

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

MATTHEW D. RARICK)
CARDINAL JOINT FIRE DISTRICT)
7075 Herbert Road)
Canfield, Ohio 44406)

Plaintiff)

vs.)

ARTHUR S. KLEIN)
8281 Akron Canfield Road)
Canfield, Ohio 44406)

vs.)

ALICE M. KLEIN)
8281 Akron Canfield Road)
Canfield, Ohio 44406)

and)

PRIME SUITES LLC)
c/o Robert P. Campbell, Statutory Agent)
2800 W. Market Street)
Fairlawn, Ohio 44333)

Defendants)

CASE NO.

JUDGE

**COMPLAINT FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Attached Instructions for Service

Now comes plaintiff Matt Rarick/Cardinal Joint Fire District, pursuant to R.C. 2727.02 and 3737.44 and petition this Court for a temporary restraining order and preliminary injunction prohibiting the occupancy of the structure located at 7815 Akron Canfield Road (dba "The Canfield Colonial Motel") in Canfield Township, Mahoning County, Ohio until such time as the defendants repair, tear down, demolish or otherwise remedy all dangerous conditions and fire code violations presently existing within The Canfield Colonial Motel or on the property located at 7815 Akron Canfield Road in Canfield Township.

I. Parties

1. Plaintiff Matt Rarick is a State of Ohio Certified Fire Safety Inspector, presently employed as the Deputy Chief of the Cardinal Joint Fire District. A copy of Deputy Chief Rarick's curriculum vitae and certification verification are attached to this complaint as Exhibit A.

2. Defendants Arthur S. Klein and Alice M. Klein reside at 8281 Akron-Canfield Road in Canfield, Ohio 44406. They are the owners of The Canfield Colonial Motel which is located at 7815 Akron Canfield Road in Canfield Township, Mahoning County, Ohio.

3. Defendant Prime Suites LLC is a limited liability company authorized to do business in the State of Ohio. Robert P. Campbell is the current statutory agent for Prime Suites LLC.

4. On or about May 16, 2016, Defendants Arthur Klein and Alice Klein entered into a land installment contract with Prime Suites LLC for the sale and operation of the Colonial Motel. The land installment contract was filed with the Mahoning County Recorder's Office on June 21, 2016.

5. On July 8, 2019, defendants Arthur S. Klein and Alice M. Klein filed a complaint for foreclosure against Prime Suites LLC, et al. in the Mahoning County Court of Common Pleas, being Case No. 2019-CV-01379 on the court's docket.

6. In the complaint, Arthur and Alice Klein also claim that they have a 20% ownership in Prime Suites LLC, and that Prime Suites is in breach of the land installment contract.

7. Todd M. Cleavenger is or was an individual with the remaining financial interest in Prime Suites LLC. Cleavenger was previously convicted of kidnapping and assault in Summit County, and is presently incarcerated.

II. Applicable Law

A. R.C. 2727.02

8. R.C. 2727.02 provides that:

A temporary order may be granted restraining an act when it appears by the petition that the plaintiff is entitled to the relief demanded, and such relief, or any part of it, consists in restraining the commission or continuance of such act, the commission or continuance of which, during the litigation, would produce great or irreparable injury to the plaintiff, or when, during the litigation, it appears that the defendant is doing, threatens or is about to do, or is procuring or permitting to be done, such act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual.

B. R.C. 3737.41

10. R.C. 3737.41 provides that:

(A) If ... any certified fire safety inspector, upon an examination or inspection, finds a building ..., which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, ... or for any other reason, is especially liable to fire or endangers life or other buildings or property, such officer shall issue a citation and order such building or structure to be repaired, torn down, demolished, or materials removed, and all dangerous conditions remedied.

(D) ... any certified fire safety inspector may proceed, on a citation issued under this section, to seek enforcement by use of the procedures established by section 3737.44 of the Revised Code.

C. R.C. 3737.42

11. R.C. 3737.42 provides that:

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

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

D. R.C. 3737.44

12. R.C. 3737.44

(A) The courts of common pleas shall have jurisdiction, upon a complaint filed by ... a certified fire safety inspector, to restrain, immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by Chapter 3737. of the Revised Code, any condition or practices in any building or upon any premises which violate the state fire code and are such that a fire or explosion hazard exists which could reasonably be expected to cause death or serious physical harm. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger.

(B) Upon the filing of any such complaint the court has jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to Chapter 3737. of the Revised Code. ***

III. Facts

A. Fire Code Violations

13. On October 29, 2019, the Cardinal Joint Fire District obtained a search warrant to inspect the Colonial Motel and property located at 7815 West Akron-Canfield Road in Canfield, Ohio. A copy of the search warrant is attached as Exhibit B.

14. Thereafter on October 31, 2019, Plaintiff Matt Rarick conducted an inspection of the Colonial Motel. A copy of the inspection report is attached as Exhibit C. The State Fire Marshal also conducted an inspection of the premises. A copy of the State Fire Marshal's report is not attached to this complaint, but is available upon demand.

15. On December 4, 2019, the Colonial Motel and related property located at 7815 West Akron-Canfield Road in Canfield, Ohio, was again inspected by plaintiff Matt Rarick. An inspector from the State Fire Marshal's Office was also present. A copy of Deputy Chief Rarick's

inspection report is attached as Exhibit D. A copy of the State Fire Marshal's report is not attached to this complaint, but is available upon demand.

16. Based upon the conditions found in the inspection of December 4, 2019, and the lack of improvement following two separate inspections, plaintiff Matt Rarick issued citations to defendants Arthur Klein and Prime Suites LLC pursuant to R.C. 3737.41 and 3737.42.

17. A copy of the R.C. 3737.41 citation issued to Klein is attached as Exhibit E.

18. Copies of the R.C. 3737.42 citations issued to Klein are attached as Exhibit F.

19. A copy of the R.C. 3737.41 citation issued to Prime Suites is attached as Exhibit G.

20. Copies of the R.C. 3737.42 citations issued to Prime Suites are attached as Exhibit H.

21. Chief Matt Rarick has found that the Colonial Motel and all structures upon its premises are especially liable to fire or endanger life or other buildings or property due to their want of proper repair, age, dilapidated condition, defective or poorly installed electrical wiring and equipment, and for all other reasons set forth in the citations.

22. Plaintiff Matt Rarick has issued citations and orders that the building and structures be repaired, torn down, demolished, material removed, and all dangerous conditions remedies.

23. Plaintiff Matt Rarick also believes, based upon the facts set forth in the attached reports and citations (see Exhibits D through H), that a fire and/or explosion hazard exists which could reasonably be expected to cause death or serious physical harm if not eliminated immediately.

24. Plaintiff Matt Rarick reasonably believes that this Court must take immediate action pursuant to R.C. 3737.44 to order that the property be vacated until such time as the defendants have corrected or removed the imminent danger to the occupants and invitees of the property.

25. Plaintiff Matt Rarick has, prior to the filing of this Complaint, forwarded a copy of the complaint to the defendants at the addresses set forth in the complaint by regular U.S. Mail. Further, plaintiff has delivered a copy of the complaint to Arthur and Alice Klein at 8281 Akron Canfield Road.

26. Plaintiff Matt Rarick has set forth, by way of affidavit, verification of the facts set forth in the complaint for temporary restraining order. A copy of the affidavit is attached as Exhibit I.

WHEREFORE, Plaintiffs respectfully request that this Court issue a temporary restraining order and a preliminary injunction forbidding the occupancy of the Canfield Colonial Motel, located at 7815 Akron Canfield Road, Canfield Township, Mahoning County, Ohio, until such time as the defendants have corrected or removed the eminent dangers and fire code violations and have otherwise complied with the orders issued pursuant to R.C. 3737.41 and 3737.42, or has successfully completed the administrative appeal process for these violations.

/s/ David C. Comstock, Jr.
BONEZZI SWITZER POLITO & HUPP CO. L.P.A.
DAVID C. COMSTOCK, JR. (0040145)
3701B Boardman-Canfield Road, Suite 101
Canfield, Ohio 44406
Telephone: 330-286-3701
Facsimile: 330-286-3745
Email: DComstock@bsphlaw.com
ATTORNEYS FOR PLAINTIFF MATT RARICK/
CARDINAL JOINT FIRE DISTRICT

Instructions for Service:

Plaintiffs request that the Clerk of Court have the Mahoning County Sheriff's Department serve a copy of the Complaint granting the preliminary injunction upon the defendants.

/s/ David C. Comstock, Jr.

BONEZZI SWITZER POLITO & HUPP CO. L.P.A.
DAVID C. COMSTOCK, JR. (0040145)
ATTORNEYS FOR PLAINTIFF MATT RARICK/
CARDINAL JOINT FIRE DISTRICT

Matthew D. Rarick

135 Colonial Dr. * Canfield, OH 44406

330-727-7699

mrarick@cardinaljointfire.com

Summary

Dedicated fire service professional with over 17 years of progressively responsible experience. Strong qualifications in fire safety, emergency preparedness, training, and code enforcement.

Professional Experience

Cardinal Joint Fire District		2002-Present
Deputy Fire Chief	(2012-Present)	
Fire/EMS Training Officer	(2007-Present)	
Full-Time Firefighter/Paramedic	(2003-2012)	
Part-Time Firefighter/Paramedic	(2002-2003)	

Currently Deputy Fire Chief and Co-commander of the department's Special Response Team (SRT). Oversee fire prevention and inspections for the department. Responsibilities include general management of the prevention/inspection division; reviewing plans for new construction; issuing permits; ensuring that all commercial buildings are inspected yearly; and overseeing the department's fire inspectors.

