

**4101:1-1-01 Administration.****Section 101**  
**General**

**101.1 Title.** *Chapters 4101:1-1 to 4101:1-35 of the Administrative Code shall be designated as the "Ohio Building Code" for which the designation "OBC" may be substituted. The "International Building Code 2006, first printing, Chapters 1 to 35," as published by the "International Code Council, Inc." is used as the basis of this document and is incorporated fully except as modified herein. References in these chapters to "this code" or to the "building code" in other sections of the Administrative Code shall mean the "Ohio Building Code."*

**101.2 Scope.** *The provisions of the "Ohio Building Code", the "Ohio Mechanical Code", and the "Ohio Plumbing Code" shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. As provided in division (B) of section 3791.04 of the Revised Code, no plans or specifications shall be approved or inspection approval given unless the building represented by those plans or specifications would, if constructed, repaired, erected, or equipped according to those plans or specifications, comply with Chapters 3781. and 3791. of the Revised Code and any rules adopted by the board. An owner may exceed the requirements of the "Ohio Building Code" in compliance with section 102.9.*

**Exceptions:**

- 1.** *This code applies to detached one-, two-, and three-family dwellings and structures accessory to those dwellings, only to the extent indicated in section 310 of this code;*
- 2.** *Buildings owned by and used for a function of the United States government;*
- 3.** *Buildings or structures which are incident to the use for agricultural purposes of the land on which said buildings or structures are located, provided such buildings or structures are not used in the business of retail trade; for the purposes of this section, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms*

owned or operated by the seller (see sections 3781.06 and 3781.061 of the Revised Code);

4. Agricultural labor camps;
5. Type A or Type B family day-care homes;
6. Buildings or structures which are designed, constructed, and maintained in accordance with federal standards and regulations and are used primarily for federal and state military purposes where the U.S. secretary of defense, pursuant to 10 U.S.C. Sections 18233(A)(1) and 18237, has acquired by purchase, lease, or transfer, and constructs, expands, rehabilitates, or corrects and equips, such buildings or structures as he determines to be necessary to carry out the purposes of Chapter 1803 of the U.S.C.
7. Manufactured homes constructed under “24 CFR Part 3280,” “Manufactured Home Construction and Safety Standards” and within the scope of the rules adopted by the Ohio Manufactured Home Commission.
8. Sewerage systems, treatment works, and disposal systems (including the tanks, piping, and process equipment associated with these systems) regulated by the legislative authority of a municipal corporation or the governing board of a county or special district owning or operating a publicly owned treatment works or sewerage system as stated in division (A) of section 6111.032 of the Revised Code.
9. Building sewer piping.
10. Portable electric generators and wiring supplying carnival and amusement park rides regulated by the Ohio Department of Agriculture.
11. Structures directly related to the operation of a generating plant or major utility facilities regulated by the power siting board.

**101.2.1 Appendices.** The content of the appendices to the Administrative Code is not adopted material, but is approved by the board of building standards (BBS) and provided as a reference for code users.

**101.3 Intent.** The purpose of this code is to establish uniform minimum

requirements for the erection, construction, repair, alteration, and maintenance of buildings, including construction of industrialized units. Such requirements shall relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy with consideration for the following:

1. **Performance.** Establish such requirements, in terms of performance objectives for the use intended.
2. **Extent of use.** Permit to the fullest extent feasible, the use of materials and technical methods, devices, and improvements which tend to reduce the cost of construction without affecting minimum requirements for the health, safety, and security of the occupants of buildings without preferential treatment of types or classes of materials or products or methods of construction.
3. **Standardization.** To encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques, including methods employed to produce industrialized units.

The rules of the board and proceedings shall be liberally construed in order to promote its purpose. When the building official finds that the proposed design is a reasonable interpretation of the provisions of this code, it shall be approved. Materials, equipment and devices approved by the building official pursuant to section 114 shall be constructed and installed in accordance with such approval.

**101.4 Referenced codes.** The other codes listed in sections 101.4.1 to 101.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

**101.4.1 Mechanical.** Chapters 4101:2-1 to 4101:2-15 of the Administrative Code, designated as the “Ohio Mechanical Code,” shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems.

**101.4.2 Plumbing.** Chapters 4101:3-1 to 4101:3-13 of the Administrative Code, designated as the “Ohio Plumbing Code,” shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and

where connected to a water or sewerage system and all aspects of a medical gas system.

**101.4.3 Elevator.** The provisions of the “Ohio Elevator Code” (Chapters 4101:5-1 to 4101:5-3 of the Administrative Code) shall apply to the design, construction, repair, alteration and maintenance of elevators and other lifting devices as listed and defined therein.

**101.4.4 Fire prevention.** The provisions of the “Ohio Fire Code” (Chapters 1301:7-1 to 1301:7-7 of the Administrative Code) shall apply to the preventive measures which provide for fire-safe conduct and operations in buildings and includes the maintenance of fire-detection, fire alarm, and fire extinguishing equipment and systems, exit facilities, opening protectives, safety devices, good housekeeping practices and fire drills.

**101.4.5 Boiler.** The provisions of the “Ohio Boiler and Pressure Vessel Rules” (Chapters 4101:4-1 to 4101:4-10 of the Administrative Code) shall apply to the design, construction, repair, alteration and maintenance of boilers and unfired pressure vessels as listed and defined therein.

## **Section 102**

### **Applicability and Jurisdictional Authority**

**102.1 General.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of state or federal law. Municipal corporations may make further and additional regulations, not in conflict with Chapters 3781. and 3791. of the Revised Code or with the rules of the board of building standards. However approval by the board of building standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

**102.3 Other rules.** As provided in division (B) of section 3781.11 of the Revised Code, the rules of the board of building standards shall supersede and govern any

order, standard, or rule of the divisions of state fire marshal or industrial compliance in the department of commerce, and the department of health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the board of building standards, except that rules adopted and orders issued by the fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

The rules of the board of building standards adopted pursuant to section 3781.10 of the Revised Code shall govern any rule or standard adopted by the board pursuant to sections 4104.02 and 4105.011 of the Revised Code.

**102.4 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.5 Referenced codes and standards.** When a reference is made within the building, mechanical, or plumbing codes to a federal statutory provision, an industry consensus standard, or any other technical publication, the specific date and title of the publication as well as the name and address of the promulgating agency are listed in Chapter 35 of the building code, Chapter 15 of the mechanical code, or Chapter 13 of the plumbing code.

The codes and standards referenced in the building, mechanical, and plumbing codes shall be considered part of the requirements of these codes as though the text were printed in this code, to the prescribed extent of each such reference. Where differences occur between provisions of these codes and the referenced standards, the provisions of these codes shall apply.

**102.6 Partial invalidity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

**102.7 Existing structures.** The provisions of Chapter 34 shall control the alteration, repair, addition, and change of occupancy of any existing structure.

The occupancy of any structure currently existing on the date of adoption of this code shall be permitted to continue without change provided there are no orders of the building official pending, no evidence of fraud, or no serious safety or

sanitation hazard. When requested, such approvals shall be in the form of a "Certificate of Occupancy for an Existing Building" in accordance with section 111.2.

Buildings constructed in accordance with plans which have been approved prior to the effective date of this code are existing buildings.

**102.8 Temporary Structures.** The building official is authorized to issue approvals for temporary structures. Such approvals shall be in the form of a "Certificate of Occupancy for a Temporary Building" in accordance with section 111.1.6. This section does not apply to time-limited occupancies in existing structures. See section 111.1.5 for time-limited occupancies.

**102.8.2 Conformance.** Temporary structures shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare. Temporary tents and membrane structures shall also comply with the applicable provisions in section 3102.

**102.8.3 Termination of approval.** The building official is authorized to terminate approval for a temporary structure and to order the temporary structure to be discontinued if conditions of the approval have been violated or the structure or occupancy poses an immediate hazard to the public or occupants of the structure.

**102.9 Non-required work.** Any component, building element, equipment, system or portion thereof not required by this code shall be permitted to be installed as a partial or complete system provided that it is constructed or installed in accordance with this code to the extent of the installation.

**102.10 Work exempt from approval.** Approval shall not be required for the following:

**Building:**

- I.** One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred twenty square feet (11.15 m<sup>2</sup>) and playground structures.

2. Fences not over six feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons (18 927 L) and the ratio of height to diameter or width does not exceed two to one.
6. Sidewalks and driveways not more than thirty inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
7. Finishes not regulated by this code, decorating, or other work defined as maintenance or minor repair.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Window awnings supported by an exterior wall of Group R-3.

**Electrical:**

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Electrical equipment used for radio and television transmissions, except equipment and wiring for power supply, and the installation of towers and antennas.
3. The installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty-five volts and not capable of supplying more than fifty watts of energy, unless specifically addressed in this code.

5. Process equipment and the associated wiring on the load side of the power disconnect to the equipment.

**Gas:**

1. Portable heating appliances;
2. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
3. Heating and cooling distribution piping installed and maintained by public or municipal utilities.

**Mechanical:**

1. Portable heating appliances;
2. Portable ventilation equipment;
3. Portable cooling units;
4. Replacement of any part which does not alter its approval or make it unsafe;
5. Portable evaporative cooler;
6. Process equipment and the associated piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.
7. Heating and cooling distribution piping installed and maintained by public or municipal utilities.

**Plumbing:**

1. The repair of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain-pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same

with new material, such work shall be considered as new work and an approval shall be obtained and inspection made as provided in this code.

2. The clearance of stoppages or the repair of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Process equipment and the associated piping. For combination building services/process or power piping systems, the power or process piping located downstream of the control valve which separates the process from the building services piping is exempt from approval.

**102.10.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, an application for approval shall be submitted within the next working business day to the building official.

**102.10.2 Minor repairs.** Minor repairs to structures may be made without application or notice to the building official. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**102.11 Building department jurisdictional limitations.** A municipal, township, or county building department that has been certified by the board of building standards, pursuant to section 103.2, shall enforce provisions of the rules of the board and of Chapters 3781. and 3791. of the Revised Code, relating to construction, arrangement, and the erection of buildings or parts thereof as defined in the rules of the board in accordance with the certification except as follows:

- 1. Fire.** *The state fire marshal or fire chief of municipal corporations or townships, having fire departments, shall enforce all provisions of the rules of the board relating to fire prevention.*
- 2. Health.** *The department of health, or the boards of health of city or general health districts, the division of industrial compliance of the department of commerce, or the departments of building inspection of municipal corporations, townships, or counties shall enforce such provisions relating to sanitary construction.*
- 3. Sewerage and drainage system.** *In accordance with Section 3781.03 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 supervision and regulation of the entire sewerage and drainage system of the jurisdiction, including the building sewer and all laterals draining into the street sewers. Such department or agency shall have control and supervision of the installation and construction of all drains and sewers that become a part of the sewerage system of the jurisdiction and shall issue all the necessary permits and licenses for the construction and installation of all building sewers and of all other lateral drains that empty into the main sewers. Such department or agency shall keep a permanent record of the installation and location of every drain and sewerage system of the city.*
- 4. Enforcement.** *This section does not exempt any officer or department from the obligation of enforcing any provision of the rules of the board.*
- 5. State Projects.** *Certification does confer any jurisdiction to certified building department to regulate the construction of buildings by the state of Ohio or on land owned by the state of Ohio. This includes, but is not limited to, its agencies, authorities, boards, commissions, administrative departments, instrumentalities, community or technical college districts, but does not include other political subdivisions. This paragraph shall not be construed to apply to local school district building projects funded by the Ohio school facilities commission in accordance with Chapter 3318. of the Revised Code where the local certified building department is authorized by the board to regulate construction of school facilities.*

*Note: The lands owned by Miami university in the city of Oxford and Oxford township in Butler County and leased to private individuals or corporations under the land rent provisions of the Act of February 17, 1809, as set forth at 7 Ohio laws 184, are subject to local certified building department jurisdiction and are exempt from these provisions.*

### **Section 103**

#### **Certified building departments, personnel, and appeals boards**

**103.1 General.** Before exercising authority in the enforcement of the rules of the Board and before accepting and approving plans, municipal, township and county building departments and their required personnel shall be certified by the board of building standards as required in section 3781.10 of the Revised Code. Before hearing and deciding adjudication hearings, local board of appeals shall be certified by the board of building standards as required in section 3781.20 of the Revised Code.

Applications submitted to the board of building standards for certifications shall be made on prescribed forms according to the provisions of this section.

**103.2 Building department certification.** Municipalities, townships, and counties may seek certification by the board of building standards as described in division (E) of section 3781.10 of the Revised Code to exercise enforcement authority, to accept and approve construction documents, and to make inspections.

**103.2.1 Certification types.** A political subdivision may seek to enforce the rules of the board by requesting either a certification as a building department or a sub-building department as required in sections 103.2.1.1 or 103.2.1.2. References in this chapter to “department” or “building department”, unless specified, shall mean “certified building department” or “certified sub-building department.”

**103.2.1.1 Certification as a building department.** Municipalities, townships, and counties shall enforce the rules of the board in conformity with the law and as described in sections 103.2.1.1.1 and 103.2.1.1.2.

**103.2.1.1.1 Municipalities.** Municipalities, in submitting the application described in section 103.2.3, must specify whether the department is to be certified to enforce the rules of the board for plumbing and will employ a certified plumbing inspector as required in section 103.3. If a department is not to be certified for plumbing, the enforcement shall be done by the local board of health or the division of industrial compliance plumbing section in the department of commerce.

Municipalities, in submitting the application described in section 103.2.3, must also specify whether the department is to be certified to enforce medical gas piping system provisions and will employ a certified medical gas piping inspector as required in section 103.3. If the department is not to be certified to enforce medical gas piping system provisions, then the enforcement shall be done by the local board of health or the division of industrial compliance in the department of commerce.

Municipalities may, at any time, make application to the board of building standards to be approved to have the building department certification modified to include or exclude these plumbing and medical gas piping system enforcement duties.

