

AN ACT

To amend sections 307.37, 307.38, 307.381, 307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, and 4929.09, to enact sections 1312.01 to 1312.08 and 4740.14, and to repeal sections 3781.181, 3781.182, 3781.21, and 4933.31 of the Revised Code to establish a state residential building code, to make other changes in the laws governing residential construction, and to establish a "right to cure" procedure under which a residential contractor may cure a defect prior to an owner commencing arbitration proceedings or a civil action.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 307.37, 307.38, 307.381, 307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, and 4929.09 be amended and sections 1312.01, 1312.02, 1312.03, 1312.04, 1312.05, 1312.06, 1312.07, 1312.08, and 4740.14 of the Revised Code be enacted to read as follows:

Sec. 307.37. (A) As used in division (B)(3) of this section, "proposed new construction" means a proposal to erect, construct, repair, alter, redevelop, or maintain a single-family, two-family, or three-family dwelling or any structure that is regulated by the Ohio building code.

(B)(1)(a) ~~The board of county commissioners, in addition to its other powers, may adopt, amend, rescind, administer, and enforce regulations pertaining to the erection, construction, repair, alteration, redevelopment,~~

~~and maintenance of single family, two family, and three family dwellings within the unincorporated territory of the county, or the board may establish districts in any part of the unincorporated territory and may adopt, amend, rescind, administer, and enforce such regulations in the districts. When adopted, all regulations, including service charges, shall be uniform within all districts in which building codes are established; however, more stringent regulations may be imposed in flood hazard areas and in Lake Erie coastal erosion areas identified under section 1506.06 of the Revised Code in order to prevent or reduce the hazard resulting from flooding and from erosion along Lake Erie. Except as provided in division (B)(3) of this section, in no case shall the regulations go beyond the scope of regulating the safety, health, and sanitary conditions of those buildings.~~

~~Any person adversely affected by an order of the board adopting, amending, or rescinding a regulation under this section may appeal to the court of common pleas of the county on the ground that the board failed to comply with the law in adopting, amending, rescinding, publishing, or distributing the regulation, that the regulation, as adopted or amended by the board, is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful~~ may adopt local residential building regulations governing residential buildings as defined in section 3781.06 of the Revised Code. No local residential building regulation shall differ from the state residential building code the board of building standards establishes pursuant to Chapter 3781. of the Revised Code unless the regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(b) The board of county commissioners may, by resolution, adopt, administer, and enforce within the unincorporated area of the county an existing structures code pertaining to the repair and continued maintenance of structures and the premises of those structures provided that the existing structures code governs subject matter not addressed by, and is not in conflict with, the state residential building code adopted pursuant to Chapter 3781. of the Revised Code. The board may adopt by incorporation by reference a model or standard code prepared and promulgated by the state, any agency of this state, or any private organization that publishes a recognized or standard existing structures code.

(c) The board shall assign the duties of administering and enforcing any local residential building regulations or existing structures code to a county officer or employee who is trained and qualified for those duties and shall establish by resolution the minimum qualifications necessary to perform those duties.

(2) ~~A county building code~~ The board may include adopt regulations for participation in the national flood insurance program established in the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and regulations adopted for the purposes of section 1506.04 or 1506.07 of the Revised Code governing the prohibition, location, erection, construction, redevelopment, or floodproofing of new buildings or structures, substantial improvements to existing buildings or structures, or other development in unincorporated territory within flood hazard areas identified under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within Lake Erie coastal erosion areas identified under section 1506.06 of the Revised Code, including, but not limited to, residential, commercial, institutional, or industrial buildings or structures or other permanent structures, as defined in section 1506.01 of the Revised Code. Rules adopted under division (B)(2) of this section shall not conflict with the ~~Ohio state residential and nonresidential building code codes adopted pursuant to section 3781.10 of the Revised Code.~~

(3)(a) ~~A county building code may include~~ board may adopt regulations that provide for a review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The regulations may require reasonable drainage mitigation and reasonable alteration of a proposed new construction before a building permit is issued in order to prevent or correct any adverse effects that the proposed new construction may have on existing surface or subsurface drainage. The regulations shall not be inconsistent with, more stringent than, or broader in scope than standards adopted by the natural resource conservation service in the United States department of agriculture concerning drainage or rules adopted by the environmental protection agency for reducing, controlling, or mitigating storm water runoff from construction sites, where applicable. The regulations shall allow a person who is registered under Chapter 4703. or 4733. of the Revised Code to prepare and submit relevant plans and other documents for review, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

(b) If regulations are adopted under division (B)(3) of this section, the board shall specify in the regulations a procedure for the review of the specific effects of a proposed new construction on existing surface or subsurface drainage. The procedure shall include at a minimum all of the following:

(i) A meeting at which the proposed new construction shall be examined for those specific effects. The meeting shall be held within thirty days after an application for a building permit is filed or a review is requested unless

the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be scheduled within five days after an application for a building permit is filed or a review is requested.

(ii) Written notice of the date, time, and place of that meeting, sent by regular mail to the applicant. The written notice shall be mailed at least seven days before the scheduled meeting date.

(iii) Completion of the review by the board of county commissioners not later than thirty days after the application for a building permit is filed or a review is requested unless the applicant has agreed in writing to extend that time period or postpone the meeting to a later time, in which case the review shall be completed not later than two days after the date of the meeting. A complete review shall include the issuance of any order of the board of county commissioners regarding necessary reasonable drainage mitigation and necessary reasonable alterations to the proposed new construction to prevent or correct any adverse effects on existing surface or subsurface drainage so long as those alterations comply with the state residential and nonresidential building codes adopted pursuant to section 3781.10 of the Revised Code. If the review is not completed within the thirty-day period or an extended or postponed period that the applicant has agreed to, the proposed new construction shall be deemed to have no adverse effects on existing surface or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.

(iv) A written statement, provided to the applicant at the meeting or in an order for alterations to a proposed new construction, informing the applicant of the right to seek appellate review of the denial of a building permit under division (B)(3)(b)(iii) of this section by filing a petition in accordance with Chapter 2506. of the Revised Code.

(c) The regulations may authorize the board, after obtaining the advice of the county engineer, to enter into an agreement with the county engineer or another qualified person or entity to carry out any necessary inspections and make evaluations about what, if any, alterations are necessary to prevent or correct any adverse effects that a proposed new construction may have on existing surface or subsurface drainage.

(d) Regulations ~~authorized by~~ adopted pursuant to division (B)(3) of this section shall not apply to any property that a platting authority has been approved by a platting authority under section 711.05, 711.09, or 711.10, or 711.131 of the Revised Code and shall not govern the same subject matter as the state residential or nonresidential building codes adopted pursuant to section 3781.10 of the Revised Code.

(e) As used in division (B)(3) of this section, "subsurface drainage" does not include a household sewage disposal system as defined in section 3709.091 of the Revised Code.

~~(C) Regulations or amendments~~ (1) ~~Any regulation, code, or amendment~~ may be adopted under this section only after a public hearing at not fewer than two regular or special sessions of the board. The board shall cause notice of any public hearing to be published in a newspaper of general circulation in the county once a week for the two consecutive weeks immediately preceding the hearing, except that if the board posts the hearing notice on the board's internet site on the world wide web, the board need publish only one notice of the hearing in a newspaper of general circulation if that newspaper notice includes the board's internet site and a statement that the notice is also posted on the internet site. Any notice of ~~the a public hearings, including hearing~~ hearing shall include the time, date, and place, once a week for two weeks immediately preceding of the hearings. The hearing.

~~(2) Any proposed regulations or amendments~~ regulation, code, or amendment shall be made available ~~by the board~~ to the public at the board office. The regulations or amendments shall take effect on the thirty-first day following the date of their adoption.

(D)(1) No person shall violate any regulation ~~of, code, or amendment~~ the board ~~adopted~~ adopts under sections 307.37 to 307.40 of the Revised Code.

(2) Each day during which an illegal location, erection, construction, floodproofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

(E) Regulations or amendments ~~adopted by resolution of the board~~ the board adopts pursuant to this section, with the exception of an existing structures code, do not affect buildings or structures that exist or on which construction has begun on or before the date the board adopts the regulation or amendment is adopted by the board.

(F)(1) The board may ~~provide for~~ create a building ~~regulation~~ department and ~~may~~ employ the personnel that it determines to be necessary for the purpose of enforcing its regulations to administer and enforce any local residential building regulations or existing structures code the board adopts pursuant to this section. The building department may enforce the state residential and nonresidential building codes adopted pursuant to Chapter 3781. of the Revised Code if the building department is certified pursuant to section 3781.10 of the Revised Code to enforce those codes.

~~Upon certification of the building department under section 3781.10 of the Revised Code, the~~ (2) The board may direct the ~~county~~ building

department, upon certification, to exercise enforcement authority and to accept and approve plans pursuant to sections 3781.03 and 3791.04 of the Revised Code for ~~any other kind or~~ the class of building in the unincorporated territory of the county for which the department and personnel are certified.

Sec. 307.38. ~~For the purposes of administering and enforcing the~~ (A) To administer and enforce any local building regulations, as provided by or existing structures code the board of county commissioners adopts under section 307.37 of the Revised Code and the state residential and nonresidential building codes the board of building standards establishes pursuant to Chapter 3781. of the Revised Code, the board of county commissioners may create, establish, fill, and fix the compensation of the position of county building inspector. ~~Such position shall be in the competitive-classified unclassified service, and appointment, promotion, and removal shall be governed by Chapter 124. of the Revised Code. In lieu of the creation of any such~~ creating that position, the board may assign the duties of the office to an existing county officer who is certified pursuant to section 3781.10 of the Revised Code. The duties of the inspector shall be the administration and enforcement of building regulations.

~~(B) The board may contract with any and a municipal corporation in the county for the administration and enforcement of~~ may enter into a contract under which one entity enforces for the other entity any local building regulations and any municipal corporation may contract with the board for the administration and enforcement of the building regulations of such municipal corporation, existing structures code, or, if certified pursuant to section 3781.10 of the Revised Code, the state residential and nonresidential building codes in the other entity's jurisdiction.

