

Senators Cirino and O'Brien Sponsor Testimony
Senate Bill 67
3/1/23

Chairman Hoagland, Vice Chair Wilson and Ranking Member Craig, thank you for allowing us to provide sponsor testimony on Senate Bill 67.

Senate Bill 67 revolves around Section 519.21 of the Ohio Revised Code, which became effective back in 1980 and provided an agricultural exemption for Ohio wineries, and is a statute in which over 100 wineries who grow grapes have been operating for at least the past 40 years. In addition to the exemption, buildings and structures that are used primarily for the process of making and selling of wine and located on land dedicated to this purpose are not required to receive a zoning certificate for the said building or structure.

Since then, family farm wineries have continually built their wineries in such a manner that have been both responsible, as well as in accordance to the rules that they understood to be in play. More recently, there have been various situations in which parties wanting to turn their barns and property into businesses such as corn mazes or wedding venues, and have planted a few grape vines to suffice the viniculture component for the exemption have abused the agricultural exemption. Because of this, the State Fire Marshal began to look more closely at the building requirements, but ultimately turned this authority over to the local departments to enforce. In doing so, there are often many varying opinions and interpretations of the code, which has caused a great deal of confusion.

Senate Bill 67 attempts to rectify some of this confusion. In many of the more recent cases in which a local fire chief deems a winery "hazardous," it tends to stem from outdoor areas, such as patios, and occupancy levels. Therefore, Senate Bill 67 would require the State Fire Marshal to establish rules that clarify an occupant load shall not include an attached, covered exterior patio. The patio would have to have means of egress on at least three sides, and be compliant with the Americans with Disabilities Act.

In addition to this rule clarification, and more importantly, Senate Bill 67 would require the Director of Commerce, the State Fire Marshal, the Board of Building Standards and representatives of the local building departments to work in collaboration to develop guidelines for the enforcement of the Ohio building code and state fire code in a coordinated manner. This collaboration would also include the interaction of exemptions for buildings constructed prior to 2023 from one code with the requirements of the other code. With this process, the ambiguity of current law would be remedied and the safety and health of the winery guests and employees can continue to be the top priority.

Thank you for allowing us to provide Sponsor Testimony on this important issue, and we would be happy to take any questions.