Liberty Township Fire Department	2000-2003
Part-Time Firefighter/Paramedic	

McDonald Fire Department	1999-2001
Part-Time Firefighter/Paramedic	

Sebring Fire Department	1995- 1999
Volunteer Firefighter/EMT	

Education

Columbia Southern University, Orange Beach, AL
Master of Business Administration/Public Administration – 2015

Columbia Southern University, Orange Beach, AL
Bachelor of Science, Fire Science – 2010

National Fire Academy, Emmitsburg, MD
Executive Fire Officer Program – 2018

Certifications & Training

- Firefighter Level 2
- EMT-Paramedic
- Fire Safety Inspector
- Fire Instructor
- EMS CE Instructor
- Fire Investigator
- Fire Officer 1 & 2
- NIMS 100, 200, 300, 400, 700, 800
- National Fire Service Staff & Command Class
- Maxwell's 21 Irrefutable Laws of Leadership – Class 20
- Ohio Fire Chief officer designation

Affiliations & Community Involvement

Member – Ohio Fire Chiefs' Association
Member – Mahoning County Fire Chiefs' Association
Member – Ohio L.A.S.T
Family Escort – National Fallen Firefighters Foundation
Vice President – Mill Creek Jr. Baseball
Co-commander of CJFD Special Response Team (SRT)

**IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO**

SEARCH WARRANT

IN THE MATTER OF THE SEARCH OF:

PREMISE:

**7815 W. Akron-Canfield Rd.
CANFIELD, OHIO 44406**

STATE OF OHIO }
 }
COUNTY OF MAHONING }

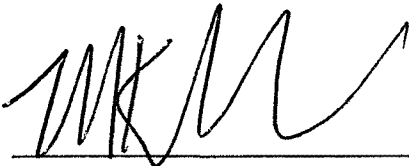
TO: Fire Chief Donald Hutchison, or any Public Safety Official with authority:

Affiant believes with good cause that at the premises known as Colonial Motel 7815 W. Akron-Canfield Rd. Canfield, Ohio 44406, being a, medium motel in size and a two story, wood frame structure, bearing red brick and tan wood siding, and a car garage, located on rear of the residence, as the second structure west of the intersection of Pheasant Run and W. Akron-Canfield Rd., on the south side of the roadway with the sign posted with no address not posted clearly, also to include the curtilage, outbuildings, vehicles and appurtenances and for mailing purposes is known as Colonial Motel 7815 W. Akron-Canfield Rd. Canfield, Ohio 44406, in Canfield Township, Mahoning County, Ohio, there is now concealed certain property, NAMELY: Evidence pertaining to the regulations affecting or relating to structures, processes, premises and safeguards regarding: The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; Conditions hazardous to life, property or public welfare in the occupancy of structures or premises; Fire hazards in the structure or on the premises from occupancy or operation; Matters related to the construction, extension, repair, alteration conditions affecting the safety of fire fighters and emergency responders during emergency operations; all of which is evidence of violations of the Ohio Fire Code OAC Chapter 1301 and ORC Chapters , 3737.41

I am satisfied that the affidavit (and testimony, if any) establish probable cause to believe that the property described is now concealed on the premises described and establish grounds for issuance if this warrant.

YOU ARE COMMANDED to search within three days the premises, its curtilage, common and storage areas, and trailer containers named on the above for the property specified, serving this

warrant and making this search in the day time and if the property be there to seize same, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant and inventory to the undersigned judge in accordance with law.



Judge Molly K. Johnson
Mahoning County Court Judge

10/29/19
Date and Time issued

City of Canfield, County of Mahoning, State of Ohio

IN MAHONING COUNTY COURT #5
MAHONING COUNTY, OHIO

STATE OF OHIO }
 }
COUNTY OF MAHONING } AFFIDAVIT FOR SEARCH WARRANT

IN THE MATTER OF THE SEARCH OF:

PREMISES:
7815 W. Akron-Canfield Rd.
Canfield, Ohio 44406

Affiant, Fire Chief Donald Hutchison, Canfield Joint Fire District, being duly sworn, deposes and states as follows:

Affiant believes with good cause that at the premises known as "Colonial Motel" 7815 W. Akron-Canfield Rd., Canfield, Ohio 44406, being a motel, large in size and a two-story, wood frame and brick structure, located two structures west of the intersection of Pheasant Run Dr. and W. Akron-Canfield Rd., on the South side of the roadway with the address not posted or visible, in Canfield, Township of Mahoning County, Ohio, there is now located out of view or otherwise concealed. **Evidence pertaining to the regulations affecting or relating to structures, processes, premises and safeguards regarding: The hazard of fire and handling or use of structures, materials or devices; Conditions hazardous to life, property or public welfare in the occupancy of structures or premises; Fire hazards in the structure or on the premises from occupancy or operation; Matters related to the construction, extension, repair, alteration and conditions affecting the safety of fire fighters and emergency responders during emergency operations; all of which is evidence of violations of the Ohio Fire Code OAC Chapter 1301 and ORC Chapter 3737.41. Unless otherwise indicated, the facts set forth in this affidavit are from my direct knowledge, and/or have been provided to me by other Public Safety**

Officials. When I rely on statements made by others, such statements are related in substance only unless otherwise indicated. Since this affidavit is made for the limited purpose of obtaining a Search Warrant, I have not set forth each and every fact learned during the course of this investigation.

AFFIANT'S TRAINING AND EXPERIENCE

1. Affiant is the Fire Chief with the Cardinal Joint Fire District (CJFD) which covers the City of Canfield and Canfield Twp., Ohio and has been employed by the Fire District for approximately eighteen (18) years full time. For the past eight (8) years your Affiant served as Fire Chief of the CJFD in charge of all operations. Prior to Fire Chief's assignment, Affiant was assigned in the Deputy Chief position for nearly ten (10) years with the CJFD and prior rank of part-time Captain for five (5) years and EMS Director three (3) years with the CJFD. During your Affiant's tenure, Affiant handled the fire inspection department becoming a Certified Fire Safety Inspector in 2001 and receiving an Associate's Degree in Fire Science in 2009. Affiant has also received Advance Fire Code Training at Bowling Green State University in the identification of search and seizure issues, criminal charges from the fire code and preparing citations and search warrants. Affiant has investigated complaints of fire and life safety issues in both commercial and residential premises. Affiant has questioned business owners and homeowners on fire codes and life safety issues, along with advising these owners of the requirements that must be met to comply with the Local and State fire codes. Affiant on regular intervals has inspected medical and surgical facilities located in the Fire District with the State Fire Marshal's Inspector. Affiant also on regular intervals inspects hotel and motels within the fire district, once again with the Fire Marshal's Inspector. Affiant oversees the inspections of more than 490 concession stands annually at the Canfield Fair, which brings in many life and safety issues that must be abated prior to

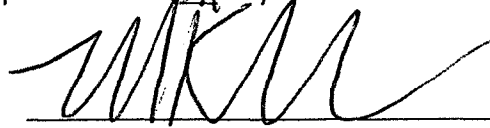
- Interior surfaces not maintained in good, clean, sanitary condition (Room 2 – bathroom tile broken) (OFC 118.3.8)
 - Multiplug adapters being used in facility (OFC 605.4)
 - Overhang extensions not being maintained (Roof overhang - Leaking) (OFC 118.3.8)
 - Written records of testing and inspection of emergency lighting not provided (OFC 604.6)
 - Hotel not maintaining a register or guest information records (No on-site guest registry) (OFC 118.3.5)
 - Hotel rates not posted in a conspicuous place. (OFC 118.3.9)
 - Sidewalks, walkways not maintained in proper repair (Sidewalk) (OFC 118.3.8)
 - Required single or multiple station smoke detectors inoperable or missing (Laundry) (OFC 901.4-OFC 907.8.5)
 - Required single or multiple station smoke detectors inoperable or missing Room 11) (OFC 901.4-OFC 907.8.5)
 - Fueled equipment being stored in building (Laundry Room) (OFC 313.1)
 - Structure not being maintained free from insect and rodent infestation (Room 25) (OFC 118.3.8)
 - Structure not being maintained free from insect and rodent infestation (Side of building) (OFC 118.3.8)
 - Facility is licensed for transient use only, but guestrooms are being utilized as an apartment house (Numerous rooms – Guests staying longer than 30 days in same room.) (OFC 118.3.3-118.7.6.1.5)
 - Bedding dirty and stained with unknown substances (Room 26, Room 22) (ORC 3731.13)
 - Guest bathrooms not provided proper ventilation (Front Rooms) (OFC 118.3.7)
 - Bed sheets and/or pillow slips not white or off-white in color (Rooms 22 and 26) (ORC 3731.12)
 - Windows, skylights, doors and frames not in sound condition (Storm doors missing glass or screens) (OFC 118.3.8)
3. A re-visit on site 1/14/2019 - Cardinal Joint Fire District Deputy Chief Matt Rarick, along with the State Fire Marshal George Seifert, re-inspected for 57 minutes to review the 27 violations and found 6 corrected with 21 remaining uncorrected. Manager James Myers on site.
- a. The motel's front rooms, which are not licensed, still have 3 people renting out rooms nightly or weekly. There is still no registration on premises. 11 rooms are rented out that are not on the motel's license. These rooms have been occupied for more than 30 days, which is not permitted by code. Arson laws not posted in a conspicuous place (Front Rooms) (OFC 118.3.10)
4. Affiant was contacted by Canfield Twp. Zoning Officer advising that the previous owner was sent to jail and building was deteriorating and she was looking to inspect with State Fire Marshal.

