

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 175

**Representatives Buehrer, Widener, Olman, D. Evans, Kilbane, Hagan, Taylor,
Flowers, Hughes, Martin, Schaffer, Setzer**

A B I L L

To amend sections 307.37, 307.38, 307.381, 307.40, 1
505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 2
3722.02, 3722.041, 3781.01, 3781.03, 3781.031, 3
3781.06, 3781.10, 3781.102, 3781.11, 3781.12, 4
3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 5
3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 6
4929.03, 4929.04, and 4929.09, to enact sections 7
1312.01 to 1312.06 and 4740.14, and to repeal 8
sections 3781.181, 3781.182, 3781.21, and 4933.31 9
of the Revised Code to establish a state 10
residential building code, to make other changes 11
in the laws governing residential construction, 12
and to establish a "right to cure" procedure under 13
which a residential contractor may cure a defect 14
prior to an owner commencing arbitration 15
proceedings or a civil action. 16

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 307.37, 307.38, 307.381, 307.40, 17
505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 18
3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 19
3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 20

3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, 21
and 4929.09 be amended and sections 1312.01, 1312.02, 1312.03, 22
1312.04, 1312.05, 1312.06, and 4740.14 of the Revised Code be 23
enacted to read as follows: 24

Sec. 307.37. (A) As used in division (B)(4) of this section, 25
"proposed new construction" means a proposal to erect, construct, 26
repair, alter, redevelop, or maintain a single-family, two-family, 27
or three-family dwelling or any structure that is regulated by the 28
Ohio building code. 29

(B)(1)(a) ~~The board of county commissioners, in addition to 30
its other powers, may adopt, amend, rescind, administer, and 31
enforce regulations pertaining to the erection, construction, 32
repair, alteration, redevelopment, and maintenance of 33
single family, two family, and three family dwellings within the 34
unincorporated territory of the county, or the board may establish 35
districts in any part of the unincorporated territory and may 36
adopt, amend, rescind, administer, and enforce such regulations in 37
the districts. When adopted, all regulations, including service 38
charges, shall be uniform within all districts in which building 39
codes are established; however, more stringent regulations may be 40
imposed in flood hazard areas and in Lake Erie coastal erosion 41
areas identified under section 1506.06 of the Revised Code in 42
order to prevent or reduce the hazard resulting from flooding and 43
from erosion along Lake Erie. Except as provided in division 44
(B)(3) of this section, in no case shall the regulations go beyond 45
the scope of regulating the safety, health, and sanitary 46
conditions of those buildings. 47~~

~~Any person adversely affected by an order of the board 48
adopting, amending, or rescinding a regulation under this section 49
may appeal to the court of common pleas of the county on the 50
ground that the board failed to comply with the law in adopting, 51~~

~~amending, rescinding, publishing, or distributing the regulation,~~ 52
~~that the regulation, as adopted or amended by the board, is~~ 53
~~unreasonable or unlawful, or that the revision of the regulation~~ 54
~~was unreasonable or unlawful~~ may adopt local residential building 55
regulations governing residential buildings as defined in section 56
3781.06 of the Revised Code. No local residential building 57
regulation shall differ from the state residential building code 58
the board of building standards establishes pursuant to Chapter 59
3781. of the Revised Code unless the regulation or code addresses 60
subject matter not addressed by the state residential building 61
code or is adopted pursuant to section 3781.01 of the Revised 62
Code. 63

(b) The board of county commissioners may, by resolution, 64
adopt by incorporation by reference, administer, and enforce 65
within the unincorporated area of the county an existing 66
structures code pertaining to the repair and continued maintenance 67
of structures and the premises of those structures provided that 68
the existing structures code governs subject matter not addressed 69
by, and is not in conflict with, the state residential building 70
code adopted pursuant to Chapter 3781. of the Revised Code. 71

(c) The board shall assign the duties of administering and 72
enforcing any local residential building regulations or existing 73
structures code to a county officer or employee who is trained and 74
qualified for those duties and shall establish by resolution the 75
minimum qualifications necessary to perform those duties. 76

(2) ~~A county building code~~ The board may include adopt 77
regulations for participation in the national flood insurance 78
program established in the "Flood Disaster Protection Act of 79
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and regulations 80
adopted for the purposes of section 1506.04 or 1506.07 of the 81
Revised Code governing the prohibition, location, erection, 82
construction, redevelopment, or floodproofing of new buildings or 83

structures, substantial improvements to existing buildings or 84
structures, or other development in unincorporated territory 85
within flood hazard areas identified under the "Flood Disaster 86
Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as 87
amended, or within Lake Erie coastal erosion areas identified 88
under section 1506.06 of the Revised Code, including, but not 89
limited to, residential, commercial, institutional, or industrial 90
buildings or structures or other permanent structures, as defined 91
in section 1506.01 of the Revised Code. ~~Rules~~ No regulation 92
adopted under division (B)(2) of this section shall ~~not~~ conflict 93
with the ~~Ohio~~ building code. 94

(3)(a) A ~~county building code may include~~ board may adopt 95
regulations that provide for a review of the specific effects of a 96
proposed new construction on existing surface or subsurface 97
drainage. The regulations may require reasonable drainage 98
mitigation and reasonable alteration of a proposed new 99
construction before a building permit is issued in order to 100
prevent or correct any adverse effects that the proposed new 101
construction may have on existing surface or subsurface drainage. 102
The regulations shall not be inconsistent with, more stringent 103
than, or broader in scope than standards adopted by the natural 104
resource conservation service in the United States department of 105
agriculture concerning drainage or rules adopted by the 106
environmental protection agency for reducing, controlling, or 107
mitigating storm water runoff from construction sites, where 108
applicable. The regulations shall allow a person who is registered 109
under Chapter 4703. or 4733. of the Revised Code to prepare and 110
submit relevant plans and other documents for review, provided 111
that the person is authorized to prepare the plans and other 112
documents pursuant to the person's registration. 113

(b) If regulations are adopted under division (B)(3) of this 114
section, the board shall specify in the regulations a procedure 115

for the review of the specific effects of a proposed new 116
construction on existing surface or subsurface drainage. The 117
procedure shall include at a minimum all of the following: 118

(i) A meeting at which the proposed new construction shall be 119
examined for those specific effects. The meeting shall be held 120
within thirty days after an application for a building permit is 121
filed or a review is requested unless the applicant agrees in 122
writing to extend that time period or to postpone the meeting to 123
another date, time, or place. The meeting shall be scheduled 124
within five days after an application for a building permit is 125
filed or a review is requested. 126

(ii) Written notice of the date, time, and place of that 127
meeting, sent by regular mail to the applicant. The written notice 128
shall be mailed at least seven days before the scheduled meeting 129
date. 130

(iii) Completion of the review by the board of county 131
commissioners not later than thirty days after the application for 132
a building permit is filed or a review is requested unless the 133
applicant has agreed in writing to extend that time period or 134
postpone the meeting to a later time, in which case the review 135
shall be completed not later than two days after the date of the 136
meeting. A complete review shall include the issuance of any order 137
of the board of county commissioners regarding necessary 138
reasonable drainage mitigation and necessary reasonable 139
alterations to the proposed new construction to prevent or correct 140
any adverse effects on existing surface or subsurface drainage so 141
long as those alterations comply with the state building code 142
adopted pursuant to section 3781.10 of the Revised Code. If the 143
review is not completed within the thirty-day period or an 144
extended or postponed period that the applicant has agreed to, the 145
proposed new construction shall be deemed to have no adverse 146
effects on existing surface or subsurface drainage, and those 147

effects shall not be a valid basis for the denial of a building permit. 148
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(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. 150
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(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. 156
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(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 building code adopted pursuant to section 3781.10 of the Revised Code. 163
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(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. 170
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(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 173
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hearing, except that if the board posts the hearing notice on the 179
board's internet site on the world wide web, the board need 180
publish only one notice of the hearing in a newspaper of general 181
circulation if that newspaper notice includes the board's internet 182
site and a statement that the notice is also posted on the 183
internet site. Any notice of the a public hearings, including 184
hearing shall include the time, date, and place, once a week for 185
two weeks immediately preceding of the hearings. The hearing. 186

(2) Any proposed regulations or amendments regulation, code, 187
or amendment shall be made available by the board to the public at 188
the board office. The regulations or amendments shall take effect 189
on the thirty-first day following the date of their adoption. 190

(D)(1) No person shall violate any regulation of, code, or 191
amendment the board adopted adopts under sections 307.37 to 307.40 192
of the Revised Code. 193

(2) Each day during which an illegal location, erection, 194
construction, floodproofing, repair, alteration, development, 195
redevelopment, or maintenance continues may be considered a 196
separate offense. 197

(E) Regulations or amendments adopted by resolution of the 198
board the board adopts pursuant to this section, with the 199
exception of an existing structures code, do not affect buildings 200
or structures that exist or on which construction has begun on or 201
before the date the board adopts the regulation or amendment ~~is~~ 202
~~adopted by the board.~~ 203

(F)(1) The board may provide for create a building regulation 204
department and ~~may~~ employ the personnel ~~that~~ it determines ~~to be~~ 205
necessary ~~for the purpose of enforcing its regulations to~~ 206
administer and enforce any local residential building regulations 207
or existing structures code the board adopts pursuant to this 208
section. The building department may enforce the state residential 209

and nonresidential building codes adopted pursuant to Chapter 210
3781. of the Revised Code if the building department is certified 211
pursuant to section 3781.10 of the Revised Code to enforce those 212
codes. 213

~~Upon certification of the building department under section 214~~
~~3781.10 of the Revised Code, the (2) The board may direct the 215~~
~~county building department, upon certification, to exercise 216~~
enforcement authority and to accept and approve plans pursuant to 217
sections 3781.03 and 3791.04 of the Revised Code for ~~any other 218~~
~~kind or the class of building in the unincorporated territory of 219~~
~~the county for which the department and personnel are certified. 220~~

(G) The regulations a board adopts pursuant to division (B) 221
of this section may be enforced within the unincorporated areas of 222
the county and within any municipal corporation that has 223
contracted with the board pursuant to section 307.15 of the 224
Revised Code to enforce the county regulations in the municipal 225
corporation. 226

Sec. 307.38. ~~For the purposes of administering and enforcing 227~~
~~the (A) To administer and enforce any local building regulations, 228~~
~~as provided by or existing structures code the board of county 229~~
commissioners adopts under section 307.37 of the Revised Code and 230
the state residential and nonresidential building codes the board 231
of building standards establishes pursuant to Chapter 3781. of the 232
Revised Code, the board of county commissioners may create, 233
establish, fill, and fix the compensation of the position of 234
county building inspector. ~~Such position shall be in the 235~~
~~competitive classified unclassified service, and. The appointment, 236~~
promotion, and removal of the inspector shall be governed by 237
Chapter 124. of the Revised Code. In lieu of ~~the creation of any 238~~
~~such creating that position, the board may assign the duties of 239~~
the office to an existing county officer who is certified pursuant 240

~~to section 3781.10 of the Revised Code. The duties of the 241
inspector shall be the administration and enforcement of building 242
regulations. 243~~

~~(B) The board may contract with any and a municipal 244
corporation in the county for the administration and enforcement 245
of may enter into a contract under which one entity enforces for 246
the other entity any local building regulations and any municipal 247
corporation may contract with the board for the administration and 248
enforcement of the building regulations of such municipal 249
corporation, existing structures code, or, if certified pursuant 250
to section 3781.10 of the Revised Code, the state residential and 251
nonresidential building codes in the other entity's jurisdiction. 252~~

~~The board, pursuant (C) Pursuant to a contract authorizing 253
such action, the board may contract on behalf of one or more 254
municipal corporations ~~within its jurisdiction~~ for another county 255
or another municipal corporation ~~within or outside the county~~ to 256
administer and enforce the state residential and nonresidential 257
building code codes, any local residential building regulations, 258
and any existing structures code within the ~~jurisdiction of the 259
municipal corporations seeking those services. The contract the 260
board enters into on behalf of these municipal corporations shall 261
~~provide for obtaining~~ specify which county or municipal 262
corporation is responsible for administering and enforcing the 263
codes and regulations and obtaining the appropriate certification 264
pursuant to division (E) of section 3781.10 of the Revised Code 265
for the exercise of administration and enforcement authority 266
within the municipal corporations and shall specify which 267
political subdivision is responsible for securing that 268
certification. 269~~~~

~~(D) In a any county ~~which that~~ has a building department 270
certified pursuant to section 3781.10 of the Revised Code, ~~but not 271~~~~

~~certified through a contract with another political subdivision,~~ 272
~~and which that~~ has a board of building appeals certified pursuant 273
to section 3781.20 of the Revised Code, ~~if any contract~~ the board 274
~~of county commissioners contracts~~ enters into with a municipal 275
corporation or ~~other another~~ county ~~for the first county~~ to 276
administer and enforce the state residential and nonresidential 277
~~building code within the municipal corporation or within the other~~ 278
~~county, the contract~~ codes shall require the board of building 279
appeals in the certified county ~~board of appeals~~ to hear appeals 280
from adjudication orders pertaining to the enforcement of Chapters 281
3781. and 3791. of the Revised Code and any rules adopted pursuant 282
to ~~these those~~ chapters within the municipal corporation or ~~other~~ 283
county. 284

Sec. 307.381. (A) The board of county commissioners of any 285
county ~~which adopts regulations pursuant to section 307.37 of the~~ 286
~~Revised Code and which that~~ has a county building department 287
certified pursuant to section 3781.10 of the Revised Code, ~~but not~~ 288
~~certified through a contract with another political subdivision,~~ 289
may by resolution establish a county board of building appeals, 290
make appointments to the board, and fix the compensation, if any, 291
of the board members. ~~Upon~~ 292

(B) Upon certification under section 3781.20 of the Revised 293
Code, the county board of building appeals shall hear and decide 294
appeals from adjudication orders of the county building inspector 295
or other officer assigned to perform ~~his~~ the building official's 296
duties pertaining to the enforcement within ~~his~~ the jurisdiction 297
of Chapters 3781. and 3791. of the Revised Code and any rules 298
adopted pursuant ~~thereto~~ to those chapters. 299

Sec. 307.40. (A)(1) No person shall erect, construct, alter, 300
repair, or maintain any ~~single family, two family, or three family~~ 301
~~dwelling~~ residential building as defined in section 3781.06 of 302

~~the Revised Code, within the unincorporated portion of any county, 303
wherein in which the board of county commissioners has enacted 304
created a building department to administer and enforce local 305
building regulations as provided in section 307.37 of the Revised 306
Code, or an existing structures code unless such that person fully 307
complies with the local building regulations are fully complied 308
with and existing structures code. In the event 309~~

(2) No person shall erect, construct, alter, repair, or 310
maintain any residential building as defined in section 3781.06 of 311
the Revised Code within the unincorporated portion of any county 312
in which a certified building department has jurisdiction to 313
enforce the state residential building code unless that person 314
fully complies with the state residential building code. 315

