

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

**125th General Assembly
Regular Session
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Sub. H. B. No. 175

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

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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 1312.08 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, 1312.07, 1312.08, and 4740.14 of the 23
Revised Code be enacted to read as follows: 24

Sec. 307.37. (A) As used in division (B)(3) 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, administer, and enforce within the unincorporated area of 65
the county an existing structures code pertaining to the repair 66
and continued maintenance of structures and the premises of those 67
structures provided that the existing structures code governs 68
subject matter not addressed by, and is not in conflict with, the 69
state residential building code adopted pursuant to Chapter 3781. 70
of the Revised Code. The board may adopt by incorporation by 71
reference a model or standard code prepared and promulgated by the 72
state, any agency of this state, or any private organization that 73
publishes a recognized or standard existing structures code. 74

(c) The board shall assign the duties of administering and 75
enforcing any local residential building regulations or existing 76
structures code to a county officer or employee who is trained and 77
qualified for those duties and shall establish by resolution the 78
minimum qualifications necessary to perform those duties. 79

~~(2) A county building code~~ The board may include adopt 80
regulations for participation in the national flood insurance 81

program established in the "Flood Disaster Protection Act of 82
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, and regulations 83
adopted for the purposes of section 1506.04 or 1506.07 of the 84
Revised Code governing the prohibition, location, erection, 85
construction, redevelopment, or floodproofing of new buildings or 86
structures, substantial improvements to existing buildings or 87
structures, or other development in unincorporated territory 88
within flood hazard areas identified under the "Flood Disaster 89
Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as 90
amended, or within Lake Erie coastal erosion areas identified 91
under section 1506.06 of the Revised Code, including, but not 92
limited to, residential, commercial, institutional, or industrial 93
buildings or structures or other permanent structures, as defined 94
in section 1506.01 of the Revised Code. Rules adopted under 95
division (B)(2) of this section shall not conflict with the ~~Ohio~~ 96
state residential and nonresidential building code codes adopted 97
pursuant to section 3781.10 of the Revised Code. 98

(3)(a) A ~~county building code may include~~ board may adopt 99
regulations that provide for a review of the specific effects of a 100
proposed new construction on existing surface or subsurface 101
drainage. The regulations may require reasonable drainage 102
mitigation and reasonable alteration of a proposed new 103
construction before a building permit is issued in order to 104
prevent or correct any adverse effects that the proposed new 105
construction may have on existing surface or subsurface drainage. 106
The regulations shall not be inconsistent with, more stringent 107
than, or broader in scope than standards adopted by the natural 108
resource conservation service in the United States department of 109
agriculture concerning drainage or rules adopted by the 110
environmental protection agency for reducing, controlling, or 111
mitigating storm water runoff from construction sites, where 112
applicable. The regulations shall allow a person who is registered 113
under Chapter 4703. or 4733. of the Revised Code to prepare and 114

submit relevant plans and other documents for review, provided 115
that the person is authorized to prepare the plans and other 116
documents pursuant to the person's registration. 117

(b) If regulations are adopted under division (B)(3) of this 118
section, the board shall specify in the regulations a procedure 119
for the review of the specific effects of a proposed new 120
construction on existing surface or subsurface drainage. The 121
procedure shall include at a minimum all of the following: 122

(i) A meeting at which the proposed new construction shall be 123
examined for those specific effects. The meeting shall be held 124
within thirty days after an application for a building permit is 125
filed or a review is requested unless the applicant agrees in 126
writing to extend that time period or to postpone the meeting to 127
another date, time, or place. The meeting shall be scheduled 128
within five days after an application for a building permit is 129
filed or a review is requested. 130

(ii) Written notice of the date, time, and place of that 131
meeting, sent by regular mail to the applicant. The written notice 132
shall be mailed at least seven days before the scheduled meeting 133
date. 134

(iii) Completion of the review by the board of county 135
commissioners not later than thirty days after the application for 136
a building permit is filed or a review is requested unless the 137
applicant has agreed in writing to extend that time period or 138
postpone the meeting to a later time, in which case the review 139
shall be completed not later than two days after the date of the 140
meeting. A complete review shall include the issuance of any order 141
of the board of county commissioners regarding necessary 142
reasonable drainage mitigation and necessary reasonable 143
alterations to the proposed new construction to prevent or correct 144
any adverse effects on existing surface or subsurface drainage so 145
long as those alterations comply with the state residential and 146

nonresidential building codes adopted pursuant to section 3781.10 147
of the Revised Code. If the review is not completed within the 148
thirty-day period or an extended or postponed period that the 149
applicant has agreed to, the proposed new construction shall be 150
deemed to have no adverse effects on existing surface or 151
subsurface drainage, and those effects shall not be a valid basis 152
for the denial of a building permit. 153

(iv) A written statement, provided to the applicant at the 154
meeting or in an order for alterations to a proposed new 155
construction, informing the applicant of the right to seek 156
appellate review of the denial of a building permit under division 157
(B)(3)(b)(iii) of this section by filing a petition in accordance 158
with Chapter 2506. of the Revised Code. 159

(c) The regulations may authorize the board, after obtaining 160
the advice of the county engineer, to enter into an agreement with 161
the county engineer or another qualified person or entity to carry 162
out any necessary inspections and make evaluations about what, if 163
any, alterations are necessary to prevent or correct any adverse 164
effects that a proposed new construction may have on existing 165
surface or subsurface drainage. 166

(d) Regulations ~~authorized by~~ adopted pursuant to division 167
(B)(3) of this section shall not apply to any property that a 168
platting authority has ~~been approved by a platting authority~~ under 169
section 711.05, 711.09, or 711.10, ~~or 711.131~~ of the Revised Code 170
and shall not govern the same subject matter as the state 171
residential or nonresidential building codes adopted pursuant to 172
section 3781.10 of the Revised Code. 173

(e) As used in division (B)(3) of this section, "subsurface 174
drainage" does not include a household sewage disposal system as 175
defined in section 3709.091 of the Revised Code. 176

(C) ~~Regulations or amendments~~ (1) Any regulation, code, or 177

amendment may be adopted under this section only after a public 178
hearing at not fewer than two regular or special sessions of the 179
board. The board shall cause notice of any public hearing to be 180
published in a newspaper of general circulation in the county once 181
a week for the two consecutive weeks immediately preceding the 182
hearing, except that if the board posts the hearing notice on the 183
board's internet site on the world wide web, the board need 184
publish only one notice of the hearing in a newspaper of general 185
circulation if that newspaper notice includes the board's internet 186
site and a statement that the notice is also posted on the 187
internet site. Any notice of the a public hearings, including 188
hearing shall include the time, date, and place, once a week for 189
two weeks immediately preceding of the hearings. The hearing. 190

(2) Any proposed ~~regulations or amendments~~ regulation, code, 191
or amendment shall be made available by the board to the public at 192
the board office. The regulations or amendments shall take effect 193
on the thirty-first day following the date of their adoption. 194

(D)(1) No person shall violate any regulation of, code, or 195
amendment the board adopted adopts under sections 307.37 to 307.40 196
of the Revised Code. 197

(2) Each day during which an illegal location, erection, 198
construction, floodproofing, repair, alteration, development, 199
redevelopment, or maintenance continues may be considered a 200
separate offense. 201

(E) Regulations or amendments adopted by resolution of the 202
board the board adopts pursuant to this section, with the 203
exception of an existing structures code, do not affect buildings 204
or structures that exist or on which construction has begun on or 205
before the date the board adopts the regulation or amendment is 206
adopted by the board. 207

(F)(1) The board may provide for create a building regulation 208

department and ~~may~~ employ the personnel ~~that~~ it determines ~~to be~~ 209
~~necessary for the purpose of enforcing its regulations to~~ 210
administer and enforce any local residential building regulations 211
or existing structures code the board adopts pursuant to this 212
section. The building department may enforce the state residential 213
and nonresidential building codes adopted pursuant to Chapter 214
3781. of the Revised Code if the building department is certified 215
pursuant to section 3781.10 of the Revised Code to enforce those 216
codes. 217

~~Upon certification of the building department under section~~ 218
~~3781.10 of the Revised Code, the (2) The board may direct the~~ 219
~~county building department, upon certification, to exercise~~ 220
~~enforcement authority and to accept and approve plans pursuant to~~ 221
~~sections 3781.03 and 3791.04 of the Revised Code for any other~~ 222
~~kind or the class of building in the unincorporated territory of~~ 223
~~the county for which the department and personnel are certified.~~ 224

Sec. 307.38. ~~For the purposes of administering and enforcing~~ 225
~~the (A) To administer and enforce any local building regulations,~~ 226
~~as provided by or existing structures code the board of county~~ 227
~~commissioners adopts under section 307.37 of the Revised Code and~~ 228
~~the state residential and nonresidential building codes the board~~ 229
~~of building standards establishes pursuant to Chapter 3781. of the~~ 230
~~Revised Code, the board of county commissioners may create,~~ 231
~~establish, fill, and fix the compensation of the position of~~ 232
~~county building inspector. Such position shall be in the~~ 233
~~competitive classified unclassified service, and appointment,~~ 234
~~promotion, and removal shall be governed by Chapter 124. of the~~ 235
~~Revised Code. In lieu of the creation of any such creating that~~ 236
~~position, the board may assign the duties of the office to an~~ 237
~~existing county officer who is certified pursuant to section~~ 238
~~3781.10 of the Revised Code. The duties of the inspector shall be~~ 239
~~the administration and enforcement of building regulations.~~ 240

~~(B) The board may contract with any and a municipal corporation in the county for the administration and enforcement of may enter into a contract under which one entity enforces for the other entity any local building regulations and any municipal corporation may contract with the board for the administration and enforcement of the building regulations of such municipal corporation, existing structures code, or, if certified pursuant to section 3781.10 of the Revised Code, the state residential and nonresidential building codes in the other entity's jurisdiction.~~ 241-249

~~The board, pursuant (C) Pursuant to a contract authorizing such action, the board may contract on behalf of one or more municipal corporations ~~within its jurisdiction~~ for another county or another municipal corporation ~~within or outside the county~~ to administer and enforce the state residential and nonresidential building code codes, any local residential building regulations, and any existing structures code within the ~~jurisdiction of the~~ municipal corporations seeking those services. The contract the board enters into on behalf of these municipal corporations shall ~~provide for obtaining~~ specify which county or municipal corporation is responsible for administering and enforcing the codes and regulations and obtaining the appropriate certification pursuant to division (E) of section 3781.10 of the Revised Code ~~for the exercise of administration and enforcement authority within the municipal corporations and shall specify which political subdivision is responsible for securing that certification.~~ 250-266~~

~~(D) In a any county ~~which that~~ has a building department certified pursuant to section 3781.10 of the Revised Code, ~~but not certified through a contract with another political subdivision,~~ and ~~which that~~ has a board of building appeals certified pursuant to section 3781.20 of the Revised Code, ~~if any contract~~ the board ~~of county commissioners contracts~~ enters into with a municipal 267-272~~

corporation or ~~other~~ another county ~~for the first county~~ to 273
administer and enforce the state residential and nonresidential 274
building ~~code within the municipal corporation or within the other~~ 275
~~county, the contract~~ codes shall require the board of building 276
appeals in the certified county ~~board of appeals~~ to hear appeals 277
from adjudication orders pertaining to the enforcement of Chapters 278
3781. and 3791. of the Revised Code and any rules adopted pursuant 279
to ~~these~~ those chapters within the municipal corporation or ~~other~~ 280
county. 281

Sec. 307.381. (A) The board of county commissioners of any 282
county ~~which adopts regulations pursuant to section 307.37 of the~~ 283
~~Revised Code and which~~ that has a county building department 284
certified pursuant to section 3781.10 of the Revised Code, ~~but not~~ 285
~~certified through a contract with another political subdivision,~~ 286
may by resolution establish a county board of building appeals, 287
make appointments to the board, and fix the compensation, if any, 288
of the board members. ~~Upon~~ 289

(B) Upon certification under section 3781.20 of the Revised 290
Code, the county board of building appeals shall hear and decide 291
appeals from adjudication orders of the county building inspector 292
or other officer assigned to perform ~~his~~ the building official's 293
duties pertaining to the enforcement within ~~his~~ the jurisdiction 294
of Chapters 3781. and 3791. of the Revised Code and any rules 295
adopted pursuant ~~thereto~~ to those chapters. 296

Sec. 307.40. (A)(1) No person shall erect, construct, alter, 297
repair, or maintain any ~~single family, two family, or three family~~ 298
~~dwellings~~ residential building as defined in section 3781.06 of 299
the Revised Code, within the unincorporated portion of any county, 300
~~wherein in which~~ the board of county commissioners has enacted 301
created a building department to administer and enforce local 302
building regulations as provided in section 307.37 of the Revised 303

~~Code, or an existing structures code unless such that person fully~~ 304
~~complies with the local building regulations are fully complied~~ 305
~~with and existing structures code. In the event~~ 306

(2) No person shall erect, construct, alter, repair, or 307
maintain any residential building as defined in section 3781.06 of 308
the Revised Code within the unincorporated portion of any county 309
in which a certified building department has jurisdiction to 310
enforce the state residential building code unless that person 311
fully complies with the state residential building code. 312

(B) In addition to any remedies provided by law, if any 313
building is being erected, constructed, altered, repaired, or 314
maintained in violation of the local building regulations ~~adopted~~ 315
~~by resolution under the authority granted by such section, the~~ 316
existing structures code, or the state residential building code 317
in a county in which a certified building department enforces the 318
state code, the board, the prosecuting attorney, ~~or~~ the county 319
building inspector ~~of such county~~, or any owner of an adjacent, 320
contiguous, or neighboring property ~~owner~~ who would be especially 321
damaged by ~~such that~~ violation, ~~in addition to the remedies~~ 322
~~provided by law~~, may institute a suit for injunction, abatement, 323
or other appropriate action to prevent ~~such the~~ violation ~~of the~~ 324
~~regulations relating to the erection, construction, alteration,~~ 325
~~repair, or maintenance of such building. Sections~~ 326

(C) Sections 307.37 to 307.40, inclusive, of the Revised Code 327
do not confer any power on any board ~~in~~ of county commissioners 328
with respect to the location, erection, construction, 329
reconstruction, change, alteration, maintenance, removal, use, or 330
enlargement of any buildings or structures of any public utility 331
or railroad, whether publicly or privately owned, or the use of 332
land by any public utility or railroad for the operation of its 333
business. 334

Sec. 505.73. (A) The board of township trustees may, by 335
resolution, adopt by incorporation by reference, administer, and 336
enforce within the unincorporated area of the township an existing 337
structures code pertaining to the repair and continued maintenance 338
of structures and the premises of ~~such~~ those structures. For ~~such~~ 339
that purpose, the board shall adopt any model or standard code 340
prepared and promulgated by ~~the~~ this state, any department, board, 341
or ~~other~~ agency of ~~the~~ this state, or any public or private 342
organization that publishes a recognized model or standard code on 343
the subject. The board shall ensure that the code adopted governs 344
subject matter not addressed by the state residential building 345
code and that it is fully compatible with the ~~local~~ state 346
residential and nonresidential building code and the rules of 347
codes the board of building standards ~~adopted~~ adopts pursuant to 348
section 3781.10 of the Revised Code. 349

