

**PROPOSED AMENDED ORDINANCE NO. 43 – 23**

An Ordinance to add Chapter 1485 to the City of Bexley Codified Ordinances establishing requirements for Automatic External Defibrillators (AED) and Bleeding Control Kit (BCK) in certain establishments within the City.

**By: Sam Marcellino**

**WHEREAS**, Cardiac arrest substantially contributes to avoidable deaths; and

**WHEREAS**, Using cardiac pulmonary resuscitation (CPR) and automatic external defibrillators (AEDs) within minutes of cardiac arrests can improve survival rates; and

**WHEREAS**, Stop the Bleed is a grassroots national campaign that encourages bystanders to become trained, equipped, and empowered to provide assistance in a bleeding emergency before professional help arrives; and

**WHEREAS**, Bleeding Control Kits (BCK) are an important component for providing assistance in a bleeding emergency.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.**

That Chapter 1485 be created to read as follows:

**Section 1485 Automatic External Defibrillator and Bleeding Control Kit Requirements**

**1485.01 Definitions**

- (a) Automatic External Defibrillator shall mean a medical device designed to analyze the heart rhythm and deliver an electric shock to victims of ventricular fibrillation to restore the heart rhythm to normal.
- (b) Bleeding Control Kit “bleeding control kit” means a first aid response kit that contains at least the items set forth in section 1485.02(b)(4) or (5).

**1485.02 General Requirements**

- (a) Automatic External Defibrillators (AED) and Bleeding Control Kits (BCK) shall be installed in the following businesses and facilities.
  - (1) Fitness centers, gymnasiums, and indoor recreational centers in excess of one thousand five hundred (1,500) square feet;
  - (2) All theaters, restaurants, drinking establishments and any assembly occupancy with a capacity of one hundred (100) persons or greater;
  - (3) Places of worship with a capacity of one hundred (100) persons or greater;

Commented [BO1]: Who does or doesn't have this?

- ~~(4) Assemblies exceeding 30,000 square feet and multi-story assemblies shall require additional devices where the travel distance exceeds five hundred (500) feet between AEDs and BCKs.~~
- (5) Office buildings/business occupancies greater than twenty thousand (20,000) square feet;
- (6) All Dental offices in accordance with applicable law;
- (7) All adult day care facilities
- (8) All Educational Institutions in excess of 20,000 square feet. Educational Institution is defined as an Elementary School, Middle School, Secondary School, or University;
- (9) Assisted living facilities as defined by Ohio law;
- (10) Ambulatory surgical centers as defined by Ohio law;
- (11) Walk in medical care facilities;
- (12) Commercial and retail spaces larger than twelve thousand (12,000) square feet;
- (13) All hotels and motels;
- (14) Multi-story residential/dormitory buildings **three (3) floors** or more.

~~Residential elevators supplying services to an independent dwelling unit only, shall be exempt from this requirement.~~

- (i) Multi-story occupancies listed in this section shall place an AED and BCK on every other floor beginning on the first floor. The AED and BCK shall be placed near the elevator(s) beginning on the first-floor (first floor, third floor, fifth floor etc.)
- (ii) Multi-story residential occupancies listed in this section shall place an AED and BCK at every building entrance lobby no further than 15 feet from any elevator.
- ~~(iii) Multi-story occupancies shall require additional devices where the travel distance exceeds five hundred (500) feet between AEDs and BCKs.~~

**(b) Uses requiring an AED per 1485.02(a)(1) through (a)(13) shall be exempt from this requirement if a publicly accessible AED is located within 500' of the premises.**

**1485.02 Installation and Operation.**

~~(a) The Code Enforcement Officer shall verify all AED devices and BCKs for operation prior to being placed in service or available for use, and on an annual basis.~~

- (b) AED(S) and BCK(S) shall be:
  - (1) Conspicuously located in plain view of the primary public entrance or by the elevator lobby with unobstructed access.
  - (2) Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons.
  - ~~(3) AED(S) and BCK(S) shall be housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of the door, permanently affixed to a wall, and whose top is no more than forty eight (48) inches above the floor to prevent tampering, theft, or damage.~~

**Commented [MF2]:** This may be difficult to define for Capital with the multiple buildings.

Should they be required to have multiple AEDs and BCKs similar to large assemblies.

- (4) The AED shall be located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol, which should be placed no more than sixty (60) inches, on center, above the floor.
- (5) The BCK shall be located below a BCK sticker. The BCK sticker may also be placed on the cabinet containing the BCK.
- (6) If there is more than one entrance or exit in the building, or if the building is multiple stories, the business owner shall place a sign at each entrance, exit, or elevator indicating the location of the AED.
- (c) AED devices shall contain adult pads and pediatric pads as required by the AHJ.
- (d) BCK(S) with the exception of large occupancy BCK(S), shall minimally contain:
  - (1) Two (2) Eight commercially manufactured tourniquets; and
    - i. Two sets of Eight gloves; and
    - ii. One (1) scissor; and
    - iii. Two (2) 3-inch gauze rolls; and
    - iv. Two (2) gauze combine pads.
  - (2) Places of occupancy that hold 500 or more persons, regardless of occupancy classification, shall have a large occupancy BCK, which minimally contain:
    - i. Eight (8) commercially manufactured tourniquets; and
    - ii. Four (4) Sets of Eight gloves; and
    - iii. Two (2) scissors; and
    - iv. Eight (8) 3-inch gauze rolls; and
    - v. Eight (8) gauze combine pads.
  - (3) The AED(S) devices and BCK(S) shall be used in accordance with the manufacturer's guidelines.
  - (4) It shall be the responsibility of the owner/occupant to:
    - i. Install the AED device and BCK;
    - ii. Provide all necessary training and appropriate use; and
    - iii. Maintain AED devices and BCK in accordance with manufacture recommended maintenance requirements and as required herein.
- (e) ~~If an AED device or BCK is removed for repair, a replacement shall be provided by the owner/occupant or by the manufacturer.~~

