

Ohio Fire Code Section 118
Hotel and SRO facility license
[OAC 1301:7-7-01(R)]

(1) 118.1 License to operate a hotel or SRO facility. For those facilities defined as a hotel or SRO facility in section [3731.01](#) of the Revised Code, the issuance of a license shall be contingent upon compliance with Chapter 3731. of the Revised Code and rules adopted pursuant to section [3731.02](#) of the Revised Code.

(2) 118.2 Definitions. The following words and terms shall for the purposes of this paragraph, have the meanings shown herein.

"Agricultural labor camp." Means camps as defined in section [3733.41](#) of the Revised Code.

"Apartment house." Means occupancies subject to Chapter 5321. of the Revised Code.

"Approved." Accepted by the fire code official as evidenced by documentation.

"Boarding, lodging, rooming house." A building arranged or used (for stays) where rooms are offered for compensation, with or without meals, and not occupied as a single family unit.

"Constantly attended location." As used in paragraph (R)(118) of this rule, a location within a licensed hotel/SRO facility that is manned/occupied by hotel/SRO facility staff on a 24-hour basis. An example of such a location would be the registration desk.

"Cooking devices." Any cooking appliance other than those listed as safe for residential use as defined below.

"Cooking device listed as safe for residential use." Microwave oven or coffee pot or similar item as established by the state fire marshal.

"Dwelling unit." A single unit providing complete, independent living facilities for

one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Dwelling unit features." Provisions for living, sleeping, eating, cooking and sanitation.

"Efficiency unit." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Emergency egress routes/Escape routes." As used in paragraph (R)(118) of this rule, a floor plan with arrows indicating the primary and secondary path to an exit.

"Extended stay hotel." Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, including, but not limited to, an extended stay hotel or extended stay motel that is specifically constructed and approved by the building official having jurisdiction over it and by the state fire marshal, for extended stay temporary residence by persons, and that contains six or more dwelling units with provision for living, eating, cooking, sanitation, and sleeping. The licensure category shall also include a hotel that contains both transient and extended stay rooms where the use of all such rooms is identified and approved in accordance with this rule.

"Guestroom." A room offered to the public for a fee that contains, at a minimum, provisions for sleeping.

"[Hospital/college] Dormitory." A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

"Hotel." Any structure consisting of one or more buildings, with more than five sleeping rooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn. The licensure category for such structures shall be transient hotel.

"Light hazard occupancy." Occupancies or portions of other occupancies where the quantity and/or combustibility of contents is low and fires with relatively low rates of heat release are expected as determined by the fire code official.

"Person/responsible person." The person responsible for compliance with the state fire code, including but not limited to, the owner, lessee, agent, operator, or occupant of a building, premises or vehicle. Responsible persons can include individuals, heirs, executors, administrators or assigns, business associations, partnerships or corporations, its or their successors or assigns or the agent of any of the aforesaid.

"Residential hotel." A structure or structures consisting of one or more buildings, with more than five dwelling units, that are specifically constructed and approved through a valid certificate of occupancy issued by the building official having jurisdiction, as having both dwelling unit features for non-transient residence purposes and all of the transient residential group R-1 use and occupancy classification adopted by the board of building standards pursuant to Chapter 3781. of the Revised Code, and that are kept, used, maintained, advertised, operated as, or held out to the public to be a place where non-transient dwelling units are offered for pay to persons for a minimum stay of more than thirty days.

"Residential premises." Has the same meaning as the term is defined in section [5321.01](#) of the Revised Code.

"Single room occupancy." One occupant per room.

"Sleeping room." A room that provides at a minimum adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and accompanying bedding, mattress, box spring, pillow(s), sheets and pillow cases.

"SRO facility." A facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy (SRO) basis and intended for use as a primary residence for residential guests for a period of more than thirty days.

"Temporary residence." Means six or more dwelling unit accommodations within a single structure, except apartment buildings and other structures or portions thereof that are either residential premises subject to Title LIII. of the Revised Code or a similar residential occupancy, offered for pay to persons for a period of one year or less.

"Transient." No more than 30 days.

"Transient hotel." Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn.

