, which is located approximately 12 miles northeast of Dayton, Ohio and directly adjacent to Wright-Patterson Air Force Base. The City of Fairborn is also home to Wright State University and the National Center for Medical Readiness. The FFD provides fire, rescue, and emergency medical service (EMS) protection to the citizens and visitors of the City of Fairborn and Bath Township. The FFD protects a total population of 41,152 (United States Census Bureau, 2010). The City of Fairborn accounts for a population of 33,329, while Bath Township accounts for 7,823. The FFD response district covers an area of 33.11 square miles. The City of Fairborn accounts for 14.73 square miles, while Bath Township accounts for 18.38 square miles, according to the City of Fairborn GIS Department (J. Nunn, personal communication, October 11, 2017). The City of Fairborn is a suburban community, while Bath Township is generally more rural. FFD coverage of Bath Township is provided through a contractual agreement with the City of Fairborn. The scope of this research, on increasing certificate of occupancy compliance, is limited to businesses located within the City of Fairborn and excludes those in Bath Township. Within the City of Fairborn, certificates of occupancy are issued by the City of Fairborn Building Code and Inspection Division. In Bath Township, certificates of occupancy are issued by the Greene County Department of Building Regulation.

The FFD currently operates out of four fire stations, which are strategically placed throughout the city. There are also fire administration offices located within the city government building. The FFD is currently staffed with 53 sworn personnel, including the Fire Chief, a Division Chief of Operations, three Battalion Chiefs, 12 Lieutenants, and 36 Firefighters. All sworn personnel are full-time employees, who are cross-trained and certified as Ohio Level II Firefighters and Paramedics, at a minimum. In addition, there are two civilian employees: one part-time Administrative Assistant and a full-time Information Technology Specialist dedicated to public safety services, which splits duties between the police and fire departments. Each fire station is equipped with one front-line advanced life support (ALS) transport unit and one front-line fire apparatus, which is also ALS equipped. The fire apparatus at Station 1 and 3 are engines, while Station 2 has a 110-foot quint and Station 4 has a 78-foot quint. Also, Station 2 is equipped with an all-terrain vehicle (ATV) for off-road responses, and Station 3 is equipped with a 2,000-gallon tanker for rural water supply. In 2017, the FFD responded to a total of 7,327 calls for service (City of Fairborn, 2018).

The FFD was reorganized in December 2013 following the closely timed retirements of three chief officers. Before the reorganization, the FFD had six chief officer positions; Fire Chief, Division Chief of Operations, Division Chief of Administration, Division Chief of Life Safety, Battalion Chief of Training, and Battalion Chief of EMS. Each of the chief officers worked a 40-hour workweek. In addition, all the chief officers, excluding the Fire Chief, would also work duty chief coverage, which was a 24-hour response shift every fifth day, to provide emergency response coverage around the clock. Following the reorganization in December 2013, the FFD eliminated the Division Chief of Administration position. Three other chief positions were reorganized as shift battalion chief positions. The primary role of each battalion chief is to

manage one of the three platoons, consisting of four Lieutenants and 12 Firefighters. The battalion chiefs are assigned to a 24-hour on duty and 48-hour off duty schedule, along with their assigned platoon. This schedule assignment eliminates the need for duty chief coverage. In addition, each battalion chief is assigned a functional responsibility including life safety, training, and EMS. For succession planning, the Fire Chief designated that each battalion chief will rotate through the functional responsibilities every two years. Only the Fire Chief and Division Chief of Operations remain on a 40-hour workweek, following the reorganization.

One of the retirements leading up to the 2013 reorganization was that of Carl Day, Division Chief of Life Safety. Chief Day also held the title of Fire Marshal. Within the FFD, the Life Safety Chief is responsible for fire prevention activities such as code enforcement, public education, pre-incident planning, plans review, and fire investigations. Chief Day held this position continuously for approximately 21 years (M. Brown, personal communication, April 6, 2018). In just over four years since his retirement in 2013, three other battalion chiefs have rotated through this position. Because of the reorganization, the Battalion Chief of Life Safety is now only available every third day, as opposed to Monday through Friday during normal business hours.

The FFD utilizes a company-level inspection program to conduct life safety inspections of local businesses within the City of Fairborn and Bath Township, to assist the Battalion Chief of Life Safety with code enforcement. Prior to 2015, every business within the response district was scheduled to be inspected on an annual basis. The number of businesses within the response district has held relatively steady, at approximately 1,000 businesses, for the past decade or more. In 2015, the FFD migrated to a biannual inspection program, in which every business was to be inspected approximately every two years. The change was due to increases in call volume,

training requirements, and the declining completion rate of the annual inspection assignments. All chief officers and lieutenants, excluding the Fire Chief and one lieutenant who was recently promoted, are currently certified by the Ohio Department of Public Safety as Fire Safety Inspectors. The recently promoted lieutenant is scheduled to complete the Fire Safety Inspector course later this year. Only 13 of the 36 firefighters are certified as Fire Safety Inspectors. However, the FFD does not require firefighters to be certified as a Fire Safety Inspector to conduct a company-level life safety inspection. The administrative staff determined that the training associated with the Ohio Department of Public Safety Firefighter Level II certification was sufficient to identify life safety hazards through business inspections. This has been a topic of debate for several years between labor and management.

Since 2015, the fire department has taken action against two bars and live music venues, which each was found to be operating without a current certificate of occupancy. The first incident occurred on June 21, 2015, involving One Eyed Jacks, a bar and live music venue located at 2638 Colonel Glenn Highway. The fire department was contacted by the police department, as they were concerned that the bar was exceeding their approved occupancy limit. A rapper was scheduled to perform at the bar who was known, from internet sources, to attract a hostile and violent crowd. A shooting had occurred in the parking lot of this bar less than two years earlier (WHIO TV 7 News, 2013). The on-duty battalion chief entered the business with the police sergeant. They contacted both the business owner and manager. The owner and manager were notified of the concern of overcrowding, and a copy of their certificate of occupancy was requested. They produced a certificate of occupancy; however, it was not current. The business was located in a shopping center, and they had recently expanded into another tenant space. The certificate of occupancy that was produced was only for the original tenant

space, which accounted for approximately one-half of the business's total square footage. The certificate of occupancy that was produced indicated an occupancy limit of 93 people. The owner claimed that they had approval from the Building Code and Inspection Division to increase their occupancy limit to 250 people, following their expansion. The business owner went on to explain that this was a presale ticketed event. Therefore, only people who had purchased tickets ahead of time would be allowed into the bar. He indicated that they had sold a total of 215 tickets. It was determined by the on-duty battalion chief that a temporary occupancy limit of 215 people would be permissible based on the size and layout of the business. An agreement was made to allow only those presale ticket holders to enter the business. The owner was advised that this was a temporary allowance and that he would need to obtain an updated certificate of occupancy from the Building Code and Inspection Division the next business day. While conducting a quick safety inspection of the business, the rear exit door of the newly expanded section was found to be blocked by a combination of tables, chairs, and beer kegs. The manager was directed to correct the violations, in which she complied immediately. The police sergeant had moved to the area of the front door to monitor the entry process. During that time, he witnessed the employee at the door accept cash from several people entering the business. The sergeant then became upset with the owner and manager for breaching the agreement, to only allow entry from presale ticket holders. As the safety inspection was continued, a stage was discovered that was blocking the front exit of the newly expanded section. A permanent stage was built directly in front of the marked exit. The owner claimed that the FFD previously approved this. At that time the battalion chief and sergeant ordered the business to close the entry of any additional people into the business, regardless if they had a presale ticket or not. A joint decision was made not to evacuate the building to avoid inciting a hostile crowd. It appeared that the police and fire department

presence had deterred the hired performer from arriving. The incident was documented by the on-duty battalion chief in a detailed memo (Appendix A), which was forwarded to the current Battalion Chief of Life Safety.

The second incident occurred on August 18, 2017, involving Top Dog Saloon, also a bar and live music venue, located at 304 and 308 West Main Street. A crew was conducting a company-level life safety inspection at the business and requested the on-duty battalion chief because of the severity of violations discovered. The battalion chief arrived on scene, and the crew explained that they were concerned about numerous public safety violations inside the bar. In addition, the bartender had shared with them that they were hosting a big concert over the weekend, which was expected to pack the house. The crew had requested to see their certificate of occupancy. The bartender was unable to produce it. The crew also found that one of the two front exit doors was locked, while the business was open. The bartender explained that the door was broken, so they preferred to keep it locked. The crew also noticed that there were no fire extinguishers located inside the business. There was also a door that connected the main bar, which was addressed at 308 West Main Street, to another adjoining space, which was addressed at 304 West Main Street. The bartender explained to the crew that the other side of the door was the smoking lounge or green room for bands. The crew obtained consent to enter the space and found an extension of the bar essentially. The space was dim with bar lights, a pool table, and dart boards. The crews noticed that this space didn't have any exit signs. They also discovered that the electrical panel cover was missing, which left the breakers and electrical wiring completely exposed. Also, the closet which housed the electrical panel was also filled with combustible materials, such as broken-down cardboard boxes, trash, and other random items. There were also a couple of open electrical junction boxes in the space. The crews felt uneasy

about leaving the business knowing the seriousness of the violations, especially with the concert scheduled over the weekend.

The discovery occurred on a Friday afternoon. It was after business hours when the battalion chief attempted to contact a representative from the Building Code and Inspection Division. Phone contact was made with a building inspector; however, they were not available to come out to the business until the following week. The battalion chief then called the Division Chief of Operations to notify him that the business may be forced closed for dangerous conditions. The Division Chief of Operations called the Fire Chief to advise him of the situation. The Fire Chief was in the area, so he drove to the bar. The Fire Chief instructed the battalion chief to do what needed to be done. The on-duty battalion chief had the bartender call the business owner. The battalion chief requested that the business owner come to the bar to review the fire code violations and public safety concerns. When the business owner arrived, the violations and concerns were pointed out to him. He explained that he was not required to have a certificate of occupancy for the bar addressed as 308 West Main Street because it was grandfathered, exempting it from the requirement. He also explained that the space addressed at 304 West Main Street was a residential space, which the Building Code and Inspection Division had previously approved. However, he did admit to allowing the bar patrons to go into that space to smoke, which circumvented the state's smoking ban laws. He also explained that they would use the space as a green room for the bands when they hosted live music. The battalion chief explained that the serious violations needed to be immediately addressed before someone got hurt or killed. The battalion chief left to draft an official citation (Appendix B), which included the immediate hazards that needed to be addressed to allow continued occupancy of the building through the weekend, until a more thorough inspection could be conducted along with the

Building Code and Inspection Division. The battalion chief returned to the business with the official citation (Appendix B). The business owner agreed to the terms of the citation and signed the document. The business was reinspected later that same evening. The business owner had made an earnest effort to comply with the terms of the citation. It was understandable that the business owner was not able to obtain a certificate of occupancy during the weekend; therefore, that immediate requirement was extended. However, he continued to claim that he was not required to have a certificate of occupancy because he was grandfathered, thus exempt from the requirement. The owner called an electrician out to the business that night to assist with getting the bar into compliance. The owner and electrician explained that they could not installed an illuminated exit sign on such short notice. The owner was permitted to hang a temporary nonilluminated exit sign over the exit door in the space addressed 304 West Main Street, contingent upon the only occupants permitted in the space were members of the bands, and the exit doors were to remain in the open position while occupied. The business owner was granted permission to continue operating throughout the weekend. The battalion chief returned on Monday and met with the business owner again. A plan was established to wait until the City hired a new Chief Building Official to address the certificate of occupancy issue because the position was currently vacant. A detailed fire inspection was scheduled for Thursday, August 24, 2017. The business owner assured the battalion chief that safety was a priority for him and that he was willing to cooperate. The detailed fire inspection was conducted as scheduled, which resulted in a total of 35 additional violations being cited. The business has yet to obtain a certificate of occupancy, which is required. The business is also due for a follow-up inspection to see if the remaining violations have been corrected.

The City of Fairborn is currently primed for new strategies to increase certificate of occupancy compliance. The City hired a new City Manager, Rob Anderson, on March 6, 2017 (Dayton Daily News, 2017). Mr. Anderson was the City's previous Economic Development Director. During his short tenure as the City Manager, he has sparked a lot of new business interest within the community. In addition, the City also hired a new Chief Building Official, Jeffrey Tyler, in September 2017. Mr. Tyler recently retired as the Chief Building Official in Dublin, Ohio and has a vast amount of experience and knowledge. The addition of these two executives, along with the recent reorganization within the fire department, creates a valuable opportunity for new perspectives and operational improvements.

A catalyst for this research was the Ghost Ship Fire that occurred in Oakland, California on December 2, 2016, which killed 36 people in a building that did not have a current certificate of occupancy. Furthermore, this research was founded on initiatives through both the National Fire Academy's Executive Fire Officer (EFO) Program and the United States Fire Administration (USFA). This research was prepared in the form of an applied research project (ARP), as a requirement following the completion of the second-year Executive Analysis of Community Risk Reduction (EACRR) course, within the four-year EFO Program. The research problem is most definitively linked to Unit Three and Unit Five of the EACRR curriculum. The title of Unit Three is Planning, Implementation, and Results. An objective of Unit Three was to develop an action plan to address a specific risk in their community (National Fire Academy, 2017). The title of Unit Five is Organizational and Community Politics. An objective of Unit Five was to develop and implement a strategy for changing local policy regarding a pertinent community risk-reduction issue (National Fire Academy, 2017). In addition, the research problem is linked to Goal One of the USFA's Strategic Plan for Fiscal Years 2014–2018, which

includes a total of five distinct goals. The focus of Goal One is to “reduce fire and life safety risk through preparedness, prevention, and mitigation” (U.S. Fire Administration, 2014, p. 10). More specifically, this research links to two of the four key initiatives of Goal One, which are:

“encourage state, local and tribal resilience through the adoption of preparedness, prevention and mitigation strategies including code development and compliance” and “work with stakeholders to identify, promote, and offer programs and training to encourage “whole community” preparedness, prevention and mitigation planning” (U.S. Fire Administration, 2014, p. 10).

### **Literature Review**

No previously published academic research could be located on the topic of certificate of occupancy compliance. The keywords or phrases used in searching for applicable materials included certificate of occupancy, change of occupancy, certificate of use, certificate of use and occupancy, certificate of occupancy compliance, fire department certificate of occupancy, certificate of occupancy tragedy, building permits, improving permit process, and effective permit process. The literature review identified the applicable codes that govern certificates of occupancy within the State of Ohio, revealed relative case study materials, and discovered actions taken by other communities to improve certificate of occupancy compliance.

### **Building and Fire Codes**

Two separate but related codes govern the certificate of occupancy process within the City of Fairborn: the Ohio Building Code (OBC) and Ohio Fire Code (OFC). The 2017 Ohio Building Code (OBC) is the current edition, with an effective date of November 1, 2017 (Chapter 4101:1 Ohio building code, 2017). The OBC (2017) regulates that all buildings must be issued a certificate of occupancy before they may be used or occupied. Section 111.1 of the OBC (2017) specifically states, “No building or structure, in whole or in part, shall be used or

occupied until the building official has issued an approval in the form of a certificate of occupancy or certificate of completion in compliance with this section.” The OBC (2017) goes on to regulate that the building may only be used in compliance with the conditions of the issued certificate of occupancy. Section 111.1.1 of the OBC (2017) specifically states, “The certificate of occupancy shall indicate the conditions under which the building shall be used. The building owner shall only use the structure in compliance with the certificate of occupancy and any stated conditions.” Section 111.1.1 of the OBC (2017) goes on to define that “A copy of the certificate of occupancy shall be forwarded to the local fire official.” The OBC (2017) is based upon the 2015 International Building Code (IBC). A supplemental 2015 IBC Commentary was published to support the 2015 IBC (International Code Council, Inc., 2015). The commentary provides clarification to the intent and further explanation of many of the code sections of the 2015 IBC. There is no commentary document specifically published to supplement the OBC (2017). Therefore, the IBC Commentary (2015) is utilized to provide clarification to the intent and further explanation of many of the code sections within the OBC (2017). Like Section 111.1 of the OBC (2017), Section 111.1 of the IBC (2015) states the following:

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portions thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein.

The IBC Commentary (2015) goes on to clarify Section 111.1 with the following:

This section establishes that a new building or structure cannot be occupied until a certificate of occupancy is issued by the building official, which reflects the conclusion of the work allowed by the building permit. Also, no change in occupancy or the use of an

existing building is permitted without first obtaining a certificate of occupancy for the new use.

Most of the building code is focused on new construction. However, the International Code Council publishes a separate codebook titled the International Existing Building Code. The OBC (2017) incorporates these existing building codes into Chapter 34. Chapter 1 of the OBC (2017) includes a section that regulates the application of certificates of occupancy for existing buildings. The OBC (2017) allows buildings to continue operating so long as there are no pending building orders, evidence of fraud, or serious hazards. When a certificate of occupancy is issued for an existing building, under these conditions, it shall be titled Certificate of Occupancy for an Existing Building (Chapter 4101:1 Ohio building code, 2017). Section 102.7 of the OBC (2017) specifically states the following:

The occupancy of any structure currently existing on the date of adoption of this code shall be permitted to continue without change provided there are no orders of the building official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a “Certificate of Occupancy for an Existing Building” in accordance with Section 111.2. Buildings constructed in accordance with plans which have been approved prior to the effective date of this code are existing buildings.

Chapter 1 of the OBC (2017) goes on to regulate that when requested by the building owner, the building official shall issue a certificate of occupancy to an existing building so long as there are not violations pending and it passes inspection to ensure that it doesn't endanger the public. The building official cannot require alterations or prevent the continuance of a lawfully existing

building unless it endangers the public (Chapter 4101:1 Ohio building code, 2017). Section 111.4 of the OBC (2017) specifically states the following:

Upon written request from the owner of the existing building or structure, the building official shall issue a certificate of occupancy, provided there are not violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged occupancy of the building or structure has previously existed. This code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.

The OBC (2017) specifically outlines what information shall be included on a certificate of occupancy. Each jurisdiction may create and design their certificate of occupancy form; however, it must include the required information at a minimum. Section 111.2 of the OBC (2017) defines that the certificate of occupancy shall contain the following information:

1. The plan approval application number.
2. The address.
3. A description of that portion of the structure for which the certificate is issued.
4. The signature of all building officials having jurisdiction. When more than one building official has jurisdiction for a building (when the certification of the building department is limited for such systems as plumbing or piping systems) each shall sign the certificate with an indication of the scope of their individual approvals.
5. The edition of the code under which the plan approval was issued.
6. The use and occupancy, in accordance with the provisions of Chapter 3.
7. The type of construction as defined in Chapter 6.

8. The design occupant load.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. The hazard classification or storage configuration, including aisle widths, for which the automatic sprinkler system is designed.
11. The automatic sprinkler and standpipe system demand at the base of the riser.
12. Any special stipulation and conditions of the plan approval including any variances granted to the requirements of this code.

The OBC (2017) recognizes that the certificate of occupancy is issued to the building, rather than to a specific business. Therefore, as different businesses move into a building throughout time, they may operate from the existing certificate of occupancy, if their use is the same or less hazardous (Chapter 4101:1 Ohio building code, 2017). Section 3408.1 of the OBC (2017) specifically states the following:

A change of occupancy of an existing building or space shall be permitted without conforming to all the requirements of this code, provided the proposed use is not more hazardous than the existing use, based on an analysis of life and fire risk.

On December 15, 2017 the 2017 Ohio Fire Code (OFC) when into effective (Chapter 1301:7-7 Ohio fire code, 2017). The fire code is a maintenance code to ensure that buildings are maintained as designed and intended. The OFC (2017) regulates that each business shall maintain a copy of their current certificate of occupancy and make it available to a fire code official upon request. Section 102.3.2 of the OFC (2017) specifically states the following:

A responsible person shall maintain a copy of the current certificate of occupancy, for a structure regulated by the building code in accordance with 1301:7-7-80 of the Administrative Code and make it available to the fire code official upon request. This

paragraph only applies to a certificate of occupancy in existence as of the effective date of this rule issued by a building official and/or a certificate of occupancy issued by a building official after the effective date of this rule.

The OFC (2017) regulates that changes to any structure must comply with the current fire and building codes. The OFC (2017) also mirrors the OBC (2017) by regulating that a different business may operate from the existing building's certificate of occupancy, if their use group is the same or less hazardous; however, it is subject to the fire code official approval. Section 102.3.3 of the OFC (2017) specifically states the following:

Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the building code as listed in rule 1301:7-7-80 of the Administrative Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the building code as listed in rule 1301:7-7-80 of the Administrative Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

The OFC (2017) regulates that before a building official issues a certificate of occupancy for a building, they shall notify the fire code official so that they can conduct a final inspection.

Section 105.3.3.2 of the OFC (2017) specifically states the following:

Prior to the issuance by the building official of any certificate of occupancy for any building subject to paragraph (D)(2)(a)(104.2.1) of this rule, the responsible person shall

notify the fire code official to conduct a final inspection. The fire code official shall report any deficiencies of the fire protection systems to the building official.

### **Case Studies**

Two significant case studies of tragedies that occurred within the U.S. were identified, which likely would have been prevented with proper enforcement of the certificate of occupancy requirements. Details of these two events explain how the recipe for tragedy came together, as well as the legal and political fallout.

#### **Ghost Ship Fire**

The case which served as a catalyst for this research was the incident that has become known as the Ghost Ship Fire that occurred in Oakland, California on December 2, 2016, that killed 36 people (Oakland Fire Department, 2017). The fire occurred in a two-story, 9,880 square feet, concrete warehouse that was built in 1930 (Oakland Fire Department, 2017). The warehouse was serving as a live and work commune, which was described as an art collective (Rolling Stone, 2016). Artists, poets, and musicians lived inside of the building (Rolling Stone, 2016). According to the fire investigation report, one resident stated that 25 people lived in the building (Oakland Fire Department, 2017). The tenants built makeshift lofts throughout the first and second floors of the warehouse using random articles such as artwork, pianos, statues, wood pallets, old furniture, rugs, old doors, sculptures, and other random pieces of wood (Rolling Stone, 2016). Other items inside the building included recreational vehicles, propane tanks, space heaters, hot plates, candles, exposed electrical wires, and a labyrinth of extension cords (The Sacramento Bee, 2016). In addition, the electrical and heating systems were reported as being “cobbled together” (Legoudes Jr., 2018). The building was “stuffed floor-to-ceiling with highly combustible items” and plenty of potential ignition sources (Legoudes Jr., 2018).

In addition to a few residential spaces, the predominant feature of the second floor of the warehouse was an open area for hosting concerts and events (Oakland Fire Department, 2017; Pero, 2017). There were two staircases between the first and second floor (Oakland Fire Department, 2017). The front staircase was “constructed of various wooden planks and wooden studs, as well as portions of wooden pallets” according to the fire investigation report (Oakland Fire Department, 2017). The rear staircase was of more traditional wood construction; however, access to it from the second floor was “concealed by contents and furnishings” (Oakland Fire Department, 2017). There were only two exit doors in the building, and neither of the two staircases led directly to an exit (Reed, 2017; Thompson, 2018). Other fire safety concerns included the fact that the building was not equipped with either a fire sprinkler or fire alarm system (Thompson, 2018). Only a single battery-operated smoke detector was located within the debris after the fire (Oakland Fire Department, 2017).

The tenants of the Ghost Ship Warehouse would host large parties to raise money to help pay the rent (Rolling Stone, 2016). The night of the fire they were hosting an electronic music party on the second floor with over 70 people in attendance (Dolan, 2016; Reed, 2017). The city issued no special permit for the party, which was a requirement (Fuller, Turkewitz, Alcindor, Dougherty, & Kovaleski, 2016; Levin & Yuhas, 2016). A resident on the first floor reported that she woke up coughing from smoke (Oakland Fire Department, 2017). In response, she quickly exited and dialed 911 (Oakland Fire Department, 2017). Oakland Fire Department Station 13 was only one block away from the warehouse (Oakland Fire Department, 2017). Engine 13 arrived just three minutes after the first call to 911 was made (Legoudes Jr., 2018; Oakland Fire Department, 2017). For 36 people, it was already too late, as they were unable to escape or be rescued from the burning building (Legoudes Jr., 2018). In a short period, from the first

recognized signs of fire, several occupants attending the party on the second floor were unable to descend the front staircase, according to witness interviews (Oakland Fire Department, 2017). It took the Oakland Fire Department three alarms, approximately 52 firefighters, and over five hours to bring the fire under control (Fuller, Turkewitz, Alcindor, Dougherty, & Kovaleski, 2016; Oakland Fire Department, 2017). According to the Oakland Fire Department's fire investigation report (2017), the fire started in the northwest area of the first floor; however, the cause of the fire was undetermined. The district attorney's office reported that the cause of the fire remains undetermined because most of the evidence was destroyed by the fire (Reed, 2017).

The Ghost Ship Warehouse was illegally converted into a residential and performance use (Downing, 2017). The warehouse was not approved for residential or entertainment use (Insurance Journal, 2017). In addition, the warehouse was zoned for commercial use; therefore, it did not meet the residential zoning code (Pero, 2017; The Sacramento Bee, 2016). Records indicate that the building was registered, with Alameda County, by the owner in 1995 as a warehouse for "commercial rental" (Fuller, Turkewitz, Alcindor, Dougherty, & Kovaleski, 2016; NBC Bay Area News, 2016). Approximately two and a half years before the fire, the owner leased the building to master tenant Derrick Almena, as a space for artists to work and hangout (Oakland Fire Department, 2017). According to the son of the building owner, who manages the property, Almena was advised that "no one he sublets to is supposed to live there" (Oakland Fire Department, 2017). Clearly, the Ghost Ship warehouse did not obtain a proper certificate of occupancy. A spokeswoman for the City of Oakland reported that if the owner would have "applied for an operating or occupancy permit" the building would have been inspected (Tchekmedyan, Winton, & St. John, 2016).

According to one source, the fire department had not gone inside the warehouse for at least 12 years (Tchekmedyian, Winton, & St. John, 2016). Another source claims that records indicate that the building department had not inspected the warehouse since at least 1986 (Knickmeyer & Elias, 2016). The defense attorney for Max Harris, who was a tenant and also known as the “creative director” of the warehouse, claims that the City of Oakland failed to inspect the building since 1930 (Brinkley, 2017; Oakland Fire Department, 2017). After being questioned about the lack of inspections, Oakland Fire Chief Teresa Deloach Reed stated that “there were no indications this was an active business” (Tchekmedyian, Winton, & St. John, 2016). Before the fire, the Oakland Fire Department’s website stated that annual commercial business inspections were mandatory; however, the website was altered after the fire to say that “when inspections occur, they should take place approximately every two years” (Fuller, Turkewitz, Alcindor, Dougherty, & Kovaleski, 2016). The Fire Chief also clarified during a press conference that the “we do not inspect buildings, we inspect businesses” (NBC Bay Area News, 2016). However, records indicate that the city received at least 22 complaints about the warehouse and surrounding properties over the past 30 years (Pero, 2017). Another source reported that city records indicate “39 code enforcement inspections since 2004” and that “fire inspectors had also visited the building 16 times since 1999, most recently in 2016” (Willon, St. John, Queally, & Winton, 2017). The source clarifies, that according to the official reports, none of the city officials ever made entry into the building during those visits (Willon, St. John, Queally, & Winton, 2017). In fact, 15 days before the fire, a building code inspector visited the warehouse to follow up on an illegal housing complaint (Serna, Winton, Poston, & Rocha, 2016; Willon, St. John, Queally, & Winton, 2017). The building inspector was unable to obtain consent to make entry into the building (Serna, Winton, Poston, & Rocha, 2016). According to reports

from residents of the warehouse, if city officials showed up, they were advised to hide all evidence of people living in the building (The Sacramento Bee, 2016). According to California law, the building inspector must obtain consent to inspect the building by the owner or resident; however, another option was to obtain a warrant through a court order (Thompson, 2018). In addition, a 2015 transcript of a 911 call also indicates that a caller described the Ghost Ship as “a warehouse that is also an illegal shared housing” (Willon, St. John, Queally, & Winton, 2017). A lack of coordination and communication among city departments may have contributed to the lack of inspections at the warehouse (NBC Bay Area News, 2016). The Washington Post reported, in an article referencing the Ghost Ship Fire, that this was a tragic reminder that “architects, engineers, contractors, property owners, and government officials have a legal and ethical obligation to make sure that buildings are safe and compliant with applicable codes” (Lewis, 2017).

A contributing factor to people living in the warehouse is what one reporter called the “invisible culprit,” which was the inflated cost of housing in Oakland (The Sacramento Bee, 2016). The average cost of rent in the City of Oakland was \$2,424 in 2017 (Lefebvre, 2017). The cost of rent in Oakland has increased by 70% over the past five years, which is “faster than any other big city in the nation” (Fuller, Turkewitz, Alcindor, Dougherty, & Kovaleski, 2016). The Ghost Ship was considered a “safe haven for artists,” as rent in the city continued to increase (Rolling Stone, 2016). Mass evictions from several other unpermitted living, assembly, and workspaces began to occur immediately following the fire (Lefebvre, 2017). Oakland’s Mayor, Libby Schaaf, declared that the City “wanted to avoid displacing vulnerable community members while improving safety, a balance that can be tricky to achieve” (Thanawala, 2017). A municipal attorney stated that “there are legitimate issues here about why the city of Oakland

didn't use more resources to go into this property" (Serna, Winton, Poston, & Rocha, 2016). The Executive Director of Gray Area Foundation for the Arts told CNN "you don't want to report something you see because you know how hard it is for people to find spaces" (Reed, 2017).

The Master Tenant, Derick Almena, and Create Director, Max Harris, have each been charged with 36 counts of involuntary manslaughter (Reed, 2017). They each face up to 39 years in prison if convicted (Reed, 2017). Their trial date is currently set for July 16, 2018 (Ruggiero, 2018). No one else has been criminally charged for the deadly fire (Ruggiero, 2018). There are at least 24 defendants currently named in a consolidated negligence and wrongful death civil lawsuit (Christophi, 2017). Judges have refused to dismiss civil allegations against Pacific Gas and Electric, as well as the City of Oakland. Defense attorneys argued that Pacific Gas and Electric had no duty to inspect or repair the electrical system within the Ghost Ship warehouse (Christophi, 2017). The judge cited that Pacific Gas and Electric's failure to install a submeter on the warehouse may render them liable (Christophi, 2017). A judge also refused to grant summary judgment to the City of Oakland, leaving the city potentially liable for the tragic incident (Debolt, 2017). The city is claiming immunity under California Government Code Section 818.6, which essentially states that "a public entity cannot be held liable for injury caused by its failure to make an inspection" (Dolan, 2016). Mark Gergen, a UC Berkeley law professor, said that the judge "is not alleging they were negligent in inspection," rather "they knew about this," and they failed to act (Debolt, 2017). The city has a mandatory duty to act when they discover unsafe conditions in buildings (Thompson, 2018). The judge reported that "all allegations have to be considered until the facts of the case are argued" (Debolt, 2017). Attorney Christopher B. Dolan (2016) cautioned that "no matter how well meaning, parties that are protected from the risk of litigation act with less diligence and fail to proactively address dangers than parties without such

protection.” Members of the community have also directed blame towards city officials. One resident who lives just two streets from the Ghost Ship warehouse stated, “I know they’re understaffed; I know they’re underbudgeted, but you have to have priorities” (Serna, Winton, Poston, & Rocha, 2016). One source reported that if the city had done their jobs, through enforcing basic fire codes, lives would have been saved (Yeretsian, 2017). Another source claims that based upon the records, city officials should have been aware of the illegal concerts being held at the Ghost Ship warehouse (Willon, St. John, Queally, & Winton, 2017). City Councilman Noel Gallo told the press that “we need to enforce the rules” (Levin & Yuhas, 2016). The Oakland Fire Department is accused of having a culture with a preference for fire suppression, rather than fire prevention (Legoudes Jr., 2018). Under pressure, Fire Chief Teresa Deloach Reed retired within four months of the deadly Ghost Ship Fire (Legoudes Jr., 2018).

### **Station Nightclub Fire**

Another case that is relevant to this research was the Station Nightclub Fire that occurred in West Warwick, Rhode Island on February 20, 2003, that killed 100 people and left several others injured and permanently scarred (Barylick, 2012). In his book *Killer Show*, author John Barylick does an outstanding job collecting and detailing the facts of the Station Nightclub Fire. As a result, this book was used as the sole source of information presented in this case study. The Station was a bar and entertainment business located at 211 Cowesett Avenue. The Station building was described as an old roadhouse that had been modified over the years on the cheap, without receiving proper approval. “There were no architectural plans, no materials schedules, and no reliable record” of the building’s interior (Barylick, 2012, p. 184). The occupancy limit assigned to this building evolved greatly throughout time, with records dating back to 1969. In 1969, the building was home to the Red Fox Inn, which was a restaurant with an approved

occupancy limit of 50 people. The building was purchased in 1974 by Raymond Villanova, who operated an Italian restaurant, P. Brillo and Sons, in the building until 1982. In 1981, the Italian restaurant received a new occupancy limit of 161 people, despite the fact that there had been no changes in the building size or use. In 1991, a sports bar, Crackerjacks, operated in the building. At that time, the occupancy limit was increased to 225 people. In December 1999, while the building was being operated as The Station, a new dual occupancy limit was assigned to the building. The occupancy limit was increased to 258 people with all the tables and chairs as presented during the inspection; however, if the tables and chairs were removed from three lounge areas, the occupancy limit could be increased to 317 people. Just over two months later, the new owners, Michael and Jeffery Derderian, of The Station approached the Fire Marshal and requested that he sharpen his pencil regarding the occupancy limit. As a result, the Fire Marshal increased the occupancy limit to 404 people when all tables and chairs were removed, and a uniform firefighter was privately hired for such events. However, there was no authority within the code for the relaxation of occupancy limits when firefighters were present. In addition, the Fire Marshal inaccurately classified the entire footprint of the building as standing room for his calculations to establish the increased limit. The code in which the Fire Marshal was referencing defined standing room as “only part of the building directly accessible to doors for hasty exit,” such as a restaurant lobby or a ticket line where customers stand only temporarily (Barylick, 2012, p. 44). Furthermore, the 2003 Talent Buyers’ Directory, a music industry guidebook, listed The Station’s occupancy limit as 550, which was information falsely provided by the owners, likely to increase their potential to book acts. Great White’s contract with The Station, for their performance on February 20, 2003, also cited an occupancy capacity of 550. One victim of the

fire even recalled that a business representative told him on the phone, at 6:00 pm on the night of the fire, that the club could “fit about 600 people” (Barylick, 2012, p. 17).

The building was equipped with only three marked exit doors. The front main entrance, located on the north side of the building, lead into a narrow 20-foot corridor to a ticketing counter. The bar door, located on the east side of the building, which was directly accessible from the main bar area. The band door, located on the west side of the building, included a set of double doors in series. The first door leading to the exit, from the interior of the building, was inward swinging followed by an outward swinging door to the outside. The inward swing door was taken down and then rehung “three years running after fire inspections cited it as a code violation” (Barylick, 2012, p. 71). The poorly trained bouncers were advised by the owners and managers that only the band was permitted to use the band door and that it was to remain closed during performances. Keeping the double sets of doors closed served two purposes: to serve as a barrier to reduce noise complaints from the residential neighbors and to prevent non-paying people from sneaking into the shows. The building had one additional unmarked exit door, which was in the kitchen on the east wall, located just south of the bar door.