- a. Affiant went to inspect based upon the Zoning Inspector's information and arrived and spoke with motel manager James Myers, who stated Arthur Klein was foreclosing on the land contract and will be new owner. Mr. Myers also stated he was replacing the ceiling in #7 where rain had leaked in. He also stated he did not have time to open rooms for an inspection at this time and Mr. Myers agreed to meet the next day at 10 AM.
- b. Affiant arrived the next day (7/24/19) at 10 AM to find a letter posted on the office door stating Mr. Myers was called away for a family emergency. (Dated 1:20 AM 7/24/2019.) At that time there was visual evidence that the rooms were being occupied – in violation of the Fire Code.
5. Affiant again spoke with Canfield Twp. Zoning Official Traci DeCapua, on the motel license and the zoning of this motel. The Township had received no permit application for long-term use. Currently 13 of the 26 rooms are licensed as short-term Motel rooms.
6. Affiant met with Deputy Chief Matt Rarick concerning which rooms are classified as daily rentals vs. which rooms are long-term rentals. Due to rooms missing beds and some in poor condition from previous inspections, it is unclear which rooms fall into which category. The motel owner and manager have refused to provide this information.
7. At this time, Affiant reasonably believes that based upon the inspections there is evidence of non-correction of the conditions set forth in this letter, the conditions of the Motel and remaining parts of the building are in a hazardous state and pose a potential fire hazard
8. Affiant respectfully requests that this Court issue a warrant to determine whether or not the property meets applicable State and Local codes, including the codes of the Canfield Township that affect fire safety, and those conditions that may cause a fire to occur or permit the acceleration of fire throughout the structure.

Further, Affiant sayeth naught.


Donald Hutchison

Sworn to before me and subscribed in my presence this 29 day of October 2019.


Honorable Judge Molly K. Johnson
Mahoning County Court Judge
Mahoning County, Ohio

10/29/19
Date and Time issued

County of Mahoning, State of Ohio



Cardinal Joint Fire District

Occupancy: **Colonial Inn**
Occupancy ID: **90**
Address: **7815 Akron Canfield**
Canfield OH 44406

Inspection Type: **Complaint**

Inspection Date: **10/31/2019**

By: **102 Rarick, Matthew D (102)**

Form: Hotel/Motel

Time In: **10:00**

Time Out: **12:30**

Authorized Date: **11/19/2019**

By: **102 Rarick, Matthew D (102)**

Next Inspection Date: **No Inspection Scheduled**

Inspection Topics:

Administration

Room rates posted

Room rates must be posted in a conspicuous place in each guestroom. The posting must be on a sign or card which states the price per day of the room and must reflect the maximum actual rate and include the maximum rate per number of actual occupants.

Status: FAIL

Notes: Room rates are not posted in all rooms

Fire extinguishers monthly check records

Fire extinguishers must be inspected on a monthly basis and have maintenance performed annually. Inspection records must be maintained on the hotel premises and must be made available upon request.

Status: FAIL

Notes: The fire extinguishers has not had the monthly checks completed since 3/19/19

Exit and emergency light tested records

Written records of visual inspections and tests must generally be kept by the facility for a minimum of 3 years, unless a specific law or rule requires a different time period.

Status: FAIL

Notes: No records for testing of the exit and emergency lights

Fire Drill Documentation

All hotels and motels must conduct emergency evacuation drills quarterly on each shift. All hotels and motels must conduct emergency evacuation drills at unexpected times, and under varying conditions to simulate the unusual conditions that occur in case of fire. - Records of required emergency evacuation drills must be kept and maintained

Status: FAIL

Notes: No records or fire drills being completed as required by The OFC

Fire Evacuation Route Posted

Evacuation diagrams depicting two evacuation routes shall be posted on or immediately adjacent to every required egress door from each hotel sleeping unit. Hotel employees must be trained in the contents of fire evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire code official upon request.

Status: FAIL

Notes: Fire evacuation route are not posted in any rooms

Fire Safety Plan Reviewed

All hotels must have an approved fire safety plan prepared and it must be maintained. Fire safety plans must be available in the workplace for reference and review by employees; copies must be furnished to the fire code official for review upon request.

Status: FAIL

Notes: The facility did not have a fire safety plan

EXHIBIT C

2020 CV 00011

Guest Register Inspected

- Each hotel facility must maintain on the premises, a guest register, guest information records, or written occupancy agreements for each guest for a period of 2 years; such information must be provided to the fire code official or the state fire marshal upon request. - Each guest register, guest information record and/or written occupancy agreement must clearly indicate the date of arrival and date of departure for occupants in each guestroom.

Status: FAIL

Notes: The guest register was inspected and not up to date. 6 rooms were rented and only 4 guest register cards were completed, the current residents have been in the same rooms over the allowable 30 days. The required past guest register cards were not on site.

Smoke detector testing records

All written records of visual inspections and tests must generally be kept by the facility for a minimum of 3 years, unless a specific law or rule requires a different time period. Records must be made available to the fire code official upon request.

Status: FAIL

Notes: No smoke detector testing records were present

Current License Posted

- The most current license issued to a hotel facility must either be kept in the office of such hotel facility and produced for review when requested by the fire code official, or must be displayed in a conspicuous and public manner.

Status: FAIL

Notes: The current hotel license was not present or posted on inspection

Arson Laws posted

Arson laws must be posted in a conspicuous place in each guest room, sleeping room, and dwelling unit in the facility

Status: FAIL

Notes: Arson laws were not posted in all rooms

Exits

Fire doors self close

Fire rated doors must be self-closing.

Status: FAIL

Notes: no fire doors present

Doors in working condition

Doors must be inspected and maintained (and, if necessary, repaired) to ensure that they are in good operating condition.

Status: FAIL

Notes: screen doors missing on multiple rooms, and also some doors are not in good working condition

Remove storage from beneath exit stairs.

Items stored beneath stairs present a fire risk that can endanger persons using that escape route.

Status: FAIL

Notes: Storage located under stairs to the second floor

Exit Lighting

Repair lighted exit signs or emergency lighting.

Exit signs and emergency illumination are essential during evacuations. The exit sign will indicate to occupants the correct door to reach safely.

Status: FAIL

Notes: Exit sign not working and needs repaired

Fire Extinguishers

Fire extinguishers checked monthly

Fire extinguishers must be inspected on a monthly basis and have maintenance performed annually. Inspection records must be maintained on the hotel premises and must be made available upon request.

Status: FAIL

Notes: fire extinguishers are not checked monthly or a log kept on the inspections

Mount extinguishers where readily available, not more than 5 feet above floor.

Extinguishers must be easily within reach of all occupants, but not where they will be subject to damage.

Status: FAIL

Notes: fire extinguishers are mounted over 5 feet

Portable fire extinguishers are due for annual maintenance on:

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status: FAIL

Notes: All fire extinguishers are the property are past due for testing

Fire Protection Access and Equipment

Smoke detectros tested - Battery operated - weekly/Hardwired - monthly

- Single- and multiple-station smoke alarms must be tested in accordance with the manufacturers published instructions (this is typically weekly). - Battery operated smoke detectors must be tested weekly. - Hardwired smoke detectors must be tested monthly.

Status: FAIL

Notes: Monthly checks are not being performed and documented

Smoke dectectors replaced - 10 years

All smoke detectors must be replaced in accordance with manufacturer specifications. This is usually every 10 years.

Status: FAIL

Notes: The rooms either didn't have smoke detectors or they were old past the 10-year date. Multiple new smoke detectors were giving to the manger to place in occupied rooms by the CJFD and SFM

Provide and maintain smoke detectors in proper operating condition.

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status: FAIL

Notes: No CO detectors present in the laundry room
2 smoke detectors not working in managers apartment

Room 14 no functional smoke detector present

Room 15 no functional smoke detector present

Room 16 no functional smoke detector present

Room 17 no functional smoke detector present

Room 18 no functional smoke detector present

Room 19 no functional smoke detector present

Room 20 no functional smoke detector present

Room 23 no functional smoke detector present

Room 24 no functional smoke detector present

Room 26 no functional smoke detector present

Room 10 no functional smoke detector present

Room 9 no functional smoke detector present

Room 8 unsafe to enter smoke detector not visible from the door

Room 7 no functional smoke detector present

Room 6 no functional smoke detector present

Room 4 excessive storage of mattresses unable to enter to find smoke detector

Room 3 no functional smoke detector present

Room 1 no functional smoke detector present

Room 11 no functional smoke detector present

Room 12 no functional smoke detector present

Fire Separations

Keep attic and scuttle covers closed, and ceiling tiles in place.

Ceilings are an integral part of the building feets fire protection. If kept in place, the ceiling will protect roof structures from premature collapse.

Status: FAIL

Notes: Ceiling tiles missing in the storage room
Laundry room ceiling tiles and ceiling are missing
Managers apartment ceiling collapsed

Seal unapproved openings with approved material.

Flame, smoke, and hot gases can easily travel through holes and pipe chases, thus creating more damage and a hazard to occupants.

Status: FAIL

Notes: the majority of the rooms had either holes in ceiling or walls that were not sealed

Furnishings/Fixtures

Personal Cooking devices prohibited

Personal cooking devices are strictly prohibited. (i.e. hot plates, crock pots, and skillets) Please note: microwaves are not considered personal cooking devices and are permitted. Likewise, coffee pots and mini-refrigerators are also permitted.

Status: FAIL

Notes: Room 7 has a deep fat fryer, toaster oven, and hot plate

Room 5 personal cooking devices present

Room 26 hot plate and other cooking devices present

Room 23 multiple personal cooking devices along with 2 full-size refrigerators

Room 22 hot plate present

Sleeping room shall not have cooking facilities unless approved

No sleeping room of a hotel facility shall include cooking facilities unless the facilities have been approved by the state, municipal, township or county building department having jurisdiction.

Status: FAIL

Notes: All occupied rooms had some type of cooking devices

Curtains, Draperies, Furnishings and Decorations are flame resistant - inspect label or tag

- Inspect curtains for flammability, review labels or tags. The OFC requires these materials to be flame resistant as demonstrated by testing in accordance with NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films.

Status: FAIL

Notes: Room 23 had a blanket used for the curtains - all other rooms had blinds

Housekeeping

Arrange storage in orderly manner to provide for exiting and fire department access.