"Transient 270 day stay hotel room." A specifically designated sleeping room, in a licensed transient hotel meeting all the requirements contained in section [3731.041](#) of the Revised Code.

(3) 118.3 Hotel and SRO facilities.

(a) 118.3.1 "Hotel" does not include agricultural labor camps, apartment

houses, lodging houses, rooming houses, or hospital or college dormitories.

(b) 118.3.2 A SRO facility shall include at a minimum, a sleeping area with adequate sleeping accommodations for the guest such as a bed, bunk, cot or other furniture designed for sleeping.

(c) 118.3.3 No person licensed to maintain and operate a hotel or SRO facility shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located the licensed hotel, unless the agricultural labor camp, apartment house, lodging house, rooming house or hospital or college dormitory has been constructed as, and been approved by the building official having jurisdiction over it as being a separate building within the hotel structure in accordance with approved building rated separation assemblies.

(i) 118.3.3.1 Upon initial application for licensure or upon request of the state fire marshal, a hotel or SRO facility seeking approval of separated uses as described in paragraph (R)(3)(c)(118.3.2) of this rule, must submit to the state fire marshal a valid certificate of occupancy that clearly indicates the separation of such uses as issued by the building official having jurisdiction and any other documentation requested by the state fire marshal.

(ii) 118.3.3.2 The state fire marshal shall not issue more than one hotel or SRO license for any structure.

(d) 118.3.4 The most current license issued to a hotel or SRO facility shall be kept in the office of such hotel or SRO facility and produced for review when requested by the fire code official or displayed in a conspicuous and public manner therein.

(e) 118.3.5 Each hotel or SRO facility shall maintain on the premises, a register or guest information records or written occupancy agreement for a period of two

years and provide such information upon request, of the state fire marshal or fire code official. The register, guest information records or written occupancy agreements shall clearly indicate the dates of arrival and departure for occupants in such guestroom.

(f) 118.3.6 Each licensed hotel or SRO facility shall maintain a responsible person on duty on the premises or provide appropriate notification information posted in a conspicuous place visible from the exterior.

(g) 118.3.7 Every hotel and SRO facility shall have proper plumbing, lighting and ventilation installed and maintained in accordance with the building code, plumbing code and mechanical code as listed in rule [1301:7-7-47](#) of the Administrative Code and this code.

(h) 118.3.8 The responsible person for the hotel or SRO facility must safely and properly maintain the building, structure, premises or lot at all times in accordance with this code, other jurisdictional codes and ordinances and the International Property Maintenance Code as listed in rule [1301:7-7-47](#) of the Administrative Code.

(i) 118.3.9 The responsible person of a licensed hotel shall post in each guestroom the hotel room rate indicating the maximum actual rate and include the maximum rate per number of actual occupants.

(j) 118.3.10 The responsible person or licensee of a hotel or SRO facility shall post the arson laws, as set forth in sections [2909.02](#) and [2909.03](#) of the Revised Code, in a conspicuous place in each guestroom, sleeping room, or dwelling unit in the facility.

(k) 118.3.11 The responsible person or licensee of a hotel or SRO facility shall post emergency egress routes or escape routes in a conspicuous place in each guestroom, sleeping room, or dwelling unit in the facility.

(4) 118.4 Transient hotels.

(a) 118.4.1 The requirements of the paragraph are specific to licensed transient hotels but the responsible person and licensee of the licensed transient hotel is not exempt from the requirements of paragraph (R)(3)(118.3) of this rule.

(b) 118.4.2 No person licensed to operate a transient hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed transient hotel, unless the licensee complies with the requirements of paragraphs (R)(3)(c)(118.3.3), (R)(3)(c)(i)(118.3.3.1) and (R)(3)(c)(ii)(118.3.3.2) of this rule.

(c) 118.4.3 The responsible person or licensee of a transient hotel licensed pursuant to division (A)(2) of section [3731.01](#) of the Revised Code shall not permit guests to stay in guestrooms or sleeping rooms for periods in excess of thirty (30) days.