One of the major contributing factors to the fire was combustible foam soundproofing that had been glued to the walls. In the mixed-use area of the community, a residential neighborhood was only about 100 feet away from The Station. The owner of the closest home had a history of complaining about the noise from the bar and entertainment business over the years. In 2000, when the new owners, brothers Michael and Jeffery Derderian, purchase the business they were notified by the Police Chief that they would need to correct the noise issues, or their entertainment license would not be renewed. The Derderians contacted Barry Warner, who was the closest resident and one of the most outspoken about the noise problem. Barry

Warner suggested that the owners install polyurethane foam for sound insulation on the inside of the club. Warner explained that he worked for American Foam and could sell them the foam. The Derderians opted to “kill two birds with one stone” by reducing the noise complaints and putting some money in Barry Warner’s pocket (Barylick, 2012, p. 18). In June 2000, Club Manager, Tim Arnold installed 50 three feet by seven feet sheets of charcoal gray, corrugated polyurethane foam using 3M Super 77 spray adhesive to the interior of the building. The foam was applied to the walls and ceiling nearest to the stage and residential neighbors. It was later discovered that a previous owner in 1996 had also installed a white closed cell polyethylene foam that was rigid and approximately two and a half inches thick on to the three walls of the drummer’s alcove. The polyethylene foam was spray painted black and covered with a black curtain. During a fire inspection, just after the Derderians took ownership of the business, the Fire Marshal ordered the removal of the black curtain because it bore no fire-rating label. The owner immediately removed the black curtain, and the new polyurethane foam was also glued directly over the previous foam. The Fire Marshal and other fire department inspectors had conducted inspections of the building following the polyurethane foam installation and never mentioned it.

Ironically, the owner Jeffery Derderian invited a videographer from his employer, WPRI-TV Channel 12 news, to record the February 20, 2003 concert to obtain generic nightclub footage for a story on nightclub safety. The news story was in response to a fatal incident that occurred three days earlier in an overcrowded club called E2 in Chicago, which left 21 people dead. However, The Station owners failed to provide their employees with any training on how to respond in the case of an emergency, following the Chicago incident. It was determined that “no fewer than 462 people were inside” the building at the time of the fire, which was 58 more

than even the inaccurately inflated occupancy limit of 404 (Barylick, 2012, p. 70). Great White was the band performing the night of the fatal fire. At the beginning of the band's first song their Road Manager, Dan Biechele set off four gerbs, which threw a dense plume of sparks for visual effect. The gerbs were Pyropak 15 x 15, which meant that they were "rated to burn for fifteen seconds and throw a spark plume fifteen feet high" (Barylick, 2012, p. 51). Biechele was neither trained nor licensed as a pyro operator. The sparks from the gerbs were blasted directly against the combustible polyurethane foam that was previously installed on the walls. Following the 15 second burn time of the gerbs, the fire could be seen consuming the foam covered walls. Around 36 seconds after the gerbs were set off, the Lead Singer, Jack Russel said "wow, that's not good" through the microphone (Barylick, 2012, p. 58). Fifty seconds after the gerbs were set off, the fire alarm activated. Post-incident computer modeling conducted by the National Institute of Standards and Technology (NIST) determined that most occupants of the building had less than 90 seconds to exit the building under tenable conditions. The quick initial growth of the fire was contributed to the combination of polyurethane and polyethylene foam lined walls. Interestingly, less than a year before installing the polyurethane foam in The Station, owner Jeffery Derderian, as a television news reporter, ran a story about the fire danger associated with mattresses. He referred to the polyurethane foam, which is found in the filling of mattresses, as "solid gasoline" (Barylick, 2012, p. 132). Unfortunately, he failed to connect the dots. Several survivors reported that a bouncer had turned them away from exiting through the band door during the fire. Most occupants fled to the main entrance to exit the building; however, after one person tripped and fell, a domino effect of falling occupants clogged the main exit. The terrified occupants ended up in a human pyramid, unable to escape. Those in the front were reaching out for someone to grab them and pull them out. The fire department and an investigator from the medical examiner's

office found 31 dead victims in this front exit corridor. The narrow corridor and downward sloping tile floor leading to the main exit were contributing factors. A total of 96 dead victims were removed from the debris following the fire. Four other victims died at hospitals as they were being treated for their burns and injuries, bringing the death toll to an even 100.

Everyone except for Dan Biechele, the Production Manager who shot the pyro that initiated the fire, quickly began to distance themselves from the incident. On December 4, 2003, a grand jury criminally indicted three people: Dan Biechele, Michael Derderian, and Jeffery Derderian. These were the only three people criminally charged for the fatal incident. In May 2006, Dan Biechele pleaded guilty to 100 counts of involuntary manslaughter. The judge sentenced him to 15 years in prison of which 11 were suspended. Therefore, Biechele was to serve four years in prison and three years of probation. The judge recognized that Biechele's greatest sentence was living with the fact that his actions resulted in the death of 100 innocent people. Biechele was paroled after serving 16 months. In September 2006, the brothers who owned The Station, Michael and Jeffery Derderian, each changed their not guilty pleas to no contest. The judge also sentenced Michael Derderian to 15 years in prison of which 11 were suspended. However, he was granted daily work-release during the four years in prison he was to serve. Michael Derderian was paroled after serving 27 months. Jefferey Derderian was sentenced to 10 years in prison of which it was all suspended. Instead, he was ordered to serve 500 hours of community service.

The Third Amended Master Complaint named a total of 87 individuals and corporation defendants in the civil case which represented 467 plaintiffs. The civil case resulted in over \$176 million in settlements. Of the civil settlements, \$10 million was from the Town of West Warwick, who initially argued sovereign immunity. However, in the face of the prosecution's

evidence during mediation, they decided to settle the case rather than proceed to trial. That evidence included the poor-quality inspections and occupancy calculations of the Fire Marshal. The site of The Station became a makeshift memorial. In addition to one hundred wooden crosses, people posted signs at the site, which included some that “seethed anger at town officials for their part in the tragedy” (Barylick, 2012, p. 229).

Author John Barylick (2012) explained people can be slow learners from a tragedy such as this. On December 30, 2004, a nightclub fire resulting from indoor pyrotechnics in Argentina killed 175 people (Barylick, 2012; Esterbrook, 2004). The occupancy at the time of this fire was reported as being nearly three times the venue's capacity of 1,500 people (Esterbrook, 2004). Then again on January 1, 2009, another nightclub fire resulting from indoor pyrotechnics occurred in Bangkok, Thailand and killed 61 people (Barylick, 2012; Pearse & Weaver, 2009). Another source claims that 67 people were killed and that the nightclub was licensed as a private residence, as opposed to a club (BBC News, 2011). Again on December 4, 2009, another nightclub fire resulting from indoor pyrotechnics occurred in Russia and killed 109 people (Barylick, 2012; Osborn, 2009). One source reported that safety enforcement in Russia has a recent history of being overlooked, as safety officials often accept bribes to look the other way (Osborn, 2009).

### **Community Action**

General internet searches revealed two large U.S. cities, Denver, Colorado and Chicago, Illinois, that were publicly addressing certificate of occupancy compliance within their communities. On July 17, 2017, the Denver City Council unanimously supported the implementation of the Safe Occupancy Program (Calhoun, 2017). The program comes in the wake of the deadly Ghost Ship Fire in Oakland, California (Thulin, 2017). Six days after the

Ghost Ship Fire, Denver shut down two similar art collectives within their community: the Rhinocropolis and Glob (Mejia, 2016). Denver was not the only city to react in this aggressive manner; Baltimore, Colorado Springs, Los Angeles, and Nashville also shut down art collectives within their communities, which they also call DIY spaces (Mejia, 2016). Some residents and supporters of the art collectives are calling this an attack on lower income citizens (Mejia, 2016). One such supporter stated, “pardon me if I don’t believe that authorities’ interests are actually in our safety for one second” (Skolnik, 2016). She questions if those displaced are safer being homeless, on the streets (Skolnik, 2016).

Denver’s Safe Occupancy Program is the first of its kind in the country (Building Dialogue, 2017). The Safe Occupancy Program allows the issuance of conditional certificates of occupancy while buildings are being brought up to code (Thulin, 2017). The program is specifically targeted toward existing unpermitted spaces (Denver's safe occupancy program & safe creative space fund guidelines, n.d.). Eligible use groups include assembly A-3, business, mercantile, residential R-2 and R-3, and utility and miscellaneous (City and County of Denver, n.d.). The program is managed by Denver Community Planning and Development and the Denver Fire Department (City of Denver, 2017). Denver’s leadership realized that the costs and perceptions of the current building permitting process are cumbersome, which is why many ignored obtaining the proper permits in the first place (Building Dialogue, 2017). However, relaxing the codes or ignoring violations is not the answer, as the codes are there to protect people (Building Dialogue, 2017). Therefore, in an effort for collaborative problem solving, the Safe Occupancy Program allows legal occupancy, to prevent displacement, and provides flexible timelines so that the upgrade costs can be spread out (Building Dialogue, 2017). This is a significant change to the standard practice of simply shutting businesses down and displacing the

residents when spaces fail to meet building and fire code requirements, as had occurred on December 8, 2017, to the Rhinocropolis and Glob (Building Dialogue, 2017). The goal is for the community to work collectively to improve building safety for the occupants, visitors, neighbors, and the general public (Denver's safe occupancy program & safe creative space fund guidelines, n.d.). The City of Denver has even gone one step further by offering up \$300,000 to be distributed to DIY art spaces that participate in the Safe Occupancy Program (Rinaldi, 2017).

Denver's Safe Occupancy Program is governed by a building permit policy titled Compliance Plan and Conditional Certificate of Occupancy with an effective date of July 21, 2017 (City and County of Denver, 2017). The following is an overview of the steps associated with the Safe Occupancy Program, which are all cited from this single source. The program is voluntary, requiring the owner or tenants of existing buildings to come forward disclosing that their building has been modified or occupied without permits. The eligibility timeline to enroll in the program is limited from July 21, 2017, through January 17, 2020. Once the applicant comes forward and provides the required information about the building, an initial inspection will be conducted to determine if the building is eligible for a conditional certificate of occupancy. The building will be deemed ineligible if there are any dangerous fire hazards or hazards to life, health, property, or public welfare. If the building is deemed eligible, the applicant must hire an architect or engineer to prepare a compliance plan. Once the compliance plan is approved, the building is issued a conditional certificate of occupancy. The applicant will have 365 days to complete all the work outlined in the compliance plan. Once all the work is complete, and all required agencies have approved inspections, a full certificate of occupancy will be issued.

While not as innovative as Denver, Chicago is also addressing certificate of occupancy compliance. On September 11, 2012, the City of Chicago Office of Inspector General (OIG)

issued a press release calling for improved enforcement of the certificate of occupancy requirements by the Department of Buildings (DOB) (City of Chicago Office of Inspector General, 2012). A records audit over the past five years revealed that annually as many as 48% of buildings that were issued building permits were never issued a certificate of occupancy (City of Chicago Office of Inspector General, 2012). Inspector General Joe Ferguson stated that “the Certificate of Occupancy check is critical in assuring that buildings are safe and in compliance with the City’s building code” (City of Chicago Office of Inspector General, 2012). He goes on to explain that the lack of enforcement of the certificate of occupancy requirements is potentially placing the citizens at risk (City of Chicago Office of Inspector General, 2012). The OIG provided some recommendations to the DOB and requested a written response from the DOB prior to August 14, 2012. The Commissioner of the DOB issued a response on August 22, 2012. In the response, the Commissioner recognizes the importance of the relationship between public safety and the enforcement of the certificate of occupancy requirements (Merchant, 2012). The response outlines several internal improvements that the DOB plans to make, many of which were suggested by the OIG, so they can better enforce the certificate of occupancy requirements (Merchant, 2012).

While conducting the general internet search, it was discovered that several building departments in Ohio had created flowcharts to help communicate the local process of obtaining a certificate of occupancy. Six Ohio building departments with published flowcharts were discovered, including those from the State of Ohio, Greene County, City of Columbus, City of Broadview Heights, City of Stow, and the City of Lebanon. The Ohio Board of Building Standards published a document titled the 2011 OBC Building Department Resource (Ohio Board of Building Standards, 2012). This resource includes a building department processes

flowchart, which details all the steps associated with obtaining a certificate of occupancy from the State of Ohio, starting with the application submission (Ohio Board of Building Standards, 2012). The City of Columbus published a document titled the Columbus Development Guide (Columbus Department of Development Building Services Division, n.d.). This resource was developed by Columbus' Department of Development Building Services Division to assist customers through the development process (Columbus Department of Development Building Services Division, n.d.). This Columbus Development Guide includes several flowcharts, one of which is a two-page commercial site plan flowchart that identifies all the steps required, from confirming the site is in Columbus through the issuance of an occupancy permit (Columbus Department of Development Building Services Division, n.d.). Greene County Ohio, which is the county where the City of Fairborn is located, has a permit process flowchart available on their website (Greene County Department of Building Regulations, n.d.). Their flowchart is a standalone document that details all the steps associated with obtaining a certificate of occupancy from the Greene County Department of Building Regulations, starting with the application submission (Greene County Department of Building Regulations, n.d.). The City of Broadview Heights also has published a standalone flowchart that details the new project submittal process, from application submission to the issuance of a certificate of occupancy (City of Broadview Heights, 2014). The City of Stow also has a published flowchart, accessible to the public from their website (City of Stow, n.d.). Their flowchart covers the steps associated with the commercial building permit process (City of Stow, n.d.). The City of Stow has even divided the flowchart up into three different tracks, to account for varying situations: business occupancy with no construction, business occupancy with interior construction, and a new building or building addition (City of Stow, n.d.). Lastly, the City of Lebanon has published a zoning and

building permit process flowchart on their website (City of Lebanon, n.d.). This flowchart is the most general in nature with the fewest number steps detailed, as compared to the other flowcharts discovered (City of Lebanon, n.d.). This zoning and building permit process is unique, as responsibilities are split between the City of Lebanon and Warren County (City of Lebanon, n.d.).

Building and fire codes, from both the International Code Council and the State of Ohio, require commercial buildings to have a certificate of occupancy. Unfortunately, history has occasionally proven tragic in cases where people have overlooked or circumvented the certificate of occupancy requirements. Two incidents alone, the Ghost Ship Fire and the Station Nightclub Fire, account for the loss of 136 human lives, which also left many more injured and permanently scarred. Both tragedies would have likely been prevented had the certificate of occupancy requirements been enforced. Luckily, communities are leading the way, by recognizing and improving their efforts to ensure public safety through public education and enforcement of certificate of occupancy requirements.

### **Procedures**

I collected data to address each of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, (c) what methods are other communities using to ensure certificate of occupancy compliance, and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? Action research methodology was applied using a mixed methods approach. I utilized four distinct data collection tools: questionnaires, archival research, surveys, and interviews. The following

paragraphs will provide a detailed account of how I implemented each data collection tool, enabling future researchers the opportunity to replicate the study.

### **Questionnaires**

The data collection process was initiated by sending questionnaires to the City of Fairborn Fire Chief, Michael Riley, and Chief Building Official, Jeffery Tyler. The Fire Chief Questionnaire was created in Microsoft Word and included six questions. The Fire Chief Questionnaire was designed to primarily address three of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? The questionnaire was emailed to Fire Chief Riley on January 22, 2018. Fire Chief Riley promptly completed the questionnaire, within the original Microsoft Word document, and returned it by email on January 23, 2018. The completed Fire Chief Questionnaire can be found in detail in Appendix C.

In the City of Fairborn, the Chief Building Official recently received a new title, which is Development Services Director. The Development Services Director Questionnaire was created in Microsoft Word and included 20 questions. The Development Services Director Questionnaire was also designed to primarily address three of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? The questionnaire was emailed to the Development Services Director Tyler on January 22, 2018. Development Services Director Tyler completed the questionnaire, within the original Microsoft

Word document, and returned it by email on February 2, 2018. The completed Development Services Director Questionnaire can be found in detail in Appendix D.

### **Archival Research**

I conducted archival research which evaluated the local ordinances and local forms that govern the certificate of occupancy process within the City of Fairborn. Four local ordinances were discovered that relate to the certificate of occupancy process within the City of Fairborn: two from the Planning and Zoning Code, one from the Building and Housing Code, and one from the Fire Prevention Code. The archival research of the local ordinances was ongoing from January through April of 2018. I requested copies of all forms associated with the City of Fairborn's certificate of occupancy process from Marie Gay, the Administrative Assistant to the Development Services Director, by email on December 20, 2017. Mrs. Gay fulfilled the request during January 2018. Two application forms were discovered that are directly linked to the process of obtaining a certificate of occupancy. One form is the Business Occupancy Permit Application (Appendix E), and the other is the Building & Zoning Permit Application (Appendix F). In addition, an audit of the FFD inspection records was conducted to determine how many inspections were completed and how many inspections included documentation regarding the certificate of occupancy. On April 5, 2018, I requested the 2016 and 2017 fire inspection records from Michele Brown, the FFD Administrative Assistant. The request was promptly fulfilled on April 6, 2018. The FFD Life Safety Inspector's Checklist (Appendix G) serves as the fire inspection report form for the department. In the upper left portion of the FFD Life Safety Inspector's Checklist (Appendix G) is a blank space for the inspector to record the certificate of occupancy number. A total of 235 inspection records were provided: 134 for 2016 and 101 for 2017.

## Surveys

I created and distributed a total of four surveys to collect additional data. Each survey was targeted towards a specific audience including fire code officials, building officials, Fairborn businesses and FFD employees. Survey Monkey was the online survey software service that was used to create and distribute the surveys. The Certificate of Occupancy Survey for Fire Code Officials included 10 questions. Five questions were multiple choice, four questions were open-ended, and the last question requested the participant's email address, if they were interested in participating in an interview to provide additional information. The Certificate of Occupancy Survey for Fire Code Officials was designed to primarily address three of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, and (c) what methods are other communities using to ensure certificate of occupancy compliance? On February 21, 2018, I attended the Southwest Ohio Fire Safety Council (SWOFSC) meeting held in Huber Heights, Ohio. Prior to the meeting, I paid a \$40 membership fee to join the group. SWOFSC is a chapter of the Ohio Building Official's Association (OBOA). According to their website, SWOFSC "is a group of Fire Code Officials and Industry Professionals who work together to increase fire safety throughout Southwest Ohio" (Southwest Ohio Fire Safety Council, n.d.). During the new discussion portion of the meeting, I introduced my current research with the group and requested their assistance by completing a survey that I would be sending out. An email request for distribution was sent to Bryan Adams, Treasurer of SWOFSC, on February 26, 2018, which included an explanation of the research and an electronic link to The Certificate of Occupancy Survey for Fire Code Officials. Scott Brooks, Secretary of SWOFSC, distributed the email including the survey on February 27, 2018, to all

SWOFSC members. SWOFSC members represent a sample of Ohio fire code officials. The Certificate of Occupancy Survey for Fire Code Officials was closed on March 25, 2018, with a total of 19 respondents. All the questions and results of the Certificate of Occupancy Survey for Fire Code Officials can be found in detail in Appendix H.

The Certificate of Occupancy Survey for Building Officials included 14 questions. Five questions were multiple choice, and nine questions were open-ended. The Certificate of Occupancy Survey for Building Officials was also designed to address three of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, and (c) what methods are other communities using to ensure certificate of occupancy compliance? An email request for distribution to the membership of the OBOA was sent to Bryan Adams, Treasurer of SWOFSC, on March 29, 2018, which included an explanation of the research and an electronic link to the Certificate of Occupancy Survey for Building Officials. After no reply or survey responses were received, a second email request for distribution of the Certificate of Occupancy Survey for Building Officials to the membership of OBOA was sent to Jason Eckert, President of SWOFSC, on April 5, 2018. After no reply or survey responses were received, a third email request for distribution of the Certificate of Occupancy Survey for Building Officials to the membership of OBOA was sent to Dan Sammon, Webmaster of OBOA, on April 9, 2018. Bryan Adams emailed a confirmation that the Certificate of Occupancy Survey for Building Officials was distributed to the membership of OBOA on April 10, 2018. OBOA members represent a sample of Ohio building officials. The Certificate of Occupancy Survey for Building Officials was closed on May 3, 2018, with a total of 16 respondents. All the questions

and results of the Certificate of Occupancy Survey for Building Officials can be found in detail in Appendix I.

The Certificate of Occupancy Survey for Fairborn Businesses included a total of 15 questions. However, this survey was designed using the logic feature within Survey Monkey, which selectively progresses the survey based on the answers provided. Therefore, respondents were presented with a range of questions from as few as one to as many as 13. Fourteen questions were multiple choice, and one question was open-ended. The Certificate of Occupancy Survey for Fairborn Businesses was designed to address two of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy and (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy? The Certificate of Occupancy Survey for Fairborn Businesses was also designed to obtain feedback regarding the City of Fairborn's current process for managing certificate of occupancy compliance. I obtained approval from the City of Fairborn Fire Chief, Development Services Director, and City Manager prior to distributing the Certificate of Occupancy Survey for Fairborn Businesses. An email request for feedback and approval of the was sent to the Fire Chief on February 12, 2018. The Fire Chief responded to the email with his approval on February 13, 2018. An email request for feedback and approval of the was sent to the Development Services Director on February 14, 2018, as well as a reminder email on March 5, 2018. The Development Services Director responded to the email with his approval on March 5, 2018. Finally, an email request for feedback and approval of the was sent to the City Manager on March 5, 2018. The City Manager responded to the email with his approval on March 6, 2018. On March 13, 2018, I met with the Matt Owen, Executive Director of the Fairborn Area Chamber of Commerce, to explain my research and request the distribution of The Certificate of

Occupancy Survey for Fairborn Businesses through email to their membership. Mr. Owen agreed and supported the request. On March 14, 2018, I sent Mr. Owen an email that included an explanation of the research and an electronic link to the Certificate of Occupancy Survey for Fairborn Businesses. Mr. Owen confirmed that they would be including the survey in their next Chamber News, which was scheduled for email release on March 18, 2018. On March 21, 2018, I sent Mr. Owen a follow-up email to confirm that the survey had been sent out March 18, 2018, because no survey responses had been received. Mr. Owen apologized and informed me that the survey was accidentally excluded from the Chamber News. Mr. Owen confirmed that a separate email including the Certificate of Occupancy Survey for Fairborn Businesses was sent to the membership on March 21, 2018. The Fairborn Area Chamber of Commerce is the single most direct point to communicate with businesses located within the City of Fairborn. However, it was also realized that many Fairborn Area Chamber of Commerce members are located in other neighboring communities. Therefore, the first question of the survey asked the participants if their business was located within the City of Fairborn. Participants that answered yes would proceed with the survey, while the survey would end for those who answered no. Within the first two days of the survey being distributed by the Fairborn Area Chamber of Commerce, there were a total of 11 respondents. By March 29, 2018, there was still only 11 respondents to the Certificate of Occupancy Survey for Fairborn Businesses. Therefore, on March 29, 2018, I sent an email to Dr. Andrew Burns, President of the Rotary Club of Fairborn. The email included a request for distribution of the Certificate of Occupancy Survey for Fairborn Businesses to the membership of the Rotary Club of Fairborn, including an explanation of the research and an electronic link to the survey. The Rotary Club of Fairborn was identified as a secondary point of communication to reach businesses within the City of Fairborn since the number of survey

respondents from the Fairborn Area Chamber of Commerce membership was low. I never received a response from Dr. Burns. In a final attempt to capture additional respondents for the Certificate of Occupancy Survey for Fairborn Businesses, I met with Meghan Howard, a contractor who manages the City of Fairborn social media accounts, on April 9, 2018. I asked if she would be willing to share the Certificate of Occupancy Survey for Fairborn Businesses on Facebook, to capture additional participants. She agreed, so I emailed her an explanation of the research and an electronic link to the survey on April 10, 2018. She confirmed that the information was distributed through the City's Twitter account on April 16, 2018. She determined that Twitter was more appropriate for the survey distribution, due to targeting abilities than Facebook. On April 17, 2018, the Certificate of Occupancy Survey for Fairborn Businesses gained one additional respondent. The Certificate of Occupancy Survey for Fairborn Businesses was closed on May 3, 2018, with a total of 12 respondents. All the questions and results of the Certificate of Occupancy Survey for Fairborn Businesses can be found in detail in Appendix J.

The Certificate of Occupancy Survey for FFD Employees included nine questions. Six questions were multiple choice, and three questions were open-ended. The Certificate of Occupancy Survey for FFD Employees was designed to address two of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? The Certificate of Occupancy Survey for FFD Employees was also designed to obtain feedback regarding their perceptions of certificate of occupancy compliance within the City of Fairborn. FFD employees are assigned to conduct biannual life safety inspections of all businesses located within the City of Fairborn, as well as to respond to emergencies. Therefore,

they provide a valuable perspective to certificate of occupancy compliance. I obtained approval from the Fire Chief prior to distributing the Certificate of Occupancy Survey for FFD Employees. An email request for feedback and approval of the was sent to the Fire Chief on March 26, 2018. The Fire Chief responded to the email with his approval on March 27, 2018. On March 27, 2018, I sent an email requesting participation to all FFD employees, which included an explanation of the research and an electronic link to The Certificate of Occupancy Survey for FFD Employees. The Certificate of Occupancy Survey for FFD Employees was closed on May 3, 2018, with a total of 10 respondents. All the questions and results of the Certificate of Occupancy Survey for FFD Employees can be found in detail in Appendix K.

### **Interviews**

I conducted a total of seven interviews to collect additional data. Each of the seven interviews lasted approximately one hour. Four of the seven interviews were conducted with fire code officials that are members of SWOFSC. The interviews with fire code officials were designed to address three of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, and (c) what methods are other communities using to ensure certificate of occupancy compliance? I emailed Scott Brooks, Captain of Loss Prevention for the West Chester Fire Department in West Chester, Ohio, on February 1, 2018, to explain my research and request an interview. On February 2, 2018, Captain Brooks responded by email, accepting the interview opportunity. I interviewed Captain Brooks on February 15, 2018. This interview was conducted using a paid subscription to GoToMeeting, an online video conference service. The interview with Captain Brooks included eight open-ended questions. This interview was also used to refine the questions for future interviews with

fire code officials and within the Certificate of Occupancy Survey for Fire Code Officials, prior to distribution. All the questions and answers from my interview with Captain Brooks can be found in detail in Appendix L. Contact was initiated with the other three fire code official interviewees after they provided their email addresses in response to question 10 of the Certificate of Occupancy Survey for Fire Code Officials. I emailed interview requests to each of these fire code officials on March 26, 2018. On April 10, 2018, I conducted an interview with Matt Stein, Captain of Code Enforcement for the Springfield Township Fire Department in Hamilton County, Ohio. This interview was conducted using GoToMeeting and included 10 open-ended questions. All the questions and answers from my interview with Captain Stein can be found in detail in Appendix M. On April 11, 2018, I conducted an interview with Matt Grubbs, Lieutenant of Fire Prevention for the Monroe Fire Department in Monroe, Ohio. This interview was conducted using GoToMeeting and included 12 open-ended questions. All the questions and answers from my interview with Lieutenant Grubbs can be found in detail in Appendix N. On April 18, 2018, I interviewed Bryan Adams, Fire Prevention Supervisor for the Dayton Fire Department in Dayton, Ohio. This interview was conducted in person in my office and included 11 open-ended questions. All the questions and answers from my interview with Fire Prevention Supervisor Adams can be found in detail in Appendix O.

The three other interviews were conducted with City of Fairborn employees. I emailed Danielle Wolfe, Revenue Manager, on April 5, 2018, to request an interview. On April 9, 2018, I interviewed Mrs. Wolfe. This interview was conducted in her office and included five open-ended questions. This interview was sparked by a recommendation submitted by the Fire Chief, within his questionnaire, and structured to assess the opportunity for additional processes focused on improving certificate of occupancy compliance within the City of Fairborn. All the

questions and answers from my interview with Mrs. Wolfe can be found in detail in Appendix P. I emailed Marie Gay, Administrative Assistant to the Development Services Director, on March 28, 2018, to request an interview. On April 9, 2018, I also interviewed Mrs. Gay. This interview was conducted in a conference room located in the Building Code and Inspection Division and included eight open-ended questions. The interview with Mrs. Gay was structured to primarily address three of the four research questions: (a) what are the values of ensuring businesses obtain a certificate of occupancy, (b) what are the current barriers that prevent businesses from obtaining a certificate of occupancy, and (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? All the questions and answers from my interview with Mrs. Gay can be found in detail in Appendix Q. I emailed Kathleen Riggs, City Planner, on March 28, 2018, to request an interview. On April 12, 2018, I interviewed City Planner Riggs. This interview was conducted in a conference room located in the Building Code and Inspection Division and included five open-ended questions. The interview with City Planner Riggs was structured to primarily address one of the four research questions: (d) what is the current process for managing certificate of occupancy compliance within the City of Fairborn? All the questions and answers from my interview with City Planner Riggs can be found in detail in Appendix R.

Data collection was specifically limited to the State of Ohio because building and fire codes may vary in other states. Survey distribution and interviews with fire code officials were limited to members of SWOFSC because it was the only organized chapter of fire code officials within the OBOA. In addition, the City of Fairborn is located in southwest Ohio. Interviews with Fairborn business owners and tenants were not conducted due to time limits associated with the research.

## **Results**

Initially, the raw results from the data collection tools that directly relate to each of the four research questions will be presented. Following, an overview of other indirect but related raw data, from each of the collection tools, will also be presented. The results are arranged this way because several data points were collected that do not directly answer any of the four research questions. However, the collection of each of these data points was intentionally included in the design of the research, to provide a complete view of the overall research topic.

### **Research Question A**

The first research question is, what are the values of ensuring businesses obtain a certificate of occupancy? Every questionnaire and survey, as well as two interviews, addressed this question. The specific questions varied slightly based on the target participants. Question one of the Fire Chief Questionnaire (Appendix C) and question two of the Development Services Director Questionnaire (Appendix D) both asked, what are the values of ensuring that required businesses obtain a certificate of occupancy? Fire Chief Riley replied that the certificate of occupancy ensures that the building is code compliant and safe for the occupants and neighboring buildings. Development Services Director Tyler stated that he did not understand the question. Question one of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked, what are the benefits of a certificate of occupancy being issued for a commercial building? A variety of answers were provided that included the certificate of occupancy verifies that the building met the applicable codes, defines the approved use of the building, identified any variances or conditions for future code enforcement, defines the number of people permitted in the building, and ensures the building is safe for the occupants. Question three of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, what are

the benefits of a certificate of occupancy being issued for a commercial building? Many of the answers from the building officials echoed the fire code officials; however, a few unique answers included the certificate of occupancy documents that inspections were performed, establishes the legal right for the owner or tenant to use the building, captures contact information of the owner or tenant, provides a tool for risk assessment, and assists future designers in cases of alterations, additions, or change of occupancy. Question five of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, do you see value associated with the requirement for businesses within the City of Fairborn to have a certificate of occupancy? There were only seven responses to this question. More than 57% of the respondents said yes, while only 28% said no. One respondent reported that they didn't know. Questions two and three of the Certificate of Occupancy Survey for FFD Employees (Appendix K) addressed this research question. Question two asked, do you believe that the certificate of occupancy requirement positively influences public safety within the community? Seventy percent answered yes, 20% answered no, and one respondent reported that they didn't know. Question three asked, what are the benefits of a certificate of occupancy being issued for a commercial building? Many of the answers from FFD employees echoed the fire code and building code officials; however, a few additional answers included the certificate of occupancy provides a guide for conducting fire inspections and creates awareness of the buildings within the community. Two FFD employees reported that a certificate of occupancy provides no value to public safety. Question one of the interview with Captain Brooks (Appendix L) asked, what are the values of ensuring that required businesses obtain a certificate of occupancy? Captain Brooks reported that the certificate of occupancy ensures that the building is appropriately designed for its use group classification. Question one of the interview with Mrs. Gay (Appendix Q) asked, what are the values of ensuring that

required businesses obtain a certificate of occupancy? Mrs. Gay reported safety, legal protection, and a show of good faith by the business owner or tenant.

In summary, the values of ensuring businesses obtain a certificate of occupancy include the following:

- verifies that the building was code compliant upon final inspection,
- specifies any code variances or special conditions,
- defines the approved use group classification,
- indicates the number of people permitted in the building,
- establishes that the building was safe for the occupants upon final inspection,
- establishes a guideline for future code enforcement,
- creates an awareness of the buildings located within the community,
- provides an opportunity to capture business contact information,
- provides a tool to assist with community risk assessment, and
- assists future designers in cases of alterations, additions, or changes of occupancy.

### **Research Question B**

The second research question is, what are the current barriers that prevent businesses from obtaining a certificate of occupancy? Both questionnaires, three surveys, and two interviews addressed this question. The specific questions varied slightly based on the target participants. Question two of the Fire Chief Questionnaire (Appendix C) and question nine of the Development Services Director Questionnaire (Appendix D) both asked, what are barriers that prevent businesses from obtaining a certificate of occupancy? Fire Chief Riley reported a lack of knowledge regarding the local process to obtain it, lack of awareness that it is necessary, and businesses might have been operating for several years without one and are now reluctant to get

one. Development Services Director Tyler reported a lack of understanding what it is, the perception that the process to obtain one is too cumbersome, and inability to produce a floor plan and site plan as part of the application. Question two of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) and question four of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, what are the barriers that prevent commercial building owners or tenants from obtaining a certificate of occupancy? The top three answers from the fire code officials were lack of awareness of the requirement at nearly 79%, fear of potential building code violations at nearly 53%, and the building was established prior to the requirement at more than 47%. The top three answers from the building officials were slightly different, as more than 62% reported fear of potential building code violations, over 56% reported lack of awareness of the requirement, and nearly 44% reported that the process is viewed as an intrusion of government. Question eight of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, what barriers have contributed to the business you represent not having a current certificate of occupancy? There were no responses to this question. Question two of the interview with Captain Brooks (Appendix L) and question five with Mrs. Gay (Appendix Q) asked, what are the barriers that prevent businesses from obtaining a certificate of occupancy? Captain Brooks and Mrs. Gay both reported a lack of awareness of the requirement.

In summary, the most common barriers that prevent businesses from obtaining a certificate of occupancy include the following:

- a lack of awareness of the requirement,
- a lack of knowledge on how to obtain one,
- a perception that the process to obtain one is too cumbersome,
- fear of potential building code violations,

- the process is viewed as an intrusion of government,
- the building was established prior to the requirement,
- a business has been permitted to operate for several years without one, and
- an inability to produce a floor plan or site plan as part of the application.