~~The board, pursuant~~ (C) Pursuant to a contract authorizing such action, ~~the board~~ the board may contract on behalf of one or more municipal corporations ~~within its jurisdiction~~ for another county or another municipal corporation ~~within or outside the county~~ to administer and enforce the state residential and nonresidential building code codes, any local residential building regulations, and any existing structures code within the ~~jurisdiction of the~~ municipal corporations seeking those services. The contract ~~the board enters into~~ the board enters into on behalf of these municipal corporations shall ~~provide for obtaining~~ specify which county or municipal corporation is responsible for administering and enforcing the codes and regulations and obtaining the appropriate certification pursuant to division (E) of section 3781.10 of the Revised Code ~~for the exercise of administration and enforcement authority within the municipal corporations and shall specify which political~~

~~subdivision is responsible for securing that certification.~~

~~(D) In a any county ~~which that~~ has a building department certified pursuant to section 3781.10 of the Revised Code, ~~but not certified through a contract with another political subdivision,~~ and ~~which that~~ has a board of building appeals certified pursuant to section 3781.20 of the Revised Code, ~~if any contract the board of county commissioners ~~contracts~~ enters into~~ with a municipal corporation or ~~other another county for the first county~~ to administer and enforce the state residential and nonresidential building code ~~within the municipal corporation or within the other county,~~ the contract codes shall require the board of building appeals in the certified county ~~board of appeals~~ to hear appeals from adjudication orders pertaining to the enforcement of Chapters 3781. and 3791. of the Revised Code and any rules adopted pursuant to ~~these~~ those chapters within the municipal corporation or ~~other~~ county.~~

Sec. 307.381. (A) The board of county commissioners of any county ~~which adopts regulations pursuant to section 307.37 of the Revised Code and which that~~ has a county building department certified pursuant to section 3781.10 of the Revised Code, ~~but not certified through a contract with another political subdivision,~~ may by resolution establish a county board of building appeals, make appointments to the board, and fix the compensation, if any, of the board members. ~~Upon~~

(B) Upon certification under section 3781.20 of the Revised Code, the county board of building appeals shall hear and decide appeals from adjudication orders of the county building inspector or other officer assigned to perform ~~his~~ the building official's duties pertaining to the enforcement within ~~his~~ the jurisdiction of Chapters 3781. and 3791. of the Revised Code and any rules adopted pursuant ~~thereto to those chapters.~~

Sec. 307.40. (A)(1) No person shall erect, construct, alter, repair, or maintain any single-family, two-family, or three-family dwellings residential building as defined in section 3781.06 of the Revised Code, within the unincorporated portion of any county, ~~wherein in which~~ the board of county commissioners has ~~enacted~~ created a building department to administer and enforce local building regulations as provided in section 307.37 of the Revised Code, or an existing structures code unless ~~such that~~ person fully complies with the local building regulations are fully complied with and existing structures code. In the event

(2) No person shall erect, construct, alter, repair, or maintain any residential building as defined in section 3781.06 of the Revised Code within the unincorporated portion of any county in which a certified building department has jurisdiction to enforce the state residential building

code unless that person fully complies with the state residential building code.

(B) In addition to any remedies provided by law, if any building is being erected, constructed, altered, repaired, or maintained in violation of the local building regulations adopted by resolution under the authority granted by such section, the existing structures code, or the state residential building code in a county in which a certified building department enforces the state code, the board, the prosecuting attorney, or the county building inspector of such county, or any owner of an adjacent, contiguous, or neighboring property owner who would be especially damaged by such that violation, in addition to the remedies provided by law, may institute a suit for injunction, abatement, or other appropriate action to prevent such the violation of the regulations relating to the erection, construction, alteration, repair, or maintenance of such building. Sections

(C) Sections 307.37 to 307.40, inclusive, of the Revised Code do not confer any power on any board in of county commissioners with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business.

Sec. 505.73. (A) The board of township trustees may, by resolution, adopt by incorporation by reference, administer, and enforce within the unincorporated area of the township an existing structures code pertaining to the repair and continued maintenance of structures and the premises of such those structures. For such that purpose, the board shall adopt any model or standard code prepared and promulgated by the this state, any department, board, or other agency of the this state, or any public or private organization that publishes a recognized model or standard code on the subject. The board shall ensure that the code adopted governs subject matter not addressed by the state residential building code and that it is fully compatible with the local state residential and nonresidential building code and the rules of codes the board of building standards adopted adopts pursuant to section 3781.10 of the Revised Code.

(B) The board shall assign the duties of administering and enforcing the existing structures code to a township officer or employee who is trained and qualified for such those duties and shall establish by resolution the minimum qualifications necessary for performance of such to perform those duties.

(C)(1) After the board adopts a an existing structures code, the township clerk shall post a notice which shall that clearly identify identifies the code,

state states the code's purpose ~~of the code~~, state and states that a complete copy of the code is on file for inspection by the public with the township clerk and in the county law library ~~of the county in which the township is located~~; and state that the clerk has copies available for distribution to the public at cost. ~~The~~

(2) ~~The~~ township clerk shall post the notice in five conspicuous places in the township for thirty days before the code becomes effective. ~~The clerk and~~ shall ~~also~~ publish the notice in a newspaper of general circulation in the township for three consecutive weeks. If the adopting township amends or deletes any provision of the code, the notice shall contain a brief summary of the deletion or amendment.

(D) If the agency that originally promulgated or published the existing structures code ~~thereafter~~ amends the code, ~~any township that has adopted the code pursuant to this section~~ the board may adopt the amendment or change by incorporation by reference in the ~~same~~ manner as provided for the adoption of the original code.

Sec. 505.75. (A)(1) ~~A board of township trustees may, by resolution adopt by incorporation by reference, administer, and enforce a standard code pertaining to the erection, construction, repair, alteration, and maintenance of single-family, two-family, and three-family dwellings promulgated by the state, or any department, board, or other agency thereof, or by any municipal corporation or county in this state, within the unincorporated territory of the township, or establish districts in any part of the unincorporated territory and adopt, administer, and enforce such standard code in the affected districts. When adopted, all regulations contained in such code, including those establishing service charges, shall be uniform within all districts in which building codes are established, except that more stringent regulations may be imposed in flood hazard areas in order to prevent or reduce the hazard resulting from flooding. In no case shall regulations exceed the scope of regulating the safety, health, and sanitary conditions of such buildings. Any person adversely affected by a resolution of the board adopting, amending, or rescinding a regulation may seek a declaratory judgment pursuant to Chapter 2721. of the Revised Code on the ground that the board failed to comply with the law in adopting, amending, rescinding, publishing, or distributing the regulation, or that the regulation, as adopted or amended by the board, is unreasonable or unlawful, or that the revision of the regulation was unreasonable or unlawful~~ adopt local residential building regulations governing residential buildings as defined in section 3781.06 of the Revised Code. No regulation shall differ from the state residential building code unless the regulation addresses subject matter not addressed

by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

~~A township building code~~ (2) The board may ~~include~~ adopt regulations that are necessary for participation in the national flood insurance program and ~~are that do not in~~ conflict with the ~~Ohio~~ residential and nonresidential building code codes, governing the prohibition, location, erection, construction, or floodproofing of new buildings or structures, or substantial improvements to existing buildings or structures, in unincorporated territory within flood hazard areas identified under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, including, but not limited to, residential, commercial, or industrial buildings or structures.

(B)(1) Regulations or amendments may be adopted under this section only after a public hearing at not fewer than two regular or special sessions of the board and upon an affirmative vote of all members of the board. The board shall cause notice of a public hearing to be published in a newspaper of general circulation in the township ~~notice of the public hearings, including time, date, and place,~~ once a week for two weeks immediately preceding ~~the hearings.~~ a hearing, except that if the board posts the hearing notice on the board's internet site, the board need publish only one notice of the hearing in a newspaper of general circulation if that newspaper notice includes that internet site and a statement that the notice is also posted on the internet site. Any notice the board publishes or posts shall include the time, date, and place of the public hearing.

(2) The proposed regulations ~~or amendments~~ shall be made available by ~~the board~~ to the public at the board office.

~~The township building code shall be adopted if it is approved by an affirmative vote of all members of the board of township trustees.~~

~~The building code and any amendments to the building code adopted by the board become effective thirty days after the date of adoption unless, within thirty days after the adoption of the building code or amendments, there is presented to the board a petition, signed by a number of qualified voters residing in the unincorporated area of the township equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the most recent general election at which a governor was elected, requesting the board to submit the building code or amendments to the electors of such area for approval or rejection at the next primary or general election.~~

~~No building code or amendments for which the referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the building code or amendments. Upon certification~~

~~by the board of elections they take immediate effect.~~

(C)(1) The board of township trustees may ~~establish~~ create a building ~~regulation~~ department and employ personnel it determines necessary to administer and enforce building regulations any local residential building regulations or existing structures code the board adopts pursuant to this section. The building department may enforce state residential and nonresidential building codes the board of building standards establishes pursuant to Chapter 3781. of the Revised Code if the department is certified pursuant to section 3781.10 of the Revised Code to enforce those codes. Upon certification of the building department under section 3781.10 of the Revised Code, the board of township trustees may direct the ~~township~~ building department to exercise enforcement authority and to accept and approve plans pursuant to sections 3781.03 and 3791.04 of the Revised Code ~~for any other kind or class of building in the unincorporated territory of the township for the classes of buildings for which the building department and personnel are certified.~~

~~For the purposes of administering and enforcing the~~ (2) To administer and enforce any local residential building regulations, or existing structures code and the state residential and nonresidential building codes, the board of township trustees may create, establish, fill, and fix the compensation of the position of township building inspector. ~~The inspector shall be to serve as the chief administrative officer of the township building regulation department and shall administer and enforce the building regulations.~~ In lieu of ~~the creation of~~ creating the position of township building inspector, the board may assign the duties of the inspector to an existing township officer who is certified pursuant to division (E) of section 3781.10 of the Revised Code.

(D)(1) The board of township trustees may enter into a contract with any municipal corporation or with a board of county commissioners for the administration and enforcement of municipal corporation or board of county commissioners to administer and enforce local residential building regulations, and any or existing structures code in the township or to enforce the state residential and nonresidential building codes in the township if the building department of the municipal corporation or county is certified to enforce those codes.

(2) Any municipal corporation or board of county commissioners may contract with a board of township trustees for the administration and enforcement of the to administer and enforce local building regulations of the municipal corporation or county or an existing structures code in the municipal corporation or county and, if certified, to enforce the state

residential and nonresidential building codes in the municipal corporation or unincorporated areas of the county.

Sec. 505.76. ~~(A) Building~~ Local residential building regulations adopted or amended by a board of township trustees adopts under sections section 505.75 to 505.77 of the Revised Code and an existing structures code the board adopts pursuant to section 505.73 of the Revised Code shall be made available to the public at the office of the board, and the section headings and numbers and a notice of the availability of the regulations shall be published in at least one newspaper of general townshipwide circulation within ten days after their adoption or amendment.

~~(B) In a county in which the board of county commissioners has adopted building regulations, no township shall adopt such regulations pursuant to sections 505.75 to 505.77 of the Revised Code.~~

Sec. 505.77. (A)(1) No person shall erect, construct, alter, repair, or maintain any single-family, two-family, or three-family dwellings residential building, as defined in section 3781.06 of the Revised Code, within the unincorporated portion of any township, if the board of township trustees has adopted in which a standard code under section 505.75 of the Revised Code, without complying building department has authority to administer and enforce local residential building regulations or an existing structures code unless that person complies with the building regulations and code. No

(2) No person shall erect, construct, alter, repair, or maintain any residential building, as defined in section 3781.06 of the Revised Code, within the unincorporated portion of any township in which a certified building department has jurisdiction to enforce the state residential building code unless that person fully complies with the state residential building code.