**103.2.1.1.2 Counties and townships.** Counties and townships, in submitting the application described in section 103.2.3 for certification of a building department, are not certified to enforce plumbing provisions or employ plumbing inspectors required in section 103.3. As permitted in section 3703.01 of the Revised Code, county building departments may enforce plumbing provisions if the county board of health has entered into an agreement with the board of county commissioners to provide plumbing code enforcement and employs a plumbing inspector certified as required in division (D) of section 3703.01 of the Revised Code. The county shall specify on its application whether the county department will enforce the rules of the board for plumbing and will employ a properly certified plumbing inspector. If, after certification, a county building department assumes plumbing code enforcement as required in section 3703.01 of the Revised Code, it shall notify the board.

Counties and townships, in submitting the application described in section 103.2.3, must also specify whether the jurisdiction desires the department to be certified to enforce medical gas piping system provisions and will employ a certified medical gas piping inspector as required in section 103.3. If the county or township chooses not have its department certified to enforce medical gas piping system provisions, then the enforcement shall be done by the local board of health or the division of industrial compliance in the department of commerce.

Counties and townships may, at any time, make application to the board of building standards to be approved to have the building department certification modified to include or exclude medical gas piping system enforcement duties.

**103.2.1.2 Certification as a sub-building department.**  
Municipalities, townships, and counties may be certified by the board of building standards to enforce the rules of the board as a sub-building department in conformity with the law and as described in sections 103.2.1.2.1 and 103.2.1.2.2. A sub-building department has enforcement exercised on their behalf by another certified political subdivision that will perform all enforcement, reporting, and administrative duties.

**103.2.1.2.1 Municipalities.**  
Municipalities, in submitting the application described in section 103.2.3, must specify whether the department is to be certified as a sub-building department and shall indicate which certified building department of another political subdivision will enforce the rules of the board in the municipality. The application must also specify how the public in a municipality with a building department certified sub-building department will be provided information on how construction documents will be accepted, reviewed, and approved, and how inspections will be requested and made.

Municipalities may, at any time, make application to the board of building standards to be approved to have the building department certification modified to change its certification from a sub-

building department to a certified building department, or vice versa, in accordance with section 103.2.1.

**103.2.1.2.2** **Counties and townships.** Counties and townships, in submitting the application described in section 103.2.3, must specify whether the department is to be certified as a sub-building department and shall indicate which certified building department of another political subdivision will enforce the rules of the board in the county or township. The county or township must also specify how the public in the county or township with a building department certified as a sub-building department will be provided information on how construction documents will be accepted and approved, and how inspections will be requested and made.

Counties and townships may, at any time, make application to the board of building standards to be approved to have the building department certification modified to change its certification from a sub-building department and to a certified building department, or vice versa, in accordance with section 103.2.1.

**103.2.2** **Building department certification requirements.** To qualify for certification, a municipal, township, or county shall comply with the following:

- 1.** **Conformity with law.** The department shall submit an application and shall have been created in conformity with the law, shall have adopted ordinances or resolutions, and shall have entered into any agreements or contracts necessary to comply with the rules of the board and section 103.2.3;
- 2.** **Required personnel.** A certified building department or sub-building department shall have the following personnel qualified to execute the duties required for the exercise of enforcement authority, the review and approval of construction documents, and the performance of inspections under the rules of the board. All personnel of municipal, township, or county building departments, and persons and employees of persons, firms, or corporations whose responsibilities include the exercise of enforcement authority shall be certified by the board of

building standards pursuant to section 103.3 prior to performing such duties;

**2.1 Building official.** The building department shall have in its employ or under contract one person appointed by the municipality, township, or county certified as a building official.

**2.2 Masters plans examiner.** The building department shall have in its employ or under contract at least one person holding a certification as the master plans examiner.

**2.3 Building inspector.** The building department shall have in its employ or under contract at least one person holding a certification as a building inspector.

**2.4 Plumbing inspector.** If the department is certified to enforce plumbing provisions, then the building department shall have in its employ or under contract at least one person holding a certification as a plumbing inspector.

**2.5 Electrical safety inspector.** The building department shall have in its employ or under contract at least one person holding an electrical safety inspector certification.

**2.6 Backup personnel.** The department shall have in its employ or under contract, alternate personnel meeting the requirements of this rule, to serve in the event of a conflict of interest or the unavailability of the building official, plans examiner or inspectors.

**2.7 Replacement personnel.** When required personnel leave the employ of the department, permanent replacement personnel shall be designated in accordance with the rules of the Board within one hundred twenty days.

**3. Elective personnel.** The department may elect to have the following personnel certified by the board of building standards pursuant to section 103.3 prior to performing such duties;

**3.1 Mechanical inspector.** *The department may also have in its employ or under contract persons holding a mechanical inspector certification.*

**3.2 Fire protection inspector.** *The department may also have in its employ or under contract persons holding a fire protection inspector certification.*

**3.3 Medical gas piping inspector.** *The department may have in its employ or under contract persons holding a medical gas piping inspector certification.*

**3.4 Electrical plans examiner.** *The department may have in its employ or under contract persons holding an electrical plans examiner certification.*

**3.5 Plumbing plans examiner.** *The department may have in its employ or under contract persons holding a plumbing plans examiner certification.*

**4. Contract employees.** *A municipal corporation, township, or county may contract with a certified building department, health district, or with persons, firms, or corporations under contract to furnish services, and meeting the requirements of this rule, to exercise enforcement authority, administer these rules, approve plans and specifications and perform inspections on behalf of such municipal corporation, township, or county, providing such authority is exercised pursuant to such contract and upon application to and approval by the board of building standards;*

**5. Building department office.** *The certified building department shall have an office conveniently located within the area it serves. The office shall be open and staffed to serve the public need and office hours shall be conspicuously posted. If the department contracts for its enforcement services, or is certified as a sub-building department, information shall be provided to the public explaining how building department services shall be provided;*

6. **Availability of inspectors.** *The building department shall be staffed so that all inspectors are available for requested inspections as required in section 108.1; and*
7. **Building department certification, to be posted.** *The certificate issued by the board of building standards to a municipal, township, or county building department shall be posted in a conspicuous place within the jurisdiction.*

**103.2.3 Building department certification application.** *Application for certification of a municipal, township, or county building department shall be made on a form prescribed by the board of building standards and shall set forth:*

1. *Copy of the law creating such a department.*
2. *Copy of a resolution requesting certification of the building department to enforce the rules of the board.*
3. *The proposed budget for the operation of such department.*
4. *A chart showing the organization of the building department within the governmental body.*
5. *Data reflecting the population and the size of the area to be served.*
6. *The number of and board certifications held by staff to be employed by the building department.*
7. *The names, addresses, and board certifications of persons, firms or corporations contracting to furnish work or services when such persons, firms, or corporations are under contract to furnish architectural, engineering, or inspection services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract.*
8. *The names of other municipal corporations, townships, counties, or health districts contracting to furnish work or services when such other municipal corporation, township, county, or health district is under*

contract to furnish architectural or engineering services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract and when officers or employees of any other municipal corporation, township, county, or health district under contract to furnish inspection services to the municipal corporation, township, or county, when such authority is exercised pursuant to such contract.

9. A copy of the ordinance or resolution authorizing a building department to enter into a contract with other municipalities, townships, counties, health districts, persons, firms or corporations to do their plan approval and inspections.

10. A copy of the contract between the building department and other municipalities, townships, counties, health districts, persons, firms, or corporations to do their plan approval or inspections.

11. The department within the municipality, township, or county which will be responsible for plumbing inspection, if not within the building department.

12. The applicant may attach any other charts, maps, statistical data or other information which it determines may be beneficial to the board in considering the applications for certification.

13. The board may allow amendments to applications prior to formal action. Requests for amendments to applications shall be made in writing and conform to all the other provisions of this rule.

14. A procedure for plan approval and for performing inspections, a copy of the plan review application, and a copy of the department's approval stamp.

15. The original and six copies of the documents, papers and charts required in paragraphs one to sixteen of this rule shall be filed with the board. Copies may be reproduced; however, all such copies must be clear and legible.

16. Signature of an authorized representative of the board of township trustees in townships, the board of county commissioners in counties, or the appropriate officials in municipalities.

103.2.4 Building department certification, public hearing. Upon receipt of a complete application, a public hearing on the application shall be conducted by the board of building standards. An authorized representative of the municipality, township, or county seeking certification shall be present at the public hearing to give testimony or respond to any questions from the board. The board shall give all interested persons appearing at such public hearing an opportunity to be heard and explain their positions. All persons desiring to be heard at the public hearing shall first be duly sworn or affirmed and a record of the proceeding shall be made by the board.

103.2.4.1 Building department certification, approval or denial. Following the public hearing, the board shall act on the application for certification.

Approval by the board of building standards of an application for certification shall set forth the group classifications and subject matters for which the municipal, township, or county building department under consideration is to be certified. After such approval, the appropriate official in municipalities, the board of township trustees in townships, or the board of county commissioners in counties requesting certification, shall be furnished a certificate of approval which shall state the conditions and limitations, if any, under which it has been issued.

If the application is denied in whole or in part by the board of building standards, the appropriate official in municipalities, the board of township trustees in townships, or the board of county commissioners in counties requesting certification shall be notified in writing of such denial and the reason therefore and to their rights of appeal pursuant to sections 3781.10, 3781.101, and Chapter 119. of the Revised Code.

103.2.5 Building department certification, board to maintain list. The board of building standards shall maintain a current list of all certified nonresidential and residential building departments, their contact

information and, if applicable, their contractual relationships with other persons, departments, firms, or corporations that enforce the rules of the board on behalf of the certified building department.

The list of certified building departments shall be made available upon request and shall be posted on the board's website at [www.com.state.oh.us/dic/dicbbs.htm](http://www.com.state.oh.us/dic/dicbbs.htm).

**103.2.6 Building department certification, reports, and assessment.**  
Certified building departments shall submit the following reports and information to the board of building standards:

1. Within ninety calendar days after the end of each calendar year, a yearly operational report for the previous year;
2. Within thirty calendar days after such personnel have been appointed, written notification of changes in personnel of the building department who enforce the rules of the board;
3. Replies to any special requests or queries made by the board of building standards within thirty calendar days of receipt;
4. Within thirty calendar days after the department creates or changes a contractual relationship with another department or firm, copies of revised contracts or agreements.

**103.2.6.1 Board assessment** Each political subdivision that prescribes fees pursuant to division (E) of section 3781.102 of the Revised Code shall also collect on behalf of the board of building standards an assessment equal to three per cent of those fees imposed for approvals, for the acceptance and approval of plans and specifications, and for performing inspections.

**103.2.6.1.1 Assessment report.** The building official shall report on the prescribed form and remit monthly by check, the amount of the assessments collected on behalf of the board not later than sixty days following the end of each month in which the assessments are collected. In the case of building departments under contract to exercise enforcement authority pursuant to

section 103.2.1.2, the building official shall report and remit to the Board for all certified sub-building departments. The check shall be made payable to the “Treasurer, State of Ohio”.

**103.2.7 Building department certification, revocation or suspension.** Upon petition to the board of building standards by any person affected by the exercise of the authority granted under such certification, or by the board on its own motion, in accordance with division (E) of section 3781.10 of the Revised Code, a department certification may be revoked or suspended with respect to any and all of the group classifications for which it is certified.

**103.2.7.1 Building department certification, hearings and appeals.** Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings for certification as provided in section 119.07 of the Revised Code and in sections 103.3.6.1.1 and 103.3.6.1.2.

**103.2.7.1.1 Complaint process.** Upon receipt of a written complaint against a certified building department that is substantiated by demonstrable evidence or upon the board’s own motion:

- 1. The board shall decide whether the information submitted warrants causing a formal investigation to be initiated;**
- 2. If a formal investigation is warranted, the certified jurisdiction shall be notified that an investigation has been initiated by the board;**
- 3. Upon completion of the investigation, findings shall be reported to the board.**
- 4. The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board issues an order to suspend or revoke the certification, it shall:**

- 4.1 *Notify the certified jurisdiction of the charges by certified mail, return receipt requested. The certified jurisdiction shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the certified jurisdiction that it may be represented by counsel at the hearing. Failure by the certified jurisdiction to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold the order revoking or suspending certification;*
- 4.2 *Schedule a hearing to be held seven to fifteen days after receipt of the request, unless another date is mutually agreed upon by both parties. The board may continue or postpone the hearing upon application by the party or upon its own motion;*
- 4.3 *The board may appoint a hearing officer to conduct a hearing.*
- 4.4 *A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.*
- 4.4.1. *The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code;*
- 4.5 *If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.*
5. *Following the hearing, the board may dismiss the complaint or, when substantiated by the evidence, revoke or suspend the certification. When an order is upheld to revoke or suspend the certification, the party affected shall be sent a certified copy of*

the board's action and informed by certified mail, return receipt requested, that the jurisdiction may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.

**103.2.7.2 Revocation or suspension.** In the event of suspension or revocation of a building department certification, the jurisdiction shall, within fifteen days of being notified of such suspension or revocation, surrender to the secretary of the board of building standards the certificate previously issued under section 103.2.4. The department, upon suspension or revocation, shall no longer hold out to the public that it is authorized to issue certificates of plan approval for the construction, repair, alteration of buildings or classes of buildings specified in section 3781.06 of the Revised Code or for performing inspections for which it has been suspended or certification revoked.

**103.2.7.2.1 Outstanding plans review, approvals, inspections, or orders.** In the event of the suspension or revocation of a building department certification, the enforcement duties shall be transferred to the division of industrial compliance or to the certified building department as approved by the board.

**103.3 Building department personnel certification.** The department shall have personnel qualified to execute the duties required to enforce the rules of the Board.

**103.3.1 Non-residential building department personnel certification classifications.** The certifications issued by the Board of Building Standards are as follows:

- 1. Building official.**
- 2. Master plans examiner.**
  - 2.1 Master plans examiner trainee.**
  - 2.2 Electrical plans examiner.**

2.3 Plumbing plans examiner.

3. Building inspector.

3.1 Building inspector trainee.

4. Fire protection inspector

5. Mechanical inspector.

5.1 Mechanical inspector trainee.

6. Electrical safety inspector.

6.1 Electrical safety inspector trainee.

7. Non-residential industrialized unit inspector.

8. Plumbing inspector.

8.1 Plumbing inspector trainee.

9. Medical gas piping inspector.

103.3.2 Multiple personnel certifications held. A person may hold more than one certification.

103.3.3 Conflict of interest. No certified employee or person who contracts for services within the jurisdictional area of a department shall perform services for the department which would require that person or employee to exercise authority or make an evaluation of any work furnished by him or by a private contractor that employs him on a full-time, part-time, or incidental basis. Further, such employee or person shall not engage in conduct that is prohibited or considered a conflict of interest pursuant to Chapter 102. of the Revised Code.