Commented [BO3]: Correlate with Mees Hall / BHS gym/auditorium sizes

**1485.03 Requirements and procedures.**

- (a) ~~The following shall be the requirements and procedures for use, training, and data collection of the AED and BCK program:~~
  - (1) ~~The implementation of an AED and/or BCK shall occur only after a written notification is made to the Chief Building Officer or designee by the individual, entity, organization, or company acquiring an AED. The written notification must contain the facility or business name, street address, specific location of the AED and/or BCK, the number employees at the facility or business, the total number of persons trained or to be trained in the use of the AED and BCK, and name of manufacturer and model number of each AED.~~
  - (2) ~~Prior to implementation of an AED or BCK, in any non-residential occupancy, the individual, organization or company will obtain and send to the Building Department, proof of standardized training for all intended users of the AED and BCK. The training shall consist of a class provided by a nationally recognized organization, or locally~~

~~approved by the Fire Inspector, including, but not limited to, the American Heart Association, the American Red Cross, and the National Safety Council, and shall follow a standardized curriculum.~~

- ~~i. The standardized curriculum shall include, at a minimum:
  - 1. Signs and symptoms of sudden cardiac arrest;
  - 2. Cardiopulmonary resuscitation (CPR); and
  - 3. Proper use, maintenance, and inspection of AEDs.~~
- ~~ii. The training for the BCK shall consist of a class provided by a nationally recognized organization or locally approved by the Fire Inspector. The standardized curriculum shall include, at a minimum:
  - 1. Tourniquet application and use~~

- ~~(b) The owner of any AEDs required by this section will ensure that the AED(a) are maintained and in good working order use of the AED follows the policies and procedures developed and authorized by the Fire Inspector.~~
- ~~(c) Recertification of users, maintenance, and inspection of the AED and BCK is the responsibility of the owner/occupant and shall be done on a periodic basis, as prescribed by the manufacturer and/or certifying agency. Recertification of users will consist of a class, which will review the techniques for using the AED and BCK and follow a standardized curriculum. Recertification training shall be provided as in section 1485.03(a)(2)(i) and (ii) above. Maintenance of the AED device and BCK shall be in accordance with the manufacturer's recommendations.~~
- ~~(d) The Fire Inspector may conduct a quality assurance review after the use of an AED or BCK that includes gathering clinical data and information from the person that used the AED or BCK and from the AED itself.~~
- ~~(e) Any person who uses an AED is required to call 9-1-1 immediately prior to, or immediately upon use of the AED.~~
- ~~(f) The owner and user of the AED or BCK will not withhold consent for a quality assurance review by the Fire Inspector after the use of an AED or to the retrieval of clinical data from the device itself.~~
- ~~(g) The Fire Inspector shall verify the presence of the AED device and/or BCK and may inspect any maintenance records and documentation of training to ensure compliance with this Section.~~
- ~~(h) The City of Bexley is not liable for any damages experienced by the AED and by the BCK, or any person or entity arising as a result of
  - iii. business's use or misuse of the equipment or supplies.
  - iv. business's failure to provide services pertaining to the equipment supplies
  - v. any defects in the equipment or supplies.~~

#### **1485.04 Immunity from civil liability provisions**

The provisions of ORC Section 2305.235, and specifically the immunity from civil liability for any harm resulting from the use or attempted use of an automated external defibrillator (AED) device as found in ORC 2305.235(a)(C) as may be amended from time to time are hereby adopted and incorporated into the ordinance.

**1485.99 Penalty**

Whoever violates or fails to comply with any of the provisions of this chapter shall be provided with a notice of violation, and provided with a minimum of thirty (30) days to comply. If the individual or organization does not comply within the time period provided by the notice of violation, they shall be guilty of a minor misdemeanor. Individuals shall be fined not more than one hundred dollars (\$100.00), and organizations shall be fined in accordance with Section 1430.98, Organizational Penalties. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**Section 2.**

That Section 1430.98, Organizational Penalty be added as follows:

**1430.98 ORGANIZATIONAL PENALTIES.**

(a) Regardless of the penalties provided in Section 1430.99, an organization convicted of violating or failing to comply with any of the provisions of this Building and Housing Code shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of Misdemeanor	Maximum Fine
First degree	\$ 5,000.00
Second degree	\$4,000.00
Third degree	\$3,000.00
Fourth degree	\$2,000.00
Minor	\$1,000.00
Misdemeanor not specifically classified	\$2,000.00
Minor misdemeanor not specifically classified	\$1,000.00

- (1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this section.
- (2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this section, then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.
- (3) This section does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section [606.08](#), either in addition to or in lieu of a fine imposed pursuant to this section.

**Section 3.**

That this Ordinance shall go into effect and be in force **from July 1, 2024.**

Passed \_\_\_\_\_, 2023

\_\_\_\_\_  
Troy Markham, President of Council

Attest: \_\_\_\_\_  
Matt McPeek, Clerk of Council

Approved: \_\_\_\_\_, 2023

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Benjamin Kessler, Mayor