(3) No person shall erect, construct, alter, repair, or maintain any residential, commercial, or industrial buildings or structures within the unincorporated area of any township, if a board of township trustees has enacted building regulations under section 505.75 of the Revised Code that are necessary for participation in the national flood insurance program, without complying with such those regulations. If

(4) In addition to any remedies provided by law, if any building is being erected, constructed, altered, repaired, or maintained in violation of the building regulations, existing structures code, or state residential building code in townships in which a certified building department has jurisdiction, the board or, the township building inspector, or any owner of an adjacent, contiguous, or neighboring property owner who would be especially

damaged by ~~such the~~ violation, ~~in addition to the remedies provided by law,~~ may institute a suit for injunction, abatement, or other appropriate action to prevent the violation of the building regulations or the state residential building code relating to the erection, construction, alteration, repair, or maintenance of ~~such that~~ building.

(B) Sections 505.75 to 505.77 of the Revised Code do not confer any power on any board with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. ~~Regulations or amendments adopted by~~ Local building regulations the board ~~shall adopts and the building code that the building department administers and enforces~~ do not affect buildings or structures ~~which that~~ exist or on which construction has begun on or before the date on which the ~~regulations or amendments are adopted by~~ building department begins enforcement of the building code or the date the board adopts the building regulations.

(C) No person shall violate any building regulation of the board ~~adopted~~ adopts under division (A) of section 505.75 of the Revised Code. Each day during which an illegal location, erection, construction, ~~flood-proofing~~ floodproofing, repair, alteration, or maintenance continues may be considered a separate offense.

Sec. 505.78. ~~If~~ (A)(1) A board of township trustees shall not adopt an existing structures code pursuant to section 505.73 of the Revised Code in any county in which the board of county commissioners has adopted an existing structures code pursuant to section 303.37 of the Revised Code.

~~(2) If~~ a board of township trustees adopts a standard an existing structures code under sections 505.75 to 505.77 of the Revised Code and the board of county commissioners of the county in which the township is located subsequently adopts building regulations pursuant to sections 307.37 to 307.40 of the Revised Code an existing structures code, the code adopted by the board of township trustees adopts shall be of no force and effect one year after the effective date of the building regulations adopted by code the board of county commissioners adopts or at an earlier date, as provided by the board of township trustees.

(B)(1) A board of trustees shall not adopt local residential building regulations pursuant to section 505.75 of the Revised Code in any county in which the board of county commissioners has adopted such regulations pursuant to section 303.37 of the Revised Code.

(2) If a board of township trustees adopts local residential building

regulations and the board of county commissioners subsequently adopts such regulations, the township regulations shall be of no force and effect one year after the county regulations become effective or at an earlier date as the board of township trustees provides.

Sec. 1312.01. As used in this chapter:

(A) "Construction defect" means a deficiency that arises directly or indirectly out of the construction or the substantial rehabilitation of a residential building. "Substantial rehabilitation" includes the addition of a room and the removal or installation of a wall, partition, or portion of the structural design.

(B) "Dwelling action" means any civil action in contract or tort for damages or indemnity brought against a residential contractor for damages or the loss of use of real property caused by a construction defect.

(C) "Owner" means an owner or a prospective owner of a residential building or a dwelling unit in a residential building who enters into a contract with a residential contractor for the construction or substantial rehabilitation of that residential building or unit.

(D) "Residential building" means a structure that is a one-family, two-family, or three-family dwelling house or a dwelling unit within that structure, any accessory structures incidental to that dwelling house, and a unit in a condominium development in which the owner holds title to that unit. "Residential building" includes any structure that is used as a model to promote the sale of a similar dwelling house.

(E) "Residential contractor" means a person or entity who, for pay, enters into a contract with an owner for the construction or the substantial rehabilitation of a residential building and who has primary responsibility for the construction or substantial rehabilitation of a residential building.

(F) "Accessory structure" has the same meaning as in section 3781.06 of the Revised Code.

Sec. 1312.02. This chapter applies only to an owner and a residential contractor who enter into a contract for the construction or the substantial rehabilitation of a residential building.

Sec. 1312.03. Upon entering into a contract for the construction or the substantial rehabilitation of a residential building, a residential contractor shall provide the owner with notice of the contractor's right to offer to resolve any alleged construction defect before the owner may commence a dwelling action or arbitration proceedings against the contractor. The contractor may include the notice in the contract or provide the notice as a separate document delivered at the time the owner signs the contract. The notice shall be conspicuous and in substantially the following form:

OHIO LAW CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT OR COMMENCE ARBITRATION PROCEEDINGS FOR DEFECTIVE CONSTRUCTION AGAINST THE RESIDENTIAL CONTRACTOR WHO CONSTRUCTED YOUR HOME. AT LEAST SIXTY DAYS BEFORE YOU FILE A LAWSUIT OR COMMENCE ARBITRATION PROCEEDINGS, YOU MUST PROVIDE THE CONTRACTOR WITH A WRITTEN NOTICE OF THE CONDITIONS YOU ALLEGE ARE DEFECTIVE. UNDER CHAPTER 1312. OF THE OHIO REVISED CODE, THE CONTRACTOR HAS AN OPPORTUNITY TO OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER THE CONTRACTOR MAKES. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT OR COMMENCE ARBITRATION PROCEEDINGS.

Sec. 1312.04. (A) No owner shall commence arbitration proceedings or file a dwelling action against a residential contractor unless, at least sixty days before commencing the proceedings or filing the action, the owner provides the contractor with written notice of the construction defect that would be the basis of the arbitration proceedings or the dwelling action. The notice shall be in writing and mailed, sent by telegram, delivered in person, or sent by any means the contractor has indicated communications may be sent, including facsimile transmission and electronic mail. The notice shall substantially comply with the requirements set forth in division (B) of this section.

(B) Any notice that an owner provides to a contractor pursuant to this section shall substantially do all of the following:

(1) Assert a claim involving a construction defect by itemizing and describing those construction defects;

(2) Include or attach a copy of any documentation concerning the construction defects prepared by a person who inspected the residential building for the owner;

(3) Include the name, address, and telephone number of the owner and the contractor and the address of the building that is the subject of the claim.

(C) After receiving a notice of defects, a contractor may request an owner to provide a description of the cause of the defects and the nature and extent of repairs necessary to remedy the defects. An owner may provide this information if the owner has knowledge of the cause of the defects and the repairs necessary to remedy those defects.

(D) If a contractor files a mechanics lien or commences any type of

arbitration proceedings or legal action against an owner, this chapter does not apply, and the owner immediately may counterclaim, commence arbitration proceedings, or file a dwelling action against the contractor.

Sec. 1312.05. (A) A residential contractor shall provide the owner with a good faith written response to any notice provided pursuant to section 1312.04 of the Revised Code. The response shall be provided within twenty-one days after the owner mailed the notice, delivered it by personal delivery, or transmitted it by telegram, facsimile, or electronic mail. In the response, the contractor shall offer to take one of the following actions:

- (1) Inspect the residential building that is the subject of the claim;
- (2) Compromise and settle the claim without an inspection;
- (3) Dispute the claim.

(B) If a contractor fails to respond as required by division (A) of this section or disputes the claim, an owner is deemed to have complied with this chapter and may commence arbitration proceedings or file a dwelling action without further notice to the contractor.

(C)(1) If an owner rejects a contractor's offer to inspect the property or to compromise and settle a claim, the owner shall notify the contractor of that rejection within fourteen days after receiving the contractor's offer. The rejection notice shall be in writing and include a reason for the rejection.

(2) After providing a rejection notice, an owner has complied with this chapter and may commence arbitration proceedings or file a dwelling action without further notice to the contractor.

Sec. 1312.06. (A) If an owner accepts a residential contractor's offer to inspect the residential building, the owner shall notify the contractor of that acceptance within fourteen days. After accepting the offer to inspect, the owner shall allow the contractor reasonable access to the building during normal working hours. The contractor shall inspect the building within fourteen days after the owner accepts the offer. The contractor shall take reasonable measures to determine the nature and cause of the construction defects and the appropriate remedy. The measures the contractor takes may include, but are not limited to, testing.

(B) Within ten days after a residential contractor conducts an inspection as described in this section, the contractor shall provide the owner with one of the following:

(1) A written offer to remedy the defects at no cost to the owner. The offer shall be accompanied by an inspection report, a prediction of the additional construction work necessary to remedy each defect, and a timetable for completing the work necessary to remedy the defects.

- (2) A written offer to settle the claim;

(3) A written statement asserting that the contractor does not intend to remedy the defects.

(C) An owner has complied with this chapter and may commence arbitration proceedings or file a dwelling action without further notice to the contractor if any of the following occur:

(1) The contractor does not inspect the property within fourteen days after the owner accepts the offer to inspect.

(2) Following an inspection, the contractor does not provide a written response.

(3) The contractor responds that the contractor does not intend to remedy the defects.

(4) The contractor fails to remedy the defects in the manner the contractor describes or within the timetable the contractor provides.

(D) If a residential contractor makes or provides for repairs or replacements to remedy a construction defect, the contractor may take reasonable steps to document the repair or replacement and to inspect the repair or replacement or have it inspected.

(E) If an owner accepts an offer that a residential contractor makes in compliance with this chapter to compromise and settle the claim, to remedy the defects, or to settle the claim and the contractor fulfills that offer in compliance with this chapter, the owner is barred from bringing a dwelling action or commencing arbitration proceedings for the claim.

Sec. 1312.07. Unless otherwise indicated in this chapter, an owner has complied with this chapter and may commence arbitration proceedings or file a dwelling action sixty days after the owner mails, delivers, sends by facsimile transmission or electronic mail, or otherwise provides the residential contractor with a defect notice pursuant to division (A) of section 1312.04 of the Revised Code.

Sec. 1312.08. (A) All applicable statutes of limitation or repose are tolled from the time the owner sends a notice of defect to a contractor pursuant to section 1312.04 of the Revised Code until the owner has complied with this chapter.

(B) If an owner files a dwelling action or commences arbitration proceedings without having complied with this chapter, the court or arbitrator shall dismiss that action or those proceedings without prejudice. The owner may again file a dwelling action or commence arbitration proceedings after complying with this chapter.

(C) This chapter does not apply to any civil action in tort alleging personal injury or wrongful death to a person resulting from a construction defect.

Sec. 3703.01. (A) The division of industrial compliance in the department of commerce shall:

~~(A)~~(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;

~~(B)~~(2) Condemn all unsanitary or defective plumbing that is found in connection with ~~such~~ those places;

~~(C)~~(3) Order ~~such~~ changes in plumbing ~~as are~~ necessary to insure the safety of the public health.

(B)(1) The division of industrial compliance and boards of health of city and general health districts shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that has been certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in such types of buildings.

(2) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that has employed one or more approved plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code and the ~~regulations~~ rules adopted pursuant ~~thereto~~ to those chapters relating to plumbing in such types of buildings.

(3) A municipal corporation does not have jurisdiction to inspect plumbing or collect fees for the inspection of plumbing in types of buildings for which it has not been certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority ~~for plumbing in such types of buildings.~~ A

(4) A board of health of a health district does not have jurisdiction to inspect plumbing or collect fees for the inspection of plumbing in types of buildings for which it does not have an approved plumbing inspector ~~for such types of buildings.~~

(C) The superintendent of industrial compliance shall adopt rules prescribing minimum qualifications based on education, training, experience, or demonstrated ability, which the director shall use in approving plumbing inspectors to do plumbing inspections for health districts. Such minimum qualifications shall be related to the types of buildings for which a person seeks approval.