Exception: Guests are permitted to stay up to 270 days in transient hotel guestrooms and sleeping rooms when all of the following conditions are met:

1. Not more than 40 per cent of the total transient guestrooms and sleeping rooms in the facility are transient 270 days stay hotel rooms.
2. The designation of specific guestrooms or sleeping rooms on the license application or change of status application as 270 day stay hotel rooms does not change to another category or type during the annual hotel license period.
3. The responsible person or licensee of the licensed transient hotel submits the list of 270 day stay hotel room numbers to the state fire marshal not less than 30 days prior to the first day any guest is allowed to stay in any 270 day stay hotel room.
4. The responsible person or licensee of the transient hotel designates each

specific 270 day stay hotel room by room number.

5. The building official having jurisdiction and the state fire marshal have approved the existing fire alarm system.

6. 270 day stay hotel room guests do not accumulate combustible materials within the 270 day stay hotel rooms to the point that the hazard classification of the hotel room would no longer be light hazard in the opinion of the fire code official.

7. No cooking devices except for those listed as safe for residential use as the terms are defined in paragraph (R)(2)(118.2) of this rule are stored or used within the 270 day stay hotel room.

8. Smoke detectors, which shall be properly installed in all guestrooms and sleeping rooms of a transient hotel that provides 270 day stay hotel rooms to guests, annunciate at a constantly attended location from which the structure's fire alarm system can be manually activated.

9. A means to manually activate the structure's fire alarm system is provided at the constantly attended location where the guestroom or sleeping room smoke detectors are annunciated.

(5) 118.5 Extended stay hotels.

(a) 118.5.1 The requirements of this paragraph are specific to licensed extended stay hotels but the responsible person and licensee of the licensed extended stay hotel is not exempt from the requirements of paragraph (R)(3)(118.3) of this rule.

(b) 118.5.2 No person licensed to operate an extended stay hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed extended stay hotel, unless the licensee complies with the requirements of paragraphs (R)(3)(c)(118.3.3), (R)(3)(c)(i)

(118.3.3.1) and (R)(3)(c)(ii)(118.3.3.2) of this rule.

(c) 118.5.3 No person shall operate an extended stay hotel as defined in paragraph (R)(2)(118.2) of this rule without first obtaining a license from the state fire marshal for the extended stay hotel licensure category pursuant to paragraph (R)(1)(118.1) of this rule.

(d) 118.5.4 The responsible person or licensee of the licensed extended stay hotel may permit stays of less than thirty (30) days within dwelling units or other rooms within the structure only if such dwelling units or rooms are specifically constructed and approved as also being transient sleeping rooms.

(i) 118.5.4.1 The building official having jurisdiction shall approve through a valid certificate of occupancy and the state fire marshal shall approve any dwelling unit or other room that is to be used for stays of less than thirty (30) days. This certificate of occupancy shall indicate the specific rooms within the structure that are approved for use as transient sleeping rooms.

(e) 118.5.5 The state fire marshal shall not issue an extended stay hotel license for a facility and no person shall operate a facility as an extended stay hotel as defined in paragraph (R)(2)(118.2) of this rule unless a valid certificate of occupancy has been obtained for the facility.

(f) 118.5.6 Provisions for cooking, as approved by the building official having jurisdiction, shall be provided in each dwelling unit, and consist of, a space for food preparation, one cooking appliance, and a properly plumbed kitchen sink separate from the bathroom lavatory.

(g) 118.5.7 Provisions for eating within the dwelling unit shall be provided and shall consist of appropriate furnishings for the consumption of food.

(h) 118.5.8 Provisions for living within the dwelling unit shall be provided and shall

consist of a bath area for personal hygiene that is separated from other areas in the dwelling unit and is equipped with a properly plumbed water closet, lavatory and tub/shower.

(i) 118.5.9 Provisions for sleeping within the dwelling unit shall be provided and at a minimum consist of a sleeping area with adequate sleeping accommodations for each guest such as a bed, bunk, cot or other furniture designed for sleeping and accompanying bedding, mattress, box spring, pillow(s), sheets and pillow cases.

(6) 118.6 Residential hotel.

(a) 118.6.1 The requirements of this paragraph are specific to licensed residential hotel but the responsible person and licensee of the licensed residential hotel is not exempt from the requirements of paragraph (R)(3)(118.3) of this rule.