### **Research Question C**

The third research question is, what methods are other communities using to ensure certificate of occupancy compliance? Two surveys and four interviews address this question with an indirect approach. Four questions address this research question within the Certificate of Occupancy Survey for Fire Code Officials (Appendix H). Question three of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked, during fire inspections, do you check for a current certificate of occupancy? There was mixed feedback with over 47% of fire code officials reporting that they either sometimes or rarely check, while more than 42% always or usually check. In addition, over 10% reported that they never check for a certificate of occupancy during a fire inspection. Question five of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked, if the fire department discovers a commercial building in use or occupied without a certificate of occupancy, during a routine inspection, what do you do with that information? Many of the fire code officials stated that they would refer the tenant to the building department or notify the building department directly. A couple of respondents reported that it depends on the occupancy use group; if the occupancy were an assembly or high hazard, they would require a certificate of occupancy to be issued. Some fire code officials indicated that they would document the violation, while others stated they would do nothing. Question six of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked, what is the fire department's role in the certificate of occupancy compliance process, within your

jurisdiction? A few respondents reported that they conduct code enforcement inspections and through that process verify that a certificate of occupancy has been issued and that it is still being followed. Some of the fire code officials reported that they are required to conduct final inspections prior to the issuance of a certificate of occupancy. One fire code official reported that the fire department could process the change of zoning and use, while several others work in conjunction with the building department. One fire code official stated that they guess what the certificate of occupancy would say if it existed. A couple of others reported that they have no role with the certificate of occupancy compliance process. Question nine of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) requested, please provide general comments regarding your experiences with certificates of occupancy that may be beneficial to the research. A couple of fire code officials reported that new businesses opening in existing buildings is a challenge. Another stated that they lack political support to enforce certificate of occupancy compliance. One fire code official reported that the certificates of occupancy are usually incomplete or lack information. Another one states that ensuring certificate of occupancy compliance takes a lot of time and effort. The key, according to one fire code official, is to ensure that the building department issues a certificate of occupancy for all new buildings and then the fire department must monitor for changes during annual inspections. Seven questions address this research question within the Certificate of Occupancy Survey for Building Officials (Appendix I). Question five of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, does your building department maintain an electronic database of all the current approved businesses within your jurisdiction? Over 56% reported yes, while nearly 44% reported no. Question seven of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, has your department employed any unique methods for increasing certificate

of occupancy compliance within your jurisdiction? Most of the building officials report no. However, a few others reported that they work with the fire department to monitor for ongoing compliance, through their annual inspection program. One building official reported that they conduct sweeps of the commercial districts to verify businesses have a valid certificate of occupancy. Another reported that they passed a local ordinance requiring a new certificate of occupancy for each new business owner or tenant. Question eight of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, what are the general steps associated with the issuance of a certificate of occupancy for new construction? Several building officials referenced that they follow the requirements within the Ohio Building Code or the rules of the Ohio Board of Building Standards. Others provided more detail of the process, which generally included the submission of the required documentation and plans, plans approval, inspections including the final inspection, and then the certificate of occupancy is issued. Question nine of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, what are the general steps associated with the issuance of a certificate of occupancy for existing structures? One building official stated that the process for existing buildings is like new construction, except the level of detail is much less. Others provided more detail of the process, which included a request from the owner through an application, owner provides a floor plan and declaration of use, verify the occupancy has previously existed, inspection is conducted to check for serious hazards, and then the certificate of occupancy is issued, if no hazards are found. Question 10 of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, is the certificate of occupancy issuance process documented in a departmental policy or guideline? Nearly 44% reported yes, 25% reported no, and over 12% report they didn't know. In addition, nearly 19% reported that the process was already detailed within chapter one of the Ohio

Building Code. Question 11 of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, is the process for obtaining a certificate of occupancy, within your jurisdiction, published and readily available to the public? Eighty percent reported yes, while 20% reported no. Question 14 of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, are there any other departments within your jurisdiction that assist the building department with ensuring certificate of occupancy compliance? All but one of the building officials reported that the fire department assisted with certificate of occupancy compliance. Three building officials reported that the zoning department assisted, while another three stated that the health department assisted. All four interviews with the fire code officials asked, what is the fire department's role in the certificate of occupancy compliance process within your community? Captain Brooks stated that they conduct plan reviews of buildings prior to construction. Captain Stein reported that the fire department enforces the zoning code within their community. He also stated that they perform inspections and acceptance testing for fire protection systems. Captain Stein also shared that they have a program where they place stickers on electrical and fire alarm panels after they pass inspection, for easy recognition in the future. Lieutenant Grubbs stated that they follow up on citizen complaints. He also explained that the fire department serves as a liaison between the contracted building department and the city zoning department. Fire Prevention Supervisor Adams reported that they simply verify that the certificates of occupancy are in place and that the building complies. All four interviews with the fire code officials basically asked in various forms, how does the fire department handle businesses that are identified as operating without a certificate of occupancy? Captain Brooks reported that the first step is to reach out to the zoning department to determine if the business has obtained a zoning certificate. Once the business has a zoning certificate they can then apply

for a certificate of occupancy with the building department. Captain Stein stated that the fire department will shut businesses down if they are found to be operating without zoning approval, since the fire department directly manages the zoning code in their community. Lieutenant Grubbs and Fire Prevention Supervisor Adams both explained that they will first double check the records to see if there have been any past certificates of occupancy issued for the building. If no certificate of occupancy is located, they both would refer the business to the building department to obtain one. Three of the interviews with the fire code officials asked, how are unapproved businesses identified? Captain Stein stated that the firefighters know their assigned districts well, so when a new business moves in they notify him through email. Fire Prevention Supervisor Adams echoed Captain Stein and explained that their firefighters report new businesses, when discovered, to the inspection bureau. Lieutenant Grubbs and Fire Prevention Supervisor Adams both stated that unapproved businesses are commonly discovered during routine fire inspections. Lieutenant Grubbs also reported that they have experienced cases where businesses will report other noncompliant businesses. Three of the interviews with the fire code officials asked, is there a prompt on the fire inspection report to verify a certificate of occupancy? Lieutenant Grubbs reported that their fire inspection report does include a prompt to remind the inspector to check for the certificate of occupancy. Captain Stein and Fire Prevention Supervisor Adams both stated that there was no prompt, and they further explained that there was no expectation for crews to collect this information during a routine inspection. Three of the interviews with the fire code officials asked, does the jurisdiction allow businesses to operate under previously issued certificates of occupancy within the same building as permitted by code? Captain Stein reported no, each tenant is required to obtain their own certificate of occupancy. Lieutenant Grubbs and Fire Prevention Supervisor Adams both stated that they do allow new

businesses to operate under a previously issued certificate of occupancy for the building. Fire Prevention Supervisor Adams further explained that this was only permitted if the new business was within the same use group classification. If no, the new business would be required to obtain their own certificate of occupancy, even if their use group was considered of less hazard.

In summary, other communities are using the following methods to ensure certificate of occupancy compliance:

- ensure that all new buildings are issued a certificate of occupancy,
- the fire department checks for certificates of occupancy during routine inspections,
- the building department conducts sweeps of commercial districts to verify businesses have valid certificates of occupancy,
- coordination with the zoning and health departments,
- rely on firefighters, who know their districts well, to report new businesses,
- maintain an electronic database of approved businesses,
- enforce the requirements of the Ohio Building Code,
- passage of a local ordinance requiring a new certificate of occupancy for each new business,
- document the certificate of occupancy process in a building department policy or guideline,
- publish the process for obtain a certificate of occupancy for public access,
- follow up on complaints received from citizens or other businesses, and
- shut down businesses that are operating without approval.

#### **Research Question D**

The fourth research question is, what is the current process for managing certificate of occupancy compliance within the City of Fairborn? This question can be further divided into the processes managed by the Building Code and Inspection Division and the processes managed by the FFD. The current processes for managing certificate of occupancy compliance from the Building Code and Inspection Division were addressed in the Development Services Director Questionnaire (Appendix D) and two interviews. Question one of the Development Services Director Questionnaire (Appendix D) asked, what businesses are required to have a certificate of occupancy within the City of Fairborn? Development Services Director Tyler stated that all businesses are required to have a certificate of occupancy, per OBC section 111.1. Question five of the Development Services Director Questionnaire (Appendix D) asked, do you have the authority, within the City of Fairborn, to issue a certificate of occupancy with a retroactive issuance date? Development Services Director Tyler stated no; however, he cited OBC section 111.4, which allows for a much more flexible process for existing buildings to obtain a certificate of occupancy. Question seven of the Development Services Director Questionnaire (Appendix D) asked, does the building department maintain an electronic database of all the current approved businesses within the City of Fairborn? Development Services Director Tyler reported no. Question 11 of the Development Services Director Questionnaire (Appendix D) asked, what are the general steps associated with the issuance of a certificate of occupancy? Development Services Director Tyler provided a list of the typical steps associated with the issuance of a certificate of occupancy, which includes the following:

1. submit application with required plans,
2. application is reviewed for completeness,
3. plans are approved,

4. reviews are completed, and permits are issued,
5. inspections are conducted,
6. the inspector recommends the issuance of the certificate of occupancy, and
7. the building official issues the certificate of occupancy.

Question 12 of the Development Services Director Questionnaire (Appendix D) asked, is the certificate of occupancy issuance process documented in a departmental policy or guideline? Development Services Director Tyler reported no; however, he explained that it would be within the next three months. Question 13 of the Development Services Director Questionnaire (Appendix D) asked, is the process for obtaining a certificate of occupancy published and readily available to the public? Development Services Director Tyler again reported no; however, he explained that it would be within the next three months. Question 14 of the Development Services Director Questionnaire (Appendix D) asked, how much time does it take for a business to obtain a certificate of occupancy, barring any unforeseen delays? Development Services Director Tyler stated that it takes 14 days to review the application and one day to conduct the inspection. Therefore, a certificate of occupancy can be obtained in a few as 15 days from the date a completed application is submitted. Question 16 of the Development Services Director Questionnaire (Appendix D) asked if the fire department discovers a business operating without a certificate of occupancy, during a routine life safety inspection, how should they communicate this information to the building department? Development Services Director Tyler stated that the fire department should issue a notice of violation per the OFC, and then forward a copy of it to him. Question three of the interview with Mrs. Gay (Appendix Q) asked, are apartment buildings required to obtain a certificate of occupancy? Mrs. Gay explained that all buildings are issued certificates of occupancy, including apartment buildings and even single-family homes when

they are first built. However, she further explained that residential certificates of occupancy are never updated or renewed. Question six of the interview with Mrs. Gay (Appendix Q) asked, what would a flowchart look like to communicate the steps associated with a business obtaining a certificate of occupancy? Mrs. Gay agreed with a draft flowchart that was presented for an existing structure with construction, with the following general steps:

1. obtain zoning approval,
2. submit Building and Zoning Permit Application,
3. application and associated plans reviewed,
4. permits issued,
5. complete work,
6. request inspections,
7. inspections conducted,
8. final review by Chief Building Official, and
9. certificate of occupancy issued.

Mrs. Gay recommended the creation of four different flowcharts to account for the variations in the process: (a) new construction, (b) existing structure with construction, (c) existing structure with change of use, and (d) existing structure same use as previous business. Mrs. Gay also explained that the scaled floor plans are not required to be professionally prepared for cases involving existing structures with no construction. Question one of the interview with City Planner Riggs (Appendix R) asked, who manages zoning code compliance? City Planner Riggs stated that she was recently assigned the role of Zoning Administrator, as the City Planner. Question two of the interview with City Planner Riggs (Appendix R) asked, what is the process for gaining zoning approval for conditional use? City Planner Riggs explained that conditional

use cases must be presented before the Planning Board. The Planning Board then makes a recommendation to City Council, who have the ultimate authority to approve or deny the applicants. Question three of the interview with City Planner Riggs (Appendix R) asked, are certificates of zoning still being issued? City Planner Riggs stated no, as zoning approval is now integrated into the certificate of occupancy process.

The current processes for managing certificate of occupancy compliance from the fire department were addressed in the Fire Chief Questionnaire (Appendix C) and the Certificate of Occupancy Survey for FFD Employees (Appendix K). Question three of the Fire Chief Questionnaire (Appendix C) asked, what is the fire department's role in the certificate of occupancy compliance process within the City of Fairborn? Fire Chief Riley explained that the fire department confirms the existence of and compliance with the certificate of occupancy during annual life safety inspections. He also stated that the fire department could provide notice to the building department when a business is discovered to be without a certificate of occupancy or a change of use had occurred. Question four of the Fire Chief Questionnaire (Appendix C) asked if the fire department discovers a business operating without a certificate of occupancy, during a routine life safety inspection, how should they communicate this information to the building department? Fire Chief Riley recommended that fire department employees send an email to the building department with the information. He also stated that there is currently no formal process to report the violation. Question five of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, during a company-level inspection, do you check for a current certificate of occupancy? Seventy percent of respondents indicated that they either usually or always check for a current certificate of occupancy, while 20% reported sometimes, and only 10% reported rarely. Zero respondents indicated that they never check for a certificate of

occupancy during a company-level inspection. Question seven of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, if you discover a commercial building in use or occupied without a certificate of occupancy, during a company-level inspection, what do you do with that information? A variety of answers were provided that included noting the missing certificate of occupancy on the inspection form, informing supervisors of the issue, and educating business owners and tenants of the requirement. A couple of FFD employees indicated that they would do nothing about an occupied commercial building discovered to be operating without a certificate of occupancy.

In summary, the current process for managing certificate of occupancy compliance within the City of Fairborn is split between the Building Code and Inspection Division and the FFD. The Building Code and Inspection Division relies on business owners and tenants voluntarily enrolling in the process to obtain a certificate of occupancy. The typical steps associated with the issuance of a certificate of occupancy includes the following:

1. submit application with required plans,
2. application is reviewed for completeness,
3. plans are approved,
4. reviews are completed, and permits are issued,
5. inspections are conducted,
6. the inspector recommends the issuance of the certificate of occupancy, and
7. the building official issues the certificate of occupancy.

However, there are four distinct variations to the process based on the specific application, which include each of the following cases:

- new construction,

- existing structure with construction,
- existing structure with change of use, and
- existing structure same use as previous business.

The applications involving new construction and existing structures with construction require the scaled floor plans to be professionally prepared by an architect or engineer. In contrast, scaled floor plans for applications involving existing structures with no construction are not required to be professionally prepared. Zoning approval has also been integrated into the certificate of occupancy process, rather than requiring businesses to obtain a separate certificate of zoning. A certificate of occupancy can be obtained in as few as 15 days from the date the application is submitted.

The Building Code and Inspection Division is currently lacking some administrative processes. There is currently no electronic database being utilized to track approved businesses within the City of Fairborn. In addition, the Building Code and Inspection Division does not currently have a policy or guideline on the certificate of occupancy issuance process. The process for obtaining a certificate of occupancy is also not currently published and readily available to the public. Development Services Director Tyler is currently working to address these issues.

The FFD primarily supports the current process for managing certificate of occupancy compliance through the administration of the life safety inspection program. While conducting life safety inspections, FFD inspectors are directed to confirm that each business has a certificate of occupancy. The FFD inspectors should also verify that each business is compliant with the certificate of occupancy. There is confusion about how FFD inspectors are to handle cases when they discover a business operating without a current certificate of occupancy. Development

Services Director Tyler expects that the FFD inspectors will issue a notice of violation per the OFC and then forward a copy to him. Fire Chief Riley states that there is no formal process to report a violation. Therefore, FFD inspectors should just send an email to the Building Code and Inspection Division to report the issue.

### **Questionnaires**

The balance of the Fire Chief Questionnaire (Appendix C) and the Development Services Director Questionnaire (Appendix D), will be covered in this section. The following questions from the questionnaires provided results of other indirect but related data, beyond the scope of the research questions. These questions were included to help guide the research and to gain a complete understanding of the topic.

Question five of the Fire Chief Questionnaire (Appendix C) asked, are there any other city departments that could incorporate procedures to assist the building department in ensuring certificate of occupancy compliance? Fire Chief Riley suggested that the water department could require a certificate of occupancy when a business established their utilities with the City. Question six of the Fire Chief Questionnaire (Appendix C) asked, how would the City of Fairborn benefit from the development of an updated multi-departmental certificate of occupancy program? Fire Chief Riley explained that he didn't feel that a multi-departmental program was the answer to improve certificate of occupancy compliance. He further explained that he felt this would cause significant delays and confusion. Fire Chief Riley stated that the building department should manage the certificate of occupancy program. However, he recognized that better communication between the building department and fire department would be valuable. He also repeated that the utilities department could assist by verifying a certificate of occupancy when turning the water on to commercial properties. Fire Chief Riley

suggested that access by the fire and utilities department into the building department's database would be beneficial.

Question three of the Development Services Director Questionnaire (Appendix D) asked, what year did the certificate of occupancy become a requirement within the City of Fairborn? Development Services Director Tyler stated that he was not sure of the exact date. However, he explained that Ohio adopted a national building code in 1979. Question four of the Development Services Director Questionnaire (Appendix D) asked, are any businesses exempt from being required to have a certificate of occupancy, such as those established prior to the certificate of occupancy requirement? Development Services Director Tyler cited Section 102.7 of the OBC, which outlines the requirements for existing structures. Section 102.7 of the OBC (2017) states, "any structure currently existing ... shall be permitted to continue without change provided there are no orders of the building official pending, no evidence of fraud, or no serious safety or sanitation hazard". Question six of the Development Services Director Questionnaire (Appendix D) asked, once a business is issued a certificate of occupancy, are they only required to meet the building and fire codes in effect at that time, as they continue to operate into the future? Development Services Director Tyler confirmed that this was correct. Question eight of the Development Services Director Questionnaire (Appendix D) asked, what is the current certificate of occupancy compliance rate within the City of Fairborn? Development Services Director Tyler explained that he did not know because they do not keep track of that data. Question 10 of the Development Services Director Questionnaire (Appendix D) asked, what are the training requirements for building inspectors, who conduct inspections associated with the issuance of certificate of occupancy? Development Services Director Tyler explained that they must obtain a Building Inspector Certification from the Ohio Board of Building Standards and maintain 30

hours of continuing education every three years. Question 15 of the Development Services Director Questionnaire (Appendix D) asked, what are the associated costs, incurred by a business, to obtain a certificate of occupancy? Development Services Director Tyler stated \$45. Question 17 of the Development Services Director Questionnaire (Appendix D) asked, would it be beneficial to have the utilities department report start or transfer service requests, for commercial addresses, to the building department for follow up regarding the potential change of occupancy? Development Services Director Tyler stated yes. Question 18 of the Development Services Director Questionnaire (Appendix D) asked, are there any other city departments that could incorporate procedures to assist the building department with ensuring certificate of occupancy compliance? Development Services Director Tyler suggested the fire department. Question 19 of the Development Services Director Questionnaire (Appendix D) asked, from your experience with other jurisdictions, are there any elements that you would like to implement within the City of Fairborn to improve certificate of occupancy compliance? Development Services Director Tyler responded by highlighting the value of the annual inspection process, by the fire department, for identifying cases of noncompliance. Question 20 of the Development Services Director Questionnaire (Appendix D) asked, how would the City of Fairborn benefit from the development of an updated multi-departmental certificate of occupancy program? Development Services Director Tyler stated that the city would benefit greatly, as the fire department would serve as a second set of eyes out in the field.

## **Archival Research**

### **Local Ordinances**

One of the first requirements of issuing a certificate of occupancy to a building within the City of Fairborn is to ensure that its intended use meets the current City of Fairborn Zoning

Code. The City of Fairborn recently adopted a new Zoning Code by ordinance effective December 7, 2017 (City of Fairborn, 2017). The Zoning Code regulates that no building, structure, or land may be used or occupied without complying with the district regulations (City of Fairborn, 2017). Section 1121.03 titled Compliance with District Regulations of the Fairborn Zoning Code (2017) specifically states the following:

Except as hereinafter provided, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Section 1132.02 of the Fairborn Zoning Code (2017) also regulates that a zoning permit is required as follows:

Application for a zoning permit shall be required for the erection, relocation, addition, or structural alteration of all of the following:

1. Buildings of a total of more than 250 square feet under roof;
2. Fences, walls, and gates greater than four feet in height; and
3. Structure, including swimming pools, flag poles, trellis, outdoor kitchens and fireplaces, decks, or other non-building structures that are anchored in the ground.

The Zoning Administrator issues a certificate of zoning compliance following final inspection.

Section 1132.02 of the Fairborn Zoning Code (2017) also specifically states the following:

Any property owner may apply to the Zoning Administrator for final inspection for the issuance of a Certificate of Zoning Compliance, which shall contain a listing of all additional conditions and exceptions to which the property is subject as the result of variances, conditional uses and Planned Unit Developments (PUD's). The certificate of

zoning compliance shall also state specifically wherein a nonconforming use or structure varies from the provisions of this Zoning Code.

Two City of Fairborn Ordinances were discovered that specifically reference certificates of occupancy. One was in Chapter 13 titled Building and Housing and the other within Chapter 15 titled Fire Prevention Code (City of Fairborn, n.d.). Chapter 13 of Fairborn Ordinances set forth the fee structure for certificates of occupancy (City of Fairborn, n.d.). It established that a replacement copy is \$5, a new certificate of occupancy for an existing building with no building permit is \$20, and there is no fee for a certificate of occupancy when a building permit is required (City of Fairborn, n.d.). Ordinance 1311.06 specifically states the following:

- a. The fee for a replacement copy of certificate of use and occupancy for an existing building where there is no change of occupancy or inspection necessary shall be five dollars (\$5.00).
- b. The fee for a certificate of use and occupancy for an existing building when a change in the class of occupancy is involved but no permit for renovation is required shall be twenty dollars (\$20.00) and includes an inspection.
- c. When a permit is required to facilitate a new occupancy or a change in occupancy the Building Inspector shall upon completion of the final inspection of the premises issue a certificate of use and occupancy. There shall be no additional charge for the certificate of occupancy.

Chapter 15 of Fairborn Ordinances regulates that new buildings or additions may not be occupied until there is access for fire apparatus, all fire protection equipment is operational, and a final inspection has been approved by the Fire Chief (City of Fairborn, n.d.). Ordinance 1507.09 specifically states the following:

No new building or addition to an existing building shall be occupied, or used for any purpose, until streets and access to such buildings are complete and capable of supporting fire apparatus as required by the fire code. No new building or addition to an existing building shall be occupied or used for any purpose until all fire protection equipment is in service, a final inspection by Fire and Code Enforcement personnel have been completed and complied with, and an occupancy permit, signed by the Fire Chief has been issued.

### **Local Forms**

The Business Occupancy Permit Application (Appendix E) is to be used when a business is moving into an existing building, and there is no change of use (M. Gay, Personal Communication, April 9, 2018). The Building & Zoning Permit Application (Appendix F) is used for new construction or alterations, repairs, additions, or change of use for existing buildings (M. Gay, Personal Communication, April 9, 2018). A blank City of Fairborn Certificate of Occupancy form (Appendix S) was also provided, along with a completed City of Fairborn Certificate of Occupancy sample (Appendix T), excluding the Building Official's signature.

### **FFD Inspection Records**

Michele Brown, the FFD Administrative Assistant, provided the life safety inspection records for 2016 and 2017. The life safety inspection assignments are issued for a two-year period. The Lieutenants are responsible for the completion of 50% of the assigned inspections during the first year and the balance the second year. There was a total of 1,029 inspections assigned for 2015 to 2016. Therefore, 515 inspections were assigned in 2016. There were only 134 life safety inspections recorded in the 2016 file, provided by Mrs. Brown, which represents only a 26% completion rate. Of the completed 2016 life safety inspection reports, only six of

them documented the status of the certificate of occupancy, even though there is a prompt on the FFD Life Safety Inspector's Checklist (Appendix G) for the inspector to record the certificate of occupancy number. All six of the life safety inspections, which included documentation of the status of the certificate of occupancy, were conducted by the Battalion Chief of Life Safety.

There was a total of 996 inspections assigned for 2017 to 2018. Therefore, 498 inspections were assigned in 2017. There were only 101 life safety inspections recorded in the 2017 file, provided by Mrs. Brown, which represents only a 20% completion rate. Of the completed 2017 life safety inspection reports, only three of them documented the status of the certificate of occupancy. All three of the life safety inspections, which included documentation of the status of the certificate of occupancy, were again conducted by the Battalion Chief of Life Safety.

### **Surveys**

The balance of the surveys will be covered in this section. The following questions from the surveys provided results of other indirect but related data, beyond the scope of the research questions. These questions were included to help guide the research and to gain a complete understanding of the topic.

Question four of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked, during fire inspections, how often do you encounter buildings that do not have a current certificate of occupancy? More than 47% indicated sometimes, over 42% reported either usually or always, and approximately 10% indicated rarely. Zero respondents reported that they never encounter buildings that do not have a current certificate of occupancy. Question seven of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked when enforcing the fire code, do you reference the building's certificate of occupancy to determine the edition of

the fire code in which to apply? Over 42% indicated yes, while nearly 37% reported no. Twenty-one percent reported other, with most stating that it depends on the situation. One respondent that selected other explained that many of the buildings are old and do not have a certificate of occupancy. Question eight of the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) asked, based on your experience and perspective, how do you rate certificate of occupancy compliance within your jurisdiction? Over 42% rated compliance as fair, nearly 37% rated it as either good or very good, and 21% rated it as either poor or very poor.

Question one of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, in which state or U.S. territory do you currently serve as a building official? All 16 respondents were from Ohio. Question two of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, in what jurisdiction do you currently serve as a building official? The respondents provided a variety of answers that can be reviewed in Appendix I. Question six of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, what is the current certificate of occupancy compliance rate within your jurisdiction? Three respondents reported that they have 100% compliance, while four respondents admitted that they did not know. Two respondents explained that it was difficult to know if there are businesses in the community that do not have a certificate of occupancy if they are not aware they exist. Therefore, they reported compliance at 100% of the businesses that they are aware of. Question 12 of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, how much time does it take for a business to obtain a certificate of occupancy, barring any unforeseen delays? Most of the respondents indicated that a certificate of occupancy could be issued within a few days. One respondent indicated as fast as one day, while another reported as many as 10 days. Another respondent explained that the official certificate of occupancy would be sent

within two weeks; however, once the businesses pass the final inspection, they are permitted to occupy the building. Question 13 of the Certificate of Occupancy Survey for Building Officials (Appendix I) asked, what are the associated costs, incurred by a business, to obtain a certificate of occupancy? The respondents provided a variety of answers that ranged from \$30 to \$250.

Question one of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, do you currently own or manage a business that is located within the City of Fairborn? All but one respondent answered yes. Question two of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, what type of building is the business operated from? Nearly 82% of the respondents answered commercial, while 18% reported residential. Question three of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, how many years has the business been in operation at the current location? Only one respondent reported more than 50 years, while more than 57% indicated 20 years or less. Question four of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, how do you rate the City of Fairborn's communication of the requirement for businesses to have a certificate of occupancy? More than 57% reported somewhat effective, while over 28% indicated either not so effective or not at all effective. One respondent selected that they did not know. Question six of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, does the business you represent have a current certificate of occupancy issued from the City of Fairborn? All but one respondent indicated yes, while the one did not know. Question seven of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, did you know that all businesses, operating within a commercial building within the City of Fairborn, are required to have a certificate of occupancy? Zero respondents answered this question, due to the built-in logic. Only respondents who answered no to question six would have been given this question.

Question nine of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, were you personally involved in the process of applying for the certificate of occupancy? Half of the respondent replied yes, while the other half reported no. Question 10 of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, was the current certificate of occupancy issued within the past five years? Nearly 67% replied yes, while 33% reported no. Question 11 of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, how did you know that a certificate of occupancy was required? Only two respondents answered this question. One respondent selected previous experience, while the other indicated they learned about the requirement through research. Question 12 of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, how do you rate the length of time associated with the process to obtain the certificate of occupancy? Again, only two respondents answered this question. One respondent indicated that they were satisfied, while the other selected very dissatisfied. Question 13 of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, how do you rate the knowledge and consistency of the building inspectors throughout the process to obtain the certificate of occupancy? Again, only two respondents answered this question. One respondent indicated that they were neither satisfied nor dissatisfied, while the other selected very dissatisfied. Question 14 of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) asked, how do you rate the overall process of obtaining the certificate of occupancy from the City of Fairborn? Once again, only two respondents answered this question. One respondent indicated that they were neither satisfied nor dissatisfied, while the other selected very dissatisfied. Question 15 of the Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) requested that they provide

suggestions for the improvement of the City of Fairborn's certificate of occupancy process. Zero respondents answered this question.

Question one of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, were you aware that all commercial buildings are required to have a certificate of occupancy? All respondents indicated yes, they were aware. Question four of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, are you a certified Fire Safety Inspector (FSI) by the Ohio Department of Public Safety? Seventy percent indicated yes, while 30% reported no. Question six of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, during company-level inspections, how often do you encounter buildings that do not have a current certificate of occupancy, when you inquire? Fifty percent reported either usually or always, while 40% indicated sometimes. One respondent selected not applicable, as they never inquire. Question eight of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, based on your experience and perspective, how do you rate certificate of occupancy compliance within the FFD response district? Sixty percent rated compliance as either poor or very poor, 20% rated it as fair, and 10% selected very good. One respondent reported that they did not know. Question nine of the Certificate of Occupancy Survey for FFD Employees (Appendix K) requested that they provide general comments regarding their experiences with certificates of occupancy that may be beneficial to the research. A variety of comments were provided that included enforcing certificates of occupancy is not our job, older buildings are grandfathered, so there are no code enforcement capabilities, and smaller businesses tend to open without first obtaining a certificate of occupancy. One respondent explained that they are only required to conduct life safety inspections, as opposed to fire inspections since not all employees are certified as Fire Safety Inspectors. Therefore, there are

many inconsistencies with how inspections are conducted across all the crews. Another respondent explained that they have never responded to an incident that would have been prevented or better mitigated if the business would have had a certificate of occupancy.

### **Interviews**

The balance of the interviews will be covered in this section. The following questions from the interviews provided results of other indirect but related data, beyond the scope of the research questions. These questions were included to help guide the research and to gain a complete understanding of the topic.

One interview was conducted at the recommendation of Fire Chief Riley, to determine if there was an opportunity to integrate the utilities department into the process of increasing certificate of occupancy compliance within the City of Fairborn. This interview was conducted with Danielle Wolfe, Revenue Manager with the City of Fairborn. As the Revenue Manager, Mrs. Wolfe is responsible for managing the Utilities and Income Tax Divisions. Question one of the interview with Mrs. Wolfe (Appendix P) asked, is there a way the building department can be notified when utilities are started or transferred at a commercial building? Mrs. Wolfe stated yes and explained that she could run a report from their database that will show all account changes within a defined timeframe. She suggested that the best frequency to run these reports would be monthly or every other month, as changes to commercial utilities are generally a low-frequency occurrence. Question two of the interview with Mrs. Wolfe (Appendix P) asked, can you run a report from the database that will only identify commercial properties? Mrs. Wolfe said no, the report would display all account changes, including residential. However, she was willing to scan the report for addresses that stand out as commercial prior to sending it to the Building Code and Inspection Division. She warned that some addresses might be difficult to distinguish between

commercial and residential. Question three of the interview with Mrs. Wolfe (Appendix P) asked, does the utilities department have policies or guidelines that govern the operations? Mrs. Wolfe said yes, they have a rules and regulations manual. In addition, she disclosed that they also have a large binder of notes that guide how things are to be done; however, they lack a formalized and consistent format. Question four of the interview with Mrs. Wolfe (Appendix P) asked, how could we draft a new departmental policy that documents the process for running this new report for the building department? Mrs. Wolfe suggested that we draft a new administrative memo, which would need to be approved by the City Manager. Question five of the interview with Mrs. Wolfe (Appendix P) asked, for other comments. Mrs. Wolfe warned that in some cases the landlords or property owners manage the utilities, which would not be identified in the utility account change report. She closed by requesting that the building and fire departments direct new business owners and tenants to complete their city income tax registration while they are obtaining a certificate of occupancy. She explained that she has a similar difficulty gaining city income tax compliance from new businesses.

Question four of the interview with City Planner Riggs (Appendix R) asked, is City Ordinance 1175.04 up to date and current? City Planner Riggs said no and explained that it had been replaced with the updated Zoning Code that went into effect on December 7, 2017. Old ordinance 1175.04 referenced the issuance of certificates of zoning, which are no longer being issued. Question four of the interview with City Planner Riggs (Appendix R) asked, have you ever had to handle a case where a business was identified to be operating in the wrong zoning district. City Planner Riggs confirmed that she has had the experience. She stated that when dealing with these difficult issues, they needed to be handled carefully and on a case by case basis.

Question two of the interview with Mrs. Gay (Appendix Q) asked when was the first certificate of occupancy issued within the City of Fairborn? Mrs. Gay explained that the City of Fairborn was established in 1950. She is aware of certificates of occupancy that were issued as far back as the early 1950s. Question four of the interview with Mrs. Gay (Appendix Q) asked, how would you rate certificate of occupancy compliance within the City of Fairborn? Mrs. Gay confidently suggested that she estimates certificate of occupancy compliance to be in the range of 70 to 80%. Question seven of the interview with Mrs. Gay (Appendix Q) asked, are the following city ordinances up to date and accurate with current practice? The first ordinance presented was 1311.03 (Appendix U), which references building construction, alteration, or repair permits. Mrs. Gay confirmed that the ordinance was current. The second ordinance presented was 1311.06 (Appendix V), which references certificate of use and occupancy. Mrs. Gay identified that the fee for a certificate of occupancy for an existing building is now \$45, rather than the \$20 referenced in the ordinance. The last ordinance presented was 1507.09 (Appendix W), which references building occupancy under the fire prevention code. Mrs. Gay explained that this was no longer the current practice and should be updated. She stated that the fire department is no longer required to participate in the final inspection. In addition, the Fire Chief has not signed a certificate of occupancy for many years.

Question five of the interview with Captain Brooks (Appendix L) asked when enforcing the fire code, do you reference the certificate of occupancy to determine the edition of the fire code in which to apply? Captain Brooks said typically no. He explained that they enforce the current edition of the OFC because new businesses can operate on an old certificate of occupancy, so long as no changes have been made to the building and the businesses are within the same use group. He clarified that the certificate of occupancy is issued to the building, not

the business. Question six of the interview with Captain Brooks (Appendix L) asked if a business doesn't have a certificate of occupancy, what edition of the fire code do you enforce? Captain Brooks repeated that they always reference the current edition of the OFC. He further explained that they would notify the zoning and building departments about the missing certificate of occupancy. Question seven of the interview with Captain Brooks (Appendix L) asked, are you currently aware of any businesses operating within your community without a certificate of occupancy? Captain Brooks said yes. He explained that they are playing catch up with certificate of occupancy compliance within his jurisdiction because historically the building department did not always issue certificates of occupancy. Captain Brooks also shared that the building department is currently making the certificates of occupancy available online.

Three of the interviews with the fire code officials asked, who issues certificates of occupancy within your jurisdiction? Captain Stein answered the Hamilton County Building Department, since he works in a township within the county. He also explained that they conduct a joint final inspection with the building inspectors from Hamilton County and the fire department also signs off on each certificate of occupancy issued. Lieutenant Grubbs explained that the City of Monroe utilizes a private contractor service called National Inspection Corporation (NIC) to manage their building department functions, such as issuing certificates of occupancy. He further explained that they switched to this service from Butler County in 1997. Fire Prevention Supervisor Adams answered the City of Dayton Building Department. Three of the interviews with the fire code officials asked, how are fire inspections conducted? Captain Stein explained that they have two dedicated inspectors: one handles school inspections and the other handles church inspections. They also have a company-level inspection program that delivers inconsistent results; therefore, they are evaluating a new program that would utilize two

inspectors per shift. Lieutenant Grubbs explained that they have one captain that conducts plans reviews for new construction; however, he also assists the state fire inspectors with the inspections of the schools and nursing homes. They also have a company-level inspection program, which was recently implemented in the fall of 2017. He also explained that one firefighter per shift assists him with conducting inspections on higher hazard and large businesses. As the Lieutenant of Fire Prevention, he provides follow up on all code enforcement issues. Fire Prevention Supervisor Adams explained that they have approximately 7,000 commercial occupancies and they set the goal of inspecting between 2,400 to 2,600 each year. A total of 60 inspection are assigned to each fire company, which are smaller and lower hazard occupancies. The full-time fire inspectors handle the balance. Three of the interviews with the fire code officials asked, in what format are the fire inspections documented? Captain Stein stated that they use a software called iWorQ. He said that Hamilton County Building Department also uses iWorQ, so it allows them to maintain all their building records in one system. Lieutenant Grubbs stated that they use a software called Emergency Reporting. With this software, they can upload copies of certificates of occupancy directly into the business file for later retrieval. Fire Prevention Supervisor Adams explained that they are currently using an old DOS based computer program, which has a bunch of data but is inefficient. He said that they are currently in the process of migrating to a new software called Streamline, which will operate from iPads in the field. Three of the interviews with the fire code officials asked, how important is it to the fire department that businesses have a current certificate of occupancy? Captain Stein expressed that it was a top priority, as they want to know what businesses are operating within their response district. Lieutenant Grubbs stated that they are a high priority for medium to high hazard occupancies, as they are less concerned about small mom and pop shops. Fire Prevention

Supervisor Adams said that they were most important. He explained that the certificate of occupancy tells them about the building and its intended use. Three of the interviews with the fire code officials asked, how does the fire department manage potential resistance and loss of support resulting from strong enforcement methods? Captain Stein said that they do not have that problem. He explained that fire department support has increased within the community as they have increased their code enforcement efforts. He cautioned that it was all about having a tactful approach. Lieutenant Grubbs agreed that the political challenges were difficult to manage. He explained that they utilize a balance of apologizing for the lack of previous enforcement, show them the code language being enforced, and then allow ample time for violation corrections, so long as they are making an earnest effort. Fire Prevention Supervisor Adams echoed Captain Stein by stating that they must exercise a tactful approach, using codes and standards to support their actions. He also explained that having good records can be a big help because you can find out the original intent of the building, along with any modifications that had been made over the years.