(D) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the ~~regulations~~ rules adopted ~~thereunder~~ pursuant to those chapters.

The (E) Notwithstanding any other provision of this section, the division

shall make a plumbing inspection of any building or other place that there is reason to believe is in ~~such~~ a condition ~~as~~ to be a menace to the public health.

Sec. 3722.02. A person seeking a license to operate an adult care facility shall submit to the director of health an application on a form prescribed by the director and the following:

(A) In the case of an adult group home seeking licensure as an adult care facility, evidence that the home has been inspected and approved by a local certified building department or by the division of industrial compliance in the department of commerce as meeting the applicable requirements of sections 3781.06 to 3781.18, ~~3781.181, 3781.182,~~ and 3791.04 of the Revised Code and any rules adopted under those sections and evidence that the home has been inspected by the state fire marshal or fire prevention officer of a municipal, township, or other legally constituted fire department approved by the state fire marshal and found to be in compliance with rules adopted under section 3737.83 of the Revised Code regarding fire prevention and safety in adult group homes;

(B) Valid approvals of the facility's water and sewage systems issued by the responsible governmental entity, if applicable;

(C) A statement of ownership containing the following information:

(1) If the owner is an individual, the owner's name, address, telephone number, business address, business telephone number, and occupation. If the owner is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity.

(2) If the owner does not own the building or if the owner owns only part of the building in which the facility is housed, the name of each person who has an ownership interest of five per cent or more in the building;

(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to (i) of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more;

(4) The identity of the manager of the adult care facility, if different from the owner;

(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to (i) of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;

(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide information about

the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to (i) of section 3722.01 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility.

(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation;

(E) Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;

(F) A nonrefundable license application fee in an amount established in rules adopted by the public health council pursuant to this chapter.

Sec. 3722.041. (A) Sections 3781.06 to 3781.18, ~~3781.181, 3781.182,~~ and 3791.04 of the Revised Code do not apply to an adult family home for which application is made to the director of health for licensure as an adult care facility under this chapter. Adult family homes shall not be required to submit evidence to the director of health that the home has been inspected by a local certified building department or the division of industrial compliance in the department of commerce or by the state fire marshal or a fire prevention officer under section 3722.02 of the Revised Code, but shall be inspected by the director of health to determine compliance with this section. An inspection made under this section may be made at the same time as an inspection made under section 3722.04 of the Revised Code.

(B) The director shall not license or renew the license of an adult family home unless it meets the fire protection standards established by rules adopted by the public health council pursuant to this chapter.

Sec. 3781.01. ~~(A) Chapters 3781. and 3791. of the Revised Code do not prevent the legislative authority of a municipal corporation from making further and additional regulations, not in conflict with such those chapters or with the rules and regulations of the board of building standards adopts. Such Those chapters or the rules and regulations of the board of building standards do not modify or repeal any portion of any building code adopted by a municipal corporation and in force on September 13, 1911, which that is not in direct conflict with such those chapters or with such rules and regulations.~~

(B) The state residential building code the board of building standards

adopts pursuant to section 3781.10 of the Revised Code does not prevent a local governing authority from adopting additional regulations governing residential structures that do not conflict with the state residential building code if the procedures in division (C) of this section are followed.

(C)(1) A local governing authority shall, and any person may, notify the board of building standards of any regulation the local governing authority adopts pursuant to division (B) of this section and request the board of building standards to determine whether that regulation conflicts with the state residential building code.

(2) Not later than sixty days after receiving a notice under division (C)(1) of this section, the board shall determine whether the regulation conflicts with the state residential building code and shall notify any person who submitted the notice and the local governing authority that adopted the regulation of the board's determination.

(a) If the board determines that a conflict does not exist, the board shall take no further action with regard to the regulation. If the board determines a conflict exists and the regulation is not necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the regulation is not valid and the local governing authority may not enforce the regulation.

(b) If the board determines that a conflict exists and that the regulation is necessary to protect the health or safety of the persons within the local governing authority's jurisdiction, the board shall adopt a rule to incorporate the regulation into the state residential building code. Until the rule becomes a part of the state residential building code, the board shall grant a temporary variance to the local governing authority and any similarly situated local governing authority to which the board determines the temporary variance should apply.

(D) As used in this section, "local governing authority" means a board of county commissioners, a board of township trustees, and the legislative authority of a municipal corporation.

Sec. 3781.03. ~~(A) The fire marshal or the fire chief of a municipal corporations having corporation that has a fire departments department or the fire chief of townships having a township that has a fire departments department shall enforce all the provisions of Chapters 3781. and 3791. of the Revised Code relating that relate to fire prevention.~~

(B) The superintendent of the division of industrial compliance, the building inspector, or commissioner of buildings in a municipal corporations whose corporation, county, or township in which the building departments have been department is certified by the board of building standards under

~~section 3781.10 of the Revised Code, the building inspector or commissioner of buildings in townships whose building departments have been certified by the board of building standards under section 3781.10 of the Revised Code, and, in the unincorporated territory of counties outside the boundaries of townships that have adopted building regulations under sections 505.75 to 505.77 of the Revised Code, the building inspector or commissioner of buildings in counties whose building departments have been certified by the board of building standards under section 3781.10 of the Revised Code, shall enforce in the jurisdiction of each entity all the provisions in such those chapters and any regulations rules adopted pursuant thereto relating to those chapters that relate to the construction, arrangement, and the erection of all buildings or parts thereof of buildings, as defined in section 3781.06 of the Revised Code, including the sanitary condition of the same those buildings in relation to heating and ventilation.~~

(C) The division of industrial compliance in the department of commerce ~~or~~, the boards of health of health districts, ~~or and~~ the certified departments of building inspection of municipal corporations, subject to ~~the applicable provisions of~~ Chapter 3703. of the Revised Code, shall enforce such chapters Chapters 3781. and regulations relating 3791. of the Revised Code and the rules adopted pursuant to those chapters that relate to plumbing.

(D)(1) The department of the city engineer, in cities having such departments, shall have complete ~~supervision and regulation of authority to~~ supervise and regulate the entire sewerage and drainage system of the city, including the house drain and the house sewer and all laterals draining into the street sewers.

(2) The department of the city engineer shall ~~have~~ control and ~~supervision of~~ supervise the installation and construction of all drains and sewers that become a part of the sewerage system of the city and shall issue all the necessary permits and licenses for the construction and installation of all house drains and house sewers and of all other lateral drains that empty into the main sewers. The department shall keep a permanent record of the installation and location of every drain and sewer of the drainage and sewerage system of the city.

(E) This section does not exempt any officer or department from the obligation to enforce Chapters 3781. and 3791. of the Revised Code.

Sec. 3781.031. ~~Before any (A) Any~~ department or agency of the state or any political subdivision ~~attempts to enforce that enforces~~ that enforces Chapters 3781. and 3791. of the Revised Code or ~~any the rules or regulations~~ adopted pursuant ~~thereto to those chapters~~, by any remedy, civil or criminal, ~~it~~ shall

issue an adjudication order within the meaning of sections 119.06 to 119.13; ~~inclusive~~, of the Revised Code, or a stop work order as provided ~~herein in this section~~.

~~(B)(1)~~ Any person charged with ~~the duty of~~ enforcing Chapters 3781. and 3791. of the Revised Code or the rules or regulations adopted pursuant ~~thereto to those chapters~~ may issue a stop work order whenever ~~he the~~ person finds, after inspection, that the site preparations or structure to be constructed, or ~~in the case of an industrialized unit~~, the installation of ~~the an~~ an industrialized unit, or ~~that~~ the use of an appliance, material, assemblage, or manufactured product does not comply with ~~the provisions of~~ Chapters 3781. and 3791. of the Revised Code or the rules ~~or regulations~~ adopted pursuant ~~thereto to those chapters~~. The effect of such an order shall be limited to the matter specified therein.

~~Every~~ (2) Any adjudication order shall specify what appliances, site preparations, additions, or alterations to structures, plans, materials, assemblages, or procedures are necessary for ~~the same to comply~~ compliance with Chapters 3781. and 3791. of the Revised Code.

~~(C)~~ Upon the issuance of any order provided for ~~herein in this section~~, the person receiving ~~such the~~ order shall cease work upon the site preparations or structure to be constructed; or ~~in the case of an industrialized unit~~, the installation of ~~the an~~ an industrialized unit, or shall cease using the appliance, materials, assemblages, or manufactured product identified in the order until ~~such time as~~ the appeal provided for in accordance with ~~the provisions of~~ section 3781.19 of the Revised Code, and all appeals from ~~such the~~ hearing have been completed, or the order issued ~~herein~~ has been released.

~~(D)~~ Notwithstanding ~~the provisions of~~ Chapter 119. of the Revised Code relating to adjudication hearings and ~~the proceedings thereon~~, a stenographic or mechanical record of the testimony and other evidence submitted shall be taken at the expense of the agency; ~~a. Any~~ party adversely affected by an order issued following ~~such an~~ adjudication hearing may appeal to the court of common pleas of the county in which ~~he the~~ party is a resident or in which the premises affected by ~~such the~~ order is located; ~~the. The~~ court ~~in such case~~ shall not be confined to the record as certified to it by the agency but any party may produce additional evidence and the court shall hear the matter upon ~~such the~~ record and ~~such~~ additional evidence ~~as is introduced by any party; and the~~ introduces. The court shall not affirm the agency's order ~~of the agency~~ unless the preponderance of the evidence before it supports the reasonableness and lawfulness of ~~such the~~ order and ~~of any rule or regulation~~ of the board of building standards upon which the order ~~of the~~

agency is based in its application to the particular set of facts or circumstances involved in the appeal.

(E) Failure to cease work after receipt of receiving a stop work order is hereby declared a public nuisance.

Sec. 3781.06. (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances ~~thereof of those buildings~~ erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy, ~~except that sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be considered as model provisions with no force and effect when applied to single family, two family, and three family dwelling houses, and accessory structures incidental to those dwelling houses, that have not been constructed or erected as industrialized one family, two family, or three family units or structures within the meaning of the term "industrialized unit" as provided in division (C)(3) of this section, except where the context specifies mandatory applicability.~~

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code shall be construed to limit the power of the public health council to adopt rules of uniform application governing manufactured home parks pursuant to section 3733.02 of the Revised Code.