103.3.4 Seals. No holder of a certification issued by the board of building standards is authorized to secure a seal in any form or of any type for use in the performance of any of their duties.

**103.3.5 Experience requirements of the applicant.**

1. Only experience directly related to buildings or structures within the scope of groups regulated by the “OBC” shall be acceptable for any certification.
2. In addition to the experience described in item 1 above, enforcement, inspection, or plans examination experience performed in compliance with any of the following shall also be acceptable for certification:

  - 2.1 Prior to 1984, for a building department certified by the board of building standards to exercise enforcement authority for buildings or structures within the scope of groups regulated by the rules of the board; or
  - 2.2 For an agency or jurisdiction outside the state of Ohio enforcing a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board; or
  - 2.3 An employee of a certified non-residential building department who is a holder of a board certification other than that for which application is being made. Certified non-residential building department employees who are applicants for plumbing inspector certification and do not comply with section 103.3.5.4 shall enter the plumbing inspector trainee program; or
  - 2.4 Certification by the department of Commerce, division of industrial compliance, as a plumbing inspector when application is made for board certification as a plumbing inspector; or
  - 2.5 In evaluating experience of an applicant, the board of building standards shall not credit experience gained while acting in violation of rules adopted by the board to establish equivalent experience, and it shall not credit experience gained through the installation of floor and wall coverings, the installation of roofing materials or roofing systems, the finishing of concrete, or any other construction activity that does not provide required knowledge.

3. For a building, mechanical, or plumbing inspector applicant, one year of the required experience may be obtained through education credit pursuant to section 103.3.12.6.

**103.3.5.1 Building official.** *An applicant for a building official certification shall meet one of the following requirements:*

1. At least five years experience in non-residential building design and construction for buildings or structures within the scope of groups regulated by the rules of the board or experience as specified in section 103.3.5(2) and an Ohio registration as an architect or professional engineer; or
2. At least ten years experience as a construction contractor or superintendent of building construction for buildings or structures dealing with all phases and trades of construction including the responsibility for obtaining approvals and inspections within the scope of groups regulated by the rules of the board or experience as specified in section 103.3.5(2).

**103.3.5.2 Master plans examiner.** *An applicant for a master plans examiner certification shall meet one of the following requirements:*

1. At least five years experience in building design and construction for buildings or structures within the scope of groups regulated by the rules of the board or experience in plan review, as specified in section 103.3.5(2), and an Ohio registration as an architect or professional engineer; or
2. Successful completion of a trainee program pursuant to section 103.3.12.

**103.3.5.3 Electrical plans examiner.** *An applicant for an electrical plans examiner certification shall meet the following requirement:*

1. At least five years experience as a full-time electrical safety inspector in a certified building department.

**103.3.5.4 Plumbing plans examiner.** *An applicant for a plumbing plans examiner certification shall meet the following requirement:*

- 1.** *At least five years experience as a full-time plumbing inspector in a certified building department; or*
- 2.** *At least five years experience as a plumbing inspector, certified pursuant to Chapter 3783. of the Revised Code, employed full-time by either the Ohio department of commerce, division of industrial compliance, or by a county board of health.*

**103.3.5.5 Building inspector.** *An applicant for a building inspector certification shall meet one of the following requirements:*

- 1.** *At least three years experience as a construction contractor or supervisor for non-residential buildings or structures within the scope of groups regulated by the rules of the board; or*
- 2.** *At least three years experience as a skilled tradesman for work subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or experience as specified in section 103.3.5(2); or equivalent experience that provided knowledge as determined by the board of building standards. The experience must provide knowledge of different construction methods, processes and types; or*
- 3.** *Successful completion of a trainee program pursuant to section 103.3.12.*

**103.3.5.6 Fire protection inspector.** *An applicant for fire protection inspector certification shall meet one of the following requirements:*

- 1.** *At least three years experience in the installation of fire protection systems (automatic sprinkler systems, alternative automatic fire-extinguishing systems, standpipe systems, fire alarm and detection systems and fire pump systems) subject to inspection under a model building code of a national model code organization or a code*

adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board; or

2. At least three years experience as specified in section 103.3.5(2) or as a certified fire safety inspector (a maximum of two years experience as a certified automatic sprinkler system designer may be substituted for two of the three years of inspection experience).

**103.3.5.7 Mechanical inspector.** An applicant for a mechanical inspector certification shall meet one of the following requirements:

1. At least three years as a skilled HVAC system and associated refrigeration, fuel gas, and heating piping tradesman for work subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board or experience as specified in section 103.3.5(2); or
2. Successful completion of a trainee program pursuant to section 103.3.12.

**103.3.5.8 Plumbing inspector.** An applicant for a plumbing inspector certification shall meet one of the following requirements:

1. At least seven years experience in the installation of plumbing, subject to inspection under either a model building code of a national model code organization or a code adopted for non-residential buildings or structures and within the scope of groups regulated by the rules of the board or experience as specified in section 103.3.5(2); or
2. A degree in engineering or architecture and three years experience in plumbing system design; or
3. Successful completion of a trainee program pursuant to section 103.3.12.

**103.3.5.9 Electrical safety inspector.** An applicant for an electrical safety inspector “(ESI)” certification shall meet one of the following requirements:

1. Journeyman electrician or equivalent for four years, two years as an electrician foreman, and two years experience as a building department "ESI" trainee;
2. Journeyman electrician or equivalent for four years and three years experience as a building department "ESI" trainee;
3. Four years experience as a building department "ESI" trainee;
4. Journeyman electrician or equivalent for six years; or
5. An electrical engineer registered in the state of Ohio;

**103.3.5.10 Non-residential industrialized unit inspector.** An applicant for a non-residential industrialized unit inspector certification shall meet one of the following requirements:

1. At least three years experience as a construction contractor or supervisor for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or
2. At least three years experience as a skilled tradesman for work subject to inspection under a model building code of a national model code organization or a code adopted for non-residential buildings or structures within the scope of groups regulated by the rules of the board, or experience as specified in section 103.3.5(2); or equivalent experience that provided knowledge as determined by the board of building standards. The experience must provide knowledge of different construction methods, processes and types; or
3. At least three years experience as a skilled tradesman for work subject to inspection under a residential dwelling code, three years experience as specified in section 103.3.5(2); or equivalent experience that provided knowledge as determined by the board of building standards. The experience must provide knowledge of different construction methods, processes and types.

**103.3.5.11 Medical gas piping inspector.** An applicant for a medical

gas piping inspector certification shall provide evidence verifying that the applicant has been certified by an “American Society of Sanitary Engineering (ASSE)” recognized third party certifier in accordance with “ASSE” standard 6020.

**103.3.6 “Ohio Building Code Academy” and examination requirements of the applicant.** Applicants meeting the appropriate experience requirements of section 103.3.5 or of rule 4101:2-93-06 of the Administrative Code shall:

**1. Complete the “Ohio Building Code Academy” requirements during the first year of the two-year interim certification granted by the board. If, during the evaluation phase of the “Ohio Building Code Academy”, it is determined that the applicant must complete additional coursework, the additional coursework must be completed during the two-year interim certification period.**

**1.1 If the additional coursework is not completed during the two-year interim certification period and the applicant presents evidence of complying with the examination requirements of section 103.3.6(2), the board may grant a one-time, one-year extension to allow completion of the additional coursework.**

**1.2 If the additional coursework is not completed during the two-year interim certification period and the applicant does not present evidence of complying with the examination requirements of section 103.3.6(2), the interim certification shall expire. Upon expiration, the individual may enter the trainee program as required in section 103.3.12 but may not reapply for an interim certification for one year after the interim certification has expired.**

**Exceptions:** Those individuals certified as medical gas piping inspectors pursuant to section 103.3.5.11 or individuals certified as plumbing inspectors pursuant to 3783 of the Revised Code with five years experience as full-time employees of the division of industrial compliance in the Ohio department of commerce or of county boards of health.

**2. Furnish the board approved certification or evidence of passing board approved examinations for the appropriate certification category issued by a national model code organization or a testing agency or entity recognized by the board.**

**103.3.7 Personnel certification application, filing and processing.**  
Applications for certification shall be sent to the office of the board. The application shall expire if not approved within one year of receipt by the board.

Each applicant shall also submit, with the application, evidence sufficient to show the board that the applicant is qualified. Such evidence may include proof of the statements made in the application, documentary evidence, affidavits, transcripts, diplomas, published data, photographs, or legible reproductions of the same, or any other documentation.

**103.3.7.1 Certification process.** Upon receipt of a completed application, the board of building standard's personnel committee shall review the application and make a recommendation to the board of building standards. The committee may ask for additional information to be submitted by the applicant prior to making a recommendation to the board. If the committee requests additional information from the applicant, failure to submit the requested information within ninety days from the date of the request may be cause for disapproval of the application by the board. After receiving a recommendation from the committee, the board shall hold a hearing to take action on the application. The applicant may be present at the hearing to respond to any questions from the board and all interested persons appearing at such hearing may be given an opportunity to comment.

**103.3.7.1.1 Certification, approval or denial.** Following the hearing, the board may approve, table pending further review and/or receipt of additional documentation, deny the application for certification, or take such other action as the board deems appropriate. If the board requests additional information, failure to submit the requested information within ninety days from the date of the request shall be cause for disapproval of the application by the board. The board may require personal appearance by the applicant at the public hearing. Failure to appear shall at the time and place designated by the board for the public hearing may be cause for disapproval of the application by the board.

If the application is denied, in whole or in part, by the board of building standards, the applicant shall be notified in writing of such

denial, the reason for the denial, and their rights of appeal pursuant to sections 3781.10, 3781.101, and Chapter 119 of the Revised Code.

**103.3.7.1.2 Records.** The board shall retain, as a part of applications which have been approved, any or all documents submitted or electronic versions of such documents, which shall be properly marked for identification and ownership.

**103.3.7.1.3 Board action.** All applications shall be considered individually by the board and the action taken shall be recorded in the minutes, noted on the application form, and the applicant notified as required.

**103.3.8 Issuance of certificate and renewal.** An appropriate certificate shall be issued to the applicant upon meeting of the qualification requirements of section 103.3, and payment of an initial fee of thirty dollars. The certificate shall state the certification classification being approved, expiration date, and limitations, if any, under which it has been issued.

The same fee shall apply to applicants granted interim approval and the term of the certification, if subsequently issued, shall begin on the date of interim approval.

**103.3.8.1 Renewal.** The certificate holder shall renew at three-year intervals.

**103.3.8.2 Applications for renewal.** Applications for renewal of a certification shall be submitted to the board of building standards at least thirty days prior to the expiration date. In addition to a completed application form prescribed by the board, applicants for renewal shall submit a certification renewal fee of thirty dollars and evidence of having attended board-sponsored required continuing education courses or their board-approved equivalents and successfully completed thirty hours of approved educational courses prior to the expiration of the current certification.

**103.3.8.3 Failure to renew.** Any individual whose certification has expired through failure to renew may obtain a renewal within one year from the date of its expiration provided the holder has met all

requirements for renewal, including payment of the renewal fee. All applications for renewal of expired certifications shall be processed as renewals during the one year period following expiration. All applications for renewal of expired certification submitted more than one year following the expiration shall be processed as a new application. In addition, a holder of an expired certification that submits an application for renewal more than one year following the expiration shall also be required to satisfy the continuing education requirements prior to recertification. The holder of a certification that has expired shall not perform any duties for which a certification is required.

**103.3.9 Continuing education.** Holders of board certifications shall attend board sponsored continuing education courses and, other than medical gas piping inspectors who maintain their certification in accordance with ASSE standard 6020, complete at least thirty hours of board approved continuing education in their respective classification prior to the expiration date of the certification.

- 1. Course approval application.** Application for course approval shall be on forms prescribed by the board. The actual contact course hours shall be clearly indicated on the application. Upon receipt of a complete application for course approval the board of building standards education committee shall review the application and make a recommendation to the board. Following receipt of the committee's recommendation, the board may approve, table pending further review and/or receipt of additional documentation, deny the application for course approval, or take such other action as the board deems appropriate.
- 2. Course credit.** Board-approved courses shall establish hour equivalencies for continuing education credit for each of the classifications requested. Course credit shall only be given for training in the respective classification. Courses approved for more than one certification classification may be applied to each certification for which training is required. No credit shall be approved for duplicate courses within the same three-year certification period. Instructors of board approved courses may apply course hours taught toward their own board certification continuing education requirements.

3. **Failure to complete.** Failure to complete the number of hours required shall result in forfeiture of the certification. It shall be the responsibility of the certificate holder to furnish the board with proof of completion of all board approved courses for which credit is sought.

**103.3.10 Personnel certification, revocation or suspension.** In accordance with division (E) of section 3781.10 of the Revised Code, a personnel certification may be revoked or suspended on written complaint to the board of building standards by any person affected by the exercise of the authority granted under such certification, or by the board on its own motion.

**103.3.10.1 Revocation or suspension.** The board upon its own motion or upon written complaint of any person affected by the enforcement of the board's rules, the approval of plans and specifications, or the making of inspections shall investigate the actions of the holder of a certificate if there is an allegation implying one or more of the following:

1. The practice of fraud or deceit in obtaining the certificate;
2. A felony or crime involving moral turpitude;
3. Gross negligence, incompetence, misconduct in performance of duties, or engaging in conduct that is considered a conflict of interest;
4. Failure to complete the continuing education requirements prior to expiration date of the certificate;
5. Violation of the duties described in section 104.