(b) 118.6.2 No person licensed to operate a residential hotel shall also maintain and operate an agricultural labor camp, apartment house, lodging house, rooming house, or hospital or college dormitory in the same structure as is located a licensed residential hotel, unless the licensee complies with the requirements of paragraphs (R)(3)(c)(118.3.3), (R)(3)(c)(i)(118.3.3.1) and (R)(3)(c)(ii)(118.3.3.2) of this rule.

(c) 118.6.3 No person shall operate a residential hotel as defined in paragraph (R)(2)(118.2) of this rule without first obtaining a license from the state fire marshal for the residential hotel licensure category pursuant to paragraph (R)(1)(118.1) of this rule.

(d) 118.6.4 Residential hotels shall only be kept, used, maintained, advertised, and held out to the public for minimum stays of more than thirty (30) days.

(e) 118.6.5 Responsible persons and licensee of licensed residential hotels shall, upon request of the dwelling unit guest, provide furniture adequate for living, eating, cooking, sanitation and sleeping within the dwelling unit. Furniture or

furnishings provided for sleeping and sanitation shall include bed, blankets, sheets and pillow cases, towels and wash clothes. The residential hotel may charge appropriate additional fees for the provision of any furniture or provisions pursuant to this paragraph.

(7) 118.7 Licensure.

(a) 118.7.1 To obtain a new or renewal hotel or SRO facility license, the applicant shall submit to the state fire marshal an application with the appropriate fee payment as set forth in paragraph (R)(7)(c)(118.7.3) of this rule. The application shall be in a form as prescribed by the state fire marshal and shall include all information required by Chapter 3731. of the Revised Code, by this paragraph and by the state fire marshal.

(b) 118.7.2 Each applicant for a hotel facility license shall specify on the application provided by the state fire marshal the appropriate licensure category, indicating whether the facility is a, transient stay hotel/motel, extended stay hotel/motel, or a residential hotel as those terms are defined in paragraph (R)(2)(118.2) of this rule.

(i) 118.7.2.1 Each applicant for a transient hotel licensure category license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal, such documentation shall include a valid certificate of occupancy demonstrating approval of sleeping accommodations for transient guests for a period of thirty days or less.

(a) 118.7.2.1.1 Each applicant for a transient hotel facility license shall specify on the application provided by the state fire marshal which rooms, meeting the requirements of section [3731.041](#) of the Revised Code, by room number, are offered for a period of 270 days or less.

(ii) 118.7.2.2 Each applicant for an extended stay hotel licensure category

license shall provide documentation accompanying the license application as prescribed by the state fire marshal. Upon initial application or request of the state fire marshal such documentation shall include a valid certificate of occupancy demonstrating that each unit the licensee intends to use as an extended stay guestroom has been specifically approved as a dwelling unit or efficiency containing provisions for living, eating, cooking, sanitation and sleeping.

(a) 118.7.2.2.1 Each applicant for an extended stay hotel facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods exceeding 30 days.

(iii) 118.7.2.3 Each applicant for a SRO facility license shall complete the application provided by the state fire marshal.

(a) 118.7.2.3.1 Upon initial application or request of the state fire marshal, each applicant for an SRO facility license shall provide a valid certificate of occupancy demonstrating a use group classification for the SRO facility of R-2 as approved and issued by the building official having jurisdiction. Any facility operating prior to October 16, 1996, in the nature of a SRO facility, whether previously licensed as a hotel or not, shall be permitted to provide documentation of a use group classification of either R-1 or R-2 as approved and issued by the building official having jurisdiction.

(b) 118.7.2.3.2 Each applicant for an SRO facility license shall specify on the application provided by the state fire marshal which rooms, by room number, are offered for occupancy for periods of 30 days or less.

(iv) 118.7.2.4 Transfer and information changes. If the ownership of a hotel or SRO facility is transferred from one person to another person, upon the sale or disposition of the hotel or SRO facility or its removal to a new location, the new owner shall request

a transfer of the license from the state fire marshal. No license shall be transferred without the consent of the state fire marshal. The transfer of a hotel license shall be contingent upon an inspection verifying compliance with Chapter 3731. of the Revised Code and rules adopted pursuant to section [3731.02](#) of the Revised Code.