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised Code ~~shall~~ do not apply to either of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which ~~such the~~ buildings or structures are located, provided ~~such those~~ buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying,

pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.10. ~~The board of building standards shall:~~

(A) ~~Formulate~~ (1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental thereto to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials to be used in connection therewith with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy in and to the safety and sanitation of such those buildings. The

(2) The rules shall be governing nonresidential buildings are the lawful minimum requirements specified for such those buildings or and industrialized units, except that no rule, except other than as provided in

division (C) of section 3781.108 of the Revised Code, ~~which that~~ specifies a higher requirement than is imposed by any section of the Revised Code ~~shall be is~~ enforceable; ~~the~~. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

~~(3) The rules shall be acceptable as adopted pursuant to this section are complete,~~ lawful alternatives to ~~the any~~ requirements specified for ~~such~~ buildings or industrialized units in any section of the Revised Code; ~~and the~~. The board shall, on its own motion; or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

~~(B) Formulate and~~ The board shall report to the general assembly ~~such proposals for amendments in to~~ existing statutes relating to the purposes declared in section 3781.06 of the Revised Code ~~as that~~ public health and safety and the development of the arts require and ~~such shall recommend any~~ additional legislation ~~as it recommends with a view to assist in~~ carrying out fully, in statutory form, the purposes declared in ~~such that~~ section; ~~and~~. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code;.

~~(C) Determine by rule, or~~ On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction; complies with performance standards adopted pursuant to section 3781.11 of the Revised Code, ~~having~~. The board shall make its determination with regard to its adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction ~~which is~~ described in ~~such that~~ section of the Revised Code; is permitted by law; ~~and on like application~~. The board shall amend or annul any ~~such~~ rule or issue an authorization for the use of a new material or manufactured unit; ~~and no on any like application~~. No department, officer, board, or commission of the state other than the board of building standards

or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule ~~adopted~~ the board of building standards adopts or ~~authorization issued by the board of building standards issues~~ or ~~in~~ that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules ~~adopted by~~ the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) ~~Recommend~~ The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, ~~or~~ any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, ~~the making, amending, fixing, or ordaining by such appropriate action as such state, county, township, or municipal authorities may be empowered by law or the constitution to take, of such rules, codes, or standards as shall tend to carry out the purposes declared in section 3781.06 of the Revised Code, with a view to securing uniformity of state administrative ruling; and local legislation and administrative action; and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.~~

(E) ~~Certify~~ (1) The board shall certify municipal, township, and county building departments and the personnel of those building departments, and persons and employees of individuals, firms, or corporations as described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03 and 3791.04, and 4104.43 of the Revised Code.

~~The board also shall certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in divisions (E)(1) and (2) of this section, to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.~~ (2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements ~~that shall be satisfied~~ for certification ~~purposes~~ for residential and nonresidential building code enforcement, which ~~requirements~~ shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, ~~in order~~ to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification. ~~In adopting the requirements, the board which shall be not specify less than thirty hours of continuing building code education within a three-year period;~~ The rules shall provide that continuing education credits; and certification issued; by the council of American building officials, national model code organizations, and agencies or entities recognized by the board; recognizes are acceptable for purposes of this division; ~~and. The rules shall specify requirements that are compatible, to the extent possible, with requirements established by the council of American building officials and national model code organizations establish. The~~

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in divisions (E)(1) and (2) of this section, who are certified pursuant to this division.

~~All individuals~~ (5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit ~~their certifications~~ certification.

(6) This division does not require or authorize the certification by the board of board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in ~~divisions (E)(1) and (2) of this section~~, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or ~~the making of inspections; under the Ohio state residential and nonresidential building code codes.~~

~~(1)(7)~~ (7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved; and inspections may be made on behalf of a

municipal corporation, township, or county, by any of the following who ~~are certified by~~ the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, ~~when such persons, firms, or corporations are under~~ pursuant to a contract to furnish architectural or engineering services to the municipal corporation, township, or county, ~~and such authority is exercised pursuant to such contract;~~

(c) Officers or employees of ~~any other, and persons under contract with,~~ a municipal corporation, township, county, health district, or other political subdivision, ~~or persons or employees of persons, firms, or corporations under contract with the same pursuant to division (E)(1)(b) of this section, when such other municipal corporation, township, county, health district, or other political subdivision is under~~ pursuant to a contract to furnish architectural or engineering services to the municipal corporation, township, or county, ~~and such authority is exercised pursuant to such contract.~~

~~(2) Enforcement authority for inspections may be exercised, and inspections may be made, on behalf of a municipal corporation, township, or county, by any of the following who are certified by the board of building standards:~~

~~(a) Officers or employees of the municipal corporation, township, or county;~~

~~(b) Persons, or employees of persons, firms, or corporations, when such persons, firms, or corporations are under contract to furnish inspection services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract;~~

~~(c) Officers or employees of any other municipal corporation, township, county, health district, or other political subdivision under contract to furnish inspection services to the municipal corporation, township, or county, when such authority is exercised pursuant to such contract.~~

~~(3)~~(8) Municipal, township, and county building departments ~~shall~~ have jurisdiction within the meaning of sections 3781.03 ~~and~~, 3791.04, ~~and~~ 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters ~~as to~~ for which they ~~have been~~ are certified under this section ~~and as to which such certification remains in effect.~~

~~(4) Such certification~~ (9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of ~~such~~ that application by the board of building standards. ~~Such~~ The application shall set forth:

(a) ~~The types of building occupancies as to which~~ Whether the

certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to ~~divisions (E)(1)(b) and (2)(b)~~ division (E)(7)(b) of this section;

(d) The names of any other municipal ~~corporations~~ corporation, townships township, counties county, health districts district, or other political subdivisions contracting subdivision under contract to furnish work or services pursuant to ~~divisions (E)(1)(e) and (2)(e)~~ division (E)(7) of this section;

(e) The proposed budget for the operation of ~~such~~ the building department.

~~(5)(10)~~ (10) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and ~~of these~~ persons and employees of persons, firms, or corporations exercising authority pursuant to ~~divisions (E)(1) and (2)~~ division (E)(7) of this section. ~~Any~~ The rules shall disqualify any employee of the department or person who contracts for services with the department is ~~disqualified~~ from performing services for the department when ~~the same would require the~~ that employee or person would have to pass upon, inspect, or otherwise exercise ~~any~~ authority ~~given by the Ohio building code~~ over any labor, material, or equipment ~~furnished by the employee or person~~ furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the ~~requirements of the Ohio residential and nonresidential building code codes~~ as it pertains they pertain to such that work.

(b) The minimum services to be provided by a certified building department.

~~(6) Such certification~~ (11) The board of building standards may ~~be~~ revoke or ~~suspended~~ suspend certification to enforce the residential and nonresidential building ~~occupancies to which it relates~~ codes, on petition to the board ~~of building standards~~ by any person affected by ~~such that~~ such that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any ~~such~~ such proceedings for certification or ~~for~~ revocation or suspension of certification in the same manner as provided in section

3781.101 of the Revised Code for other proceedings of the board of building standards.

~~(7)~~(12) Upon certification, and until ~~such~~ that authority is revoked, any county and or township building departments department shall enforce ~~such rules over those occupancies listed in the application~~ the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) ~~Conduct such hearings, in~~ In addition to ~~those required by~~ hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, and the board of building standards shall make ~~such~~ investigations and tests, and require from other state departments, officers, boards, and commissions ~~such~~ information as the board considers necessary or desirable ~~in order~~ to assist it in the discharge of any duty or ~~in~~ the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18 ~~and, 3791.04, and 4104.43~~ of the Revised Code~~;~~

(G) ~~Formulate~~ The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee ~~established~~ shall bear some reasonable relationship to the cost of ~~such~~ the review or testing of the materials, assembly, or products ~~submitted~~ and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) ~~Compile and publish, in the form of a model code, rules pertaining to one family, two family, and three family dwelling houses that any municipal corporation, township, or county may incorporate into its building code;~~ The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (C)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I) ~~Cooperate~~ The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes~~;~~

(J) ~~Adopt~~ The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

Sec. 3781.102. (A) Any county or municipal building department

certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified pursuant to division (E) of section 3781.10 of the Revised Code, is hereby declared to be certified to inspect single-family, two-family, and three-family residences containing industrialized units, and shall inspect the buildings or classes of buildings subject to division (E) of section 3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by resolution, rules establishing standards and providing for the licensing of electrical and heating, ventilating, and air conditioning contractors who are not required to hold a valid and unexpired license pursuant to Chapter 4740. of the Revised Code.

Rules adopted by a board of county commissioners pursuant to this division may be enforced within the unincorporated areas of the county and within any municipal corporation where the legislative authority of the municipal corporation has contracted with the board for the enforcement of the county rules within the municipal corporation pursuant to section 307.15 of the Revised Code. The rules shall not conflict with rules adopted by the board of building standards pursuant to section 3781.10 of the Revised Code or by the department of commerce pursuant to Chapter 3703. of the Revised Code. This division does not impair or restrict the power of municipal corporations under Section 3 of Article XVIII, Ohio Constitution, to adopt rules concerning the erection, construction, repair, alteration, and maintenance of buildings and structures or of establishing standards and providing for the licensing of specialty contractors pursuant to section 715.27 of the Revised Code.

A board of county commissioners, pursuant to this division, may require all electrical contractors and heating, ventilating, and air conditioning contractors, other than those who hold a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code, to successfully complete an examination, test, or demonstration of technical skills, and may impose a fee and additional requirements for a license to engage in their respective occupations within the jurisdiction of the board's rules under this division.

(C) No board of county commissioners shall require any specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code to successfully complete an examination, test, or demonstration of technical skills in order to engage in the type of contracting for which the license is held, within the unincorporated areas of the county and within any municipal corporation

whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(D) A board may impose a fee for registration of a specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code before that specialty contractor may engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code, provided that the fee is the same for all specialty contractors who wish to engage in that type of contracting. If a board imposes such a fee, the board immediately shall permit a specialty contractor who presents proof of holding a valid and unexpired license and pays the required fee to engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(E) The political subdivision associated with each municipal, township, and county building department ~~certified by~~ the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, ~~a fee fees~~ equal to ~~three~~ the following:

(1) Three per cent of those the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with residential buildings. The

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to this division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fee assessed pursuant to this division fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund

under this division shall be used exclusively for ~~both~~ of the following:

~~(1)~~(a) Operating costs of the board;

~~(2)~~(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code.

~~(G)~~(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

~~(H)~~(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

~~(I)~~(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

Sec. 3781.11. (A) The rules of the board of building standards shall:

(1) ~~Provide~~ For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code;

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques,

including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph, and telephone offices, railroad depots, and memorial buildings, but does not include hotels and tenement and apartment houses.