(B) In addition to any remedies provided by law, if any 316
building is being erected, constructed, altered, repaired, or 317
maintained in violation of the local building regulations adopted 318
by resolution under the authority granted by such section, the 319
existing structures code or the state residential building code in 320
a county in which a certified building department enforces the 321
state code, the board, the prosecuting attorney, or the county 322
building inspector of such county, or any owner of an adjacent, 323
contiguous, or neighboring property owner who would be especially 324
damaged by such that violation, in addition to the remedies 325
provided by law, may institute a suit for injunction, abatement, 326
or other appropriate action to prevent such the violation of the 327
regulations relating to the erection, construction, alteration, 328
repair, or maintenance of such building. Sections 329

(C) Sections 307.37 to 307.40, inclusive, of the Revised Code 330
do not confer any power on any board in of county commissioners 331
with respect to the location, erection, construction, 332
reconstruction, change, alteration, maintenance, removal, use, or 333

enlargement of any buildings or structures of any public utility 334
or railroad, whether publicly or privately owned, or the use of 335
land by any public utility or railroad for the operation of its 336
business. 337

Sec. 505.73. (A) The board of township trustees may, by 338
resolution, adopt by incorporation by reference, administer, and 339
enforce within the unincorporated area of the township an existing 340
structures code pertaining to the repair and continued maintenance 341
of structures and the premises of ~~such~~ those structures. For ~~such~~ 342
that purpose, the board shall adopt any model or standard code 343
prepared and promulgated by ~~the~~ this state, any department, board, 344
or ~~other~~ agency of ~~the~~ this state, or any public or private 345
organization that publishes a recognized model or standard code on 346
the subject. The board shall ensure that the code adopted governs 347
subject matter not addressed by the state residential building 348
code and that it is fully compatible with the local state 349
residential and nonresidential building ~~code and the rules of~~ 350
codes the board of building standards ~~adopted~~ adopts pursuant to 351
section 3781.10 of the Revised Code. 352

(B) The board shall assign the duties of administering and 353
enforcing the existing structures code to a township officer or 354
employee who is trained and qualified for ~~such~~ those duties and 355
shall establish by resolution the minimum qualifications necessary 356
~~for performance of such~~ to perform those duties. 357

(C)(1) After the board adopts a an existing structures code, 358
the township clerk shall post a notice ~~which shall~~ that clearly 359
~~identify~~ identifies the code, ~~state~~ states the code's purpose ~~of~~ 360
~~the code,~~ ~~state~~ and states that a complete copy of the code is on 361
file for inspection by the public with the township clerk and in 362
the county law library ~~of the county in which the township is~~ 363
~~located,~~ and ~~state~~ that the clerk has copies available for 364

distribution to the public at cost. The 365

(2) The township clerk shall post the notice in five 366
conspicuous places in the township for thirty days before the code 367
becomes effective. ~~The clerk and~~ shall ~~also~~ publish the notice in 368
a newspaper of general circulation in the township for three 369
consecutive weeks. If the adopting township amends or deletes any 370
provision of the code, the notice shall contain a brief summary of 371
the deletion or amendment. 372

(D) If the agency that originally promulgated or published 373
the existing structures code ~~thereafter~~ amends the code, ~~any~~ 374
~~township that has adopted the code pursuant to this section~~ the 375
board may adopt the amendment or change by incorporation by 376
reference in the ~~same manner as~~ provided for the adoption of the 377
original code. 378

Sec. 505.75. (A)(1) A board of township trustees may, ~~by~~ 379
~~resolution adopt by incorporation by reference, administer, and~~ 380
~~enforce a standard code pertaining to the erection, construction,~~ 381
~~repair, alteration, and maintenance of single family, two family,~~ 382
~~and three family dwellings promulgated by the state, or any~~ 383
~~department, board, or other agency thereof, or by any municipal~~ 384
~~corporation or county in this state, within the unincorporated~~ 385
~~territory of the township, or establish districts in any part of~~ 386
~~the unincorporated territory and adopt, administer, and enforce~~ 387
~~such standard code in the affected districts. When adopted, all~~ 388
~~regulations contained in such code, including those establishing~~ 389
~~service charges, shall be uniform within all districts in which~~ 390
~~building codes are established, except that more stringent~~ 391
~~regulations may be imposed in flood hazard areas in order to~~ 392
~~prevent or reduce the hazard resulting from flooding. In no case~~ 393
~~shall regulations exceed the scope of regulating the safety,~~ 394
~~health, and sanitary conditions of such buildings. Any person~~ 395

~~adversely affected by a resolution of the board adopting,~~ 396
~~amending, or rescinding a regulation may seek a declaratory~~ 397
~~judgment pursuant to Chapter 2721. of the Revised Code on the~~ 398
~~ground that the board failed to comply with the law in adopting,~~ 399
~~amending, rescinding, publishing, or distributing the regulation,~~ 400
~~or that the regulation, as adopted or amended by the board, is~~ 401
~~unreasonable or unlawful, or that the revision of the regulation~~ 402
~~was unreasonable or unlawful~~ adopt local residential building 403
regulations governing residential buildings as defined in section 404
3781.06 of the Revised Code. No regulation shall differ from the 405
state residential building code unless the regulation addresses 406
subject matter not addressed by the state residential building 407
code or is adopted pursuant to section 3781.01 of the Revised 408
Code. 409

~~A township building code~~ (2) The board may include adopt 410
regulations that are necessary for participation in the national 411
flood insurance program and ~~are~~ that do not in conflict with the 412
~~Ohio residential and nonresidential building code codes,~~ governing 413
the prohibition, location, erection, construction, or 414
floodproofing of new buildings or structures, or substantial 415
improvements to existing buildings or structures, in 416
unincorporated territory within flood hazard areas identified 417
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 418
42 U.S.C.A. 4002, as amended, including, but not limited to, 419
residential, commercial, or industrial buildings or structures. 420

(B)(1) Regulations or amendments may be adopted under this 421
section only after a public hearing at not fewer than two regular 422
or special sessions of the board and upon an affirmative vote of 423
all members of the board. The board shall cause notice of a public 424
hearing to be published in a newspaper of general circulation in 425
the township ~~notice of the public hearings, including time, date,~~ 426
~~and place,~~ once a week for two weeks immediately preceding ~~the~~ 427

~~hearings. a 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 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 459
board adopts pursuant to this section. The building department may 460
enforce state residential and nonresidential building codes the 461
board of building standards establishes pursuant to Chapter 3781. 462
of the Revised Code if the department is certified pursuant to 463
section 3781.10 of the Revised Code to enforce those codes. Upon 464
certification of the building department under section 3781.10 of 465
the Revised Code, the board of township trustees may direct the 466
~~township~~ building department to exercise enforcement authority and 467
to accept and approve plans pursuant to sections 3781.03 and 468
3791.04 of the Revised Code ~~for any other kind or class of~~ 469
~~building in the unincorporated territory of the township for the~~ 470
classes of buildings for which the building department and 471
personnel are certified. 472

~~For the purposes of administering and enforcing the~~ (2) To 473
administer and enforce any local residential building regulations, 474
or existing structures code and the state residential and 475
nonresidential building codes, the board of township trustees may 476
create, establish, fill, and fix the compensation of the position 477
of township building inspector. ~~The inspector shall be~~ to serve as 478
the chief administrative officer of the township building 479
~~regulation~~ department ~~and shall administer and enforce the~~ 480
~~building regulations.~~ In lieu of ~~the creation of~~ creating the 481
position of township building inspector, the board may assign the 482
duties of the inspector to an existing township officer who is 483
certified pursuant to division (E) of section 3781.10 of the 484
Revised Code. 485

(D)(1) The board of township trustees may contract with any 486
municipal corporation or with a board of county commissioners ~~for~~ 487
~~the administration and enforcement of~~ to administer and enforce 488
local residential building regulations, and any existing 489
structures code in the township. A building department of that 490

municipal corporation may enforce the state residential and 491
nonresidential building codes in the township if the building 492
department is certified to enforce those codes. 493

(2) Any municipal corporation or board of county 494
commissioners may contract with a board of township trustees for 495
the administration and enforcement of the to administer and 496
enforce local building regulations of the municipal corporation or 497
county or an existing structures code in the municipal corporation 498
or county and, if certified, to enforce the state residential and 499
nonresidential building codes in the municipal corporation or 500
unincorporated areas of the county. 501

Sec. 505.76. ~~(A) Building~~ Local residential building 502
regulations adopted or amended by a board of township trustees 503
adopts under sections section 505.75 to 505.77 of the Revised Code 504
and an existing structures code the board adopts pursuant to 505
section 505.73 of the Revised Code shall be made available to the 506
public at the office of the board, and the section headings and 507
numbers and a notice of the availability of the regulations shall 508
be published in at least one newspaper of general townshipwide 509
circulation within ten days after their adoption or amendment. 510

~~(B) In a county in which the board of county commissioners~~ 511
~~has adopted building regulations, no township shall adopt such~~ 512
~~regulations pursuant to sections 505.75 to 505.77 of the Revised~~ 513
~~Code.~~ 514

Sec. 505.77. (A)(1) No person shall erect, construct, alter, 515
repair, or maintain any ~~single family, two family, or three family~~ 516
~~dwelling~~ residential building, as defined in section 3781.06 of 517
the Revised Code, within the unincorporated portion of any 518
township, if the board of township trustees has adopted in which a 519
standard code under section 505.75 of the Revised Code, without 520

~~complying~~ building department has authority to administer and 521
enforce local residential building regulations or an existing 522
structures code unless that person complies with the building 523
regulations and code. ~~No~~ 524

(2) No person shall erect, construct, alter, repair, or 525
maintain any residential building, as defined in section 3781.06 526
of the Revised code, within the unincorporated portion of any 527
township in which a certified building department has jurisdiction 528
to enforce the state residential building code unless that person 529
fully complies with the state residential building code. 530

(3) No person shall erect, construct, alter, repair, or 531
maintain any residential, commercial, or industrial buildings or 532
structures within the unincorporated area of any township, if a 533
board of township trustees has enacted building regulations under 534
section 505.75 of the Revised Code that are necessary for 535
participation in the national flood insurance program, without 536
complying with ~~such~~ those regulations. ~~If~~ 537

(4) In addition to any remedies provided by law, if any 538
building is being erected, constructed, altered, repaired, or 539
maintained in violation of the building regulations, existing 540
structures code, or state residential building code in townships 541
in which a certified building department has jurisdiction, the 542
board ~~or~~, the township building inspector, or any owner of an 543
adjacent, contiguous, or neighboring property ~~owner~~ who would be 544
especially damaged by ~~such~~ the violation, ~~in addition to the~~ 545
~~remedies provided by law,~~ may institute a suit for injunction, 546
abatement, or other appropriate action to prevent the violation of 547
the building regulations or the state residential building code 548
relating to the erection, construction, alteration, repair, or 549
maintenance of ~~such~~ that building. 550

(B) Sections 505.75 to 505.77 of the Revised Code do not 551

confer any power on any board with respect to the location, 552
erection, construction, reconstruction, change, alteration, 553
maintenance, removal, use, or enlargement of any buildings or 554
structures of any public utility or railroad, whether publicly or 555
privately owned, or the use of land by any public utility or 556
railroad for the operation of its business. ~~Regulations or~~ 557
~~amendments adopted by~~ Local building regulations the board ~~shall~~ 558
adopts and the building code that the building department 559
administers and enforces do not affect buildings or structures 560
~~which that~~ exist or on which construction has begun on or before 561
the date on which the ~~regulations or amendments are adopted by~~ 562
building department begins enforcement of the building code or the 563
date the board adopts the building regulations. 564

(C) No person shall violate any building regulation ~~of~~ the 565
board ~~adopted~~ adopts under division (A) of section 505.75 of the 566
Revised Code. Each day during which an illegal location, erection, 567
construction, ~~flood-proofing~~ floodproofing, repair, alteration, or 568
maintenance continues may be considered a separate offense. 569

Sec. 505.78. ~~If~~ (A)(1) No board of township trustees shall 570
adopt an existing structures code pursuant to section 505.73 of 571
the Revised Code in any county in which the board of county 572
commissioners has adopted an existing structures code pursuant to 573
section 303.37 of the Revised Code. 574

(2) If a board of township trustees adopts ~~a standard an~~ 575
existing structures code ~~under sections 505.75 to 505.77 of the~~ 576
~~Revised Code~~ and the board of county commissioners of the county 577
in which the township is located subsequently adopts building 578
~~regulations pursuant to sections 307.37 to 307.40 of the Revised~~ 579
~~Code~~ an existing structures code, the code ~~adopted by~~ the board of 580
township trustees adopts shall be of no force and effect one year 581
after the effective date of the ~~building regulations adopted by~~ 582

code the board of county commissioners adopts or at an earlier 583
date, as provided by the board of township trustees. 584

(B)(1) No board shall adopt local residential building 585
regulations pursuant to section 505.75 of the Revised Code in any 586
county in which the board of county commissioners has adopted such 587
regulations pursuant to section 303.37 of the Revised Code. 588

(2) If a board of township trustees adopts local residential 589
building regulations and the board of county commissioners 590
subsequently adopts such regulations, the township regulations 591
shall be of no force and effect one year after the county 592
regulations become effective or at an earlier date as the board of 593
township trustees provides. 594

Sec. 1312.01. As used in this chapter: 595

(A) "Construction defect" means a deficiency or perceived 596
deficiency that arises directly or indirectly out of the 597
construction of a residential building or the substantial 598
rehabilitation of a residential building, which includes the 599
addition of a room and the removal or installation of a wall, 600
partition, or portion of the structural design. 601

(B) " Dwelling action" means any civil action in contract or 602
tort for damages or indemnity brought against a residential 603
contractor for damages or the loss of use of real property caused 604
by a construction defect. 605

(C) "Owner" means an owner or a prospective owner of a 606
residential building or a dwelling unit in a residential building 607
who has entered into a contract with a residential contractor for 608
the construction or substantial rehabilitation of that residential 609
building or unit. 610

(D) "Residential building" means a structure that is a 611
one-family, two-family, or three-family dwelling house or a 612

dwelling unit within that structure, any accessory structures 613
incidental to that dwelling house, and a unit in a condominium 614
development in which the owner holds title to that unit. 615
"Residential building" includes any structure that is used as a 616
model to promote the sale of a similar dwelling house. 617

(E) "Residential contractor" means a person or entity who has 618
primary responsibility for the construction or substantial 619
rehabilitation of a residential building. 620

Sec. 1312.02. (A) No owner shall commence arbitration 621
proceedings or file a dwelling action against a residential 622
contractor unless at least sixty days before commencing the 623
proceedings or filing the action, the owner provides the 624
contractor with written notice of the construction defect that 625
would be the basis of the arbitration proceedings or the dwelling 626
action. The notice shall be in writing and mailed, sent by 627
telegram, delivered in person, or sent by any means the contractor 628
has indicated communications may be sent, including facsimile 629
transmission and electronic mail. The notice shall substantially 630
comply with the requirements set forth in division (B) of this 631
section. 632

(B) Any notice that an owner provides to a contractor 633
pursuant to this section shall substantially do all of the 634
following: 635

(1) Assert a claim involving a construction defect by 636
itemizing and describing those construction defects; 637

(2) Include or attach a copy of any documentation concerning 638
the construction defects prepared by a person who inspected the 639
residential building for the owner; 640

(3) Include the name, address, and telephone number of the 641
owner and the contractor and the address of the building that is 642

the subject of the claim.