### **Action Items**

Applying action research, several products were produced, based on the findings, to increase certificate of occupancy compliance within the City of Fairborn, which include updated ordinance language, four flowcharts, a new policy statement, a notification card, and an updated standard operating guideline (SOG). The research indicated that current City of Fairborn Ordinance 1311.06 (Appendix V) does not match current practice. Therefore, a new draft of Ordinance 1311.06 (Appendix X) was created. Current practice, according to Mrs. Gay, is that each tenant of a commercial building is required to obtain their own certificate of occupancy (M. Gay, Personal Communication, April 9, 2018). As a result, tenants are not permitted to operate

under a previously issued certificate of occupancy for the same building, even in instances where there is no change of use (M. Gay, Personal Communication, April 9, 2018). No current ordinance, including Ordinance 1311.06 (Appendix V), documents this requirement. The new draft of Ordinance 1311.06 (Appendix X) does capture this requirement. There is also a local requirement for the certificate of occupancy to be conspicuously displayed. In fact, that is printed at the bottom of the City of Fairborn Certificate of Occupancy form (Appendix S). The new draft of Ordinance 1311.06 (Appendix X) explicitly states this requirement. In addition, current Ordinance 1311.06 references the fee structure associated with obtaining a certificate of occupancy. However, besides a replacement copy, all other references to the associated fees are covered in Ordinance 1311.03 (Appendix U). Currently, the fees are in conflict between Ordinance 1311.03 and 1311.06. Therefore, the new draft of Ordinance 1311.06 (Appendix X) has eliminated all fee references, except for a replacement copy. The goal is to present the new ordinance before City Council for official adoption.

A common barrier cited, to the certificate of occupancy process, was a general lack of awareness of the requirement and familiarization with the process. Building departments from the State of Ohio, Greene County, City of Columbus, City of Broadview Heights, City of Stow, and City of Lebanon, have each published flowcharts, which simplify the understanding of the steps involved in the process of obtaining a certificate of occupancy. Adopting their approach to this barrier, four certificate of occupancy flowcharts were created for the City of Fairborn. Taking the advice from Mrs. Gay, the four different flowcharts account for the variations in the process: (a) New Construction (Appendix Y), (b) Existing Building with Construction (Appendix Z), (c) Existing Building with Change of Use (Appendix AA), and (d) Existing Building Same Use as Previous Business (Appendix BB). The goal is to make these flowcharts available to the

public by publishing them on the City of Fairborn Building Code and Inspection Division's webpage and having print copies available.

During life safety inspections, FFD inspectors should be verifying that each business has a valid certificate of occupancy. In addition, if the business representative cannot produce a valid certificate of occupancy, FFD inspectors need to act. The first step is to document that the business did not have a valid certificate of occupancy on the FFD Life Safety Inspector's Checklist (Appendix G). Then the FFD inspectors need to educate the business representative of the value of having a certificate of occupancy. Upon conclusion, the FFD inspectors should provide the business representative with official notice and directions on how to correct the violation. To make this process as simple as possible for the FFD inspectors, a card titled Certificate of Occupancy Noncompliance Notification (Appendix CC) was created. This card will serve as official notification to the business owner or tenant, as well as provide recommended corrective actions. SOG 4.2.1 Company-Level Life Safety Inspections (Appendix DD) was also updated to include each of these steps, including reference to the card titled Certificate of Occupancy Noncompliance Notification.

Fire Chief Riley suggested that the water department could require a certificate of occupancy when a business established their utilities with the city. However, it would not work to require a certificate of occupancy prior to transferring the utilities because the tenant will need the utilities to pass their final inspection, which is the last step prior to being issued a certificate of occupancy. Mrs. Wolfe explained that she can create a report, every month or every other month, that will show all commercial utilities account changes. The Building Code and Inspection Division could then reconcile the report against their records and follow up as necessary, to capture new businesses moving into existing buildings without applying for a

certificate of occupancy. Following unanswered requests, it appears that neither the Utilities Division or the Building Code and Inspection Division have a formalized guideline or policy manual that includes a standard template. Therefore, a new policy statement titled Commercial Utilities Account Change Report (Appendix EE) was created for both divisions using a generic template. The goal is that each of these divisions will adopt this policy statement. Each division may modify the format as necessary.

### **Discussion**

Unfortunately, no previously published academic research could be located on the topic of certificate of occupancy compliance. The lack of research on the topic seems to be indicative of the level of attention many communities are giving to certificate of occupancy compliance. A prime example of this resulted in a 2016 fire that killed 36 people at the Ghost Ship Fire in Oakland, California. Records indicate that the city received at least 22 complaints about the warehouse and surrounding properties over the prior 30 years (Pero, 2017). One source claims that based upon the records, city officials should have been aware of the illegal concerts being held at the Ghost Ship warehouse (Willon, St. John, Queally, & Winton, 2017). Yet, the building department had not inspected the warehouse since at least 1986 (Knickmeyer & Elias, 2016). The immediate reactions following the Ghost Ship Fire, from across the country, tells the truth of the situation. Cities such as Baltimore, Colorado Springs, Denver, Los Angeles, and Nashville rushed to shutdown similar art collectives within their communities (Mejia, 2016). There is little doubt that these communities already knew there were buildings operating illegally within their communities, without proper certificates of occupancy; however, they choose to ignore the issue until tragedy struck. Credit must be given to the City of Chicago Office of Inspector General (OIG), who called for improved enforcement of the certificate of occupancy requirements by the

Department of Buildings (DOB), in 2012 (City of Chicago Office of Inspector General, 2012). This was over four years before the Ghost Ship Fire tragedy. City of Chicago records revealed that annually as many as 48% of buildings that were issued building permits were never issued a certificate of occupancy (City of Chicago Office of Inspector General, 2012). The same trends of overlooking the enforcement of certificates of occupancy can be seen in communities in Ohio. The Certificate of Occupancy Survey for Fire Code Officials (Appendix H) was distributed to members of the SWOFSC. Question five of that survey asked the fire code officials, if the fire department discovers a commercial building in use or occupied without a certificate of occupancy, during a routine inspection, what do you do with that information? Two of the 19 respondents to this question stated they would do nothing. Despite Section 102.3.2 of the OFC (2017), which the fire code officials are paid to enforce, which clearly states that each business shall maintain a copy of their current certificate of occupancy and make it available to a fire code official upon request. Within the same survey, one fire code official stated that they guess what the certificate of occupancy would say, if it existed. Also, within that survey, more than 42% of the fire code officials reported that, during fire inspections, they either usually or always encounter buildings that do not have a certificate of occupancy. Additionally, over 63% of the fire code officials who responded to the survey rated certificate of occupancy compliance within their jurisdiction as fair, poor, or very poor. Only 37% rated certificate of occupancy compliance within their jurisdiction as either good or very good. Unfortunately, the lack of seriousness towards the enforcement of certificates of occupancy even exists within the City of Fairborn. Question five of the Certificate of Occupancy Survey for FFD Employees (Appendix K) asked, during a company-level inspection, do you check for a current certificate of occupancy? Seventy percent of respondents indicated that they either usually or always check for a current certificate

of occupancy. However, out of 235 total fire inspection records from 2016 and 2017, only nine included documentation of the presence or lack of a certificate of occupancy. All nine of these inspection reports, which included documentation regarding the certificate of occupancy, were completed by a single inspector, the Battalion Chief of Life Safety. Clearly the claims of the respondents fail to match the records. Question seven of the same survey asked, if you discover a commercial building in use or occupied without a certificate of occupancy, during a company-level inspection, what do you do with that information? A couple of FFD employees indicated that they would do nothing about an occupied commercial building discovered to be operating without a certificate of occupancy. Within the same survey for FFD employees, 90% of the respondents reported that they either sometimes, usually, or always encounter buildings that do not have a current certificate of occupancy. The balance of respondents selected not applicable, as it can be assumed that they never even inquire about the presence of a certificate of occupancy. Additionally, 80% of the respondents to the survey rated certificate of occupancy compliance within the FFD response district as fair, poor, or very poor. One FFD employee respondent even stated that enforcing certificates of occupancy is not their job. In addition, from a questionnaire, Development Services Director Tyler explained that he does not know the certificate of occupancy compliance rate within the City of Fairborn because they do not keep track of that data.

The research revealed that public safety officials are failing to perform their jobs of enforcing the codes associated with certificate of occupancy requirements, despite seeing value in the certificate of occupancy process. Within the Certificate of Occupancy Survey for Fire Code Officials (Appendix H) respondents explained several values associated with ensuring that businesses obtained a certificate of occupancy, which includes that it verifies that the building

met the applicable codes, defines the approved use of the building, identified any variances or conditions for future code enforcement, defines the number of people permitted in the building, and ensures the building is safe for the occupants. Furthermore, within the Certificate of Occupancy Survey for Building Officials (Appendix I), respondents provide a few additional values of certificates of occupancy, which includes that it documents that inspections were performed, establishes the legal right for the owner or tenant to use the building, captures contact information of the owner or tenant, provides a tool for risk assessment, and assists future designers in cases of alterations, additions, or change of occupancy. Despite the alarming data that indicates that some public safety officials are failing to enforce certificate of occupancy requirements, other fire code officials and communities are working hard to ensure certificate of occupancy compliance. Within the Certificate of Occupancy Survey for Building Officials (Appendix I) three respondents reported that they have a certificate of occupancy compliance rate of 100%, within their communities. In addition, during interviews, all three fire code officials who were asked, indicated that certificate of occupancy compliance was a high priority for them.

The Station Nightclub in West Warwick, Rhode Island did have an assigned occupancy limit of 404 people; however, it was inaccurately calculated by the Fire Marshal and the business owners and managers failed to even follow it (Barylick, 2012). At the time of the fire, in 2003, it was determined that “no fewer than 462 people were inside” the building, which contributed to the resulting 100 deaths and several more injured and permanently scarred people (Barylick, 2012). In addition, illegal pyrotechnics were set off inside the building, which sparked the fire (Barylick, 2012). Unfortunately, this was not the last nightclub fire tragedy, as we have learned of similar incidents since then, occurring in Argentina, Thailand, and Russia (Barylick, 2012).

Similar tragedies could be lying in wait across the world, including within the City of Fairborn, if building and fire codes are not properly followed and enforced. FFD inspection records revealed that there was only a 26% completion rate of the assigned inspections in 2016 and only a 20% completion rate in 2017. One respondent of the Certificate of Occupancy Survey for FFD Employees (Appendix K) explained that not all FFD employees are certified as Fire Safety Inspectors. They went on state, that as a result, there are many inconsistencies with how inspections are conducted across all the crews. The combination of a lack of completed fire inspections and the inconsistencies associated with those that are completed, an unknown number of businesses are currently operating without a certificate of occupancy within the City of Fairborn, placing people in the community at risk. As an eye-opening example, since 2015, the FFD has taken action against two bars and live music venues, which were found to be operating without current certificates of occupancies. One of those businesses has yet to obtain a certificate of occupancy and continues to operate.

Much credit must be given to the City of Denver for their creative approach to increasing certificate of occupancy compliance within their community through the implementation of the Safe Occupancy Program (Calhoun, 2017). The Safe Occupancy Program allows the issuance of conditional certificates of occupancy while buildings are being brought up to code, which allows occupancy of the building to continue throughout the process (Thulin, 2017). Denver's Safe Occupancy Program is the first of its kind in the country (Building Dialogue, 2017). They are focused on achieving the goal of improving building safety for the occupants, visitors, neighbors, and general public; however, they refuse to relax the codes or ignore violations in the process (Denver's safe occupancy program & safe creative space fund guidelines, n.d.). Denver's leadership understands that the costs and perceptions of the current building permitting process

are cumbersome, which is why many ignored obtaining the proper permits in the first place (Building Dialogue, 2017). Other communities need to follow Denver's lead, through creative and collaborative community-based problem solving. Both City of Fairborn officials and Fairborn business owners and managers appear to agree that there is value associated with the issuance of certificates of occupancy. Within the Fire Chief Questionnaire (Appendix C), Fire Chief Riley explained that the certificate of occupancy ensures that the building is code compliant and safe for the occupants and neighboring buildings. The Certificate of Occupancy Survey for FFD Employees (Appendix K) indicated that 70% of FFD employee respondents believe that the certificate of occupancy requirement positively influences public safety within the community. The Certificate of Occupancy Survey for Fairborn Businesses (Appendix J) revealed that only 28% of Fairborn business respondents did not see value associated with the requirement for businesses within the City of Fairborn to have a certificate of occupancy. However, there are barriers to the process, which must be creatively and collaboratively addressed at the local level, if a significant increase in certificate of occupancy compliance is to be achieved.

A common barrier cited, to the certificate of occupancy process, was a general lack of awareness of the requirement and familiarization with the process. Within the Fire Chief Questionnaire (Appendix C), Fire Chief Riley reported a lack of knowledge regarding the local process to obtain a certificate of occupancy, as a barrier. Within the Development Services Director Questionnaire (Appendix D), Development Services Director Tyler reported barriers that prevent business from obtaining a certificate of occupancy include a lack of understanding of what a certificate of occupancy is and a perception that the process to obtain one is too cumbersome. Surveys revealed that nearly 79% of fire code officials and over 56% of building

officials, who responded, indicated a lack of awareness of the requirement as a barrier to certificate of occupancy compliance. During interviews, both Captain Brooks and Mrs. Gay also reported a lack of awareness of the requirement, as a barrier. Ohio building departments from the State of Ohio, Greene County, City of Columbus, City of Broadview Heights, City of Stow, and City of Lebanon, have each published flowcharts, used to simplify the understanding of the steps involved in the local process of obtaining a certificate of occupancy. The publishing of the four certificate of occupancy flowcharts, to the City of Fairborn's website, should serve as an initial step towards addressing this barrier at the local level.

Evidence from the Ghost Ship Fire indicates a difference in public expectations of code enforcement before and after a tragedy. According to reports from residents of the Ghost Ship warehouse prior to the fire, if city officials showed up, they were advised to hide all evidence of people living in the building (The Sacramento Bee, 2016). In fact, 15 days before the fire a building code inspector visited the warehouse to follow up on an illegal housing complaint (Serna, Winton, Poston, & Rocha, 2016; Willon, St. John, Queally, & Winton, 2017). The building inspector was unable to obtain consent to make entry into the building (Serna, Winton, Poston, & Rocha, 2016). A municipal attorney stated that "there are legitimate issues here about why the city of Oakland didn't use more resources to go into this property" (Serna, Winton, Poston, & Rocha, 2016). The Executive Director of Gray Area Foundation for the Arts told CNN "you don't want to report something you see because you know how hard it is for people to find spaces" (Reed, 2017). However, after the fire occurred, one resident who lives just two streets from the Ghost Ship warehouse stated that "I know they're understaffed; I know they're underbudgeted, but you have to have priorities" (Serna, Winton, Poston, & Rocha, 2016). Another source reported that if the city had done their jobs, through enforcing basic fire codes,

lives would have been saved (Yeretsian, 2017). City Councilman Noel Gallo also told the press that “we need to enforce the rules”, after the fire had occurred (Levin & Yuhas, 2016).

The City of Fairborn’s current process for managing the certificate of occupancy program provides a solid foundation. However, the current certificate of occupancy program is most effective when business owners and tenants are aware of the requirements and voluntarily participate in the process. The biggest challenge facing the City of Fairborn, in terms of certificate of occupancy compliance, is identifying and managing owners and tenants that are either unaware of the requirement or have distrust in the system. These business owners and tenants commonly just move into existing buildings and open, without first reaching out to the Building Code and Inspection Division to obtain permission. Since these business owners and tenants are not self-identifying, the City of Fairborn must engineer additional processes to identify them as quickly as possible. The political challenge associated with the enforcement of a missing certificate of occupancy becomes much more difficult the longer the business operates, prior to being identified.

On a positive note, opportunities already exist within the City of Fairborn, to increase certificate of occupancy compliance, through achieving greater efficiencies of current processes. Typically, a new business owner or tenant, when moving into an existing building, must go to the Utilities Division to have the water bill transferred into their name. This provides an opportunity for the Utilities Division to communicate the account change to the Building Code and Inspection Division. The Building Code and Inspection Division can then follow up to determine if a new business is attempting to open without first obtaining a required certificate of occupancy. This would likely capture the occupancy change very early in the process. Additionally, the FFD is already assigning life safety inspections to be completed of all

businesses every two years. When the FFD inspects a business, they can simply request to see the certificate of occupancy. If the business representative can produce a certificate of occupancy, the inspectors can review it for accuracy and compliance. If the business representative is unable to produce it, the inspectors can document that as a violation to the OFC, educate them about the value of having a certificate of occupancy, provide them guidance on how to obtain one, and then notify the Building Code and Inspection Division. The Building Code and Inspection Division can then follow up to enroll the business owner or tenant into the certificate of occupancy process. If the Fire Department completes the life safety inspections as assigned, they would likely capture the occupancy change within the first two years.

### **Recommendations**

The current process for managing the certificate of occupancy program within the City of Fairborn works well when business owners and tenants understand the requirements and voluntarily engage in the process. However, the City of Fairborn falls short when it comes to identifying and enforcing certificate of occupancy requirements for business owners and tenants who fail to voluntarily enroll in the process. Strategies to increase certificate of occupancy compliance, within the City of Fairborn, must begin with updating and clearly communicating the requirements and processes. Then minor adjustments should be made to improve the efficiencies of some current operations, which would assist with identifying noncompliant businesses within a reasonable timeframe. Future researchers may then build upon this progress by initiating creative and collaborative community-based problem solving, to develop programs to bring the remaining businesses into compliance.

The first recommendation is to update the City of Fairborn Ordinances to match current practices. Mrs. Gay, Administrative Assistant to the Development Services Director, confirmed

during her interview (Appendix Q) that Ordinance 1507.09 (Appendix W) is out of date. Ordinance 1507.09 (Appendix W) requires a final inspection to be conducted by the fire department and that the certificate of occupancy be signed by the Fire Chief, which are no longer current practices. In addition, the remaining requirements within Ordinance 1507.09 (Appendix W) simply repeat requirements already established within the OFC (2017). Therefore, it is recommended that Ordinance 1507.09 (Appendix W) be rescinded in its entirety. Mrs. Gay also noted that Ordinance 1311.06 (Appendix V) needed updated. Ordinance 1311.06 currently references a fee of \$20 for a certificate of occupancy for an existing building; however, current practice requires that a Business Occupancy Permit Application (Appendix E) be submitted to obtain a certificate of occupancy in this case. The fee associated with the Business Occupancy Permit Application (Appendix E) is \$45. Mrs. Gay also pointed out that each tenant of a commercial building is required to obtain their own certificate of occupancy (M. Gay, Personal Communication, April 9, 2018). In addition, there is also a local requirement for the certificate of occupancy to be conspicuously displayed. Currently neither of these requirements are officially documented within any city ordinance. A new draft of Ordinance 1311.06 (Appendix X) was created, which removed duplication of the fee structure already defined within Ordinance 1311.03 (Appendix U) and added two local requirements that were missing. Therefore, it is also recommended that the new draft of Ordinance 1311.06 (Appendix X) be adopted to reflect current practice. Both ordinance changes would need to be presented before and approved by Fairborn City Council.

The most commonly cited barrier preventing businesses from obtaining a certificate of occupancy was lack of awareness of the requirement and familiarization with the process. As resources to help educate business owners and tenants about the process and more specifically to

guide them through the process, a series of four flowcharts were created. The four different flowcharts account for the variations in the application of the certificate of occupancy process: (a) New Construction (Appendix Y), (b) Existing Building with Construction (Appendix Z), (c) Existing Building with Change of Use (Appendix AA), and (d) Existing Building Same Use as Previous Business (Appendix BB). It is recommended that these flowcharts be made available to the public by publishing them on the City of Fairborn Building Code and Inspection Division's webpage and having print copies available.

One current operation that could be improved for more efficiency, to assist with certificate of occupancy compliance, is account changes within the Utilities Division. Fire Chief Riley suggested, in a response to the Fire Chief Questionnaire (Appendix C), that the Utilities Division may be able to assist with identifying new businesses moving into the community. Mrs. Wolfe, Revenue Manager, agreed that she could produce a monthly report that would identify all commercial utilities account changes. She could then provide this report monthly to the Building Code and Inspection Division for further follow up. To formalize this process, a draft policy statement was created titled Commercial Utilities Account Change Report (Appendix EE). The recommendation is that both the Utilities Division and the Building Code and Inspection Division adopt this policy statement into their current operations.

Another current operation that could be improved for more efficiency, to assist with certificate of occupancy compliance, is the life safety inspection program within the FFD. Research revealed that both the quality and completion rates of the current life safety inspection program needs to be addressed. The first recommendation, associated with the life safety inspection program, is to train all FFD employees, who are not currently certified as a Fire Safety Inspector, to at least the level of Hazard Recognition Officer. The second recommendation is to

establish a formal process to enforce codes and ordinances at the local level. Fire Safety Inspectors, especially the chief officers, should have the authority and a procedure to issue citations for violations. The third recommendation is to update the current process for assigning the company-level life safety inspections. The goal is to have each business inspected every two years. Using the current assignment practice, even with 100% completion rate, it is possible that nearly four years can pass between inspections of a single building. As an example, when a Lieutenant is assigned his first two-year list of inspections for 2017 to 2018, he conducts an inspection at a business located at 1 East Main Street on the first day of that cycle, which is January 1, 2017. Then when he is assigned the next two-year list of inspections for 2019 to 2020, he waits to conduct the inspection at a business located at 1 East Main Street until the last day of that cycle, which is December 31, 2020. This represents a four-year gap in between these two inspections, which is currently permissible within the current inspection assignment procedure. Now imagine if the original business located at 1 East Main Street had moved out on February 1, 2017 and a new business within a different use group move in. A lot of time would pass before the inspection process would capture this noncompliant change. Allowing a business to operate for nearly four years before requiring them to obtain a certificate of occupancy would likely create some political backlash. Especially, if the OBC would require expensive building upgrades or the City of Fairborn Zoning Code would prohibit the business from operating in that district. To eliminate this potential, the Lieutenants should only be assigned 50% of the total inspection assignments each year. This would prevent them from choosing which businesses they inspect in the two-year cycle. They would be required to inspect all the businesses assigned for each year. It would then become the Battalion Chief of Life Safety's responsibility to ensure that all businesses were being assigned every other year, to avoid long gaps between inspections.

The final recommendation, associated with the life safety inspection program, is to hold the Lieutenants responsible for completing all assigned inspections in a quality manner. Inspection completion rates of only 26% in 2016 and 20% in 2017 is concerning.

While conducting life safety inspections, the FFD inspectors should be verifying that the business has a valid certificate of occupancy. The Certificate of Occupancy Survey for FFD Employees (Appendix K) indicated that 70% of respondents indicated that they either usually or always check for a current certificate of occupancy while conducting an inspection. However, an audit of the records showed that none of the completed inspections, submitted from Lieutenants, included documentation of the presence or lack of a certificate of occupancy. Even though the FFD Life Safety Inspector's Checklist (Appendix G) provides a blank space for recording the certificate of occupancy number. During an inspection, if the business representative cannot produce a valid certificate of occupancy, an FFD inspector needs to act. The recommended first step is to document that the business did not have a valid certificate of occupancy on the FFD Life Safety Inspector's Checklist (Appendix G). Then the FFD inspector should educate the business representative of the value of having a certificate of occupancy. The next recommendation is that the FFD inspector must provide the business representative with a card titled Certificate of Occupancy Noncompliance Notification (Appendix CC), which was created to serve as an official notification and provides recommended corrective actions to business owners and tenants that do not have a current certificate of occupancy. The adoption of the updated draft of SOG 4.2.1 Company-Level Life Safety Inspections (Appendix DD) is also recommended, which was updated to include each of these steps, including reference to the card titled Certificate of Occupancy Noncompliance Notification (Appendix CC).

The final recommendation is to create a new full-time position for a Community Risk Reductions (CRR) Officer within the FFD, who is assigned to a 40-hour workweek. The CRR Officer should serve as a liaison to the Building Code and Inspection Division, to increase communication and overall operational efficiency. As an example, the CRR Officer could then serve as the official point of contact to the Building Code and Inspection Division for reporting businesses found to be operating without a certificate of occupancy by FFD inspectors. The CRR Officer could also provide support to all 12 FFD crews assigned to perform life safety inspections. In addition, the CRR Officer could manage other prevention and mitigation programs, such as conducting plan reviews for new construction, creating pre-incident plans for use by suppression personnel, communicating public safety education messages throughout the community, and conducting a community risk assessment. The FFD should commit to an internal cultural shift towards prioritizing prevention. Emergency prevention is a better strategy to keep the members of the community safe, as opposed to emergency response. Although emergency response will always remain a necessary component.

There is plenty of room for future expanded research on the topic of certificate of occupancy compliance. Future researchers should consider conducting an audit to determine the actual certificate of occupancy compliance rate within the City of Fairborn. Future researchers could also evaluate the implementation of a creative and collaborative program to bring businesses, that are currently operating without a certificate of occupancy, into compliance. An example may be to consider running a voluntary program for a two-year period that waives the application fee and utilizes interns from Wright State University to create scaled floor plans at no cost to business owners or tenants. After the expiration of the program, any existing business that failed to take advantage of the opportunity would be handled in a traditional manner, including

citations and potential forced closures. Additionally, future researchers from outside the City of Fairborn could apply these research methods to their own community.

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**Appendix A – One Eyed Jacks Occupancy & Egress Issue Memo****Fairborn Fire Department**

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City of Fairborn • 44 West Hebble Avenue • Fairborn, OH 45324  
Telephone: (937) 754-3080 • Fax: (937) 879-2201

TO: BC Laura Kerr

FROM: BC Adam D. Howard

DATE: 6/21/15

SUBJECT: One Eyed Jacks Occupancy & Egress Issue

COPIES: DC David Reichert & BC Patrick Ricketts

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At midnight going into Sunday morning on June 21, 2015 I received a call from Sgt. Gary Mader of FPD. He was advising me that One Eyed Jacks was having a large event and it appeared to be over its occupancy load. I responded out to meet him behind Bob Evans to assess the situation. There were three other FPD officers on scene as well. There was a large crowd standing outside the doors and you could see from the front of the building that it was very busy inside the business. Sgt. Mader was advised that a rapper was scheduled to perform that has a history of attracting hostile and violent fans. The business did hire armed security for the event and FPD had already made contact with them. While we were discussing our game plan to assess the occupancy concern there was a confrontation in the parking lot. FPD officers intervened and arrested one individual. At that time Sgt. Mader called for several additional law enforcement agencies to assist, which included Greene County SO, WSU PD, Beavercreek PD, and OSP. Sgt. Mader advised that we wait for additional officers to arrive prior to addressing the issue for obvious safety concerns. I went ahead and had Q-4 and M-4 respond non-emergency to stage across the street from Homewood Suites.

Once all of the requested law enforcement officers were on scene we briefed them on the plan. I advised them that I was only going to speak the responsible party (i.e. owner, manager). I was going to request to see a copy of their Occupancy Permit. That would indicate the number of occupants that are permitted to be inside the building. We were then going to count the number of people that were inside the building and compare the numbers. If it was determined that the business was over its occupancy load, I would task the responsible party with one of two options: 1) reduce the crowd to meet the occupancy load requirements or 2) close the business and have all occupants exit.

Sgt. Mader and several other officers escorted me to the rear of the building. Several other officers staged at the front of the building. We made contact with both the owner and manager (owner's daughter). Sgt. Mader and I jointly explained why we were there from both a law enforcement and life safety purpose. I requested to see a copy of their Occupancy Permit. Apparently they recently expanded the business to include another unit to the east, within the shopping center. They explained that they only had an Occupancy Permit for the original business but were never provided a copy of the Occupancy Permit for the new expansion. The owner explained that it had been approved by building inspection from the City of Fairborn, they just never received a copy. They stated that their total occupancy load was 250, including the cumulative of both sides. The Occupancy Permit for the original section was approved for up to 93 occupants. I explained to them that since they couldn't produce the other Occupancy Permit, that as the Authority Having Jurisdiction, I would determine what was acceptable for tonight. Then it would be their responsibility to obtain a copy of the Occupancy Permit as soon as possible next week. I also explained that my number would likely be much less than the actual Occupancy Permit because I was going to weigh on the side of safety. The owner and manager agree to the terms. The manager also explained that they only sold 215 presale tickets for the event. She advised that nobody was being admitted in at the door without a presale wristband.

I entered the business through the rear doors and walked through the kitchen toward the bar. The original section was busy and appeared to have approximately 100 people in total. This was based upon two PD officers and my approximate counts, as people were coming and going. Therefore, there were only 7 occupants beyond the limit and this was based upon an approximate count. Then we worked our way to the new section. Immediately upon entering this section I discovered that the rear exit access was completely blocked with tables and chairs. It appeared that they had moved all of the furniture to the back of the space to make room for the occupants to dance and engage with the music performance. While we were inside the business there were performers on stage but the main act had not yet arrived. I immediately advised the manager that she needed to rectify the blocked exit access issue. She promptly moved the tables and chairs out of the way to allow for an adequate exit access to the egress door. I then progressed to the back door of the new section. The first exit door was a wooden door that had a standard door handle, as opposed to panic hardware. I opened that door to find stored kegs in between that door and the actual egress door. In addition, the electrical panel was found to be in the open position. I immediately had the manager clear the kegs from in front of the egress door. While she did that I closed the panel on the electrical panel. I thanked her for her prompt cooperation.

While we were finishing that up Sgt. Mader came and got me. He led me back into the kitchen and explained that he had witness several people come in the front door and pay money to get inside the business. At this point Sgt. Mader became upset with the owner and manager. We all met back outside to discuss the issue. He informed them that he discovered that they were lying to us about the admittance being limited to 215 presale wristbands. He asked them about the cash transactions at the door and they denied it. Sgt.

Mader informed them that he had already interviewed their employee at the front door, who said he was advised to charge \$15 for anyone that didn't have a presale wristband.

We reentered the building to complete our current occupancy count of the new section. As I was attempting to count the number of occupants Sgt. Mader advised me that the front exit was blocked by the stage. I then realized that he was right, they had built the performance stage directly in front of the front exit door of the new section. We immediately went back outside to meet with the owner and manager again. I asked them if the stage was temporary or permanent. They advised me that it was a permanent stage and had been approved by the fire department. I informed them that it was not permissible because the front door was an exit, which included an illuminated exit sign directly above it. The owner said that people can still exit out the door with the exception of handicap people. I explained to him that this didn't qualify as a clear and usable exit.

At this time I made the decision to close entry to any more occupants, regardless if they had a prepaid wristband or not. In an effort not to create a hostile crowd I determined that I was not going to have them remove any of the current occupants. So I had the manager come along with Sgt. Mader, several other law enforcement officers, and myself to the front entry. I asked her to pick up the cash box and remove it to a safe location in the office area. I clearly informed the manager and the employee working the door, with the officers present, that they were not to allow any more occupants in the door. I made no exceptions and explained that if someone left it didn't matter, no one else was allowed to enter. Those that had already made it inside could stay until the business closed for the night but not one more person could enter. I informed them that if we witnessed them allow anyone to enter that we would immediately force their business closed for the night. Law enforcement staged a presence at the front door. Initially there were some high tensions between law enforcement and the incoming patrons. However, they were quickly able to deescalate the situation. At that time I released M-4 and Q-4 to return to service.

After approximately 10 minutes had elapsed Sgt. Mader came over to discuss the demobilization plan. He explained that he didn't want to hold all of the law enforcement officers any longer than necessary. As we were discussing our plan several people were observed leaving the business on their own accord. The time was approaching 0130 hours and the main act still had not shown up. Law enforcement suggested that their significant presence in the parking lot may have deterred him from entering the event. Sgt. Mader made the decision to pull all of the law enforcement officers from the front door and back to the staging area behind Bob Evans. We monitored conditions from that location and it appeared that the crowd was steadily dispersing. Sgt. Mader began releasing law enforcement officers from the scene. We discussed the need to have a priority follow up from fire code enforcement and building inspection early next week to assess a number of issues:

- Permanent stage blocking an exit
- Lack of Occupancy Permit for the new section
- Blocked exit access & egress doors due to storage & poor housekeeping
- High stacked storage blocking sprinkler heads in kitchen

- Lack of adherence and understanding of occupancy load by ownership and management

Prior to leaving I advised the manager that we would be returning next week to follow up on a number of issues to ensure that they understand how to safely operate their business moving into the future. I returned to service at 0149 hours. Please let me know if you have any other questions.

**Appendix B – Top Dog Saloon Official Citation****Fairborn Fire Department**

City of Fairborn • 44 West Hebble Avenue • Fairborn, OH 45324  
Telephone: (937) 754-3080 • Fax: (937) 879-2201

Official Citation

August 18, 2017

Top Dog Saloon  
Attn: Jonathan Molnar  
304 - 308 W. Main St.  
Fairborn, OH 45324

Owner Jonathan Molnar,

This letter is in response to fire code violations at 304 – 308 W. Main St. in Fairborn, OH. The code violations listed below were explained to you, in person, on the evening of August 18, 2017. The temporary conditions of continued occupancy are agreements limited to this weekend (August 18<sup>th</sup> – 20<sup>th</sup>, 2017) until more permanent solutions can be reached in a coordinated effort with the City of Fairborn Building Code & Inspection Division.

It is understood that the properties involved include 304, 306, and 308 W. Main St. 306 and 308 have been combined into a single occupancy now referenced as simply 308 W. Main St. The business operator was unable to produce a Certificate of Occupancy for neither 304 nor 308 W. Main St. when requested by Fire Officials during a routine company-level life safety inspection. The inspection crew requested myself, Battalion Chief Adam D. Howard, to the scene when they discovered the serious fire code violations referenced below. Based upon the violations referenced below I find the businesses of 304 and 308 W. Main St. to be within an unsafe building liable to fire and endangering to life and other property. As a result, these businesses may not be occupied and operated if the following dangerous conditions are not immediately remedied as presented within the temporary conditions of continued occupancy.