Sec. 3781.12. (A) Any person may petition the board of building standards to adopt, amend, or annul a rule ~~or regulation~~ adopted pursuant to section 3781.10 of the Revised Code, or to permit the use of any particular fixture, device, material, system, method of manufacture, product of a manufacturing process, or method or manner of construction or installation; ~~which that~~ that complies with performance standards adopted pursuant to section 3781.11 of the Revised Code, as regards the purposes declared in section 3781.06 of the Revised Code, of the fixtures, devices, materials, systems, or methods or manners of construction, manufacture or installation described in any section of the Revised Code relating to ~~said those~~ those purposes, where the use is permitted by law. ~~Upon~~

(B) ~~Upon~~ petition, the board shall cause to be conducted ~~such~~ testing and evaluation ~~as that~~ that the board ~~shall determine~~ determines desirable of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation sought to be used under the rules ~~and regulations~~ adopted by the board ~~by virtue of~~ adopts pursuant to section 3781.10 of the Revised Code. ~~If~~

(C) ~~If~~ the board, after hearing, ~~deems~~ determines it advisable to adopt the rule ~~or regulation or~~ amendment, or annulment ~~thereof~~, or to permit the use of the materials or assemblages petitioned for, it shall give at least thirty days' notice of the time and place of a public hearing ~~thereon, which notice shall be given in accordance with the provisions set forth in~~ as provided by section 119.03 of the Revised Code. No ~~such~~ rule ~~or regulation~~ shall be adopted, amended, or annulled; or the use of ~~such~~ materials or assemblages authorized; until after ~~such the~~ public hearing. A copy of every ~~such~~ rule ~~or regulation and every~~ amendment, or annulment ~~thereof~~, and a copy of every approved material or assembly authorization signed by the ~~chairman~~ chairperson of the board of building standards; and sealed with the seal of the department of commerce; shall, after final adoption or authorization by the board, be filed with the secretary of state and ~~shall be published in such manner~~ as the board determines. The issuance of the authorization for the use of the materials or assemblages described in the petition ~~shall constitute~~ constitutes approval for their use anywhere in ~~Ohio~~ this state. Any ~~such~~ rule

~~or regulation or, amendment, or annulment thereof shall~~ does not take effect until a date ~~fixed by the board~~ fixes and ~~stated therein~~ states. No ~~such rule, regulation, amendment, or annulment shall apply~~ applies to any building ~~for which the plans or drawings, specifications, and data of which have been~~ which ~~were~~ approved prior to the time ~~such~~ the rule, ~~regulation, amendment, or annulment takes effect~~ becomes effective. All hearings of the board ~~shall be~~ are open to the public. Each ~~of the members~~ member of the board may administer oaths in the performance of ~~his~~ the member's duties.

Sec. 3781.13. Any person interested, either because of ownership or occupation of any property affected by any rule ~~or regulation~~ described in section 3781.12 of the Revised Code, or as the producer, manufacturer, seller, or distributor, of any building material, industrialized unit, plumbing, heating, or ventilating system or device, or any other device, product, assembly, or equipment, the use of which is not provided for by any ~~such rule or regulation,~~ may petition for a hearing on the reasonableness and lawfulness of any action of the board of building standards, adopting, amending, or annulling or refusing to adopt, amend, or annul ~~such~~ the rule ~~or regulation,~~ in the manner provided in sections 3781.06 to 3781.18; ~~inclusive,~~ and section 3791.04 of the Revised Code. ~~Such~~ Any petition for hearing shall be by verified petition filed with the board ~~setting and shall set~~ out specifically and in full detail the action of the board upon which a hearing is desired, and the reason why ~~such~~ that action is unreasonable or unlawful, and every issue ~~to be considered by the board~~ should consider on the hearing. ~~Such~~ The petition shall be filed within thirty days after the record of the action of the board is filed in the office of the secretary of state, in cases where ~~such~~ the record is required to be ~~so~~ filed with the secretary of state; otherwise the petition shall be filed within thirty days after the action is taken. Upon receipt of ~~said~~ the petition, after a hearing ~~which shall be held within thirty days thereafter~~ after the receipt of the petition and of which after notice has been given to the petitioner, the board may determine that ~~such~~ the action is unreasonable or unlawful and annul any rule ~~or regulation forthwith, or it may,~~ confirm its prior action ~~forthwith,~~ or ~~it may~~ re-enact or amend any rule ~~or regulation~~ in the manner provided in section 3781.12 of the Revised Code. If the board does not determine the matter in hearing is not determined by the board within two weeks after ~~such~~ the hearing, the action may, at the option of the petitioner, be deemed to have been confirmed.

Sec. 3781.18. Wherever ~~in~~ Chapters 3781. and 3791. of the Revised Code or the rules or regulations adopted pursuant ~~thereto~~ to those chapters describe particular fixtures, devices, materials, systems, method of

manufacture, product of a manufacturing process, or methods or manners of construction or installation ~~are described~~ pertaining to nonresidential buildings, such description prescribes those descriptions prescribe minimum standards of safety and sanitary conditions ~~exemplified by such that~~ a particular ~~fixtures~~ fixture, ~~devices~~ device, ~~materials~~ material, ~~systems~~ system, method of manufacture, product of a manufacturing process, or ~~methods~~ method or ~~manners~~ manner of construction or installation ~~exemplifies~~. ~~Where the~~ The use of another fixture, device, material, system, industrialized unit, newly designed product, or method, or manner of construction or installation ~~is desired which that~~ is at variance with what is described in such chapters, such use the descriptions is permissible; if ~~such~~ either the fixture, device, material, system, manufactured component or unit, product, method, or manner of construction complies with performance standards as ~~determined by the board~~ determines.

Sec. 3781.183. If the board of building standards adopts rules under sections 3781.06 to 3781.18, ~~3781.181, and 3781.182~~ of the Revised Code concerning the requirements an adult group home seeking licensure as an adult care facility must meet under section 3722.02 of the Revised Code, the board shall adopt the rules in consultation with the directors of health and of aging and any interested party designated by the directors of health and of aging.

Sec. 3781.99. (A) Whoever violates division (E) of section 3781.111 of the Revised Code shall be issued a warning for a first offense. On each subsequent offense, the person shall be fined twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(B) Whoever violates this chapter or any rule adopted or order issued pursuant to it that relates to the construction, alteration, or repair of any building, and the violation is not detrimental to the health, safety, or welfare of any person shall be fined not more than one hundred dollars.

(C) Whoever violates this chapter or any rule adopted or order issued pursuant to it that relates to the construction, alteration, or repair of any building, and the violation is detrimental to the health, safety, or welfare of any person, is guilty of a minor misdemeanor.

Sec. 3791.04. (A)(1) Before beginning the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code ~~is applicable~~ applies, including all industrialized units, the owner ~~thereof of that building~~, in addition to any other submission ~~of plans or drawings, specifications, and data~~ required by law, shall submit ~~the plans or drawings, specifications, and data~~ prepared for the construction, erection, ~~and~~

equipment thereof, or the alteration thereof, or addition thereto, which plans or drawings, and specifications shall ~~that~~ indicate ~~thereon~~ the portions that have been approved pursuant to section 3781.12 of the Revised Code; and for which no further approval ~~shall be~~ is required, to the municipal, township, or county building department having jurisdiction ~~if such department has been certified as provided in division (E) of section 3781.10 of the Revised Code, and if there is~~ unless one of the following applies:

(a) If no certified municipal, township, or county building department, certified for nonresidential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner shall make the submissions described in division (A)(1) of this section to the superintendent of the division of industrial compliance, for approval.

(b) If no certified municipal, township, or county building department certified for residential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner is not required to make the submissions described in division (A)(1) of this section.

(2)(a) The seal of an architect registered under Chapter 4703. of the Revised Code or an engineer registered under Chapter 4733. of the Revised Code ~~shall be~~ is required for any plans, drawings, specifications, or data submitted for approval, unless the plans, drawings, specifications, or data ~~may~~ are permitted to be prepared by persons other than registered architects pursuant to division (C) or (D) of section 4703.18 of the Revised Code, or by persons other than registered engineers pursuant to division (C) or (D) of section 4733.18 of the Revised Code.

(b) No seal shall be is required for any plans, drawings, specifications, or data submitted for approval for any residential buildings ~~or structures~~ subject to the requirements of section ~~3781.181~~ of the Revised Code, ~~exempt from the requirements of sections, as defined in section 3781.06 to 3781.18 and 3791.04~~ of the Revised Code, or erected as industrialized one-, two-, or three-family units or structures within the meaning of "industrialized unit" as defined in section 3781.06 of the Revised Code.

(c) No seal shall be is required for approval of the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced. No seal ~~shall be~~ is required for approval for any new construction, improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code if the proposed work does not involve technical design analysis, as defined by rule adopted by the board of building standards.

(B) No owner shall proceed with the construction, erection, alteration,

or equipment of any ~~such~~ building until ~~such~~ the plans or drawings, specifications, and data have been ~~so~~ approved as this section requires, or the industrialized unit inspected at the point of origin. No plans or specifications shall be approved or inspection approval given unless the building represented ~~thereby~~ would, if constructed, repaired, erected, or equipped ~~according to the same~~, comply with Chapters 3781. and 3791. of the Revised Code and any rule made under ~~such~~ those chapters.

(C) The approval of plans or drawings and specifications or data pursuant to this section is invalid if construction, erection, alteration, or other work upon the building has not commenced within twelve months of the approval of the plans or drawings and specifications. One extension shall be granted for an additional twelve-month period if ~~requested by the owner~~ requests at least ten days in advance of the expiration of the permit and upon payment of a fee not to exceed one hundred dollars. If in the course of construction, work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if ~~requested by the owner~~ requests at least ten days in advance of the expiration of the permit and upon payment of a fee for each extension of not more than one hundred dollars. Before any work may continue on the construction, erection, alteration, or equipment of any building for which the approval is invalid, the owner of the building shall resubmit the plans or drawings and specifications for approval pursuant to this section.

(D) Subject to section 3791.042 of the Revised Code, the board of building standards or the legislative authority of a municipal corporation, township, or county, by rule, may regulate the requirements for the submission of plans and specifications to the respective enforcing departments and for ~~the processing of the same~~ by ~~such~~ those departments. The board of building standards or the legislative authority of a municipal corporation, township, or county may adopt rules to provide for the approval, subject to section 3791.042 of the Revised Code, by the department having jurisdiction of the plans for construction of a foundation or any other part of a building or structure before the complete plans and specifications for the entire building or structure ~~have been~~ are submitted. When any plans are approved by the department having jurisdiction, the structure and every particular ~~thereof~~ represented by and disclosed in those plans ~~and disclosed therein~~ shall, in the absence of fraud or a serious safety or sanitation hazard, be conclusively presumed to comply with Chapters 3781. and 3791. of the Revised Code and any rule issued pursuant ~~thereto~~ to those chapters, if constructed, altered, or repaired in accordance with those

plans and any ~~such~~ rule in effect at the time of approval.

(E) The approval of plans and specifications, including inspection of ~~the~~ industrialized units, under this section is a "license" and the failure to approve ~~such~~ plans or specifications as submitted or to inspect the unit at the point of origin within thirty days after the plans or specifications are filed; or the request ~~for inspection of~~ to inspect the industrialized unit is made, ~~or~~ the disapproval of ~~such~~ plans and specifications, or the refusal to approve ~~such~~ an industrialized unit; following inspection at the point of origin is "an adjudication order denying the issuance of a license" requiring an "adjudication hearing" as provided by sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code. An adjudication order denying the issuance of a license shall specify the reasons for ~~such~~ that denial.

(F) The board of building standards shall not require the submission of site preparation plans or plot plans to the division of industrial compliance ~~in situations where~~ when industrialized units are used exclusively as one-, two-, or three-family dwellings.