(a) 118.7.2.4.1 If the approval of a proposed transfer would be contrary to applicable law or this code, the state fire marshal may refuse to permit a license already issued to be transferred to a different owner. Pursuant to and in accordance with Chapter 119. of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be held in accordance with Chapter 119. of the Revised Code.

(c) 118.7.3 If the approval of a proposed transfer would be contrary to applicable law or this code, the state fire marshal may refuse to grant any license to operate a hotel or to permit a license already issued to be transferred. Pursuant to and in accordance with Chapter 119. of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be held in accordance with Chapter 119. of the Revised Code.

(d) 118.7.4 License fees.

(i) 118.7.4.1 License fees. The initial licensure fee for a newly constructed hotel or SRO facility shall be:

(a) For all hotels or SRO facilities with exterior corridor rooms only, two thousand dollars;

(b) For all hotels or SRO facilities with interior corridor rooms only, three thousand dollars;

(c) For all hotels or SRO facilities with exterior or interior corridor rooms and places of assembly, such as restaurant,

lounge, banquet facility, etc., four thousand dollars.

Any existing facility that applies for a hotel or SRO facility license under this paragraph shall be assessed an initial licensure fee equivalent to the standard renewal fee.

(ii) 118.7.4.2 Renewal fees. On or before December first of each year a renewal application as prescribed by the state fire marshal shall be submitted with the appropriate renewal fee. Renewal applications accepted on or after the last day of December of each year shall be charged a 10 per cent late fee. The renewal fee for each hotel or SRO facility license shall be a minimum of one hundred ten dollars or one dollar per room whichever is greater.

(iii) 118.7.4.3 Change of license information. Changes to license information shall require a twenty-five dollar fee.

(iv) 118.7.4.4 Transfer of license. The fee for the transfer of a license through a true bill of sale shall be five hundred dollars and a completed application for transfer shall be accompanied by the documentation requested by the state fire marshal evidencing the sale.

(v) 118.7.4.5 Adding newly constructed portions. The fee shall be five hundred dollars for one to twenty guestroom additions, one thousand dollars for more than twenty guestroom additions, and fifteen hundred dollars for the addition of guestrooms and/or places of assembly such as restaurants, lounges, banquet facilities, mercantile or office space.

(vi) 118.7.4.6 Adding a previously licensed portion. The fee shall be two hundred dollars for one to twenty guestroom additions, four hundred dollars for more than twenty guestroom additions, and five hundred dollars for the addition of guestrooms and/or places of assembly such as restaurants, lounges,

banquet facilities, mercantile or office space.

(e) 118.7.5 Removal, transfer and licensing of a portion of a facility.

(i) 118.7.5.1 If a licensee seeks to remove or transfer a portion of a currently licensed hotel or SRO facility, then the licensee shall notify the state fire marshal in writing of such portions of the licensed hotel or SRO facility premises that are to be affected by the change to license information and pay the fee set forth in paragraph (R)(7)(d)(iii)(118.7.4.3) of this rule.

(ii) 118.7.5.2 To add a previously licensed portion of a licensed premises to a current hotel or SRO facility license, the licensee shall apply for a new hotel or SRO facility license pursuant to paragraph (R)(7)(b)(i)(118.7.2.1) of this rule. This application shall reflect the entire hotel or SRO facility.

(iii) 118.7.5.3 To add a newly constructed portion that would change the total number of guestrooms, sleeping rooms and/or dwelling units to an existing licensed hotel or SRO facility, the licensee shall apply for a new hotel or SRO facility license pursuant to paragraph (R)(7)(b)(i)(118.7.2.1) of this rule. This application shall reflect the entire hotel or SRO facility.

(iv) 118.7.5.4 The state fire marshal shall not issue more than one hotel or SRO facility license for a hotel or SRO facility or portion thereof as licensed under this paragraph.

(f) 118.7.6 Compliance.

(i) 118.7.6.1 The owner, proprietor, or agent in charge of any business or property or any business or property subject to licensure in accordance with Chapter 3731. of the Revised Code shall comply with the following:

(a) 118.7.6.1.1 No hotel or SRO facility shall be maintained, conducted, or advertised without a license.