This citation is only referencing the most serious fire code violations found on August 18, 2017, which lead to the unsafe building classification. A full detailed fire inspection of both businesses will be conducted at a later date in an effort to achieve full fire code compliance.

The following is a list of the violations noted which require corrective actions:

**OHIO ADMINISTRATIVE CODES:**

1301:7-7-01 thru 1301:7-7-47

304 W. Main St.

On August 18, 2017 the building owner claims that this business space has been recently zoned as residential use by the City of Fairborn. However, this space appears to be an extension of the business at 308 W. Main St. The space includes a red sectional couch, a pool table w/ bar lighting, two dart boards, and the same security camera system that is present in 308 W. Main St. The owner was unable to produce documentation showing that this space was residential and the evidence appeared to prove otherwise.

**1) No Certificate of Occupancy**

Ohio Fire Code (OFC) 2011  
Section 102 Applicability

**Comments:**

The owner was unable to produce a Certificate of Occupancy

**Temporary Conditions of Continued Occupancy**

Temporary occupancy limited to 10 people including band members and staff only; no public guests. The band members must be provided with a tour of the business, including clear identification of the exits prior to occupancy.

**Codebook Text**

102.3.2 Certificate of occupancy. A responsible person shall maintain a copy of the current certificate of occupancy for a structure regulated by the building code in accordance with 1301:7-7-47 of the Administrative Code and make it available to the fire code official upon request.

**Days to Comply**

Immediately

**2) No Exit Signs Present**

Ohio Fire Code (OFC) 2011  
Section 1011 Exit Signs

**Comments:**

There are no exit signs within this space.

**Temporary Conditions of Continued Occupancy**

Place a temporary non-illuminated exit sign above both exit doors. Keep the front exit door open at all times, while the space is open and occupied. Place temporary light at the exterior of the exit access.

**Codebook Text**

(1) 1011.1 Where required. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel.

**Days to Comply**

Immediately

**3) Electrical Panel Exposed with Missing Cover**

Ohio Fire Code (OFC) 2011

Section 605 Electrical Equipment, Wiring, and Hazards

**Comments:**

The electrical panel is missing the cover, exposing the breakers, open wiring, and busbar.

**Temporary Conditions of Continued Occupancy**

Replace electrical panel cover

**Codebook Text**

605.1 Abatement of electrical hazards. Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

**Days to Comply**

Immediately

**4) Combustible Storage at Electrical Panel**

Ohio Fire Code (OFC) 2011

Section 605 Electrical Equipment, Wiring, and Hazards

**Comments:**

Combustible storage stacked in room causing electrical panel to be inaccessible.

**Temporary Conditions of Continued Occupancy**

Remove combustible materials from in front of electrical panel and maintain continuous access.

**Codebook Text**

605.3 Working space and clearance. A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. No storage of any materials shall be located within the designated working space.

**Days to Comply**  
Immediately

**5) Open Electrical Junction Boxes**

Ohio Fire Code (OFC) 2011

Section 605 Electrical Equipment, Wiring, and Hazards

**Comments:**

Two electrical junction boxes are missing covers, exposing the electrical wiring.

**Temporary Conditions of Continued Occupancy**

Place covers over the electrical junction boxes.

**Codebook Text**

605.6 Unapproved conditions.

Open junction boxes and open-wiring splices shall be prohibited.

**Days to Comply**  
Immediately

308 W. Main St.

This space includes the main bar business.

**1) Locked Exit Door**

Ohio Fire Code (OFC) 2011

Section 102 Applicability

**Comments:**

One of the two front exit doors was locked. This was the exit door the West. The bartender reported that this door typically stays locked because the lock tumbler is damaged. From the inside and outside this exit door must be unlocked with a key.

**Temporary Conditions of Continued Occupancy**

Keep both exit doors unlocked at all times that the building is occupied.

**Codebook Text**

1008.1.9 Door operations. Egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

**Days to Comply**  
Immediately

- 2) **No Fire Extinguisher**  
Ohio Fire Code (OFC) 2011  
Section 906 Portable Fire Extinguishers

**Comments:**  
No fire extinguisher present within the business.

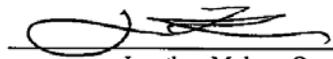
**Temporary Conditions of Continued Occupancy**  
A minimum of 1 – 4A~~2~~10B:C fire extinguisher or 2 – 2A10B:C fire extinguishers are required to be properly mounted within the business.

**Codebook Text**  
906.1 Where required. Portable fire extinguishers shall be installed in the following locations: In all new and existing Group A, B, E, F, H, I, M, R-1, R-2 and S occupancies.

**Days to Comply**  
Immediately

Failure to comply with this Citation is a violation of the Ohio Revised Code and Ohio Administrative Code and will result in further legal action.

I hereby agree to the conditions of this citation:

  
Jonathan Molnar, Owner

8-18-17  
Date

If you have any further questions, please feel free to contact me regarding this matter.

Respectfully,



Adam D. Howard  
Life Safety Battalion Chief – Code Enforcement Officer  
Fairborn Fire Department

**Appendix C – Fire Chief Questionnaire****Fairborn Fire Department**

Adam D. Howard, Battalion Chief

**Applied Research Questionnaire****Date:** January 23, 2018Name: Michael RileyTitle: Fire Chief, City of Fairborn**Questions:**

1. What are the values of ensuring that required businesses obtain a certificate of occupancy?
  - It ensures a building's compliance with applicable codes and indicates it to be in a condition suitable for occupancy. Ultimately, its value is for the safety of the occupants and nearby occupancies.
2. In your opinion, what are barriers that prevent businesses from obtaining a certificate of occupancy?
  - The process to obtain one may not be clear or is different from another community's process, the business owner does not know it is necessary, the business owner avoids the process of getting one initially or the business has operated for several years without one and is reluctant to get one now.
3. What is the Fire Department's role in the certificate of occupancy compliance process within the City of Fairborn?
  - Confirming its existence during annual inspections and notifying the Building Department if the occupancy fails to continue to comply with the conditions in which it was issued. Also items answered in question 5.
4. If the Fire Department discovers a business operating without a certificate of occupancy, during a routine life safety inspection, how should they communicate this information to the Building Department?
  - Since there is no formal process to report the violation now, e-mail the Building Department with the information.

5. In your opinion, are there any other city departments that could incorporate procedures to assist the Building Department with ensuring certificate of occupancy compliance?
  - The water department could require the C of O information when new businesses establish utilities within the city. The Fire Department could provide notice to the Building Department of occupancies with businesses operating without a C of O, or with a change of use when discovered. The fire Department could notify the Building Department of vacant occupancies, or occupancies that have new tenants.
  
6. In your opinion, how would the City of Fairborn benefit from the development of an updated multi-departmental certificate of occupancy program?
  - I don't believe a multi-departmental program is the answer, it would likely cause significant delays and confusion. The C of O program should be overseen and managed by the Building Department. A better-defined, clear process should include notification to the Fire Department of changes to current occupancies, new occupancies or businesses in violation of their current occupancy. The Utilities Department should verify the C of O exists for any new requests for water turn on or off at any commercial property prior to providing the service, this would require access to a Building Department database by both departments.

## Appendix D – Development Services Director Questionnaire



## Fairborn Fire Department

Adam D. Howard, Battalion Chief

## Applied Research Questionnaire

Date: February 2, 2018Name: Jeffery TylerTitle: Development Services Director, City of FairbornQuestions:

1. What businesses are required to have a certificate of occupancy within the City of Fairborn?

*All businesses are required to have a certificate of occupancy.*

*OBC 111.1 Approval required to occupy. No building or structure, in whole or in part, shall be used or occupied until the building official has issued an approval in the form of a certificate of occupancy or certificate of completion in compliance with this section.*

2. What are the values of ensuring that required businesses obtain a certificate of occupancy?

*Not sure that I understand the question.*

3. What year did the certificate of occupancy become a requirement within the City of Fairborn?

*I am not sure of the exact date. Ohio began enforcing a model non-residential code (commercial) in 1979 with the adoption of the "Ohioized" version of the BOCA National Building Code. Prior to that it was the responsibility of each local jurisdiction to adopt their own codes.*

4. Are any businesses exempt from being required to have a certificate of occupancy, such as those established prior to the certificate of occupancy requirement?

*OBC 111.1 Approval required to occupy. No building or structure, in whole or in part, shall be used or occupied until the building official has issued an approval in the form of a certificate of occupancy or certificate of completion in compliance with this section.*

*OBC 102.7 Existing structures. The provisions of Chapter 34 shall control the alteration, repair, addition, maintenance, and change of occupancy of any existing structure. The*

*occupancy of any structure currently existing on the date of adoption of this code shall be permitted to continue without change provided there are no orders of the building official pending, no evidence of fraud, or no serious safety or sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with section 111.2. Buildings constructed in accordance with plans which have been approved prior to the effective date of this code are existing buildings.*

5. Do you have the authority, within the City of Fairborn, to issue a certificate of occupancy with a retroactive issuance date?

*No*

*OBC 111.4 Existing buildings. Upon written request from the owner of an existing building or structure, the building official shall issue a certificate of occupancy, provided there are not violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged occupancy of the building or structure has previously existed. This code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.*

6. Once a business is issued a certificate of occupancy, are they only required to meet the Building and Fire Codes in effect at that time, as they continue to operate into the future?

*That is correct.*

7. Does the building department maintain an electronic database of all the current approved businesses within the City of Fairborn?

- a. If yes, can you provide me with a list of all the businesses?

*We do not have an electronic database of all certificates of occupancy*

8. What is the current certificate of occupancy compliance rate within the City of Fairborn?

*I do not know that number because I do not keep track of the number of businesses within the City that do and do not have certificates of occupancy.*

9. In your opinion, what are barriers that prevent businesses from obtaining a certificate of occupancy?

- *Lack of understanding what a certificate of occupancy is;*
- *Perception that the process is too cumbersome to obtain a certificate of occupancy;*
- *Inability to draw a floor plan and site plan in order to apply for a certificate of occupancy*

10. What are the training requirements for building inspectors, who conduct inspections associated with the issuance of certificates of occupancy?  
*They must obtain a Building Inspector certification through the Ohio Board of Building Standards and they must maintain 30 hours of continuing education in 3 years.*

11. What are the general steps associated with the issuance of a certificate of occupancy?

- a. New construction:
- b. Existing structures:

*For both it is the following:*

- *Application submitted, including the required plans;*
- *Application reviewed for completeness;*
- *Plans approved by the appropriate plan reviewers;*
- *Review(s) completed and permit(s) issued;*
- *Inspection(s) obtained;*
- *Inspector recommends issuance of CO (Passed Final Inspection);*
- *CO issued by the Building Official*

*The difference between the two is in the detail of the plans that need to be submitted, the number of plan examiners (from different departments) that need to review and the number of inspections that need to be conducted based upon whether it is new construction or an existing occupancy.*

12. Is the certificate of occupancy issuance process documented in a departmental policy or guideline?

*Not currently. However, will be within 3 months*

13. Is the process for obtaining a certificate of occupancy published and readily available to the public?

*Not currently. However, will be within 3 months*

14. How much time does it take for a business to obtaining a certificate of occupancy, barring any unforeseen delays?

*The application process takes 14 days for review; the inspection process takes 1 day.*

15. What are the associated costs, incurred by a business, to obtain a certificate of occupancy?

*\$45*

16. If the Fire Department discovers a business operating without a certificate of occupancy, during a routine life safety inspection, how should they communicate this information to the Building Department?

*They should follow the process within the Ohio Fire Code to issue a Notice of Violation and then forward a copy of that Notice to the Building Official.*

17. Would it be beneficial to have the Utilities Department report start or transfer service requests, for commercial addresses, to the Building Department for follow up regarding the potential change of occupancy?

*Yes*

18. In your opinion, are there any other city departments that could incorporate procedures to assist the Building Department with ensuring certificate of occupancy compliance?

*Fairborn Fire Department*

19. From your experience with other jurisdictions, are there any elements that you would like to implement within the City of Fairborn to improve certificate of occupancy compliance?

*The annual inspection process by the fire department is a great tool for identifying non-compliance.*

20. In your opinion, how would the City of Fairborn benefit from the development of an updated multi-departmental certificate of occupancy program?

*The City of Fairborn would benefit greatly. The fire department would be a necessary second-pair of eyes in the field.*

Appendix E – Business Occupancy Permit Application



**Business Occupancy Permit Application** (Revised July 2008)

**Date Stamp**

**CITY OF FAIRBORN** Building Inspection Division

44 W. Hebble Ave • Fairborn, OH 45324 • +937-754-3050 • fax 937-754-3051 • Email: bldginsp@ci.fairborn.oh.us

Project Address \_\_\_\_\_

Lot # \_\_\_\_\_ Parcel ID # \_\_\_\_\_ Subdivision \_\_\_\_\_

Zoning District \_\_\_\_\_ Flood Plain  Yes  No Wetlands  Yes  No

Contact Name/ Applicant Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Alternate Phone \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Business Name \_\_\_\_\_ Phone \_\_\_\_\_

Nature of Business \_\_\_\_\_ Email \_\_\_\_\_

**EMERGENCY CONTACT**

**EMERGENCY PHONE**

Tax ID. # \_\_\_\_\_ Former Business at this Address \_\_\_\_\_

Square Footage of Space \_\_\_\_\_ Do you:  Rent  Lease  Own

Is the power on in the building/space?  Yes  No If not, a separate permit may be required for reconnection

Property Owner

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_ **EMERGENCY PHONE**

**EXPLANATION AND PERMIT PROCESS**

Building or spaces within buildings are not allowed to be occupied without a current Certificate of Occupancy issued in the name of the tenant occupying that building or space. All life safety requirements shall be in compliance before a building or space may be occupied.

The Following items must be submitted with this application for occupancy:

1. Letter of explanation stating scope of business operation, hours of operation, number of employees, etc.
2. Scaled floor plan for all occupied areas under tenant control.
3. Location and number of assigned parking spaces.
4. \$45.00 FEE

**THIS IS AN APPLICATION AND NOT A PERMIT TO OCCUPY THE BUILDING.** Call for an on-site inspection after review and issuance of a permit. Occupancy inspections are conducted by appointment Monday through Friday, 9:00 a.m. to noon or 1:00 p.m. to 4:00 p.m. Minimum 24 hour notice is required for an inspection. If any defects are noted at the on-site inspection, a re-inspection can be scheduled and occupancy approval may be granted after corrections. A second inspection may be required to confirm compliance with safety issues.

Occupancy will be issued at final and approval of all permits.  
The certificate of occupancy will be mailed to the contractor, owner or tenant as preferred.

**APPLICANT AGREEMENT AND SIGNATURE**

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all City Ordinances and State Laws regulating zoning and building construction, electric installation and/or heating and air conditioning installation. I agree to comply with approved drawings and keep approved drawings on the job site. I understand that any deviation from the approved plans must be authorized by the approval of the revised plans, subject to the same procedure established for the examination of the original plans, and that an additional fee may be charged, predicated on the extent of the variation from the original plans. I also acknowledge I am the property owner, or am authorized to act as the owner's agent in obtaining this permit. I acknowledge that permits with no inspection activity for 6 months shall be expired. Subsequent inspections will not be performed until permit has been renewed and payment of any additional fees has been completed. I understand that it is the responsibility of the owner/owner agent to call for all required inspections and that 24 hours notice is required for all inspections.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

Date \_\_\_\_\_

**Appendix F – Building & Zoning Permit Application**



**Building & Zoning Permit Application** (Revised 5/23/12) **Date Stamp**

**CITY OF FAIRBORN** Building Inspection Division 44 W. Hebble Ave • Fairborn, OH 45324

Phone 937-754-3050 • Fax 937-754-3051 • Email: marie.gay@ci.fairborn.oh.us

Project Address \_\_\_\_\_  
 Lot # \_\_\_\_\_ Parcel ID # \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Zoning District \_\_\_\_\_ Flood Plain  Yes  No Wetlands  Yes  No  
 Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Alternate Phone \_\_\_\_\_  
 City, State and Zip Code \_\_\_\_\_

Tenant/Applicant _____	Contractor _____
Address _____	Address _____
City, State, Zip Code _____	City, State, Zip Code _____
Phone _____	Phone _____
E-Mail _____	E-Mail _____
Fax # _____	Fax # _____

**PROJECT DESCRIPTION**

**OBC REQUIREMENTS (Commercial Construction)**

Use Group \_\_\_\_\_  
 Mixed Use \_\_\_\_\_  
 Construction Type \_\_\_\_\_  
 Occupant Load \_\_\_\_\_  
 Sprinkler System  Yes  No

**CALL 8-1-1 OR 1-800-362-2764 AT LEAST 48 HRS.**

**BEFORE YOU DIG.**

**IT'S THE LAW!**

**BUILDING REQUIREMENTS (Commercial and Residential)**

Floor Area \_\_\_\_\_  
 Total Height \_\_\_\_\_  
 Number of Stories \_\_\_\_\_  
 Water Meter Size (New Construction) \_\_\_\_\_ inch

**RESIDENTIAL**

Finished Basement \_\_\_\_\_ (Living Space)  
 Unfinished Basement \_\_\_\_\_  
 Garage \_\_\_\_\_  
 1st Floor Living Space \_\_\_\_\_  
 2nd Floor Living Space \_\_\_\_\_  
**TOTAL LIVING SPACE** \_\_\_\_\_

**BUILDING VALUATION** \$ \_\_\_\_\_

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all City Ordinances and State Laws regulating zoning and building construction, electric installation and/or heating and air conditioning installation. I agree to comply with approved drawings and keep approved drawings on the job site. I understand that any deviation from the approved plans must be authorized by the approval of the revised plans, subject to the same procedure established for the examination of the original plans, and that an additional fee may be charged, predicated on the extent of the variation from the original plans. I also acknowledge I am the property owner, or am authorized to act as the owner's agent in obtaining this permit. I acknowledge that permits with no inspection activity for 6 months shall be expired. Subsequent inspections will not be performed until permit has been renewed and payment of any additional fees has been completed. I understand that it is the responsibility of the owner/owner agent to call for all required inspections and that 24 hours notice is required for all inspections.

**Signature** \_\_\_\_\_  
**Printed Name** \_\_\_\_\_  
**Date** \_\_\_\_\_

FOR OFFICE USE ONLY	FEES:
Building	_____
1% State Surcharge (Residential)	_____
3% State Surcharge (Commercial)	_____
Zoning	_____
W & S Connection (Meter Size _____")	_____
Plan Review ( # hours _____)	_____
Plan Delivery	_____
TOTAL	_____
<b>DATE APPLICANT CONTACTED:</b> _____	

**Appendix G – FFD Life Safety Inspector’s Checklist**

2<sup>nd</sup> Insp. \_\_\_\_\_ Platoon \_\_\_\_\_  
 3<sup>rd</sup> Insp. \_\_\_\_\_ Company \_\_\_\_\_  
 L.S. \_\_\_\_\_ Pre-Plan# \_\_\_\_\_

**Fairborn Fire Department  
 LIFE SAFETY INSPECTOR’S CHECKLIST**

CERTIFICATE OF OCCUPANCY# \_\_\_\_\_ INSPECTORS \_\_\_\_\_ DATE \_\_\_\_\_

BUSINESS NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

BUSINESS OWNER/MANAGER \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

2ND CONTACT \_\_\_\_\_ ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_ KNOX \_\_\_\_\_ CITY \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ CAD \_\_\_\_\_

**OPENING DEFECTS**  
 \_\_\_\_\_ HOLES IN WALLS, CEILING, OR FLOOR \_\_\_\_\_ FIRE DOOR BLOCKED OPEN  
 \_\_\_\_\_ CEILING TILE MISSING \_\_\_\_\_ OTHER \_\_\_\_\_  
 \_\_\_\_\_ OPENING AROUND PIPES \_\_\_\_\_

**ELECTRICAL**  
 \_\_\_\_\_ EXTENSION CORD(S) \_\_\_\_\_ EXPOSED WIRING \_\_\_\_\_  
 \_\_\_\_\_ PANEL ACCESSIBLE \_\_\_\_\_ TAPE ON BREAKERS \_\_\_\_\_  
 \_\_\_\_\_ MISSING COVERS \_\_\_\_\_ GENERAL HAZARDS \_\_\_\_\_  
 \_\_\_\_\_ USE OF NON LISTED EQUIPMENT \_\_\_\_\_ OTHER \_\_\_\_\_

**STORAGE**  
 \_\_\_\_\_ TOO HIGH \_\_\_\_\_ COMBUSTIBLES \_\_\_\_\_  
 \_\_\_\_\_ AISLES BLOCKED \_\_\_\_\_ FLAMMABLE \_\_\_\_\_  
 \_\_\_\_\_ UNDER STAIRS \_\_\_\_\_ OTHER \_\_\_\_\_  
 \_\_\_\_\_ CYLINDERS NOT CHAINED \_\_\_\_\_

**EXITS/AISLES**  
 \_\_\_\_\_ EXIT LIGHTS \_\_\_\_\_ DOORS BLOCKED \_\_\_\_\_  
 \_\_\_\_\_ EMERGENCY LIGHTS \_\_\_\_\_ AISLES BLOCKED \_\_\_\_\_  
 \_\_\_\_\_ SIGNS NEEDED \_\_\_\_\_ AISLES INADEQUATE \_\_\_\_\_  
 \_\_\_\_\_ EXIT BLOCKED \_\_\_\_\_ OTHER \_\_\_\_\_

**HOUSEKEEPING**  
 \_\_\_\_\_ NUMBERS ON BUILDING \_\_\_\_\_ TRASH INSIDE \_\_\_\_\_  
 \_\_\_\_\_ STORAGE ORGANIZED \_\_\_\_\_ TRASH OUTSIDE \_\_\_\_\_  
 \_\_\_\_\_ PERMIT NUMBER POSTED \_\_\_\_\_ OTHER \_\_\_\_\_

**FIRE EXTINGUISHERS**  
 \_\_\_\_\_ NEEDED \_\_\_\_\_ LAST DATE TESTED \_\_\_\_\_  
 \_\_\_\_\_ NEED TESTED \_\_\_\_\_ HIDDEN \_\_\_\_\_  
 \_\_\_\_\_ NEED MOUNTED \_\_\_\_\_ OTHER \_\_\_\_\_

**ALARM SYSTEMS**  
 \_\_\_\_\_ PULL STATIONS \_\_\_\_\_ LAST DATE TESTED \_\_\_\_\_  
 \_\_\_\_\_ SMOKE DETECTORS \_\_\_\_\_ HEAT DETECTORS \_\_\_\_\_  
 \_\_\_\_\_ CENTRAL STATION SUPERVISION \_\_\_\_\_ OTHER \_\_\_\_\_  
 \_\_\_\_\_ ANNUNCIATOR PANEL LOCATION \_\_\_\_\_

**SUPPRESSION SYSTEMS**  
 \_\_\_\_\_ HOOD \_\_\_\_\_ LAST DATE TESTED \_\_\_\_\_  
 \_\_\_\_\_ DUCT \_\_\_\_\_ F.D.CONNECTION CLEAR \_\_\_\_\_  
 \_\_\_\_\_ SPRINKLER \_\_\_\_\_ LAST DATE TESTED \_\_\_\_\_  
 \_\_\_\_\_ EXTRA HEADS/WRENCH \_\_\_\_\_ STANDPIPE SYSTEM \_\_\_\_\_

Your attention is called to the above violation(s). You are required to correct said violation(s) immediately upon receipt of this notice. We appreciate your cooperation in correcting the violation(s) on or before the re-inspection dated. A follow up inspection will be in \_\_\_\_\_ days.

Signature \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

**Appendix H – Certificate of Occupancy Survey for Fire Code Officials**

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

**Q1 In your opinion, what are the benefits of a certificate of occupancy being issued for a commercial building?**

Answered: 19 Skipped: 0

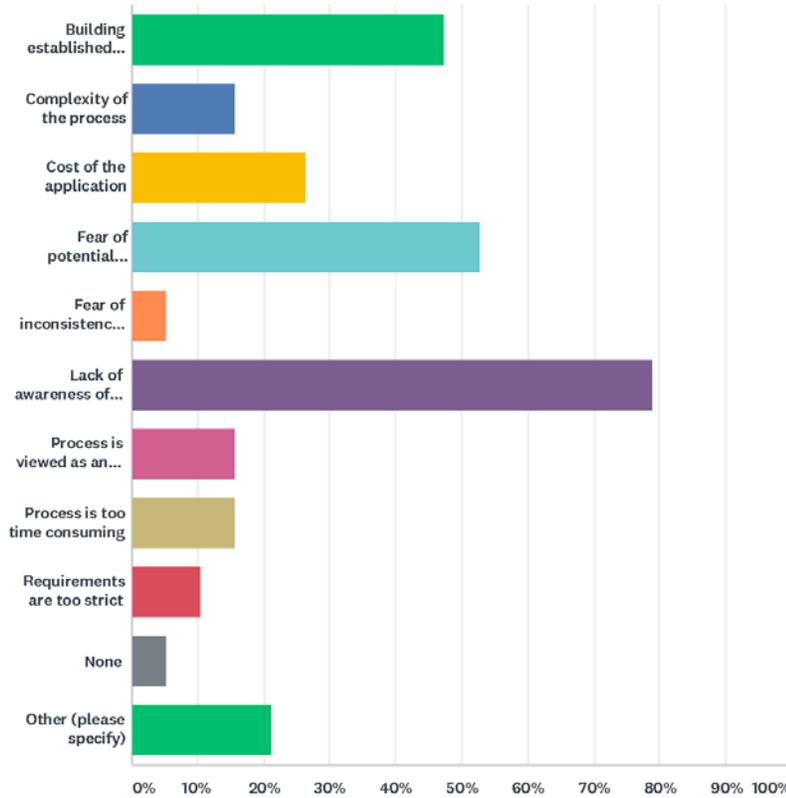
#	RESPONSES	DATE
1	The certificate of occupancy allows future inspectors and owners/tenants to know what is appropriate use of a space or building. Being able to identify specific variances or conditions that may be a part of the original approval allows us to fairly and safely enforce fire codes.	3/15/2018 12:56 PM
2	It makes sure that the building is used for the intended purpose.	3/7/2018 12:21 PM
3	Highly important, you'll be able to know the limit of the amount of people in the building, plus what the occupancy type is, along with the building type.	3/1/2018 1:09 PM
4	As enforcement if occupancy ever becomes and issue for planned or unplanned events.	3/1/2018 10:26 AM
5	It defines what the building was designed and used for and provides the Fire Inspection division a guide for enforcement.	2/28/2018 5:25 PM
6	That the building has met the requirements of the OBC and OFC for the type and use of the building	2/28/2018 4:15 PM
7	Allows clarity for both building occupants and code officials as to the agreed upon definition of the building and how that affects the use of the building.	2/28/2018 1:07 PM
8	A properly completed C of O will list all pertinent information concerning the property that will greatly benefit a fire inspector to maintain the structure as it was approved.	2/28/2018 11:15 AM
9	A Must on new construction and renovations. Not sure what to do to existing prior 1996 occuppies. Not really worried about business retail existing stand alone.	2/28/2018 11:09 AM
10	A known connection between the fire code, fire department, occupants of the building to ensure the safety of employees and costumers alike.	2/28/2018 9:40 AM
11	Keeps you informed on what business is operating out of the building	2/28/2018 8:39 AM
12	The C of O is beneficial as it proves that the building has been approved with or without the necessary life safety items it may or may not need	2/27/2018 4:13 PM
13	confirms that a structure was built and inspected according to the code	2/27/2018 3:30 PM
14	Very important for tracking approved use, occupancy load and layout.	2/27/2018 3:08 PM
15	To know what use group the building was designed for.	2/27/2018 2:11 PM
16	Type of business / What is stored in the building	2/27/2018 2:04 PM
17	helps define parameter of building usage or special "do's & don't s or can & cannot". Variance's etc...	2/27/2018 2:02 PM
18	Establishes the use of the building to determine which parts of the fire code to apply.	2/27/2018 2:00 PM
19	To me it makes the statement that the building was completed in the manor it was designed. But we all know that things change after the CO is issued.	2/27/2018 1:58 PM

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

Q2 In your opinion, what are the barriers that prevent commercial building owners or tenants from obtaining a certificate of occupancy?

Answered: 19 Skipped: 0



ANSWER CHOICES	RESPONSES	
Building established prior to the requirement	47.37%	9
Complexity of the process	15.79%	3
Cost of the application	26.32%	5
Fear of potential building code violations	52.63%	10
Fear of inconsistency from inspectors	5.26%	1
Lack of awareness of the requirement	78.95%	15
Process is viewed as an intrusion of government	15.79%	3
Process is too time consuming	15.79%	3
Requirements are too strict	10.53%	2

Certificate of Occupancy Survey for Fire Code Officials SurveyMonkey

None	5.26%	1
Other (please specify)	21.05%	4
Total Respondents: 19		

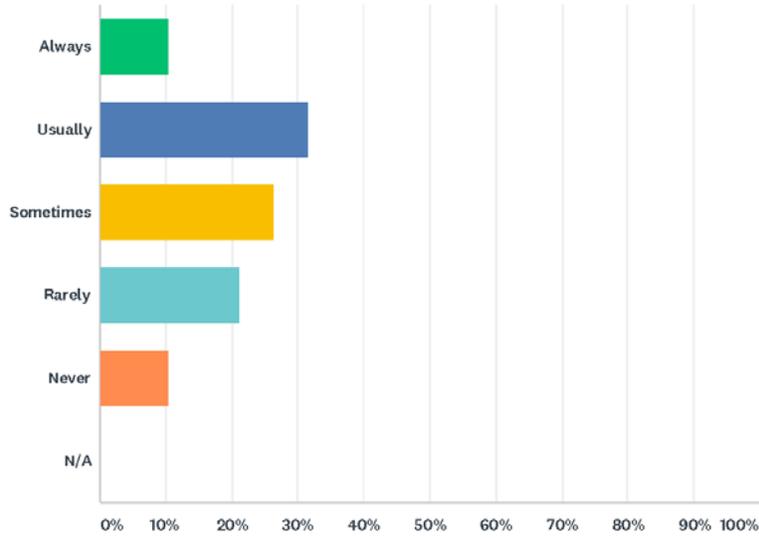
#	OTHER (PLEASE SPECIFY)	DATE
1	Many do not understand that the building code is a use code and when you change the use in the building you have to bring it up to that standard.	2/28/2018 5:25 PM
2	The county building department does not have them on file, and properly obtaining a new CoFO can be quite expensive.	2/28/2018 1:07 PM
3	At times our building department will issue a temporary C of O and then does not follow-up and it is forgotten.	2/28/2018 11:15 AM
4	Owner of numerous commercial properties not in compliance.	2/28/2018 11:09 AM

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

Q3 During fire inspections, do you check for a current certificate of occupancy?