Good housekeeping makes an area safer for occupants and contributes less fuel to a fire. When storage is orderly, fire fighters can get fast access to minimize fire damage.

Status: FAIL

Notes: The storage room has excessive amounts of storage including flammable liquids and tires

Room 26 excessive amount of combustible material present

Room 4 is completely filled with mattresses

Room 2 excessive amount of combustible material present

Provide approved waste containers for combustible waste.

Heavy duty or metal containers are necessary to confine a fire in the receptacle to prevent it spreading to the building.

Status: FAIL

Notes: Rooms had waste containers that were overflowing, or waste has been left on the floors in the rooms

Post and enforce No Smoking signs.

No Smoking; areas are designated because the use of smoking materials in those areas could cause a fire.

Status: FAIL

Notes: Marked no smoking room had evidence of smoking inside or room, some room had ashtrays full of discarded cigarettes, one room had the ashtray left on the bed.

Reduce storage height to at least 2 feet below ceiling.

In the event of a fire, fire fighters may need to open a hole in the roof to let heat and smoke out. Storage and other obstructions will prevent rapid ventilation efforts.

Status: FAIL

Notes: Storage room had items to ceiling

Flammable Liquids

Storage in excess of 10 gallons shall be in an approved cabinet.

In the event of a fire, flammable liquids can readily accelerate its spread. Confining the stored liquids to secure cabinets will limit this fire exposure.

Status: FAIL

Notes: Flammable liquids and propane tanks stored inside the storage room

Electrical

Power strip used for heat (hair dryers or heaters) or cooling equipment (AC)

o Power strips may not be used to plug in equipment that can produce heat (such as hair dryers or heating units) or equipment that is used for cooling (such as refrigerators or A/C units).

Status: FAIL

Notes: managers apartment power strip plugged in a space heater without tip-over protection

Room 3 power strip plugged in a space heater without tip-over protection

Room 14 refrigerator and microwave plugged into a power strip

Room 20 refrigerator and microwave plugged into a power strip

Room 22 refrigerator and microwave plugged into a power strip/ Heater plugged into a power strip

Room 10 refrigerator and microwave plugged into a power strip/ Heater plugged into a power strip

Room 5 refrigerator and microwave plugged into a power strip/ Heater plugged into a power strip

Electric motors free of oil, dirt, lint, waste, and debris

Electrical motors (such as dryers and vent fans) must be maintained free from excessive accumulation of oil, dirt, lint, waste, and debris.

Status: FAIL

Notes: Bathroom fans not either missing, not functional, or build-up of dirt

Room 26

Room 9

Room 6

Room 20

Room 22

Room 17

Room 18

Room 19

Majority of the front rooms don't have fans present

Discontinue use of extension cords in lieu of permanent wiring.

Temporary wire does not afford the durability, safety, and protection from shock or fire that is found in the construction of an enclosed electrical system.

Status: FAIL

Notes: Laundry room extension cord used for permanent wiring, the cord also underwater during the inspection

The attic had home (brown) extension cords being used for permanent wiring, light bulbs had screw in outlet bulbs with extension cords plug into them

Room 6 extension cord used permanent wiring

Extension cords being used to run the septic system pumps

Maintain at least 30 inches clearance in front of electrical panel.

Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.

Status: FAIL

Notes: Laundry room items stored in front of panels

Each outlet box shall have a cover faceplate or fixture canopy.

Covers protect people from being shocked by exposed wires, prevent spread of electrical current, and heat and flame during short circuits.

Status: FAIL

Notes: numerous open outlets and junction boxes throughout property

Room 26 open electrical box

Discontinue use of non-approved multi-plug adapters.

Multi-plug adapters invite the overuse of the circuit that can result in overheating and a fire.

Status: FAIL

Notes: Room 7 multi-plug adapter used
Room 23 multi-plug adapter used
Room 3 multi-plug adapter used
Room 9 multi-plug adapter used

Maintain wiring in good condition and protect from damage.

Worn or broken wires and plugs present a fire hazard and risk of electrical short circuit that can result in a fire.

Status: FAIL

Notes: Room 12 has evidence of an electrical outlet fire
Exterior electric room open electric panel wiring in poor condition
Room 9 electrical concerns
Multiple rooms had the room heater wired directly into the light switch
Room 9 Electrical wires hanging from the ceiling

Sanitary Requirments

Bedding is clean

All bedding used in any hotel must be kept clean and must be thoroughly aired and disinfected.

Status: FAIL

Notes: Mattresses were dirty and poor conditions along with the bed linen.

Room 16
Room 17
Room 18
Room 19
Room 20 no mattress
Room 21 infested
Room 22
Room 23
Room 24
Room 25
Room 5
Room 4
Room 2
Room 1
Room 11

Bedding free of vermin or bed bugs

No bedding which is infested with vermin or bed bugs shall be used on any bed in any hotel.

Status: FAIL

Notes: Room 23 had evidence of bed bugs
Room 21 had visible evidence from the door of infestation of insects, room not entered
Room 8 had evidence of vermin infestation that was confirmed by the building manager

All floors, carpets, equipment, walls, ceilings and premises of the hotel are clean and sanitary condition.

All floors, carpets, equipment, walls, ceilings and premises of the hotel must be maintained in a clean and sanitary condition. Clean or replace the carpets as necessary. Clean and/or paint walls and ceilings as necessary. Clean and/or replace the furniture and equipment as necessary

Status: FAIL

Notes: The carpets, walls, and ceilings were in disrepair, unsanitary conditions with water leaks present

Property Maintenance

All interior surfaces must be maintained in good, clean and sanitary condition.

Peeling, chipping, flaking or abraded paint must be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions must be corrected. Every stair, ramp, landing, balcony, porch, deck or other walking surface must be maintained in sound condition and good repair. All plumbing fixtures must be properly installed and maintained in good working order, and must be kept free from obstructions, leaks and defects, and shall be capable of performing the function for which they are designed.

Status: FAIL

Notes: The majority of all the walls and ceiling were in poor condition and also dirty.

Mold was present in

Room 2

Room 18

Room 23

Room 10

Room 7

Windows, skylight, door and frame good condition and weather tight

Every window, skylight, door and frame must be kept in sound condition, good repair and in a weather tight manner.

Status: FAIL

Notes: managers apartment had broken window

The majority of all windows are in bad condition and are not weather tight

Exterior walls free from holes, breaks, and loose or rotting material

All exterior walls must be free from holes, breaks, and loose or rotting materials, shall be maintained in a watertight and weatherproof condition, and where required shall be properly surface coated to prevent deterioration.

Status: FAIL

Notes: Multiple areas of the exterior of the property have holes and rotting material that leaks water

Structure and property free from insects and rodents

All structures and exterior property must be kept free from insect and rodent harborage and infestation. Where insects and/or rodents are found they shall be promptly and effectively exterminated.

Status: FAIL

Notes: evidence of insect and rodent activity (feces, dead bugs, eggs, nest)

Exterior and interior free of accumulation of rubbish or garbage

All exterior property and premises, and the interior of every structure, must be free from any accumulation of rubbish or garbage.

Status: FAIL

Notes: Multiple rooms had excessive trash and rubbish

The exterior of the property had burn piles of mattresses and other trash

Large amounts of fecal material were located in the rear of the property outside on a room

Exterior free from weeds

All premises and exterior property must be maintained free from weeds.

Status: FAIL

Notes: multiple areas overgrown weeds and brush (see attached pictures)

Sidewalks, walkways, stairs, driveways, parking spaces free from hazardous conditions

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas must be kept in a proper state of repair and maintained free from hazardous conditions.

Status: FAIL

Notes: Multiple areas of the property have broken, cracked or sunken in concrete on the sidewalks

Additional Time Spent on Inspections		
Category	Start Date / Time	End Date / Time
Notes: No Additional time recorded		

Total Additional Time: 0 minutes
Inspection Time: 150 minutes
Total Time: 150 minutes

Summary:

Overall Result: Correction Notice Issued

Inspector Notes:

- + Room 6 forcible entry used on the door no keys present
- + Exterior lights need covers
- + 3 - Rooms had evidence of fires that were not reported Room 1, Room , Room
- + Three burn piles on the property with mattresses, trash, and other items

Inspector:

Name: 102 Rarick, Matthew D
Rank: Deputy Chief

Signature _____ *Date*

Representative Signature:



Cardinal Joint Fire District

Occupancy: **Colonial Inn**
Occupancy ID: **90**
Address: **7815 Akron Canfield**
Canfield OH 44406

Inspection Type: **Complaint**

Inspection Date: **12/4/2019**

By: **102 Rarick, Matthew D (102)**

Form: **Hotel/Motel**

Time In: **00:00**

Time Out: **00:00**

Authorized Date: **12/09/2019**

By: **102 Rarick, Matthew D (102)**

Next Inspection Date: **No Inspection Scheduled**

Inspection Topics:

Administration

Room rates posted

Room rates must be posted in a conspicuous place in each guestroom. The posting must be on a sign or card which states the price per day of the room and must reflect the maximum actual rate and include the maximum rate per number of actual occupants.

Status: FAIL

Notes: Room rates are not posted in all rooms

Fire extinguishers monthly check records

Fire extinguishers must be inspected on a monthly basis and have maintenance performed annually. Inspection records must be maintained on the hotel premises and must be made available upon request.

Status: FAIL

Notes: The fire extinguishers has not had the monthly checks completed since 3/19/19

Exit and emergency light tested records

Written records of visual inspections and tests must generally be kept by the facility for a minimum of 3 years, unless a specific law or rule requires a different time period.

