

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0017

Sponsored by: Councilmembers Gallagher and Greenspan	An Ordinance enacting Chapter 603 of the Cuyahoga County Code to establish a Cuyahoga County Fire and Smoke Damper Inspection Program, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmembers Conwell and Germana	

WHEREAS, Article III, Section 3.09(7) of the Charter of Cuyahoga County provides Council “to provide for the acquisition, construction, maintenance, administration, rental, and leasing of property, including buildings and other public improvements”; and

WHEREAS, the County Council would like to provide inspections for Heating Ventilation Air Condition (hereinafter “HVAC”) fire and smoke dampers located within all County owned buildings; and

WHEREAS, the fire and smoke dampers are fire prevention products used in HVAC ducts to prevent the spread of fire and smoke inside HVAC ducts through walls and floors, and

WHEREAS, the County Council desires to establish a Cuyahoga County Fire and Smoke Damper Inspection Program for all County buildings in order to protect the health and welfare of all County workers, visitors and safety forces of County owned buildings;

WHEREAS, providing said inspections will ensure that the County is in compliance with the most up-to-date National Fire Protection Association regulations; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order to ensure the safety within County buildings and to provide for the usual, daily operation of the County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 603 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 603: FIRE AND DAMPER INSPECTION PROGRAM

603.01 Fire and Damper Inspection Program

There is hereby created a Cuyahoga County Fire and Smoke Damper Program for the purpose of ensuring all fire and smoke dampers in County owned buildings are in working order to prevent the spread of fire and smoke inside walls and floors.

603.02 Definitions

(A) Fire damper: A listed device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame. Fire dampers are classified for use in either static systems that will automatically shut down in the event of a fire, or in dynamic systems that continue to operate during a fire. A dynamic fire damper is tested and rated for closure under elevated temperature airflow.

(B) Smoke damper: A listed device installed in ducts and air transfer openings designed to resist the passage of smoke. The device is installed to operate automatically, controlled by a smoke detection system, and where required, is capable of being positioned from a fire command center.

603.03 Regularity and Monitoring Inspections

All fire and smoke damper units in buildings that are County owned shall be tested and inspected every four (4) years. Compliance with this testing and inspections shall be completed and monitored by the Department of Public Works and the Director of Public Works.

603.04 Regulations Governing Testing and Inspections and Requirements for the Inspectors

The fire and smoke damper unit testing and inspections shall be conducted in accordance with National Fire Protection Association standards. The testing and inspections shall be conducted by technicians or contractors who have been certified by the International Certification Board and American National Standards Institute to ensure the quality and knowledge of the inspection process. If contracted, procurement of these technicians and contractors shall be made in accordance with the Contracts and Purchasing Procedures set forth in Title 5 of the Cuyahoga County Code by the Department of Public Works and the Director of Public Works.

603.05 Repairs or Replacements

If any fire and smoke damper unit is found to be faulty or inoperable, repairs or replacements shall begin as soon as possible and be completed within sixty days (60) from the date the unit was found to be faulty or inoperable. All repairs or replacements of the fire and smoke damper units shall be completed and approved by technicians or contractors who are certified by the International Certification Board and American National Standards Institute. Compliance with the repairs or replacements shall be monitored by the Department of Public Works and the Director of Public Works. If contracted, procurement of these technicians and contractors shall

be made in accordance with the Contracts and Purchasing Procedures set forth in Title 5 of the Cuyahoga County Code by the Department of Public Works and the Director of Public Works.

603.06 Record and Reporting of Inspections and Repairs

All testing and inspections shall be documented indicating the location of each fire and smoke damper, date of the inspection, name of the inspector, deficiencies discovered, and any repairs or replacements completed. The results of the testing and inspections shall be given by technicians or contractors to the Department of Public Works and the Director of Public Works within thirty (30) days of the completion of each County owned building tested and inspected. The Department of Public Works and the Director of Public Works shall keep those testing and inspection reports until the next testing and inspection is completed four (4) years later. The Department of Public Works and the Director of Public Works shall publish on its website semiannual reports of the testing and inspection results (the first of which will cover the period January 1st – June 20th and will be due in July and the second of which will cover the period July 1st – December 21st and will be due in February). The Department of Public Works and the Director of Public shall report to Council through a Council Meeting, Committee of the Whole, or a designated Committee of Council, as requested, the results of the testing and inspection.

Within one year of the effective date of this Ordinance, the County shall complete the inspection and repair of all fire and smoke dampers located in all County owned buildings. During this one-year period, the Department of Public Works and the Director of Public Works shall provide quarterly updates on the progress of the inspections and repairs through a council meeting, committee of the whole, or a designated committee of council. Within one year of the effective date of this Ordinance, the Department of Public Works and the Director of Public Works shall deliver a time-line regarding the County’s timeline and scheduling for the on-going regular maintenance and repair of each fire and smoke damper in each County owned building through a council meeting, committee of the whole, or a designated committee of council.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Gallagher, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers and Connally

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 23, 2013

Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorship Requested: September 17, 2013

Journal CC011
September 24, 2013