**103.3.10.2 Complaint process.** Upon receipt of a written complaint against a holder of a board certification that is substantiated by demonstrable evidence or upon the board's own motion:

1. The board shall decide whether the information submitted warrants causing an investigation to be initiated;
2. If a formal investigation is warranted, the subject of the investigation shall be notified that an investigation has been initiated by the board;

3. Upon completion of the investigation, findings shall be reported to the board.
4. The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board issues an order to suspend or revoke the certification, it shall:

  - 4.1 Notify the certificate holder of the charges by certified mail, return receipt requested. The certificate holder shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the certificate holder that counsel may represent the certificate holder at the hearing. Failure by the certificate holder to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold an order revoking or suspending certification;
  - 4.2 Schedule a hearing to be held seven to fifteen days after receipt of the request, unless another date is mutually agreed upon by both parties. The board may continue or postpone the hearing upon application by the party or upon its own motion;
  - 4.3 The board may appoint a hearing officer to conduct a hearing.
  - 4.4 A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.

    - 4.4.1. The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code;
  - 4.5 If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.

5. Following the hearing, the board may dismiss the complaint or, when substantiated by the evidence, revoke or suspend the certification. When an order is upheld to revoke or suspend the certification, the party affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the certificate holder may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.

**103.3.10.3 Revocation or suspension.** In the event of suspension or revocation of a certification, the individual shall no longer hold out to the public or any jurisdiction that the individual is certified to exercise enforcement authority or holds the board certification which has been suspended or certification revoked.

**103.3.11 Elective Temporary Suspension.** Certifications may be placed in elective temporary suspension upon written request to and approval by the board. Except for emergency circumstances, requests shall be in writing at least sixty days prior to the certification expiration date and supported by satisfactory evidence that the holder is withdrawing from active employment for which the certification is required.

**103.3.11.1 Restoring certification.** Certifications placed in elective temporary suspension for a period of time not to exceed one three-year term following the expiration date may be restored to active status by the board upon written request. The request shall be supported by satisfactory evidence that the holder has completed thirty hours of continuing education for that certification and any board-sponsored mandatory training required, or their board-approved equivalents, during the time the certification was in suspension prior to the date of reinstatement. Payment of the thirty-dollar renewal fee shall accompany the request.

**103.3.11.2 Failure to restore certification.** Certifications placed in elective temporary suspension for a period of time exceeding one three-year term following the original certification expiration date may be restored to active status by the board upon written request supported by evidence of passing of the appropriate examinations prescribed by the board, completion of the "Ohio Building Code Academy," and payment of the thirty-dollar renewal fee.

**103.3.12 Trainee program requirements.** *Individuals seeking certification as a trainee shall meet the requirements of this section.*

**103.3.12.1 Trainee applicants.** *Trainees shall meet the following requirements:*

- 1.** *A trainee applicant shall be a full-time employee of a political subdivision.*
- 2.** *A trainee applicant shall be under the direct supervision of a trainee supervisor.*
- 3.** *A master plans examiner trainee applicant shall also be a graduate of an "NAAB," "EAC-ABET," or similarly accredited architecture or engineering university program.*
- 4.** *A building inspector or mechanical inspector trainee applicant shall also have at least one year experience as a skilled tradesman for work subject to inspection under either a model building code of a national model code organization or a code adopted for buildings or structures and within the scope of groups regulated by the rules of the board or shall submit evidence of eligibility for education credit pursuant to section 103.3.12.6.*
- 5.** *A plumbing inspector trainee applicant shall have at least three years experience in the installation of plumbing subject to inspection under either a model building code of a national model code organization or a code adopted for buildings or structures and within the scope of groups regulated by the rules of the board, or comply with the provisions of section 103.3.5(2). Applicants may submit evidence of eligibility for education credit pursuant to section 103.3.12.6.*

**103.3.12.2 Trainee supervisors.** *A trainee supervisor shall:*

- 1.** *Be a full-time employee of the same political subdivision as the trainee and shall be available to the trainee during normal working hours;*

2. Currently possess the certification for which the trainee is being trained;
3. Be responsible for no more than two trainees at one time and shall immediately notify the board of the trainee(s) under supervision;
4. Notify the board of any change in supervisor or trainee status within thirty days;
5. Supervise, check, and sign the trainee's inspections and reports or a plans examiner trainee's plans examinations; and
6. Provide to the board a report documenting at least twenty-five inspections or plans examinations made yearly by the trainee under the direct supervision of the trainee supervisor, with an evaluation of the trainee at the end of the first six months of the program, at the end of one year, and annually afterward.

**103.3.12.3 Trainee sponsor requirements. The trainee sponsor (county, township, or municipal corporation) shall:**

1. Direct the building official to certify to the board that the trainee is a full-time employee of the county, township, or municipal corporation and is under the direct supervision of an individual possessing the certification for which the trainee is being trained; and
2. Provide the trainee with a copy of the current rules of the board.

**103.3.12.4 Trainee certification. The board shall issue a trainee certification to each applicant who has met the qualification requirements. The certification shall expire four years from the date of applicant approval by the board. After a minimum of two years and upon satisfactory completion of the trainee program pursuant to section 103.3.12.5, the trainee may apply for certification in the respective classification. The trainee certification is not renewable and upon expiration the individual may not reapply as a new trainee for a period of one year.**

**103.3.12.5 Trainee course and work requirements. A building,**

mechanical, or plumbing inspector trainee shall attend and successfully complete two hundred hours of approved courses. During the first year the trainee shall complete at least one hundred hours of course work, including completion of the "Ohio Building Code Academy" requirements in section 103.3.6, and complete the second one hundred hours prior to completion of the trainee program. The trainee shall perform at least twenty-five inspections annually while in the trainee program under the direct supervision of the trainee supervisor. The trainee shall also complete the appropriate examination requirements in section 103.3.6(2) prior to the completion of the trainee program.

A master plans examiner trainee shall perform at least twenty-five plans examinations yearly under the direct supervision of the trainee supervisor, complete at least ten hours of approved continuing building code education courses yearly, and become registered in Ohio as an architect or professional engineer prior to the completion of the trainee program. The trainee shall also complete the appropriate examination requirements in section 103.8 prior to the completion of the trainee program.

**103.3.12.6 Education credit.** An applicant for a building, mechanical, or plumbing inspector, or trainee certification may obtain credit for one year of the required experience through education, if one of the following is met:

- 1.** The applicant shall document nine hundred or more contact hours of training in an Ohio department of education approved vocational education program at the high school or adult level; or
- 2.** The applicant shall document the completion of a baccalaureate degree or an associate degree program in building design or construction.

**103.3.12.6.1 Documentation.** Supporting documentation may include a certificate of completion, a career passport, a transcript, a college degree or diploma granted by an accredited or state-sponsored institution.

**103.3.12.6.2 Educational programs.** Education credit shall not be prorated or combined for partial or full credit and shall be

awarded only upon successful completion of a specific educational program. Miscellaneous course work or isolated classes shall not be considered.

Vocational instructional programs that are acceptable for credit include:

1. Air conditioning, heating, and ventilation.
2. Carpentry.
3. Electricity.
4. Masonry.
5. Plumbing and pipefitting.
6. Fire fighting.

**103.3.12.6.3 Other programs.** The successful completion of other specific vocational instructional programs of a minimum of nine hundred contact hours may be considered by the board if the training is directly related to the design and construction of buildings or structures within the scope of groups regulated by the rules of the board.

**103.3.12.6.4 Associate degrees.** Technical education instructional programs offering associate degrees include:

1. Architectural/construction technology.
2. Heating and air conditioning technology.
3. Fire science technology.
4. The successful completion of other specific technical education instructional programs offering degrees may be considered by the board if the training is directly related to the design and construction of buildings or structures within the scope of groups regulated by the rules of the board.

**103.4 Local boards of appeals certification.** Before hearing and deciding the adjudication hearings referred to in section 109 within the jurisdiction of and arising from orders of the local building official in the enforcement of Chapters 3781. and 3791. of the Revised Code and rules adopted thereunder, the board shall certify the local board of appeals.

**103.4.1 Application for certification, local board of building appeals.**  
Certification, direct or by contractual agreement, shall be upon application to and on a form prescribed by the board of building standards. The application by the municipal corporation or county shall be submitted as an original and six copies with the following information:

1. A copy of the charter provision, ordinance or resolution establishing the local board of building appeals and providing for the appointments in accordance with section 103.4.3;

**Note:** Certified building departments applying for contractual agreement with a certified board of another political subdivision shall submit a copy of the ordinance or resolution from each party authorizing the contract along with a copy of the contract.

2. The name and resume of each member, including the date of appointment, term of office, professional qualifications and experience necessary for membership.

**103.4.2 Certification, local board of building appeals.** The board of building standards upon review of the application shall certify a local board of building appeals if:

1. The applicant political subdivision has a building department certified pursuant to division (E) of section 3781.10 of the Revised Code and that certification is not by contract with another political subdivision;
2. The board is established pursuant to municipal charter, ordinance or resolution; and
3. The board membership meets the requirements of section 103.4.3.

The board of building standards upon review of the application shall certify a local board of building appeals per contract with another certified board if:

1. Both political subdivisions have authorized the contractual arrangement by ordinance or resolution and the contract properly executed reflects that arrangement; and

2. The political subdivision applying for the contract has a building department certified pursuant to section 3781.10 of the Revised Code.

**Exception:** Building departments certified by contract with the county building department in accordance with section 3781.10 of the Revised Code shall have the same board of appeals as that county.

The board of building standards shall certify county and municipal boards of building appeal in accordance with Chapter 119. of the Revised Code and shall schedule a hearing on an application within sixty days after receipt of the application.

**103.4.3. Composition and terms, local boards of building appeals.** The certified municipal and county boards of building appeals shall consist of five members who are qualified as follows:

1. One attorney, admitted to the Ohio bar;
2. One architect, registered in Ohio;
3. One structural engineer, registered in Ohio;
4. One mechanical engineer, registered in Ohio;

**Note:** each of these four members shall have recognized ability, broad training and experience in problems and practice incidental to the construction and equipment of buildings and structures.

5. One member representing organized labor, knowledgeable in the construction and equipment of buildings and structures.

**Exception:** Municipal boards may have more than five members and need not have an attorney member if the municipal charter so provided prior to October 13, 1983.

**103.4.3.1 Appointment.** Members shall be appointed for five year terms except that original appointments shall be for terms of one, two, three, four and five years.

**103.4.3.2 Term.** A member shall hold office from date of appointment until the end of the appointed term; however, the member shall continue in office following the term expiration date until a successor takes office or until sixty days have elapsed, whichever occurs first.

**103.4.3.3 Vacancies.** Any member appointed to fill a vacancy occurring before the expiration of a term shall hold office for the remainder of that term.

**103.4.3.4 Reporting.** Vacancies and new appointments shall be reported to the board of building standards within thirty days. Notification of new appointments shall include resumes, date of appointment, term of office, qualifications and experience necessary for membership. An annual report shall be submitted to the board of building standards to provide the information required on the form provided by the board of building standards.

**103.4.4 Local board of building appeals certification, revocation.** In accordance with division (E) of section 3781.120 of the Revised Code, a certification may be revoked on written complaint to the board of building standards by any person affected by the exercise of the authority granted under such certification, or by the board on its own motion.

**103.4.4.1 Revocation.** The board of building standards on its own motion or on written complaint of any person affected by the local board of building appeals shall cause to be conducted such investigation to determine whether there is an allegation implying one or more of the following:

- 1.** The presence of fraud;
- 2.** Failure to adhere to applicable procedures set forth in Chapters 119. and 3781. of the Revised Code or rules made thereunder;
- 3.** Failure to render decisions within thirty days of the hearing;
- 4.** Granting of variances to provisions of rules of the board not adopted pursuant to Chapters 3781. and 3791. of the Revised Code but mandated by other chapters of the Revised Code;

5. Failure to notify organizations representing people with disabilities pursuant to section 3781.19 of the Revised Code;
6. Failure to permit an appeal for a de novo hearing before the state board of appeals or a direct appeal to the court of common pleas pursuant to section 3781.19 of the Revised Code.

**103.4.4.2 Complaint process.** When a complaint against a local board of building appeals has been received by the board, investigated, and found justified:

1. The board shall decide whether the information submitted warrants causing an investigation to be initiated;
2. If a formal investigation is warranted, the subject of the investigation shall be notified that an investigation has been initiated by the board;
3. Upon completion of the investigation, findings shall be reported to the board.
4. The board may dismiss the complaint, table the matter for future action, or initiate action to revoke the certification. If the board issues an order to revoke the certification it shall:

**4.1** Notify the jurisdiction of the charges by certified mail, return receipt requested. The jurisdiction shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the jurisdiction that counsel may represent the certificate holder at the hearing. Failure by the jurisdiction to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold an order revoking certification;

**4.2** Schedule a hearing to be held seven to fifteen days after receipt of the request, unless another date is mutually agreed upon by both parties. The board may continue or postpone the hearing upon application by the party or upon its own motion;

4.3 *The board may appoint a hearing officer to conduct a hearing.*

4.4 *A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record.*

4.4.1. *The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code;*

4.5 *If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.*

5. *Following the hearing, the board may dismiss the complaint or, when substantiated by the evidence, revoke the certification. When an order is upheld to revoke the certification, the jurisdiction affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the jurisdiction may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.*

103.4.4.3 Revocation. *In the event of the revocation of a certification, the jurisdiction shall no longer hold out to the public or any jurisdiction that the jurisdiction is certified to hear and decide the adjudication hearings referred to in section 110 within the jurisdiction or holds the board certification which has been revoked.*

#### Section 104 Duties and responsibilities

104.1 General. *Personnel of building departments and local boards of appeals that have been certified by the board of building standards, pursuant to section 103, shall be responsible for performing the duties described in this section.*

**104.2 Building department personnel duties and responsibilities.** Municipal, township, or county building departments certified by the board shall have personnel qualified to perform the enforcement duties and responsibilities described in this section.

**104.2.1 Building official.** The building official is responsible for the enforcement of the rules of the board and of Chapters 3781. and 3791. of the Revised Code relating to the construction, arrangement, and the erection of buildings or parts thereof. All building officials shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner. Building officials shall be responsible to assure that a system is in place to track and audit all projects, to assure that all building department personnel perform their duties in accordance with this section, and for the overall administration of a building department as follows:

**104.2.1.1 Applications and plan approvals.** The building official shall receive applications, require or cause the submitted construction documents to be examined, ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code, and shall issue plan approvals for the construction, erection, alteration, demolition, and moving of buildings and structures.

