

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 192

Senator Gardner

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A BILL

To amend sections 3703.01, 3703.08, and 3781.03 of 1
the Revised Code to permit the board of health of 2
a health district to enter into a contract with a 3
board of county commissioners to authorize the 4
county building department to inspect plumbing in 5
any type of building for which the county 6
department is certified and to permit the board of 7
health of a health district to enter into a 8
contract with the board of health of another 9
health district for the inspection of plumbing 10
within the first board's district. 11

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

Section 1. That sections 3703.01, 3703.08, and 3781.03 of the 12
Revised Code be amended to read as follows: 13

Sec. 3703.01. (A) ~~The~~ Except as otherwise provided in this 14
section, the division of industrial compliance in the department 15
of commerce shall do all of the following: 16

(1) Inspect all nonresidential buildings within the meaning 17
of section 3781.06 of the Revised Code; 18

(2) Condemn all unsanitary or defective plumbing that is 19
found in connection with those places; 20

(3) Order changes in plumbing necessary to insure the safety of the public health. 21
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(B)(1)(a) The division of industrial compliance ~~and~~, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that ~~has been~~ is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in ~~such~~ those types of buildings. 23
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~~(2)~~(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that ~~has employed~~ employs one or more ~~approved~~ plumbing inspectors certified pursuant to division (D) of this section to enforce Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters relating to plumbing in ~~such~~ those types of buildings. 31
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~~(3) A~~ (c) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the county building department is authorized to inspect those types of buildings pursuant to a contract described in division (C)(1) of this section. 38
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(d) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the board of health has entered into a contract with the board of health of another district to conduct inspections pursuant to division (C)(2) of this section. 43
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(2) No county building department shall inspect plumbing or collect fees for inspecting plumbing in any type of building in a health district unless the department is authorized to inspect that type of building pursuant to a contract described in division 48
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(C)(1) of this section. 52

(3) No municipal corporation does not have jurisdiction to 53
shall inspect plumbing or collect fees for the inspection of 54
inspecting plumbing in types of buildings for which it has is not 55
been certified by the board of building standards under section 56
3781.10 of the Revised Code to exercise enforcement authority. 57

(4) A No board of health of a health district does not have 58
jurisdiction to shall inspect plumbing or collect fees for the 59
inspection of inspecting plumbing in types of buildings for which 60
it does not have an approved a plumbing inspector certified 61
pursuant to division (D) of this section. 62

(C)(1) The board of health of a health district may enter 63
into a contract with a board of county commissioners to authorize 64
the county building department to inspect plumbing in buildings 65
within the health district. The contract may designate that the 66
department inspect either residential or nonresidential buildings 67
as defined in section 3781.06 of the Revised Code, or both types 68
of buildings, so long as the department employs a plumbing 69
inspector certified pursuant to division (D) of this section to 70
inspect the types of buildings the contract designates. The board 71
of health may enter into a contract regardless of whether the 72
health district employs any certified plumbing inspectors to 73
enforce Chapters 3781. and 3791. of the Revised Code. 74

(2) The board of health of a health district, regardless of 75
whether it employs any certified plumbing inspectors to enforce 76
Chapters 3781. and 3791. of the Revised Code, may enter into a 77
contract with the board of health of another health district to 78
authorize that board to inspect plumbing in buildings within the 79
contracting board's district. The contract may designate the 80
inspection of either residential or nonresidential buildings as 81
defined in section 3781.06 of the Revised Code, or both types of 82
buildings, so long as the board that performs the inspections 83

employs a plumbing inspector certified pursuant to division (D) of 84
this section to inspect the types of buildings the contract 85
designates. 86

(D) The superintendent of industrial compliance shall adopt 87
rules prescribing minimum qualifications based on education, 88
training, experience, or demonstrated ability, ~~which~~ that the 89
superintendent shall use in certifying or recertifying plumbing 90
inspectors to do plumbing inspections for health districts and 91
county building departments that are authorized to perform 92
inspections pursuant to a contract under division (C)(1) of this 93
section, and for continuing education of plumbing inspectors. ~~Such~~ 94
Those minimum qualifications shall be related to the types of 95
buildings for which a person seeks ~~approval~~ certification. 96