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(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.

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(D) If a contractor files a mechanics lien or commences any type of arbitration proceeding or legal action against an owner, this chapter does not apply and the owner immediately may counterclaim, commence an arbitration proceeding, or file a dwelling action against the contractor.

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Sec. 1312.03. (A) A residential contractor shall provide the owner with a good faith written response to any notice provided pursuant to section 1312.02 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:

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(1) Inspect the residential building that is the subject of the claim;

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(2) Compromise and settle the claim without an inspection;

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(3) Dispute the claim.

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(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 an arbitration proceeding or file a dwelling action without further notice to the contractor.

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(C)(1) If an owner rejects a contractor's offer to inspect the property or to compromise and settle a claim, the owner shall

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notify the contractor of that rejection within fourteen days after 673
receiving the contractor's offer. The rejection notice shall be in 674
writing and include a reason for the rejection. 675

(2) After providing a rejection notice, an owner has complied 676
with this chapter and may commence an arbitration proceeding or 677
file a dwelling action without further notice to the contractor. 678

Sec. 1312.04. (A) If an owner accepts a residential 679
contractor's offer to inspect the residential building, the owner 680
shall notify the contractor of that acceptance within fourteen 681
days. After accepting the offer, the owner shall allow the 682
contractor reasonable access to the building during normal working 683
hours. The contractor shall inspect the building within fourteen 684
days after the owner accepts the offer. The contractor shall take 685
reasonable measures to determine the nature and cause of the 686
construction defects and the appropriate remedy. The measures the 687
contractor takes may include, but are not limited to, testing. 688

(B) Within ten days after a residential contractor conducts 689
an inspection as described in this section, the contractor shall 690
provide the owner with one of the following: 691

(1) A written offer to remedy the defects at no cost to the 692
owner. The offer shall be accompanied by an inspection report, a 693
prediction of the additional construction work necessary to remedy 694
each defect, and a timetable for completing the work necessary to 695
remedy the defects. 696

(2) A written offer to settle the claim; 697

(3) A written statement asserting that the contractor does 698
not intend to remedy the defects. 699

(C) An owner has complied with this chapter and may commence 700
an arbitration proceeding or file a dwelling action without 701
further notice to the contractor if any of the following occur: 702

(1) The contractor does not inspect the property within fourteen days after the owner accepts the offer to inspect. 703
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(2) Following an inspection, the contractor does not provide a written response. 705
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(3) The contractor responds that the contractor does not intend to remedy the defects. 707
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(4) The contractor fails to remedy the defects in the manner the contractor describes or within the timetable the contractor provides. 709
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(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 and to inspect the repair or have it inspected. 712
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Sec. 1312.05. Unless otherwise indicated in this chapter, an owner has complied with this chapter and may commence an arbitration proceeding or file a dwelling action sixty days after the owner provides the residential contractor with a defect notice pursuant to division (A) of section 1312.02 of the Revised Code. 716
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Sec. 1312.06. (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 1312.02 of the Revised Code until the owner has complied with this chapter. 721
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(B) If an owner files a dwelling action without having complied with this chapter, a court shall dismiss that action without prejudice. The owner may again file that dwelling action after complying with this chapter. 725
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(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. 729
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Sec. 3703.01. (A) The division of industrial compliance in 732
the department of commerce shall: 733

~~(A)~~(1) Inspect all nonresidential buildings within the 734
meaning of section 3781.06 of the Revised Code; 735

~~(B)~~(2) Condemn all unsanitary or defective plumbing that is 736
found in connection with ~~such~~ those places; 737

~~(C)~~(3) Order ~~such~~ changes in plumbing ~~as are~~ necessary to 738
insure the safety of the public health. 739

(B)(1) The division of industrial compliance and boards of 740
health of city and general health districts shall not inspect 741
plumbing or collect fees for inspecting plumbing in particular 742
types of buildings in any municipal corporation that has been 743
certified by the board of building standards under section 3781.10 744
of the Revised Code to exercise enforcement authority for plumbing 745
in such types of buildings. 746

(2) The division shall not inspect plumbing or collect fees 747
for inspecting plumbing in particular types of buildings in any 748
health district that has employed one or more approved plumbing 749
inspectors to enforce Chapters 3781. and 3791. of the Revised Code 750
and the ~~regulations~~ rules adopted pursuant ~~thereto~~ to those 751
chapters relating to plumbing in such types of buildings. 752

(3) A municipal corporation does not have jurisdiction to 753
inspect plumbing or collect fees for the inspection of plumbing in 754
types of buildings for which it has not been certified by the 755
board of building standards under section 3781.10 of the Revised 756
Code to exercise enforcement authority ~~for plumbing in such types~~ 757
~~of buildings.~~ A 758

(4) A board of health of a health district does not have 759
jurisdiction to inspect plumbing or collect fees for the 760
inspection of plumbing in types of buildings for which it does not 761

have an approved plumbing inspector ~~for such types of buildings.~~ 762

(C) The superintendent of industrial compliance shall adopt 763
rules prescribing minimum qualifications based on education, 764
training, experience, or demonstrated ability, which the director 765
shall use in approving plumbing inspectors to do plumbing 766
inspections for health districts. Such minimum qualifications 767
shall be related to the types of buildings for which a person 768
seeks approval. 769

(D) Standards and methods prescribed in local plumbing 770
regulations shall not be less than those prescribed in Chapters 771
3781. and 3791. of the Revised Code and the ~~regulations~~ rules 772
adopted ~~thereunder~~ pursuant to those chapters. 773

~~The~~ (E) Notwithstanding any other provision of this section, 774
the division shall make a plumbing inspection of any building or 775
other place that there is reason to believe is in ~~such~~ a condition 776
~~as~~ to be a menace to the public health. 777

Sec. 3722.02. A person seeking a license to operate an adult 778
care facility shall submit to the director of health an 779
application on a form prescribed by the director and the 780
following: 781

(A) In the case of an adult group home seeking licensure as 782
an adult care facility, evidence that the home has been inspected 783
and approved by a local certified building department or by the 784
division of industrial compliance in the department of commerce as 785
meeting the applicable requirements of sections 3781.06 to 786
3781.18, ~~3781.181, 3781.182,~~ and 3791.04 of the Revised Code and 787
any rules adopted under those sections and evidence that the home 788
has been inspected by the state fire marshal or fire prevention 789
officer of a municipal, township, or other legally constituted 790
fire department approved by the state fire marshal and found to be 791
in compliance with rules adopted under section 3737.83 of the 792

Revised Code regarding fire prevention and safety in adult group homes;	793 794
(B) Valid approvals of the facility's water and sewage systems issued by the responsible governmental entity, if applicable;	795 796 797
(C) A statement of ownership containing the following information:	798 799
(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.	800 801 802 803 804 805
(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;	806 807 808 809
(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;	810 811 812 813
(4) The identity of the manager of the adult care facility, if different from the owner;	814 815
(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;	816 817 818 819 820
(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide	821 822

information about the character, reputation, and competence of the 823
owner and the manager and the financial responsibility of the 824
owner; 825

(7) Information about any arrest of the owner or manager for, 826
or adjudication or conviction of, a criminal offense related to 827
the provision of care in an adult care facility or any facility 828
described in divisions (A)(9)(a) to (i) of section 3722.01 of the 829
Revised Code or the ability to operate a facility; 830

(8) Any other information the director may require regarding 831
the owner's ability to operate the facility. 832

(D) If the facility is an adult group home, a balance sheet 833
showing the assets and liabilities of the owner and a statement 834
projecting revenues and expenses for the first twelve months of 835
the facility's operation; 836

(E) Proof of insurance in an amount and type determined in 837
rules adopted by the public health council pursuant to this 838
chapter to be adequate; 839

(F) A nonrefundable license application fee in an amount 840
established in rules adopted by the public health council pursuant 841
to this chapter. 842

Sec. 3722.041. (A) Sections 3781.06 to 3781.18, ~~3781.181,~~ 843
~~3781.182,~~ and 3791.04 of the Revised Code do not apply to an adult 844
family home for which application is made to the director of 845
health for licensure as an adult care facility under this chapter. 846
Adult family homes shall not be required to submit evidence to the 847
director of health that the home has been inspected by a local 848
certified building department or the division of industrial 849
compliance in the department of commerce or by the state fire 850
marshal or a fire prevention officer under section 3722.02 of the 851
Revised Code, but shall be inspected by the director of health to 852

determine compliance with this section. An inspection made under 853
this section may be made at the same time as an inspection made 854
under section 3722.04 of the Revised Code. 855

(B) The director shall not license or renew the license of an 856
adult family home unless it meets the fire protection standards 857
established by rules adopted by the public health council pursuant 858
to this chapter. 859

Sec. 3781.01. ~~(A)~~ Chapters 3781. and 3791. of the Revised 860
Code do not prevent the legislative authority of a municipal 861
corporation from making further and additional regulations, not in 862
conflict with ~~such those~~ chapters or with the rules ~~and~~ 863
~~regulations~~ of the board of building standards adopts. ~~Such Those~~ 864
chapters or ~~the rules and regulations of the board of building~~ 865
~~standards~~ do not modify or repeal any portion of any building code 866
adopted by a municipal corporation and in force on September 13, 867
1911, ~~which that~~ is not in direct conflict with ~~such those~~ 868
chapters or ~~with such rules and regulations~~. 869

(B) The state residential building code the board of building 870
standards adopts pursuant to section 3781.10 of the Revised Code 871
does not prevent a local government authority from adopting 872
additional regulations governing residential structures that do 873
not conflict with the state residential building code if the 874
procedures in division (C) of this section are followed. 875

(C)(1) A local governing authority shall, and any person may, 876
notify the board of building standards of any regulation the local 877
governing authority adopts pursuant to division (B) of this 878
section and request the board of building standards to determine 879
whether that regulation conflicts with the state residential 880
building code. 881

(2) Not later than sixty days after receiving a notice under 882

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.

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(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.

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(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.

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(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.

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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.

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(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~~ municipal corporation, including the

house drain and the house sewer and all laterals draining into the 946
street sewers. 947

(2) The department of the city engineer shall ~~have~~ control 948
and ~~supervision of~~ supervise the installation and construction of 949
all drains and sewers that become a part of the sewerage system of 950
the ~~city~~ municipal corporation and shall issue all the necessary 951
permits and licenses for the construction and installation of all 952
house drains and house sewers and of all other lateral drains that 953
empty into the main sewers. The department shall keep a permanent 954
record of the installation and location of every drain and sewer 955
of the drainage and sewerage system of the ~~city~~ municipal 956
corporation. 957

(E) This section does not exempt any officer or department 958
from the obligation to enforce Chapters 3781. and 3791. of the 959
Revised Code. 960

Sec. 3781.031. ~~Before any~~ (A) Any department or agency of the 961
state or any political subdivision ~~attempts to enforce that~~ 962
enforces Chapters 3781. and 3791. of the Revised Code or ~~any the~~ 963
rules or regulations adopted pursuant ~~thereto to those chapters,~~ 964
by any remedy, civil or criminal, ~~it~~ shall issue an adjudication 965
order within the meaning of sections 119.06 to 119.13, ~~inclusive,~~ 966
of the Revised Code, or a stop work order as provided ~~herein in~~ 967
this section. 968

(B)(1) Any person charged with ~~the duty of~~ enforcing Chapters 969
3781. and 3791. of the Revised Code or the rules or regulations 970
adopted pursuant ~~thereto to those chapters~~ may issue a stop work 971
order whenever ~~he~~ the person finds, after inspection, that the 972
site preparations or structure to be constructed, or ~~in the case~~ 973
~~of an industrialized unit,~~ the installation of ~~the~~ an 974
industrialized unit, or ~~that~~ the use of an appliance, material, 975
assemblage, or manufactured product does not comply with ~~the~~ 976

~~provisions of Chapters 3781. and 3791. of the Revised Code or the~~ 977
~~rules or regulations adopted pursuant thereto to those chapters.~~ 978
The effect of such an order shall be limited to the matter 979
specified therein. 980

~~Every~~ (2) Any adjudication order shall specify what 981
appliances, site preparations, additions, or alterations to 982
structures, plans, materials, assemblages, or procedures are 983
necessary for ~~the same to comply~~ compliance with Chapters 3781. 984
and 3791. of the Revised Code. 985

(C) Upon the issuance of any order provided for ~~herein in~~ 986
this section, the person receiving ~~such the~~ order shall cease work 987
upon the site preparations or structure to be constructed, or ~~in~~ 988
~~the case of an industrialized unit,~~ the installation of ~~the an~~ 989
industrialized unit, or shall cease using the appliance, 990
materials, assemblages, or manufactured product identified in the 991
order until ~~such time as~~ the appeal provided for in accordance 992
with ~~the provisions of~~ section 3781.19 of the Revised Code, and 993
all appeals from ~~such the~~ hearing have been completed, or the 994
order issued ~~herein~~ has been released. 995

(D) Notwithstanding ~~the provisions of~~ Chapter 119. of the 996
Revised Code relating to adjudication hearings and ~~the proceedings~~ 997
~~thereon~~, a stenographic or mechanical record of the testimony and 998
other evidence submitted shall be taken at the expense of the 999
agency; ~~a. Any~~ party adversely affected by an order issued 1000
following ~~such an~~ adjudication hearing may appeal to the court of 1001
common pleas of the county in which ~~he the party~~ is a resident or 1002
in which the premises affected by ~~such the~~ order is located; ~~the.~~ 1003
The court ~~in such case~~ shall not be confined to the record as 1004
certified to it by the agency but any party may produce additional 1005
evidence and the court shall hear the matter upon ~~such the~~ record 1006
and ~~such additional evidence as is introduced by any party; and~~ 1007
~~the~~ introduces. The court shall not affirm the agency's order ~~of~~ 1008

~~the agency~~ unless the preponderance of the evidence before it 1009
supports the reasonableness and lawfulness of ~~such~~ the order and 1010
~~of any rule or regulation~~ of the board of building standards upon 1011
which the order ~~of the agency~~ is based in its application to the 1012
particular set of facts or circumstances involved in the appeal. 1013

(E) Failure to cease work after ~~receipt of~~ receiving a stop 1014
work order is hereby declared a public nuisance. 1015