(b) 118.7.6.1.2 No person shall advertise, conduct, maintain or operate any structure as a hotel or as an SRO facility, or any business or property meeting the definition of a hotel or SRO facility, without a license.

(c) 118.7.6.1.3 No person shall operate a structure subject to licensure in accordance with Chapter 3731. of the Revised Code that is not equipped in the manner and conditions as required under Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code.

(d) 118.7.6.1.4 No person shall advertise, conduct, maintain, or operate a licensed hotel or licensed SRO facility in a manner that is inconsistent with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code.

(e) 118.7.6.1.5 No person shall fail or refuse to comply with sections [3731.01](#) to [3731.21](#) of the Revised Code, this paragraph or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code.

(f) 118.7.6.1.6 Each day of violation of paragraphs (R)(7)(f)(i)(a) (118.7.6.1.1) to (R)(7)(f)(i)(e) (118.7.6.1.5) of this rule constitutes a separate offense.

(ii) 118.7.6.2 Inspection. The state fire marshal may inspect any business or property subject to Chapter 3731. of the Revised Code at any reasonable time. Such inspections may be conducted, upon a complaint received by the state fire marshal, for licensure purposes or for any other reason, to determine if a business or property is in compliance with Chapter 3731. of the Revised Code, this paragraph

or any other applicable laws, rules or regulations.

(iii) 118.7.6.3 Notice of violation. Whenever, upon inspection, it is found that a business or property is not being conducted, or is not equipped in the manner and condition required by Chapter 3731. of the Revised Code, this paragraph, or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code, the state fire marshal shall notify the owner, proprietor, or agent in charge of such business, or the owner or agent of the building so occupied, of such violations and of any changes or alterations as may be necessary to effect a complete compliance with sections [3731.01](#) to [3731.21](#) of the Revised Code, this paragraph or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code.

(iv) 118.7.6.4 Compliance. The owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with paragraph (R)(7)(f)(iii)(118.7.6.3) of this rule shall bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code within a reasonable time set by the state fire marshal.

(v) 118.7.6.5 Methods of enforcement. If an owner, proprietor, or agent in charge of any business or property receiving a notice of violation in accordance with paragraph (R)(7)(f)(iii)(118.7.6.3) of this rule does not bring the business or property into compliance with the requirements of Chapter 3731. of the Revised Code, this paragraph or the state fire code adopted pursuant to section [3737.82](#) of the Revised Code within a reasonable time set by the state fire marshal, the state fire marshal may take any enforcement actions permitted by law including, but not limited to, issuance of a notice of opportunity for hearing to deny, suspend or revoke licensure, issuance of a citation pursuant to section [3737.41](#) and/or

[3737.42](#) of the Revised Code, injunctive relief pursuant to sections [3731.05](#), [3731.21](#) and [3737.44](#) to [3737.46](#) of the Revised Code and/or criminal prosecution pursuant to sections [3731.03](#), [3731.05](#) and [3731.99](#) of the Revised Code.

(a) 118.7.6.5.1 Nothing in this paragraph shall be construed to limit the authority of the state fire marshal to take any action permitted under sections [3737.41](#) to [3737.51](#) of the Revised Code against a hotel or SRO facility in addition to or instead of taking action against the hotel or SRO facility, or the license issued to the hotel or SRO facility under Chapter 3731. of the Revised Code or this rule.

(vi) 118.7.6.6 For any denial, revocation or suspension of licensure actions taken by the state fire marshal, such actions shall be taken in accordance with applicable law, including Chapter 119. of the Revised Code and sections [3731.05](#) and [3731.06](#) of the Revised Code.

(g) 118.7.7 Licensure limitations.

(i) 118.7.7.1 Each applicant for a hotel or SRO facility license shall specify on the application provided by the state fire marshal which rooms are offered for occupancy for a period of thirty days or less and which rooms are offered for occupancy for a period of 270 days or less.