**104.2.1.1.1 Plan examination by the building official.** When the building department does not have in its full-time employ a certified master plans examiner, the certified building official shall examine construction documents to determine compliance with the rules of the board if the registered design professional elects to submit construction documents that contain a written certification by the registered design professional indicating conformance with the requirements of the rules of the board and Chapters 3781. and 3791. of the Revised Code.

**104.2.1.2 Orders.** The building official shall issue all orders in accordance with section 109 to ensure compliance with this code.

**104.2.1.3 Inspections.** If the plans for the erection, construction, repair, alteration, relocating, or equipment of a building are subject to

inspection by the building official, under section 108, the building official shall cause to be made such inspections, investigations, and determinations as are necessary to determine whether or not the work which has been performed and the installations which have been made are in conformity with the approved construction documents.

**Exception:** Special inspections required under section 1704.

**104.2.1.4 Department records.** The building official shall keep official records of applications received, certificate of plan approvals issued, notices and orders issued, certificates of occupancy, and other such records required by the rules of the board of building standards. Such information shall be retained in the official permanent record for each project. One set of approved construction documents shall be retained by the building official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by document retention regulations.

**104.2.2 Plans Examiners.** A plans examiner is responsible for the examination of construction documents in accordance with section 107, within the limits of their certification, to determine compliance with the rules of the board. All plan examiners shall effectively communicate the results of their plan review to the owner or the owner's representative and the building official. A plans examiner shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner.

**104.2.2.1 Master plans examiner.** A master plans examiner is responsible for the examination of all types of construction documents to determine compliance with the rules of the board, except when the building official examines the construction documents pursuant to section 104.2.1.1.1.

**104.2.2.1.1 Master plans examiner trainee.** A master plans examiner trainee is responsible for the examination of all types of construction documents to determine compliance with the rules of the board under the direct supervision of an individual holding a master plans examiner certification.

**104.2.2.1.2 Electrical plans examiner.** An electrical plans examiner

is responsible for the examination of construction documents related to electrical systems to determine compliance with the rules of the board.

If the department does not have in its employ or under contract persons holding the electrical plans examiner certification, then the examination of the construction documents for compliance with the electrical provisions of the code shall be done by the master plans examiner.

**104.2.2.1.3 Plumbing plans examiner.** A plumbing plans examiner is responsible for the examination of construction documents related to plumbing systems to determine compliance with the rules of the board.

If the department does not have in its employ or under contract persons holding the plumbing plans examiner certification, then the examination of the construction documents for compliance with the plumbing provisions of the code shall be done by the master plans examiner.

**104.2.3 Inspectors.** An inspector is responsible for performing inspections and determining that work, for which they are certified to make inspections, is performed in compliance with the approved construction documents. All inspectors shall inspect the work to the extent of the approval given when construction documents were approved by the building official and for which the inspection was requested. All inspectors shall effectively communicate the results of their inspections as required by section 108, and shall conduct themselves in a professional, courteous, impartial, responsive, and cooperative manner.

**104.2.3.1 Building inspector.** A building inspector is responsible to determine compliance with the approved construction documents in accordance with section 108.

A building inspector trainee is designated to determine compliance with approved construction documents, in accordance with section 108, under the direct supervision of an individual holding a building inspector certification.

**104.2.3.2 Plumbing inspector.** A plumbing inspector is responsible to determine plumbing system compliance with approved construction documents in accordance with section 108.

A plumbing inspector trainee is designated to determine plumbing system compliance with approved construction documents, in accordance with section 108, under the direct supervision of an individual holding a plumbing inspector certification.

**104.2.3.3 Electrical safety inspector.** An electrical safety inspector is responsible to determine electrical systems compliance with approved construction documents in accordance with section 108.

An electrical safety inspector trainee is designated to determine electrical systems compliance with approved construction documents, in accordance with section 108, under the direct supervision of an individual holding an electrical safety inspector certification.

**104.2.3.4 Elective inspectors.** Building departments may elect to employ inspectors designated as responsible for determining that work, for which they are certified, to make inspections is performed in compliance with approved construction documents.

**104.2.3.4.1 Mechanical inspector.** A mechanical inspector is responsible to determine compliance with the approved construction documents for heating, ventilating and air conditioning (HVAC) systems, and the associated refrigeration, fuel gas, and heating piping systems in accordance with section 108.

If the department does not have in its employ or under contract persons holding the mechanical inspector certification, then the enforcement of the mechanical provisions shall be done by the building inspector;

A mechanical inspector trainee is designated to determine compliance with the approved construction documents for heating, ventilating and air conditioning (HVAC) systems, and the associated refrigeration, fuel gas, and heating piping systems, in accordance with section 108, under the direct supervision of an individual holding a mechanical

inspector certification.

**104.2.3.4.2 Fire protection inspector.** A fire protection inspector is responsible to determine compliance with approved construction documents for fire protection systems (automatic sprinkler systems, alternative automatic fire-extinguishing systems, standpipe systems, fire alarm and detection systems, and fire pumps) in accordance with section 108.

If the department does not have in its employ or under contract persons holding the fire protection inspector certification, then the enforcement of the fire protection provisions shall be done by the building inspector.

**104.2.3.4.3 Medical gas piping inspector.** A medical gas piping inspector is responsible to determine compliance with approved construction documents for non-flammable medical gas, medical oxygen, and medical vacuum systems in accordance with section 108.

If the department does not have in its employ or under contract persons holding a medical gas piping inspector certification, then all enforcement of medical gas piping systems shall be deferred to either of the following: the local health district when that district requests to enforce those piping systems and the district has employed or hired under contract a person holding the medical gas piping inspector certification; or the superintendent of the division of industrial compliance in the department of commerce.

**104.2.4 Liability.** Liability of certified building department personnel for any tortious act will be determined by Ohio courts to the applicable provisions of Chapter 2744. of the Revised Code.

**104.3 Certified boards of building appeals duties and responsibilities.** Before performing its duties, a jurisdiction wishing to establish a local board of building appeals shall receive certification by the board of building standards as required in section 103.14.

**104.3.1 Powers, local boards of building appeals.** Certified municipal and county boards of building appeals shall hear and decide the adjudication

hearings referred to in section 109.1 within the jurisdiction of and arising from orders of the local building official in the enforcement of Chapters 3781. and 3791. of the Revised Code and rules adopted thereunder. The orders may be reversed or modified by the board if it finds:

1. The order contrary to such laws or rules;
2. The order contrary to a fair interpretation or application thereof; or
3. That a variance from the provisions of such laws or rules, in a specific case, will not be contrary to the public interest where literal enforcement of such provisions will result in unnecessary hardship.

104.3.2 State board of building appeals. The Ohio board of building appeals shall conduct the adjudication hearings in political subdivisions without certified boards or without contracts with certified boards.

104.3.3 Materials. A certified board of building appeals may not prohibit the use of materials or assemblages authorized for statewide use by the board of building standards pursuant to section 3781.12 of the Revised Code.

### Section 105 Approvals

105.1 Approvals required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, or change the occupancy of a building or structure, or portion thereof, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing system, other building service equipment, or piping system the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required approval.

105.1.1 Nonconformance approval. When construction documents are submitted which do not conform with the requirements of the rules of the board, such documents may be approved by the building official provided such nonconformance is not considered to result in a serious hazard and the owner or owner's representative subsequently submits revised construction documents showing evidence of compliance with the applicable provisions of the rules of the board. In the event such construction documents are not

received within thirty days, the building official shall issue an adjudication order revoking the plan approval.

**105.1.2 Conditional approval.** When construction documents are submitted which cannot be approved under the other provisions of this rule, the building official, may at the request of the owner or owner's representative, issue a conditional plan approval when an objection to any portion of the construction documents results from conflicting interpretations of the code, or compliance requires only minor modifications to the building design or construction. No conditional approval shall be issued where the objection is to the application of specific technical requirements of the code or correction of the objection would cause extensive changes in the building design or construction. A conditional approval is a conditional license to proceed with construction or materials up to the point where construction or materials objected to by the agency are to be incorporated into the building. The conditions objected to shall be in writing from the building official which shall be an adjudication order denying the issuance of a license and may be appealed in accordance with section 3781.19 of the Revised Code. In the absence of fraud or a serious safety or sanitation hazard, all items previously examined shall be conclusively presumed to comply with Chapters 3781. and 3791. of the Revised Code and the rules of the board. Reexamination of the construction documents shall be limited to those items in the adjudication order. A conditional plan approval is not a phased plan approval.

**105.1.3 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful approval has previously been issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within one year of the approval of construction documents. One extension shall be granted for an additional year if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of any fee not to exceed one hundred dollars. If, after the start of construction, work is delayed or suspended for more than six months, the approval is invalid. Two extensions shall be granted for six months if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of any fee for each extension not to exceed one hundred dollars.

**105.1.4 Phased approval.** The building official shall issue an approval for the construction of foundations or any other part of a building, structure, or

building service equipment before the construction documents for the whole building, structure or building service equipment have been submitted, provided that adequate information and detailed statements have been filed complying with applicable requirements of this code. The holder of such approval for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that an approval for the entire structure will be granted. Such approvals shall be issued for various stages in the sequence of construction provided that all information and data required by the code for that portion of the building or structure has been submitted. The holder of a phased plan approval may proceed only to the point for which approval has been given.

**105.1.5 Annual approval.** In lieu of an individual approval for each alteration to an existing electrical, gas, mechanical, plumbing, or piping installation, the building official may issue an annual approval upon application to any person, firm or corporation regularly employing individuals holding the related board certification in the building, structure or on the premises owned or operated by the applicant for the approval.

**105.1.5.1 Annual approval records.** The person to whom an annual approval is issued shall keep a detailed record of alterations made under such annual approval. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. These records shall include the applicable construction documents in accordance with section 106.1.

**105.2 Validity of approval.** The construction, erection, and alteration of a building, and any addition thereto, and the equipment and maintenance thereof, shall conform to required plans which have been approved by the building official, except for minor deviations which do not involve a violation of the rules of the board. In the absence of fraud or a serious safety or sanitation hazard, any structure built in accordance with approved plans shall be conclusively presumed to comply with Chapters 3781. and 3791. of the Revised Code and the rules of the board.

**Exception:** Industrialized units shall be constructed to conform to the plans approved by the board.

**105.3 Expiration.** The approval of plans or drawings and specifications or data

in accordance with this rule is invalid if construction, erection, alteration, or other work upon the building has not commenced within twelve months of the approval of the plans or drawings and specifications.

One extension shall be granted for an additional twelve-month period if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of a fee not to exceed one hundred dollars.

**105.4 Extension.** If in the course of construction, work is delayed or suspended for more than six months, the approval of plans or drawings and specifications or data is invalid. Two extensions shall be granted for six months each if requested by the owner at least ten days in advance of the expiration of the approval and upon payment of a fee for each extension of not more than one hundred dollars.

**105.5 Certificate of plan approval.** After plans have been approved in accordance with section 107, the building official shall furnish the owner/applicant a certificate of plan approval.

**105.5.1 Content.** The form of the certificate shall be as prescribed by the building official and shall show the serial number of the certificate, the address at which the building or equipment under consideration is or is to be located, the name and address of the owner, the signature of the building official who issued the certificate, and such other information as is necessary to facilitate and ensure the proper enforcement of the rules of the board.

**105.5.2 Duplicate issued upon request.** Upon application by the owner, the building official shall issue a duplicate certificate of plan approval to replace a lost or destroyed original.

## **Section 106** **Construction documents**

**106.1 Submittal documents.** Construction documents, statement of special inspections required and other data shall be submitted in two or more sets with each application for an approval. Before beginning the construction of any building for which construction documents are required under section 105, the owner or the owner's representative shall submit construction documents to the building official for approval. When construction documents have been found to be in compliance with the rules of the board of building standards in accordance

with section 107 by a certified building department, that determination of compliance shall be deemed sufficient to obtain approval for construction pursuant to section 105.2 and the building official shall issue the certificate of plan approval. Construction documents for the installation of industrialized units shall be submitted to the building official for approval in accordance with the provisions of section 106.1.2(2).

**Exception:** No construction documents need be filed with the division of industrial compliance for site installation of industrialized units used exclusively as one-, two-, or three-family dwellings.

**106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be coordinated and of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code. Construction documents, adequate for the scope of the project, shall include information necessary to determine compliance with the building, mechanical, plumbing, fire, electrical, energy, and fuel gas codes such as:

- 1. Index.** An index of drawings located on the first sheet which shall also include all occupancy classification(s), type(s) of construction, the area in gross square feet for each level, the maximum design occupant load, the structural design loads, and the seismic design category and site class;
- 2. Site plan.** A site plan showing a north orientation arrow, the size and location of new construction and all existing structures on the site, all property and interior lot line locations with setback and side yard dimensions and distances from buildings to lot lines, the locations of the nearest streets, the established street grades, the locations, types and sizes of all utility lines, the location of any fences, and the elevations of all proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive

or modify the requirement for a site plan when the application for approval is for alteration or repair or when otherwise warranted.

**2.1 Buildings or structures located in flood hazard areas.** Construction documents submitted for buildings or structures located in communities with identified flood hazard areas, pursuant to section 1612, shall include the current FEMA “Flood Hazard Boundary Map” (FHBM), “Flood Insurance Rate Map” (FIRM) or “Flood Boundary Floodway Map” (FBFM) for the project location. The required site plan shall include building elevations using the same datum as the related flood hazard map. The owner shall be responsible for the compliance with local flood damage prevention regulations for additional critical elevation information for the project site.

**2.2 Site Accessibility Plan.** Information in plan view and details shall be submitted indicating compliance with the accessibility provisions of this code for the exterior of the building in addition to accessible features of the interior. When applicable, the plans shall include: the exterior accessible route between all facilities required to be connected; ramp locations and elevations along the exterior accessible route; number of and details for the required accessible van and car parking spaces and passenger loading areas; location and detail of required accessibility signage; grade/topographic elevations before and after proposed grading when site impracticality is intended to be applied.