Sec. 3781.06. (A)(1) Any building that may be used as a place 1016
of resort, assembly, education, entertainment, lodging, dwelling, 1017
trade, manufacture, repair, storage, traffic, or occupancy by the 1018
public, any residential building, and all other buildings or parts 1019
and appurtenances ~~thereof~~ of those buildings erected within this 1020
state, shall be ~~so~~ constructed, erected, equipped, and maintained 1021
~~that they shall~~ to be safe and sanitary for their intended use and 1022
occupancy, ~~except that sections 3781.06 to 3781.18 and 3791.04 of~~ 1023
~~the Revised Code shall be considered as model provisions with no~~ 1024
~~force and effect when applied to single family, two family, and~~ 1025
~~three family dwelling houses, and accessory structures incidental~~ 1026
~~to those dwelling houses, that have not been constructed or~~ 1027
~~erected as industrialized one family, two family, or three family~~ 1028
~~units or structures within the meaning of the term "industrialized~~ 1029
~~unit" as provided in division (C)(3) of this section, except where~~ 1030
~~the context specifies mandatory applicability.~~ 1031

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 1033
Revised Code shall be construed to limit the power of the public 1034
health council to adopt rules of uniform application governing 1035
manufactured home parks pursuant to section 3733.02 of the Revised 1036
Code. 1037

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 1038
Code ~~shall~~ do not apply to either of the following: 1039

(1) Buildings or structures that are incident to the use for 1040
agricultural purposes of the land on which ~~such~~ the buildings or 1041
structures are located, provided ~~such~~ those buildings or 1042
structures are not used in the business of retail trade. For 1043
purposes of this division, a building or structure is not 1044
considered used in the business of retail trade if fifty per cent 1045
or more of the gross income received from sales of products in the 1046
building or structure by the owner or operator is from sales of 1047
products produced or raised in a normal crop year on farms owned 1048
or operated by the seller. 1049

(2) Existing single-family, two-family, and three-family 1050
detached dwelling houses for which applications have been 1051
submitted to the director of job and family services pursuant to 1052
section 5104.03 of the Revised Code for the purposes of operating 1053
type A family day-care homes as defined in section 5104.01 of the 1054
Revised Code. 1055

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 1056
Revised Code: 1057

(1) "Agricultural purposes" include agriculture, farming, 1058
dairying, pasturage, apiculture, horticulture, floriculture, 1059
viticulture, ornamental horticulture, olericulture, pomiculture, 1060
and animal and poultry husbandry. 1061

(2) "Building" means any structure consisting of foundations, 1062
walls, columns, girders, beams, floors, and roof, or a combination 1063
of any number of these parts, with or without other parts or 1064
appurtenances. 1065

(3) "Industrialized unit" means a building unit or assembly 1066
of closed construction fabricated in an off-site facility, that is 1067
substantially self-sufficient as a unit or as part of a greater 1068
structure, and that requires transportation to the site of 1069
intended use. "Industrialized unit" includes units installed on 1070

the site as independent units, as part of a group of units, or 1071
incorporated with standard construction methods to form a 1072
completed structural entity. "Industrialized unit" does not 1073
include a manufactured home as defined by division (C)(4) of this 1074
section or a mobile home as defined by division (O) of section 1075
4501.01 of the Revised Code. 1076

(4) "Manufactured home" means a building unit or assembly of 1077
closed construction that is fabricated in an off-site facility and 1078
constructed in conformance with the federal construction and 1079
safety standards established by the secretary of housing and urban 1080
development pursuant to the "Manufactured Housing Construction and 1081
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 1082
5403, and that has a permanent label or tag affixed to it, as 1083
specified in 42 U.S.C.A. 5415, certifying compliance with all 1084
applicable federal construction and safety standards. 1085

(5) "Permanent foundation" means permanent masonry, concrete, 1086
or a locally approved footing or foundation, to which a 1087
manufactured or mobile home may be affixed. 1088

(6) "Permanently sited manufactured home" means a 1089
manufactured home that meets all of the following criteria: 1090

(a) The structure is affixed to a permanent foundation and is 1091
connected to appropriate facilities; 1092

(b) The structure, excluding any addition, has a width of at 1093
least twenty-two feet at one point, a length of at least 1094
twenty-two feet at one point, and a total living area, excluding 1095
garages, porches, or attachments, of at least nine hundred square 1096
feet; 1097

(c) The structure has a minimum 3:12 residential roof pitch, 1098
conventional residential siding, and a six-inch minimum eave 1099
overhang, including appropriate guttering; 1100

(d) The structure was manufactured after January 1, 1995; 1101

(e) The structure is not located in a manufactured home park 1102
as defined by section 3733.01 of the Revised Code. 1103

(7) "Safe," with respect to a building, means it is free from 1104
danger or hazard to the life, safety, health, or welfare of 1105
persons occupying or frequenting it, or of the public and from 1106
danger of settlement, movement, disintegration, or collapse, 1107
whether such danger arises from the methods or materials of its 1108
construction or from equipment installed therein, for the purpose 1109
of lighting, heating, the transmission or utilization of electric 1110
current, or from its location or otherwise. 1111

(8) "Sanitary," with respect to a building, means it is free 1112
from danger or hazard to the health of persons occupying or 1113
frequenting it or to that of the public, if such danger arises 1114
from the method or materials of its construction or from any 1115
equipment installed therein, for the purpose of lighting, heating, 1116
ventilating, or plumbing. 1117

(9) "Residential building" means a one-family, two-family, or 1118
three-family dwelling house, and any accessory structure 1119
incidental to that dwelling house. "Residential building" includes 1120
a one-family, two-family, or three-family dwelling house that is 1121
used as a model to promote the sale of a similar dwelling house. 1122
"Residential building" does not include an industrialized unit as 1123
defined by division (C)(3) of this section, a manufactured home as 1124
defined by division (C)(4) of this section, or a mobile home as 1125
defined by division (O) of section 4501.01 of the Revised Code. 1126

(10) "Nonresidential building" means any building that is not 1127
a residential building, a manufactured home, or an industrialized 1128
unit. 1129

(11) "Accessory structure" means a structure that is located 1130
on the same lot as a residential building, is constructed or 1131
installed on, above, or below the surface of that lot, and is 1132

subordinate to or serves the principal use of the residential 1133
building. "Accessory structure" includes, but is not limited to, a 1134
garage, greenhouse, shed, porch, and storage facility. 1135

~~Sec. 3781.10. The board of building standards shall:~~ 1136

(A) ~~Formulate~~ (1) The board of building standards shall 1137
formulate and adopt rules governing the erection, construction, 1138
repair, alteration, and maintenance of all buildings or classes of 1139
buildings specified in section 3781.06 of the Revised Code, 1140
including land area incidental ~~thereto~~ to those buildings, the 1141
construction of industrialized units, the installation of 1142
equipment, and the standards or requirements for materials ~~to be~~ 1143
used in connection ~~therewith~~ with those buildings. The board shall 1144
incorporate those rules into separate residential and 1145
nonresidential building codes. The standards shall relate to the 1146
conservation of energy ~~in~~ and ~~to~~ the safety and sanitation of ~~such~~ 1147
those buildings. ~~The~~ 1148

(2) The rules shall be governing nonresidential buildings are 1149
the lawful minimum requirements specified for ~~such~~ those buildings 1150
~~or~~ and industrialized units, except that no rule, ~~except other~~ 1151
than as provided in division (C) of section 3781.108 of the 1152
Revised Code, ~~which~~ that specifies a higher requirement than is 1153
imposed by any section of the Revised Code ~~shall be~~ is 1154
enforceable; ~~the~~. The rules governing residential buildings are 1155
uniform requirements for residential buildings in any area with a 1156
building department certified to enforce the state residential 1157
building code. In no case shall any local code or regulation 1158
differ from the state residential building code unless that code 1159
or regulation addresses subject matter not addressed by the state 1160
residential building code or is adopted pursuant to section 1161
3781.01 of the Revised Code. 1162

(3) The rules shall be acceptable as adopted pursuant to this 1163

section are complete, lawful alternatives to ~~the~~ any requirements 1164
specified for ~~such~~ buildings or industrialized units in any 1165
section of the Revised Code; ~~and the~~. The board shall, on its own 1166
motion, or on application made under sections 3781.12 and 3781.13 1167
of the Revised Code, formulate, propose, adopt, modify, amend, or 1168
repeal the rules to the extent necessary or desirable to 1169
effectuate the purposes of sections 3781.06 to 3781.18 of the 1170
Revised Code. 1171

(B) ~~Formulate and~~ The board shall report to the general 1172
assembly ~~such proposals for~~ amendments ~~in to~~ existing statutes 1173
relating to the purposes declared in section 3781.06 of the 1174
Revised Code ~~as that~~ public health and safety and the development 1175
of the arts require and ~~such shall recommend any~~ additional 1176
legislation ~~as it recommends with a view to assist in~~ carrying out 1177
fully, in statutory form, the purposes declared in ~~such that~~ 1178
section; ~~and~~. The board shall prepare and submit to the general 1179
assembly a summary report of the number, nature, and disposition 1180
of the petitions filed under sections 3781.13 and 3781.14 of the 1181
Revised Code; and. 1182

(C) ~~Determine by rule, on~~ On its own motion or on application 1183
made under sections 3781.12 and 3781.13 of the Revised Code, and 1184
after thorough testing and evaluation, the board shall determine 1185
by rule that any particular fixture, device, material, process of 1186
manufacture, manufactured unit or component, method of 1187
manufacture, system, or method of construction, complies with 1188
performance standards adopted pursuant to section 3781.11 of the 1189
Revised Code, ~~having~~. The board shall make its determination with 1190
regard to ~~its~~ adaptability for safe and sanitary erection, use, or 1191
construction, to that described in any section of the Revised 1192
Code, wherever the use of a fixture, device, material, method of 1193
manufacture, system, or method of construction ~~which is~~ described 1194
in ~~such that~~ section of the Revised Code, is permitted by law; ~~and~~ 1195

~~on like application. The board shall amend or annul any such rule~~ 1196
~~or issue an authorization for the use of a new material or~~ 1197
~~manufactured unit; and no on any like application. No~~ 1198
~~department, officer, board, or commission of the state other than the board of~~ 1199
~~building standards or the board of building appeals shall permit~~ 1200
~~the use of any fixture, device, material, method of manufacture,~~ 1201
~~newly designed product, system, or method of construction at~~ 1202
~~variance with what is described in any rule adopted the board of~~ 1203
~~building standards adopts or authorization issued by the board of~~ 1204
~~building standards issues or in that is authorized by any section~~ 1205
of the Revised Code. Nothing in this section shall be construed as 1206
requiring approval, by rule, of plans for an industrialized unit 1207
that conforms with the rules ~~adopted by~~ the board of building 1208
standards adopts pursuant to section 3781.11 of the Revised Code. 1209

(D) ~~Recommend~~ The board shall recommend rules, codes, and 1210
standards to help carry out the purposes of section 3781.06 of the 1211
Revised Code and to help secure uniformity of state administrative 1212
rulings and local legislation and administrative action to the 1213
bureau of workers' compensation, the director of commerce, ~~or~~ any 1214
other department, officer, board, or commission of the state, and 1215
to legislative authorities and building departments of counties, 1216
townships, and municipal corporations, ~~the making, amending,~~ 1217
~~fixing, or ordaining by such appropriate action as such state,~~ 1218
~~county, township, or municipal authorities may be empowered by law~~ 1219
~~or the constitution to take, of such rules, codes, or standards as~~ 1220
~~shall tend to carry out the purposes declared in section 3781.06~~ 1221
~~of the Revised Code, with a view to securing uniformity of state~~ 1222
~~administrative ruling; and local legislation and administrative~~ 1223
~~action; and shall recommend that they audit those recommended~~ 1224
rules, codes, and standards by any appropriate action that they 1225
are allowed pursuant to law or the constitution. 1226

(E) ~~Certify~~ (1) The board shall certify municipal, township, 1227

and county building departments and the personnel of those 1228
building departments, and persons and employees of individuals, 1229
firms, or corporations as described in division (E)(7) of this 1230
section to exercise enforcement authority, to accept and approve 1231
plans and specifications, and to make inspections, pursuant to 1232
sections 3781.03 and 3791.04 of the Revised Code. 1233

~~The board also shall certify personnel of municipal,~~ 1234
~~township, and county building departments, and persons and~~ 1235
~~employees of persons, firms, or corporations as described in~~ 1236
~~divisions (E)(1) and (2) of this section, to exercise enforcement~~ 1237
~~authority, to accept and approve plans and specifications, and to~~ 1238
~~make inspections, pursuant to sections 3781.03 and 3791.04 of the~~ 1239
~~Revised Code.~~ (2) The board shall certify departments, personnel, 1240
and persons to enforce the state residential building code, to 1241
enforce the nonresidential building code, or to enforce both the 1242
residential and the nonresidential building codes. Any department, 1243
personnel, or person may enforce only the type of building code 1244
for which certified. 1245

(3) The board shall not require a building department, its 1246
personnel, or any persons that it employs to be certified for 1247
residential building code enforcement if that building department 1248
does not enforce the state residential building code. The board 1249
shall specify, in rules adopted pursuant to Chapter 119. of the 1250
Revised Code, the requirements ~~that shall be satisfied~~ for 1251
certification ~~purposes~~ for residential and nonresidential building 1252
code enforcement, which ~~requirements~~ shall be consistent with this 1253
division. The requirements for residential and nonresidential 1254
certification may differ. Except as otherwise provided in this 1255
division, the requirements shall include, but are not limited to, 1256
the satisfactory completion of an initial examination and, ~~in~~ 1257
~~order~~ to remain certified, the completion of a specified number of 1258
hours of continuing building code education within each three-year 1259

period following the date of certification. ~~In adopting the~~ 1260
~~requirements, the board which shall be not specify~~ less than 1261
thirty hours ~~of continuing building code education within a~~ 1262
~~three year period~~; The rules shall provide that continuing 1263
education credits, and certification issued, by the council of 1264
American building officials, national model code organizations, 1265
and agencies or entities ~~recognized by~~ the board, recognizes are 1266
acceptable for purposes of this division; ~~and. The rules~~ shall 1267
specify requirements that are compatible, to the extent possible, 1268
with requirements ~~established by~~ the council of American building 1269
officials and national model code organizations establish. ~~The~~ 1270

(4) The board shall establish and collect a certification and 1271
renewal fee for building department personnel, and persons and 1272
employees of persons, firms, or corporations as described in 1273
~~divisions (E)(1) and (2) of this section, who are certified~~ 1274
pursuant to this division. 1275

~~All individuals~~ (5) Any individual certified pursuant to this 1276
division shall complete the number of hours of continuing building 1277
code education that the board requires or, for failure to do so, 1278
forfeit ~~their certifications~~ certification. 1279