(B) The board shall assign the duties of administering and 350
enforcing the existing structures code to a township officer or 351
employee who is trained and qualified for ~~such~~ those duties and 352
shall establish by resolution the minimum qualifications necessary 353
~~for performance of such~~ to perform those duties. 354

(C)(1) After the board adopts a an existing structures code, 355
the township clerk shall post a notice ~~which shall~~ that clearly 356
~~identify~~ identifies the code, ~~state~~ states the code's purpose ~~of~~ 357
~~the code, state~~ and states that a complete copy of the code is on 358
file for inspection by the public with the township clerk and in 359
the county law library ~~of the county in which the township is~~ 360
~~located,~~ and ~~state~~ that the clerk has copies available for 361
distribution to the public at cost. ~~The~~ 362

(2) The township clerk shall post the notice in five 363
conspicuous places in the township for thirty days before the code 364
becomes effective. ~~The clerk~~ and shall ~~also~~ publish the notice in 365

a newspaper of general circulation in the township for three 366
consecutive weeks. If the adopting township amends or deletes any 367
provision of the code, the notice shall contain a brief summary of 368
the deletion or amendment. 369

(D) If the agency that originally promulgated or published 370
the existing structures code ~~thereafter~~ amends the code, ~~any~~ 371
~~township that has adopted the code pursuant to this section~~ the 372
board may adopt the amendment or change by incorporation by 373
reference in the ~~same manner as~~ provided for the adoption of the 374
original code. 375

Sec. 505.75. (A)(1) A board of township trustees may, ~~by~~ 376
~~resolution adopt by incorporation by reference, administer, and~~ 377
~~enforce a standard code pertaining to the erection, construction,~~ 378
~~repair, alteration, and maintenance of single family, two family,~~ 379
~~and three family dwellings promulgated by the state, or any~~ 380
~~department, board, or other agency thereof, or by any municipal~~ 381
~~corporation or county in this state, within the unincorporated~~ 382
~~territory of the township, or establish districts in any part of~~ 383
~~the unincorporated territory and adopt, administer, and enforce~~ 384
~~such standard code in the affected districts. When adopted, all~~ 385
~~regulations contained in such code, including those establishing~~ 386
~~service charges, shall be uniform within all districts in which~~ 387
~~building codes are established, except that more stringent~~ 388
~~regulations may be imposed in flood hazard areas in order to~~ 389
~~prevent or reduce the hazard resulting from flooding. In no case~~ 390
~~shall regulations exceed the scope of regulating the safety,~~ 391
~~health, and sanitary conditions of such buildings. Any person~~ 392
~~adversely affected by a resolution of the board adopting,~~ 393
~~amending, or rescinding a regulation may seek a declaratory~~ 394
~~judgment pursuant to Chapter 2721. of the Revised Code on the~~ 395
~~ground that the board failed to comply with the law in adopting,~~ 396
~~amending, rescinding, publishing, or distributing the regulation,~~ 397

~~or that the regulation, as adopted or amended by the board, is~~ 398
~~unreasonable or unlawful, or that the revision of the regulation~~ 399
~~was unreasonable or unlawful~~ adopt local residential building 400
regulations governing residential buildings as defined in section 401
3781.06 of the Revised Code. No regulation shall differ from the 402
state residential building code unless the regulation addresses 403
subject matter not addressed by the state residential building 404
code or is adopted pursuant to section 3781.01 of the Revised 405
Code. 406

~~A township building code~~ (2) The board may include adopt 407
regulations that are necessary for participation in the national 408
flood insurance program and ~~are~~ that do not in conflict with the 409
~~Ohio residential and nonresidential building code codes,~~ governing 410
the prohibition, location, erection, construction, or 411
floodproofing of new buildings or structures, or substantial 412
improvements to existing buildings or structures, in 413
unincorporated territory within flood hazard areas identified 414
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 415
42 U.S.C.A. 4002, as amended, including, but not limited to, 416
residential, commercial, or industrial buildings or structures. 417

(B)(1) Regulations or amendments may be adopted under this 418
section only after a public hearing at not fewer than two regular 419
or special sessions of the board and upon an affirmative vote of 420
all members of the board. The board shall cause notice of a public 421
hearing to be published in a newspaper of general circulation in 422
the township ~~notice of the public hearings, including time, date,~~ 423
~~and place,~~ once a week for two weeks immediately preceding the 424
~~hearings.~~ a hearing, except that if the board posts the hearing 425
notice on the board's internet site, the board need publish only 426
one notice of the hearing in a newspaper of general circulation if 427
that newspaper notice includes that internet site and a statement 428
that the notice is also posted on the internet site. Any notice 429

the board publishes or posts shall include the time, date, and 430
place of the public hearing. 431

(2) The proposed regulations ~~or amendments~~ shall be made 432
available ~~by the board~~ to the public at the board office. 433

The township building code shall be adopted if it is approved 434
by an affirmative vote of all members of the board of township 435
trustees. 436

The building code and any amendments to the building code 437
adopted by the board become effective thirty days after the date 438
of adoption unless, within thirty days after the adoption of the 439
building code or amendments, there is presented to the board a 440
petition, signed by a number of qualified voters residing in the 441
unincorporated area of the township equal to not less than eight 442
per cent of the total vote cast for all candidates for governor in 443
the area at the most recent general election at which a governor 444
was elected, requesting the board to submit the building code or 445
amendments to the electors of such area for approval or rejection 446
at the next primary or general election. 447

No building code or amendments for which the referendum vote 448
has been requested shall be put into effect unless a majority of 449
the vote cast on the issue is in favor of the building code or 450
amendments. Upon certification by the board of elections they take 451
immediate effect. 452

(C)(1) The board of township trustees may ~~establish~~ create a 453
building ~~regulation~~ department and employ personnel it determines 454
necessary to administer and enforce building regulations any local 455
residential building regulations or existing structures code the 456
board adopts pursuant to this section. The building department may 457
enforce state residential and nonresidential building codes the 458
board of building standards establishes pursuant to Chapter 3781. 459
of the Revised Code if the department is certified pursuant to 460

section 3781.10 of the Revised Code to enforce those codes. Upon 461
certification of the building department under section 3781.10 of 462
the Revised Code, the board of township trustees may direct the 463
~~township~~ building department to exercise enforcement authority and 464
to accept and approve plans pursuant to sections 3781.03 and 465
3791.04 of the Revised Code ~~for any other kind or class of~~ 466
~~building in the unincorporated territory of the township for the~~ 467
classes of buildings for which the building department and 468
personnel are certified. 469

~~For the purposes of administering and enforcing the (2) To~~ 470
administer and enforce any local residential building regulations, 471
or existing structures code and the state residential and 472
nonresidential building codes, the board of township trustees may 473
create, establish, fill, and fix the compensation of the position 474
of township building inspector. ~~The inspector shall be to serve as~~ 475
the chief administrative officer of the township building 476
~~regulation~~ department ~~and shall administer and enforce the~~ 477
~~building regulations.~~ In lieu of ~~the creation of~~ creating the 478
position of township building inspector, the board may assign the 479
duties of the inspector to an existing township officer who is 480
certified pursuant to division (E) of section 3781.10 of the 481
Revised Code. 482

(D)(1) The board of township trustees may enter into a 483
contract with any municipal corporation or ~~with a~~ board of county 484
commissioners for the ~~administration and enforcement of~~ municipal 485
corporation or board of county commissioners to administer and 486
enforce local residential building regulations, and any or 487
existing structures code in the township or to enforce the state 488
residential and nonresidential building codes in the township if 489
the building department of the municipal corporation or county is 490
certified to enforce those codes. 491

(2) Any municipal corporation or board of county 492

commissioners may contract with a board of township trustees ~~for~~ 493
~~the administration and enforcement of the~~ to administer and 494
enforce local building regulations ~~of the municipal corporation or~~ 495
~~county~~ or an existing structures code in the municipal corporation 496
or county and, if certified, to enforce the state residential and 497
nonresidential building codes in the municipal corporation or 498
unincorporated areas of the county. 499

Sec. 505.76. ~~(A) Building~~ Local residential building 500
regulations ~~adopted or amended by~~ a board of township trustees 501
adopts under ~~sections~~ section 505.75 ~~to 505.77~~ of the Revised Code 502
and an existing structures code the board adopts pursuant to 503
section 505.73 of the Revised Code shall be made available to the 504
public at the office of the board, and the section headings and 505
numbers and a notice of the availability of the regulations shall 506
be published in at least one newspaper of general townshipwide 507
circulation within ten days after their adoption or amendment. 508

~~(B) In a county in which the board of county commissioners~~ 509
~~has adopted building regulations, no township shall adopt such~~ 510
~~regulations pursuant to sections 505.75 to 505.77 of the Revised~~ 511
~~Code.~~ 512

Sec. 505.77. (A)(1) No person shall erect, construct, alter, 513
repair, or maintain any ~~single family, two family, or three family~~ 514
~~dwellings~~ residential building, as defined in section 3781.06 of 515
the Revised Code, within the unincorporated portion of any 516
township, ~~if the board of township trustees has adopted in which~~ a 517
~~standard code under section 505.75 of the Revised Code, without~~ 518
~~complying~~ building department has authority to administer and 519
enforce local residential building regulations or an existing 520
structures code unless that person complies with the building 521
regulations and code. ~~No~~ 522

(2) No person shall erect, construct, alter, repair, or 523
maintain any residential building, as defined in section 3781.06 524
of the Revised Code, within the unincorporated portion of any 525
township in which a certified building department has jurisdiction 526
to enforce the state residential building code unless that person 527
fully complies with the state residential building code. 528

(3) No person shall erect, construct, alter, repair, or 529
maintain any residential, commercial, or industrial buildings or 530
structures within the unincorporated area of any township, if a 531
board of township trustees has enacted building regulations under 532
section 505.75 of the Revised Code that are necessary for 533
participation in the national flood insurance program, without 534
complying with ~~such~~ those regulations. ~~If~~ 535

(4) In addition to any remedies provided by law, if any 536
building is being erected, constructed, altered, repaired, or 537
maintained in violation of the building regulations, existing 538
structures code, or state residential building code in townships 539
in which a certified building department has jurisdiction, the 540
board ~~or~~, the township building inspector, or any owner of an 541
adjacent, contiguous, or neighboring property ~~owner~~ who would be 542
especially damaged by ~~such the~~ violation, in addition to the 543
~~remedies provided by law,~~ may institute a suit for injunction, 544
abatement, or other appropriate action to prevent the violation of 545
the building regulations or the state residential building code 546
relating to the erection, construction, alteration, repair, or 547
maintenance of ~~such that~~ that building. 548

(B) Sections 505.75 to 505.77 of the Revised Code do not 549
confer any power on any board with respect to the location, 550
erection, construction, reconstruction, change, alteration, 551
maintenance, removal, use, or enlargement of any buildings or 552
structures of any public utility or railroad, whether publicly or 553
privately owned, or the use of land by any public utility or 554

railroad for the operation of its business. ~~Regulations or~~ 555
~~amendments adopted by~~ Local building regulations the board shall 556
adopt and the building code that the building department 557
administers and enforces do not affect buildings or structures 558
~~which that~~ exist or on which construction has begun on or before 559
the date on which the ~~regulations or amendments are adopted by~~ 560
building department begins enforcement of the building code or the 561
date the board adopts the building regulations. 562

(C) No person shall violate any building regulation of the 563
board ~~adopted~~ adopts under division (A) of section 505.75 of the 564
Revised Code. Each day during which an illegal location, erection, 565
construction, ~~flood-proofing~~ floodproofing, repair, alteration, or 566
maintenance continues may be considered a separate offense. 567

Sec. 505.78. ~~If~~ (A)(1) A board of township trustees shall not 568
adopt an existing structures code pursuant to section 505.73 of 569
the Revised Code in any county in which the board of county 570
commissioners has adopted an existing structures code pursuant to 571
section 303.37 of the Revised Code. 572

(2) If a board of township trustees adopts ~~a standard an~~ 573
existing structures code ~~under sections 505.75 to 505.77 of the~~ 574
~~Revised Code~~ and the board of county commissioners of the county 575
in which the township is located subsequently adopts building 576
~~regulations pursuant to sections 307.37 to 307.40 of the Revised~~ 577
~~Code~~ an existing structures code, the code ~~adopted by~~ the board of 578
township trustees adopts shall be of no force and effect one year 579
after the effective date of the ~~building regulations adopted by~~ 580
code the board of county commissioners adopts or at an earlier 581
date, as provided by the board of township trustees. 582

(B)(1) A board of trustees shall not adopt local residential 583
building regulations pursuant to section 505.75 of the Revised 584
Code in any county in which the board of county commissioners has 585

adopted such regulations pursuant to section 303.37 of the Revised 586
Code. 587

(2) If a board of township trustees adopts local residential 588
building regulations and the board of county commissioners 589
subsequently adopts such regulations, the township regulations 590
shall be of no force and effect one year after the county 591
regulations become effective or at an earlier date as the board of 592
township trustees provides. 593

Sec. 1312.01. As used in this chapter: 594

(A) "Construction defect" means a deficiency that arises 595
directly or indirectly out of the construction or the substantial 596
rehabilitation of a residential building. "Substantial 597
rehabilitation" includes the addition of a room and the removal or 598
installation of a wall, partition, or portion of the structural 599
design. 600

(B) "Dwelling action" means any civil action in contract or 601
tort for damages or indemnity brought against a residential 602
contractor for damages or the loss of use of real property caused 603
by a construction defect. 604

(C) "Owner" means an owner or a prospective owner of a 605
residential building or a dwelling unit in a residential building 606
who enters into a contract with a residential contractor for the 607
construction or substantial rehabilitation of that residential 608
building or unit. 609

(D) "Residential building" means a structure that is a 610
one-family, two-family, or three-family dwelling house or a 611
dwelling unit within that structure, any accessory structures 612
incidental to that dwelling house, and a unit in a condominium 613
development in which the owner holds title to that unit. 614
"Residential building" includes any structure that is used as a 615

model to promote the sale of a similar dwelling house.

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

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

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Sec. 1312.02. Chapter 1312. of the Revised Code applies only
to an owner and a residential contractor who enter into a contract
for the construction or the substantial rehabilitation of a
residential building.