**3. Floor plans.** Building configuration layout drawings with all walls and partitions shown including: plans of full or partial basements and full or partial attics and penthouses, grade elevations at the building perimeter, and references to other details and elevations. Floor plans must show all relevant information such as door swings, stairs and ramps, windows, shafts, all portions of the means of egress, plumbing fixtures, built-in fixtures, special equipment, vertical transportation, etc., and shall be sufficiently dimensioned to describe all relevant space sizes. Spaces shall be identified by appropriate code appellations (an "auditorium" may not be identified as a "meeting room" if its attributes indicate that it is an auditorium). The construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces;

- 4. Demolition.** *In the case of demolition, the floor plan shall identify construction to be demolished and the location, arrangement, and dimensions of existing construction that is to remain.*
- 5. Roof plan.** *Roof outline, overall dimensions and dimensions of setbacks, slope of roof, drainage, reference to other details, roof materials, penetrations through roof, and roof-mounted equipment;*
- 6. Exterior elevations.** *Vertical dimensions, floor-to-floor heights, opening heights, references to other details, floor lines, elevations of major elements, grade lines, foundation lines, material indications and notes, symbols for window schedule, gutters, signs and windows, doors, and all other openings.*
- 7. Building sections.** *Vertical dimensions, elevations of the top of structural components and finish floor lines, materials, footings and foundations, reference to other details, ceiling lines, and major mechanical services.*
- 8. Exterior building envelope.** *The exterior envelope shall be described in sufficient detail to determine compliance with this code and the referenced standards. Details shall be provided which describe flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane details around openings, location and type of vapor retarders, window and door “U”-values, and insulation location and “R”-values. The supporting documentation shall fully describe the exterior wall system, which was tested, where applicable, as well as the test procedure used.*
- 9. Wall Sections.** *Face of wall dimensions to other components, vertical dimensions from foundations to parapet relating all elements to top of structural elements, all connection methods, wall, ceiling, floor, foundation, and roof materials and construction details.*
- 10. Interior elevations.** *Vertical dimensions to critical elements, references to other details, openings in walls, wall finishes, built-in*

items, and locations of switches, thermostats, and other wall-mounted equipment.

**11. Schedules.** Information or tables that describe the room finishes, doors, windows, and door hardware and controls. Wall and floor materials shall be described by cross-hatching (with explanatory key), by notation, or by other clearly understandable method.

**12. Structure.** Complete structural description of the building including size and location of all structural elements and a table of live, wind, snow, and seismic loads used in the design of the building and other data as required to fully describe the structural system.

**13. Fire suppression system.** Areas of protection, fire suppression system occupancy hazard classification, and water supply data.

**14. Fire-resistance Ratings.** The fire-resistance ratings of all structural elements as required by this code, data substantiating all required fire-resistance ratings including details showing how penetrations will be made for electrical, mechanical, plumbing, and communication conduits, pipes, and systems, and the materials and methods for maintaining the required structural integrity, fire-resistance rating, and firestopping.

**15. System descriptions.** Complete description of the plumbing, mechanical and electrical systems, including: materials, insulation R-values, general routing and sizes of all piping; location and type of plumbing fixtures and equipment; plumbing schematics and isometrics; materials, insulation "R"-values, general routing and sizes of all ductwork, vents, and louvers; location and type of heating, ventilation, air conditioning, and other mechanical equipment; location and type of all fire alarm, lighting and power equipment; type and size of all electrical conductors.

**16. Operations.** Information shall be provided regarding operations, the types, quantities, and arrangement of flammable, combustible, or hazardous materials proposed to be produced, used, dispensed, or stored in the facility; material safety data sheets for hazardous

materials produced, used, or stored in the facility, the commodity and arrangement of high piled or rack storage, control areas, etc.

**17. Additional information.** Additional graphic or text information as may be reasonably required by the building official to allow the review of special or extraordinary construction methods or equipment.

**106.1.1.1 Fire protection system drawings.** Construction documents shall be approved prior to the start of system installation. Related listing information shall be provided and drawings shall contain all information as required by the installation standards referenced in Chapter 9. The individual installing the fire protection systems, who shall be certified by the state fire marshal pursuant to section 3737.65 of the Revised Code, shall be identified on the drawings. In the event that the listing information is not known or the certified installer is not known at the time of plan examination, conditional plan approval shall be granted subject to subsequent submission of the listing information and the name of the certified installer prior to installation of any part of the fire protection systems.

**106.1.1.2 Special inspections.** Where application is made for construction as described in this section, the owner or the registered design professional in responsible charge acting as the owner's agent shall identify those special inspections needed during construction on the types of work listed under section 1704.

**106.1.2 Special provisions.** The following are special provisions:

**1.** When construction includes the use of industrialized units or alternative materials, designs and methods of construction or equipment approved by the board, documentation shall be provided to the building official describing how they are to be used. Before these items are installed or used, the following shall be submitted:

**1.1** A copy of the construction documents approved by the board; and

**1.2** Details pertaining to on-site interconnection of modules or assemblies.

**Exception:** When construction includes the use of industrialized

units for one-, two-, and three- family dwellings and their accessory structures, the documents shall be provided to the residential building official. If no residential department is certified in a jurisdiction, construction documents for one-, two-, or three-family dwellings comprised of industrialized units are not required to be submitted for approval.

2. Construction documents submitted that include construction of public swimming pools shall include documentation indicating approval of the pool construction documents by the Ohio department of health in accordance with section 3109.1.1 of the "OBC".
3. Construction documents submitted that include alterations or construction of, or additions to buildings where sales, display, storage or manufacture of consumer fireworks, 1.4g or display fireworks, 1.3g shall include documentation indicating that the applicant has received preliminary approval for construction issued by the state fire marshal.
4. The elevation certification provided by a registered surveyor and dry floodproofing certification, when required in section 1612.5 for buildings or structures located in communities with identified flood hazard areas, shall be submitted to the building official.
5. When a certified building department receives an application for plan approval in a jurisdiction in which the local fire official has requested an opportunity to provide input to the certified building department on issues related to fire protection, the building official shall require that the applicant provide a set of relevant construction documents for the local fire official. The building official shall evaluate the local fire official's comments related to fire protection provisions of this code that are received within the timeframe established by the building official and section 3791.04 of the Revised Code prior to issuing the plan approval certification.

**106.2 Evidence of responsibility.** Required construction documents, when submitted for review as required under section 107, shall bear the identification of the person primarily responsible for their preparation.

**106.2.1 Seal requirements.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the approval application a registered design professional who shall act as the registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by section 1709, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. See also duties specified in section 1704.

Construction documents shall bear the seal of a registered design professional pursuant to section 3791.04 of the Revised Code.

**Exception:** The seal of a registered design professional is not required on construction documents for:

1. Buildings or structures classified as one-, two-, or three-family dwellings and accessory structures;
2. Energy conservation design for buildings or structures classified as one-, two-, or three-family dwellings;
3. Fire protection system designs submitted under the signature of an individual certified in accordance with section 107.4.4;
4. Installation of replacement devices, equipment or systems that are equivalent in type and design to the replaced devices, equipment or systems; and
5. Alterations, construction or repairs to 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 the proposed work does not involve

the technical design analysis of work affecting public health or general safety in the following areas: means of egress, structural, mechanical, electrical, plumbing, or fire protection.

**5.1** For the purpose of this exception, technical design analysis is defined as the development of integrated solutions using analytical methods in accordance with established scientific and engineering principles.

**106.3 Amended construction documents.** If substantive changes to the building are contemplated after first document submission, or during construction, those changes must be submitted to the building official for review and approval prior to those changes being executed. The building official may waive this requirement in the instance of an emergency repair, or similar instance.

**106.4 Alternative materials and methods of construction and equipment.** For approval of a device, material or assembly that does not conform to the performance requirements in this code, section 114 shall apply.

**106.5 Alternative engineered design.** The design, documentation, inspection, testing and approval of an alternative engineered system shall comply with sections 106.5.1 to 106.5.3 of this rule.

**106.5.1 Design criteria.** An alternative engineered design shall conform to the intent of the provisions of this code and shall provide an equivalent level of quality, strength, effectiveness, fire resistance, durability and safety. Materials, equipment or components shall be designed and installed in accordance with the manufacturer's installation instructions.

**106.5.2 Submittal.** The registered design professional shall indicate on the application that the system is an alternative engineered design. The approval and permanent approval records shall indicate that an alternative engineered design was part of the approved installation. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**106.5.3 Technical data.** The registered design professional shall submit sufficient technical data to substantiate the proposed alternative engineered design and to prove that the performance meets the intent of this code.

**Section 107**  
**Plan approval process**

**107.1 Plan review required.** *Where the rules of the board are applicable under section 101.2, before a building or addition to a building is constructed or erected, and before a building is altered or relocated, or building equipment is installed, or there is a change of occupancy, or a resubmission of construction documents is required or received, construction documents relating to the work and equipment under consideration shall be prepared in conformity with section 106 and be submitted to the building department for examination and approval.*

**107.2 Application for plan approval.** *To obtain a plan approval, the owner or the owner's representative shall first file an application in writing on a form furnished by the building department for that purpose. Such application shall:*

- 1.** *Identify and describe the work to be covered for which application is made for approval.*
- 2.** *Describe the land on which the proposed work is to be done, street address or similar description that will readily identify and locate the proposed building or work.*
- 3.** *Indicate the use and occupancy(ies) for which the proposed work is intended.*
- 4.** *Be accompanied by construction documents and other information as required in section 106.3.*
- 5.** *Be signed by the owner, or the owner's authorized agent.*
- 6.** *Give such other data and information as required by the building official.*

**107.2.1 Time limitation of application.** *The approval of plans under this section is a "license" and the failure to approve such plans as submitted within thirty days after filing or the disapproval of such plans is an "adjudication order denying the issuance of a license" requiring the opportunity for an "adjudication hearing" as provided by sections 119.07 to 119.13 of the Revised Code and as modified by sections 3781.031 and 3781.19 of the Revised Code. In accordance with section 109, an*

adjudication order denying the issuance of a license shall specify the reasons for such denial.

If construction documents have been reviewed for compliance with the rules of the board, an adjudication order has been issued to the owner and the owner's representative, and the owner has neither exercised the right to appeal pursuant to section 110 nor resubmitted corrected documents, the application is invalid six months from the date of the issuance of the adjudication order.

**107.3 Order of plan review.** Construction documents submitted for approval shall be examined for compliance with the rules of the board in the order received, unless otherwise consented to by the building owners affected by deferred examination.

**107.4 Review of plans.** When construction documents have been submitted to the building department for review and approval, the building official shall cause the construction documents to be examined for compliance with the rules of the board by assigning the examination duty to an appropriately certified plans examiner. The plans examiner shall first determine whether the construction documents are adequate as required in section 106. If so, the plans examiner shall examine the construction documents to determine compliance with the rules of the board.

**107.4.1 Inadequate construction documents.** If construction documents are determined to be incomplete or inadequate for examination, the plans examiner shall report the findings to the building official. The plans examiner shall examine the construction documents to the extent possible and identify what information from section 106 is missing and needed to complete the required examination. Upon receipt and review of the report, the building official shall proceed as required in section 107.6.

**107.4.2 Resubmitted documents.** If construction documents are resubmitted in response to an adjudication order, the review for compliance shall be limited to determining that the item of non-compliance, and any work affected, has been corrected and shall not be deemed to authorize another review of unmodified construction documents previously determined to comply.

**107.4.3 Sealed construction documents.** *Construction documents which have been prepared by an Ohio registered design professional who prepared the same as conforming to the requirements of the rules of the board pertaining to design loads, stresses, strength, and stability, or other requirements involving technical analysis, need be examined only to the extent necessary to determine conformity of such construction documents with other requirements of the rules of the board.*

**107.4.4 Fire protection system construction documents.** *Construction documents for fire protection systems authorized to be submitted by individuals certified pursuant to Chapter 4101:2-87 of the Administrative Code shall:*

- 1.** *When submitted under the signature of an individual certified under section 3781.105 of the Revised Code, be processed in the same manner as construction documents submitted under the signature of a registered design professional. Any statistical data, reports, explanations, plan description, or information that would not also be required for a similar submission by a registered design professional need not be submitted by a certified designer.*
- 2.** *If certified by a registered design professional or individual certified under section 3781.105 of the Revised Code as conforming to requirements of the rules of the board pertaining to design loads, stresses, strength, stability, or other requirements involving technical analysis, be examined by the building department official only to the extent necessary to determine conformity of such construction documents with other requirements adopted by the board under Chapters 3781. and 3791. of the Revised Code.*

**107.5 Plan review, compliance with rules of the board.** *If the construction documents are determined to comply with the rules of the board, the plans examiner shall communicate the findings and recommend the conditions and type of approval to the building official.*

**107.5.1 Building official approval.** *The building official shall evaluate the*

plans examiner's recommendations and any communications received from the fire official as described in section 106.1.2. When the construction documents have been determined to conform to the applicable provisions of the rules of the board, the building official shall endorse or stamp such plans as approved and issue the certificate of plan approval in accordance with section 105.5.

**107.5.2 Posting.** The certificate of plan approval shall be posted in a conspicuous location on the site. The owner and the contractor shall preserve and keep the certificate posted until the final inspections have been completed.

**107.6 Plan review, items of noncompliance.** When the construction documents are examined and items of noncompliance with the rules of the board are found by the plans examiner, the building official shall proceed as required in either section 107.6.1 or section 107.6.2.

**107.6.1 Communication process for items of non-compliance.**

1. Item(s) of non-compliance shall be communicated to the owner or the owner's representative and offer the following options:
  - 1.1. The owner will revise the drawings and resubmit to the department.
  - 1.2 The items of noncompliance will not be brought into compliance and will be referred to the building official as indicated in item 4 below.
2. The owner or the owner's representative shall indicate which option (item 1 above) will be exercised.
3. Notations of the communication shall be made on a plan review record. The notations shall include the plans examiner's name, the date of the communication with the owner or the owner's representative, the observed items of noncompliance, the code citation related to the item(s) of noncompliance, the action necessary to correct the item(s) of noncompliance, the option chosen by the owner or the owner's representative, the name of the person communicated with, and the estimated dates of compliance and resubmission, if applicable.
4. If the owner or the owner's representative indicates that the work will not be brought into compliance with the rules of the board or requests an

adjudication order, the plans examiner shall report to the building official in accordance with section 107.6.2.