(6) This division does not require or authorize the 1280
~~certification by the board of~~ board to certify personnel of 1281
municipal, township, and county building departments, and persons 1282
and employees of persons, firms, or corporations as described in 1283
~~divisions (E)(1) and (2) of this section, whose responsibilities~~ 1284
do not include the exercise of enforcement authority, the approval 1285
of plans and specifications, or ~~the making of~~ inspections, under 1286
the ~~Ohio~~ state residential and nonresidential building code codes. 1287

~~(1)~~(7) Enforcement authority for approval of plans and 1288
specifications and enforcement authority for inspections may be 1289
exercised, and plans and specifications may be approved, and 1290
inspections may be made on behalf of a municipal corporation, 1291

township, or county, by any of the following who are ~~certified by~~ 1292
the board of building standards certifies: 1293

(a) Officers or employees of the municipal corporation, 1294
township, or county; 1295

(b) Persons, or employees of persons, firms, or corporations, 1296
~~when such persons, firms, or corporations are under~~ pursuant to a 1297
contract to furnish architectural or engineering services to the 1298
municipal corporation, township, or county, ~~and such authority is~~ 1299
~~exercised pursuant to such contract;~~ 1300

(c) Officers or employees of ~~any other, and persons under~~ 1301
contract with, a municipal corporation, township, county, health 1302
district, or other political subdivision, ~~or persons or employees~~ 1303
~~of persons, firms, or corporations under contract with the same~~ 1304
~~pursuant to division (E)(1)(b) of this section, when such other~~ 1305
~~municipal corporation, township, county, health district, or other~~ 1306
~~political subdivision is under~~ pursuant to a contract to furnish 1307
architectural or engineering services ~~to the municipal~~ 1308
~~corporation, township, or county, and such authority is exercised~~ 1309
~~pursuant to such contract.~~ 1310

~~(2) Enforcement authority for inspections may be exercised,~~ 1311
~~and inspections may be made, on behalf of a municipal corporation,~~ 1312
~~township, or county, by any of the following who are certified by~~ 1313
~~the board of building standards:~~ 1314

~~(a) Officers or employees of the municipal corporation,~~ 1315
~~township, or county;~~ 1316

~~(b) Persons, or employees of persons, firms, or corporations,~~ 1317
~~when such persons, firms, or corporations are under contract to~~ 1318
~~furnish inspection services to the municipal corporation,~~ 1319
~~township, or county, and such authority is exercised pursuant to~~ 1320
~~such contract;~~ 1321

~~(c) Officers or employees of any other municipal corporation,~~ 1322

~~township, county, health district, or other political subdivision~~ 1323
~~under contract to furnish inspection services to the municipal~~ 1324
~~corporation, township, or county, when such authority is exercised~~ 1325
~~pursuant to such contract.~~ 1326

~~(3)(8)~~ Municipal, township, and county building departments 1327
~~shall~~ have jurisdiction within the meaning of sections 3781.03 and 1328
3791.04 of the Revised Code, only with respect to the types of 1329
buildings and subject matters ~~as to~~ for which they ~~have been~~ are 1330
certified under this section ~~and as to which such certification~~ 1331
~~remains in effect.~~ 1332

~~(4) Such certification~~ (9) Certification shall be granted 1333
upon application by the municipal corporation, the board of 1334
township trustees, or the board of county commissioners and 1335
approval of ~~such~~ that application by the board of building 1336
standards. ~~Such~~ The application shall set forth: 1337

(a) ~~The types of building occupancies as to which~~ Whether the 1338
certification is requested for residential or nonresidential 1339
buildings, or both; 1340

(b) The number and qualifications of the staff composing the 1341
building department; 1342

(c) The names, addresses, and qualifications of persons, 1343
firms, or corporations contracting to furnish work or services 1344
pursuant to ~~divisions (E)(1)(b) and (2)(b)~~ division (E)(7)(b) of 1345
this section; 1346

(d) The names of any other municipal ~~corporations~~ 1347
corporation, townships township, counties county, health districts 1348
district, or other political subdivisions ~~contracting subdivision~~ 1349
under contract to furnish work or services pursuant to ~~divisions~~ 1350
~~(E)(1)(c) and (2)(c)~~ division (E)(7) of this section; 1351

(e) The proposed budget for the operation of ~~such~~ the 1352

building department. 1353

~~(5)~~(10) The board of building standards shall adopt rules 1354
governing all of the following: 1355

(a) The certification of building department personnel and ~~of~~ 1356
~~those~~ persons and employees of persons, firms, or corporations 1357
exercising authority pursuant to ~~divisions (E)(1) and (2)~~ division 1358
(E)(7) of this section. ~~Any~~ The rules shall disqualify any 1359
employee of the department or person who contracts for services 1360
with the department ~~is disqualified~~ from performing services for 1361
the department when ~~the same would require the~~ that employee or 1362
person would have to pass upon, inspect, or otherwise exercise ~~any~~ 1363
authority ~~given by the Ohio building code~~ over any labor, 1364
material, or equipment ~~furnished by~~ the employee or person 1365
furnishes for the construction, alteration, or maintenance of a 1366
building or the preparation of working drawings or specifications 1367
for work within the jurisdictional area of the department. The 1368
department shall provide other similarly qualified personnel to 1369
enforce the ~~requirements of the Ohio~~ residential and 1370
nonresidential building ~~code~~ codes as it ~~pertains~~ they pertain to 1371
~~such~~ that work. 1372

(b) The minimum services to be provided by a certified 1373
building department. 1374

~~(6)~~ Such certification (11) The board of building standards 1375
may be ~~revoked~~ revoke or ~~suspended with respect to any or all of~~ 1376
suspend certification to enforce the residential and 1377
nonresidential building ~~occupancies to which it relates~~ codes, on 1378
petition to the board ~~of building standards~~ by any person affected 1379
by ~~such~~ that enforcement or approval of plans, or by the board on 1380
its own motion. Hearings shall be held and appeals permitted on 1381
any ~~such~~ proceedings for certification or ~~for~~ revocation or 1382
suspension of certification in the same manner as provided in 1383
section 3781.101 of the Revised Code for other proceedings of the 1384

board of building standards. 1385

~~(7)(12)~~ Upon certification, and until ~~such that~~ authority is 1386
revoked, any county and or township building departments 1387
department shall enforce such rules over those occupancies listed 1388
in the application the residential and nonresidential building 1389
codes for which it is certified without regard to limitation upon 1390
the authority of boards of county commissioners under Chapter 307. 1391
of the Revised Code or boards of township trustees under Chapter 1392
505. of the Revised Code. 1393

(F) ~~Conduct such hearings, in~~ In addition to those required 1394
~~by hearings~~ sections 3781.06 to 3781.18 and 3791.04 of the Revised 1395
Code require, and the board of building standards shall make ~~such~~ 1396
investigations and tests, and require from other state 1397
departments, officers, boards, and commissions ~~such~~ information ~~as~~ 1398
the board considers necessary or desirable ~~in order~~ to assist it 1399
in the discharge of any duty or ~~in~~ the exercise of any power 1400
mentioned in this section or in sections 3781.06 to 3781.18 and 1401
3791.04 of the Revised Code. 1402

(G) ~~Formulate~~ The board shall adopt rules and establish 1403
reasonable fees for the review of all applications submitted where 1404
the applicant applies for authority to use a new material, 1405
assembly, or product of a manufacturing process. The fee 1406
~~established~~ shall bear some reasonable relationship to the cost of 1407
~~such the~~ review or testing of the materials, assembly, or products 1408
~~submitted~~ and for the notification of approval or disapproval as 1409
provided in section 3781.12 of the Revised Code. 1410

(H) ~~Compile and publish, in the form of a model code, rules~~ 1411
~~pertaining to one family, two family, and three family dwelling~~ 1412
~~houses that any municipal corporation, township, or county may~~ 1413
~~incorporate into its building code;~~ The residential construction 1414
advisory committee shall provide the board with a proposal for a 1415
state residential building code that the committee recommends 1416

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. 1417
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~~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~~7~~. 1421
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~~Adopt~~ The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code. 1425
1426

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~~7~~, and ~~such building department~~ shall inspect the buildings or classes of buildings subject to ~~the provisions of~~ division (E) of section 3781.10 of the Revised Code. 1427
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(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. 1438
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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 1443
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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 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 1480
contractor may engage in the type of contracting for which the 1481
license is held within the unincorporated areas of the county and 1482
within any municipal corporation whose legislative authority has 1483
contracted with the board for the enforcement of county 1484
regulations within the municipal corporation, pursuant to section 1485
307.15 of the Revised Code, provided that the fee is the same for 1486
all specialty contractors who wish to engage in that type of 1487
contracting. If a board imposes such a fee, the board immediately 1488
shall permit a specialty contractor who presents proof of holding 1489
a valid and unexpired license and pays the required fee to engage 1490
in the type of contracting for which the license is held within 1491
the unincorporated areas of the county and within any municipal 1492
corporation whose legislative authority has contracted with the 1493
board for the enforcement of county regulations within the 1494
municipal corporation, pursuant to section 307.15 of the Revised 1495
Code. 1496

(E) The political subdivision associated with each municipal, 1497
township, and county building department ~~certified by~~ the board of 1498
building standards certifies pursuant to division (E) of section 1499
3781.10 of the Revised Code may prescribe fees to be paid by 1500
persons, political subdivisions, or any department, agency, board, 1501
commission, or institution of the state, for the acceptance and 1502
approval of plans and specifications, and for ~~the making of~~ 1503
inspections, pursuant to sections 3781.03 and 3791.04 of the 1504
Revised Code. 1505

(F) Each political subdivision that prescribes fees pursuant 1506
to division (E) of this section shall collect, on behalf of the 1507
board of building standards, ~~a fee~~ fees equal to ~~three~~ the 1508
following: 1509

(1) Three per cent of ~~such~~ the fees the political subdivision 1510
collects in connection with nonresidential buildings; 1511

(2) One per cent of the fees the political subdivision 1512
collects in connection with residential buildings. The 1513

(G)(1) The board shall adopt rules, in accordance with 1514
Chapter 119. of the Revised Code, specifying the manner in which 1515
the fee assessed pursuant to ~~this~~ division (F) of this section 1516
shall be collected and remitted monthly to the board. The board 1517
shall pay the ~~fee assessed pursuant to this division~~ fees into the 1518
state treasury to the credit of the industrial compliance 1519
operating fund created in section 121.084 of the Revised Code. 1520

(2) All money credited to the industrial compliance operating 1521
fund under this division shall be used exclusively for ~~both of~~ the 1522
following: 1523

~~(1)~~(a) Operating costs of the board; 1524

~~(2)~~(b) Providing services, including educational programs, 1525
for the building departments that are certified by the board 1526
pursuant to division (E) of section 3781.10 of the Revised Code. 1527

~~(G)~~(H) A board of county commissioners that adopts rules 1528
providing for the licensing of electrical and heating, 1529
ventilating, and air conditioning contractors, pursuant to 1530
division (B) of this section, may accept, for purposes of 1531
satisfying the requirements of rules adopted under that division, 1532
a valid and unexpired license issued pursuant to Chapter 4740. of 1533
the Revised Code that is held by an electrical or heating, 1534
ventilating, and air conditioning contractor, for the 1535
construction, replacement, maintenance, or repair of one-family, 1536
two-family, or three-family dwelling houses or accessory 1537
structures incidental to those dwelling houses. 1538

~~(H)~~(I) As used in this section, "specialty contractor" means 1539
a heating, ventilating, and air conditioning contractor, 1540
refrigeration contractor, electrical contractor, plumbing 1541
contractor, or hydronics contractor, as those terms are defined in 1542

section 4740.01 of the Revised Code. 1543

Sec. 3781.11. (A) The rules of the board of building 1544
standards shall: 1545

(1) ~~Provide For nonresidential buildings, provide~~ uniform 1546
minimum standards and requirements, ~~and for residential buildings,~~ 1547
provide standards and requirements that are uniform throughout the 1548
state, for construction and construction materials, including 1549
construction of industrialized units, to make residential and 1550
nonresidential buildings safe and sanitary as defined in section 1551
3781.06 of the Revised Code; 1552

(2) Formulate such standards and requirements, so far as may 1553
be practicable, in terms of performance objectives, so as to make 1554
adequate performance for the use intended the test of 1555
acceptability; 1556

(3) Permit, to the fullest extent feasible, the use of 1557
materials and technical methods, devices, and improvements, 1558
including the use of industrialized units which tend to reduce the 1559
cost of construction and erection without affecting minimum 1560
requirements for the health, safety, and security of the occupants 1561
or users of buildings or industrialized units and without 1562
preferential treatment of types or classes of materials or 1563
products or methods of construction; 1564

(4) Encourage, so far as may be practicable, the 1565
standardization of construction practices, methods, equipment, 1566
material, and techniques, including methods employed to produce 1567
industrialized units; 1568

(5) Not require any alteration or repair of any part of a 1569
school building owned by a chartered nonpublic school or a city, 1570
local, exempted village, or joint vocational school district and 1571
operated in conjunction with any primary or secondary school 1572

program that is not being altered or repaired if all of the 1573
following apply: 1574

(a) The school building meets all of the applicable building 1575
code requirements in existence at the time of the construction of 1576
the building. 1577

(b) The school building otherwise satisfies the requirements 1578
of section 3781.06 of the Revised Code. 1579

(c) The part of the school building altered or repaired 1580
conforms to all rules of the board existing on the date of the 1581
repair or alteration. 1582

(6) Not require any alteration or repair to any part of a 1583
workshop or factory that is not otherwise being altered, repaired, 1584
or added to if all of the following apply: 1585

(a) The workshop or factory otherwise satisfies the 1586
requirements of section 3781.06 of the Revised Code. 1587

(b) The part of the workshop or factory altered, repaired, or 1588
added conforms to all rules of the board existing on the date of 1589
plan approval of the repair, alteration, or addition. 1590

(B) The rules of the board shall supersede and govern any 1591
order, standard, or rule of the division of industrial compliance 1592
in the department of commerce, division of the fire marshal, the 1593
department of health, and of counties and townships, in all cases 1594
where such orders, standards, or rules are in conflict with the 1595
rules of the board, except that rules adopted and orders issued by 1596
the fire marshal pursuant to Chapter 3743. of the Revised Code 1597
prevail in the event of a conflict. 1598

(C) The construction, alteration, erection, and repair of 1599
buildings including industrialized units, and the materials and 1600
devices of any kind used in connection with them and the heating 1601
and ventilating of them and the plumbing and electric wiring in 1602

them shall conform to the statutes of this state or the rules 1603
adopted and promulgated by the board, and to provisions of local 1604
ordinances not inconsistent therewith. Any building, structure, or 1605
part thereof, constructed, erected, altered, manufactured, or 1606
repaired not in accordance with the statutes of this state or with 1607
the rules of the board, and any building, structure, or part 1608
thereof in which there is installed, altered, or repaired any 1609
fixture, device, and material, or plumbing, heating, or 1610
ventilating system, or electric wiring not in accordance with such 1611
statutes or rules is a public nuisance. 1612