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

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OHIO LAW CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW
BEFORE YOU MAY FILE A LAWSUIT OR ARBITRATION PROCEEDING FOR
DEFECTIVE CONSTRUCTION AGAINST THE RESIDENTIAL CONTRACTOR WHO
CONSTRUCTED YOUR HOME. AT LEAST SIXTY DAYS BEFORE YOU FILE A
LAWSUIT OR ARBITRATION PROCEEDING, YOU MUST PROVIDE THE CONTRACTOR
WITH A WRITTEN NOTICE OF THE CONDITIONS YOU ALLEGE ARE DEFECTIVE.
UNDER CHAPTER 1312. OF THE OHIO REVISED CODE, THE CONTRACTOR HAS
AN OPPORTUNITY TO OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE

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NOT OBLIGATED TO ACCEPT ANY OFFER THE CONTRACTOR MAKES. THERE ARE 646
STRICT DEADLINES AND PROCEDURES UNDER STATE LAW AND FAILURE TO 647
FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT OR 648
ARBITRATION PROCEEDING. 649

Sec. 1312.04. (A) No owner shall commence arbitration 650
proceedings or file a dwelling action against a residential 651
contractor unless, at least sixty days before commencing the 652
proceedings or filing the action, the owner provides the 653
contractor with written notice of the construction defect that 654
would be the basis of the arbitration proceedings or the dwelling 655
action. The notice shall be in writing and mailed, sent by 656
telegram, delivered in person, or sent by any means the contractor 657
has indicated communications may be sent, including facsimile 658
transmission and electronic mail. The notice shall substantially 659
comply with the requirements set forth in division (B) of this 660
section. 661

(B) Any notice that an owner provides to a contractor 662
pursuant to this section shall substantially do all of the 663
following: 664

(1) Assert a claim involving a construction defect by 665
itemizing and describing those construction defects; 666

(2) Include or attach a copy of any documentation concerning 667
the construction defects prepared by a person who inspected the 668
residential building for the owner; 669

(3) Include the name, address, and telephone number of the 670
owner and the contractor and the address of the building that is 671
the subject of the claim. 672

(C) After receiving a notice of defects, a contractor may 673
request an owner to provide a description of the cause of the 674
defects and the nature and extent of repairs necessary to remedy 675

the defects. An owner may provide this information if the owner 676
has knowledge of the cause of the defects and the repairs 677
necessary to remedy those defects. 678

(D) If a contractor files a mechanics lien or commences any 679
type of arbitration proceeding or legal action against an owner, 680
this chapter does not apply and the owner immediately may 681
counterclaim, commence an arbitration proceeding, or file a 682
dwelling action against the contractor. 683

Sec. 1312.05. (A) A residential contractor shall provide the 684
owner with a good faith written response to any notice provided 685
pursuant to section 1312.04 of the Revised Code. The response 686
shall be provided within twenty-one days after the owner mailed 687
the notice, delivered it by personal delivery, or transmitted it 688
by telegram, facsimile, or electronic mail. In the response, the 689
contractor shall offer to take one of the following actions: 690

(1) Inspect the residential building that is the subject of 691
the claim; 692

(2) Compromise and settle the claim without an inspection; 693

(3) Dispute the claim. 694

(B) If a contractor fails to respond as required by division 695
(A) of this section or disputes the claim, an owner is deemed to 696
have complied with this chapter and may commence an arbitration 697
proceeding or file a dwelling action without further notice to the 698
contractor. 699

(C)(1) If an owner rejects a contractor's offer to inspect 700
the property or to compromise and settle a claim, the owner shall 701
notify the contractor of that rejection within fourteen days after 702
receiving the contractor's offer. The rejection notice shall be in 703
writing and include a reason for the rejection. 704

(2) After providing a rejection notice, an owner has complied 705

with this chapter and may commence an arbitration proceeding or 706
file a dwelling action without further notice to the contractor. 707

Sec. 1312.06. (A) If an owner accepts a residential 708
contractor's offer to inspect the residential building, the owner 709
shall notify the contractor of that acceptance within fourteen 710
days. After accepting the offer to inspect, the owner shall allow 711
the contractor reasonable access to the building during normal 712
working hours. The contractor shall inspect the building within 713
fourteen days after the owner accepts the offer. The contractor 714
shall take reasonable measures to determine the nature and cause 715
of the construction defects and the appropriate remedy. The 716
measures the contractor takes may include, but are not limited to, 717
testing. 718

(B) Within ten days after a residential contractor conducts 719
an inspection as described in this section, the contractor shall 720
provide the owner with one of the following: 721

(1) A written offer to remedy the defects at no cost to the 722
owner. The offer shall be accompanied by an inspection report, a 723
prediction of the additional construction work necessary to remedy 724
each defect, and a timetable for completing the work necessary to 725
remedy the defects. 726

(2) A written offer to settle the claim; 727

(3) A written statement asserting that the contractor does 728
not intend to remedy the defects. 729

(C) An owner has complied with this chapter and may commence 730
an arbitration proceeding or file a dwelling action without 731
further notice to the contractor if any of the following occur: 732

(1) The contractor does not inspect the property within 733
fourteen days after the owner accepts the offer to inspect. 734

(2) Following an inspection, the contractor does not provide 735

a written response. 736

(3) The contractor responds that the contractor does not
intend to remedy the defects. 737
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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. 739
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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. 742
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(E) If an owner accepts an offer that a residential
contractor makes in compliance with this chapter to compromise and
settle the claim, to remedy the defects, or to settle the claim
and the contractor fulfills that offer in compliance with this
chapter, the owner is barred from bringing a dwelling action or an
arbitration proceeding for the claim. 746
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Sec. 1312.07. 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 mails, delivers, sends by facsimile transmission or
electronic mail, or otherwise provides the residential contractor
with a defect notice pursuant to division (A) of section 1312.04
of the Revised Code. 752
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Sec. 1312.08. (A) All applicable statutes of limitation or
repose are tolled from the time the owner sends a notice of defect
to a contractor pursuant to section 1312.04 of the Revised Code
until the owner has complied with this chapter. 759
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(B) If an owner files a dwelling action or commences an
arbitration proceeding without having complied with this chapter, 763
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the court or arbitrator shall dismiss that action without 765
prejudice. The owner may again file that dwelling action after 766
complying with this chapter. 767

(C) This chapter does not apply to any civil action in tort 768
alleging personal injury or wrongful death to a person resulting 769
from a construction defect. 770

Sec. 3703.01. (A) The division of industrial compliance in 771
the department of commerce shall: 772

~~(A)~~(1) Inspect all nonresidential buildings within the 773
meaning of section 3781.06 of the Revised Code; 774

~~(B)~~(2) Condemn all unsanitary or defective plumbing that is 775
found in connection with ~~such~~ those places; 776

~~(C)~~(3) Order ~~such~~ changes in plumbing ~~as are~~ necessary to 777
insure the safety of the public health. 778

(B)(1) The division of industrial compliance and boards of 779
health of city and general health districts shall not inspect 780
plumbing or collect fees for inspecting plumbing in particular 781
types of buildings in any municipal corporation that has been 782
certified by the board of building standards under section 3781.10 783
of the Revised Code to exercise enforcement authority for plumbing 784
in such types of buildings. 785

(2) The division shall not inspect plumbing or collect fees 786
for inspecting plumbing in particular types of buildings in any 787
health district that has employed one or more approved plumbing 788
inspectors to enforce Chapters 3781. and 3791. of the Revised Code 789
and the ~~regulations~~ rules adopted pursuant ~~thereto~~ to those 790
chapters relating to plumbing in such types of buildings. 791

(3) A municipal corporation does not have jurisdiction to 792
inspect plumbing or collect fees for the inspection of plumbing in 793
types of buildings for which it has not been certified by the 794

board of building standards under section 3781.10 of the Revised 795
Code to exercise enforcement authority ~~for plumbing in such types~~ 796
~~of buildings.~~ A 797

(4) A board of health of a health district does not have 798
jurisdiction to inspect plumbing or collect fees for the 799
inspection of plumbing in types of buildings for which it does not 800
have an approved plumbing inspector ~~for such types of buildings.~~ 801

(C) The superintendent of industrial compliance shall adopt 802
rules prescribing minimum qualifications based on education, 803
training, experience, or demonstrated ability, which the director 804
shall use in approving plumbing inspectors to do plumbing 805
inspections for health districts. Such minimum qualifications 806
shall be related to the types of buildings for which a person 807
seeks approval. 808

(D) Standards and methods prescribed in local plumbing 809
regulations shall not be less than those prescribed in Chapters 810
3781. and 3791. of the Revised Code and the ~~regulations~~ rules 811
adopted ~~thereunder~~ pursuant to those chapters. 812

~~The~~ (E) Notwithstanding any other provision of this section, 813
the division shall make a plumbing inspection of any building or 814
other place that there is reason to believe is in ~~such~~ a condition 815
~~as~~ to be a menace to the public health. 816

Sec. 3722.02. A person seeking a license to operate an adult 817
care facility shall submit to the director of health an 818
application on a form prescribed by the director and the 819
following: 820

(A) In the case of an adult group home seeking licensure as 821
an adult care facility, evidence that the home has been inspected 822
and approved by a local certified building department or by the 823
division of industrial compliance in the department of commerce as 824

meeting the applicable requirements of sections 3781.06 to 825
3781.18, ~~3781.181, 3781.182,~~ and 3791.04 of the Revised Code and 826
any rules adopted under those sections and evidence that the home 827
has been inspected by the state fire marshal or fire prevention 828
officer of a municipal, township, or other legally constituted 829
fire department approved by the state fire marshal and found to be 830
in compliance with rules adopted under section 3737.83 of the 831
Revised Code regarding fire prevention and safety in adult group 832
homes; 833

(B) Valid approvals of the facility's water and sewage 834
systems issued by the responsible governmental entity, if 835
applicable; 836

(C) A statement of ownership containing the following 837
information: 838

(1) If the owner is an individual, the owner's name, address, 839
telephone number, business address, business telephone number, and 840
occupation. If the owner is an association, corporation, or 841
partnership, the business activity, address, and telephone number 842
of the entity and the name of every person who has an ownership 843
interest of five per cent or more in the entity. 844

(2) If the owner does not own the building or if the owner 845
owns only part of the building in which the facility is housed, 846
the name of each person who has an ownership interest of five per 847
cent or more in the building; 848

(3) The address of any adult care facility and any facility 849
described in divisions (A)(9)(a) to (i) of section 3722.01 of the 850
Revised Code in which the owner has an ownership interest of five 851
per cent or more; 852

(4) The identity of the manager of the adult care facility, 853
if different from the owner; 854

(5) The name and address of any adult care facility and any 855
facility described in divisions (A)(9)(a) to (i) of section 856
3722.01 of the Revised Code with which either the owner or manager 857
has been affiliated through ownership or employment in the five 858
years prior to the date of the application; 859

(6) The names and addresses of three persons not employed by 860
or associated in business with the owner who will provide 861
information about the character, reputation, and competence of the 862
owner and the manager and the financial responsibility of the 863
owner; 864

(7) Information about any arrest of the owner or manager for, 865
or adjudication or conviction of, a criminal offense related to 866
the provision of care in an adult care facility or any facility 867
described in divisions (A)(9)(a) to (i) of section 3722.01 of the 868
Revised Code or the ability to operate a facility; 869

(8) Any other information the director may require regarding 870
the owner's ability to operate the facility. 871

(D) If the facility is an adult group home, a balance sheet 872
showing the assets and liabilities of the owner and a statement 873
projecting revenues and expenses for the first twelve months of 874
the facility's operation; 875

(E) Proof of insurance in an amount and type determined in 876
rules adopted by the public health council pursuant to this 877
chapter to be adequate; 878

(F) A nonrefundable license application fee in an amount 879
established in rules adopted by the public health council pursuant 880
to this chapter. 881

Sec. 3722.041. (A) Sections 3781.06 to 3781.18, ~~3781.181,~~ 882
~~3781.182,~~ and 3791.04 of the Revised Code do not apply to an adult 883
family home for which application is made to the director of 884

health for licensure as an adult care facility under this chapter. 885
Adult family homes shall not be required to submit evidence to the 886
director of health that the home has been inspected by a local 887
certified building department or the division of industrial 888
compliance in the department of commerce or by the state fire 889
marshal or a fire prevention officer under section 3722.02 of the 890
Revised Code, but shall be inspected by the director of health to 891
determine compliance with this section. An inspection made under 892
this section may be made at the same time as an inspection made 893
under section 3722.04 of the Revised Code. 894

(B) The director shall not license or renew the license of an 895
adult family home unless it meets the fire protection standards 896
established by rules adopted by the public health council pursuant 897
to this chapter. 898

Sec. 3781.01. (A) Chapters 3781. and 3791. of the Revised 899
Code do not prevent the legislative authority of a municipal 900
corporation from making further and additional regulations, not in 901
conflict with ~~such those~~ chapters or with the rules ~~and~~ 902
~~regulations~~ of the board of building standards adopts. ~~Such Those~~ 903
~~chapters or the rules and regulations of the board of building~~ 904
~~standards~~ do not modify or repeal any portion of any building code 905
adopted by a municipal corporation and in force on September 13, 906
1911, ~~which that~~ is not in direct conflict with such those 907
chapters or ~~with such rules and regulations~~. 908

(B) The state residential building code the board of building 909
standards adopts pursuant to section 3781.10 of the Revised Code 910
does not prevent a local governing authority from adopting 911
additional regulations governing residential structures that do 912
not conflict with the state residential building code if the 913
procedures in division (C) of this section are followed. 914

(C)(1) A local governing authority shall, and any person may, 915

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

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

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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 947
municipal ~~corporations having~~ corporation that has a fire 948
~~departments~~ department or the fire chief of ~~townships having a~~ 949
township that has a fire ~~departments~~ department shall enforce ~~all~~ 950
the provisions of Chapters 3781. and 3791. of the Revised Code 951
~~relating~~ that relate to fire prevention. 952

(B) The superintendent of the division of industrial 953
compliance, the building inspector, or commissioner of buildings 954
in a municipal ~~corporations whose~~ corporation, county, or township 955
in which the building ~~departments have been~~ department is 956
certified by the board of building standards under section 3781.10 957
of the Revised Code, ~~the building inspector or commissioner of~~ 958
~~buildings in townships whose building departments have been~~ 959
~~certified by the board of building standards under section 3781.10~~ 960
~~of the Revised Code, and, in the unincorporated territory of~~ 961
~~counties outside the boundaries of townships that have adopted~~ 962
~~building regulations under sections 505.75 to 505.77 of the~~ 963
~~Revised Code, the building inspector or commissioner of buildings~~ 964
~~in counties whose building departments have been certified by the~~ 965
~~board of building standards under section 3781.10 of the Revised~~ 966
~~Code,~~ shall enforce in the jurisdiction of each entity all the 967
provisions in ~~such~~ those chapters and any ~~regulations~~ rules 968
adopted pursuant ~~thereto relating~~ to those chapters that relate to 969
the construction, arrangement, and ~~the~~ erection of all buildings 970
or parts ~~thereof~~ of buildings, as defined in section 3781.06 of 971
the Revised Code, including the sanitary condition of ~~the same~~ 972
those buildings in relation to heating and ventilation. 973

(C) The division of industrial compliance in the department 974
of commerce ~~or,~~ the boards of health of health districts, ~~or~~ and 975
the certified departments of building inspection of municipal 976
corporations, subject to ~~the applicable provisions of~~ Chapter 977

3703. of the Revised Code, shall enforce ~~such chapters~~ Chapters 978
3781. and ~~regulations relating~~ 3791. of the Revised Code and the 979
rules adopted pursuant to those chapters that relate to plumbing. 980

(D)(1) The department of the city engineer, in cities having 981
such departments, shall have complete ~~supervision and regulation~~ 982
~~of~~ authority to supervise and regulate the entire sewerage and 983
drainage system of the city, including the house drain and the 984
house sewer and all laterals draining into the street sewers. 985

(2) The department of the city engineer shall ~~have~~ control 986
and ~~supervision of~~ supervise the installation and construction of 987
all drains and sewers that become a part of the sewerage system of 988
the city and shall issue all the necessary permits and licenses 989
for the construction and installation of all house drains and 990
house sewers and of all other lateral drains that empty into the 991
main sewers. The department shall keep a permanent record of the 992
installation and location of every drain and sewer of the drainage 993
and sewerage system of the city. 994