**107.6.2 Building official determination of noncompliance.** The building official shall evaluate the plans examiner's report and any reports received from the fire official as described in section 106.1.2 and render a final determination as to whether the items of non-compliance are to be communicated to the owner in the form of an adjudication order complying with section 109. The building official shall also determine whether any approvals are possible, and issue the appropriate approval as described in section 105.

**107.7 Approved construction document sets.** One set of approved construction documents shall be kept by the building official. The other set(s) shall be returned to the applicant, kept at the work site, along with manufacturers' installation instructions and product information, and shall be available for use by the inspector.

## **Section 108** **Inspection process**

**108.1 General.** After construction documents have been approved, construction or work may proceed in accordance with the approved documents. Construction or work for which an approval is required shall be subject to inspection by the building official. It shall be the duty of the owner or the owner's duly authorized representative to notify the building department when work is ready for inspection. Access to and means for inspection of such work shall be provided for any inspections that are required by this code.

It shall be the duty of the owner or the owner's authorized representative to cause the work to remain accessible and exposed for inspection purposes. Such construction or work shall remain accessible and exposed for inspection purposes until the work has been inspected to verify compliance with the approved construction documents, but failure of the inspectors to inspect the work within four days, exclusive of Saturdays, Sundays, and legal holidays, after the work is ready for inspection, allows the work to proceed.

Subsequent work is allowed to proceed only to the point of the next required inspection.

**108.2 Required inspections.** *At the time that the certificate of plan approval is issued, the building official shall provide, to the owner or the owner's representative, a list of all required inspections for each project. The required inspection list shall be created from the applicable inspections set forth in sections 108.2.1 to 108.2.14. The building official, upon notification from the owner or the owner's agent that the work is ready for inspection, shall cause the inspections set forth in the required inspection list to be made by an appropriately certified inspector in accordance with the approved construction documents.*

**108.2.1 Lot line markers required.** *Before any work is started in the construction of a building or an addition to a building to which the rules of the board are applicable under section 101.2, all boundary lines shall be clearly marked at their intersections with permanent markers or with markers which are offset at a distance which is of record with the owner.*

**108.2.2 Footing or foundation inspection.** *Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with "ASTM C 94", the concrete need not be on the job.*

**108.2.3 Concrete slab and under-floor inspection.** *Concrete slab and under-floor inspections shall be made after in-slab and under-floor reinforcing steel and building service equipment, conduit, insulation, vapor retarder, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.*

**108.2.4 Lowest floor elevation.** *The elevation certification required in section 1612.5 shall be submitted to the building official.*

**108.2.5 Frame inspection.** *Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.*

**108.2.6 Lath or gypsum board inspection.** *Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and*

exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

**Exception:** Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

**108.2.7 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

**108.2.8 Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 of the "OBC" and shall include, but not be limited to, inspections for: envelope insulation "R" and "U" values, fenestration "U" value, duct system "R" value, infiltration air barriers, caulking/sealing of openings in envelope and ductwork, and "HVAC" and water heating equipment efficiency.

**108.2.9 Building services equipment inspections.** Inspections shall be made of all building services equipment to ensure that it has been installed in accordance with the approved construction documents, the equipment listings, and the manufacturer's installation instructions. Inspections shall include, but not be limited to, inspections for the following systems and their associated components: mechanical heating and ventilating systems, mechanical exhaust systems, plumbing systems, fire protection systems, and electrical systems.

**108.2.10 Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code.

Where applications are submitted for projects of unusual magnitude of construction, the building official may require inspections or full-time project representation by a registered design professional or inspection agency. This inspector/project representative shall keep daily records and submit reports as required by the building official.

**Exception:**

Where the building official requires full-time project inspection, the installation of a fire protection system may be inspected by a person certified

under section 3781.105 of the Revised Code. The person shall be certified in the appropriate subfield of fire protection systems being inspected – automatic sprinkler, fire alarm, or special hazards systems design.

**108.2.11 Special inspections.** For special inspections, see section 1704.

**108.2.12 Final inspection.** The final inspection shall be made after all work required by the plans approval is completed.

**108.2.13 Industrialized unit inspections.** Approved industrialized units and the on-site construction to complete the installation of the industrialized units shall be inspected. Such inspections shall include:

- 1. Connection to on-site construction, interconnection of modules, connection to utilities. The inspections and conducting of required tests shall not require the destruction or disassembly of any factory-constructed component authorized by the board.**
- 2. Inspection of the unit for damage resulting from transportation, improper protection of exposed parts from inclement weather or other causes. Damage shall be repaired as required by the building official to comply with the applicable provisions of the rules of the board;**
- 3. Inspection of the unit to determine if it is marked by an insignia furnished by the board; and**
- 4. Inspect the unit to determine if the floor plan, exterior elevations, and exposed details are in conformance with the plans approved by the board.**

**108.3 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided such agencies are approved in accordance with the rules of the board of building standards.

**108.4 Right of entry.** The building official, or the building official's designee, is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that credentials are presented to the occupant and that entry is requested and obtained. Where permission to enter has not been obtained, is denied, or the building official has probable cause to believe that there exists in a structure or upon a premises a condition which is a serious hazard, the building official shall have recourse to the remedies provided by law to secure entry.

**108.5 Inspections, compliance with construction documents.** When an inspector from the department having jurisdiction finds that completed work is in accordance with the approved construction documents, the inspector shall communicate the findings to the owner's on-site representative and shall make a note of the satisfactory inspection on an on-site inspection record and in the inspector's log.

**108.6 Inspections, observation of violations, unsafe conditions, or serious hazards.** When an inspector from the department having jurisdiction finds that any work in connection with the location, erection, construction, repair, alteration, moving, or equipment of a building is contrary to the approved construction documents for the same, the building official shall proceed as required in either section 108.6.1 or 108.7.

**108.6.1 Communication process for work contrary to approved construction documents.**

1. Communicate the nature of the differences to the owner or the owner's on-site representative and offer the following options
  - 1.1 The owner will bring the item of noncompliance into compliance.
  - 1.2 The owner will revise the drawings and resubmit to the department.
  - 1.3 The items of noncompliance will not be brought into compliance and will be referred to the building official as indicated in item 4 below.
2. The owner or the owner's on-site representative shall indicate which option (item 1 above) will be exercised
3. Notations on the on-site inspection record and in the inspector's log shall be made. The notations shall include the inspector's name, the date of the inspection, the type of inspection, the observed items of noncompliance, the option chosen by the owner or the owner's on-site representative, the name of the person communicated with, and the estimated dates of compliance and follow-up inspections, if applicable.
4. If the owner or the owner's on-site representative indicates that the work will not be brought into compliance with the approved construction documents, the inspector shall submit a report to the

building official for the final determination of noncompliance in accordance with section 108.7.

**108.6.2 Observation of violations not shown on plans.** If an inspector, in the course of performing the assigned or requested inspections, observes a code violation that was either shown incorrectly or not adequately addressed or detailed in the approved construction documents, the inspector shall communicate the finding to the building official so that the building official can make a determination of whether the code violation is of such significance to warrant communicating the finding to the owner or the owner's representative as a recommended change.

**108.6.3 Observation of unsafe conditions or serious hazards.** If an inspector, in the course of performing the assigned or requested inspections, observes an unsafe condition or a serious hazard, the inspector shall communicate that condition to the owner or the owner's on-site representative and shall report the findings immediately to the building official so that the building official can make a final determination of whether the violation constitutes a serious hazard which requires the issuance of an adjudication order as required in section 109.

**108.6.4 Industrialized units, observations of noncompliance.** When an inspector from the department having jurisdiction finds that an industrialized unit has been constructed contrary to the plans approved by the board, the inspector shall report the nonconformance to the building official. The building official shall notify the board of all violations of section 108.2.13. The board or its designee and the building official shall determine the corrective action to be taken before the building is approved to be occupied.

**108.7 Building official determination of noncompliance.** The building official shall evaluate the inspector's report and render a final determination as to whether the items of non-compliance are to be communicated to the owner in the form of an adjudication order complying with section 109. The building official shall also determine whether any approvals are possible.

**108.8 Testing of building service equipment.** Building service equipment shall be tested as required in the applicable code or referenced standard. Advanced notice of the test schedule shall be given to the building official. The building

official may require that the tests be conducted in the presence of the building official or certified inspector. Testing and inspection records shall be made available to the building official or inspector, upon request, at all times during the fabrication of the systems and the erection of the building.

**108.8.1 New, altered, extended or repaired systems.** New systems and parts of existing systems, which have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose leaks and defects.

**108.8.2 Apparatus, material and labor for tests.** Apparatus, material and labor required for testing a system or part thereof shall be furnished by the owner or the owner's representative. Required tests shall be made by the owner and shall be conducted at the expense of the owner or the owner's representative.

**108.8.3 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the inspector shall proceed as outlined in section 108.6.

**108.9 Inspections, completion.** When all of the required successive inspections have been satisfactorily completed and the inspectors have verified compliance with the approved construction documents, the inspectors shall communicate their findings to the building official. The building official, after review of the findings, shall issue the certificate of occupancy as described in section 111.

## **Section 109** **Orders, Violations, and Unsafe Buildings**

**109.1 Adjudication orders required.** When the building official denies any approval or takes action in response to findings of non-compliance, such action shall be initiated by issuing an adjudication order, prior to seeking any remedy, civil or criminal. Every adjudication order shall:

- 1.** Clearly identify the section of law or rules violated;
  - 1.1** Clearly identify, in a contrasting and obviously marked manner, all violations related to accessibility.

2. Specifically indicate which detail, installation, site preparation, material, appliance, device, addition, alteration to structures, construction documents, assemblages or procedures are necessary to change to comply with the order;

2.1 When issued to stop work, the order shall also clearly indicate the specific work that is required to cease, when the work must cease and the conditions under which the cited work will be permitted to resume. The order to stop work shall be given to the owner of the property involved, to the owner's agent and the person doing the work.

3. Include notice of the procedure for appeal and right to a hearing if requested within thirty days of the mailing of the order. The order shall also indicate that, at the hearing, the owner may be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against the owner;

3.1 Any hearing(s) scheduled for accessibility issues shall cause the building official or the appeals board to notify a local advocate organization for people with disabilities of the scheduled hearing. When a local advocate organization is not available, a state organization representing people with disabilities, such as the "Governor's Council on People with Disabilities" shall be notified;

4. Specify a reasonable period of time in which to bring the item(s) on the order into compliance;

5. Include the signature of the building official;

6. The order shall be sent by certified mail, return receipt requested, to the owner and any individual designated as a representative or agent by the owner in such matters.

109.2 Response to orders. The person receiving an order shall exercise their right to appeal within 30 days of the mailing of the order, comply with the order, or otherwise be released from the order by the building official.

109.3 Prosecution and penalties. When an owner fails to comply with section 109.2, the owner may be prosecuted and is subject to a fine of not more than five hundred dollars as provided for in section 3791.04 of the Revised Code.

**109.3.1 Unlawful continuance.** Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

**109.4 Unsafe buildings.** Structures or existing equipment that are unsafe or unsanitary due to inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life, shall be deemed a serious hazard. Where a building is found to be a serious hazard, such hazard shall be eliminated or the building shall be vacated, and where such building, when vacated, remains a serious hazard, it shall be razed.

**109.4.1 Orders, injunction proceedings.** Where the building official finds that a building is a serious hazard and the owner of such building fails, in the time specified in an order from the building official, to eliminate such hazard, or to vacate or raze the building, the building official shall proceed under section 3781.15 of the Revised Code.

**109.4.2 Restoration.** Where the structure or equipment is determined to be unsafe by the building official, it is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are intended to be made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with Chapter 34 and this chapter.

## **Section 110** **Appeals**

**110.1 Hearing and right of appeal, local board of building appeals.** Adjudication hearings shall be in accordance with sections 119.09 to 119.13 of the Revised Code, as required by section 3781.031 of the Revised Code, and the following:

- 1.** Requests for hearing shall be within thirty days of the mailing date of an adjudication order. The local board shall schedule a hearing and notify the party. If the hearing concerns section 3781.111 of the Revised Code or rules adopted thereunder, reasonable notice of time, date, place, and subject of the hearing shall be given to any local organization composed of or representing persons with disabilities, as defined in section 3781.111 of the Revised Code,

or if there is no local organization, then to any statewide organization composed of or representing persons with disabilities.

- 1.1 For purposes of conducting adjudication hearings, the local board may require attendance of witnesses, production of records and papers, and may take depositions of witnesses in accordance with section 119.09 of the Revised Code.
- 1.2 Testimony shall be under oath and, as outlined in section 109.1, a stenographic or mechanical record of testimony and other evidence submitted shall be taken at the expense of the local board of building appeals.
- 1.3 The local board may postpone or continue any adjudication hearing on its own motion or upon the application of any party.
- 1.4 The board shall keep a full and complete record of all proceedings which shall be open to public inspection.
2. The Board shall render its decision within thirty days after the hearing.
3. Following the hearing, an order shall be entered on its journal, and the local board shall serve by certified mail, return receipt requested, upon the party affected thereby, a certified copy of the order and a statement of the time and method by which an appeal may be perfected. A copy of the order shall be mailed to the attorney or other representatives of record representing the party.
4. Any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of building appeals, may apply to the state board of building appeals for a de novo hearing, or may appeal to the court of common pleas of the county in which he is a resident or in which the premises affected by such order is located.
5. In addition, when the adjudication hearing concerns section 3781.111 of the Revised Code, or any rule made thereunder, any local organization composed of or representing persons with disabilities, or if no local organization exists,

then any statewide organization representing persons with disabilities may file appeals as indicated in paragraph 4. of this section.

- 6.** Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.

### **Section 111** **Certificate of occupancy**

**111.1 Approval required to occupy.** No building or structure, in whole or in part, shall be used or occupied until the building official has issued an approval in the form of a certificate of occupancy. The certificate of occupancy shall indicate the conditions under which the building shall be used. The building owner shall only use the structure in compliance with the certificate of occupancy and any stated conditions. The structure and all approved building service equipment shall be maintained in accordance with the approval. When a building or structure is entitled thereto, the building official shall issue a certificate of occupancy.

**111.1.1 New buildings.** A building or structure erected shall not be used or occupied, in whole or in part, until the certificate of occupancy has been issued by the building official.