Status: FAIL

Notes: No records for testing of the exit and emergency lights

Fire Drill Documentation

All hotels and motels must conduct emergency evacuation drills quarterly on each shift. All hotels and motels must conduct emergency evacuation drills at unexpected times, and under varying conditions to simulate the unusual conditions that occur in case of fire. - Records of required emergency evacuation drills must be kept and maintained

Status: FAIL

Notes: No records or fire drills being completed as required by The OFC

Fire Evacuation Route Posted

Evacuation diagrams depicting two evacuation routes shall be posted on or immediately adjacent to every required egress door from each hotel sleeping unit. Hotel employees must be trained in the contents of fire evacuation plans and their duties as part of new employee orientation and at least annually thereafter. Records shall be kept and made available to the fire code official upon request.

Status: FAIL

Notes: Fire evacuation route are not posted in any rooms

Fire Safety Plan Reviewed

All hotels must have an approved fire safety plan prepared and it must be maintained. Fire safety plans must be available in the workplace for reference and review by employees; copies must be furnished to the fire code official for review upon request.

Status: FAIL

Notes: The facility did not have a fire safety plan

EXHIBIT D

Guest Register Inspected

- Each hotel facility must maintain on the premises, a guest register, guest information records, or written occupancy agreements for each guest for a period of 2 years; such information must be provided to the fire code official or the state fire marshal upon request. - Each guest register, guest information record and/or written occupancy agreement must clearly indicate the date of arrival and date of departure for occupants in each guestroom.

Status: FAIL

Notes: The guest register was inspected and not up to date. 6 rooms were rented and only 4 guest register cards were completed, the current residents have been in the same rooms over the allowable 30 days. The required past guest register cards were not on site.

Smoke detector testing records

All written records of visual inspections and tests must generally be kept by the facility for a minimum of 3 years, unless a specific law or rule requires a different time period. Records must be made available to the fire code official upon request.

Status: FAIL

Notes: No smoke detector testing records were present

Arson Laws posted

Arson laws must be posted in a conspicuous place in each guest room, sleeping room, and dwelling unit in the facility

Status: FAIL

Notes: Arson laws were not posted in all rooms

Exits

Fire doors self close

Fire rated doors must be self-closing.

Status: FAIL

Notes: no fire doors present

Doors in working condition

Doors must be inspected and maintained (and, if necessary, repaired) to ensure that they are in good operating condition.

Status: FAIL

Notes: screen doors missing on multiple rooms, and also some doors are not in good working condition

Remove storage from beneath exit stairs.

Items stored beneath stairs present a fire risk that can endanger persons using that escape route.

Status: FAIL

Notes: Storage located under stairs to the second floor

Exit Lighting

Repair lighted exit signs or emergency lighting.

Exit signs and emergency illumination are essential during evacuations. The exit sign will indicate to occupants the correct door to reach safely.

Status: FAIL

Notes: Exit sign not working and needs repaired

Fire Extinguishers

Fire extinguishers checked monthly

Fire extinguishers must be inspected on a monthly basis and have maintenance performed annually. Inspection records must be maintained on the hotel premises and must be made available upon request.

Status: FAIL

Notes: fire extinguishers are not checked monthly or a log kept on the inspections

Mount extinguishers where readily available, not more than 5 feet above floor.

Extinguishers must be easily within reach of all occupants, but not where they will be subject to damage.

Status: FAIL

Notes: fire extinguishers are mounted over 5 feet

Portable fire extinguishers are due for annual maintenance on:

Annual maintenance will provide for properly charge and serviced extinguishing devices, and assure proper operation if needed to fight a small fire.

Status: FAIL

Notes: All fire extinguishers are the property are past due for testing

Fire Protection Access and Equipment

Smoke detectros tested - Battery operated - weekly/Hardwired - monthly

- Single- and multiple-station smoke alarms must be tested in accordance with the manufacturers published instructions (this is typically weekly). - Battery operated smoke detectors must be tested weekly. - Hardwired smoke detectors must be tested monthly.

Status: FAIL

Notes: Monthly checks are not being performed and documented

Smoke dectectors replaced - 10 years

All smoke detectors must be replaced in accordance with manufacturer specifications. This is usually every 10 years.

Status: FAIL

Notes: The rooms either didn't have smoke detectors or they were old past the 10-year date. Multiple new smoke detectors were giving to the manger to place in occupied rooms by the CJFD and SFM

Provide and maintain smoke detectors in proper operating condition.

The proper installation and maintenance of smoke detectors is of the utmost importance. In the event of a fire, they will notify occupants, and, in some cases, may automatically notify the Fire Department.

Status: FAIL

Notes: No CO detectors present in the laundry room

2 smoke detectors not working in managers apartment

Room 14 no functional smoke detector present

Room 15 no functional smoke detector present

Room 16 no functional smoke detector present

Room 17 no functional smoke detector present

Room 18 no functional smoke detector present

Room 19 no functional smoke detector present

Room 20 no functional smoke detector present

Room 23 no functional smoke detector present

Room 24 no functional smoke detector present

Room 26 no functional smoke detector present

Room 10 no functional smoke detector present

Room 9 no functional smoke detector present

Room 8 unsafe to enter smoke detector not visible from the door

Room 7 no functional smoke detector present

Room 6 no functional smoke detector present

Room 4 excessive storage of mattresses unable to enter to find smoke detector

Room 3 no functional smoke detector present

Room 1 no functional smoke detector present

Room 11 no functional smoke detector present

Room 12 no functional smoke detector present

Fire Separations

Keep attic and scuttle covers closed, and ceiling tiles in place.

Ceilings are an integral part of the building feets fire protection. If kept in place, the ceiling will protect roof structures from premature collapse.

Status: FAIL

Notes: Ceiling tiles missing in the storage room

Laundry room ceiling tiles and ceiling are missing

Managers apartment ceiling collapsed

Seal unapproved openings with approved material.

Flame, smoke, and hot gases can easily travel through holes and pipe chases, thus creating more damage and a hazard to occupants.

Status: FAIL

Notes: the majority of the rooms had either holes in ceiling or walls that were not sealed

Furnishings/Fixtures

Personal Cooking devices prohibited

Personal cooking devices are strictly prohibited. (i.e. hot plates, crock pots, and skillets) Please note: microwaves are not considered personal cooking devices and are permitted. Likewise, coffee pots and mini-refrigerators are also permitted.

Status: FAIL

Notes: Room 7 has a deep fat fryer, toaster oven, and hot plate
Room 5 personal cooking devices present
Room 26 hot plate and other cooking devices present
Room 23 multiple personal cooking devices along with 2 full-size refrigerators
Room 22 hot plate present

Sleeping room shall not have cooking facilities unless approved

No sleeping room of a hotel facility shall include cooking facilities unless the facilities have been approved by the state, municipal, township or county building department having jurisdiction.

Status: FAIL

Notes: All occupied rooms had some type of cooking devices

Curtains, Draperies, Furnishings and Decorations are flame resistant - inspect label or tag

- Inspect curtains for flammability, review labels or tags. The OFC requires these materials to be flame resistant as demonstrated by testing in accordance with NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films.

Status: FAIL

Notes: Room 23 had a blanket used for the curtains - all other rooms had blinds

Housekeeping

Arrange storage in orderly manner to provide for exiting and fire department access.

Good housekeeping makes an area safer for occupants and contributes less fuel to a fire. When storage is orderly, fire fighters can get fast access to minimize fire damage.

Status: FAIL

Notes: The storage room has excessive amounts of storage including flammable liquids and tires
Room 26 excessive amount of combustible material present
Room 4 is completely filled with mattresses
Room 2 excessive amount of combustible material present

Provide approved waste containers for combustible waste.

Heavy duty or metal containers are necessary to confine a fire in the receptacle to prevent it spreading to the building.

Status: FAIL

Notes: Rooms had waste containers that were overflowing, or waste has been left on the floors in the rooms

Post and enforce No Smoking signs.

No Smoking; areas are designated because the use of smoking materials in those areas could cause a fire.

Status: FAIL

Notes: Marked no smoking room had evidence of smoking inside or room, some room had ashtrays full of discarded cigarettes, one room had the ashtray left on the bed.

Reduce storage height to at least 2 feet below ceiling.

In the event of a fire, fire fighters may need to open a hole in the roof to let heat and smoke out. Storage and other obstructions will prevent rapid ventilation efforts.

Status: FAIL

Notes: Storage room had items to ceiling

Flammable Liquids

Storage in excess of 10 gallons shall be in an approved cabinet.

In the event of a fire, flammable liquids can readily accelerate its spread. Confining the stored liquids to secure cabinets will limit this fire exposure.

Status: FAIL

Notes: Flammable liquids and propane tanks stored inside the storage room

Electrical

Power strip used for heat (hair dryers or heaters) or cooling equipment (AC)

o Power strips may not be used to plug in equipment that can produce heat (such as hair dryers or heating units) or equipment that is used for cooling (such as refrigerators or A/C units).

Status: FAIL

Notes: managers apartment power strip plugged in a space heater without tip-over protection

Room 3 power strip plugged in a space heater without tip-over protection

Room 14 refrigerator and microwave plugged into a power strip

Room 20 refrigerator and microwave plugged into a power strip

Room 22 refrigerator and microwave plugged into a power strip/ Heater plugged into a power strip

Room 10 refrigerator and microwave plugged into a power strip/ Heater plugged into a power strip

Room 5 refrigerator and microwave plugged into a power strip/ Heater plugged into a power strip

Electric motors free of oil, dirt, lint, waste, and debris

Electrical motors (such as dryers and vent fans) must be maintained free from excessive accumulation of oil, dirt, lint, waste, and debris.

Status: FAIL

Notes: Bathroom fans not either missing, not functional, or build-up of dirt

Room 26

Room 9

Room 6

Room 20

Room 22

Room 17

Room 18

Room 19

Majority of the front rooms don't have fans present

Discontinue use of extension cords in lieu of permanent wiring.

Temporary wire does not afford the durability, safety, and protection from shock or fire that is found in the construction of an enclosed electrical system.