(E) This section does not exempt any officer or department 995
from the obligation to enforce Chapters 3781. and 3791. of the 996
Revised Code. 997

Sec. 3781.031. ~~Before any~~ (A) Any department or agency of the 998
state or any political subdivision ~~attempts to enforce that~~ 999
enforces Chapters 3781. and 3791. of the Revised Code or ~~any the~~ 1000
~~rules or regulations~~ adopted pursuant ~~thereto~~ to those chapters, 1001
by any remedy, civil or criminal, ~~it~~ shall issue an adjudication 1002
order within the meaning of sections 119.06 to 119.13, ~~inclusive,~~ 1003
of the Revised Code, or a stop work order as provided ~~herein~~ in 1004
this section. 1005

(B)(1) Any person charged with ~~the duty of~~ enforcing Chapters 1006
3781. and 3791. of the Revised Code or the rules or regulations 1007
adopted pursuant ~~thereto~~ to those chapters may issue a stop work 1008

order whenever ~~he~~ the person finds, after inspection, that the 1009
site preparations or structure to be constructed, or ~~in the case~~ 1010
~~of an industrialized unit,~~ the installation of ~~the~~ an 1011
industrialized unit, or ~~that~~ the use of an appliance, material, 1012
assemblage, or manufactured product does not comply with ~~the~~ 1013
~~provisions of~~ Chapters 3781. and 3791. of the Revised Code or the 1014
rules ~~or regulations~~ adopted pursuant ~~thereto~~ to those chapters. 1015
The effect of such an order shall be limited to the matter 1016
specified therein. 1017

~~Every~~ (2) Any adjudication order shall specify what 1018
appliances, site preparations, additions, or alterations to 1019
structures, plans, materials, assemblages, or procedures are 1020
necessary for ~~the same to comply~~ compliance with Chapters 3781. 1021
and 3791. of the Revised Code. 1022

(C) Upon the issuance of any order provided for ~~herein in~~ 1023
this section, the person receiving ~~such~~ the order shall cease work 1024
upon the site preparations or structure to be constructed, or ~~in~~ 1025
~~the case of an industrialized unit,~~ the installation of ~~the~~ an 1026
industrialized unit, or shall cease using the appliance, 1027
materials, assemblages, or manufactured product identified in the 1028
order until ~~such time as~~ the appeal provided for in accordance 1029
with ~~the provisions of~~ section 3781.19 of the Revised Code, and 1030
all appeals from ~~such~~ the hearing have been completed, or the 1031
order issued ~~herein~~ has been released. 1032

(D) Notwithstanding ~~the provisions of~~ Chapter 119. of the 1033
Revised Code relating to adjudication hearings and ~~the proceedings~~ 1034
~~thereon~~, a stenographic or mechanical record of the testimony and 1035
other evidence submitted shall be taken at the expense of the 1036
agency; ~~a.~~ Any party adversely affected by an order issued 1037
following ~~such~~ an adjudication hearing may appeal to the court of 1038
common pleas of the county in which ~~he~~ the party is a resident or 1039
in which the premises affected by ~~such~~ the order is located; ~~the,~~ 1040

~~The court in such case~~ shall not be confined to the record as 1041
certified to it by the agency but any party may produce additional 1042
evidence and the court shall hear the matter upon ~~such~~ the record 1043
and ~~such~~ additional evidence ~~as is introduced by~~ any party; ~~and~~ 1044
~~the~~ introduces. The court shall not affirm the agency's order ~~of~~ 1045
~~the agency~~ unless the preponderance of the evidence before it 1046
supports the reasonableness and lawfulness of ~~such~~ the order and 1047
~~of~~ any rule ~~or regulation~~ of the board of building standards upon 1048
which the order ~~of the agency~~ is based in its application to the 1049
particular set of facts or circumstances involved in the appeal. 1050

(E) Failure to cease work after ~~receipt of~~ receiving a stop 1051
work order is hereby declared a public nuisance. 1052

Sec. 3781.06. (A)(1) Any building that may be used as a place 1053
of resort, assembly, education, entertainment, lodging, dwelling, 1054
trade, manufacture, repair, storage, traffic, or occupancy by the 1055
public, any residential building, and all other buildings or parts 1056
and appurtenances ~~thereof~~ of those buildings erected within this 1057
state, shall be so constructed, erected, equipped, and maintained 1058
that they shall be safe and sanitary for their intended use and 1059
occupancy, ~~except that sections 3781.06 to 3781.18 and 3791.04 of~~ 1060
~~the Revised Code shall be considered as model provisions with no~~ 1061
~~force and effect when applied to single family, two family, and~~ 1062
~~three family dwelling houses, and accessory structures incidental~~ 1063
~~to those dwelling houses, that have not been constructed or~~ 1064
~~erected as industrialized one family, two family, or three family~~ 1065
~~units or structures within the meaning of the term "industrialized~~ 1066
~~unit" as provided in division (C)(3) of this section, except where~~ 1067
~~the context specifies mandatory applicability.~~ 1068

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 1070
Revised Code shall be construed to limit the power of the public 1071

health council to adopt rules of uniform application governing 1072
manufactured home parks pursuant to section 3733.02 of the Revised 1073
Code. 1074

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 1075
Code ~~shall~~ do not apply to either of the following: 1076

(1) Buildings or structures that are incident to the use for 1077
agricultural purposes of the land on which ~~such~~ the buildings or 1078
structures are located, provided ~~such~~ those buildings or 1079
structures are not used in the business of retail trade. For 1080
purposes of this division, a building or structure is not 1081
considered used in the business of retail trade if fifty per cent 1082
or more of the gross income received from sales of products in the 1083
building or structure by the owner or operator is from sales of 1084
products produced or raised in a normal crop year on farms owned 1085
or operated by the seller. 1086

(2) Existing single-family, two-family, and three-family 1087
detached dwelling houses for which applications have been 1088
submitted to the director of job and family services pursuant to 1089
section 5104.03 of the Revised Code for the purposes of operating 1090
type A family day-care homes as defined in section 5104.01 of the 1091
Revised Code. 1092

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 1093
Revised Code: 1094

(1) "Agricultural purposes" include agriculture, farming, 1095
dairying, pasturage, apiculture, horticulture, floriculture, 1096
viticulture, ornamental horticulture, olericulture, pomiculture, 1097
and animal and poultry husbandry. 1098

(2) "Building" means any structure consisting of foundations, 1099
walls, columns, girders, beams, floors, and roof, or a combination 1100
of any number of these parts, with or without other parts or 1101
appurtenances. 1102

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

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

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

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

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

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding

garages, porches, or attachments, of at least nine hundred square feet; 1134
1135

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering; 1136
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(d) The structure was manufactured after January 1, 1995; 1139

(e) The structure is not located in a manufactured home park as defined by section 3733.01 of the Revised Code. 1140
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(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise. 1142
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(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing. 1150
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(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code. 1156
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(10) "Nonresidential building" means any building that is not 1165
a residential building or a manufactured or mobile home. 1166

(11) "Accessory structure" means a structure that is attached 1167
to a residential building and serves the principal use of the 1168
residential building. "Accessory structure" includes, but is not 1169
limited to, a garage, porch, or screened-in patio. 1170

Sec. 3781.10. ~~The board of building standards shall:~~ 1171

(A) ~~Formulate~~ (1) The board of building standards shall 1172
formulate and adopt rules governing the erection, construction, 1173
repair, alteration, and maintenance of all buildings or classes of 1174
buildings specified in section 3781.06 of the Revised Code, 1175
including land area incidental ~~thereto~~ to those buildings, the 1176
construction of industrialized units, the installation of 1177
equipment, and the standards or requirements for materials ~~to be~~ 1178
used in connection ~~therewith~~ with those buildings. The board shall 1179
incorporate those rules into separate residential and 1180
nonresidential building codes. The standards shall relate to the 1181
conservation of energy ~~in~~ and ~~to~~ the safety and sanitation of ~~such~~ 1182
those buildings. The 1183

(2) The rules ~~shall be~~ governing nonresidential buildings are 1184
the lawful minimum requirements specified for ~~such those~~ buildings 1185
~~or~~ and industrialized units, except that no rule, ~~except other~~ 1186
than as provided in division (C) of section 3781.108 of the 1187
Revised Code, ~~which that~~ specifies a higher requirement than is 1188
imposed by any section of the Revised Code ~~shall be~~ is 1189
enforceable; the. The rules governing residential buildings are 1190
uniform requirements for residential buildings in any area with a 1191
building department certified to enforce the state residential 1192
building code. In no case shall any local code or regulation 1193
differ from the state residential building code unless that code 1194
or regulation addresses subject matter not addressed by the state 1195

residential building code or is adopted pursuant to section 1196
3781.01 of the Revised Code. 1197

(3) The rules shall be acceptable as adopted pursuant to this 1198
section are complete, lawful alternatives to ~~the~~ any requirements 1199
specified for ~~such~~ buildings or industrialized units in any 1200
section of the Revised Code; ~~and the.~~ The board shall, on its own 1201
motion, or on application made under sections 3781.12 and 3781.13 1202
of the Revised Code, formulate, propose, adopt, modify, amend, or 1203
repeal the rules to the extent necessary or desirable to 1204
effectuate the purposes of sections 3781.06 to 3781.18 of the 1205
Revised Code. 1206

(B) ~~Formulate and~~ The board shall report to the general 1207
assembly ~~such proposals for~~ amendments ~~in~~ to existing statutes 1208
relating to the purposes declared in section 3781.06 of the 1209
Revised Code ~~as~~ that public health and safety and the development 1210
of the arts require and ~~such shall recommend any~~ additional 1211
legislation ~~as it recommends with a view~~ to assist in carrying out 1212
fully, in statutory form, the purposes declared in ~~such that~~ 1213
section; ~~and.~~ The board shall prepare and submit to the general 1214
assembly a summary report of the number, nature, and disposition 1215
of the petitions filed under sections 3781.13 and 3781.14 of the 1216
Revised Code; . 1217

(C) ~~Determine by rule, on~~ On its own motion or on application 1218
made under sections 3781.12 and 3781.13 of the Revised Code, and 1219
after thorough testing and evaluation, the board shall determine 1220
by rule that any particular fixture, device, material, process of 1221
manufacture, manufactured unit or component, method of 1222
manufacture, system, or method of construction, complies with 1223
performance standards adopted pursuant to section 3781.11 of the 1224
Revised Code, ~~having.~~ The board shall make its determination with 1225
regard to ~~its~~ adaptability for safe and sanitary erection, use, or 1226
construction, to that described in any section of the Revised 1227

Code, wherever the use of a fixture, device, material, method of 1228
manufacture, system, or method of construction ~~which is~~ described 1229
in ~~such~~ that section of the Revised Code, ~~is permitted by law; and~~ 1230
~~on like application.~~ The board shall amend or annul any ~~such~~ rule 1231
or issue an authorization for the use of a new material or 1232
manufactured unit; ~~and no~~ on any like application. No department, 1233
officer, board, or commission of the state other than the board of 1234
building standards or the board of building appeals shall permit 1235
the use of any fixture, device, material, method of manufacture, 1236
newly designed product, system, or method of construction at 1237
variance with what is described in any rule ~~adopted~~ the board of 1238
building standards adopts or ~~authorization issued by the board of~~ 1239
~~building standards issues~~ or in that is authorized by any section 1240
of the Revised Code. Nothing in this section shall be construed as 1241
requiring approval, by rule, of plans for an industrialized unit 1242
that conforms with the rules ~~adopted by~~ the board of building 1243
standards adopts pursuant to section 3781.11 of the Revised Code. 1244

(D) ~~Recommend~~ The board shall recommend rules, codes, and 1245
standards to help carry out the purposes of section 3781.06 of the 1246
Revised Code and to help secure uniformity of state administrative 1247
rulings and local legislation and administrative action to the 1248
bureau of workers' compensation, the director of commerce, ~~or~~ any 1249
other department, officer, board, or commission of the state, and 1250
to legislative authorities and building departments of counties, 1251
townships, and municipal corporations, ~~the making, amending,~~ 1252
~~fixing, or ordaining by such appropriate action as such state,~~ 1253
~~county, township, or municipal authorities may be empowered by law~~ 1254
~~or the constitution to take, of such rules, codes, or standards as~~ 1255
~~shall tend to carry out the purposes declared in section 3781.06~~ 1256
~~of the Revised Code, with a view to securing uniformity of state~~ 1257
~~administrative ruling; and local legislation and administrative~~ 1258
~~action; and shall recommend that they audit those recommended~~ 1259
rules, codes, and standards by any appropriate action that they 1260

are allowed pursuant to law or the constitution. 1261

(E) Certify (1) The board shall certify municipal, township, 1262
and county building departments and the personnel of those 1263
building departments, and persons and employees of individuals, 1264
firms, or corporations as described in division (E)(7) of this 1265
section to exercise enforcement authority, to accept and approve 1266
plans and specifications, and to make inspections, pursuant to 1267
sections 3781.03 and, 3791.04, and 4104.43 of the Revised Code. 1268

~~The board also shall certify personnel of municipal,~~ 1269
~~township, and county building departments, and persons and~~ 1270
~~employees of persons, firms, or corporations as described in~~ 1271
~~divisions (E)(1) and (2) of this section, to exercise enforcement~~ 1272
~~authority, to accept and approve plans and specifications, and to~~ 1273
~~make inspections, pursuant to sections 3781.03 and 3791.04 of the~~ 1274
~~Revised Code.~~ (2) The board shall certify departments, personnel, 1275
and persons to enforce the state residential building code, to 1276
enforce the nonresidential building code, or to enforce both the 1277
residential and the nonresidential building codes. Any department, 1278
personnel, or person may enforce only the type of building code 1279
for which certified. 1280

(3) The board shall not require a building department, its 1281
personnel, or any persons that it employs to be certified for 1282
residential building code enforcement if that building department 1283
does not enforce the state residential building code. The board 1284
shall specify, in rules adopted pursuant to Chapter 119. of the 1285
Revised Code, the requirements that shall be satisfied for 1286
certification purposes for residential and nonresidential building 1287
code enforcement, which requirements shall be consistent with this 1288
division. The requirements for residential and nonresidential 1289
certification may differ. Except as otherwise provided in this 1290
division, the requirements shall include, but are not limited to, 1291
the satisfactory completion of an initial examination and, ~~in~~ 1292

~~order~~ to remain certified, the completion of a specified number of 1293
hours of continuing building code education within each three-year 1294
period following the date of certification. ~~In adopting the~~ 1295
~~requirements, the board~~ which shall be not ~~specify~~ less than 1296
thirty hours ~~of continuing building code education within a~~ 1297
~~three-year period~~; The rules shall provide that continuing 1298
education credits, and certification issued, by the council of 1299
American building officials, national model code organizations, 1300
and agencies or entities ~~recognized by~~ the board, recognizes are 1301
acceptable for purposes of this division; ~~and. The rules~~ shall 1302
specify requirements that are compatible, to the extent possible, 1303
with requirements ~~established by~~ the council of American building 1304
officials and national model code organizations establish. The 1305