~~(D)~~(E) The superintendent may enter into reciprocal 97
registration, licensure, or certification agreements with other 98
states and other agencies of this state relative to plumbing 99
inspectors if both of the following apply: 100

(1) The requirements for registration, licensure, or 101
certification of plumbing inspectors under the laws of the other 102
state or laws administered by the other agency are substantially 103
equal to the requirements the superintendent adopts under division 104
~~(C)~~(D) of this section for certifying plumbing inspectors. 105

(2) The other state or agency extends similar reciprocity to 106
persons certified under this chapter. 107

~~(E)~~(F) The superintendent may select and contract with one or 108
more persons to do all of the following regarding examinations for 109
certification of plumbing inspectors: 110

(1) Prepare, administer, score, and maintain the 111
confidentiality of the examination; 112

(2) Maintain responsibility for all expenses required to 113
comply with division ~~(E)~~(F)(1) of this section; 114

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;

(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.

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

~~(G)~~(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health.

Sec. 3703.08. Any owner, agent, or manager, of a building in which an inspection is made by the division of industrial compliance, a board of health of a health district, or a certified department of building inspection of a municipal corporation or a county shall have the entire system of drainage and ventilation repaired, as the division, board of health, or department of building inspection directs by its order. After due notice to repair ~~such~~ that work is given, the owner, agent, or manager shall notify the public authority that issued the order when the work is ready for its inspection. No person shall fail to have the work ready for inspection at the time specified in the notice.

Sec. 3781.03. (A) The fire marshal ~~or~~, the fire chief of a municipal corporation that has a fire department, or the fire chief of a township that has a fire department shall enforce the provisions of ~~Chapters 3781.~~ this chapter and Chapter 3791. of the Revised Code that relate to fire prevention.

(B) The superintendent of the division of industrial

compliance, or the building inspector, or commissioner of 145
buildings in a municipal corporation, county, or township in which 146
the building department is certified by the board of building 147
standards under section 3781.10 of the Revised Code shall enforce 148
in the jurisdiction of each entity all the provisions in ~~those~~ 149
~~chapters~~ this chapter and Chapter 3791. of the Revised Code and 150
any rules adopted pursuant to those chapters that relate to the 151
construction, arrangement, and erection of all buildings or parts 152
of buildings, as defined in section 3781.06 of the Revised Code, 153
including the sanitary condition of those buildings in relation to 154
heating and ventilation. 155

(C) The division of industrial compliance in the department 156
of commerce, ~~the~~ boards of health of health districts, ~~and the~~ 157
certified departments of building inspection of municipal 158
corporations, and county building departments that have authority 159
to perform inspections pursuant to a contract under division 160
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 161
3703. of the Revised Code, shall enforce ~~Chapters 3781.~~ this 162
chapter and Chapter 3791. of the Revised Code and the rules 163
adopted pursuant to those chapters that relate to plumbing. 164
Building drains are considered plumbing for the purposes of 165
enforcement of those chapters. 166

(D)(1) In accordance with Chapter 3703. of the Revised Code, 167
the department of the city engineer, in cities having such 168
departments, the boards of health of health districts, or the 169
sewer purveyor, as appropriate, shall have complete authority to 170
supervise and regulate the entire sewerage and drainage system in 171
the jurisdiction in which it is exercising the authority described 172
in this division, including the building sewer and all laterals 173
draining into the street sewers. 174

(2) In accordance with Chapter 3703. of the Revised Code, the 175
department of the city engineer, the boards of health of health 176

districts, or the sewer purveyor, as appropriate, shall control 177
and supervise the installation and construction of all drains and 178
sewers that become a part of the sewerage system and shall issue 179
all the necessary permits and licenses for the construction and 180
installation of all building sewers and of all other lateral 181
drains that empty into the main sewers. The department of the city 182
engineer, the boards of health of health districts, and the sewer 183
purveyor, as appropriate, shall keep a permanent record of the 184
installation and location of every drain and sewer of the drainage 185
and sewerage system of the jurisdiction in which it has exercised 186
the authority described in this division. 187

(E) This section does not exempt any officer or department 188
from the obligation to enforce ~~Chapters 3781.~~ this chapter and 189
Chapter 3791. of the Revised Code. 190

Section 2. That existing sections 3703.01, 3703.08, and 191
3781.03 of the Revised Code are hereby repealed. 192