(G) Notwithstanding any procedures ~~established by~~ the board establishes, if the agency having jurisdiction, ~~if it~~ objects to any portion of the plans or specifications, ~~upon the request of~~ the owner or the owner's representative ~~of the owner~~, may request the agency to issue conditional approval to proceed with construction up to the point ~~where there is~~ of the objection. Approval shall be issued only when the objection results from conflicting interpretations of the rules of the board of building standards rather than the application of specific technical requirements of the rules. Approval shall not be issued where the correction of the objection would cause extensive changes in the building design or construction. The giving of conditional approval is a "conditional license" to proceed with construction up to the point where the construction or materials objected to by the agency are to be incorporated into the building. No construction shall proceed beyond ~~this~~ that point without the prior approval of the agency or another agency ~~which~~ that conducts an adjudication hearing relative to the objection. The agency having jurisdiction shall specify its objections to the plans or specifications, which is an "adjudication order denying the issuance of a license" and may be appealed pursuant to sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code.

(H) A certified municipal, township, or county building department having jurisdiction, or the superintendent of the division of industrial compliance, as appropriate, shall review any plans, drawings, specifications,

or data described in this section that are submitted to it or to the superintendent.

(I) No owner or persons having control as an officer, or as a member of a board or committee, or otherwise, of a building to which section 3781.06 of the Revised Code is applicable, and no architect, designer, engineer, builder, contractor, subcontractor, or any officer or employee of a municipal, township, or county building ~~inspection~~ department shall violate this section.

(J) Whoever violates this section shall be fined not more than five hundred dollars.

Sec. 3791.042. If a building department certified under ~~division (E) of~~ section 3781.10 of the Revised Code does not have personnel in its full-time employ as ~~described in division (E)(1)(a) of section 3781.10 of the Revised Code~~ who are certified by the board of building standards to do plan and specification review, plans and specifications submitted to the building department shall be examined by the approved building official and shall be approved by ~~him~~ the official if the plans and specifications ~~are determined to conform with the Ohio building code and Chapters 3781. and 3791. of the Revised Code, and if the plans and specifications satisfy both of the following requirements:~~

~~(A) The plans and specifications~~ were prepared by an architect who is certificated and registered pursuant to Chapter 4703. of the Revised Code; or by a professional engineer who is registered pursuant to Chapter 4733. of the Revised Code:

~~(B) The and those~~ plans and specifications contain a written certification by ~~an the~~ architect or professional engineer, ~~as described in division (A) of this section,~~ that indicates that the plans and specifications conform to ~~the requirements of~~ the Ohio building code and Chapters 3781. and 3791. of the Revised Code.

Sec. 3791.99. (A) Whoever violates division (B) of section 3791.11 or division (D) of section 3791.21 of the Revised Code is guilty of a minor misdemeanor, and each day the violation continues constitutes a separate offense.

(B) Whoever violates this chapter or any rule adopted or order issued pursuant to it that relates to the construction, alteration, or repair of any building, and the violation is not detrimental to the health, safety, or welfare of any person, shall be fined not more than one hundred dollars.

(C) Whoever violates this chapter or any rule adopted or order issued pursuant to it that relates to the construction, alteration, or repair of any building, and the violation is detrimental to the health, safety, or welfare of

any person, is guilty of a minor misdemeanor.

Sec. 4703.18. (A) No person shall enter upon the practice of architecture or hold ~~himself or herself~~ forth as an architect or registered architect, unless the person has complied with sections 4703.01 to 4703.19 of the Revised Code and is the holder of a certificate of qualification to practice architecture issued or renewed and registered under those sections.

(B) Sections 4703.01 to 4703.19 of the Revised Code do not prevent persons other than architects from filing applications for building permits or obtaining those permits.

(C) Sections 4703.01 to 4703.19 of the Revised Code do not prevent persons other than architects from preparing plans, drawings, specifications, or data, filing applications for building permits, or obtaining those permits for residential buildings or structures subject to the requirements of, as defined by section ~~3781.181 of the Revised Code, exempted from the requirements of sections 3781.06 to 3781.18 and 3791.04~~ of the Revised Code, or buildings erected as industrialized one-, two-, or three-family units or structures within the meaning of the term "industrialized unit" as provided in section 3781.06 of the Revised Code.

(D) Sections 4703.01 to 4703.19 of the Revised Code do not prevent persons other than architects from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that no plans or specifications are required for approval.

(E) Sections 4703.01 to 4703.19 of the Revised Code do not exclude a registered professional engineer from architectural practice that may be incident to the practice of ~~his or her~~ engineering ~~profession~~ or exclude a registered architect from engineering practice that may be incident to the practice of architecture.

(F) Sections 4703.01 to 4703.19 of the Revised Code do not prevent a firm, partnership, association, limited liability company, or corporation of architects registered under those sections from providing architectural services and do not prevent an individual registered as a landscape architect under sections 4703.30 to 4703.49 of the Revised Code or as a professional engineer under ~~sections~~ Chapter 4733. of the Revised Code from being a member of a firm, partnership, association, limited liability company, or corporation of that type, but a member of that type shall not engage in the

practice of architecture or hold ~~himself or herself~~ forth as an architect contrary to sections 4703.01 to 4703.19 of the Revised Code and shall not practice a profession in which the person is not licensed.

(G) A firm, partnership, association, limited liability company, or corporation may provide architectural services in this state as long as the services are provided only through natural persons registered to provide those services in this state, subject to the exemptions in section 4703.17 of the Revised Code and subject otherwise to the requirements of sections 4703.01 to 4703.19 of the Revised Code.

(H) No firm, partnership, association, limited liability company, or corporation, except a corporation that was granted a charter prior to August 7, 1943, to engage in providing architectural services or that was otherwise lawfully providing architectural services prior to November 15, 1982, shall provide architectural services, hold itself out to the public as providing architectural services, or use a name including the word "architect" or any modification or derivation of the word, unless the firm, partnership, association, limited liability company, or corporation files all information required to be filed under this section with the state board of examiners of architects and otherwise complies with all requirements of sections 4703.01 to 4703.19 of the Revised Code. A nonprofit membership corporation may use a name including the word "architect" or any modification or derivation of the word without complying with this section.

(I) A corporation may be organized under Chapter 1701. of the Revised Code, a professional association may be organized under Chapter 1785. of the Revised Code, or a limited liability company may be formed under Chapter 1705. of the Revised Code for the purpose of providing professional engineering, surveying, architectural, or landscape architectural services, or any combination of those services. A corporation organized under Chapter 1701. of the Revised Code for the purpose of providing those services also may be organized for any other purpose in accordance with that chapter.

(J) No firm, partnership, association, limited liability company, or corporation shall provide or offer to provide architectural services in this state unless more than fifty per cent of the partners, members, or shareholders, more than fifty per cent of the directors in the case of a corporation or professional association, and more than fifty per cent of the managers in the case of a limited liability company the management of which is not reserved to its members, are professional engineers, surveyors, architects, or landscape architects or a combination of those professions, who are registered in this state and who own more than fifty per cent of the interests in the firm, partnership, association, limited liability company, or

corporation; unless the requirements of this division and of section 1785.02 of the Revised Code are satisfied with respect to any professional association organized under Chapter 1785. of the Revised Code; or unless the requirements of this division and of Chapter 1705. of the Revised Code are satisfied with respect to a limited liability company formed under that chapter.

(K) Each firm, partnership, association, limited liability company, or corporation through which architectural services are offered or provided in this state shall designate one or more partners, managers, members, officers, or directors as being in responsible charge of the professional architectural activities and decisions, and those designated persons shall be registered in this state. In the case of a corporation holding a certificate of authorization provided for in division (L) of this section, at least one of the persons so designated shall be a director of the corporation. Each firm, partnership, association, limited liability company, or corporation of that type shall annually file with the state board of examiners of architects the name and address of each partner, manager, officer, director, member, or shareholder, and each firm, partnership, association, limited liability company, or corporation of that type shall annually file with the board the name and address of all persons designated as being in responsible charge of the professional architectural activities and decisions and any other information the board may require. If there is a change in any such person in the interval between filings, the change shall be filed with the board in the manner and within the time that the board determines.

(L) No corporation organized under Chapter 1701. of the Revised Code shall engage in providing architectural services in this state without obtaining a certificate of authorization from the state board of examiners of architects. A corporation desiring a certificate of authorization shall file with the board a copy of its articles of incorporation and a listing on the form that the board directs of the names and addresses of all officers, directors, and shareholders of the corporation, the names and addresses of any individuals providing professional services on behalf of the corporation who are registered to practice architecture in this state, and any other information the board requires. If all requirements of sections 4703.01 to 4703.19 of the Revised Code are met, the board may issue a certificate of authorization to the corporation. No certificate of authorization shall be issued unless persons owning more than fifty per cent of the corporation's shares and more than fifty per cent of the interests in the corporation are professional engineers, surveyors, architects, or landscape architects, or a combination of those professions, who are registered in this state. Any corporation that

holds a certificate of authorization under this section and otherwise meets the requirements of sections 4703.01 to 4703.19 of the Revised Code may be organized for any purposes for which corporations may be organized under Chapter 1701. of the Revised Code and shall not be limited to the purposes of providing professional engineering, surveying, architectural, or landscape architectural services or any combination of those professions. The board, by rules adopted in accordance with Chapter 119. of the Revised Code, may require any firm, partnership, association, or limited liability company not organized under Chapter 1701. of the Revised Code that provides architectural services to obtain a certificate of authorization. If the board so requires, no firm, partnership, association, or limited liability company shall engage in providing architectural services without obtaining the certificate and complying with the rules.

(M) This section does not modify any law applicable to the relationship between a person furnishing a professional service and a person receiving that service, including liability arising out of that service.

(N) Nothing in this section ~~shall restrict~~ restricts or ~~limit~~ limits in any manner the authority or duty of the state board of examiners of architects with respect to natural persons providing professional services or any law or rule pertaining to standards of professional conduct.

Sec. 4733.18. (A) The state board of registration for professional engineers and surveyors may authorize a temporary registration ~~in the case of~~ for an individual who has filed with the board an application for a temporary registration and has paid the required fee. The temporary registration continues only for the time the board requires for consideration of the application for registration, provided a person is legally qualified to practice that profession in the person's own state in which the requirements and qualifications of registration are not lower than those specified in this chapter.

(B)(1) The following persons are exempt from this chapter:

(a) An employee or a subordinate of a person registered under this chapter or an employee of a person holding temporary registration under division (A) of this section, provided the employee's or subordinate's duties do not include responsible charge of engineering or surveying work;

(b) Officers and employees of the government of the United States while engaged within this state in the practice of engineering or surveying, for that government;

(c) An engineer engaged solely as an officer of a privately owned public utility.

(2) This chapter does not require registration for the purpose of

practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by that individual, firm, or corporation unless the same involves the public welfare or the safeguarding of life, health, or property, or for the performance of engineering or surveying which relates solely to the design or fabrication of manufactured products.

(C) Nothing in this chapter prevents persons other than engineers from preparing plans, drawings, specifications, or data, from filing applications for building permits, or from obtaining those permits for residential buildings or structures that are exempted from the requirements of sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, that are subject to the requirements of, as defined by section 3781.181 3781.06 of the Revised Code, or buildings that are erected as one-, two-, or three-family units or structures within the meaning of the term "industrialized unit" as provided in section 3781.06 of the Revised Code.