(4) The board shall establish and collect a certification and 1306
renewal fee for building department personnel, and persons and 1307
employees of persons, firms, or corporations as described in 1308
~~divisions (E)(1) and (2) of~~ this section, who are certified 1309
pursuant to this division. 1310

~~All individuals~~ (5) Any individual certified pursuant to this 1311
division shall complete the number of hours of continuing building 1312
code education that the board requires or, for failure to do so, 1313
forfeit ~~their certifications~~ certification. 1314

(6) This division does not require or authorize the 1315
~~certification by the board of~~ board to certify personnel of 1316
municipal, township, and county building departments, and persons 1317
and employees of persons, firms, or corporations as described in 1318
~~divisions (E)(1) and (2) of~~ this section, whose responsibilities 1319
do not include the exercise of enforcement authority, the approval 1320
of plans and specifications, or ~~the~~ making of inspections, under 1321
the ~~Ohio~~ state residential and nonresidential building code codes. 1322

~~(1)(7)~~ (7) Enforcement authority for approval of plans and 1323
specifications and enforcement authority for inspections may be 1324

exercised, and plans and specifications may be approved, and 1325
inspections may be made on behalf of a municipal corporation, 1326
township, or county, by any of the following who ~~are certified by~~ 1327
the board of building standards certifies: 1328

(a) Officers or employees of the municipal corporation, 1329
township, or county; 1330

(b) Persons, or employees of persons, firms, or corporations, 1331
~~when such persons, firms, or corporations are under~~ pursuant to a 1332
contract to furnish architectural or engineering services to the 1333
municipal corporation, township, or county, ~~and such authority is~~ 1334
~~exercised pursuant to such contract;~~ 1335

(c) Officers or employees of ~~any other,~~ and persons under 1336
contract with, a municipal corporation, township, county, health 1337
district, or other political subdivision, ~~or persons or employees~~ 1338
~~of persons, firms, or corporations under contract with the same~~ 1339
~~pursuant to division (E)(1)(b) of this section, when such other~~ 1340
~~municipal corporation, township, county, health district, or other~~ 1341
~~political subdivision is under~~ pursuant to a contract to furnish 1342
architectural or engineering services ~~to the municipal~~ 1343
~~corporation, township, or county, and such authority is exercised~~ 1344
~~pursuant to such contract.~~ 1345

~~(2) Enforcement authority for inspections may be exercised,~~ 1346
~~and inspections may be made, on behalf of a municipal corporation,~~ 1347
~~township, or county, by any of the following who are certified by~~ 1348
~~the board of building standards:~~ 1349

~~(a) Officers or employees of the municipal corporation,~~ 1350
~~township, or county;~~ 1351

~~(b) Persons, or employees of persons, firms, or corporations,~~ 1352
~~when such persons, firms, or corporations are under contract to~~ 1353
~~furnish inspection services to the municipal corporation,~~ 1354
~~township, or county, and such authority is exercised pursuant to~~ 1355

~~such contract;~~ 1356

~~(c) Officers or employees of any other municipal corporation, township, county, health district, or other political subdivision under contract to furnish inspection services to the municipal corporation, township, or county, when such authority is exercised pursuant to such contract.~~ 1357
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~~(3)(8) Municipal, township, and county building departments shall have jurisdiction within the meaning of sections 3781.03 and, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters as to for which they have been are certified under this section and as to which such certification remains in effect.~~ 1362
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~~(4) Such certification~~ (9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of ~~such that~~ application by the board of building standards. ~~Such~~ The application shall set forth: 1368
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1371
1372

~~(a) The types of building occupancies as to which~~ Whether the certification is requested for residential or nonresidential buildings, or both; 1373
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~~(b) The number and qualifications of the staff composing the building department;~~ 1376
1377

~~(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to divisions (E)(1)(b) and (2)(b) division (E)(7)(b) of this section;~~ 1378
1379
1380
1381

~~(d) The names of any other municipal corporations corporation, townships township, counties county, health districts district, or other political subdivisions contracting subdivision under contract to furnish work or services pursuant to divisions~~ 1382
1383
1384
1385

~~(E)(1)(c) and (2)(c)~~ division (E)(7) of this section; 1386

(e) The proposed budget for the operation of ~~such~~ the
building department. 1387
1388

~~(5)(10)~~ The board of building standards shall adopt rules 1389
governing all of the following: 1390

(a) The certification of building department personnel and ~~of~~ 1391
~~those~~ persons and employees of persons, firms, or corporations 1392
exercising authority pursuant to ~~divisions (E)(1) and (2)~~ division
(E)(7) of this section. ~~Any~~ The rules shall disqualify any 1393
employee of the department or person who contracts for services 1394
with the department ~~is disqualified~~ from performing services for 1395
the department when ~~the same would require the~~ that employee or 1396
person would have to pass upon, inspect, or otherwise exercise ~~any~~ 1397
authority ~~given by the Ohio building code~~ over any labor, 1398
material, or equipment ~~furnished by~~ the employee or person 1399
furnishes for the construction, alteration, or maintenance of a 1400
building or the preparation of working drawings or specifications 1401
for work within the jurisdictional area of the department. The 1402
department shall provide other similarly qualified personnel to 1403
enforce the ~~requirements of the Ohio~~ residential and 1404
nonresidential building ~~code codes~~ as it pertains they pertain to 1405
~~such~~ that work. 1406
1407

(b) The minimum services to be provided by a certified 1408
building department. 1409

~~(6) Such certification~~ (11) The board of building standards 1410
may be ~~revoked~~ revoke or ~~suspended with respect to any or all of~~ 1411
suspend certification to enforce the residential and 1412
nonresidential building ~~occupancies to which it relates~~ codes, on 1413
petition to the board ~~of building standards~~ by any person affected 1414
by ~~such~~ that enforcement or approval of plans, or by the board on 1415
its own motion. Hearings shall be held and appeals permitted on 1416

any ~~such~~ proceedings for certification or ~~for~~ revocation or 1417
suspension of certification in the same manner as provided in 1418
section 3781.101 of the Revised Code for other proceedings of the 1419
board of building standards. 1420

~~(7)(12)~~ Upon certification, and until ~~such that~~ authority is 1421
revoked, any county and or township building departments 1422
department shall enforce ~~such rules over those occupancies listed~~ 1423
in the application the residential and nonresidential building 1424
codes for which it is certified without regard to limitation upon 1425
the authority of boards of county commissioners under Chapter 307. 1426
of the Revised Code or boards of township trustees under Chapter 1427
505. of the Revised Code. 1428

(F) ~~Conduct such hearings, in~~ In addition to ~~those required~~ 1429
~~by hearings~~ sections 3781.06 to 3781.18 and 3791.04 of the Revised 1430
Code require, and the board of building standards shall make ~~such~~ 1431
investigations and tests, and require from other state 1432
departments, officers, boards, and commissions ~~such~~ information ~~as~~ 1433
the board considers necessary or desirable ~~in order~~ to assist it 1434
in the discharge of any duty or ~~in~~ the exercise of any power 1435
mentioned in this section or in sections 3781.06 to 3781.18 ~~and,~~ 1436
3791.04, and 4104.43 of the Revised Code~~;~~. 1437

(G) ~~Formulate~~ The board shall adopt rules and establish 1438
reasonable fees for the review of all applications submitted where 1439
the applicant applies for authority to use a new material, 1440
assembly, or product of a manufacturing process. The fee 1441
~~established~~ shall bear some reasonable relationship to the cost of 1442
~~such the~~ review or testing of the materials, assembly, or products 1443
~~submitted~~ and for the notification of approval or disapproval as 1444
provided in section 3781.12 of the Revised Code. 1445

(H) ~~Compile and publish, in the form of a model code, rules~~ 1446
~~pertaining to one family, two family, and three family dwelling~~ 1447
~~houses that any municipal corporation, township, or county may~~ 1448

~~incorporate into its building code.~~ The residential construction 1449
advisory committee shall provide the board with a proposal for a 1450
state residential building code that the committee recommends 1451
pursuant to division (C)(1) of section 4740.14 of the Revised 1452
Code. Upon receiving a recommendation from the committee that is 1453
acceptable to the board, the board shall adopt rules establishing 1454
that code as the state residential building code. 1455

(I) ~~Cooperate~~ The board shall cooperate with the director of 1456
job and family services when the director promulgates rules 1457
pursuant to section 5104.05 of the Revised Code regarding safety 1458
and sanitation in type A family day-care homes~~.~~ 1459

(J) ~~Adopt~~ The board shall adopt rules to implement the 1460
requirements of section 3781.108 of the Revised Code. 1461

Sec. 3781.102. (A) Any county or municipal building 1462
department certified pursuant to division (E) of section 3781.10 1463
of the Revised Code as of September 14, 1970, and that, as of that 1464
date, was inspecting single-family, two-family, and three-family 1465
residences, and any township building department certified 1466
pursuant to division (E) of section 3781.10 of the Revised Code, 1467
is hereby declared to be certified to inspect single-family, 1468
two-family, and three-family residences containing industrialized 1469
units, and shall inspect the buildings or classes of buildings 1470
subject to division (E) of section 3781.10 of the Revised Code. 1471

(B) Each board of county commissioners may adopt, by 1472
resolution, rules establishing standards and providing for the 1473
licensing of electrical and heating, ventilating, and air 1474
conditioning contractors who are not required to hold a valid and 1475
unexpired license pursuant to Chapter 4740. of the Revised Code. 1476

Rules adopted by a board of county commissioners pursuant to 1477
this division may be enforced within the unincorporated areas of 1478
the county and within any municipal corporation where the 1479

legislative authority of the municipal corporation has contracted 1480
with the board for the enforcement of the county rules within the 1481
municipal corporation pursuant to section 307.15 of the Revised 1482
Code. The rules shall not conflict with rules adopted by the board 1483
of building standards pursuant to section 3781.10 of the Revised 1484
Code or by the department of commerce pursuant to Chapter 3703. of 1485
the Revised Code. This division does not impair or restrict the 1486
power of municipal corporations under Section 3 of Article XVIII, 1487
Ohio Constitution, to adopt rules concerning the erection, 1488
construction, repair, alteration, and maintenance of buildings and 1489
structures or of establishing standards and providing for the 1490
licensing of specialty contractors pursuant to section 715.27 of 1491
the Revised Code. 1492

A board of county commissioners, pursuant to this division, 1493
may require all electrical contractors and heating, ventilating, 1494
and air conditioning contractors, other than those who hold a 1495
valid and unexpired license issued pursuant to Chapter 4740. of 1496
the Revised Code, to successfully complete an examination, test, 1497
or demonstration of technical skills, and may impose a fee and 1498
additional requirements for a license to engage in their 1499
respective occupations within the jurisdiction of the board's 1500
rules under this division. 1501

(C) No board of county commissioners shall require any 1502
specialty contractor who holds a valid and unexpired license 1503
issued pursuant to Chapter 4740. of the Revised Code to 1504
successfully complete an examination, test, or demonstration of 1505
technical skills in order to engage in the type of contracting for 1506
which the license is held, within the unincorporated areas of the 1507
county and within any municipal corporation whose legislative 1508
authority has contracted with the board for the enforcement of 1509
county regulations within the municipal corporation, pursuant to 1510
section 307.15 of the Revised Code. 1511

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

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

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

<u>(1) Three per cent of those the fees the political</u>	1544
<u>subdivision collects in connection with nonresidential buildings;</u>	1545
<u>(2) One per cent of the fees the political subdivision</u>	1546
<u>collects in connection with residential buildings. The</u>	1547
<u>(G)(1) The board shall adopt rules, in accordance with</u>	1548
Chapter 119. of the Revised Code, specifying the manner in which	1549
the fee assessed pursuant to this <u>division (F) of this section</u>	1550
shall be collected and remitted monthly to the board. The board	1551
shall pay the fee assessed pursuant to this division <u>fees</u> into the	1552
state treasury to the credit of the industrial compliance	1553
operating fund created in section 121.084 of the Revised Code.	1554
<u>(2) All money credited to the industrial compliance operating</u>	1555
fund under this division shall be used exclusively for both of the	1556
following:	1557
(1) <u>(a)</u> Operating costs of the board;	1558
(2) <u>(b)</u> Providing services, including educational programs,	1559
for the building departments that are certified by the board	1560
pursuant to division (E) of section 3781.10 of the Revised Code.	1561
(G) <u>(H)</u> A board of county commissioners that adopts rules	1562
providing for the licensing of electrical and heating,	1563
ventilating, and air conditioning contractors, pursuant to	1564
division (B) of this section, may accept, for purposes of	1565
satisfying the requirements of rules adopted under that division,	1566
a valid and unexpired license issued pursuant to Chapter 4740. of	1567
the Revised Code that is held by an electrical or heating,	1568
ventilating, and air conditioning contractor, for the	1569
construction, replacement, maintenance, or repair of one-family,	1570
two-family, or three-family dwelling houses or accessory	1571
structures incidental to those dwelling houses.	1572
(H) <u>(I)</u> A board of county commissioners shall not register a	1573

specialty contractor who is required to hold a license under 1574
Chapter 4740. of the Revised Code but does not hold a valid 1575
license issued under that chapter. 1576

~~(I)~~(J) As used in this section, "specialty contractor" means 1577
a heating, ventilating, and air conditioning contractor, 1578
refrigeration contractor, electrical contractor, plumbing 1579
contractor, or hydronics contractor, as those contractors are 1580
described in Chapter 4740. of the Revised Code. 1581

Sec. 3781.11. (A) The rules of the board of building 1582
standards shall: 1583

(1) ~~Provide For nonresidential buildings, provide~~ uniform 1584
minimum standards and requirements, ~~and for residential buildings,~~ 1585
~~provide standards and requirements that are uniform throughout the~~ 1586
~~state,~~ for construction and construction materials, including 1587
construction of industrialized units, to make residential and 1588
nonresidential buildings safe and sanitary as defined in section 1589
3781.06 of the Revised Code; 1590

(2) Formulate such standards and requirements, so far as may 1591
be practicable, in terms of performance objectives, so as to make 1592
adequate performance for the use intended the test of 1593
acceptability; 1594

(3) Permit, to the fullest extent feasible, the use of 1595
materials and technical methods, devices, and improvements, 1596
including the use of industrialized units which tend to reduce the 1597
cost of construction and erection without affecting minimum 1598
requirements for the health, safety, and security of the occupants 1599
or users of buildings or industrialized units and without 1600
preferential treatment of types or classes of materials or 1601
products or methods of construction; 1602

(4) Encourage, so far as may be practicable, the 1603

standardization of construction practices, methods, equipment, 1604
material, and techniques, including methods employed to produce 1605
industrialized units; 1606

(5) Not require any alteration or repair of any part of a 1607
school building owned by a chartered nonpublic school or a city, 1608
local, exempted village, or joint vocational school district and 1609
operated in conjunction with any primary or secondary school 1610
program that is not being altered or repaired if all of the 1611
following apply: 1612

(a) The school building meets all of the applicable building 1613
code requirements in existence at the time of the construction of 1614
the building. 1615

(b) The school building otherwise satisfies the requirements 1616
of section 3781.06 of the Revised Code. 1617

(c) The part of the school building altered or repaired 1618
conforms to all rules of the board existing on the date of the 1619
repair or alteration. 1620