Status: FAIL

Notes: Laundry room extension cord used for permanent wiring, the cord also underwater during the inspection

The attic had home (brown) extension cords being used for permanent wiring, light bulbs had screw in outlet bulbs with extension cords plug into them

Room 6 extension cord used permanent wiring

Extension cords being used to run the septic system pumps

Maintain at least 30 inches clearance in front of electrical panel.

Access to electrical panels must be cleared to allow for general inspection and emergency shutdown.

Status: FAIL

Notes: Laundry room items stored in front of panels

Each outlet box shall have a cover faceplate or fixture canopy.

Covers protect people from being shocked by exposed wires, prevent spread of electrical current, and heat and flame during short circuits.

Status: FAIL

Notes: numerous open outlets and junction boxes throughout property

Room 26 open electrical box

Discontinue use of non-approved multi-plug adapters.

Multi-plug adapters invite the overuse of the circuit that can result in overheating and a fire.

Status: FAIL

Notes: Room 7 multi-plug adapter used
Room 23 multi-plug adapter used
Room 3 multi-plug adapter used
Room 9 multi-plug adapter used

Maintain wiring in good condition and protect from damage.

Worn or broken wires and plugs present a fire hazard and risk of electrical short circuit that can result in a fire.

Status: FAIL

Notes: Room 12 has evidence of an electrical outlet fire
Exterior electric room open electric panel wiring in poor condition
Room 9 electrical concerns
Multiple rooms had the room heater wired directly into the light switch
Room 9 Electrical wires hanging from the ceiling

Sanitary Requirements

Bedding is clean

All bedding used in any hotel must be kept clean and must be thoroughly aired and disinfected.

Status: FAIL

Notes: Mattresses were dirty and poor conditions along with the bed linen.
Room 16
Room 17
Room 18
Room 19
Room 20 no mattress
Room 21 infested
Room 22
Room 23
Room 24
Room 25
Room 5
Room 4
Room 2
Room 1
Room 11

Bedding free of vermin or bed bugs

No bedding which is infested with vermin or bed bugs shall be used on any bed in any hotel.

Status: FAIL

Notes: Room 23 had evidence of bed bugs
Room 21 had visible evidence from the door of infestation of insects, room not entered
Room 8 had evidence of vermin infestation that was confirmed by the building manager

All floors, carpets, equipment, walls, ceilings and premises of the hotel are clean and sanitary condition.

All floors, carpets, equipment, walls, ceilings and premises of the hotel must be maintained in a clean and sanitary condition. Clean or replace the carpets as necessary. Clean and/or paint walls and ceilings as necessary. Clean and/or replace the furniture and equipment as necessary

Status: FAIL

Notes: The carpets, walls, and ceilings were in disrepair, unsanitary conditions with water leaks present

Property Maintenance

All interior surfaces must be maintained in good, clean and sanitary condition.

Peeling, chipping, flaking or abraded paint must be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions must be corrected. Every stair, ramp, landing, balcony, porch, deck or other walking surface must be maintained in sound condition and good repair. All plumbing fixtures must be properly installed and maintained in good working order, and must be kept free from obstructions, leaks and defects, and shall be capable of performing the function for which they are designed.

Status: FAIL

Notes: The majority of all the walls and ceiling were in poor condition and also dirty.

Mold was present in

Room 2

Room 18

Room 23

Room 10

Room 7

Windows, skylight, door and frame good condition and weather tight

Every window, skylight, door and frame must be kept in sound condition, good repair and in a weather tight manner.

Status: FAIL

Notes: managers apartment had broken window

The majority of all windows are in bad condition and are not weather tight

Exterior walls free from holes, breaks, and loose or rotting material

All exterior walls must be free from holes, breaks, and loose or rotting materials, shall be maintained in a watertight and weatherproof condition, and where required shall be properly surface coated to prevent deterioration.

Status: FAIL

Notes: Multiple areas of the exterior of the property have holes and rotting material that leaks water

Structure and property free from insects and rodents

All structures and exterior property must be kept free from insect and rodent harborage and infestation. Where insects and/or rodents are found they shall be promptly and effectively exterminated.

Status: FAIL

Notes: evidence of insect and rodent activity (feces, dead bugs, eggs, nest)

Exterior and interior free of accumulation of rubbish or garbage

All exterior property and premises, and the interior of every structure, must be free from any accumulation of rubbish or garbage.

Status: FAIL

Notes: Multiple rooms had excessive trash and rubbish

The exterior of the property had burn piles of mattresses and other trash

Large amounts of fecal material were located in the rear of the property outside on a room

Exterior free from weeds

All premises and exterior property must be maintained free from weeds.

Status: FAIL

Notes: multiple areas overgrown weeds and brush (see attached pictures)

Sidewalks, walkways, stairs, driveways, parking spaces free from hazardous conditions

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas must be kept in a proper state of repair and maintained free from hazardous conditions.

Status: FAIL

Notes: Multiple areas of the property have broken, cracked or sunken in concrete on the sidewalks

Additional Time Spent on Inspections

Category	Start Date / Time	End Date / Time
----------	-------------------	-----------------

Notes: No Additional time recorded

Total Additional Time: 0 minutes
Inspection Time: 0 minutes
Total Time: 0 minutes

Summary

Overall Result: Second Correction Notice

Inspector Notes: Re-Inspection from initial inspection on 10/31/19. Very little progress in correcting the violations from the first inspection. The combustible storage inside of the rooms has increased, the burn piles of furniture and mattresses have also grown. Some minor construction has taken place but it hasn't been finished or enough to remove any of the violations. On inspection one guest was deep fat frying in her room, the manager was advised to have all guests remove these items during the last inspection. The manager stated he changed all smoke detectors but most were still missing, not mounted, or had dead batteries. The State Fire Marshals report is attached.

Inspector:

Name: 102 Rarick, Matthew D
Rank: Deputy Chief

Signature

Date

Representative Signature

FIRE DEPARTMENT CITATION

50-109-1

Ref. Sec. 3737.41, ORC

Citation No.

Mahoning

County

Name of Responsible Person: Arthur Klein

Street: 8281 W Akron Canfield Rd City: Canfield State: Ohio Zip: 44406

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

On the 11th day of December, 2019, Deputy Chief Matt Rarick

a Certified Fire Safety Inspector, Certification No. 0077144, did inspect the property

Street: 7815 Akron - Canfield Rd City: Canfield State: Ohio Zip: 44406

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

As the result of such examination or inspection, a CATEGORICAL finding has been made as indicated and therefore, pursuant to Section 3737.43 and 3737.51, Ohio Revised Code, it is PROPOSED that a civil penalty, if any, be assessed against you for each such violation, as indicated:

[X] Said property consists of a building or other structure which was found to be especially liable to fire or endangers life or other property by reason of want or repair, age and dilapidated condition, defective electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or other reason.

Civil Penalty: \$ 1000.00

[X] Said property consists of a building or premises in or upon which was found combustible or explosive material, rubbish, rags, waste, oils, gasoline, or other flammable condition, especially dangerous to the safety of persons or such property.

Civil Penalty: \$ 1000.00

[] Said property consists of a building, structure, tank, container, or vehicle used for the storage, handling, or transportation of flammable or combustible liquids; and which was found to involve a condition especially dangerous to the safety of persons or such property.

Civil Penalty: \$

A DETAILED DESCRIPTION of the condition(s) found, is set forth as follows:

See Colonial Inn Inspection Report of October 31, 2019 & December 4, 2019, attached from Cardinal Joint Fire District and Ohio State Fire Marshal.

WHEREFORE, by reason of the premises and pursuant to the authority vested in me by virtue of my office under Section 3737.41 of the Ohio Revised Code and Rule 1301:7-7-01 (I)(109) of the Ohio Administrative Code (Ohio Fire Code), you are hereby ORDERED to abate the violation(s) set forth above by taking the following corrective measures within 30 days:

See Colonial Inn Inspection Report of October 31, 2019 & December 4, 2019, attached from Cardinal Joint Fire District & Ohio State Fire Marshal.

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

TAKE NOTICE that if you do not effect the abatement of the condition(s) set forth herein, as ORDERED, the CITING AUTHORITY may seek ENFORCEMENT pursuant to ORC Section 3737.41 (D).

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

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

Witness my signature at Canfield, Ohio this 11th day of December, 20019


FIRE CHIEF

On the 11th day of December, 20019, this citation was served on the responsible person whose name is entered on the front side hereof in the following manner:

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

Signature: 

Certified Fire Safety Inspector Certification No. 0077144

Section 3737.41 (A) If the fire marshal, an assistant fire marshal, or any certified fire safety inspector, upon an examination or inspection, finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or for any other reason, is especially liable to fire or endangers life or other buildings or property, such officer shall issue a citation and order such building or structure to be repaired, torn down, demolished, or materials removed, and all dangerous conditions remedied.

(B) If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind, which are especially dangerous to the safety of persons of such building, premises, or property, he shall issue a citation and order such materials removed or conditions remedied.

(C) If such officer finds that any building, structure, tank, container, or vehicle used for the storage handling, or transportation of flammable or combustible liquids, or of liquefied petroleum gas, or the pumps, piping, valves, wiring, and materials used in connection therewith, are especially dangerous to the safety of persons or such building, structure, tank, container, or vehicle, he shall issue a citation and order such condition remedied.

(D) The fire marshal, an assistant fire marshal, or any certified fire safety inspector may proceed, on a citation issued under this section, to seek enforcement by use of the procedures established by section 3737.43 or 3737.44 of the Revised Code.

Effective: September 17, 1986

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

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

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

Effective: March 19, 2003

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

Effective: March 19, 2003

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

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

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

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

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

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

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

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

Effective: July 1, 1979

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

Effective: July 11, 1989

INSTRUCTIONS FOR FIRE OFFICIALS

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

FIRE DEPARTMENT CITATION

50-109-2

Ref. Sec. 3737.42, ORC

Citation No.