(D) Nothing in this chapter prevents persons other than engineers from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that no plans or specifications are required for approval.

Sec. 4740.01. As used in this chapter:

(A) "License" means a license the Ohio construction industry licensing board issues to an individual as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor.

(B) "Contractor" means any individual or business entity that satisfies both of the following:

(1) For compensation, directs, supervises, or has responsibility for the means, method, and manner of construction, improvement, renovation, repair, testing, or maintenance on a construction project with respect to one or more trades and who offers, identifies, advertises, or otherwise holds out or represents that the individual or business entity is permitted or qualified to perform, direct, supervise, or have responsibility for the means, method, and manner of construction, improvement, renovation, repair, or maintenance with respect to one or more trades on a construction project;

(2) Performs or employs tradespersons who perform construction,

improvement, renovation, repair, or maintenance on a construction project with respect to the contractor's trades.

(C) "Licensed trade" means a trade performed by a heating, ventilating, and air conditioning contractor, a refrigeration contractor, an electrical contractor, a plumbing contractor, or a hydronics contractor.

(D) "Tradesperson" means an individual who, for compensation, engages in construction, improvement, renovation, repair, or maintenance of buildings or structures without assuming responsibility for the means, method, or manner of that construction, improvement, renovation, repair, or maintenance.

(E) "Construction project" means a construction project involving a building or structure subject to Chapter 3781. of the Revised Code and the rules adopted under that chapter, but not an industrialized unit or a residential building as defined in section 3781.06 of the Revised Code ~~or a building or structure constructed pursuant to rules adopted under section 3781.181 or 3781.21 of the Revised Code.~~

Sec. 4740.14. (A) There is hereby created within the department of commerce the residential construction advisory committee consisting of eight persons the director of commerce appoints. Of the advisory committee's members, three shall be general contractors who have recognized ability and experience in the construction of residential buildings, two shall be building officials who have experience administering and enforcing a residential building code, one, chosen from a list of three names the Ohio fire chief's association submits, shall be from the fire service certified as a fire safety inspector who has at least ten years of experience enforcing fire or building codes, one shall be a residential contractor who has recognized ability and experience in the remodeling and construction of residential buildings, and one shall be an architect registered pursuant to Chapter 4703. of the Revised Code, with recognized ability and experience in the architecture of residential buildings.

(B) The director shall make appointments to the advisory committee within ninety days after the effective date of this section. Terms of office shall be for three years, with each term ending on the date three years after the date of appointment. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. The director shall fill a vacancy in the manner provided for initial appointments. Any member appointed to fill a vacancy in an unexpired term shall hold office for the remainder of that term.

(C) The advisory committee shall do all of the following:

(1) Recommend to the board of building standards a building code for

residential buildings. The committee shall recommend a code that it models on a residential building code a national model code organization issues, with adaptations necessary to implement the code in this state. If the board of building standards decides not to adopt a code the committee recommends, the committee shall revise the code and resubmit it until the board adopts a code the committee recommends as the state residential building code;

(2) Advise the board regarding the establishment of standards for certification of building officials who enforce the state residential building code;

(3) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code;

(4) Advise the board regarding the interpretation of the state residential building code;

(5) Provide other assistance the committee considers necessary.

(D) In making its recommendation to the board pursuant to division (C)(1) of this section, the advisory committee shall consider all of the following:

(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public;

(2) The economic reasonableness of the residential building code;

(3) The technical feasibility of the residential building code;

(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.

(E) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee.

(F) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code.

Sec. 4929.03. Except as otherwise provided in section 4929.04 of the Revised Code, only the commodity sales services, distribution services, and ancillary services of a natural gas company are subject to the jurisdiction of the public utilities commission. Chapter 4905. with the exception of section 4905.10, Chapter 4909., Chapter 4935. with the exception of sections 4935.01 and 4935.03, and sections 4933.08, 4933.09, 4933.11, 4933.123, 4933.17, 4933.28, ~~4933.31~~, and 4933.32 of the Revised Code do not apply to any other service or goods provided by a natural gas company. Nothing in

this chapter prevents the commission from exercising its authority under Title XLIX of the Revised Code to protect customers of nonexempt, regulated services or goods from any adverse effects of the provision of unregulated services or goods. Nothing in this chapter affects the authority of the commission to enforce sections 4905.90 to 4905.96 of the Revised Code.

Sec. 4929.04. (A) The public utilities commission, upon the application of a natural gas company, after notice, after affording the public a period for comment, and in the case of a natural gas company with fifteen thousand or more customers after a hearing and in the case of a natural gas company with fewer than fifteen thousand customers after a hearing if the commission considers a hearing necessary, shall exempt, by order, any commodity sales service or ancillary service of the natural gas company from all provisions of Chapter 4905. with the exception of section 4905.10, Chapter 4909., and Chapter 4935. with the exception of sections 4935.01 and 4935.03 of the Revised Code, from sections 4933.08, 4933.09, 4933.11, 4933.123, 4933.17, 4933.28, ~~4933.31~~, and 4933.32 of the Revised Code, and from any rule or order issued under those Chapters or sections, including the obligation under section 4905.22 of the Revised Code to provide the commodity sales service or ancillary service, subject to divisions ~~(E)~~(D) and ~~(F)~~(E) of this section, and provided the commission finds that the natural gas company is in substantial compliance with the policy of this state specified in section 4929.02 of the Revised Code and that either of the following conditions exists:

(1) The natural gas company is subject to effective competition with respect to the commodity sales service or ancillary service;

(2) The customers of the commodity sales service or ancillary service have reasonably available alternatives.

(B) In determining whether the conditions in division (A)(1) or (2) of this section exist, factors the commission shall consider include, but are not limited to:

(1) The number and size of alternative providers of the commodity sales service or ancillary service;

(2) The extent to which the commodity sales service or ancillary service is available from alternative providers in the relevant market;

(3) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive prices, terms, and conditions;

(4) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of

services.

(C) The applicant shall have the burden of proof under this section.

~~(D) No application may be filed under division (A) of this section prior to one hundred eighty days after the effective date of this section.~~

~~(E)~~ The commission shall not issue an order under division (A) of this section that exempts all of a natural gas company's commodity sales services from the chapters and sections specified in that division unless the commission finds that the company offers distribution services on a fully open, equal, and unbundled basis to all its customers and that all such customers reasonably may acquire commodity sales services from suppliers other than the natural gas company.

~~(F)~~~~(E)~~ An order exempting any or all of a natural gas company's commodity sales services or ancillary services under division (A) of this section shall prescribe both of the following:

(1) A separation plan that ensures, to the maximum extent practicable, that the operations, resources, and employees involved in the provision or marketing of exempt commodity sales services or ancillary services, and the books and records associated with those services, shall be separate from the operations, resources, and employees involved in the provision or marketing of nonexempt commodity sales services or ancillary services and the books and records associated with those services;

(2) A code of conduct that governs both the company's adherence to the state policy specified in section 4929.02 of the Revised Code and its sharing of information and resources between those employees involved in the provision or marketing of exempt commodity sales services or ancillary services and those employees involved in the provision or marketing of nonexempt commodity sales services or ancillary services.

The commission, however, shall not prescribe, as part of any such separation plan or code of conduct, any requirement that unreasonably limits or restricts a company's ability to compete with unregulated providers of commodity sales services or ancillary services.

~~(G)~~~~(F)~~ Notwithstanding division (A)(2) of section 4929.08 of the Revised Code or any exemption granted under division (A) of this section, the commission has jurisdiction under section 4905.26 of the Revised Code, upon complaint of any person or upon the complaint or initiative of the commission, to determine whether a natural gas company has failed to comply with a separation plan or code of conduct prescribed under division ~~(F)~~~~(E)~~ of this section. If, after notice and hearing as provided in section 4905.26 of the Revised Code, the commission is of the opinion that a natural gas company has failed to comply with such a plan or code, the commission

may do any of the following:

(1) Issue an order directing the company to comply with the plan or code;

(2) Modify the plan or code, if the commission finds that such a modification is reasonable and appropriate, and order the company to comply with the plan or code as modified;

(3) Abrogate the order granting the company's exemption under division (A) of this section, if the commission finds that the company has engaged in one or more material violations of the plan or code, that the violation or violations were intentional, and that the abrogation is in the public interest.

~~(H)(G)~~ An order issued under division ~~(G)(F)~~ of this section is enforceable in the manner set forth in section 4905.60 of the Revised Code. Any violation of such an order shall be deemed a violation of a commission order for the purpose of section 4905.54 of the Revised Code.

Sec. 4929.09. In accordance with the commission's order prescribing a separation plan under division ~~(F)(E)~~ of section 4929.04 of the Revised Code, a natural gas company granted an exemption under section 4929.04 of the Revised Code for a commodity sales service or ancillary service may designate the natural gas supplies that have been obtained to provide that exempt service. Nothing in this section prevents the public utilities commission from exercising its ~~authority~~ authority under section 4905.302 of the Revised Code, provided, however, that the designation of the supplies for the exempt service and the cost of the designated supplies shall not be considered in the determination of rates and charges for the company's nonexempt services, including rates and charges determined pursuant to section 4905.302 of the Revised Code.

SECTION 2. That existing sections 307.37, 307.38, 307.381, 307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, and 4929.09 and sections 3781.181, 3781.182, 3781.21, and 4933.31 of the Revised Code are hereby repealed.

SECTION 3. (A) The Residential Construction Advisory Committee shall recommend to the Board of Building Standards a building code for residential buildings. The Committee shall recommend a code that is modeled after a residential building code a national model code organization issues, with adaptations necessary to implement the code in this state. The

Committee shall recommend a code that does not address zoning, statutory requirements concerning the percentage of contracts that shall be awarded to any specifically identified type of disadvantaged contractors, or architectural preferences that are not integral to the safety of residential buildings. If the Board of Building Standards does not approve a code the Committee recommends, the Committee shall revise the code and resubmit it until the Board agrees to adopt a recommended code as the state residential building code. Upon receiving an acceptable residential building code from the Residential Construction Advisory Committee, the Board shall adopt rules establishing that code as the state residential building code.

(B) The Committee and the Board shall agree to a code on or before one hundred twenty days after the effective date of this section and the Board shall adopt rules establishing that code as the state residential building code on or before one hundred eighty days after the effective date of this section.

(C) The rules the Board adopts pursuant to division (B) of this section shall have no force or effect until one year after the effective date of this section.

SECTION 4. Any building department that enforces a residential building code on or before the effective date of this section and that wishes to enforce the residential building code the Board of Building Standards adopts pursuant to this act may enforce the state residential building code the Board adopts without being certified under section 3781.10 of the Revised Code for not more than one year after that code becomes effective. Thereafter, only a building department certified to enforce the residential building code pursuant to section 3781.10 of the Revised Code may enforce that code.

SECTION 5. In enacting the legislation, the intent of the General Assembly is that the provisions of this act are general laws created in the exercise of the state's police power, arising out of matters of statewide concern, and are designed for the health, safety, and welfare of contractors, their employees, and the public.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____