(6) Not require any alteration or repair to any part of a 1621
workshop or factory that is not otherwise being altered, repaired, 1622
or added to if all of the following apply: 1623

(a) The workshop or factory otherwise satisfies the 1624
requirements of section 3781.06 of the Revised Code. 1625

(b) The part of the workshop or factory altered, repaired, or 1626
added conforms to all rules of the board existing on the date of 1627
plan approval of the repair, alteration, or addition. 1628

(B) The rules of the board shall supersede and govern any 1629
order, standard, or rule of the division of industrial compliance 1630
in the department of commerce, division of the fire marshal, the 1631
department of health, and of counties and townships, in all cases 1632
where such orders, standards, or rules are in conflict with the 1633

rules of the board, except that rules adopted and orders issued by 1634
the fire marshal pursuant to Chapter 3743. of the Revised Code 1635
prevail in the event of a conflict. 1636

(C) The construction, alteration, erection, and repair of 1637
buildings including industrialized units, and the materials and 1638
devices of any kind used in connection with them and the heating 1639
and ventilating of them and the plumbing and electric wiring in 1640
them shall conform to the statutes of this state or the rules 1641
adopted and promulgated by the board, and to provisions of local 1642
ordinances not inconsistent therewith. Any building, structure, or 1643
part thereof, constructed, erected, altered, manufactured, or 1644
repaired not in accordance with the statutes of this state or with 1645
the rules of the board, and any building, structure, or part 1646
thereof in which there is installed, altered, or repaired any 1647
fixture, device, and material, or plumbing, heating, or 1648
ventilating system, or electric wiring not in accordance with such 1649
statutes or rules is a public nuisance. 1650

(D) As used in this section: 1651

(1) "Nonpublic school" means a chartered school for which 1652
minimum standards are prescribed by the state board of education 1653
pursuant to division (D) of section 3301.07 of the Revised Code. 1654

(2) "Workshop or factory" includes manufacturing, mechanical, 1655
electrical, mercantile, art, and laundering establishments, 1656
printing, telegraph, and telephone offices, railroad depots, and 1657
memorial buildings, but does not include hotels and tenement and 1658
apartment houses. 1659

Sec. 3781.12. (A) Any person may petition the board of 1660
building standards to adopt, amend, or annul a rule ~~or regulation~~ 1661
adopted pursuant to section 3781.10 of the Revised Code, or to 1662
permit the use of any particular fixture, device, material, 1663

system, method of manufacture, product of a manufacturing process, 1664
or method or manner of construction or installation, ~~which that~~ 1665
complies with performance standards adopted pursuant to section 1666
3781.11 of the Revised Code, as regards the purposes declared in 1667
section 3781.06 of the Revised Code, of the fixtures, devices, 1668
materials, systems, or methods or manners of construction, 1669
manufacture or installation described in any section of the 1670
Revised Code relating to ~~said those~~ purposes, where the use is 1671
permitted by law. ~~Upon~~ 1672

(B) Upon petition, the board shall cause to be conducted ~~such~~ 1673
testing and evaluation ~~as that~~ the board ~~shall determine~~ 1674
determines desirable of any fixture, device, material, system, 1675
assembly or product of a manufacturing process, or method or 1676
manner of construction or installation sought to be used under the 1677
rules ~~and regulations adopted by~~ the board ~~by virtue of~~ adopts 1678
pursuant to section 3781.10 of the Revised Code. ~~If~~ 1679

(C) If the board, after hearing, ~~deems~~ determines it 1680
advisable to adopt the rule ~~or regulation or~~ amendment, or 1681
annulment ~~thereof~~, or to permit the use of the materials or 1682
assemblages petitioned for, it shall give at least thirty days' 1683
notice of the time and place of a public hearing ~~thereon, which~~ 1684
~~notice shall be given in accordance with the provisions set forth~~ 1685
in as provided by section 119.03 of the Revised Code. No ~~such~~ rule 1686
~~or regulation~~ shall be adopted, amended, or annulled, or the use 1687
of ~~such~~ materials or assemblages authorized, until after ~~such the~~ 1688
public hearing. A copy of every ~~such rule or regulation and every~~ 1689
amendment, or annulment ~~thereof~~, and a copy of every approved 1690
material or assembly authorization signed by the ~~chairman~~ 1691
chairperson of the board of building standards, and sealed with 1692
the seal of the department of commerce, shall, after final 1693
adoption or authorization by the board, be filed with the 1694
secretary of state and ~~shall be published in such manner~~ as the 1695

board determines. The issuance of the authorization for the use of 1696
the materials or assemblages described in the petition ~~shall~~ 1697
~~constitute~~ constitutes approval for their use anywhere in ~~Ohio~~ 1698
this state. Any ~~such~~ rule ~~or regulation or,~~ amendment, or 1699
annulment ~~thereof shall~~ does not take effect until a date ~~fixed by~~ 1700
the board fixes and ~~stated therein~~ states. No ~~such~~ rule, 1701
~~regulation,~~ amendment, or annulment ~~shall apply~~ applies to any 1702
building for which the plans or drawings, specifications, and data 1703
~~of which have been~~ were approved prior to the time ~~such the~~ rule, 1704
~~regulation,~~ amendment, or annulment ~~takes effect~~ becomes 1705
effective. All hearings of the board ~~shall be~~ are open to the 1706
public. Each ~~of the members~~ member of the board may administer 1707
oaths in the performance of ~~his~~ the member's duties. 1708

Sec. 3781.13. Any person interested, either because of 1709
ownership or occupation of any property affected by any rule ~~or~~ 1710
~~regulation~~ described in section 3781.12 of the Revised Code, or as 1711
the producer, manufacturer, seller, or distributor, of any 1712
building material, industrialized unit, plumbing, heating, or 1713
ventilating system or device, or any other device, product, 1714
assembly, or equipment, the use of which is not provided for by 1715
any ~~such~~ rule ~~or regulation,~~ may petition for a hearing on the 1716
reasonableness and lawfulness of any action of the board of 1717
building standards, adopting, amending, or annulling or refusing 1718
to adopt, amend, or annul ~~such the~~ rule ~~or regulation,~~ in the 1719
manner provided in sections 3781.06 to 3781.18, ~~inclusive,~~ and 1720
section 3791.04 of the Revised Code. ~~Such~~ Any petition for hearing 1721
shall be by verified petition filed with the board ~~setting and~~ 1722
shall set out specifically and in full detail the action of the 1723
board upon which a hearing is desired, ~~and~~ the reason why ~~such~~ 1724
that action is unreasonable or unlawful, and every issue ~~to be~~ 1725
~~considered by~~ the board should consider on the hearing. ~~Such~~ The 1726
petition shall be filed within thirty days after the record of the 1727

action of the board is filed in the office of the secretary of 1728
state, in cases where ~~such~~ the record is required to be ~~so~~ filed 1729
with the secretary of state; otherwise the petition shall be filed 1730
within thirty days after the action is taken. Upon receipt of ~~said~~ 1731
the petition, after a hearing ~~which shall be~~ held within thirty 1732
days ~~thereafter~~ after the receipt of the petition and ~~of which~~ 1733
after notice has been given to the petitioner, the board may 1734
determine that ~~such~~ the action is unreasonable or unlawful and 1735
annul any rule ~~or regulation forthwith, or it may,~~ confirm its 1736
prior action ~~forthwith, or it may~~ re-enact or amend any rule ~~or~~ 1737
~~regulation~~ in the manner provided in section 3781.12 of the 1738
Revised Code. If the board does not determine the matter ~~in~~ 1739
~~hearing is not determined by the board~~ within two weeks after ~~such~~ 1740
the hearing, the action may, at the option of the petitioner, be 1741
deemed to have been confirmed. 1742

Sec. 3781.18. Wherever ~~in~~ Chapters 3781. and 3791. of the 1743
Revised Code or the rules ~~or regulations~~ adopted pursuant ~~thereto~~ 1744
to those chapters describe particular fixtures, devices, 1745
materials, systems, method of manufacture, product of a 1746
manufacturing process, or methods or manners of construction or 1747
installation ~~are described~~ pertaining to nonresidential buildings, 1748
~~such description prescribes~~ those descriptions prescribe minimum 1749
standards of safety and sanitary conditions ~~exemplified by such~~ 1750
that a particular fixtures fixture, devices device, materials 1751
material, ~~systems~~ system, method of manufacture, product of a 1752
manufacturing process, or ~~methods~~ method or ~~manners~~ manner of 1753
construction or installation exemplifies. ~~Where the~~ The use of 1754
another fixture, device, material, system, industrialized unit, 1755
newly designed product, or method, or manner of construction or 1756
installation ~~is desired which~~ that is at variance with ~~what is~~ 1757
~~described in such chapters, such use~~ the descriptions is 1758
permissible, if ~~such other~~ the fixture, device, material, system, 1759

manufactured component or unit, product, method, or manner of 1760
construction complies with performance standards as ~~determined by~~ 1761
the board determines. 1762

Sec. 3781.183. If the board of building standards adopts 1763
rules under sections 3781.06 to 3781.18, ~~3781.181, and 3781.182~~ of 1764
the Revised Code concerning the requirements an adult group home 1765
seeking licensure as an adult care facility must meet under 1766
section 3722.02 of the Revised Code, the board shall adopt the 1767
rules in consultation with the directors of health and of aging 1768
and any interested party designated by the directors of health and 1769
of aging. 1770

Sec. 3781.99. (A) Whoever violates division (E) of section 1771
3781.111 of the Revised Code shall be issued a warning for a first 1772
offense. On each subsequent offense, the person shall be fined 1773
twenty-five dollars for each parking location that is not properly 1774
marked or whose markings are not properly maintained. 1775

(B) Whoever violates this chapter or any rule adopted or 1776
order issued pursuant to it that relates to the construction, 1777
alteration, or repair of any building, and the violation is not 1778
detrimental to the health, safety, or welfare of any person shall 1779
be fined not more than one hundred dollars. 1780

(C) Whoever violates this chapter or any rule adopted or 1781
order issued pursuant to it that relates to the construction, 1782
alteration, or repair of any building, and the violation is 1783
detrimental to the health, safety, or welfare of any person, is 1784
guilty of a minor misdemeanor. 1785

Sec. 3791.04. (A)(1) Before beginning the construction, 1786
erection, or manufacture of any building to which section 3781.06 1787
of the Revised Code ~~is applicable~~ applies, including all 1788
industrialized units, the owner ~~thereof~~ of that building, in 1789

addition to any other submission ~~of plans or drawings,~~ 1790
~~specifications, and data~~ required by law, shall submit the plans 1791
or drawings, specifications, and data prepared for the 1792
construction, erection, ~~and equipment thereof, or the,~~ alteration 1793
~~thereof,~~ or addition thereto, ~~which plans or drawings, and~~ 1794
~~specifications shall~~ that indicate ~~thereon~~ the portions that have 1795
been approved pursuant to section 3781.12 of the Revised Code, ~~and~~ 1796
for which no further approval ~~shall be~~ is required, to the 1797
municipal, township, or county building department having 1798
jurisdiction ~~if such department has been certified as provided in~~ 1799
~~division (E) of section 3781.10 of the Revised Code, and if there~~ 1800
~~is~~ unless one of the following applies: 1801

(a) If no certified municipal, township, or county building 1802
department, certified for nonresidential buildings pursuant to 1803
division (E) of section 3781.10 of the Revised Code has 1804
jurisdiction, the owner shall make the submissions described in 1805
division (A)(1) of this section to the superintendent of the 1806
division of industrial compliance, ~~for approval.~~ 1807

(b) If no certified municipal, township, or county building 1808
department certified for residential buildings pursuant to 1809
division (E) of section 3781.10 of the Revised Code has 1810
jurisdiction, the owner is not required to make the submissions 1811
described in division (A)(1) of this section. 1812

(2)(a) The seal of an architect registered under Chapter 1813
4703. of the Revised Code or an engineer registered under Chapter 1814
4733. of the Revised Code ~~shall be~~ is required for any plans, 1815
drawings, specifications, or data submitted for approval, unless 1816
the plans, drawings, specifications, or data ~~may~~ are permitted to 1817
be prepared by persons other than registered architects pursuant 1818
to division (C) or (D) of section 4703.18 of the Revised Code, or 1819
by persons other than registered engineers pursuant to division 1820
(C) or (D) of section 4733.18 of the Revised Code. 1821

(b) No seal ~~shall be~~ is required for any plans, drawings, 1822
specifications, or data submitted for approval for any residential 1823
buildings ~~or structures subject to the requirements of section~~ 1824
~~3781.181 of the Revised Code, exempt from the requirements of~~ 1825
~~sections, as defined in section 3781.06 to 3781.18 and 3791.04 of~~ 1826
the Revised Code, or erected as industrialized one-, two-, or 1827
three-family units or structures within the meaning of 1828
"industrialized unit" as defined in section 3781.06 of the Revised 1829
Code. 1830

(c) No seal ~~shall be~~ is required for approval of the 1831
installation of replacement equipment or systems that are similar 1832
in type or capacity to the equipment or systems being replaced. No 1833
seal ~~shall be~~ is required for approval for any new construction, 1834
improvement, alteration, repair, painting, decorating, or other 1835
modification of any buildings or structures subject to sections 1836
3781.06 to 3781.18 and 3791.04 of the Revised Code if the proposed 1837
work does not involve technical design analysis, as defined by 1838
rule adopted by the board of building standards. 1839

(B) No owner shall proceed with the construction, erection, 1840
alteration, or equipment of any ~~such~~ building until ~~such~~ the plans 1841
or drawings, specifications, and data have been ~~so~~ approved as 1842
this section requires, or the industrialized unit inspected at the 1843
point of origin. No plans or specifications shall be approved or 1844
inspection approval given unless the building represented ~~thereby~~ 1845
would, if constructed, repaired, erected, or equipped ~~according to~~ 1846
~~the same~~, comply with Chapters 3781. and 3791. of the Revised Code 1847
and any rule made under ~~such~~ those chapters. 1848

(C) The approval of plans or drawings and specifications or 1849
data pursuant to this section is invalid if construction, 1850
erection, alteration, or other work upon the building has not 1851
commenced within twelve months of the approval of the plans or 1852
drawings and specifications. One extension shall be granted for an 1853

additional twelve-month period if ~~requested by~~ the owner requests 1854
at least ten days in advance of the expiration of the permit and 1855
upon payment of a fee not to exceed one hundred dollars. If in the 1856
course of construction, work is delayed or suspended for more than 1857
six months, the approval of plans or drawings and specifications 1858
or data is invalid. Two extensions shall be granted for six months 1859
each if ~~requested by~~ the owner requests at least ten days in 1860
advance of the expiration of the permit and upon payment of a fee 1861
for each extension of not more than one hundred dollars. Before 1862
any work may continue on the construction, erection, alteration, 1863
or equipment of any building for which the approval is invalid, 1864
the owner of the building shall resubmit the plans or drawings and 1865
specifications for approval pursuant to this section. 1866