Mahoning

County

Name of Responsible Person: Arthur Klein

Street: 8281 W Akron-Canfield Rd City: Canfield State: Ohio Zip: 44406

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

On the 11th day of December, 2019, Deputy Chief Matt Rarick

a Certified Fire Safety Inspector, Certification No. 0077144, did inspect the property

Street: 7815 Akron- Canfield Rd City: Canfield State: Ohio Zip: 44406

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

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

1. OFC Section or FM Order No. violated: 118.3.8 Maintenance & Safety of Facility
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

2. OFC Section or FM Order No. violated: 605.5 Extension Cords
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

3. OFC Section or FM Order No. violated: 605.3 Electrical Equipment Clearance
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

WHEREFORE, by reason of the premises and pursuant to the authority vested in me by virtue of my office under Section 3737.42 of the Ohio Revised Code and Rule 1301:7-7-01 (I)(109) of the Ohio Administrative Code (Ohio Fire Code), you are hereby ORDERED to abate the violation(s) set forth above by taking the following corrective measures within 30 days:

All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector

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

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

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

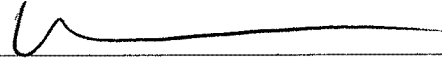
Please be advised that if you do not request a hearing within thirty (30) days after receipt of this notice, the citing authority, may in its discretion, pursue action through the common pleas court in the county in which the property is located.

Witness my signature at Canfield, Ohio this 11th day of December, 20019


FIRE CHIEF

On the 11th day of December, 20019, this citation was served on the responsible person whose name is entered on the front side hereof in the following manner:

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

Signature:  _____

Certified Fire Safety Inspector Certification No. 0077144

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

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

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

Effective: March 19, 2003

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

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

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

Effective: March 19, 2003

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

Effective: March 19, 2003

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

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

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

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

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

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

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

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

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

Effective: July 1, 1979

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

Effective: July 11, 1989

INSTRUCTIONS FOR FIRE OFFICIALS

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

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

Ref. Section 3737.42, ORC

Citation No. _____

4 OFC Section or FM Order No. violated: 605.1 Electrical Hazards
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

5 OFC Section or FM Order No. violated: 907.2.8.3 Smoke Detectors
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

6 OFC Section or FM Order No. violated: 703.1 Fire Separation
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

7 OFC Section or FM Order No. violated: 703.1.3 Unapproved Openings (Holes)
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

Corrective Action: All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector

- 1 - The property must be properly and safely maintained.
- 2 - Discontinue the use of extension cords as permanent wiring.
- 3 - Remove items in front of electrical boxes with a 30" clearance.
- 4 - Certified electrician abates all electrical issues and passes inspection.
- 5 - Working, mounted and not expired smoke detectors in all rooms.
- 6 - Holes in ceilings repaired and missing ceiling tiles replaced.
- 7 - Holes and walls, floors and ceilings repaired with approved materials.

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

50-109-2

Ref. Section 3737.42, ORC

Citation No.

8 OFC Section or FM Order No. violated: 3731.15 Cooking Devices
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

9 OFC Section or FM Order No. violated: 304.2 Combustible Storage
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

10 OFC Section or FM Order No. violated: 315.3.1 Storage Ceiling Clearance
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

11 OFC Section or FM Order No. violated: Rule 57 Flammable Liquid Storage
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

Corrective Action: _____

8 - Remove all unapproved cooking devices and enforce usage.

9 - Remove the excessive combustible storage in the rooms.

10 - Reduce the amount of storage to under 2 feet of the ceiling.

11 - Remove flammable liquid storage or use proper storage cabinet.

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

50-109-2

Ref. Section 3737.42, ORC

Citation No.

12

OFC Section or FM Order No. violated: Rule 53 Compressed Gas Storage

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

13

OFC Section or FM Order No. violated: 605.7 Appliances - Power Strips

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

14

OFC Section or FM Order No. violated: 605.6 Junction Boxes

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

15

OFC Section or FM Order No. violated: 906.2 Fire Extinguisher Yearly Testing

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

Corrective Action: _____

12 - Remove all compressed gas cylinders stored inside the building.

13 - Remove refrigerators and microwaves from power strips.

14 - An approved cover is required for all open junction boxes.

15 - Certified company to inspect, test and properly tag all extinguishers on-site.

All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

50-109-2

Ref. Section 3737.42, ORC

Citation No.

16

OFC Section or FM Order No. violated: 906.2 Fire Extinguisher Monthly Testing

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

17

OFC Section or FM Order No. violated: 118.3.11 Fire Evacuation Routes

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

18

OFC Section or FM Order No. violated: 403.10.1 Fire Safety Plan

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

19

OFC Section or FM Order No. violated: 605.4 Multi-Plug Adapters

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

Corrective Action: _____

16 - All fire extinguishers must be checked monthly and proper documentation kept.

17 - Place fire evacuation routes in a conspicuous place in all guest rooms.

18 - Create and maintain a fire safety plan for the property.

19 - Remove all multi-plug adapters.

All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector.

FIRE DEPARTMENT CITATION
CONTINUATION SHEET

50-109-2

Ref. Section 3737.42, ORC

Citation No.

20

OFC Section or FM Order No. violated: 304.2 Storage Nuisance/Hazard

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

21

OFC Section or FM Order No. violated: 901.6/901.6.1/907.8.2 Smoke Detectors

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

Corrective Action: _____

20 - Remove excessive rubbish, waste and burn piles from inside and outside of property.

21- Smoke detectors need to be tested weekly and proper documentation kept.

FIRE DEPARTMENT CITATION

50-109-1

Ref. Sec. 3737.41, ORC

Citation No.

Mahoning

County

Name of Responsible Person: Ohio Specialized Inn/Prime Suites LLC c/o John Lysenko

Street: 2715 Manchester Rd City: Akron State: Ohio Zip: 44319

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

On the 11th day of December, 2019, Deputy Chief Matt Rarick

a Certified Fire Safety Inspector, Certification No. 0077144, did inspect the property

Street: 7815 Akron - Canfield Rd City: Canfield State: Ohio Zip: 44406

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

As the result of such examination or inspection, a CATEGORICAL finding has been made as indicated and therefore, pursuant to Section 3737.43 and 3737.51, Ohio Revised Code, it is PROPOSED that a civil penalty, if any, be assessed against you for each such violation, as indicated:

[X] Said property consists of a building or other structure which was found to be especially liable to fire or endangers life or other property by reason of want or repair, age and dilapidated condition, defective electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or other reason.

Civil Penalty: \$ 1000.00

[X] Said property consists of a building or premises in or upon which was found combustible or explosive material, rubbish, rags, waste, oils, gasoline, or other flammable condition, especially dangerous to the safety of persons or such property.

Civil Penalty: \$ 1000.00

[] Said property consists of a building, structure, tank, container, or vehicle used for the storage, handling, or transportation of flammable or combustible liquids; and which was found to involve a condition especially dangerous to the safety of persons or such property.

Civil Penalty: \$

A DETAILED DESCRIPTION of the condition(s) found, is set forth as follows:

See Colonial Inn Inspection Report of October 31, 2019 & December 4, 2019, attached from Cardinal Joint Fire District and Ohio State Fire Marshal.

WHEREFORE, by reason of the premises and pursuant to the authority vested in me by virtue of my office under Section 3737.41 of the Ohio Revised Code and Rule 1301:7-7-01 (I)(109) of the Ohio Administrative Code (Ohio Fire Code), you are hereby ORDERED to abate the violation(s) set forth above by taking the following corrective measures within 30 days:

See Colonial Inn Inspection Report of October 31, 2019 & December 4, 2019, attached from Cardinal Joint Fire District & Ohio State Fire Marshal.

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

TAKE NOTICE that if you do not effect the abatement of the condition(s) set forth herein, as ORDERED, the CITING AUTHORITY may seek ENFORCEMENT pursuant to ORC Section 3737.41 (D).

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


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

Witness my signature at Canfield, Ohio this 11th day of December, 20019


FIRE CHIEF

On the 11th day of December, 20019, this citation was served on the responsible person whose name is entered on the front side hereof in the following manner:

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

Signature:  _____

Certified Fire Safety Inspector Certification No. 0077144

Section 3737.41 (A) If the fire marshal, an assistant fire marshal, or any certified fire safety inspector, upon an examination or inspection, finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, gas connections, or heating apparatus, or for any other reason, is especially liable to fire or endangers life or other buildings or property, such officer shall issue a citation and order such building or structure to be repaired, torn down, demolished, or materials removed, and all dangerous conditions remedied.

(B) If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline, or inflammable conditions of any kind, which are especially dangerous to the safety of persons of such building, premises, or property, he shall issue a citation and order such materials removed or conditions remedied.

(C) If such officer finds that any building, structure, tank, container, or vehicle used for the storage handling, or transportation of flammable or combustible liquids, or of liquefied petroleum gas, or the pumps, piping, valves, wiring, and materials used in connection therewith, are especially dangerous to the safety of persons or such building, structure, tank, container, or vehicle, he shall issue a citation and order such condition remedied.

(D) The fire marshal, an assistant fire marshal, or any certified fire safety inspector may proceed, on a citation issued under this section, to seek enforcement by use of the procedures established by section 3737.43 or 3737.44 of the Revised Code.

Effective: September 17, 1986

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

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

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

Effective: March 19, 2003

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

Effective: March 19, 2003

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

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

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

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

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

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

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

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

Effective: July 1, 1979

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

Effective: July 11, 1989

INSTRUCTIONS FOR FIRE OFFICIALS

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

FIRE DEPARTMENT CITATION

50-109-2

Ref. Sec. 3737.42, ORC

Citation No.