(D) As used in this section: 1613

(1) "Nonpublic school" means a chartered school for which 1614
minimum standards are prescribed by the state board of education 1615
pursuant to division (D) of section 3301.07 of the Revised Code. 1616

(2) "Workshop or factory" includes manufacturing, mechanical, 1617
electrical, mercantile, art, and laundering establishments, 1618
printing, telegraph, and telephone offices, railroad depots, and 1619
memorial buildings, but does not include hotels and tenement and 1620
apartment houses. 1621

Sec. 3781.12. (A) Any person may petition the board of 1622
building standards to adopt, amend, or annul a rule ~~or regulation~~ 1623
adopted pursuant to section 3781.10 of the Revised Code, or to 1624
permit the use of any particular fixture, device, material, 1625
system, method of manufacture, product of a manufacturing process, 1626
or method or manner of construction or installation, ~~which that~~ 1627
complies with performance standards adopted pursuant to section 1628
3781.11 of the Revised Code, as regards the purposes declared in 1629
section 3781.06 of the Revised Code, of the fixtures, devices, 1630
materials, systems, or methods or manners of construction, 1631
manufacture or installation described in any section of the 1632
Revised Code relating to ~~said~~ those purposes, where the use is 1633

permitted by law. ~~Upon~~ 1634

(B) ~~Upon~~ petition, the board shall cause to be conducted ~~such~~ 1635
testing and evaluation ~~as that~~ the board ~~shall determine~~ 1636
~~determines~~ desirable of any fixture, device, material, system, 1637
assembly or product of a manufacturing process, or method or 1638
manner of construction or installation sought to be used under the 1639
rules ~~and regulations adopted by~~ the board ~~by virtue of~~ adopts 1640
pursuant to section 3781.10 of the Revised Code. ~~If~~ 1641

(C) ~~If~~ the board, after hearing, ~~deems~~ determines it 1642
advisable to adopt the rule ~~or regulation or~~ amendment, or 1643
annulment ~~thereof~~, or to permit the use of the materials or 1644
assemblages petitioned for, it shall give at least thirty days' 1645
notice of the time and place of a public hearing ~~thereon, which~~ 1646
~~notice shall be given in accordance with the provisions set forth~~ 1647
~~in as provided by~~ section 119.03 of the Revised Code. No ~~such~~ rule 1648
~~or regulation~~ shall be adopted, amended, or annulled, or the use 1649
of ~~such~~ materials or assemblages authorized, until after ~~such the~~ 1650
public hearing. A copy of every ~~such rule or regulation and every~~, 1651
amendment, or annulment ~~thereof~~, and a copy of every approved 1652
material or assembly authorization signed by the ~~chairman~~ 1653
chairperson of the board of building standards, and sealed with 1654
the seal of the department of commerce, shall, after final 1655
adoption or authorization by the board, be filed with the 1656
secretary of state and ~~shall be published in such manner~~ as the 1657
board determines. The issuance of the authorization for the use of 1658
the materials or assemblages described in the petition ~~shall~~ 1659
~~constitute~~ constitutes approval for their use anywhere in ~~Ohio~~ 1660
this state. Any ~~such rule or regulation or~~ amendment, or 1661
annulment ~~thereof shall~~ does not take effect until a date ~~fixed by~~ 1662
the board fixes and ~~stated therein~~ states. No ~~such~~ rule, 1663
~~regulation~~, amendment, or annulment ~~shall apply~~ applies to any 1664
building for which the plans or drawings, specifications, and data 1665

~~of which have been~~ were approved prior to the time ~~such the~~ rule, 1666
~~regulation,~~ amendment, or annulment ~~takes effect~~ becomes 1667
effective. All hearings of the board ~~shall be~~ are open to the 1668
public. Each ~~of the members~~ member of the board may administer 1669
oaths in the performance of ~~his~~ the member's duties. 1670

Sec. 3781.13. Any person interested, either because of 1671
ownership or occupation of any property affected by any rule ~~or~~ 1672
~~regulation~~ described in section 3781.12 of the Revised Code, or as 1673
the producer, manufacturer, seller, or distributor, of any 1674
building material, industrialized unit, plumbing, heating, or 1675
ventilating system or device, or any other device, product, 1676
assembly, or equipment, the use of which is not provided for by 1677
any ~~such~~ rule ~~or regulation,~~ may petition for a hearing on the 1678
reasonableness and lawfulness of any action of the board of 1679
building standards, adopting, amending, or annulling or refusing 1680
to adopt, amend, or annul ~~such the~~ rule ~~or regulation,~~ in the 1681
manner provided in sections 3781.06 to 3781.18, ~~inclusive,~~ and 1682
section 3791.04 of the Revised Code. ~~Such~~ Any petition for hearing 1683
shall be by verified petition filed with the board ~~setting and~~ 1684
shall set out specifically and in full detail the action of the 1685
board upon which a hearing is desired, ~~and~~ the reason why ~~such~~ 1686
that action is unreasonable or unlawful, and every issue ~~to be~~ 1687
~~considered by~~ the board should consider on the hearing. ~~Such~~ The 1688
petition shall be filed within thirty days after the record of the 1689
action of the board is filed in the office of the secretary of 1690
state, in cases where ~~such the~~ record is required to be ~~so~~ filed 1691
with the secretary of state; otherwise the petition shall be filed 1692
within thirty days after the action is taken. Upon receipt of ~~said~~ 1693
the petition, after a hearing ~~which shall be~~ held within thirty 1694
days ~~thereafter~~ after the receipt of the petition and ~~of which~~ 1695
after notice has been given to the petitioner, the board may 1696
determine that ~~such the~~ action is unreasonable or unlawful and 1697

annul any rule ~~or regulation forthwith, or it may~~, confirm its 1698
prior action ~~forthwith, or it may~~ re-enact or amend any rule ~~or~~ 1699
~~regulation~~ in the manner provided in section 3781.12 of the 1700
Revised Code. If the board does not determine the matter ~~in~~ 1701
~~hearing is not determined by the board~~ within two weeks after ~~such~~ 1702
the hearing, the action may, at the option of the petitioner, be 1703
deemed to have been confirmed. 1704

Sec. 3781.18. Wherever ~~in~~ Chapters 3781. and 3791. of the 1705
Revised Code or the rules ~~or regulations~~ adopted pursuant ~~thereto~~ 1706
to those chapters describe particular fixtures, devices, 1707
materials, systems, method of manufacture, product of a 1708
manufacturing process, or methods or manners of construction or 1709
installation ~~are described~~ pertaining to nonresidential buildings, 1710
~~such description prescribes~~ those descriptions prescribe minimum 1711
standards of safety and sanitary conditions ~~exemplified by such~~ 1712
that a particular fixtures fixture, devices device, materials 1713
material, systems system, method of manufacture, product of a 1714
manufacturing process, or ~~methods~~ method or ~~manners~~ manner of 1715
construction or installation exemplifies. ~~Where the~~ The use of 1716
another fixture, device, material, system, industrialized unit, 1717
newly designed product, or method, or manner of construction or 1718
installation ~~is desired which that~~ that is at variance with ~~what is~~ 1719
~~described in such chapters, such use~~ the descriptions is 1720
permissible, if ~~such other~~ the fixture, device, material, system, 1721
manufactured component or unit, product, method, or manner of 1722
construction complies with performance standards as ~~determined by~~ 1723
the board determines. 1724

Sec. 3781.183. If the board of building standards adopts 1725
rules under sections 3781.06 to 3781.18, ~~3781.181, and 3781.182~~ of 1726
the Revised Code concerning the requirements an adult group home 1727

seeking licensure as an adult care facility must meet under 1728
section 3722.02 of the Revised Code, the board shall adopt the 1729
rules in consultation with the directors of health and of aging 1730
and any interested party designated by the directors of health and 1731
of aging. 1732

Sec. 3781.99. (A) Whoever violates division (E) of section 1733
3781.111 of the Revised Code shall be issued a warning for a first 1734
offense. On each subsequent offense, the person shall be fined 1735
twenty-five dollars for each parking location that is not properly 1736
marked or whose markings are not properly maintained. 1737

(B) Whoever violates this chapter or any rule adopted or 1738
order issued pursuant to it that relates to the construction, 1739
alteration, or repair of any building, and the violation is not 1740
detrimental to the health, safety, or welfare of any person, is 1741
guilty of a minor misdemeanor. 1742

(C) Whoever violates this chapter or any rule adopted or 1743
order issued pursuant to it that relates to the construction, 1744
alteration, or repair of any building, and the violation is 1745
detrimental to the health, safety, or welfare of any person, is 1746
guilty of a misdemeanor of the fourth degree. 1747

Sec. 3791.04. (A)(1) Before beginning the construction, 1748
erection, or manufacture of any building to which section 3781.06 1749
of the Revised Code is ~~applicable~~ applies, including all 1750
industrialized units, the owner ~~thereof~~ of that building, in 1751
addition to any other submission ~~of plans or drawings,~~ 1752
~~specifications, and data~~ required by law, shall submit ~~the~~ plans 1753
or drawings, specifications, and data prepared for the 1754
construction, erection, ~~and equipment thereof, or the,~~ alteration 1755
~~thereof,~~ or addition thereto, ~~which plans or drawings, and~~ 1756
~~specifications shall~~ that indicate ~~thereon~~ the portions that have 1757

been approved pursuant to section 3781.12 of the Revised Code, and 1758
for which no further approval ~~shall be~~ is required, to the 1759
municipal, township, or county building department having 1760
jurisdiction ~~if such department has been certified as provided in~~ 1761
~~division (E) of section 3781.10 of the Revised Code, and if there~~ 1762
~~is~~ unless one of the following applies: 1763

(a) If no certified municipal, township, or county building 1764
department, certified for nonresidential buildings pursuant to 1765
division (E) of section 3781.10 of the Revised Code has 1766
jurisdiction, the owner shall make the submissions described in 1767
division (A)(1) of this section to the superintendent of the 1768
division of industrial compliance, ~~for approval.~~ 1769

(b) If no certified municipal, township, or county building 1770
department certified for residential buildings pursuant to 1771
division (E) of section 3781.10 of the Revised Code has 1772
jurisdiction, the owner is not required to make the submissions 1773
described in division (A)(1) of this section. 1774

(2)(a) The seal of an architect registered under Chapter 1775
4703. of the Revised Code or an engineer registered under Chapter 1776
4733. of the Revised Code ~~shall be~~ is required for any plans, 1777
drawings, specifications, or data submitted for approval, unless 1778
the plans, drawings, specifications, or data ~~may~~ are permitted to 1779
be prepared by persons other than registered architects pursuant 1780
to division (C) or (D) of section 4703.18 of the Revised Code, or 1781
by persons other than registered engineers pursuant to division 1782
(C) or (D) of section 4733.18 of the Revised Code. 1783

(b) No seal ~~shall be~~ is required for any plans, drawings, 1784
specifications, or data submitted for approval for any residential 1785
buildings or structures subject to the requirements of section 1786
3781.181 of the Revised Code, exempt from the requirements of 1787
sections, as defined in section 3781.06 to 3781.18 and 3791.04 of 1788

the Revised Code, or erected as industrialized one-, two-, or 1789
three-family units or structures within the meaning of 1790
"industrialized unit" as defined in section 3781.06 of the Revised 1791
Code. 1792

(c) No seal ~~shall be~~ is required for approval of the 1793
installation of replacement equipment or systems that are similar 1794
in type or capacity to the equipment or systems being replaced. No 1795
seal ~~shall be~~ is required for approval for any new construction, 1796
improvement, alteration, repair, painting, decorating, or other 1797
modification of any buildings or structures subject to sections 1798
3781.06 to 3781.18 and 3791.04 of the Revised Code if the proposed 1799
work does not involve technical design analysis, as defined by 1800
rule adopted by the board of building standards. 1801

(B) No owner shall proceed with the construction, erection, 1802
alteration, or equipment of any ~~such~~ building until ~~such~~ the plans 1803
or drawings, specifications, and data have been ~~so~~ approved as 1804
this section requires, or the industrialized unit inspected at the 1805
point of origin. No plans or specifications shall be approved or 1806
inspection approval given unless the building represented ~~thereby~~ 1807
would, if constructed, repaired, erected, or equipped ~~according to~~ 1808
~~the same~~, comply with Chapters 3781. and 3791. of the Revised Code 1809
and any rule made under ~~such~~ those chapters. 1810

(C) The approval of plans or drawings and specifications or 1811
data pursuant to this section is invalid if construction, 1812
erection, alteration, or other work upon the building has not 1813
commenced within twelve months of the approval of the plans or 1814
drawings and specifications. One extension shall be granted for an 1815
additional twelve-month period if ~~requested by~~ the owner requests 1816
at least ten days in advance of the expiration of the permit and 1817
upon payment of a fee not to exceed one hundred dollars. If in the 1818
course of construction, work is delayed or suspended for more than 1819
six months, the approval of plans or drawings and specifications 1820

or data is invalid. Two extensions shall be granted for six months 1821
each if ~~requested by~~ the owner requests at least ten days in 1822
advance of the expiration of the permit and upon payment of a fee 1823
for each extension of not more than one hundred dollars. Before 1824
any work may continue on the construction, erection, alteration, 1825
or equipment of any building for which the approval is invalid, 1826
the owner of the building shall resubmit the plans or drawings and 1827
specifications for approval pursuant to this section. 1828

(D) Subject to section 3791.042 of the Revised Code, the 1829
board of building standards or the legislative authority of a 1830
municipal corporation, township, or county, by rule, may regulate 1831
the requirements for the submission of plans and specifications to 1832
the respective enforcing departments and for ~~the processing of the~~ 1833
~~same~~ by ~~such~~ those departments. The board of building standards or 1834
the legislative authority of a municipal corporation, township, or 1835
county may adopt rules to provide for the approval, subject to 1836
section 3791.042 of the Revised Code, by the department having 1837
jurisdiction of the plans for construction of a foundation or any 1838
other part of a building or structure before the complete plans 1839
and specifications for the entire building or structure ~~have been~~ 1840
are submitted. When any plans are approved by the department 1841
having jurisdiction, the structure and every particular ~~thereof~~ 1842
represented by and disclosed in those plans ~~and disclosed therein~~ 1843
shall, in the absence of fraud or a serious safety or sanitation 1844
hazard, be conclusively presumed to comply with Chapters 3781. and 1845
3791. of the Revised Code and any rule issued pursuant ~~thereto to~~ 1846
those chapters, if constructed, altered, or repaired in accordance 1847
with those plans and any ~~such~~ rule in effect at the time of 1848
approval. 1849