(D) Subject to section 3791.042 of the Revised Code, the 1867
board of building standards or the legislative authority of a 1868
municipal corporation, township, or county, by rule, may regulate 1869
the requirements for the submission of plans and specifications to 1870
the respective enforcing departments and for ~~the processing of the~~ 1871
~~same~~ by ~~such~~ those departments. The board of building standards or 1872
the legislative authority of a municipal corporation, township, or 1873
county may adopt rules to provide for the approval, subject to 1874
section 3791.042 of the Revised Code, by the department having 1875
jurisdiction of the plans for construction of a foundation or any 1876
other part of a building or structure before the complete plans 1877
and specifications for the entire building or structure ~~have been~~ 1878
are submitted. When any plans are approved by the department 1879
having jurisdiction, the structure and every particular ~~thereof~~ 1880
represented by and disclosed in those plans ~~and disclosed therein~~ 1881
shall, in the absence of fraud or a serious safety or sanitation 1882
hazard, be conclusively presumed to comply with Chapters 3781. and 1883
3791. of the Revised Code and any rule issued pursuant ~~thereto to~~ 1884
those chapters, if constructed, altered, or repaired in accordance 1885

with those plans and any ~~such~~ rule in effect at the time of 1886
approval. 1887

(E) The approval of plans and specifications, including 1888
inspection of ~~the~~ industrialized units, under this section is a 1889
"license" and the failure to approve ~~such~~ plans or specifications 1890
as submitted or to inspect the unit at the point of origin within 1891
thirty days after the plans or specifications are filed, ~~or the~~ 1892
~~request for inspection of~~ to inspect the industrialized unit is 1893
made, ~~or~~ the disapproval of ~~such~~ plans and specifications, or the 1894
refusal to approve ~~such~~ an industrialized unit, following 1895
inspection at the point of origin is "an adjudication order 1896
denying the issuance of a license" requiring an "adjudication 1897
hearing" as provided by sections 119.07 to 119.13 of the Revised 1898
Code and as modified by sections 3781.031 and 3781.19 of the 1899
Revised Code. An adjudication order denying the issuance of a 1900
license shall specify the reasons for ~~such~~ that denial. 1901

(F) The board of building standards shall not require the 1902
submission of site preparation plans or plot plans to the division 1903
of industrial compliance ~~in situations where~~ when industrialized 1904
units are used exclusively as one-, two-, or three-family 1905
dwellings. 1906

(G) Notwithstanding any procedures ~~established by~~ the board 1907
establishes, if the agency having jurisdiction, ~~if it~~ objects to 1908
any portion of the plans or specifications, ~~upon the request of~~ 1909
the owner or the owner's representative ~~of the owner~~, may request 1910
the agency to issue conditional approval to proceed with 1911
construction up to the point ~~where there is~~ of the objection. 1912
Approval shall be issued only when the objection results from 1913
conflicting interpretations of the rules of the board of building 1914
standards rather than the application of specific technical 1915
requirements of the rules. Approval shall not be issued where the 1916
correction of the objection would cause extensive changes in the 1917

building design or construction. The giving of conditional 1918
approval is a "conditional license" to proceed with construction 1919
up to the point where the construction or materials objected to by 1920
the agency are to be incorporated into the building. No 1921
construction shall proceed beyond ~~this~~ that point without the 1922
prior approval of the agency or another agency ~~which~~ that conducts 1923
an adjudication hearing relative to the objection. The agency 1924
having jurisdiction shall specify its objections to the plans or 1925
specifications, which is an "adjudication order denying the 1926
issuance of a license" and may be appealed pursuant to sections 1927
119.07 to 119.13 of the Revised Code and as modified by sections 1928
3781.031 and 3781.19 of the Revised Code. 1929

(H) A certified municipal, township, or county building 1930
department having jurisdiction, or the superintendent of the 1931
division of industrial compliance, as appropriate, shall review 1932
any plans, drawings, specifications, or data described in this 1933
section that are submitted to it or to the superintendent. 1934

(I) No owner or persons having control as an officer, or as a 1935
member of a board or committee, or otherwise, of a building to 1936
which section 3781.06 of the Revised Code is applicable, and no 1937
architect, designer, engineer, builder, contractor, subcontractor, 1938
or any officer or employee of a municipal, township, or county 1939
building ~~inspection~~ department shall violate this section. 1940

(J) Whoever violates this section shall be fined not more 1941
than five hundred dollars. 1942

Sec. 3791.042. If a building department certified under 1943
~~division (E) of~~ section 3781.10 of the Revised Code does not have 1944
personnel in its full-time employ ~~as described in division~~ 1945
~~(E)(1)(a) of section 3781.10 of the Revised Code~~ who are certified 1946
by the board of building standards to do plan and specification 1947
review, plans and specifications submitted to the building 1948

department shall be examined by the approved building official and 1949
shall be approved by ~~him~~ the official if the plans and 1950
specifications ~~are determined to~~ conform with the Ohio building 1951
code and Chapters 3781. and 3791. of the Revised Code, and if the 1952
plans and specifications ~~satisfy both of the following~~ 1953
~~requirements:~~ 1954

~~(A) The plans and specifications~~ were prepared by an 1955
architect who is certificated and registered pursuant to Chapter 1956
4703. of the Revised Code, or by a professional engineer who is 1957
registered pursuant to Chapter 4733. of the Revised Code. 1958

~~(B) The~~ and those plans and specifications contain a written 1959
certification by ~~an~~ the architect or ~~professional~~ engineer, ~~as~~ 1960
~~described in division (A) of this section,~~ that indicates that the 1961
plans and specifications conform to ~~the requirements of~~ the Ohio 1962
building code and Chapters 3781. and 3791. of the Revised Code. 1963

Sec. 3791.99. (A) Whoever violates division (B) of section 1964
3791.11 or division (D) of section 3791.21 of the Revised Code is 1965
guilty of a minor misdemeanor, and each day the violation 1966
continues constitutes a separate offense. 1967

(B) Whoever violates this chapter or any rule adopted or 1968
order issued pursuant to it that relates to the construction, 1969
alteration, or repair of any building, and the violation is not 1970
detrimental to the health, safety, or welfare of any person, shall 1971
be fined not more than one hundred dollars. 1972

(C) Whoever violates this chapter or any rule adopted or 1973
order issued pursuant to it that relates to the construction, 1974
alteration, or repair of any building, and the violation is 1975
detrimental to the health, safety, or welfare of any person, is 1976
guilty of a minor misdemeanor. 1977

Sec. 4703.18. (A) No person shall enter upon the practice of 1978

architecture or hold ~~himself or herself~~ forth as an architect or 1979
registered architect, unless the person has complied with sections 1980
4703.01 to 4703.19 of the Revised Code and is the holder of a 1981
certificate of qualification to practice architecture issued or 1982
renewed and registered under those sections. 1983

(B) Sections 4703.01 to 4703.19 of the Revised Code do not 1984
prevent persons other than architects from filing applications for 1985
building permits or obtaining those permits. 1986

(C) Sections 4703.01 to 4703.19 of the Revised Code do not 1987
prevent persons other than architects from preparing plans, 1988
drawings, specifications, or data, filing applications for 1989
building permits, or obtaining those permits for residential 1990
~~buildings or structures subject to the requirements of, as defined~~ 1991
~~by section 3781.181 of the Revised Code, exempted from the~~ 1992
~~requirements of sections 3781.06 to 3781.18 and 3791.04 of the~~ 1993
Revised Code, or buildings erected as industrialized one-, two-, 1994
or three-family units or structures within the meaning of the term 1995
"industrialized unit" as provided in section 3781.06 of the 1996
Revised Code. 1997

(D) Sections 4703.01 to 4703.19 of the Revised Code do not 1998
prevent persons other than architects from preparing drawings or 1999
data, from filing applications for building permits, or from 2000
obtaining those permits for the installation of replacement 2001
equipment or systems that are similar in type or capacity to the 2002
equipment or systems being replaced, and for any improvement, 2003
alteration, repair, painting, decorating, or other modification of 2004
any buildings or structures subject to sections 3781.06 to 3781.18 2005
and 3791.04 of the Revised Code where the building official 2006
determines that no plans or specifications are required for 2007
approval. 2008

(E) Sections 4703.01 to 4703.19 of the Revised Code do not 2009
exclude a registered professional engineer from architectural 2010

practice that may be incident to the practice of ~~his or her~~ 2011
engineering ~~profession~~ or exclude a registered architect from 2012
engineering practice that may be incident to the practice of 2013
architecture. 2014

(F) Sections 4703.01 to 4703.19 of the Revised Code do not 2015
prevent a firm, partnership, association, limited liability 2016
company, or corporation of architects registered under those 2017
sections from providing architectural services and do not prevent 2018
an individual registered as a landscape architect under sections 2019
4703.30 to 4703.49 of the Revised Code or as a professional 2020
engineer under ~~sections~~ Chapter 4733. of the Revised Code from 2021
being a member of a firm, partnership, association, limited 2022
liability company, or corporation of that type, but a member of 2023
that type shall not engage in the practice of architecture or hold 2024
~~himself or herself~~ forth as an architect contrary to sections 2025
4703.01 to 4703.19 of the Revised Code and shall not practice a 2026
profession in which the person is not licensed. 2027

(G) A firm, partnership, association, limited liability 2028
company, or corporation may provide architectural services in this 2029
state as long as the services are provided only through natural 2030
persons registered to provide those services in this state, 2031
subject to the exemptions in section 4703.17 of the Revised Code 2032
and subject otherwise to the requirements of sections 4703.01 to 2033
4703.19 of the Revised Code. 2034

(H) No firm, partnership, association, limited liability 2035
company, or corporation, except a corporation that was granted a 2036
charter prior to August 7, 1943, to engage in providing 2037
architectural services or that was otherwise lawfully providing 2038
architectural services prior to November 15, 1982, shall provide 2039
architectural services, hold itself out to the public as providing 2040
architectural services, or use a name including the word 2041
"architect" or any modification or derivation of the word, unless 2042

the firm, partnership, association, limited liability company, or 2043
corporation files all information required to be filed under this 2044
section with the state board of examiners of architects and 2045
otherwise complies with all requirements of sections 4703.01 to 2046
4703.19 of the Revised Code. A nonprofit membership corporation 2047
may use a name including the word "architect" or any modification 2048
or derivation of the word without complying with this section. 2049

(I) A corporation may be organized under Chapter 1701. of the 2050
Revised Code, a professional association may be organized under 2051
Chapter 1785. of the Revised Code, or a limited liability company 2052
may be formed under Chapter 1705. of the Revised Code for the 2053
purpose of providing professional engineering, surveying, 2054
architectural, or landscape architectural services, or any 2055
combination of those services. A corporation organized under 2056
Chapter 1701. of the Revised Code for the purpose of providing 2057
those services also may be organized for any other purpose in 2058
accordance with that chapter. 2059

(J) No firm, partnership, association, limited liability 2060
company, or corporation shall provide or offer to provide 2061
architectural services in this state unless more than fifty per 2062
cent of the partners, members, or shareholders, more than fifty 2063
per cent of the directors in the case of a corporation or 2064
professional association, and more than fifty per cent of the 2065
managers in the case of a limited liability company the management 2066
of which is not reserved to its members, are professional 2067
engineers, surveyors, architects, or landscape architects or a 2068
combination of those professions, who are registered in this state 2069
and who own more than fifty per cent of the interests in the firm, 2070
partnership, association, limited liability company, or 2071
corporation; unless the requirements of this division and of 2072
section 1785.02 of the Revised Code are satisfied with respect to 2073
any professional association organized under Chapter 1785. of the 2074

Revised Code; or unless the requirements of this division and of
Chapter 1705. of the Revised Code are satisfied with respect to a
limited liability company formed under that chapter.

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

(L) No corporation organized under Chapter 1701. of the
Revised Code shall engage in providing architectural services in
this state without obtaining a certificate of authorization from
the state board of examiners of architects. A corporation desiring
a certificate of authorization shall file with the board a copy of
its articles of incorporation and a listing on the form that the
board directs of the names and addresses of all officers,
directors, and shareholders of the corporation, the names and

addresses of any individuals providing professional services on 2107
behalf of the corporation who are registered to practice 2108
architecture in this state, and any other information the board 2109
requires. If all requirements of sections 4703.01 to 4703.19 of 2110
the Revised Code are met, the board may issue a certificate of 2111
authorization to the corporation. No certificate of authorization 2112
shall be issued unless persons owning more than fifty per cent of 2113
the corporation's shares and more than fifty per cent of the 2114
interests in the corporation are professional engineers, 2115
surveyors, architects, or landscape architects, or a combination 2116
of those professions, who are registered in this state. Any 2117
corporation that holds a certificate of authorization under this 2118
section and otherwise meets the requirements of sections 4703.01 2119
to 4703.19 of the Revised Code may be organized for any purposes 2120
for which corporations may be organized under Chapter 1701. of the 2121
Revised Code and shall not be limited to the purposes of providing 2122
professional engineering, surveying, architectural, or landscape 2123
architectural services or any combination of those professions. 2124
The board, by rules adopted in accordance with Chapter 119. of the 2125
Revised Code, may require any firm, partnership, association, or 2126
limited liability company not organized under Chapter 1701. of the 2127
Revised Code that provides architectural services to obtain a 2128
certificate of authorization. If the board so requires, no firm, 2129
partnership, association, or limited liability company shall 2130
engage in providing architectural services without obtaining the 2131
certificate and complying with the rules. 2132

(M) This section does not modify any law applicable to the 2133
relationship between a person furnishing a professional service 2134
and a person receiving that service, including liability arising 2135
out of that service. 2136

(N) Nothing in this section ~~shall restrict~~ restricts or ~~limit~~ 2137
limits in any manner the authority or duty of the state board of 2138

examiners of architects with respect to natural persons providing 2139
professional services or any law or rule pertaining to standards 2140
of professional conduct. 2141

Sec. 4733.18. (A) The state board of registration for 2142
professional engineers and surveyors may authorize a temporary 2143
registration ~~in the case of~~ for an individual who has filed with 2144
the board an application for a temporary registration and has paid 2145
the required fee. The temporary registration continues only for 2146
the time the board requires for consideration of the application 2147
for registration, provided a person is legally qualified to 2148
practice that profession in the person's own state in which the 2149
requirements and qualifications of registration are not lower than 2150
those specified in this chapter. 2151

(B)(1) The following persons are exempt from this chapter: 2152

(a) An employee or a subordinate of a person registered under 2153
this chapter or an employee of a person holding temporary 2154
registration under division (A) of this section, provided the 2155
employee's or subordinate's duties do not include responsible 2156
charge of engineering or surveying work; 2157

(b) Officers and employees of the government of the United 2158
States while engaged within this state in the practice of 2159
engineering or surveying, for that government; 2160

(c) An engineer engaged solely as an officer of a privately 2161
owned public utility. 2162

(2) This chapter does not require registration for the 2163
purpose of practicing professional engineering, or professional 2164
surveying by an individual, firm, or corporation on property owned 2165
or leased by that individual, firm, or corporation unless the same 2166
involves the public welfare or the safeguarding of life, health, 2167
or property, or for the performance of engineering or surveying 2168

which relates solely to the design or fabrication of manufactured products. 2169
2170

