

**As Passed by the Senate**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Am. S. B. No. 192**

**Senators Gardner, Carey, Niehaus, Coughlin, Harris, Spada**

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**A BILL**

To amend sections 3703.01, 3703.08, and 3781.03 of  
the Revised Code to permit the board of health of  
a health district to enter into a contract with a  
board of county commissioners to authorize the  
county building department to inspect plumbing in  
any type of building for which the county  
department is certified and to permit the board of  
health of a health district to enter into a  
contract with the board of health of another  
health district for the inspection of plumbing  
within the first board's district.

**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  
Revised Code be amended to read as follows:

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

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

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

(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 those terms are defined in section 3781.06 of the Revised Code, 68  
or both types of buildings, so long as the department employs a 69  
plumbing inspector certified pursuant to division (D) of this 70  
section to inspect the types of buildings the contract designates. 71  
The board of health may enter into a contract regardless of 72  
whether the health district employs any certified plumbing 73  
inspectors to enforce Chapters 3781. and 3791. of the Revised 74  
Code. 75

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

buildings, so long as the board that performs the inspections 84  
employs a plumbing inspector certified pursuant to division (D) of 85  
this section to inspect the types of buildings the contract 86  
designates. 87

(D) The superintendent of industrial compliance shall adopt 88  
rules prescribing minimum qualifications based on education, 89  
training, experience, or demonstrated ability, ~~which~~ that the 90  
superintendent shall use in certifying or recertifying plumbing 91  
inspectors to do plumbing inspections for health districts and 92  
county building departments that are authorized to perform 93  
inspections pursuant to a contract under division (C)(1) of this 94  
section, and for continuing education of plumbing inspectors. ~~Such~~ 95  
Those minimum qualifications shall be related to the types of 96  
buildings for which a person seeks ~~approval~~ certification. 97

~~(D)~~(E) The superintendent may enter into reciprocal 98  
registration, licensure, or certification agreements with other 99  
states and other agencies of this state relative to plumbing 100  
inspectors if both of the following apply: 101

(1) The requirements for registration, licensure, or 102  
certification of plumbing inspectors under the laws of the other 103  
state or laws administered by the other agency are substantially 104  
equal to the requirements the superintendent adopts under division 105  
~~(C)~~(D) of this section for certifying plumbing inspectors. 106

(2) The other state or agency extends similar reciprocity to 107  
persons certified under this chapter. 108

~~(E)~~(F) The superintendent may select and contract with one or 109  
more persons to do all of the following regarding examinations for 110  
certification of plumbing inspectors: 111

(1) Prepare, administer, score, and maintain the 112  
confidentiality of the examination; 113

(2) Maintain responsibility for all expenses required to 114

comply with division ~~(E)~~(F)(1) of this section; 115

(3) Charge each applicant a fee for administering the 116  
examination in an amount the superintendent authorizes; 117

(4) Design the examination for certification of plumbing 118  
inspectors to determine an applicant's competence to inspect 119  
plumbing. 120

~~(F)~~(G) Standards and methods prescribed in local plumbing 121  
regulations shall not be less than those prescribed in Chapters 122  
3781. and 3791. of the Revised Code and the rules adopted pursuant 123  
to those chapters. 124

~~(G)~~(H) Notwithstanding any other provision of this section, 125  
the division shall make a plumbing inspection of any building or 126  
other place that there is reason to believe is in a condition to 127  
be a menace to the public health. 128

**Sec. 3703.08.** Any owner, agent, or manager~~7~~ of a building in 129  
which an inspection is made by the division of industrial 130  
compliance, a board of health of a health district, or a certified 131  
department of building inspection of a municipal corporation or a 132  
county shall have the entire system of drainage and ventilation 133  
repaired, as the division, board of health, or department of 134  
building inspection directs by its order. After due notice to 135  
repair ~~such that~~ work is given, the owner, agent, or manager shall 136  
notify the public authority that issued the order when the work is 137  
ready for its inspection. No person shall fail to have the work 138  
ready for inspection at the time specified in the notice. 139

**Sec. 3781.03.** (A) The fire marshal ~~or~~1 the fire chief of a 140  
municipal corporation that has a fire department~~1~~ or the fire 141  
chief of a township that has a fire department shall enforce the 142  
provisions of ~~Chapters 3781.~~ this chapter and Chapter 3791. of the 143  
Revised Code that relate to fire prevention. 144

(B) The superintendent of the division of industrial compliance, or the building inspector, or commissioner of buildings in a municipal corporation, county, or township in which the building department is certified by the board of building standards under section 3781.10 of the Revised Code shall enforce in the jurisdiction of each entity all the provisions in ~~these chapters~~ this chapter and Chapter 3791. of the Revised Code and any rules adopted pursuant to those chapters that relate to the construction, arrangement, and erection of all buildings or parts of buildings, as defined in section 3781.06 of the Revised Code, including the sanitary condition of those buildings in relation to heating and ventilation.

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

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

(2) In accordance with Chapter 3703. of the Revised Code, the

department of the city engineer, the boards of health of health 177  
districts, or the sewer purveyor, as appropriate, shall control 178  
and supervise the installation and construction of all drains and 179  
sewers that become a part of the sewerage system and shall issue 180  
all the necessary permits and licenses for the construction and 181  
installation of all building sewers and of all other lateral 182  
drains that empty into the main sewers. The department of the city 183  
engineer, the boards of health of health districts, and the sewer 184  
purveyor, as appropriate, shall keep a permanent record of the 185  
installation and location of every drain and sewer of the drainage 186  
and sewerage system of the jurisdiction in which it has exercised 187  
the authority described in this division. 188

(E) This section does not exempt any officer or department 189  
from the obligation to enforce ~~Chapters 3781.~~ this chapter and 190  
Chapter 3791. of the Revised Code. 191

**Section 2.** That existing sections 3703.01, 3703.08, and 192  
3781.03 of the Revised Code are hereby repealed. 193