(E) The approval of plans and specifications, including 1850
inspection of ~~the~~ industrialized units, under this section is a 1851
"license" and the failure to approve ~~such~~ plans or specifications 1852

as submitted or to inspect the unit at the point of origin within 1853
thirty days after the plans or specifications are filed, or the 1854
request ~~for inspection of~~ to inspect the industrialized unit is 1855
made, ~~or~~ the disapproval of ~~such~~ plans and specifications, or the 1856
refusal to approve ~~such an~~ industrialized unit, following 1857
inspection at the point of origin is "an adjudication order 1858
denying the issuance of a license" requiring an "adjudication 1859
hearing" as provided by sections 119.07 to 119.13 of the Revised 1860
Code and as modified by sections 3781.031 and 3781.19 of the 1861
Revised Code. An adjudication order denying the issuance of a 1862
license shall specify the reasons for ~~such~~ that denial. 1863

(F) The board of building standards shall not require the 1864
submission of site preparation plans or plot plans to the division 1865
of industrial compliance ~~in situations where~~ when industrialized 1866
units are used exclusively as one-, two-, or three-family 1867
dwellings. 1868

(G) Notwithstanding any procedures ~~established by~~ the board 1869
establishes, if the agency having jurisdiction, ~~if it~~ objects to 1870
any portion of the plans or specifications, ~~upon the request of~~ 1871
the owner or the owner's representative ~~of the owner~~, may request 1872
the agency to issue conditional approval to proceed with 1873
construction up to the point ~~where there is~~ of the objection. 1874
Approval shall be issued only when the objection results from 1875
conflicting interpretations of the rules of the board of building 1876
standards rather than the application of specific technical 1877
requirements of the rules. Approval shall not be issued where the 1878
correction of the objection would cause extensive changes in the 1879
building design or construction. The giving of conditional 1880
approval is a "conditional license" to proceed with construction 1881
up to the point where the construction or materials objected to by 1882
the agency are to be incorporated into the building. No 1883
construction shall proceed beyond ~~this~~ that point without the 1884

prior approval of the agency or another agency ~~which~~ that conducts 1885
an adjudication hearing relative to the objection. The agency 1886
having jurisdiction shall specify its objections to the plans or 1887
specifications, which is an "adjudication order denying the 1888
issuance of a license" and may be appealed pursuant to sections 1889
119.07 to 119.13 of the Revised Code and as modified by sections 1890
3781.031 and 3781.19 of the Revised Code. 1891

(H) A certified municipal, township, or county building 1892
department having jurisdiction, or the superintendent of the 1893
division of industrial compliance, as appropriate, shall review 1894
any plans, drawings, specifications, or data described in this 1895
section that are submitted to it or to the superintendent. 1896

(I) No owner or persons having control as an officer, or as a 1897
member of a board or committee, or otherwise, of a building to 1898
which section 3781.06 of the Revised Code is applicable, and no 1899
architect, designer, engineer, builder, contractor, subcontractor, 1900
or any officer or employee of a municipal, township, or county 1901
building ~~inspection~~ department shall violate this section. 1902

(J) Whoever violates this section shall be fined not more 1903
than five hundred dollars. 1904

Sec. 3791.042. If a building department certified under 1905
~~division (E) of~~ section 3781.10 of the Revised Code does not have 1906
personnel in its full-time employ ~~as described in division~~ 1907
~~(E)(1)(a) of section 3781.10 of the Revised Code~~ who are certified 1908
by the board of building standards to do plan and specification 1909
review, plans and specifications submitted to the building 1910
department shall be examined by the approved building official and 1911
shall be approved by ~~him~~ the official if the plans and 1912
specifications ~~are determined to~~ conform with the Ohio building 1913
code and Chapters 3781. and 3791. of the Revised Code, and if the 1914
plans and specifications ~~satisfy both of the following~~ 1915

requirements: 1916

~~(A) The plans and specifications~~ were prepared by an 1917
architect who is certificated and registered pursuant to Chapter 1918
4703. of the Revised Code, or by a professional engineer who is 1919
registered pursuant to Chapter 4733. of the Revised Code. 1920

~~(B) The~~ and those plans and specifications contain a written 1921
certification by ~~an~~ the architect or ~~professional~~ engineer, ~~as~~ 1922
~~described in division (A) of this section,~~ that indicates that the 1923
plans and specifications conform to ~~the requirements of~~ the Ohio 1924
building code and Chapters 3781. and 3791. of the Revised Code. 1925

Sec. 3791.99. (A) Whoever violates division (B) of section 1926
3791.11 or division (D) of section 3791.21 of the Revised Code is 1927
guilty of a minor misdemeanor, and each day the violation 1928
continues constitutes a separate offense. 1929

(B) Whoever violates section 3791.04 of the Revised Code, 1930
which violation relates to the construction, alteration, or repair 1931
of any building and which is not detrimental to the health, 1932
safety, or welfare of any person, is guilty of a minor 1933
misdemeanor. 1934

(C) Whoever violates section 3791.04 of the Revised Code, 1935
which violation relates to the construction, alteration, or repair 1936
of any building and which is detrimental to the health, safety, or 1937
welfare of any person, is guilty of a misdemeanor of the fourth 1938
degree. 1939

Sec. 4703.18. (A) No person shall enter upon the practice of 1940
architecture or hold ~~himself or herself~~ forth as an architect or 1941
registered architect, unless the person has complied with sections 1942
4703.01 to 4703.19 of the Revised Code and is the holder of a 1943
certificate of qualification to practice architecture issued or 1944

renewed and registered under those sections. 1945

(B) Sections 4703.01 to 4703.19 of the Revised Code do not 1946
prevent persons other than architects from filing applications for 1947
building permits or obtaining those permits. 1948

(C) Sections 4703.01 to 4703.19 of the Revised Code do not 1949
prevent persons other than architects from preparing plans, 1950
drawings, specifications, or data, filing applications for 1951
building permits, or obtaining those permits for residential 1952
~~buildings or structures subject to the requirements of, as defined~~ 1953
~~by section 3781.181 of the Revised Code, exempted from the~~ 1954
~~requirements of sections 3781.06 to 3781.18 and 3791.04 of the~~ 1955
Revised Code, or buildings erected as industrialized one-, two-, 1956
or three-family units or structures within the meaning of the term 1957
"industrialized unit" as provided in section 3781.06 of the 1958
Revised Code. 1959

(D) Sections 4703.01 to 4703.19 of the Revised Code do not 1960
prevent persons other than architects from preparing drawings or 1961
data, from filing applications for building permits, or from 1962
obtaining those permits for the installation of replacement 1963
equipment or systems that are similar in type or capacity to the 1964
equipment or systems being replaced, and for any improvement, 1965
alteration, repair, painting, decorating, or other modification of 1966
any buildings or structures subject to sections 3781.06 to 3781.18 1967
and 3791.04 of the Revised Code where the building official 1968
determines that no plans or specifications are required for 1969
approval. 1970

(E) Sections 4703.01 to 4703.19 of the Revised Code do not 1971
exclude a registered professional engineer from architectural 1972
practice that may be incident to the practice of ~~his or her~~ 1973
engineering ~~profession~~ or exclude a registered architect from 1974
engineering practice that may be incident to the practice of 1975

architecture. 1976

(F) Sections 4703.01 to 4703.19 of the Revised Code do not 1977
prevent a firm, partnership, association, limited liability 1978
company, or corporation of architects registered under those 1979
sections from providing architectural services and do not prevent 1980
an individual registered as a landscape architect under sections 1981
4703.30 to 4703.49 of the Revised Code or as a professional 1982
engineer under ~~sections~~ Chapter 4733. of the Revised Code from 1983
being a member of a firm, partnership, association, limited 1984
liability company, or corporation of that type, but a member of 1985
that type shall not engage in the practice of architecture or hold 1986
~~himself or herself~~ forth as an architect contrary to sections 1987
4703.01 to 4703.19 of the Revised Code and shall not practice a 1988
profession in which the person is not licensed. 1989

(G) A firm, partnership, association, limited liability 1990
company, or corporation may provide architectural services in this 1991
state as long as the services are provided only through natural 1992
persons registered to provide those services in this state, 1993
subject to the exemptions in section 4703.17 of the Revised Code 1994
and subject otherwise to the requirements of sections 4703.01 to 1995
4703.19 of the Revised Code. 1996

(H) No firm, partnership, association, limited liability 1997
company, or corporation, except a corporation that was granted a 1998
charter prior to August 7, 1943, to engage in providing 1999
architectural services or that was otherwise lawfully providing 2000
architectural services prior to November 15, 1982, shall provide 2001
architectural services, hold itself out to the public as providing 2002
architectural services, or use a name including the word 2003
"architect" or any modification or derivation of the word, unless 2004
the firm, partnership, association, limited liability company, or 2005
corporation files all information required to be filed under this 2006
section with the state board of examiners of architects and 2007

otherwise complies with all requirements of sections 4703.01 to 2008
4703.19 of the Revised Code. A nonprofit membership corporation 2009
may use a name including the word "architect" or any modification 2010
or derivation of the word without complying with this section. 2011

(I) A corporation may be organized under Chapter 1701. of the 2012
Revised Code, a professional association may be organized under 2013
Chapter 1785. of the Revised Code, or a limited liability company 2014
may be formed under Chapter 1705. of the Revised Code for the 2015
purpose of providing professional engineering, surveying, 2016
architectural, or landscape architectural services, or any 2017
combination of those services. A corporation organized under 2018
Chapter 1701. of the Revised Code for the purpose of providing 2019
those services also may be organized for any other purpose in 2020
accordance with that chapter. 2021

(J) No firm, partnership, association, limited liability 2022
company, or corporation shall provide or offer to provide 2023
architectural services in this state unless more than fifty per 2024
cent of the partners, members, or shareholders, more than fifty 2025
per cent of the directors in the case of a corporation or 2026
professional association, and more than fifty per cent of the 2027
managers in the case of a limited liability company the management 2028
of which is not reserved to its members, are professional 2029
engineers, surveyors, architects, or landscape architects or a 2030
combination of those professions, who are registered in this state 2031
and who own more than fifty per cent of the interests in the firm, 2032
partnership, association, limited liability company, or 2033
corporation; unless the requirements of this division and of 2034
section 1785.02 of the Revised Code are satisfied with respect to 2035
any professional association organized under Chapter 1785. of the 2036
Revised Code; or unless the requirements of this division and of 2037
Chapter 1705. of the Revised Code are satisfied with respect to a 2038
limited liability company formed under that chapter. 2039

(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 2072
the Revised Code are met, the board may issue a certificate of 2073
authorization to the corporation. No certificate of authorization 2074
shall be issued unless persons owning more than fifty per cent of 2075
the corporation's shares and more than fifty per cent of the 2076
interests in the corporation are professional engineers, 2077
surveyors, architects, or landscape architects, or a combination 2078
of those professions, who are registered in this state. Any 2079
corporation that holds a certificate of authorization under this 2080
section and otherwise meets the requirements of sections 4703.01 2081
to 4703.19 of the Revised Code may be organized for any purposes 2082
for which corporations may be organized under Chapter 1701. of the 2083
Revised Code and shall not be limited to the purposes of providing 2084
professional engineering, surveying, architectural, or landscape 2085
architectural services or any combination of those professions. 2086
The board, by rules adopted in accordance with Chapter 119. of the 2087
Revised Code, may require any firm, partnership, association, or 2088
limited liability company not organized under Chapter 1701. of the 2089
Revised Code that provides architectural services to obtain a 2090
certificate of authorization. If the board so requires, no firm, 2091
partnership, association, or limited liability company shall 2092
engage in providing architectural services without obtaining the 2093
certificate and complying with the rules. 2094

(M) This section does not modify any law applicable to the 2095
relationship between a person furnishing a professional service 2096
and a person receiving that service, including liability arising 2097
out of that service. 2098

(N) Nothing in this section ~~shall restrict~~ restricts or ~~limit~~ 2099
limits in any manner the authority or duty of the state board of 2100
examiners of architects with respect to natural persons providing 2101
professional services or any law or rule pertaining to standards 2102
of professional conduct. 2103

Sec. 4733.18. (A) The state board of registration for 2104
professional engineers and surveyors may authorize a temporary 2105
registration ~~in the case of~~ for an individual who has filed with 2106
the board an application for a temporary registration and has paid 2107
the required fee. The temporary registration continues only for 2108
the time the board requires for consideration of the application 2109
for registration, provided a person is legally qualified to 2110
practice that profession in the person's own state in which the 2111
requirements and qualifications of registration are not lower than 2112
those specified in this chapter. 2113

(B)(1) The following persons are exempt from this chapter: 2114

(a) An employee or a subordinate of a person registered under 2115
this chapter or an employee of a person holding temporary 2116
registration under division (A) of this section, provided the 2117
employee's or subordinate's duties do not include responsible 2118
charge of engineering or surveying work; 2119

(b) Officers and employees of the government of the United 2120
States while engaged within this state in the practice of 2121
engineering or surveying, for that government; 2122

(c) An engineer engaged solely as an officer of a privately 2123
owned public utility. 2124

(2) This chapter does not require registration for the 2125
purpose of practicing professional engineering, or professional 2126
surveying by an individual, firm, or corporation on property owned 2127
or leased by that individual, firm, or corporation unless the same 2128
involves the public welfare or the safeguarding of life, health, 2129
or property, or for the performance of engineering or surveying 2130
which relates solely to the design or fabrication of manufactured 2131
products. 2132

(C) Nothing in this chapter prevents persons other than 2133

engineers from preparing plans, drawings, specifications, or data, 2134
from filing applications for building permits, or from obtaining 2135
those permits for residential buildings ~~or structures that are~~ 2136
~~exempted from the requirements of sections 3781.06 to 3781.18 and~~ 2137
~~3791.04 of the Revised Code, that are subject to the requirements~~ 2138
~~of, as defined by section 3781.181~~ 3781.06 of the Revised Code, or 2139
buildings that are erected as one-, two-, or three-family units or 2140
structures within the meaning of the term "industrialized unit" as 2141
provided in section 3781.06 of the Revised Code. 2142

(D) Nothing in this chapter prevents persons other than 2143
engineers from preparing drawings or data, from filing 2144
applications for building permits, or from obtaining those permits 2145
for the installation of replacement equipment or systems that are 2146
similar in type or capacity to the equipment or systems being 2147
replaced, and for any improvement, alteration, repair, painting, 2148
decorating, or other modification of any buildings or structures 2149
subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised 2150
Code where the building official determines that no plans or 2151
specifications are required for approval. 2152

Sec. 4740.01. As used in this chapter: 2153

(A) "License" means a license ~~issued by~~ the Ohio construction 2154
industry examining board issues to an individual as a heating, 2155
ventilating, and air conditioning contractor, refrigeration 2156
contractor, electrical contractor, plumbing contractor, or 2157
hydronics contractor. 2158

(B) "Heating, ventilating, and air conditioning contractor" 2159
means any individual or business entity ~~who~~ that satisfies both of 2160
the following: 2161

(1) For compensation, directs, supervises, or has 2162
responsibility for the means, method, and manner of heating, 2163
ventilating, and air conditioning construction, improvement, 2164

renovation, repair, or maintenance on a construction project and 2165
who offers, identifies, advertises, or otherwise holds out or 2166
represents that the individual or business entity is permitted or 2167
qualified to perform, direct, supervise, or have responsibility 2168
for the means, method, and manner of heating, ventilating, and air 2169
conditioning construction, improvement, renovation, repair, or 2170
maintenance on a construction project; 2171