(C) Nothing in this chapter prevents persons other than engineers from preparing plans, drawings, specifications, or data, from filing applications for building permits, or from obtaining those permits for residential buildings ~~or structures that are exempted from the requirements of sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, that are subject to the requirements of, as defined by section 3781.181 3781.06 of the Revised Code, or buildings~~ that are erected as one-, two-, or three-family units or structures within the meaning of the term "industrialized unit" as provided in section 3781.06 of the Revised Code. 2171
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(D) Nothing in this chapter prevents persons other than engineers from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that no plans or specifications are required for approval. 2181
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Sec. 4740.01. As used in this chapter: 2191

(A) "License" means a license the Ohio construction industry licensing board issues to an individual as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor. 2192
2193
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(B) "Contractor" means any individual or business entity that satisfies both of the following: 2197
2198

(1) For compensation, directs, supervises, or has 2199
responsibility for the means, method, and manner of construction, 2200
improvement, renovation, repair, testing, or maintenance on a 2201
construction project with respect to one or more trades and who 2202
offers, identifies, advertises, or otherwise holds out or 2203
represents that the individual or business entity is permitted or 2204
qualified to perform, direct, supervise, or have responsibility 2205
for the means, method, and manner of construction, improvement, 2206
renovation, repair, or maintenance with respect to one or more 2207
trades on a construction project; 2208

(2) Performs or employs tradespersons who perform 2209
construction, improvement, renovation, repair, or maintenance on a 2210
construction project with respect to the contractor's trades. 2211

(C) "Licensed trade" means a trade performed by a heating, 2212
ventilating, and air conditioning contractor, a refrigeration 2213
contractor, an electrical contractor, a plumbing contractor, or a 2214
hydronics contractor. 2215

(D) "Tradesperson" means an individual who, for compensation, 2216
engages in construction, improvement, renovation, repair, or 2217
maintenance of buildings or structures without assuming 2218
responsibility for the means, method, or manner of that 2219
construction, improvement, renovation, repair, or maintenance. 2220

(E) "Construction project" means a construction project 2221
involving a building or structure subject to Chapter 3781. of the 2222
Revised Code and the rules adopted under that chapter, but not an 2223
industrialized unit or a residential building as defined in 2224
section 3781.06 of the Revised Code ~~or a building or structure~~ 2225
~~constructed pursuant to rules adopted under section 3781.181 or~~ 2226
~~3781.21 of the Revised Code.~~ 2227

Sec. 4740.14. (A) There is hereby created within the 2228

department of commerce the residential construction advisory 2229
committee consisting of eight persons the director of commerce 2230
appoints. Of the advisory committee's members, three shall be 2231
general contractors who have recognized ability and experience in 2232
the construction of residential buildings, two shall be building 2233
officials who have experience administering and enforcing a 2234
residential building code, one, chosen from a list of three names 2235
the Ohio fire chief's association submits, shall be from the fire 2236
service certified as a fire safety inspector who has at least ten 2237
years of experience enforcing fire or building codes, one shall be 2238
a residential contractor who has recognized ability and experience 2239
in the remodeling and construction of residential buildings, and 2240
one shall be an architect registered pursuant to Chapter 4703. of 2241
the Revised Code, with recognized ability and experience in the 2242
architecture of residential buildings. 2243

(B) The director shall make appointments to the advisory 2244
committee within ninety days after the effective date of this 2245
section. Terms of office shall be for three years, with each term 2246
ending on the date three years after the date of appointment. Each 2247
member shall hold office from the date of appointment until the 2248
end of the term for which the member was appointed. The director 2249
shall fill a vacancy in the manner provided for initial 2250
appointments. Any member appointed to fill a vacancy in an 2251
unexpired term shall hold office for the remainder of that term. 2252

(C) The advisory committee shall do all of the following: 2253

(1) Recommend to the board of building standards a building 2254
code for residential buildings. The committee shall recommend a 2255
code that it models on a residential building code a national 2256
model code organization issues, with adaptations necessary to 2257
implement the code in this state. If the board of building 2258
standards decides not to adopt a code the committee recommends, 2259

<u>the committee shall revise the code and resubmit it until the</u>	2260
<u>board adopts a code the committee recommends as the state</u>	2261
<u>residential building code;</u>	2262
<u>(2) Advise the board regarding the establishment of standards</u>	2263
<u>for certification of building officials who enforce the state</u>	2264
<u>residential building code;</u>	2265
<u>(3) Assist the board in providing information and guidance to</u>	2266
<u>residential contractors and building officials who enforce the</u>	2267
<u>state residential building code;</u>	2268
<u>(4) Advise the board regarding the interpretation of the</u>	2269
<u>state residential building code;</u>	2270
<u>(5) Provide other assistance the committee considers</u>	2271
<u>necessary.</u>	2272
<u>(D) In making its recommendation to the board pursuant to</u>	2273
<u>division (C)(1) of this section, the advisory committee shall</u>	2274
<u>consider all of the following:</u>	2275
<u>(1) The impact that the state residential building code may</u>	2276
<u>have upon the health, safety, and welfare of the public;</u>	2277
<u>(2) The economic reasonableness of the residential building</u>	2278
<u>code;</u>	2279
<u>(3) The technical feasibility of the residential building</u>	2280
<u>code;</u>	2281
<u>(4) The financial impact that the residential building code</u>	2282
<u>may have on the public's ability to purchase affordable housing.</u>	2283
<u>(E) Members of the advisory committee shall receive no salary</u>	2284
<u>for the performance of their duties as members, but shall receive</u>	2285
<u>their actual and necessary expenses incurred in the performance of</u>	2286
<u>their duties as members of the advisory committee and shall</u>	2287
<u>receive a per diem for each day in attendance at an official</u>	2288
<u>meeting of the committee.</u>	2289

(F) The advisory committee is not subject to divisions (A) 2290
and (B) of section 101.84 of the Revised Code. 2291

Sec. 4929.03. Except as otherwise provided in section 4929.04 2292
of the Revised Code, only the commodity sales services, 2293
distribution services, and ancillary services of a natural gas 2294
company are subject to the jurisdiction of the public utilities 2295
commission. Chapter 4905. with the exception of section 4905.10, 2296
Chapter 4909., Chapter 4935. with the exception of sections 2297
4935.01 and 4935.03, and sections 4933.08, 4933.09, 4933.11, 2298
4933.123, 4933.17, 4933.28, ~~4933.31~~, and 4933.32 of the Revised 2299
Code do not apply to any other service or goods provided by a 2300
natural gas company. Nothing in this chapter prevents the 2301
commission from exercising its authority under Title XLIX of the 2302
Revised Code to protect customers of nonexempt, regulated services 2303
or goods from any adverse effects of the provision of unregulated 2304
services or goods. Nothing in this chapter affects the authority 2305
of the commission to enforce sections 4905.90 to 4905.96 of the 2306
Revised Code. 2307

Sec. 4929.04. (A) The public utilities commission, upon the 2308
application of a natural gas company, after notice, after 2309
affording the public a period for comment, and in the case of a 2310
natural gas company with fifteen thousand or more customers after 2311
a hearing and in the case of a natural gas company with fewer than 2312
fifteen thousand customers after a hearing if the commission 2313
considers a hearing necessary, shall exempt, by order, any 2314
commodity sales service or ancillary service of the natural gas 2315
company from all provisions of Chapter 4905. with the exception of 2316
section 4905.10, Chapter 4909., and Chapter 4935. with the 2317
exception of sections 4935.01 and 4935.03 of the Revised Code, 2318
from sections 4933.08, 4933.09, 4933.11, 4933.123, 4933.17, 2319
4933.28, ~~4933.31~~, and 4933.32 of the Revised Code, and from any 2320

rule or order issued under those Chapters or sections, including 2321
the obligation under section 4905.22 of the Revised Code to 2322
provide the commodity sales service or ancillary service, subject 2323
to divisions ~~(E)~~(D) and ~~(F)~~(E) of this section, and provided the 2324
commission finds that the natural gas company is in substantial 2325
compliance with the policy of this state specified in section 2326
4929.02 of the Revised Code and that either of the following 2327
conditions exists: 2328

(1) The natural gas company is subject to effective 2329
competition with respect to the commodity sales service or 2330
ancillary service; 2331

(2) The customers of the commodity sales service or ancillary 2332
service have reasonably available alternatives. 2333

(B) In determining whether the conditions in division (A)(1) 2334
or (2) of this section exist, factors the commission shall 2335
consider include, but are not limited to: 2336

(1) The number and size of alternative providers of the 2337
commodity sales service or ancillary service; 2338

(2) The extent to which the commodity sales service or 2339
ancillary service is available from alternative providers in the 2340
relevant market; 2341

(3) The ability of alternative providers to make functionally 2342
equivalent or substitute services readily available at competitive 2343
prices, terms, and conditions; 2344

(4) Other indicators of market power, which may include 2345
market share, growth in market share, ease of entry, and the 2346
affiliation of providers of services. 2347

(C) The applicant shall have the burden of proof under this 2348
section. 2349

(D) ~~No application may be filed under division (A) of this~~ 2350

~~section prior to one hundred eighty days after the effective date~~ 2351
~~of this section.~~ 2352

~~(E)~~ The commission shall not issue an order under division 2353
(A) of this section that exempts all of a natural gas company's 2354
commodity sales services from the chapters and sections specified 2355
in that division unless the commission finds that the company 2356
offers distribution services on a fully open, equal, and unbundled 2357
basis to all its customers and that all such customers reasonably 2358
may acquire commodity sales services from suppliers other than the 2359
natural gas company. 2360

~~(F)~~(E) An order exempting any or all of a natural gas 2361
company's commodity sales services or ancillary services under 2362
division (A) of this section shall prescribe both of the 2363
following: 2364

(1) A separation plan that ensures, to the maximum extent 2365
practicable, that the operations, resources, and employees 2366
involved in the provision or marketing of exempt commodity sales 2367
services or ancillary services, and the books and records 2368
associated with those services, shall be separate from the 2369
operations, resources, and employees involved in the provision or 2370
marketing of nonexempt commodity sales services or ancillary 2371
services and the books and records associated with those services; 2372

(2) A code of conduct that governs both the company's 2373
adherence to the state policy specified in section 4929.02 of the 2374
Revised Code and its sharing of information and resources between 2375
those employees involved in the provision or marketing of exempt 2376
commodity sales services or ancillary services and those employees 2377
involved in the provision or marketing of nonexempt commodity 2378
sales services or ancillary services. 2379

The commission, however, shall not prescribe, as part of any 2380
such separation plan or code of conduct, any requirement that 2381

unreasonably limits or restricts a company's ability to compete 2382
with unregulated providers of commodity sales services or 2383
ancillary services. 2384

~~(G)~~(F) Notwithstanding division (A)(2) of section 4929.08 of 2385
the Revised Code or any exemption granted under division (A) of 2386
this section, the commission has jurisdiction under section 2387
4905.26 of the Revised Code, upon complaint of any person or upon 2388
the complaint or initiative of the commission, to determine 2389
whether a natural gas company has failed to comply with a 2390
separation plan or code of conduct prescribed under division 2391
~~(F)~~(E) of this section. If, after notice and hearing as provided 2392
in section 4905.26 of the Revised Code, the commission is of the 2393
opinion that a natural gas company has failed to comply with such 2394
a plan or code, the commission may do any of the following: 2395

(1) Issue an order directing the company to comply with the 2396
plan or code; 2397

(2) Modify the plan or code, if the commission finds that 2398
such a modification is reasonable and appropriate, and order the 2399
company to comply with the plan or code as modified; 2400

(3) Abrogate the order granting the company's exemption under 2401
division (A) of this section, if the commission finds that the 2402
company has engaged in one or more material violations of the plan 2403
or code, that the violation or violations were intentional, and 2404
that the abrogation is in the public interest. 2405

~~(H)~~(G) An order issued under division ~~(G)~~(F) of this section 2406
is enforceable in the manner set forth in section 4905.60 of the 2407
Revised Code. Any violation of such an order shall be deemed a 2408
violation of a commission order for the purpose of section 4905.54 2409
of the Revised Code. 2410

Sec. 4929.09. In accordance with the commission's order 2411

prescribing a separation plan under division ~~(F)~~(E) of section 2412
4929.04 of the Revised Code, a natural gas company granted an 2413
exemption under section 4929.04 of the Revised Code for a 2414
commodity sales service or ancillary service may designate the 2415
natural gas supplies that have been obtained to provide that 2416
exempt service. Nothing in this section prevents the public 2417
utilities commission from exercising its ~~authority~~ authority under 2418
section 4905.302 of the Revised Code, provided, however, that the 2419
designation of the supplies for the exempt service and the cost of 2420
the designated supplies shall not be considered in the 2421
determination of rates and charges for the company's nonexempt 2422
services, including rates and charges determined pursuant to 2423
section 4905.302 of the Revised Code. 2424

Section 2. That existing sections 307.37, 307.38, 307.381, 2425
307.40, 505.73, 505.75, 505.76, 505.77, 505.78, 3703.01, 3722.02, 2426
3722.041, 3781.01, 3781.03, 3781.031, 3781.06, 3781.10, 3781.102, 2427
3781.11, 3781.12, 3781.13, 3781.18, 3781.183, 3781.99, 3791.04, 2428
3791.042, 3791.99, 4703.18, 4733.18, 4740.01, 4929.03, 4929.04, 2429
and 4929.09 and sections 3781.181, 3781.182, 3781.21, and 4933.31 2430
of the Revised Code are hereby repealed. 2431

Section 3. (A) The Residential Construction Advisory 2432
Committee shall recommend to the Board of Building Standards a 2433
building code for residential buildings. The Committee shall 2434
recommend a code that is modeled after a residential building code 2435
a national model code organization issues, with adaptations 2436
necessary to implement the code in this state. The Committee shall 2437
recommend a code that does not address zoning, statutory 2438
requirements concerning the percentage of contracts that shall be 2439
awarded to any specifically identified type of disadvantaged 2440
contractors, or architectural preferences that are not integral to 2441
the safety of residential buildings. If the Board of Building 2442

Standards does not approve a code the Committee recommends, the 2443
Committee shall revise the code and resubmit it until the Board 2444
agrees to adopt a recommended code as the state residential 2445
building code. Upon receiving an acceptable residential building 2446
code from the Residential Construction Advisory Committee, the 2447
Board shall adopt rules establishing that code as the state 2448
residential building code. 2449

(B) The Committee and the Board shall agree to a code on or 2450
before one hundred twenty days after the effective date of this 2451
section and the Board shall adopt rules establishing that code as 2452
the state residential building code on or before one hundred 2453
eighty days after the effective date of this section. 2454

(C) The rules the Board adopts pursuant to division (B) of 2455
this section shall have no force or effect until one year after 2456
the effective date of this section. 2457

Section 4. Any building department that enforces a 2458
residential building code on or before the effective date of this 2459
section and that wishes to enforce the residential building code 2460
the Board of Building Standards adopts pursuant to this act may 2461
enforce the state residential building code the Board adopts 2462
without being certified under section 3781.10 of the Revised Code 2463
for not more than one year after that code becomes effective. 2464
Thereafter, only a building department certified to enforce the 2465
residential building code pursuant to section 3781.10 of the 2466
Revised Code may enforce that code. 2467

Section 5. In enacting the legislation, the intent of the 2468
General Assembly is that the provisions of this act are general 2469
laws created in the exercise of the state's police power, arising 2470
out of matters of statewide concern, and are designed for the 2471
health safety, and welfare of contractors, their employees, and 2472
the public. 2473