

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

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

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

"Hotel." A hotel as defined in section 3731.01 of the Revised Code.

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

"Safe Stay Hotel." A hotel that meets all of the qualifications and criteria set forth in paragraph (R)(8)(c)(118.8.3) of this rule and that is designated as an "Ohio Safe Stay Hotel" by the state fire marshal.

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

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

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

(a) For the purposes of qualifying for an "Ohio Safe Stay Hotel" designation, a hotel license renewal application is considered timely if the application, all required paperwork, and all associated fees are received by the division of state fire marshal on or before October 1 of each calendar year. The state fire marshal may change or extend this deadline in the state fire marshal's sole discretion. Notice of any change or extension of the deadline for timely submission of a hotel license renewal application shall be given as set forth in paragraph (R)(8)(i)(118.8.9) of this rule.

(iii) The hotel must not be in violation of any provision of this code, paragraph (R)(118) of this rule, or of the sanitary compliance standards set forth in chapter 3731. of the Revised Code or any rules adopted pursuant thereto; and

Exception: A hotel having only minor violations of this code at the time of inspection may qualify for the "Ohio Safe Stay Hotel" designation if all minor violations are immediately corrected during the course of the inspection and before the state fire marshal concludes the inspection as documented in an inspection report and said minor violations do not result in the issuance of a citation pursuant to section 3737.41 or section 3737.42 of the Revised Code.

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

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

(vi) No finding of or conviction for lewdness, assignation or prostitution, or an offense which constitutes a felony violation of chapter 2925. or chapter 3719. of the Revised Code shall have been entered by a court of competent jurisdiction against any person wherein the conduct that is the basis for such finding or conviction was engaged in on the premises of the hotel seeking a designation under this section and it is demonstrated that the hotel owner, operator or responsible person knew or should have known of such conduct prior to its occurrence.

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

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

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

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

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

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

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

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

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

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

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

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

- (i) 118.8.9 Notification. The state fire marshal shall publish on its website a written policy describing how affected persons or entities shall be notified of any revocations or non-renewals of any designations under paragraph (R)(8)(h)(118.8.8) of this rule and of any extensions of application deadlines described in paragraph (R)(8)(c)(ii)(a)(118.8.3) of this rule. A facility having its designation revoked or not renewed or facilities affected by a deadline extension shall be provided notice of such actions per the policy published on the state fire marshal's website.
- (j) 118.8.10 Effective date. The provisions of this paragraph shall become effective September 1, 2015.