(8) 118.8 "Ohio Safe Stay Hotel" designation. There is hereby created within the state of Ohio the "Safe Stay Hotel" designation. The "Ohio Safe Stay Hotel" program is designed to incentivize and encourage hotel owners and operators within the state of Ohio to work with the state fire marshal to establish and maintain compliance with applicable provisions of this paragraph, the Administrative Code, and the sanitary compliance standards set forth in Chapter 3731. of the Revised Code. The purpose of this designation is to provide to the citizens of and visitors to the state of Ohio information regarding what hotel facilities within the state of Ohio are operating within those applicable standards and in conformance with the criteria set forth herein.

(a) 118.8.1 Scope. The provisions of this paragraph govern the implementation of the "Ohio Safe Stay Hotel" program and set forth the requirements and criteria for participation in the program.

(b) 118.8.2 Terms used for paragraph (R)(8)(118.8) of this rule. The following words take on exclusive meaning as used in paragraph (R)(8)(118.8) of this rule and for the purposes of this paragraph have the following meaning:

"Hotel." A hotel as defined in section [3731.01](#) of the Revised Code.

"Minor violation." A violation of the Ohio Fire Code that in the discretion of the state fire marshal is of such character and nature that it does not pose an immediate threat to life or property and that can be corrected immediately and without delay, and that is corrected during the course of an inspection.

"Safe Stay Hotel." A hotel that meets all of the qualifications and criteria set forth in paragraph (R)(8)(c)(118.8 3) of this rule and that is designated as an "Ohio Safe Stay Hotel" by the state fire marshal.

(c) 118.8.3 Qualifications for "Ohio Safe Stay Hotel" designation. In order to be designated as an "Ohio Safe Stay Hotel" by the state fire marshal, a hotel must meet all of the following:

(i) The hotel must have been issued a valid license to operate a hotel by the state fire marshal for the applicable calendar year; and

(ii) The state fire marshal must receive from a hotel a hotel license renewal application to operate a hotel in a timely manner and the application shall contain true and accurate information; and

(a) For the purposes of qualifying for an "Ohio Safe Stay Hotel" designation, a hotel license renewal application is considered timely if the application, all required paperwork, and all associated fees are received by the division of state

fire marshal on or before October 1 of each calendar year. The state fire marshal may change or extend this deadline in the state fire marshal's sole discretion. Notice of any change or extension of the deadline for timely submission of a hotel license renewal application shall be given as set forth in paragraph (R)(8)(i)(118.8 9) of this rule.

(iii) The hotel must not be in violation of any provision of this code, paragraph (R)(118) of this rule, or of the sanitary compliance standards set forth in chapter 3731. of the Revised Code or any rules adopted pursuant thereto; and Exception: A hotel having only minor violations of this code at the time of inspection may qualify for the "Ohio Safe Stay Hotel" designation if all minor violations are immediately corrected during the course of the inspection and before the state fire marshal concludes the inspection as documented in an inspection report and said minor violations do not result in the issuance of a citation pursuant to section [3737.41](#) or section [3737.42](#) of the Revised Code.

(iv) No finding of nuisance shall have been issued by a court of competent jurisdiction against the hotel, hotel owner, operator, or responsible person, or against the property upon which the hotel is located; and

(v) No finding of or conviction for lewdness, assignation or prostitution, or an offense which constitutes a felony violation of chapter 2925. or chapter 3719. of the Revised Code shall have been entered by a court of competent jurisdiction against any hotel owner, operator, or responsible person, wherein the offense or conviction relate to conduct that occurred at any structure licensed under, subject to the licensure requirements of, or previously licensed under chapter 3731. of the Revised Code; and

(vi) No finding of or conviction for lewdness, assignation or prostitution, or an offense which constitutes a felony

violation of chapter 2925. or chapter 3719. of the Revised Code shall have been entered by a court of competent jurisdiction against any person wherein the conduct that is the basis for such finding or conviction was engaged in on the premises of the hotel seeking a designation under this section and it is demonstrated that the hotel owner, operator or responsible person knew or should have known of such conduct prior to its occurrence.