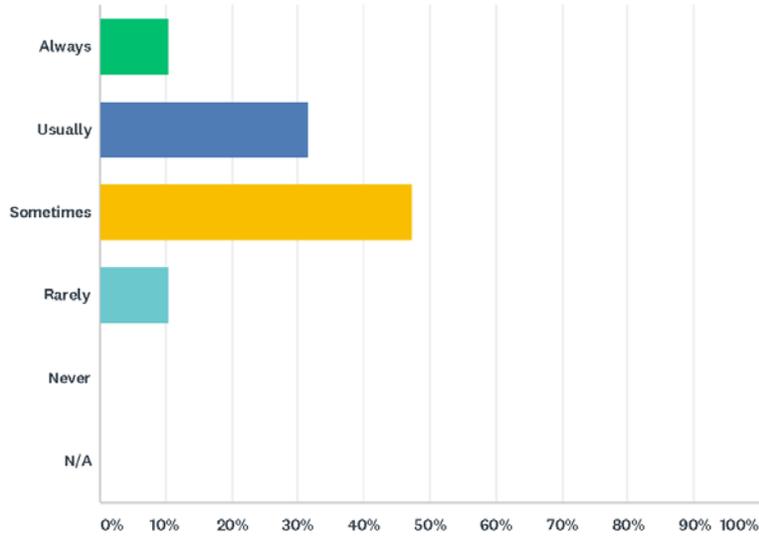
Answered: 19 Skipped: 0



ANSWER CHOICES	RESPONSES	
Always	10.53%	2
Usually	31.58%	6
Sometimes	26.32%	5
Rarely	21.05%	4
Never	10.53%	2
N/A	0.00%	0
<b>TOTAL</b>		<b>19</b>

**Q4 During fire inspections, how often do you encounter buildings that do not have a current certificate of occupancy?**

Answered: 19 Skipped: 0



ANSWER CHOICES	RESPONSES	
Always	10.53%	2
Usually	31.58%	6
Sometimes	47.37%	9
Rarely	10.53%	2
Never	0.00%	0
N/A	0.00%	0
<b>TOTAL</b>		<b>19</b>

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

**Q5 If the fire department discovers a commercial building in use or occupied without a certificate of occupancy, during a routine inspection, what do you do with that information?**

Answered: 19 Skipped: 0

#	RESPONSES	DATE
1	Attempt to research if there is a current/relevant CUO. If there is, we verify that the current use matches what is permitted. If not, we advise them to work through the process to acquire one.	3/15/2018 12:56 PM
2	Contact the building department and let them know that the business does not have it.	3/7/2018 12:21 PM
3	will contact the building department for their opinion	3/1/2018 1:09 PM
4	Depends on the Type. If its an A occupancy then it gets dealt with ASAP.	3/1/2018 10:26 AM
5	write it up and have them go back to the building department If we believe it is a change of use.	2/28/2018 5:25 PM
6	Notify the building department	2/28/2018 4:15 PM
7	Nothing, that is quite normal.	2/28/2018 1:07 PM
8	Approximately half of our commercial buildings have no C of O.	2/28/2018 11:15 AM
9	Existing, complete inspection. New found occupancy involve building and zoning for permit process. Have owner fill out storage and alarm information.	2/28/2018 11:09 AM
10	Contact Building Inspection for assistance in this matter for both the fire department and the business owner	2/28/2018 9:40 AM
11	Contact the building department. Since the fire department does the zoning here we can issue our own tenant change.	2/28/2018 8:39 AM
12	start a violation and refer them to the local or county building department	2/27/2018 4:13 PM
13	refer to building dept.	2/27/2018 3:30 PM
14	Check the current occupancy against last approved usage of record. If not matching use, require occupancy to obtain new certificate of occupancy.	2/27/2018 3:08 PM
15	Normally a identified high hazard building must obtain a certificate if doesn't have current one.	2/27/2018 2:11 PM
16	Try and help the owner with the right procedure. To get the right Certificate.	2/27/2018 2:04 PM
17	inform the tenant that they are required to obtain a C/O and follow up....then inform Building Dept. and they follow up as well	2/27/2018 2:02 PM
18	Many of them don't have it becuse the owner/occupant has changed, sometimes multiple times. The C of O can't be found. I have them contact the building department for a copy or I contact them. In older buildings, the building department often does have one. They also will not issue one. We then issue a permit stating the current use.	2/27/2018 2:00 PM
19	Nothing	2/27/2018 1:58 PM

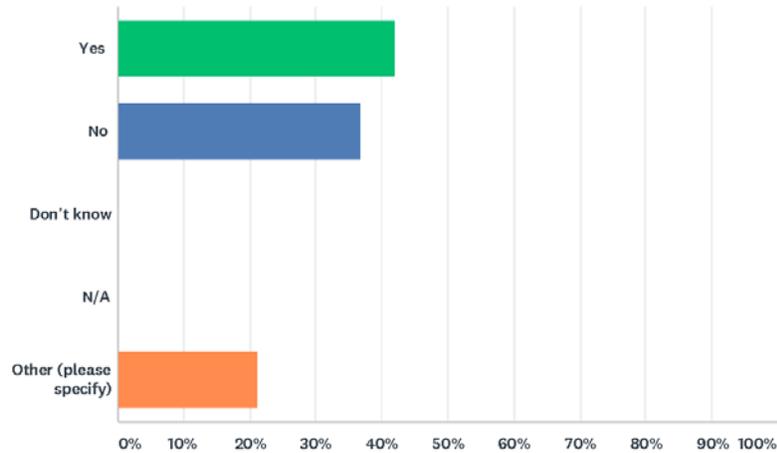
**Q6 What is the fire department's role in the certificate of occupancy compliance process, within your jurisdiction?**

Answered: 19 Skipped: 0

#	RESPONSES	DATE
1	Verification that they are in place and are being followed. Also, during the application process, before a CUO is issued, the fire department conducts inspections verifying life safety code compliance before the Building Official will issue the CUO.	3/15/2018 12:56 PM
2	If we think they do not have one we verify with the City and if that's the case they follow up with the owner.	3/7/2018 12:21 PM
3	We do not issue COO, we review plans coming through to see what is the occupancy and type.	3/1/2018 1:09 PM
4	Work with the building department and issue or adjust as needed.	3/1/2018 10:26 AM
5	We do not issue them	2/28/2018 5:25 PM
6	OFC requirements	2/28/2018 4:15 PM
7	It should be to ensure that occupants use the building in accordance with the requirements of the C of O. But since a C of O doesn't exist, our defacto role is to guess what the C of O would say if it existed.	2/28/2018 1:07 PM
8	We have no role.	2/28/2018 11:15 AM
9	I work for 2 departments. Springfield one stop shop ended up doing building department work for them. Huber Heights correcting with Montgomery County when found.	2/28/2018 11:09 AM
10	First point of contact for new businesses in our jurisdiction	2/28/2018 9:40 AM
11	We issue the change of use or tenant change required for zoning and we utilize the Hamilton County Building Department for the CO	2/28/2018 8:39 AM
12	with the fire and building codes mirroring each other the FD handle annual inspections and can provide the direction needed in getting the C of O	2/27/2018 4:13 PM
13	Final inspections	2/27/2018 3:30 PM
14	This Fire Prevention Bureau is charged with enforcement of the certificate of occupancy's stipulations, working closely with the local building department.	2/27/2018 3:08 PM
15	None other than checking to see if the tenant has one.	2/27/2018 2:11 PM
16	Check them out	2/27/2018 2:04 PM
17	they are required to have a fire inspection before a C/O will be issued	2/27/2018 2:02 PM
18	See question 5 for current buildings. In new buildings and renovations, we do joint inspections with the building department. They don't issue a C of O until we sign off.	2/27/2018 2:00 PM
19	Nothing	2/27/2018 1:58 PM

**Q7 When enforcing the fire code, do you reference the building's certificate of occupancy to determine the edition of the fire code in which to apply?**

Answered: 19 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	42.11%	8
No	36.84%	7
Don't know	0.00%	0
N/A	0.00%	0
Other (please specify)	21.05%	4
<b>TOTAL</b>		<b>19</b>

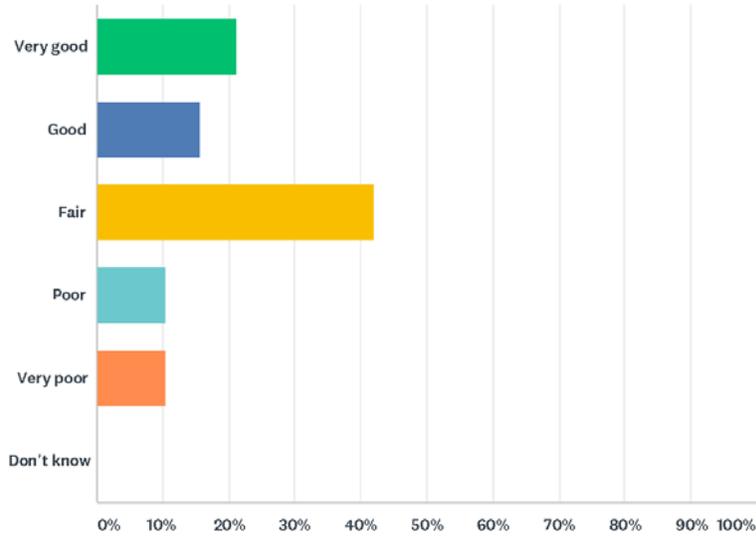
#	OTHER (PLEASE SPECIFY)	DATE
1	Depends on the situation.	3/15/2018 12:56 PM
2	sometimes	3/7/2018 12:21 PM
3	Depends on circumstance. Renovations, changes of occupancy.	3/1/2018 10:26 AM
4	Many buildings are old and we do not have a CO.	2/28/2018 5:25 PM

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

**Q8 Based on your experience and perspective, how do you rate certificate of occupancy compliance within your jurisdiction?**

Answered: 19 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very good	21.05%	4
Good	15.79%	3
Fair	42.11%	8
Poor	10.53%	2
Very poor	10.53%	2
Don't know	0.00%	0
<b>TOTAL</b>		<b>19</b>

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

**Q9 Please provide general comments regarding your experiences with certificates of occupancy that may be beneficial to the research.**

Answered: 16 Skipped: 3

#	RESPONSES	DATE
1	It is a useful process and provides a great deal of historical information to allow us to enforce codes equally.	3/15/2018 12:56 PM
2	Always check with the building department for accurate information	3/1/2018 1:09 PM
3	Make sure they are issued by building department when the building is new, check for changes on yearly inspections or changes of occupancy.	3/1/2018 10:26 AM
4	C of O's should be required to be posted in the building for future reference by the fire department after the building is built.	2/28/2018 5:25 PM
5	The buidling occupants don't have them, the county building department doesn't have them, and there is little chance for political support to force building owners to have the building re-evaluated in absence of a clear and present danger to the public.	2/28/2018 1:07 PM
6	Generally the C of O's are incomplete and do not contain sufficient information for us to maintain the building as approved.	2/28/2018 11:15 AM
7	Documenting and filing in building files has gotten better.	2/28/2018 11:09 AM
8	The new city manager and the new building inspection supervisor have identified the need and are working to change the processes to make the entire inspection process and certificate of occupancy a transparent and easier process with welcome contact and procurement to ensure success easily and attract additional businesses to this jurisdiction. The prior city manager did not support code enforcement in any manner.	2/28/2018 9:40 AM
9	We have problems with small shops just opening up in buildings. When wr find them they are made to comply which sometimes requires them to shut down or move.	2/28/2018 8:39 AM
10	Our inspectors are trained to check the C of O in every building that get inspected. On a regular basis we are meeting with local or county building departments to discuss businesses operating without a C of O	2/27/2018 4:13 PM
11	never posted	2/27/2018 3:30 PM
12	Per the Ohio Administrative Code, the fire department is the authority having jurisdiction for an existing occupancy. Having up-to-date information is impairative.	2/27/2018 3:08 PM
13	It has been a challenge working with our building/zoning on requiring new businesses occupying existing building to obtain a permit and pass that information along to the fire dept. this normally never happens until we do an inspection and then require it.	2/27/2018 2:11 PM
14	A lot of time and effort. Contacting the right people and the right departments	2/27/2018 2:04 PM
15	Usually the building owner does not relay to the new tenant that a C/O is required...	2/27/2018 2:02 PM
16	NA	2/27/2018 2:00 PM

Certificate of Occupancy Survey for Fire Code Officials

SurveyMonkey

**Q10** If you have additional information on this topic and are willing to share, please leave your email address below. I'll will reach out to schedule a follow up meeting via teleconference or video conference. Your participation is greatly appreciated.

Answered: 5 Skipped: 14

#	RESPONSES	DATE
1	Bryan.adams@daytonohio.gov	3/15/2018 12:56 PM
2	laura.conley-kerr@fairbornoh.gov	2/28/2018 9:40 AM
3	mstine@springfieldtp.org	2/28/2018 8:39 AM
4	kmonroe@harristownship.org	2/27/2018 3:08 PM
5	Grubbsm@monroeohio.org	2/27/2018 2:11 PM

### Appendix I – Certificate of Occupancy Survey for Building Officials

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

#### Q1 In what state or U.S. territory do you currently serve as a building official?

Answered: 16 Skipped: 0



Certificate of Occupancy Survey for Building Officials

SurveyMonkey



Certificate of Occupancy Survey for Building Officials

SurveyMonkey



ANSWER CHOICES	RESPONSES
Alabama	0.00% 0
Alaska	0.00% 0
American Samoa	0.00% 0

Certificate of Occupancy Survey for Building Officials	0.00%	SurveyMonkey
Arizona	0.00%	0
Arkansas	0.00%	0
California	0.00%	0
Colorado	0.00%	0
Connecticut	0.00%	0
Delaware	0.00%	0
District of Columbia (DC)	0.00%	0
Florida	0.00%	0
Georgia	0.00%	0
Guam	0.00%	0
Hawaii	0.00%	0
Idaho	0.00%	0
Illinois	0.00%	0
Indiana	0.00%	0
Iowa	0.00%	0
Kansas	0.00%	0
Kentucky	0.00%	0
Louisiana	0.00%	0
Maine	0.00%	0
Maryland	0.00%	0
Massachusetts	0.00%	0
Michigan	0.00%	0
Minnesota	0.00%	0
Mississippi	0.00%	0
Missouri	0.00%	0
Montana	0.00%	0
Nebraska	0.00%	0
Nevada	0.00%	0
New Hampshire	0.00%	0
New Jersey	0.00%	0
New Mexico	0.00%	0
New York	0.00%	0
North Carolina	0.00%	0
North Dakota	0.00%	0
Northern Marianas Islands	0.00%	0

Certificate of Occupancy Survey for Building Officials		SurveyMonkey
Ohio	100.00%	16
Oklahoma	0.00%	0
Oregon	0.00%	0
Pennsylvania	0.00%	0
Puerto Rico	0.00%	0
Rhode Island	0.00%	0
South Carolina	0.00%	0
South Dakota	0.00%	0
Tennessee	0.00%	0
Texas	0.00%	0
Utah	0.00%	0
Vermont	0.00%	0
Virginia	0.00%	0
Virgin Islands	0.00%	0
Washington	0.00%	0
West Virginia	0.00%	0
Wisconsin	0.00%	0
Wyoming	0.00%	0
<b>TOTAL</b>		<b>16</b>
#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

Q2 In what jurisdiction do you currently serve as a building official?

Answered: 14 Skipped: 2

#	RESPONSES	DATE
1	Vandalia	4/12/2018 3:37 PM
2	Willoughby	4/11/2018 2:47 PM
3	City of brooklyn	4/11/2018 1:58 PM
4	Dayton	4/11/2018 11:39 AM
5	City of Highland Heights Ohio	4/10/2018 3:19 PM
6	City of Springboro	4/10/2018 2:06 PM
7	City of Strongsville	4/10/2018 1:58 PM
8	geauga	4/10/2018 1:13 PM
9	streetsboro	4/10/2018 11:37 AM
10	City of Worthington	4/10/2018 11:19 AM
11	City of Lakewood	4/10/2018 11:15 AM
12	City of Mentor	4/10/2018 11:14 AM
13	city of columbus	4/10/2018 11:06 AM
14	Parma	4/10/2018 10:52 AM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

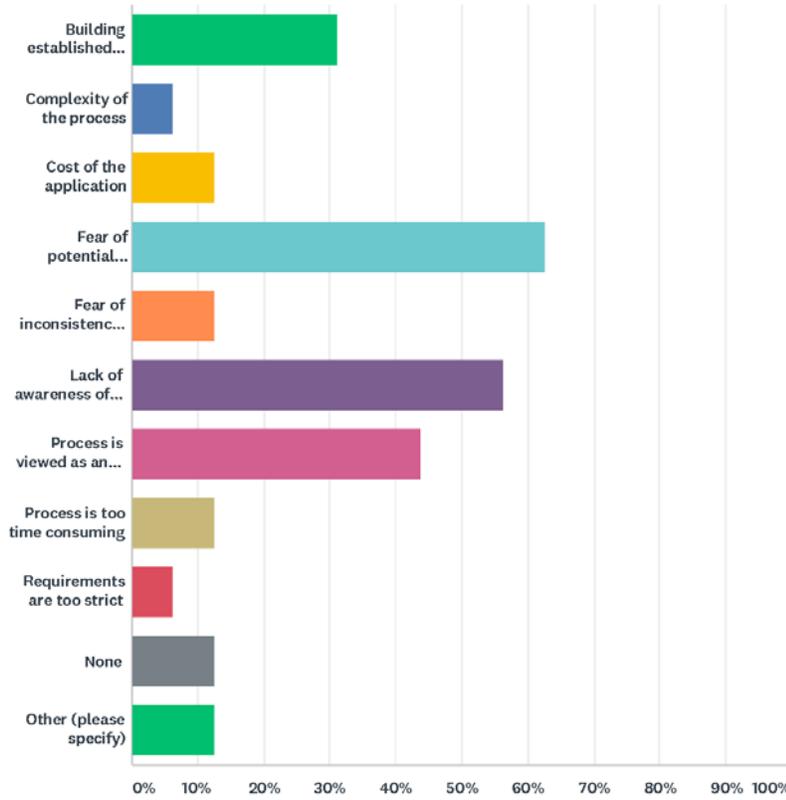
**Q3 In your opinion, what are the benefits of a certificate of occupancy being issued for a commercial building?**

Answered: 14 Skipped: 2

#	RESPONSES	DATE
1	It documents the approved use of a building and any stipulations of it's approval.	4/12/2018 3:37 PM
2	The issuance of the Certificate of Occupancy provides the Building Department the opportunity to determine if the Use and Occupancy of the structure is in compliance with the Ohio Building Code.	4/11/2018 2:47 PM
3	Contact info for owner/occupant Knowledge of use	4/11/2018 1:58 PM
4	Assurance that the space or building complies with the latest building codes and fire codes ensuring safety for the occupants	4/11/2018 11:39 AM
5	Helps regulate uses.	4/10/2018 3:19 PM
6	To ensure the building/tenant space is being used as approved	4/10/2018 2:06 PM
7	To state at the time of issuance, the building complied with all applicable codes.	4/10/2018 1:58 PM
8	verifies the use the building was constructed for	4/10/2018 1:13 PM
9	documents inspections were performed	4/10/2018 11:37 AM
10	It is a communication tool for the fire department to get a sense on how the building was designed and how it was intended to be used. It is also a reminder to the building owner and can assist future designers for alterations, additions, and change of occupancies.	4/10/2018 11:19 AM
11	Provides a record of intended use and documents construction type which allows deviations to be verified.	4/10/2018 11:15 AM
12	The C of O establishes the legal right to use the building as approved.	4/10/2018 11:14 AM
13	This is a standard that can be used by firemen, police, insurance and any others involved in risk or risk assessment.	4/10/2018 11:06 AM
14	It is a snapshot in time as to what is allowed	4/10/2018 10:52 AM

**Q4 In your opinion, what are the barriers that prevent commercial building owners or tenants from obtaining a certificate of occupancy?**

Answered: 16 Skipped: 0



ANSWER CHOICES	RESPONSES
Building established prior to the requirement	31.25% 5
Complexity of the process	6.25% 1
Cost of the application	12.50% 2
Fear of potential building code violations	62.50% 10
Fear of inconsistency from inspectors	12.50% 2
Lack of awareness of the requirement	56.25% 9
Process is viewed as an intrusion of government	43.75% 7
Process is too time consuming	12.50% 2
Requirements are too strict	6.25% 1

Certificate of Occupancy Survey for Building Officials		SurveyMonkey
None	12.50%	2
Other (please specify)	12.50%	2
Total Respondents: 16		

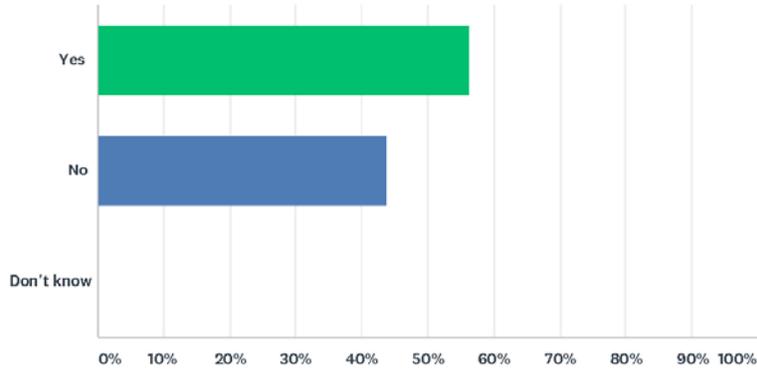
#	OTHER (PLEASE SPECIFY)	DATE
1	It will cost the building owner money for upgrades or the potential use of the space would not be permitted and lose the income from the tenant.	4/11/2018 11:39 AM
2	I do not perceive this as a issue in Strongsville. Most owners and tenants know this is a requirement.	4/10/2018 1:58 PM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q5 Does your building department maintain an electronic database of all the current approved businesses within your jurisdiction?**

Answered: 16 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	56.25%	9
No	43.75%	7
Don't know	0.00%	0
<b>TOTAL</b>		<b>16</b>

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q6 What is the current certificate of occupancy compliance rate within your jurisdiction?**

Answered: 16 Skipped: 0

#	RESPONSES	DATE
1	unknown	4/12/2018 3:37 PM
2	unknown	4/11/2018 2:47 PM
3	100%, (as far as we know)	4/11/2018 1:58 PM
4	If a project has been permitted then we make sure they are in compliance with a C/O. If a business moves in without us knowing about it then we have no way of verifying if they are in compliance. Sometimes the fire department discovers a business is not in compliance while performing their inspections and the owners are directed to contact the building department.	4/11/2018 11:39 AM
5	90	4/10/2018 3:21 PM
6	100 %	4/10/2018 3:19 PM
7	65%	4/10/2018 2:06 PM
8	Do not know.	4/10/2018 1:58 PM
9	30%	4/10/2018 1:13 PM
10	don't understand question	4/10/2018 11:37 AM
11	Unknown. We do not know who does not have CO's. When we become aware of a change of occupancy, for example, and start enforcement we have a 100% compliance rate.	4/10/2018 11:19 AM
12	For commercial structures, 90-95%. For 1,2 & 3 families: 25-30%	4/10/2018 11:15 AM
13	75 percent	4/10/2018 11:14 AM
14	don't know	4/10/2018 11:14 AM
15	very good	4/10/2018 11:06 AM
16	All new or altered buildings within the last 40 years	4/10/2018 10:52 AM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q7 Has your department employed any unique methods for increasing certificate of occupancy compliance within your jurisdiction?**

Answered: 15 Skipped: 1

#	RESPONSES	DATE
1	No	4/12/2018 3:37 PM
2	No	4/11/2018 2:47 PM
3	Required by ordinance for any change of owner or business occupant	4/11/2018 1:58 PM
4	Working with our fire department to notify the owners and the building department when they find a business not in compliance.	4/11/2018 11:39 AM
5	no	4/10/2018 3:21 PM
6	No have not had to.	4/10/2018 3:19 PM
7	No	4/10/2018 2:06 PM
8	No	4/10/2018 1:58 PM
9	no	4/10/2018 1:13 PM
10	none, fire prevention helps monitor incoming businesses	4/10/2018 11:37 AM
11	The Division of Fire conducts annual inspections and reports changes of occupancy to us. This dramatically increased compliance.	4/10/2018 11:19 AM
12	Sweeps of commercial corridors to verify valid C of O issued. Rental housing point of sale inspection requirement.	4/10/2018 11:15 AM
13	Forfeiture of construction approval deposits	4/10/2018 11:14 AM
14	no	4/10/2018 11:06 AM
15	No	4/10/2018 10:52 AM

**Q8 What are the general steps associated with the issuance of a certificate of occupancy for new construction?**

Answered: 16 Skipped: 0

#	RESPONSES	DATE
1	For new construction the project must be completed in accordance with the approved drawings and documents.	4/12/2018 3:37 PM
2	A Certificate of Occupancy is issued as required by the Ohio Building Code, once it has been determined that the structure has been built in accordance with the approved plans.	4/11/2018 2:47 PM
3	Certificate of Plan Approval application submitted with plans. Plans approved. C of O issued upon final inspection.	4/11/2018 1:58 PM
4	Permitting, complete and final inspections for all trades, zoning and fire.	4/11/2018 11:39 AM
5	inspections	4/10/2018 3:21 PM
6	Most have completed all final inspections, and testing.	4/10/2018 3:19 PM
7	Complete all building inspections, inspectors verify that all items have been addressed, paperwork submitted by the inspector to building official for CO, CO issued.	4/10/2018 2:06 PM
8	All required inspections for the following must be approved for issuance of a CO: Building, Mechanical, Electrical, Plumbing, Fire Suppression, Fire Alarm, etc.	4/10/2018 1:58 PM
9	final inspection approval	4/10/2018 1:13 PM
10	1. contractor to request timely inspections 2. contractor to request final inspection. 3. retainage/bond is released.	4/10/2018 11:37 AM
11	See Ohio Building Code Chapter 1. It includes submitting documents for review, the issuance of a certificate of plan approval, conducting inspections, and then issuing the CO.	4/10/2018 11:19 AM
12	Inspectors completes final inspections, Fire prevention bureau gives their OK, Lead inspector completes C of O paperwork, Building official reviews and signs, Lead Inspector files in electronic records.	4/10/2018 11:15 AM
13	Pass all required inspections	4/10/2018 11:14 AM
14	Submittal of construction documents, review and approval of construction documents, inspection for compliance, issue C of O	4/10/2018 11:14 AM
15	Plan approval thru inspection to CO	4/10/2018 11:06 AM
16	Following the rules of the Ohio Board of Building Standards	4/10/2018 10:52 AM

**Q9 What are the general steps associated with the issuance of a certificate of occupancy for existing structures?**

Answered: 16 Skipped: 0

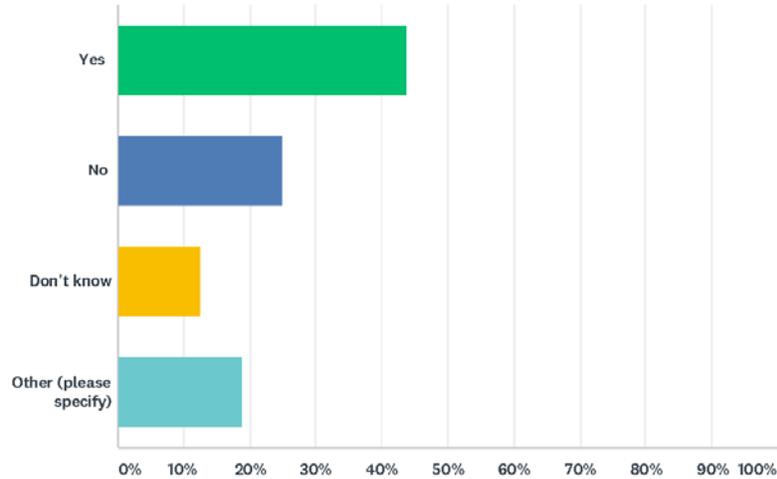
#	RESPONSES	DATE
1	We require a floor plan and a declaration of proposed use. We then inspect with our Fire Department for compliance.	4/12/2018 3:37 PM
2	Detailed application indicated proposed Use, previous Use, type of construction, etc. and ultimately an inspection to determine if any hazards exist.	4/11/2018 2:47 PM
3	Change of Occupancy application submitted. Inspection by Building Inspector and Fire Prevention. C of O issued.	4/11/2018 1:58 PM
4	Research of past uses and occupancies. Walk thru with fire and building to identify any building or life safety issues.	4/11/2018 11:39 AM
5	as is inspection	4/10/2018 3:21 PM
6	Need to fill out an application and schedule inspections with Building and Fire departments. We try to do them at the same time.	4/10/2018 3:19 PM
7	Inspection for serious hazards by building official, CO issued.	4/10/2018 2:06 PM
8	The filing of a application requesting the CO. Payment of a fee, scheduling the inspections.	4/10/2018 1:58 PM
9	an inspection by building dept and fire dept	4/10/2018 1:13 PM
10	1. application submitted by building owner/representative. 2. inspection with bldg. and fire prevention 3. CBO issues C of O.	4/10/2018 11:37 AM
11	Includes submitting documents for review, issuance of a certificate of plan approval, conducting an inspection, and then issuing the CO. Very similar to new construction but the level of detail of the documents is much less, and there is typically just a single inspection to verify no serious hazards.	4/10/2018 11:19 AM
12	Owner requests C of O by submitting application, inspector assigned, inspector inspects property, inspector issues violation notice, owner remedies violations (or not), inspector issues C of O (with condition of any outstanding non-safety violations if still unresolved).	4/10/2018 11:15 AM
13	Complete an application to re-occupy an existing building and pass inspections.	4/10/2018 11:14 AM
14	Request by owner, Submittal of application and plans by owner verify no violations or orders pending, review of existing uses and conditions, inspection and verification that occupancy has previously existed, issue C of O	4/10/2018 11:14 AM
15	Team inspections	4/10/2018 11:06 AM
16	We can re-issue a previous certificate	4/10/2018 10:52 AM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q10 Is the certificate of occupancy issuance process documented in a departmental policy or guideline?**

Answered: 16 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	43.75% 7
No	25.00% 4
Don't know	12.50% 2
Other (please specify)	18.75% 3
TOTAL	16

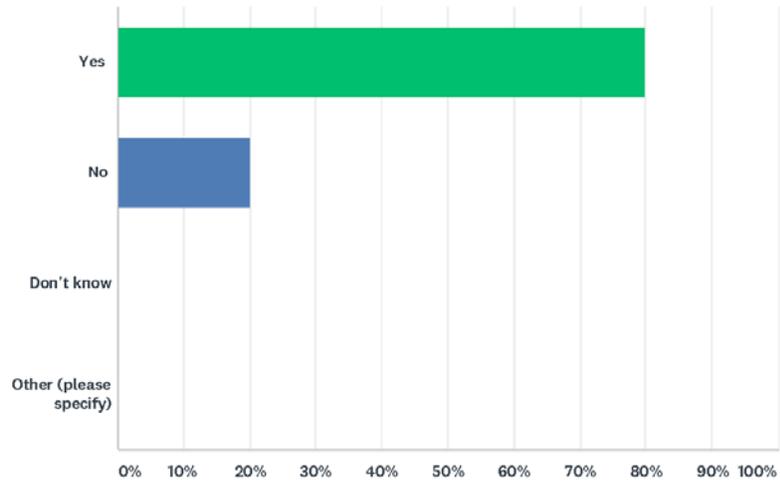
#	OTHER (PLEASE SPECIFY)	DATE
1	It is detailed in Ohio Building Code Chapter 1.	4/10/2018 11:19 AM
2	The Ohio Building Code establishes the procedures	4/10/2018 11:14 AM
3	Required in Ohio Building Code section 111.4	4/10/2018 11:14 AM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q11 Is the process for obtaining a certificate of occupancy, within your jurisdiction, published and readily available to the public?**

Answered: 15 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	80.00%	12
No	20.00%	3
Don't know	0.00%	0
Other (please specify)	0.00%	0
TOTAL		15

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q12 How much time does it take for a business to obtain a certificate of occupancy, barring any unforeseen delays?**

Answered: 16 Skipped: 0

#	RESPONSES	DATE
1	Within a couple days.	4/12/2018 3:37 PM
2	Typically a few days.	4/11/2018 2:47 PM
3	2 to 3 business days	4/11/2018 1:58 PM
4	Just a few days, sooner if scheduling allows	4/11/2018 11:39 AM
5	7	4/10/2018 3:21 PM
6	3 to 4 days.	4/10/2018 3:19 PM
7	1-2 business days	4/10/2018 2:06 PM
8	Just a few days from the date of the application to the required inspections.	4/10/2018 1:58 PM
9	two to four days	4/10/2018 1:13 PM
10	5 business days from receipt of application.	4/10/2018 11:37 AM
11	Once they make application, the plan review can take between 5 and 10 days depending on backlog. The inspection is conducted the day they call. The CO can be issued that same day.	4/10/2018 11:19 AM
12	We allow our inspectors 10 days from the inspection appointment mutually agreed between inspector and owner to create violation letter and issue C of O if appropriate. Owners are generally given 30 days to correct violations.	4/10/2018 11:15 AM
13	3 days	4/10/2018 11:14 AM
14	7-10 days	4/10/2018 11:14 AM
15	After final inspection they are able to occupy and a copy of CO is sent within 2 weeks	4/10/2018 11:06 AM
16	Once a building passes the final inspection, it can be issued within a few days	4/10/2018 10:52 AM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q13 What are the associated costs, incurred by a business, to obtain a certificate of occupancy?**

Answered: 16 Skipped: 0

#	RESPONSES	DATE
1	\$60 for Certificate of Occupancy and \$60 for an application fee.	4/12/2018 3:37 PM
2	No fees if new construction or no change of use; Change of use or occupancy requires a \$50 fee to cover inspection costs.	4/11/2018 2:47 PM
3	\$75	4/11/2018 1:58 PM
4	About \$200	4/11/2018 11:39 AM
5	\$30	4/10/2018 3:21 PM
6	New construction, built into permits costs. Other wise its a \$50.00 fee.	4/10/2018 3:19 PM
7	Included in permit fees for new buildings. \$200 fro existing to cover processing & inspection	4/10/2018 2:06 PM
8	\$100.00	4/10/2018 1:58 PM
9	\$90	4/10/2018 1:13 PM
10	\$50	4/10/2018 11:37 AM
11	For a change in occupancy or a CO for an existing building, \$75.00.	4/10/2018 11:19 AM
12	\$75 for commercial properties \$50 for 1, 2 & 3 family properties + expense of any corrections required.	4/10/2018 11:15 AM
13	\$75	4/10/2018 11:14 AM
14	\$250.00	4/10/2018 11:14 AM
15	Part of plan approval	4/10/2018 11:06 AM
16	\$200.	4/10/2018 10:52 AM

Certificate of Occupancy Survey for Building Officials

SurveyMonkey

**Q14 Are there any other departments within your jurisdiction that assist the building department with ensuring certificate of occupancy compliance? If yes, which departments?**

Answered: 16 Skipped: 0

#	RESPONSES	DATE
1	Fire Department	4/12/2018 3:37 PM
2	Willoughby Fire Department and Lake County General Health District.	4/11/2018 2:47 PM
3	Fire	4/11/2018 1:58 PM
4	Fire and Zoning departments	4/11/2018 11:39 AM
5	No	4/10/2018 3:21 PM
6	Fire Department	4/10/2018 3:19 PM
7	Fire department	4/10/2018 2:06 PM
8	Fire Department, Board of Health if food service is involved.	4/10/2018 1:58 PM
9	fire department, health dept.	4/10/2018 1:13 PM
10	fire prevention and zoning	4/10/2018 11:37 AM
11	The Division of Fire reports changes of occupancy.	4/10/2018 11:19 AM
12	Yes, Fire Prevention Bureau.	4/10/2018 11:15 AM
13	fire and zoning	4/10/2018 11:14 AM
14	Fire Department	4/10/2018 11:14 AM
15	the Fire Department is very much a part of our process, but all city entities have a voice in plan approval	4/10/2018 11:06 AM
16	Fire Department assists with the final inspection	4/10/2018 10:52 AM

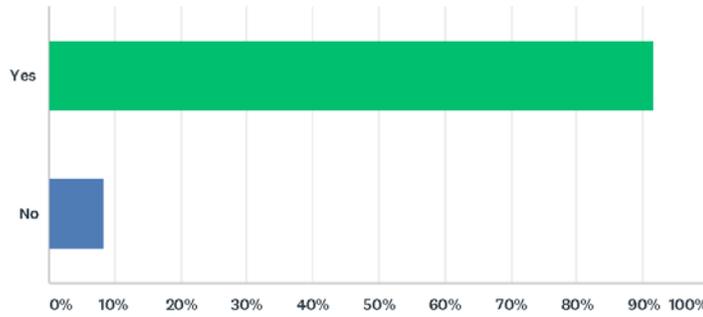
**Appendix J – Certificate of Occupancy Survey for Fairborn Businesses**

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q1 Do you currently own or manage a business that is located within the City of Fairborn?**

Answered: 12 Skipped: 0



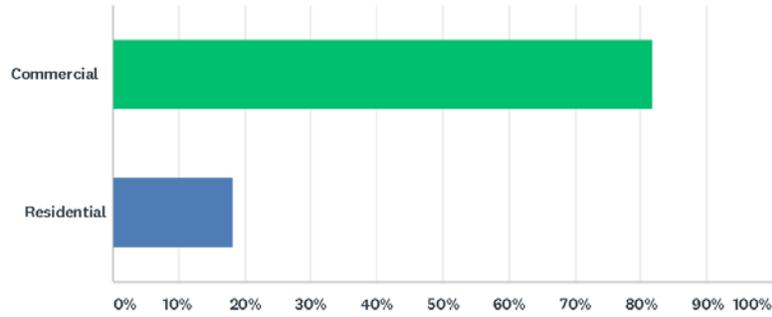
ANSWER CHOICES	RESPONSES	
Yes	91.67%	11
No	8.33%	1
TOTAL		12

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

### Q2 What type of building is the business operated from?

Answered: 11 Skipped: 1



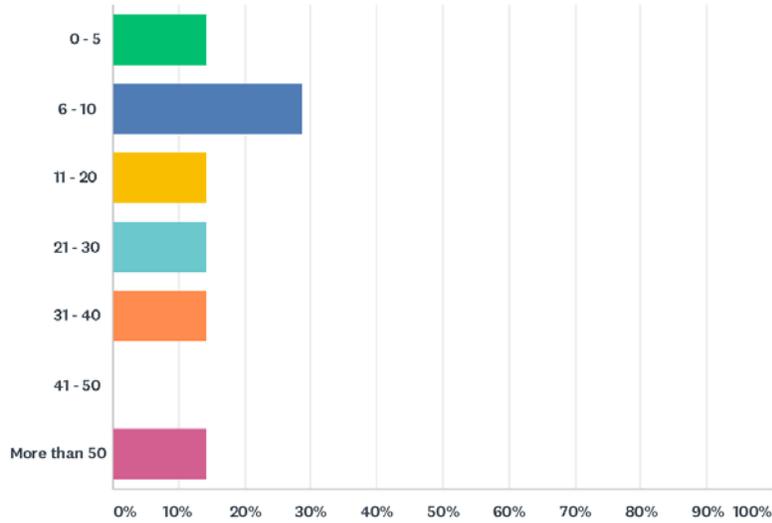
ANSWER CHOICES	RESPONSES	
Commercial	81.82%	9
Residential	18.18%	2
TOTAL		11

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

### Q3 How many years has the business been in operation at the current location?

Answered: 7 Skipped: 5



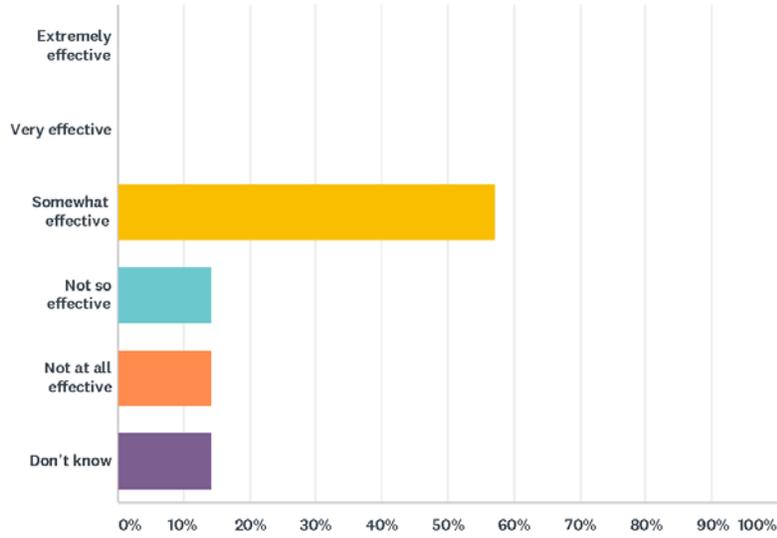
ANSWER CHOICES	RESPONSES	
0 - 5	14.29%	1
6 - 10	28.57%	2
11 - 20	14.29%	1
21 - 30	14.29%	1
31 - 40	14.29%	1
41 - 50	0.00%	0
More than 50	14.29%	1
TOTAL		7

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q4 How do you rate the City of Fairborn's communication of the requirement for businesses to have a Certificate of Occupancy?**

Answered: 7 Skipped: 5



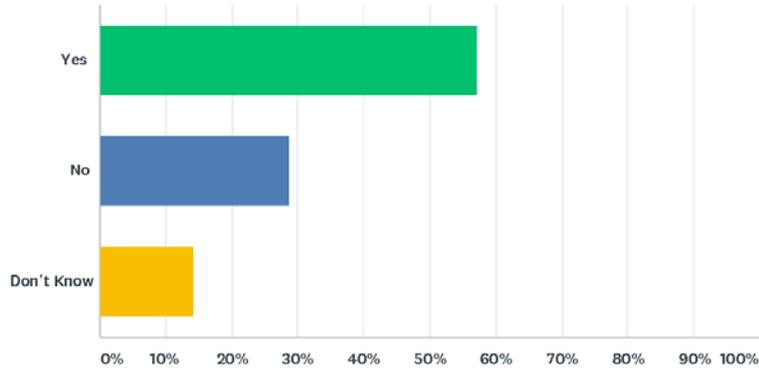
ANSWER CHOICES	RESPONSES	
Extremely effective	0.00%	0
Very effective	0.00%	0
Somewhat effective	57.14%	4
Not so effective	14.29%	1
Not at all effective	14.29%	1
Don't know	14.29%	1
<b>TOTAL</b>		<b>7</b>

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q5 Do you see value associated with the requirement for businesses within the City of Fairborn to have a Certificate of Occupancy?**

Answered: 7 Skipped: 5



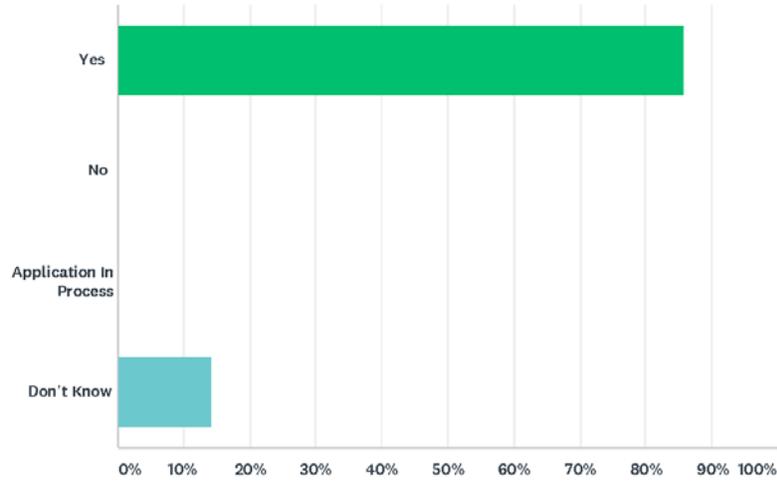
ANSWER CHOICES	RESPONSES	
Yes	57.14%	4
No	28.57%	2
Don't Know	14.29%	1
TOTAL		7

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q6 Does the business you represent have a current Certificate of Occupancy issued from the City of Fairborn?**

Answered: 7 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	85.71%	6
No	0.00%	0
Application In Process	0.00%	0
Don't Know	14.29%	1
TOTAL		7

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q7 Did you know that all businesses, operating within a commercial building within the City of Fairborn, are required to have a current Certificate of Occupancy?**

Answered: 0 Skipped: 12

▲ No matching responses.

ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	0.00%	0
TOTAL		0

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q8 What barriers have contributed to the business you represent not having a current Certificate of Occupancy? (select all that apply)**

Answered: 0 Skipped: 12

 No matching responses.

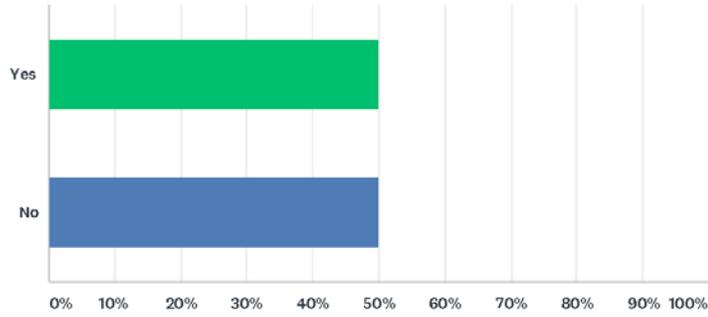
ANSWER CHOICES		RESPONSES	
Business established prior to the requirement		0.00%	0
Complexity of the process		0.00%	0
Cost of the application (\$45)		0.00%	0
Difficulty or cost of producing a scaled floor plan		0.00%	0
Fear of potential building code violations		0.00%	0
Fear of inconsistency from inspectors		0.00%	0
Lack of awareness of the requirement		0.00%	0
Process is an intrusion of government		0.00%	0
Process is too time consuming		0.00%	0
Requirements are too strict		0.00%	0
None		0.00%	0
Other (please specify)		0.00%	0
Total Respondents: 0			
#	OTHER (PLEASE SPECIFY)	DATE	
	There are no responses.		

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q9 Were you personally involved in the process of applying for the Certificate of Occupancy?**

Answered: 6 Skipped: 6



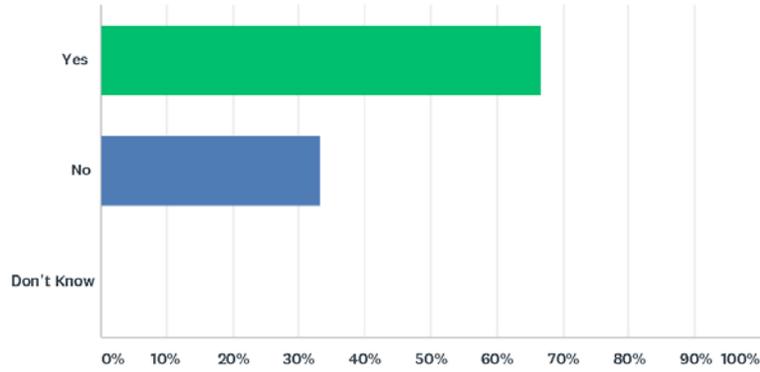
ANSWER CHOICES	RESPONSES	
Yes	50.00%	3
No	50.00%	3
TOTAL		6

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

Q10 Was the current Certificate of Occupancy issued within the past 5 years?

Answered: 3 Skipped: 9



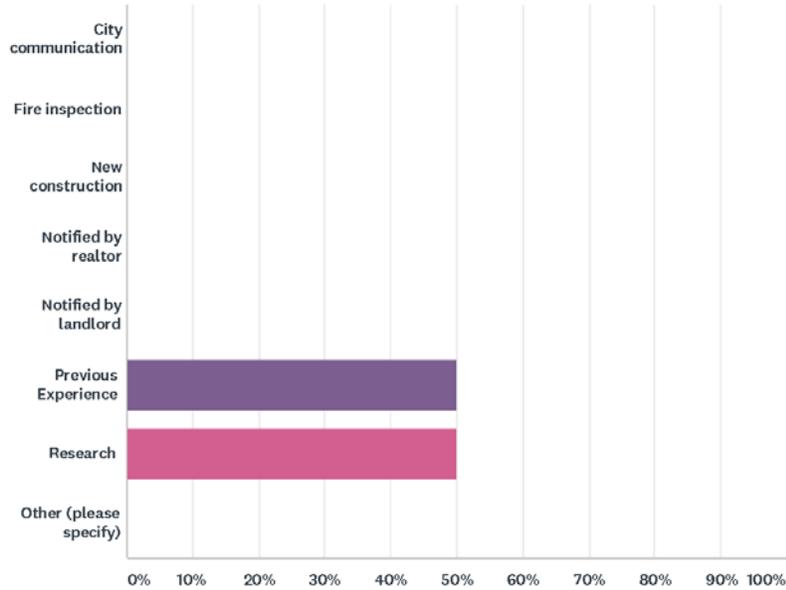
ANSWER CHOICES	RESPONSES	
Yes	66.67%	2
No	33.33%	1
Don't Know	0.00%	0
TOTAL		3

Certificate of Occupancy Survey for Fairbom Businesses

SurveyMonkey

**Q11 How did you know that a Certificate of Occupancy was required?  
(select all that apply)**

Answered: 2 Skipped: 10



ANSWER CHOICES	RESPONSES
City communication	0.00% 0
Fire inspection	0.00% 0
New construction	0.00% 0
Notified by realtor	0.00% 0
Notified by landlord	0.00% 0
Previous Experience	50.00% 1
Research	50.00% 1
Other (please specify)	0.00% 0
Total Respondents: 2	

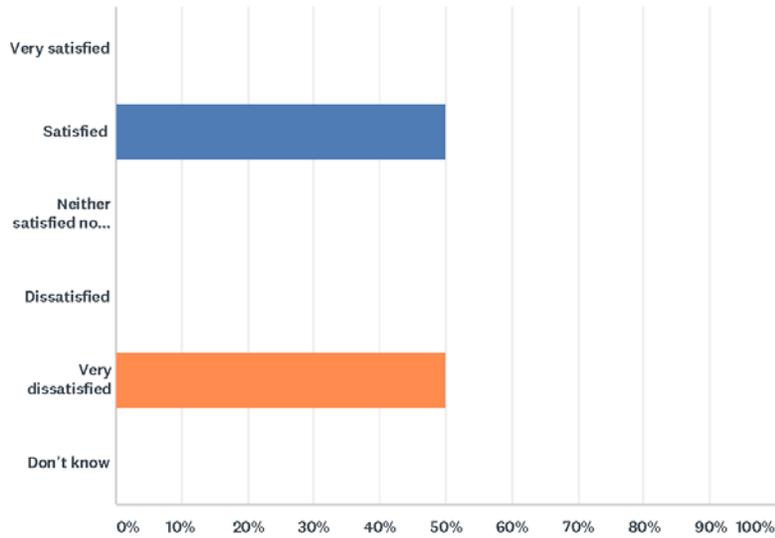
#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

Q12 How do you rate the length of time associated with the process to obtain the Certificate of Occupancy?

Answered: 2 Skipped: 10



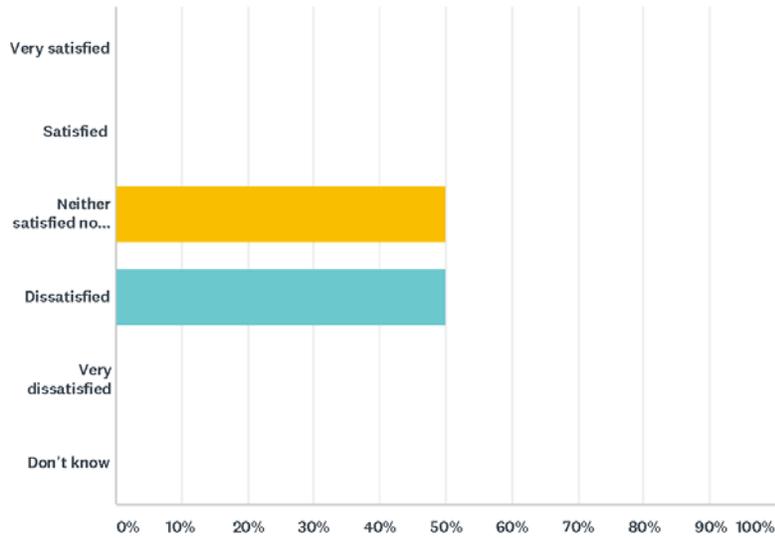
ANSWER CHOICES	RESPONSES	
Very satisfied	0.00%	0
Satisfied	50.00%	1
Neither satisfied nor dissatisfied	0.00%	0
Dissatisfied	0.00%	0
Very dissatisfied	50.00%	1
Don't know	0.00%	0
<b>TOTAL</b>		<b>2</b>

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q13 How do you rate the knowledge and consistency of the building inspectors throughout the process to obtain the Certificate of Occupancy?**

Answered: 2 Skipped: 10



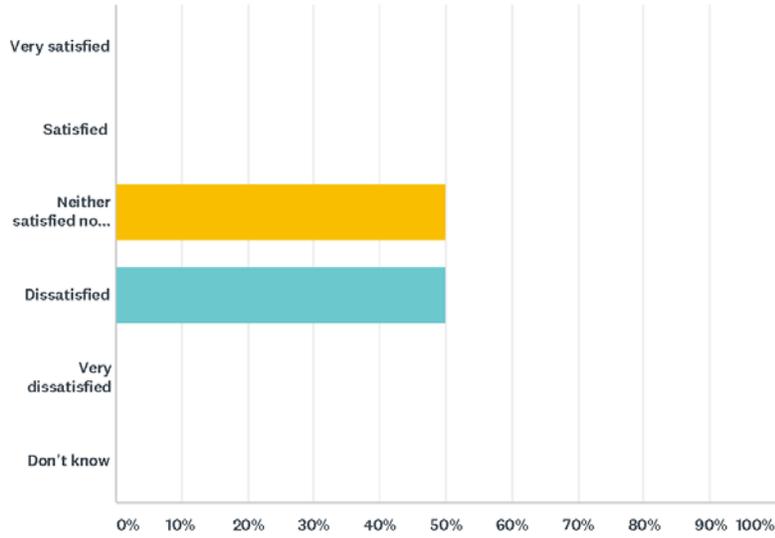
ANSWER CHOICES	RESPONSES	
Very satisfied	0.00%	0
Satisfied	0.00%	0
Neither satisfied nor dissatisfied	50.00%	1
Dissatisfied	50.00%	1
Very dissatisfied	0.00%	0
Don't know	0.00%	0
<b>TOTAL</b>		<b>2</b>

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q14 How do you rate the overall process of obtaining the Certificate of Occupancy from the City of Fairborn?**

Answered: 2 Skipped: 10



ANSWER CHOICES	RESPONSES	
Very satisfied	0.00%	0
Satisfied	0.00%	0
Neither satisfied nor dissatisfied	50.00%	1
Dissatisfied	50.00%	1
Very dissatisfied	0.00%	0
Don't know	0.00%	0
<b>TOTAL</b>		<b>2</b>

Certificate of Occupancy Survey for Fairborn Businesses

SurveyMonkey

**Q15 Please provide suggestions for the improvement of the City of Fairborn's Certificate of Occupancy process.**

Answered: 0 Skipped: 12

#	RESPONSES	DATE
	There are no responses.	

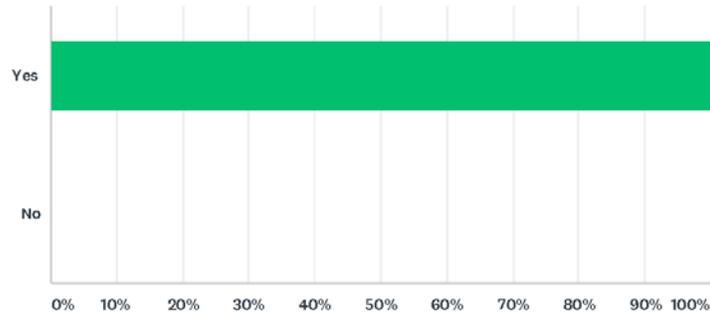
**Appendix K – Certificate of Occupancy Survey for FFD Employees**

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

Q1 Were you aware that all commercial buildings are required to have a certificate of occupancy?

Answered: 10 Skipped: 0



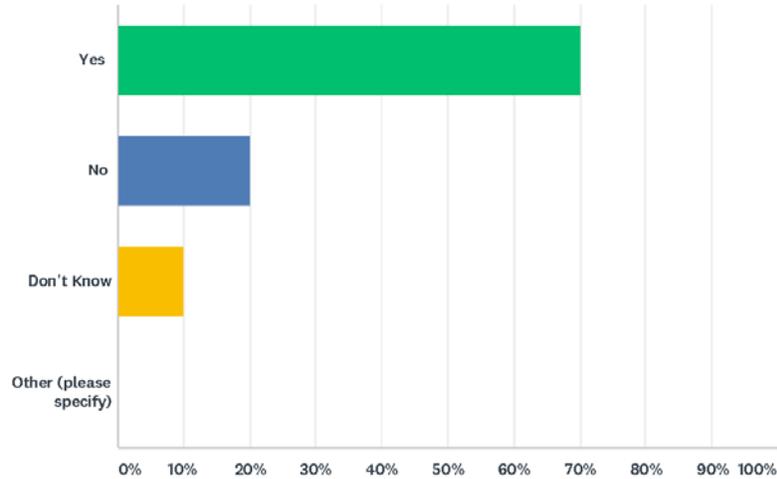
ANSWER CHOICES	RESPONSES	
Yes	100.00%	10
No	0.00%	0
TOTAL		10

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

**Q2 Do you believe that the certificate of occupancy requirement positively influences public safety within the community?**

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	70.00%	7
No	20.00%	2
Don't Know	10.00%	1
Other (please specify)	0.00%	0
TOTAL		10

#	OTHER (PLEASE SPECIFY)	DATE
	There are no responses.	

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

**Q3 In your opinion, what are the benefits of a certificate of occupancy being issued for a commercial building?**

Answered: 10 Skipped: 0

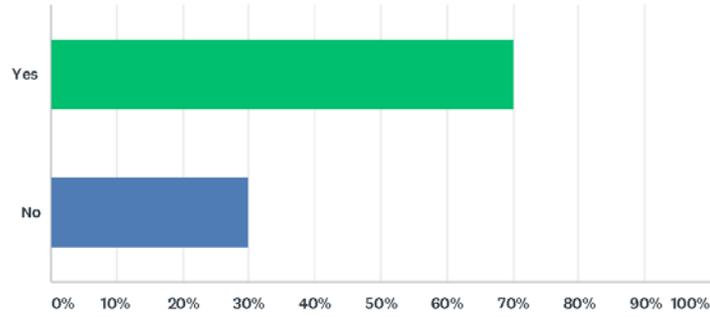
#	RESPONSES	DATE
1	none i believe it is a redundancy and an unnecessary expense for the business owner	4/11/2018 10:23 PM
2	To keep a building and patrons safe, to reduce unsafe changes to the structure	4/6/2018 2:29 PM
3	For building inspection only - no value to public safety	4/5/2018 7:12 AM
4	It lets the public know that their governing body is aware of what is going on in the community with their commercial properties.	4/4/2018 9:50 PM
5	Keeps the building up to current fire and building codes	3/29/2018 7:33 PM
6	Allows inspectors, firefighters, general public know that there is a max occupancy for the building. It also assists fire inspectors when dealing with an event being held at an establishment, to aide them in kicking people out, shutting down event, etc.	3/29/2018 7:35 AM
7	Shows that the tenant has followed the requirements and have been informed of what they must do to satisfy the city. It also gives the FFD the guide to use when conducting FSI.	3/28/2018 3:26 PM
8	City and Fire Department are made aware of businesses in the community and the hazards that they may present	3/28/2018 9:31 AM
9	Then you know what type of business is supposed to be in the building. Also with a certificate being issued the building has been inspected by the building department .	3/28/2018 7:51 AM
10	Allows fire dept safety inspectors and new employees to better understand buildings and safety considerations	3/27/2018 12:27 PM

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

### Q4 Are you a certified Fire Safety Inspector (FSI) by the Ohio Department of Public Safety?

Answered: 10 Skipped: 0



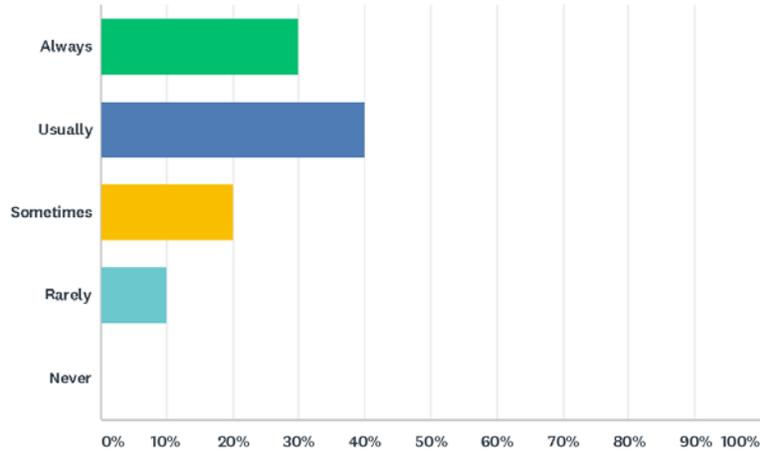
ANSWER CHOICES	RESPONSES	
Yes	70.00%	7
No	30.00%	3
TOTAL		10

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

Q5 During company-level inspections, do you check for a current certificate of occupancy?

Answered: 10 Skipped: 0



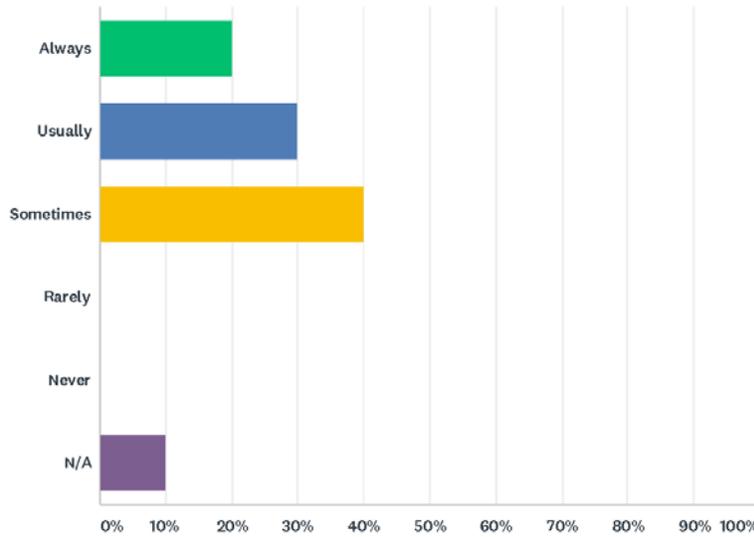
ANSWER CHOICES	RESPONSES	
Always	30.00%	3
Usually	40.00%	4
Sometimes	20.00%	2
Rarely	10.00%	1
Never	0.00%	0
<b>TOTAL</b>		<b>10</b>

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

**Q6 During company-level inspections, how often do you encounter buildings that do not have a current certificate of occupancy, when you inquire?**

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Always	20.00%	2
Usually	30.00%	3
Sometimes	40.00%	4
Rarely	0.00%	0
Never	0.00%	0
N/A	10.00%	1
<b>TOTAL</b>		<b>10</b>

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

**Q7 If you discover a commercial building in use or occupied without a certificate of occupancy, during a company-level inspection, what do you do with that information?**

Answered: 10 Skipped: 0

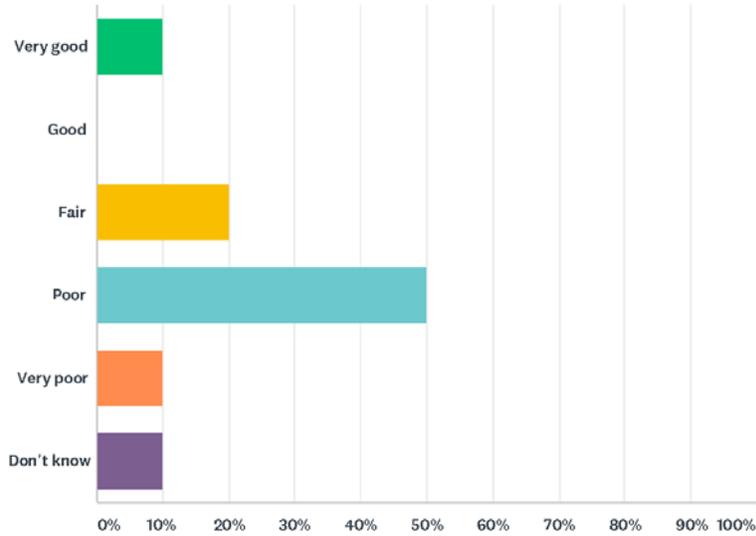
#	RESPONSES	DATE
1	note it on the form	4/11/2018 10:23 PM
2	The cert information is not recorded on the inspection form. No further action is taken.	4/6/2018 2:29 PM
3	Nothing - not a FD concern	4/5/2018 7:12 AM
4	Not it on the report and follow up with an email to my immediate supervisor.	4/4/2018 9:50 PM
5	Ask to see it from the occupant. Then report it up the chain if not presented	3/29/2018 7:33 PM
6	Attempt to educate the business owner and pass it up the chain. Sometimes it has led to a disagreement because they have been told they are "grandfathered in".	3/29/2018 7:35 AM
7	Nothing. It has been the past practice and opinion of the administration that some businesses can be grandfathered and are not required. Nothing has been enforced when this has been brought to the attention of the administration in the past.	3/28/2018 3:26 PM
8	Advise the occupant to contact the city and advise them. Also make note on the inspection form that no Certificate of Occupancy was present and enter it into the inspection spreadsheet	3/28/2018 9:31 AM
9	Log it on the inspection form.	3/28/2018 7:51 AM
10	Inform the Life-safety BC and company LT	3/27/2018 12:27 PM

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

**Q8 Based on your experience and perspective, how do you rate certificate of occupancy compliance within the FFD response district?**

Answered: 10 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very good	10.00%	1
Good	0.00%	0
Fair	20.00%	2
Poor	50.00%	5
Very poor	10.00%	1
Don't know	10.00%	1
<b>TOTAL</b>		<b>10</b>

Certificate of Occupancy Survey for FFD Employees

SurveyMonkey

**Q9 Please provide general comments regarding your experiences with certificates of occupancy that may be beneficial to the research.**

Answered: 8 Skipped: 2

#	RESPONSES	DATE
1	i have only found a half dozen or so businesses in compliance in my entire career and never been involved in an incident that would have been better mitigated or prevented by one having been obtained	4/11/2018 10:23 PM
2	Most fire crews have the opinion that it's not our job to enforce whether a business has the certificate of occupancy or not. All we can do is ask if they have one. So when they say "no", there's not much we can do.	4/6/2018 2:29 PM
3	Businesses & buildings are grandfathered so there is no need for the FD to push the issue. This is a building department issue.	4/5/2018 7:12 AM
4	When doing company level inspections they are classified as "life safety inspections" and not official fire inspections. (Being performed by non fire investigators). It would be helpful to clarify on what is expected during these "inspections" as there is a big difference in how each crew conduct them.	4/4/2018 9:50 PM
5	There is no enforcement for the older building that will harm individuals if a fire occurs	3/29/2018 7:33 PM
6	These certificates are required. For some reason the city has told some business owners / tenants that they are "grandfathered" and do not need a Certificate of Occupancy. This is completely inaccurate and needs to be addressed. This in some ways ties the fire inspectors hands (or the FIREFIGHTER performing the inspection, but that topic will need its own survey). If something were to occur in a building that is over occupied, it will come back and make the fire department look bad, the inspector / firefighter that performed the last inspection, as well as the BC of Life Safety. I hope you can make progress in this area, as it seriously needs addressed.	3/29/2018 7:35 AM
7	If you are a business, you must have one, no questions asked. when there is no COO we have no way to enforce the fire code. There are many dangerous building in the city and the fire code is not enforced due to the lack of a COO. This is a danger to not only the FFD, but also the patrons that frequent the establishment.	3/28/2018 3:26 PM
8	It seems like a lot of smaller business tend to be able to open up with out one being issued.	3/28/2018 7:51 AM

**Appendix L – Interview with Scott Brooks, Captain of Loss Prevention****Fairborn Fire Department**

Adam D. Howard, Battalion Chief

**Applied Research Interview****Date:** February 15, 2018Name: Scott BrooksTitle: Captain of Loss Prevention, West Chester Fire Department, Ohio**Questions:**

1. What are the values of ensuring that required businesses obtain a certificate of occupancy?
  - The values of ensuring that a required business obtain a certificate of occupancy are that the building has been designed appropriately for the Occupancy Use Group classification that they were awarded. An example of this would be that an Occupancy Use Group A-2 has been designed with the needed sprinkler and fire alarm systems based on occupancy and square footage.
2. In your opinion, what are barriers that prevent businesses from obtaining a certificate of occupancy?
  - Education from the jurisdiction that requires the business to apply for the Certificate of Occupancy. There are numerous times when a small business will move into our jurisdiction and honestly were unaware that they were required to get a Certificate of Occupancy. For that matter, they were not aware that they should have received a Zoning Certificate as well.
3. What is the fire department's role in the certificate of occupancy compliance process within your community?
  - In our jurisdiction, the fire department has the responsibility of plan reviews on all commercial properties prior to the plans being reviewed by the Building Department for the actual permitting, approval, inspections and issuance of the Certificate of Occupancy.

4. If fire department personnel discover a business operating without a certificate of occupancy, during a routine inspection, what do they do with that information?
  - We first notify the township Zoning Department to see if the business first applied for the Zoning Certificate. If they have not, the Zoning Department will contact the business and let them know that they are required to submit drawings for Zoning approval and then submit to the Building Department for the Certificate of Occupancy.
  
5. When enforcing the fire code, do you reference the certificate of occupancy to determine the edition of the fire code in which to apply?
  - Typically no. We will enforce the current edition of the Ohio Fire Code for all Fire Safety Inspections. A Certificate of Occupancy is issued to the building and not the business. It is possible that a business could move out and a new one move in and a new Certificate of Occupancy would not be issued. This would only happen if a like business moved in and made no alterations to the building. For example, a restaurant moved out and a restaurant moved in. They made no changes to the building, just moved in. They would not be required to obtain a new Certificate of Occupancy.
  
6. If a business doesn't have a certificate of occupancy, what edition of the fire code do you enforce?
  - We always reference the current edition of the Ohio Fire Code. If they do not have a Certificate of Occupancy, we can issue a citation for being in violation of the Ohio Fire Code, but more often than not, we will notify the Zoning and Building Departments of the situation and have them get involved to ensure that a valid Certificate of Occupancy is obtained.
  
7. Are you currently aware of any businesses operating within your community without a certificate of occupancy?
  - Yes. Unfortunately, in the early days of the Building Department that we work with (townships do not have Building Departments and will use the County Building Department), Certificates of Occupancy were not always issued so we are always playing catch up. We are lucky in that we only have 4,000 +/- businesses to try and coordinate. The Building Department is now making their Certificate of Occupancy available online for the ones they currently generate which allows the Fire Department to print them out and add them to our inspection files.

8. Who would I contact, within your community, to obtain detailed information about the certificate of occupancy application process?
  - Karla Chaney at the Butler County Building Department – (513) 887-3205



5. In what format are the fire inspections documented?
  - a. We use a software program called iWorQ
  - b. iWorQ is also used by the Hamilton County Building Department, so this allows us to maintain all building related records in one place
  
6. Is there a prompt on the fire inspection report to verify a certificate of occupancy?
  - a. No
  - b. We rarely ask for certificate of occupancy verification during a fire inspection unless it's a unique situation
  
7. Does the jurisdiction allow businesses to operate under previously issued certificates of occupancy within the same building as permitted by code?
  - a. No, we require each tenant to obtain their own certificate of occupancy
  
8. How important is it to the fire department that businesses have a current certificate of occupancy?
  - a. It's a top priority
  - b. We want to know what businesses are operating within our district
  
9. How does the fire department handle businesses that are identified operating without proper zoning approval?
  - a. We shut them down
  
10. How does the fire department manage potential resistance and loss of support resulting from strong enforcement methods?
  - a. We don't have that problem
  - b. Fire department support has actually increased since they took over the zoning enforcement function approximately 15 years ago.
  - c. The business community has embraced the increased enforcement efforts
  - d. We passed a fire department levy in 2017 with 71% support
  - e. We educate the businesses about past tragedies
  - f. It's all about having a tactful approach



5. How are fire inspections conducted?
  - a. Annual company-level inspections for mom & pop shops, which is a new program since late summer or early fall of 2017
  - b. One firefighter per shift assists the Lt. of Fire Prevention conduct inspections on higher hazard and large buildings
  - c. One captain conducts plan reviews on new construction and assists the state fire inspectors with school and nursing home inspections
  - d. Lt. of Fire Prevention provides follow up on all issues that are identified relative to code enforcement
  
6. In what format are the fire inspections documented?
  - a. Emergency Reporting Software
  - b. We can actually upload copies of the certificate of occupancy into the business file of Emergency Reporting for later retrieval and reference
  
7. Is there a prompt on the fire inspection report to verify a certificate of occupancy?
  - a. Yes
  - b. There are several different forms, but this prompt is included on the company-level inspection form
  
8. Does the jurisdiction allow businesses to operate under previously issued certificates of occupancy within the same building as permitted by code?
  - a. Yes
  
9. How important is it to the fire department that businesses have a current certificate of occupancy?
  - a. High priority for medium to high hazards occupancies
  - b. Not highly important for mom & pop shops
  
10. How does the fire department handle businesses that are identified operating without a certificate of occupancy?
  - a. We check our records to see if one is available on file
  - b. Push them through the process to obtain a certificate of occupancy with NIC

11. How does the fire department manage potential resistance and loss of support resulting from strong enforcement methods?
  - a. Show them the code language
  - b. Apologize for not previously enforcing
  - c. Work with the businesses & allow more time if they are making an earnest effort
  - d. Political challenges are always difficult to manage
  
12. Additional comments.
  - a. Wish there was more education from the state fire marshal's office on the importance of certificate of occupancy compliance
  - b. Reach out to Rick Bell of Green Twp. fire department because they did a full sweep project in the early 2000's to get certificates of occupancy forms posted in all their businesses.

**Appendix O – Interview with Bryan Adams, Fire Prevention Supervisor****Fairborn Fire Department**

Adam D. Howard, Battalion Chief

**Applied Research Interview****Date:** April 18, 2018

Name: Bryan Adams

Title: Fire Prevention Supervisor  
Dayton Fire Department, City of Dayton, Ohio

**Questions:**

1. Who issues certificates of occupancy within your jurisdiction?
  - a. City of Dayton Building Department
  
2. What is the fire department's role in the certificate of occupancy compliance process within your community?
  - a. Verify that they are in place and being complied with
  
3. How are new businesses identified?
  - a. Routine fire inspections
  - b. FD crews noticing something new in their district & report it to the inspection bureau
  
4. How are unapproved businesses identified?
  - a. Same as above
  
5. How are fire inspections conducted?
  - a. There are an estimated 7,000 commercial occupancies within the city. The current goal is to inspect 2,400 – 2,600 of them each year.
  - b. 60 inspections are assigned to each fire company. They are assigned the smaller and lower hazard occupancies.
  - c. The full-time fire inspectors handle the balance of the inspections.