Mahoning

County

Name of Responsible Person: Ohio Specialized Inn/Prime Suites LLC c/o John Lysenko

Street: 2715 Manchester Rd City: Akron State: Ohio Zip: 44319

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

On the 11th day of December, 2019, Deputy Chief Matt Rarick

a Certified Fire Safety Inspector, Certification No. 0077144, did inspect the property

Street: 7815 Akron- Canfield Rd City: Canfield State: Ohio Zip: 44406

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

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

1. OFC Section or FM Order No. violated: 118.3.8 Maintenance & Safety of Facility
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

2. OFC Section or FM Order No. violated: 605.5 Extension Cords
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

3. OFC Section or FM Order No. violated: 605.3 Electrical Equipment Clearance
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

WHEREFORE, by reason of the premises and pursuant to the authority vested in me by virtue of my office under Section 3737.42 of the Ohio Revised Code and Rule 1301:7-7-01 (I)(109) of the Ohio Administrative Code (Ohio Fire Code), you are hereby ORDERED to abate the violation(s) set forth above by taking the following corrective measures within 30 days:

All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector

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

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

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

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

Witness my signature at Canfield, Ohio this 11th day of December, 20019


FIRE CHIEF

On the 11th day of December, 20019, this citation was served on the responsible person whose name is entered on the front side hereof in the following manner:

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

Signature: 

Certified Fire Safety Inspector Certification No. 0077144

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

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

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

Effective: March 19, 2003

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

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

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

Effective: March 19, 2003

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

Effective: March 19, 2003

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

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

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

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

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

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

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

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

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

Effective: July 1, 1979

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

Effective: July 11, 1989

INSTRUCTIONS FOR FIRE OFFICIALS

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

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

Ref. Section 3737.42, ORC

Citation No. _____

4 OFC Section or FM Order No. violated: 605.1 Electrical Hazards
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

5 OFC Section or FM Order No. violated: 907.2.8.3 Smoke Detectors
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

6 OFC Section or FM Order No. violated: 703.1 Fire Separation
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

7 OFC Section or FM Order No. violated: 703.1.3 Unapproved Openings (Holes)
Description of violation: See attached inspection reports from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100.00

Corrective Action: All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector

- 1 - The property must be properly and safely maintained.
- 2 - Discontinue the use of extension cords as permanent wiring.
- 3 - Remove items in front of electrical boxes with a 30" clearance.
- 4 - Certified electrician abates all electrical issues and passes inspection.
- 5 - Working, mounted and not expired smoke detectors in all rooms.
- 6 - Holes in ceilings repaired and missing ceiling tiles replaced.
- 7 - Holes and walls, floors and ceilings repaired with approved materials.

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

50-109-2

Ref. Section 3737.42, ORC

Citation No.

8 OFC Section or FM Order No. violated: 3731.15 Cooking Devices
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

9 OFC Section or FM Order No. violated: 304.2 Combustible Storage
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

10 OFC Section or FM Order No. violated: 315.3.1 Storage Ceiling Clearance
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

11 OFC Section or FM Order No. violated: Rule 57 Flammable Liquid Storage
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

Corrective Action: _____

8 - Remove all unapproved cooking devices and enforce usage.

9 - Remove the excessive combustible storage in the rooms.

10 - Reduce the amount of storage to under 2 feet of the ceiling.

11 - Remove flammable liquid storage or use proper storage cabinet.

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

50-109-2

Ref. Section 3737.42, ORC

Citation No.

12

OFC Section or FM Order No. violated: Rule 53 Compressed Gas Storage

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

13

OFC Section or FM Order No. violated: 605.7 Appliances - Power Strips

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

14

OFC Section or FM Order No. violated: 605.6 Junction Boxes

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

15

OFC Section or FM Order No. violated: 906.2 Fire Extinguisher Yearly Testing

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

Corrective Action: _____

12 - Remove all compressed gas cylinders stored inside the building.

13 - Remove refrigerators and microwaves from power strips.

14 - An approved cover is required for all open junction boxes.

15 - Certified company to inspect, test and properly tag all extinguishers on-site.

All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector

**FIRE DEPARTMENT CITATION
CONTINUATION SHEET**

Ref. Section 3737.42, ORC

50-109-2

Citation No.

16 OFC Section or FM Order No. violated: 906.2 Fire Extinguisher Monthly Testing
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

17 OFC Section or FM Order No. violated: 118.3.11 Fire Evacuation Routes
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

18 OFC Section or FM Order No. violated: 403.10.1 Fire Safety Plan
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

19 OFC Section or FM Order No. violated: 605.4 Multi-Plug Adapters
Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.
Civil Penalty: \$ 100

Corrective Action:

16 - All fire extinguishers must be checked monthly and proper documentation kept.

17 - Place fire evacuation routes in a conspicuous place in all guest rooms.

18 - Create and maintain a fire safety plan for the property.

19 - Remove all multi-plug adapters.

All electrical hazards present and listed in the inspection report from 10/31/19 & 12/4/19 must be abated and the business must pass an inspection from the Mahoning County Electrical Inspector.

FIRE DEPARTMENT CITATION
CONTINUATION SHEET

50-109-2

Ref. Section 3737.42, ORC

Citation No.

20

OFC Section or FM Order No. violated: 304.2 Storage Nuisance/Hazard

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

21

OFC Section or FM Order No. violated: 901.6/901.6.1/907.8.2 Smoke Detectors

Description of violation: See attached inspection report from the Cardinal Joint Fire District and Ohio State Fire Marshal dated 10/31/19 & 12/4/2019.

Civil Penalty: \$ 100

OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

OFC Section or FM Order No. violated: _____

Description of violation: _____

Civil Penalty: \$ _____

Corrective Action: _____

20 - Remove excessive rubbish, waste and burn piles from inside and outside of property.

21- Smoke detectors need to be tested weekly and proper documentation kept.

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

MATTHEW D. RARICK)
CARDINAL JOINT FIRE DISTRICT)
7075 Herbert Road)
Canfield, Ohio 44406)

Plaintiff)

vs.)

ARTHUR S. KLEIN)
8281 Akron Canfield Road)
Canfield, Ohio 44406)

and)

ALICE M. KLEIN)
8281 Akron Canfield Road)
Canfield, Ohio 44406)

PRIME SUITES LLC)
c/o Robert P. Campbell, Statutory Agent)
2800 W. Market Street)
Fairlawn, Ohio 44333)

Defendants)

CASE NO.

JUDGE

AFFIDAVIT OF MATT RARICK

STATE OF OHIO)
) SS:
COUNTY OF MAHONING)

Now comes MATTHEW D. RARICK, who first being duly sworn, affirmed and cautioned according to law deposes and says:

1. Affiant has personal knowledge of all facts related in this Affidavit and is competent to testify.

EXHIBIT I

2. I am Deputy Fire Chief, State of Ohio Certified Firefighter II, Fire Instructor, and State of Ohio Certified Fire Safety Inspector. A copy of my curriculum vitae is attached to the affidavit as Exhibit A.

3. On October 21, 2019, the Cardinal Joint Fire District obtained a search warrant to inspect the Colonial Motel and property located at 7815 West Akron-Canfield Road in Canfield, Ohio. A copy of the search warrant is attached as Exhibit B.

4. Thereafter on October 31, 2019, I conducted an inspection of the Colonial Motel. A copy of the inspection report is attached as Exhibit C. The State Fire Marshal also conducted an inspection of the premises.

5. On December 4, 2019, the Colonial Motel and related property located at 7815 West Akron-Canfield Road in Canfield, Ohio, was again inspected by me. An inspector from the State Fire Marshal's Office was also presented. A copy of Deputy Chief Rarick's inspection report is attached as Exhibit D.

6. Based upon the conditions found in the inspection of December 4, 2019, and the lack of improvement following two separate inspections, I issued citations to defendants Arthur Klein and Prime Suites LLC pursuant to R.C. 3737.41 and 3737.42.

7. A copy of the R.C. 3737.41 citation issued to Klein is attached as Exhibit E.

8. Copies of the R.C. 3737.42 citations issued to Klein are attached as Exhibit F.

9. A copy of the R.C. 3737.41 citation issued to Prime Suites is attached as Exhibit G.

10. Copies of the R.C. 3737.42 citations issued to Prime Suites are attached as Exhibit H.

11. Based upon my inspections, I found that the Colonial Motel and all structures upon its premises are especially liable to fire or endanger life or other buildings or property due to their

want of proper repair, age, dilapidated condition, defective or poorly installed electrical wiring and equipment, and for all other reasons set forth in the citations.

12. I have issued citations and orders that the building and structures be repaired, torn down, demolished, material removed, and all dangerous conditions remedies.

13. Plaintiff Matt Rarick also believes, based upon the facts set forth in the attached reports and citations (see Exhibits C through H), that a fire and/or explosion hazard exists which could reasonably be expected to cause death or serious physical harm if not eliminated immediately.

14. I reasonably believe that this Court must take immediate action pursuant to R.C. 3737.44 to order that the property be vacated until such time as the defendants have corrected or removed the imminent danger to the occupants and invitees of the property.

15. In my professional opinion, I believe that a temporary restraining order and preliminary injunction forbidding or prohibiting occupancy of the hotel, until the necessary repairs are made or the structure is demolished is necessary to protect the occupants and to otherwise remove them from imminent danger.

16. My opinion as set forth above is made with a reasonable degree of certainty and is based upon my education, training and experience as briefly outlined in my curriculum vitae.

15. I have, prior to the filing of this Complaint, forwarded a copy of the complaint to the defendants at the addresses set forth in the complaint by regular U.S. Mail. Further, plaintiff has delivered a copy of the complaint to Arthur and Alice Klein at 8281 Akron Canfield Road.

FURTHER AFFIANT SAYETH NAUGHT.


MATTHEW D. RARICK

SWORN to before me and SUBSCRIBED in my presence this 3RD day of JANUARY, 2020.

Tina R Miller
NOTARY PUBLIC



TINA R. MILLER
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Ashtabula County
My Comm. Exp. 9-28-20