(d) 118.8.4 "Ohio Safe Stay Hotel" designation. Commencing with the licensure period after the effective date of this rule and upon submission of an application to renew a license to operate a hotel, the state fire marshal may designate the hotel as an "Ohio Safe Stay Hotel" if both of the following are met:

(i) The hotel is in compliance with the qualifications set forth in paragraph (R)(8)(c)(i)(118.8.3) to (R)(8)(c)(iii)(118.8.3) of this rule for a period of twenty four consecutive months immediately preceding the licensure period to which the application applies; and

(ii) The hotel is in compliance with the qualifications set forth in paragraph (R)(8)(c)(iv)(118.8.3) to (R)(8)(c)(vi)(118.8.3) of this rule for a period of sixty consecutive months preceding the licensure period to which the application applies.

(e) 118.8.5 Documentation. Each qualifying "Ohio Safe Stay Hotel" shall receive documentation from the state fire marshal verifying that the hotel is an "Ohio Safe Stay Hotel." Such documented designation shall be in a format that is capable of display by the hotel and that is uniform and readily identifiable to the public.

(f) 118.8.6 Publication. The state fire marshal shall create and maintain a current registry of all licensed hotels in the state of Ohio which shall indicate those hotels that have been designated as an "Ohio Safe Stay Hotel." The list shall be readily

available to the public and shall be published in electronic format on the state fire marshal website.

(g) 118.8.7 Use of qualifying "Ohio Safe Stay Hotel" designation. Any hotel that is designated as an "Ohio Safe Stay Hotel" may represent itself as such in any publication or marketing tools used by the hotel for promotion and may utilize the logo, decal, or designation issued to it by the state fire marshal for such purposes. Such logo, decal, or designation may be reproduced by the hotel for use under this rule at any time during which the hotel is designated as an "Ohio Safe Stay Hotel" as determined by the state fire marshal. The logo, decal or designation may be used and reproduced by the facility for marketing, promotional, or other similar purposes in digital, print or other media formats, including hardcopy reproduction for use in literature or promotional materials and display in the licensed facility, and electronic reproduction for use in digital marketing campaigns.

(i) No person or entity shall use the "Ohio Safe Stay Hotel" logo, decal, or designation unless and until such logo, decal, or designation is issued to it by the state fire marshal. Any hotel that has previously been issued an "Ohio Safe Stay Hotel" logo, decal, or designation shall immediately cease the use of the logo, decal, or designation if such logo, decal or designation has been revoked or not renewed by the state fire marshal. No person or entity shall misuse the logo, decal, or designation or misrepresent to the public that a hotel is or has been designated by the state fire marshal as an "Ohio Safe Stay Hotel."

(h) 118.8.8 Revocation or non-renewal of designation. The state fire marshal may revoke or deny renewal of the designation of a hotel as an "Ohio Safe Stay Hotel" in the event of any of the following:

(i) Upon a determination by the state fire marshal that the hotel is not in compliance with any of the provisions of paragraph (R)(8)(c)(118.8.3) or (R)(8)(d)(118.8.4) of this rule; or

(ii) An alteration or modification of the hotel that is not approved and/or permitted in conformance with the provisions of this rule and/or the building code as listed in rule [1301:7-7-47](#) of the Administrative Code; or

(iii) Misuse of the "Ohio Safe Stay Hotel" logo, decal, or designation or misrepresentation of a hotel as a designated "Ohio Safe Stay Hotel" at any time within sixty consecutive months immediately preceding the licensure period during which the state fire marshal becomes aware of the misuse or misrepresentation.

If a hotel's designation is revoked or not renewed by the state fire marshal, the logo, decal, or designation shall be immediately removed from the hotel facility and from all of its literature and marketing and advertising campaigns in any format or medium, the hotel's designation as an "Ohio Safe Stay Hotel" in the registry of hotels shall be removed, and the hotel shall immediately cease all use and/or reproduction of the logo, decal or designation in any manner.

(i) 118.8.9 Notification. The state fire marshal shall publish on its website a written policy describing how affected persons or entities shall be notified of any revocations or non-renewals of any designations under paragraph (R)(8)(h)(118.8.8) of this rule and of any extensions of application deadlines described in paragraph (R)(8)(c)(ii)(a)(118.8.3) of this rule. A facility having its designation revoked or not renewed or facilities affected by a deadline extension shall be provided notice of such actions per the policy published on the state fire marshal's website.

(j) 118.8.10 Effective date. The provisions of this paragraph shall become effective September 1, 2015.