6. In what format are the fire inspections documented?
  - a. We use an old DOS based computer system; however, we are currently working on a plan to migrate to a new iPad program called Streamline
  - b. Inspection form are currently printed out on paper from the DOS computer system, which includes current prepopulated information such as the business name, address, and emergency contacts
  
7. Is there a prompt on the fire inspection report to verify a certificate of occupancy?
  - a. No.
  - b. In fact, we don't even expect the company-level inspectors to ask or verify a certificate of occupancy. The certificate of occupancy will generally only become an issue if there is a concern about building and use.
  
8. Does the jurisdiction allow businesses to operate under previously issued certificates of occupancy within the same building as permitted by code?
  - a. Yes, only if they stay in the same use classification. If they change use classification, even to a class of less hazard, they must obtain a new certificate of occupancy.
  
9. How important is it to the fire department that businesses have a current certificate of occupancy?
  - a. Most important, as it tells us about the building and how it was intended to be used.
  
10. How does the fire department handle businesses that are identified operating without a certificate of occupancy?
  - a. First, we research our records to see if there have been any certificates of occupancy issued for the building in the past.
  - b. If no certificate of occupancy turns up, we refer them to the building department to obtain one.
  
11. How does the fire department manage potential resistance and loss of support resulting from strong enforcement methods?
  - a. We must exercise a tactful approach using codes & standards to support the actions
  - b. Having good records of the buildings past can be a big help. The old plans will tell you how the building was originally intended to be used, as well as any update or modifications performed over the years.

**Appendix P – Interview with Danielle Wolfe, Revenue Manager****Fairborn Fire Department**

Adam D. Howard, Battalion Chief

**Applied Research Interview****Date:** April 9, 2018

Name: Danielle Wolfe

Title: Revenue Manager, City of Fairborn

**Questions:**

1. Is there a way the building department can be notified when utilities are started or transferred at a commercial building?
  - a. Yes, I can run a report from our database that will show all account changes over a given period
  - b. The frequency of commercial utility changes is low; therefore, it would probably be best to run the report either monthly or even every other month
2. Can you run a report from the database that will only identify commercial properties?
  - a. No, it will show all utility changes including residential; however, I can manually isolate the commercial addresses
  - b. There may be some addresses that are difficult to distinguish between commercial and residential
3. Does the utilities department have policies or guidelines that govern the operations?
  - a. Yes, we have a rules and regulations manual
  - b. We also have a large binder of notes that guide how things are to be done; however, they are not formalized and don't use a consistent format
4. How could we draft a new departmental policy that documents the process for running this new report for the building department?
  - a. We could draft a new administrative memo, and have it approved by the City Manager

5. Other comments?

- a. In some cases, the landlords or property owners manage the utilities. The new reports would not be able to identify tenant changes within these buildings, since there would be not utility account changes made.
- b. Can the fire or building departments ensure that new businesses that receive a certificate of occupancy are directed to complete their city income tax registration as well?

**Appendix Q – Interview with Marie Gay, Administrative Assistant****Fairborn Fire Department**

Adam D. Howard, Battalion Chief

**Applied Research Interview****Date:** April 9, 2018Name: Marie GayTitle: Administrative Assistant, Fairborn Building Department**Questions:**

1. In your opinion, what are the values of ensuring that required businesses obtain a certificate of occupancy?
  - a. Safety
  - b. Legal protection
  - c. Show good faith, that they follow the rules
  
2. When was the first certificate of occupancy issued within the City of Fairborn?
  - a. The City of Fairborn was established in 1950
  - b. There are certificates of occupancy that were issued in the early 1950's
  
3. Are apartment buildings required to obtain a certificate of occupancy?
  - a. Yes
  - b. Even single family homes are issued certificates of occupancy when they are first built
  - c. I'm aware of residential certificates of occupancy that date back to the 1960's
  - d. Residential certificates of occupancy are never updated or renewed. Records of permitted work are just added to the file
  
4. In your opinion, how would you rate certificate of occupancy compliance within the City of Fairborn?
  - a. 70-80%

5. In your opinion, what are barriers that prevent businesses from obtaining a certificate of occupancy?
  - a. Lack of knowledge
  - b. Landlords not letting their tenants know
  
6. What would a flowchart look like to communicate the steps associated with a business obtaining a certificate of occupancy?
  - a. She agreed with a draft presented except for the following updates:
    - i. New construction:
      1. Business Occupancy Permit Application not required
    - ii. Existing structures w/ construction:
      1. Requires professional plans from an architect or engineer
    - iii. Existing structure w/ no construction:
      1. Requires a scale floor plan but doesn't need to be professionally prepared
  - b. Recommended the creation of 4 different flowcharts to account for the associated variations.
    - i. New construction
    - ii. Existing building with construction
    - iii. Existing building with change of use
    - iv. Existing building same use
  
7. Are the following city ordinances up-to-date and accurate with current practice?
  - a. 1311.03: Ok
  - b. 1311.06: Certificate of occupancy fee needs updated from \$20 to \$45
  - c. 1507.09: Not current practice. Needs updated.
  
8. What method should fire department employees use to notify the building department, if they discover a business operating without a certificate of occupancy?
  - Send me an email and I'll look to see if we have a certificate of occupancy on file. If not, I'll assign the case to a building inspector.

**Appendix R – Interview with Kathleen Riggs, City Planner****Fairborn Fire Department**

Adam D. Howard, Battalion Chief

**Applied Research Interview****Date:** April 12, 2018

Name: Kathleen Riggs

Title: City Planner, City of Fairborn

**Questions:**

1. Who manages zoning code compliance?
  - The City Planner position has recently been assigned the role of Zoning Administrator
2. What is the process for gaining zoning approval for conditional use?
  - The case must be presented before the Planning Board, who make a recommendation to City Council. City Council has the ultimate authority to approve or deny conditional use applicants.
3. Are certificates of zoning still being issued?
  - No, the zoning approval is integrated within the certificate of occupancy
4. Is city ordinance 1175.04 up-to-date and accurate?
  - No, an updated Zoning Code went into effect on December 7, 2017
5. Have you ever had to handle a case where a business was identified to be operating in the wrong zoning district?
  - a. If so, how was it handled?

These are handled carefully on a case by case basis.



**Appendix T – City of Fairborn Certificate of Occupancy Sample**

<b>CERTIFICATE OF OCCUPANCY NO. 20171355</b>		<b>BUSINESS NAME: TRUMPET BEHAVIORAL HEALTH</b>	
Office of the Building Official, City of Fairborn, Ohio			
PROPERTY ADDRESS: <b>1750 COMMERCE CENTER BLVD.</b>		<b>ZONING DISTRICT: PLANNED DEVELOPMENT</b>	
APPROVED AS: <b>EDUCATION</b>		Plan Approval Permit # <b>20171355</b>	
USE GROUPS: <b>AS DEFINED IN OBC</b>		Approved pursuant to the following editions of: <b>2011 OBC</b>	
Primary: <b>E</b>	<b>EDUCATION</b>	This approval is limited to the following portion of the building: The balance of the building is approved pursuant to the following dated C of O's: <b>N/A</b>	
Accessory: <b>A3</b>	<b>ASSEMBLY</b>		
CONSTRUCTION TYPE: <b>IIB</b>			
FIRE SPRINKLER SYSTEMS: <b>NO</b>			
Hazard Classification: <b>N/A</b>			
Are Alarm Systems Installed: <b>N/A</b>			
How Are Alarm Systems Monitored: <b>N/A</b>			
Attached plan indicates how areas are approved and designed occupancy loads			
TOTAL SQUARE FEET: <b>9,884</b>			
TOTAL OCCUPANCY: <b>200</b>			
		Building Official:	Date: 1/30/2018

*This Certificate represents an approval that is valid only when the building and its facilities are used as stated and is conditional upon all building systems being maintained and tested in accordance with the applicable Ohio Board of Building Standards rules and applicable equipment or system schedules. This certifies conformance with Chapters 3781. And 3791. Of the Revised code and the applicable provisions of the rules of the Ohio Board of Building Standards.*

***This certificate to be held as a permanent record by the property owner and must be conspicuously displayed.***

**Appendix U – Fairborn Ordinance 1311.03**

5/12/2018

Untitled document

**1311.03 BUILDING CONSTRUCTION, ALTERATION OR REPAIR PERMITS.**

(a) Fees for permits for the construction, extension, alteration or repair of any building or structure shall conform to the following table. For the purpose of determining permit fee, the estimated value of construction for the new buildings and additions shall be at least equivalent to the cost of construction for similar use groups and construction types as they are reported by the International Code Council.

<b>Cost of Work to be Done</b>	<b>Fee</b>
Less than \$5,000.00	\$ 45.00
\$5,000.01 to \$250,000.00	45.00 plus 7.00 for each \$1,000 cost or fraction thereof in excess of \$5,000
\$250,000.01 to \$1,000,000	1,760.00 plus 4.00 for each \$1,000 cost or fraction thereof in excess of \$250,000
\$1,000,000 up	4,760.00 plus 3.00 for each \$1,000 cost or fraction thereof in excess of \$1,000,000

(Ord. 17-07. Passed 5-7-07.)

(b) Where a permit is required for a fire suppression system under Section [1311.02\(a\)\(10\)](#) or where a permit is required for a smoke detection or fire alarm system under Section [1311.02\(a\)\(11\)](#), an additional fee of one hundred fifty dollars (\$150.00) shall be assessed.

(Ord. 1-13. Passed 1-22-13.)

**Appendix V – Fairborn Ordinance 1311.06**

5/12/2018

Untitled document

**1311.06 CERTIFICATES OF USE AND OCCUPANCY.**

- (a) The fee for a replacement copy of certificate of use and occupancy for an existing building where there is no change of occupancy or inspection necessary shall be five dollars (\$5.00).
- (b) The fee for a certificate of use and occupancy for an existing building when a change in the class of occupancy is involved but no permit for renovation is required shall be twenty dollars (\$20.00) and includes an inspection.
- (c) When a permit is required to facilitate a new occupancy or a change in occupancy the Building Inspector shall upon completion of the final inspection of the premises issue a certificate of use and occupancy. There shall be no additional charge for the certificate of occupancy.  
(Ord. 39-06. Passed 11-6-06.)

**Appendix W – Fairborn Ordinance 1507.09**

5/12/2018

Untitled document

**1507.09 BUILDING OCCUPANCY.**

No new building or addition to an existing building shall be occupied, or used for any purpose, until streets and access to such building are complete and capable of supporting fire apparatus as required by the fire code. No new building or addition to an existing building shall be occupied or used for any purpose until all fire protection equipment is in service, a final inspection by Fire and Code Enforcement personnel has been completed and complied with, and an occupancy permit, signed by the Fire Chief has been issued. (Ord. 54-93. Passed 8-16-93.)

**Appendix X – New Draft Ordinance 1311.06****1311.06 CERTIFICATES OF OCCUPANCY**

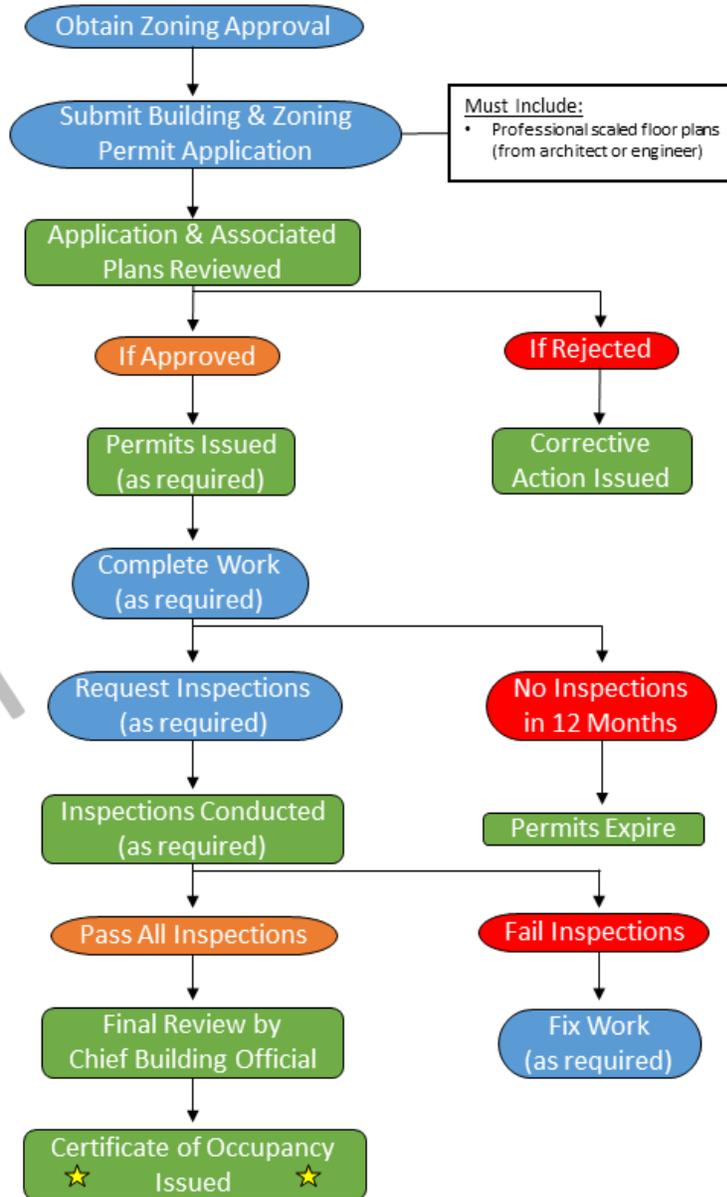
- a) Each tenant is required to obtain a certificate of occupancy prior to using and occupying a commercial building. A prior certificate of occupancy, issued to the building or a previous tenant, is not transferrable.
- b) Each tenant must conspicuously display the certificate of occupancy within the building for which it was issued.
- c) The fee for a replacement copy of a previously issued and valid certificate of occupancy shall be five dollars (\$5.00).

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Appendix Y – Flowchart for New Construction

Certificate of Occupancy Flowchart

New Construction



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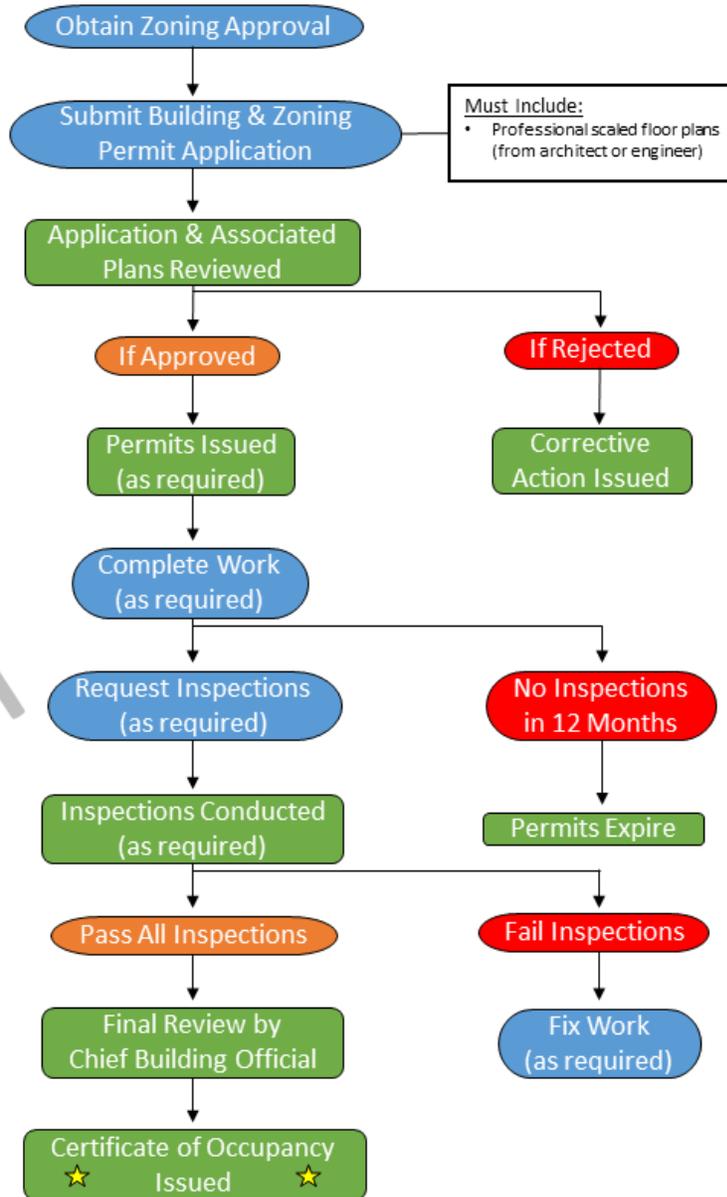


**Appendix Z – Flowchart for Existing Building with Construction**

Certificate of Occupancy Flowchart

**Existing Building with Construction**

- Existing Building Construction Includes:
- Adding, removing or altering:
    - Walls
    - Doors (includes door hardware)
    - Windows
    - Exits
    - Stairwells or elevators
    - Canopies or awnings
    - Electrical systems (includes light fixtures)
    - Plumbing systems
    - Mechanical systems (HVAC)
    - Fire protection systems
    - Etc.



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Appendix AA – Flowchart for Existing Building with Change of Use

Certificate of Occupancy Flowchart

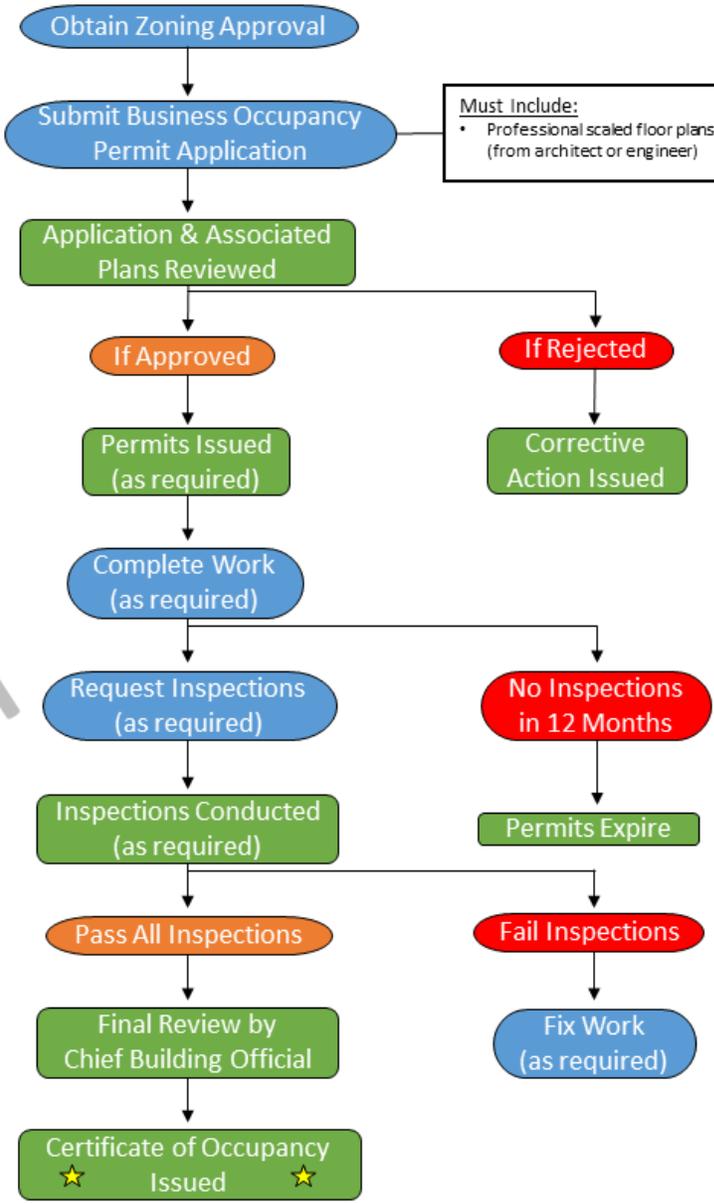
Existing Building with Change of Use

Existing Building  
Permit not required:

- Replacement of finishes:
  - Paint
  - Tile
  - Carpet
- Routine maintenance & repairs

Must include:

- Professional scaled floor plans (from architect or engineer)



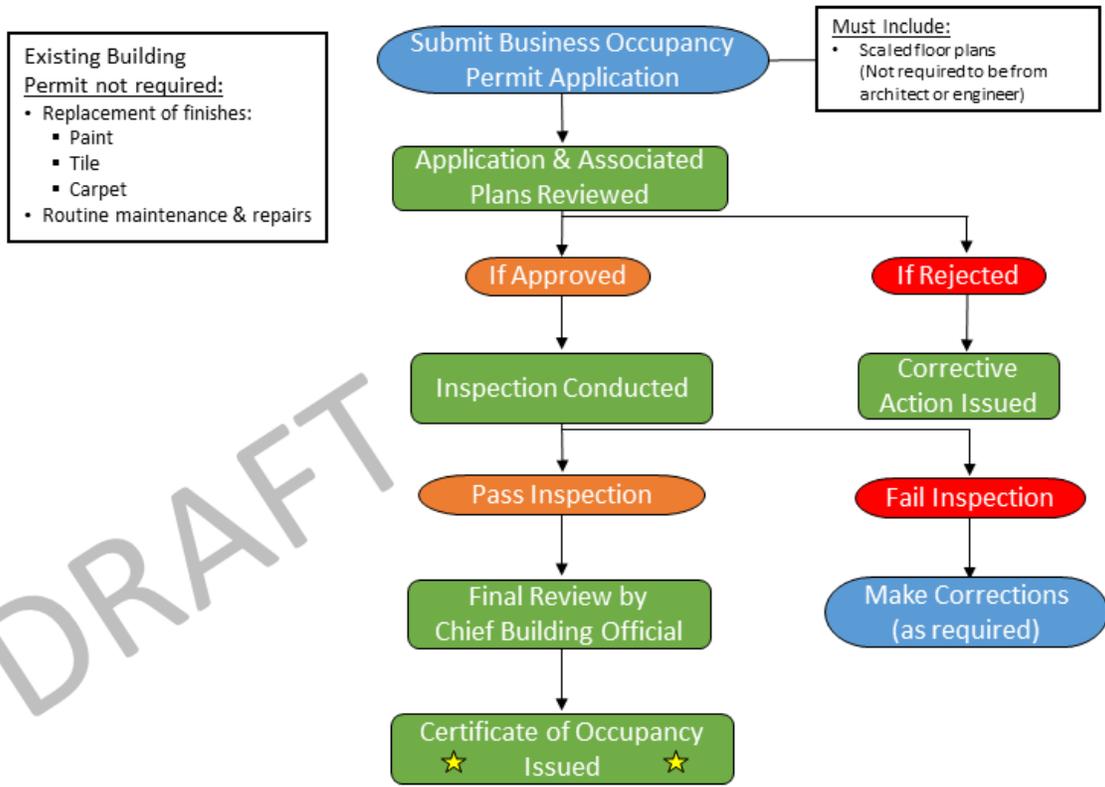
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**Appendix BB – Flowchart for Existing Building Same Use as Previous Business**

Certificate of Occupancy Flowchart

Existing Building with Same Use as Previous Business



**Appendix CC – Certificate of Occupancy Noncompliance Notification**



Fairborn Fire Department

**Certificate of Occupancy  
Noncompliance Notification**

Date: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

The inability to produce a current certificate of occupancy is a violation of the following codes and ordinances:

- Ohio Building Code Section 111.1
- Ohio Fire Code Section 102.3.2
- City of Fairborn Ordinance 1311.06

### Recommended Corrective Actions:

- Contact the City of Fairborn Building Code & Inspection Division to obtain a copy, if a valid certificate of occupancy is on file.
  - Phone: (937)754-3050
  - Address: 44 W. Hebble Ave., Fairborn, OH 45324
- Visit City of Fairborn Building Code & Inspection Division's webpage at <https://ci.fairborn.oh.us/153/Applications-Permits-Fees> to view the most applicable certificate of occupancy flow chart, which details the process of obtaining a certificate of occupancy
- Submit a completed Business Occupancy Permit Application

**Appendix DD – New Draft SOG 4.2.1 Company-Level Life Safety Inspections**



Article	4	Initiated	6/18/01
Section	2	Revised	5/10/18
Guide	1	Page	1 of 7

**COMPANY-LEVEL LIFE SAFETY INSPECTIONS**

**I. PURPOSE:**

- A. To provide a company-level life safety inspection program with the intent of preventing injuries, loss of life, property damage, and disruption of local commerce. Hazards identified through this program will be consistent with the current edition of the Ohio Fire Code.
- B. The program also serves as a valuable opportunity for crews to become familiar with the commercial buildings within our response district, prior to an emergency response.

**II. RESPONSIBILITY:**

- A. The Battalion Chief of Life Safety has the functional responsibility to manage the overall code enforcement and pre-incident planning programs, which includes the company-level life safety inspection program. In addition, they will provide support and guidance to the crews for difficult or complex cases.
- B. It shall be the responsibility of the Lieutenants to be familiar with this guideline and ensure that all assigned company-level life safety inspections are completed, as required.
- C. It is the responsibility of all Firefighter/Paramedics to be familiar with this guideline and complete the company-level life safety inspections assigned to them, by their Lieutenant.
- D. Personnel are not required to be a certified Life Safety Inspector to perform company-level life safety inspections. Certified Firefighters within the FFD have the training, knowledge, resources, and ability to identify hazards in an effort to prevent injuries, loss of life, property damage, and disruption of local commerce.

**III. DEFINITION:**

- A. None

**IV. SCOPE:**

- A. This guideline shall govern the company-level life safety inspection program, which applies to all occupied commercial buildings within the response district, including the common areas of multi-family residential buildings (i.e. apartments, condos, dorms, etc.)

**V. PROCEDURE:**

- A. At the beginning of each two-year cycle, the Battalion Chief of Life Safety will assign all company-level life safety inspections to the Lieutenants by posting the Master Inspection Assignment List (Attachment A) to the server. The Lieutenants shall ensure that 50% of the assigned inspections are completed within the first year and the balance by the end of the two-year cycle.
1. The Master Inspection Assignment List is an Microsoft Excel spreadsheet that includes the following columns of information, which the Lieutenants shall update daily as inspection tasks are completed.
    - a. Address
      - If the address is incorrect or has changed, update to reflect correct information and select "Updated" from the Business Status dropdown box.
    - b. Business Name
      - If the business name is incorrect or has changed, update to reflect correct information and select "Updated" from the Business Status dropdown box.
    - c. Inspection Dates w/ Pass or Fail Status (1<sup>st</sup> – 3<sup>rd</sup> Inspection)
      - P = Pass
      - F = Fail
    - d. Knox Status (dropdown box w/ auto color fill)
      - N/A
        - No Knox Box Present
      - OK
        - Contents are current and in good working order
      - Update
        - Contents are not current and need updated
        - Lieutenants will be responsible for ensuring that the Knox Box is updated
      - Service
        - Knox Box is not in good working order and needs serviced
        - Notify the Lieutenant assigned to Knox Box maintenance via email
      - Update & Service
        - Both conditions apply

4.2.1

2

## e. Inspection Status (dropdown box w/ auto color fill)

- Passed & Complete
  - The business has passed the inspection process for this cycle
- Reinspection Pending
  - The business has failed an inspection and pending a reinspection
- Mailback Card Issued
  - The business was issued a Mailback Card for minor violations, pending return
- No Access to Inspect
  - The building was vacant or unable to make contact after three attempts
- Failed & Referred
  - The business has failed the company-level inspection process and has been forwarded to the Battalion Chief of Life Safety.

## f. Business Status (dropdown box w/ auto color fill)

- Verified & Confirmed
  - Correct address & business name provided on assignment
- Updated
  - The address or business name was updated from original assignment
  - Applies to newly vacant buildings as well, just indicate "Vacant" under the business name column
- New
  - The address and business was not included in the original assignment
  - Lieutenants should monitor for new businesses that appear within their assigned inspection district
- Remove
  - The building has been demolished

B. Consider planning your inspection visits in advance. Be considerate to local businesses when scheduling your inspections. Inspections should be performed during the normal operating hours of the business. Note that not all businesses are normally open from 8am-5pm Monday through Friday (i.e. churches and bars). For large or complex buildings, consider calling ahead to schedule the inspection to provide advanced notice. Be sure to notify the business owner/manager or designee that your schedule may be interrupted by emergency responses.

1. Upon arrival professionally introduce yourselves and encourage the business owner/manager or designee to walk with you throughout the inspection. This will provide the opportunity to clearly point out and explain each violation as you progressively move throughout the building.

2. Request to inspect inside of all rooms and spaces to identify hidden hazards. If denied access to inspect a space, make note and complete the balance of the inspection. Notify the Battalion Chief of Life Safety about the details of the denied access.
- C. The crews shall document each company-level life safety inspection by completing the Life Safety Inspector's Checklist (Attachment B). If additional space is needed use the Life Safety Inspector's Supplemental (Attachment C).
1. Document the following information during the initial inspection:
    - a. Platoon assignment
    - b. Company assignment
    - c. Names of each inspector
    - d. Date of inspection
    - e. Legal business name
    - f. Business address
    - g. Business' primary phone number
    - h. Business owner/managers name and after hours phone number
    - i. 2<sup>nd</sup> contacts name and after hours phone number
    - j. Certificate of occupancy number
      - If the business owner/manager or designee cannot produce a current certificate of occupancy:
        - Document "No C of O" as a code violation in the space provided for the number
        - Educate them of the value of having a certificate of occupancy
        - Present them with a Certificate of Occupancy Noncompliance Card (Attachment D) and document that the card was provided
    - k. Knox Box status
    - l. Violations
      - Briefly note the specifics of the violation and the suggested corrective action, within each applicable section.
      - "OK"
        - Indicates that there were no violations with the section
      - "N/A"
        - Indicates that the section does not apply
    - m. Indicate the minimum number of days that will pass prior to your return for a reinspection.
      - "N/A"
        - Indicates that there is no need for a reinspection
      - "Mailback"
        - Indicates that a Mailback Card was issued
    - n. Obtain a signature from the business owner/manager or designee, including their position and current date

2. During a reinspection, use the completed Life Safety Inspector's Checklist from the previous inspection and document the following information:
  - a. Date of the reinspection
  - b. "OK & date"
    - Adjacent to any previously document violations that are found to be corrected
  - c. New violations discovered during a reinspection shall be documented in the same fashion as during an initial inspection, with the addition of the current date
  
3. A Mailback Card (Attachment E) may be left with the business owner/manager or designee if there are only minor violations pending. Explain that the card should be mailed to Fire Administration after they correct all the violations documented on the Life Safety Inspector's Checklist. Be sure to complete the return address information on the card prior to issuing. The Administrative Assistant will forward all returned Mailback Cards to the Lieutenants via interdepartmental mail.
  - a. A Mailback Card may be used for the following:
    - Fire extinguishers out of date
    - Improper extension cords
    - Missing address numbers
    - Clearance around fire protection equipment and electrical panels
    - Missing faceplates on electrical receptacles and switches
    - Replacing exit and emergency lights
    - Other minor violations
  - b. A Mailback Card shall not be used for the following:
    - Blocked exits
    - Sprinkler systems out of date or in need of service
    - Suppression systems out of date or in need of service
    - Repair needed to electrical equipment
    - Other serious violations
  - c. When a Mailback Card is issued, be sure to select "Mailback Card Issued" in the Inspection Status on the Master Inspection Assignment List
  - d. When the returned Mailback Card is received, staple it to the Life Safety Inspector's Checklist. Then update the Inspection Status to "Passed & Completed" on the Master Inspection Assignment List. Then forward the entire report to the Battalion Chief of Life Safety through interdepartmental mail or email a scanned copy.
  - e. If the Mailback Card is not returned within 45 days, then the crew shall return to perform a reinspection.
  - f. Mailback Cards may only be issued on initial inspections. They are not to be used following a reinspection.

- D. Lieutenants shall forward all “Passed & Completed” Life Safety Inspector’s Checklists to the Battalion Chief of Life Safety through interdepartmental mail or email a scanned copy, immediately after completion.
1. The Lieutenants shall maintain copies of their own records for a period of three years.
- E. Lieutenants shall forward all “Failed & Referred” Life Safety Inspector’s Checklists to the Battalion Chief of Life Safety, through interdepartmental mail or email a scanned copy, accompanied with a memo including the applicable details. Company-level life safety inspections qualify as “Failed & Referred” upon:
1. Completion of 3<sup>rd</sup> inspection with violations still pending
  2. Discovery of a significant hazard
  3. Discovery of a complex case requiring a more detailed inspection by the Battalion Chief of Life Safety and/or a building code official
- F. Unique situations:
1. Vacant building
    - a. If an assigned commercial building is found to be indefinitely vacant, no life safety inspection is required
    - b. Complete the Master Inspection Assignment List as follows:
      - Document the date of the visit(s)
      - Replace the business name with “Vacant”
      - Select “No Access to Inspect” for Inspection Status
      - Select “Updated” for the Business Status
  2. New business in building/suite
    - a. If a new business occupies the assigned commercial building, conduct a life safety inspection of the new business
    - b. Complete the Master Inspection Assignment List as follows:
      - Replace the business name with the name of the new business
      - Select “Update” for the Business Status
  3. Business has changed suite number or address
    - a. If an assigned commercial business has changed suite numbers or addresses but is still located within the assigned inspection district, conduct a life safety inspection of the business.
    - b. Complete the Master Inspection Assignment List as follows:
      - Update the address
      - Select “Update” for the Business Status
  4. Unable to make contact but the building appears to be occupied
    - a. If the assigned commercial building appears to be occupied but you are unable to make contact, the crew must make at least three visits, 30 days or more apart.

b. Complete the Master Inspection Assignment List as follows:

- Document the dates of each visit
- Select "No Access to Inspect" for the Inspection Status
- Forward a memo or email, including the applicable details, to the Battalion Chief of Life Safety. The Battalion Chief of Life Safety will follow up with building code officials to determine the status of the building.

G. All "Failed & Referred" life safety inspections forwarded to the Battalion Chief of Life Safety may be followed up with an official Notice of Violation, sent to the business via certified mail. Failure to comply with the Notice of Violation will result in a complaint being issued against the business with the Code Enforcement Division of the State Fire Marshal's Office for legal enforcement.

H. The Battalion Chief of Life Safety and the Administrative Assistant shall update the records management system (RMS) database to reflect the following information:

1. All business contacts from the Life Safety Inspector's Checklist
2. Business status updates from the Master Inspection Assignment List

\_\_\_\_\_  
**Fire Chief**

\_\_\_\_\_  
**City Manager**

**Appendix EE – Commercial Utilities Account Change Report****DRAFT****POLICY STATEMENT**

## Commercial Utilities Account Change Report

**Purpose:**

To identify new businesses that are moving into existing buildings within the community, that have not applied for a required certificate of occupancy with the Building Code and Inspection Division.

**Procedure:**

Each month the Utilities Division shall produce a report that includes all account changes associated with commercial addresses, which occurred during the previous calendar month. The Utilities Division shall forward this report to the Building Code and Inspection Division on a monthly basis, unless there is no data to report. The Building Code and Inspection Division shall then reconcile the included addresses with their records. If there are no explainable records on file for a change in utility services, then the Building Code and Inspection Division shall provide follow up to determine if an undocumented change of occupancy is occurring.

It must be noted that there are limitations to this procedure. Not every commercial tenant space has independent utility services, or the utilities account may be retained by the property owner or landlord. As a result, new businesses moving into existing buildings, with either of these conditions, will not be identified using this procedure.

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Department Head