(2) Is a tradesperson or employs tradespersons who perform 2172
and who are trained to perform heating, ventilating, and air 2173
conditioning construction, improvement, renovation, repair, or 2174
maintenance on a construction project. 2175

(C) "Refrigeration contractor" means any individual or 2176
business entity who satisfies both of the following: 2177

(1) For compensation, directs, supervises, or has 2178
responsibility for the means, method, and manner of refrigeration 2179
construction, improvement, renovation, repair, or maintenance on a 2180
construction project and who offers, identifies, advertises, or 2181
otherwise holds out or represents that the individual or business 2182
entity is permitted or qualified to direct, supervise, or have 2183
responsibility for the means, method, and manner of refrigeration 2184
construction, improvement, renovation, repair, or maintenance on a 2185
construction project; 2186

(2) Is a tradesperson or employs tradespersons who perform 2187
and who are trained to perform refrigeration construction, 2188
improvement, renovation, repair, or maintenance on a construction 2189
project. 2190

(D) "Electrical contractor" means any individual or business 2191
entity who satisfies both of the following: 2192

(1) For compensation, directs, supervises, or has 2193
responsibility for the means, method, and manner of electrical 2194
construction, improvement, renovation, repair, or maintenance on a 2195

construction project and who offers, identifies, advertises, or 2196
otherwise holds out or represents that the individual or business 2197
entity is permitted or qualified to direct, supervise, or have 2198
responsibility for the means, method, and manner of electrical 2199
construction, improvement, renovation, repair, or maintenance on a 2200
construction project; 2201

(2) Is a tradesperson or employs tradespersons who perform 2202
and who are trained to perform electrical construction, 2203
improvement, renovation, repair, or maintenance on a construction 2204
project. 2205

As used in this chapter, "electrical contracting" does not 2206
include the construction, improvement, renovation, repair, or 2207
maintenance of any of the following systems using less than fifty 2208
volts: 2209

(a) Fire alarm or burglar alarm; 2210

(b) Tele-data; 2211

(c) Cabling; 2212

(d) Sound; 2213

(e) Communication; 2214

(f) Landscape lighting and irrigation. 2215

(E) "Plumbing contractor" means any individual or business 2216
entity who satisfies both of the following: 2217

(1) For compensation, directs, supervises, or has 2218
responsibility for the means, method, and manner of plumbing 2219
construction, improvement, renovation, repair, or maintenance on a 2220
construction project and who offers, identifies, advertises, or 2221
otherwise holds out or represents that the individual or business 2222
entity is permitted or qualified to direct, supervise, or have 2223
responsibility for the means, method, and manner of plumbing 2224
construction, improvement, renovation, repair, or maintenance on a 2225

construction project;	2226
(2) Is a tradesperson or employs tradespersons who perform	2227
and who are trained to perform plumbing construction, improvement,	2228
renovation, repair, or maintenance on a construction project.	2229
(F) "Hydronics contractor" means any individual or business	2230
entity who satisfies both of the following:	2231
(1) For compensation, directs, supervises, or has	2232
responsibility for the means, method, and manner of hydronics	2233
construction, improvement, renovation, repair, or maintenance on a	2234
construction project and who offers, identifies, advertises, or	2235
otherwise holds out or represents that the individual or business	2236
entity is permitted or qualified to direct, supervise, or have	2237
responsibility for the means, method, and manner of hydronics	2238
construction, improvement, renovation, repair, or maintenance on a	2239
construction project;	2240
(2) Is a tradesperson or employs tradespersons who perform	2241
and who are trained to perform hydronics construction,	2242
improvement, renovation, repair, or maintenance on a construction	2243
project.	2244
(G) "Contractor" means a heating, ventilating, and air	2245
conditioning contractor, a refrigeration contractor, an electrical	2246
contractor, a plumbing contractor, or a hydronics contractor.	2247
(H) "Tradesperson" means an individual who, for compensation,	2248
engages in construction, improvement, renovation, repair, or	2249
maintenance of buildings or structures without assuming	2250
responsibility for the means, method, or manner of that	2251
construction, improvement, renovation, repair, or maintenance.	2252
(I) "Construction project" means a construction project	2253
involving a building or structure that is subject to Chapter 3781.	2254
of the Revised Code and the rules adopted under that chapter, but	2255
not involving the following buildings or structures:	2256

~~(1) An an industrialized unit or a residential building as 2257
defined in division (C)(3) of section 3781.06 of the Revised Code 2258~~

~~(2) A building or structure constructed pursuant to rules 2259
adopted under section 3781.181 or 3781.21 of the Revised Code. 2260~~

Sec. 4740.14. (A) There is hereby created within the 2261
department of commerce the residential construction advisory 2262
committee consisting of eight persons the director of commerce 2263
appoints. Of the advisory committee's members, three shall be 2264
general contractors who have recognized ability and experience in 2265
the construction of residential buildings, two shall be building 2266
officials who have experience administering and enforcing a 2267
residential building code, one, chosen from a list of three names 2268
the Ohio fire chief's association submits, shall be from the fire 2269
service certified as a fire safety inspector who has at least ten 2270
years of experience enforcing fire or building codes, one shall be 2271
a residential contractor who has recognized ability and experience 2272
in the remodeling and construction of residential buildings, and 2273
one shall be an architect registered pursuant to Chapter 4703. of 2274
the Revised Code, with recognized ability and experience in the 2275
architecture of residential buildings. 2276

(B) The director shall make appointments to the advisory 2277
committee within ninety days after the effective date of this 2278
section. Terms of office shall be for three years, with each term 2279
ending on the date three years after the date of appointment. Each 2280
member shall hold office from the date of appointment until the 2281
end of the term for which the member was appointed. The director 2282
shall fill a vacancy in the manner provided for initial 2283
appointments. Any member appointed to fill a vacancy in an 2284
unexpired term shall hold office for the remainder of that term. 2285

(C) The advisory committee shall do all of the following: 2286

<u>(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;</u>	2287 2288 2289 2290 2291 2292 2293 2294 2295
<u>(2) Advise the board regarding the establishment of standards for certification of building officials who enforce the state residential building code;</u>	2296 2297 2298
<u>(3) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code;</u>	2299 2300 2301
<u>(4) Advise the board regarding the interpretation of the state residential building code;</u>	2302 2303
<u>(5) Provide other assistance the committee considers necessary.</u>	2304 2305
<u>(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:</u>	2306 2307 2308
<u>(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public;</u>	2309 2310
<u>(2) The economic reasonableness of the residential building code;</u>	2311 2312
<u>(3) The technical feasibility of the residential building code;</u>	2313 2314
<u>(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.</u>	2315 2316

(E) Members of the advisory committee shall receive no salary 2317
for the performance of their duties as members, but shall receive 2318
their actual and necessary expenses incurred in the performance of 2319
their duties as members of the advisory committee and shall 2320
receive a per diem, to be paid from the residential contractor 2321
licensing fees, for each day in attendance at an official meeting 2322
of the committee. 2323

(F) The advisory committee is not subject to divisions (A) 2324
and (B) of section 101.84 of the Revised Code. 2325

Sec. 4929.03. Except as otherwise provided in section 4929.04 2326
of the Revised Code, only the commodity sales services, 2327
distribution services, and ancillary services of a natural gas 2328
company are subject to the jurisdiction of the public utilities 2329
commission. Chapter 4905. with the exception of section 4905.10, 2330
Chapter 4909., Chapter 4935. with the exception of sections 2331
4935.01 and 4935.03, and sections 4933.08, 4933.09, 4933.11, 2332
4933.123, 4933.17, 4933.28, ~~4933.31~~, and 4933.32 of the Revised 2333
Code do not apply to any other service or goods provided by a 2334
natural gas company. Nothing in this chapter prevents the 2335
commission from exercising its authority under Title XLIX of the 2336
Revised Code to protect customers of nonexempt, regulated services 2337
or goods from any adverse effects of the provision of unregulated 2338
services or goods. Nothing in this chapter affects the authority 2339
of the commission to enforce sections 4905.90 to 4905.96 of the 2340
Revised Code. 2341

Sec. 4929.04. (A) The public utilities commission, upon the 2342
application of a natural gas company, after notice, after 2343
affording the public a period for comment, and in the case of a 2344
natural gas company with fifteen thousand or more customers after 2345
a hearing and in the case of a natural gas company with fewer than 2346

fifteen thousand customers after a hearing if the commission 2347
considers a hearing necessary, shall exempt, by order, any 2348
commodity sales service or ancillary service of the natural gas 2349
company from all provisions of Chapter 4905. with the exception of 2350
section 4905.10, Chapter 4909., and Chapter 4935. with the 2351
exception of sections 4935.01 and 4935.03 of the Revised Code, 2352
from sections 4933.08, 4933.09, 4933.11, 4933.123, 4933.17, 2353
4933.28, ~~4933.31~~, and 4933.32 of the Revised Code, and from any 2354
rule or order issued under those Chapters or sections, including 2355
the obligation under section 4905.22 of the Revised Code to 2356
provide the commodity sales service or ancillary service, subject 2357
to divisions ~~(F)~~(D) and ~~(F)~~(E) of this section, and provided the 2358
commission finds that the natural gas company is in substantial 2359
compliance with the policy of this state specified in section 2360
4929.02 of the Revised Code and that either of the following 2361
conditions exists: 2362

(1) The natural gas company is subject to effective 2363
competition with respect to the commodity sales service or 2364
ancillary service; 2365

(2) The customers of the commodity sales service or ancillary 2366
service have reasonably available alternatives. 2367

(B) In determining whether the conditions in division (A)(1) 2368
or (2) of this section exist, factors the commission shall 2369
consider include, but are not limited to: 2370

(1) The number and size of alternative providers of the 2371
commodity sales service or ancillary service; 2372

(2) The extent to which the commodity sales service or 2373
ancillary service is available from alternative providers in the 2374
relevant market; 2375

(3) The ability of alternative providers to make functionally 2376

equivalent or substitute services readily available at competitive 2377
prices, terms, and conditions; 2378

(4) Other indicators of market power, which may include 2379
market share, growth in market share, ease of entry, and the 2380
affiliation of providers of services. 2381

(C) The applicant shall have the burden of proof under this 2382
section. 2383

~~(D) No application may be filed under division (A) of this 2384
section prior to one hundred eighty days after the effective date 2385
of this section. 2386~~

~~(E)~~ The commission shall not issue an order under division 2387
(A) of this section that exempts all of a natural gas company's 2388
commodity sales services from the chapters and sections specified 2389
in that division unless the commission finds that the company 2390
offers distribution services on a fully open, equal, and unbundled 2391
basis to all its customers and that all such customers reasonably 2392
may acquire commodity sales services from suppliers other than the 2393
natural gas company. 2394

~~(F)~~(E) An order exempting any or all of a natural gas 2395
company's commodity sales services or ancillary services under 2396
division (A) of this section shall prescribe both of the 2397
following: 2398

(1) A separation plan that ensures, to the maximum extent 2399
practicable, that the operations, resources, and employees 2400
involved in the provision or marketing of exempt commodity sales 2401
services or ancillary services, and the books and records 2402
associated with those services, shall be separate from the 2403
operations, resources, and employees involved in the provision or 2404
marketing of nonexempt commodity sales services or ancillary 2405
services and the books and records associated with those services; 2406

(2) A code of conduct that governs both the company's 2407

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. 2439

~~(H)~~(G) An order issued under division ~~(G)~~(F) of this section 2440
is enforceable in the manner set forth in section 4905.60 of the 2441
Revised Code. Any violation of such an order shall be deemed a 2442
violation of a commission order for the purpose of section 4905.54 2443
of the Revised Code. 2444

Sec. 4929.09. In accordance with the commission's order 2445
prescribing a separation plan under division ~~(F)~~(E) of section 2446
4929.04 of the Revised Code, a natural gas company granted an 2447
exemption under section 4929.04 of the Revised Code for a 2448
commodity sales service or ancillary service may designate the 2449
natural gas supplies that have been obtained to provide that 2450
exempt service. Nothing in this section prevents the public 2451
utilities commission from exercising its ~~authority~~ authority under 2452
section 4905.302 of the Revised Code, provided, however, that the 2453
designation of the supplies for the exempt service and the cost of 2454
the designated supplies shall not be considered in the 2455
determination of rates and charges for the company's nonexempt 2456
services, including rates and charges determined pursuant to 2457
section 4905.302 of the Revised Code. 2458

Section 2. That existing sections 307.37, 307.38, 307.381, 2459
307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 2460
3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 2461
3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 2462
3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, 2463
and 4929.09 and sections 3781.181, 3781.182, 3781.21, and 4933.31 2464
of the Revised Code are hereby repealed. 2465

Section 3. (A) The Residential Construction Advisory 2466
Committee shall recommend to the Board of Building Standards a 2467
building code for residential buildings. The Committee shall 2468

recommend a code that is modeled after a residential building code 2469
a national model code organization issues, with adaptations 2470
necessary to implement the code in this state. The Committee shall 2471
recommend a code that does not address zoning, statutory 2472
requirements concerning the percentage of contracts that shall be 2473
awarded to any specifically identified type of disadvantaged 2474
contractors, or architectural preferences that are not integral to 2475
the safety of residential buildings. If the Board of Building 2476
Standards does not approve a code the Committee recommends, the 2477
Committee shall revise the code and resubmit it until the Board 2478
agrees to adopt a recommended code as the state residential 2479
building code. Upon receiving an acceptable residential building 2480
code from the Residential Construction Advisory Committee, the 2481
Board shall adopt rules establishing that code as the state 2482
residential building code. 2483

(B) The Committee and the Board shall agree to a code on or 2484
before one hundred twenty days after the effective date of this 2485
section and the Board shall adopt rules establishing that code as 2486
the state residential building code on or before one hundred 2487
eighty days after the effective date of this section. 2488

(C) The rules the Board adopts pursuant to division (B) of 2489
this section shall have no force or effect until one year after 2490
the effective date of this section. 2491

Section 4. Any building department that enforces a 2492
residential building code on or before the effective date of this 2493
section and that wishes to enforce the residential building code 2494
the Board of Building Standards adopts pursuant to this act may 2495
enforce the state residential building code the Board adopts 2496
without being certified under section 3781.10 of the Revised Code 2497
for not more than one year after that code becomes effective. 2498
Thereafter, only a building department certified to enforce the 2499

residential building code pursuant to section 3781.10 of the 2500
Revised Code may enforce that code. 2501

Section 5. In enacting the legislation, the intent of the 2502
General Assembly is that the provisions of this act are general 2503
laws created in the exercise of the state's police power, arising 2504
out of matters of statewide concern, and are designed for the 2505
health safety, and welfare of contractors, their employees, and 2506
the public. 2507