**111.1.2 Building alterations or additions.** A building or structure enlarged, extended or altered, in whole or in part, shall not be occupied or used until a certificate of occupancy has been issued. Occupancy of spaces within a building which are unaffected by the work of alteration shall be allowed to continue if the building official determines the existing spaces can be occupied safely until the completion of the alteration.

**111.1.3 Change in occupancy.** Changes in occupancy of an existing structure shall not be made except as specified in Chapter 34. A building or structure hereafter changed, in whole or in part, from one occupancy to another shall not be occupied for the new occupancy until the certificate of occupancy has been issued by the building official reflecting such changed portions. Existing occupancy of spaces within the building which are unaffected by the change of occupancy and any related alterations shall be allowed to continue if the building official determines the existing spaces can be occupied safely until the completion of the alterations.

**111.1.4 Partial occupancy.** Upon the request of the owner or owner's representative, a building official shall issue a certificate of occupancy before the completion of the entire work, provided that the building official determines that the space can be safely occupied prior to full completion of the building, structure, or portion without endangering life or public welfare. The certificate shall indicate the extent of the areas approved for occupancy and any time limits for completion of the work.

**111.1.5 Time-limited occupancy.** A building or structure hereafter changed in part from one occupancy to another for a limited time may receive a certificate of occupancy reflecting that time-limited occupancy provided:

1. There are no violations of law or orders of the building official pending;
2. It is established after inspection and investigation that the proposed use is not deemed to endanger public safety and welfare safely;
3. The building official has approved the use for an alternative purpose on a temporary basis;
4. The building official has issued a certificate of occupancy indicating any special conditions under which the building or part of the building can be used for the alternative purpose within the time limit specified.

**111.1.6 Temporary structures occupancy.** A building intended to be erected, placed and used for a period of time not to exceed one hundred eighty days that has been determined by the building official to be in compliance with section 102.7 shall be issued a "Certificate of Occupancy for Temporary Structures." The building official is authorized to grant extensions for demonstrated cause.

**111.2 Existing buildings.** Upon written request from the owner of an existing building or structure, the building official shall issue a certificate of occupancy, provided there are not violations of law or orders of the building official pending, and it is established after inspection and investigation that the alleged occupancy of the building or structure has previously existed. This code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare.

**111.3 Certificate issued.** The certificate shall certify compliance with the provisions of this code, Chapters 3781. and 3791. of the Revised Code, and the purpose for which the building or structure may be used in its several parts. The certificate of occupancy shall contain the following:

1. The plan approval application number.
2. The address.
3. A description of that portion of the structure for which the certificate is issued.
4. The signature of all building officials having jurisdiction. When more than one building official has jurisdiction for a building (when the certification of the building department is limited for such systems as plumbing or piping systems) each shall sign the certificate of occupancy with an indication of the scope of their individual approvals.
5. The edition of the code under which the plan approval was issued.
6. The use and occupancy, in accordance with the provisions of Chapter 3.
7. The type of construction as defined in Chapter 6.
8. The design occupant load.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. The hazard classification or storage configuration, including aisle widths, for which the automatic sprinkler system is designed.
11. The automatic sprinkler and standpipe system demand at the base of the riser.
12. Any special stipulations and conditions of the plan approval including any variances granted to the requirements of this code.

**111.4 Validity of a certificate of occupancy.** The certificate of occupancy represents an approval that is valid only when the building or structure is used as

approved and certifies conformance with applicable provisions of the “Ohio Building Code” and Chapters 3781. and 3791. of the Revised Code. The approval is conditioned upon the building systems and equipment being maintained and tested in accordance with the approval, the “Ohio Building Code”, and applicable equipment and systems schedules.

**111.5 Connection of service utilities.** No connections shall be made from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a plan approval and inspections are required, until approved by the building official.

**111.6 Temporary connection.** The building official shall approve the temporary connection of the building or system to the utility source of energy, fuel or power.

## **Section 112** **Changes to the code**

**112.1 Changes, board of building standards.** The board may, on its own motion, in accordance with section 3781.10 of the Revised Code adopt, amend, or rescind rules through the administrative rule process.

**112.2 Changes, applications for.** Any person may apply to the board to adopt, amend, or rescind rules of the board. The application for rule change shall be on forms and in format prescribed by the board. Twelve printed copies of the application shall be filed with the secretary of the board.

**112.3 Processing applications for changes.** When the secretary of the board receives a conforming application for an adoption, amendment, or annulment of a provision of the rules of the board, the secretary shall promptly deliver or mail a copy of the application to each member of the board.

After receiving an application for the adoption, amendment, or annulment of a provision of the rules of the board, the board shall proceed under sections 3781.101 and 3781.12 of the Revised Code.

## **Section 113** **Industrialized units**

**113.1 Industrialized units.** *Industrialized units shall be approved by the board in accordance with the provisions in this section.*

**Exceptions:**

- 1.** *Alternative materials, design and methods of construction and equipment approved by the board in accordance with section 114.2.*
- 2.** *Construction for which the provisions of section 1704 applies. Where panels or components are constructed to include elements not provided for or accounted for in section 1704, then this section shall apply. (For example, engineered gluelam beams, precast concrete panels or welded steel components that have been constructed offsite with electrical or mechanical components in them so that a detailed inspection of the mechanical or electrical components cannot be done on the site of their intended use would be required to comply with this section.)*
- 3.** *Foam plastic insulation conforming to the provisions of section 2603. (However, a foam plastic insulation panel that is constructed, listed and labeled in accordance with section 2603, is required to comply with this section if structural, electrical or other components not covered by section 2603 are enclosed within the panel).*
- 4.** *Materials, devices and products in directories listed in Table 114.3 used for building service equipment systems in accordance with the listing and this code.*

**113.2 Definitions.**

**Closed construction.** *An assembly of materials or products manufactured in such a manner that its structural, plumbing, electrical, environmental control, or fire protection elements or components are concealed and are not readily accessible for inspection at the site of its erection, without disassembly, damage, or destruction. Closed construction includes assemblies where only one of the components is not accessible for inspection. (For example, an equipment enclosure where all the electrical conductors and components are exposed for inspection and its roof and wall panels have exposed structural members but the floor panel structural members are not exposed, would be required to comply with this section.)*

**Industrialized units.** Industrialized units are prefabricated components comprised of closed construction manufactured at a location remote from the site of intended use and transported to a building site for its subsequent use. Industrialized units are not restricted to housing for one-, two-, and three-family dwellings, but includes all prefabricated forms of building elements and assembled construction units, intended for both structural and service equipment purposes in all buildings of all groups. Prefabricated shop assemblies may be shipped in structurally complete units ready for installation in the building structure or in knock-down and packaged form for assembly at the site.

**113.2.1 General terms.** Such terms as heart modules or cores, modules, modulars, service cores, prefabs, sectional or sectionalized, panels or panelized construction, and specific terms including "prefabricated-subassembly, -building, -unit, -unit service equipment" shall be considered industrialized units. They may be self-sufficient or interdependent as a unit or group of units and used together or incorporated with standard construction methods to form a completed structural entity.

**113.3 Application.** The application for approval, including revisions and renewals for existing approvals, shall be submitted to the board together with the fee required in section 113.8 of this chapter. The required information shall be provided as prescribed by the board on its website. Construction documents shall be included in conformity with the applicable provisions of section 106, and shall describe all essential elements of the structure or assembly and details of interconnection of: assemblies; service equipment; electrical wiring; plumbing; mechanical; and any other equipment whether installed at the site or in the manufacturing facility. The design and construction of the units shall be in conformance with the provisions of the Ohio building, mechanical and plumbing codes based on the intended use and/or occupancy type. Industrialized units intended to be used exclusively for one-, two-, or three- family dwellings shall comply with the applicable provisions of the "Residential Code of Ohio for One-, Two-, and Three- Family Dwellings" listed in section 3501.2 or shall meet the provisions of the board's rules applicable to "Group R-3". Only the person holding an approval may apply to the board for a revision or renewal of the approval.

**113.3.1 Manufacturers with facilities outside Ohio.** Each application for

manufacturers with manufacturing facilities outside Ohio shall also identify the individual or agency that will be performing in-plant inspections of the units intended for placement in Ohio. The application shall also include a letter from the designated individual or agency indicating that they have a contractual relationship with the manufacturer to perform the inspections. This letter shall include the name(s) and board certification(s) of the individual(s) who will be assigned to perform the inspections.

**113.3.2 Manufacturers with facilities in Ohio.** Each application for manufacturers with manufacturing facilities in Ohio shall include the same information required in section 113.3.1 or, as an alternative, the manufacturer shall indicate their intention to have the inspections conducted by inspectors designated by the board.

**113.4 Evaluation.** After receipt of the application, the board or such agency designated by the board shall proceed with review of the industrialized unit construction documents and cause such inspections of the manufacturer's quality control processes used to ensure compliance with the rules of the board.

**113.4.1 Tests.** The board shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the board shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the board for the period required for retention of public records.

**113.4.2 Plant evaluations.** An initial plant evaluation inspection shall be required at each plant of manufacture to observe and ensure that the manufacturer's facilities and quality control program maintains acceptable control of materials and processes used in the manufacture of industrialized units to ensure conformance with the approved construction documents. The plant evaluation inspection shall include all subassembly plants supplying the manufacturer, as the board may deem necessary.

**113.5 Approval.** The board, upon determination of compliance, shall issue an approval to the applicant. Industrialized units approved by the board may be used anywhere in Ohio subject to the conditions for their use and application as indicated in the approval.

**113.5.1 Revisions.** *Any changes to board approved construction documents affecting the conditions listed in the approval shall require a revision of the approval.*

**113.5.2 Code changes.** *When any changes to the rules of the board are adopted which affect the use, safety or sanitation of any approved industrialized unit, the holder of the approval shall apply to the board for a revision of the approval. Failure to apply for revision of approvals within the time specified by the board, shall constitute failure to comply with the conditions of the approval.*

**113.5.3 Revocation of approval.** *Upon failure of the holder of an approval to comply with the conditions of the approval and this chapter, the board, on its own motion, shall order a hearing in accordance with section 119.03 of the Revised Code to revoke an existing approval.*

**113.6 Inspections and insignia.** *Each industrialized unit shall be inspected during each phase of the manufacturing process by inspectors certified by the board or such persons designated by the board until inspections demonstrate that the manufacturer's quality control program is capable of assuring that the industrialized units produced are built in accordance with the construction documents approved by the board. When it has been determined that the manufacturer's quality control program is capable of assuring compliance with the board approved construction documents, at least one phase of construction shall be inspected for each unit by an inspector certified or designated by the board.*

**Exception:** *When a manufacturer with manufacturing facilities in Ohio has chosen to have inspections conducted by designees of the board, the inspection frequency shall be based upon the reliability or effectiveness of the manufacturer in maintaining sufficient control of the materials and processes to ensure that the units are constructed in accordance with the approved construction documents.*

*An insignia shall be obtained from the board for each industrialized unit module to be used within the state of Ohio. The insignia shall be affixed to each unit after a determination is made that the unit is constructed in accordance with the construction documents approved by the board, which shall constitute final approval of the unit.*

**113.6.1 Increased inspection.** *When an inspection determines that the quality control program does not sufficiently ensure compliance with the construction documents approved by the board, the certified inspector or person designated by the board shall, by written notification, inform the manufacturer that the inspection frequency will be increased so that each assembly or component affected by the nonconforming item will be inspected. These inspections shall continue until an inspection determines that the manufacturer's control of the materials and processes used is sufficient to ensure that the units are constructed in accordance with the approved construction documents.*

**113.7 Manufacturer responsibility.** *The manufacturer shall maintain responsibility over all work completed in the factory until the unit is approved for first occupancy and shall rectify any deviations from the approved construction documents, which are found either in the field or at the place of manufacture. The manufacturer shall submit to the board such periodic reports, notifications and information as required by board procedures.*

**113.7.1 Document submission to building departments.** *The manufacturer shall ensure that the construction documents approved by the board are presented to the building official in accordance with section 106.1.2(1) before placing the industrialized unit on site.*

**Exception:** *Industrialized units construction documents previously approved by the board and site related construction documents are not required to be submitted to the division of industrial compliance where industrialized units are used exclusively as one-, two, or three family dwellings.*

**113.7.2 Change in personnel.** *Whenever there are changes in company name, ownership, subsidiary status, address or change in the manufacturer's management personnel who are responsible for making policy concerning quality control, the manufacturer shall immediately notify the board, in writing, and the manufacturing plant(s) affected by the change will be subject to a plant evaluation inspection.*

**113.8 Fees.** *All costs associated with industrialized unit approval applications, processing, construction document review, inspections and insignias shall be in*

accordance with sections 113.8.1 to 113.8.5.

**113.8.1 Applications.** Each initial application or revision submittal to the board shall be accompanied by a nonrefundable fees, designated by the board to include: application processing fee; one-hour minimum plan review fee; and other costs, when incurred, such as mailing and check processing.

**113.8.2 Evaluation of construction documents.** All costs of application processing, evaluation of construction documents or other documentation submitted to the board shall be paid by the applicant.

**113.8.3 Plant evaluation and inspection costs.** All costs of plant evaluations and inspections shall be paid by the manufacturer of the unit including travel, food, lodging, and administrative costs.

**113.8.4 Insignias.** The fee for insignia for all assembled modular units manufactured for use in the state of Ohio shall be fifty dollars per unit (any preassembled combination of walls to floor, ceilings, roof, and other such components).

The fee for insignia for all panelized units manufactured for use in the state of Ohio shall be one dollar for each twenty square feet of surface area of preassembled individual components (wall, floor, ceiling or roof sections, and other such components) intended to be shipped to the site and attached to other components at the site of intended use.

**113.8.5 Tests.** Tests required by the board to be performed to determine compliance pursuant to section 113.4.1, shall be conducted at no expense to the board. Costs associated with any required testing or research necessary to provide evidence of compliance shall be the responsibility of the applicant.

## **Section 114** **Products and materials**

**114.1 Approved materials, products, assemblies and methods of construction.** Materials, products, assemblies and methods of construction approved by the building official shall be constructed and installed in accordance with such approval. Materials, devices, products and assemblies listed in directories indicated in Table 114.3 are authorized for use when:

1. Approved by the building official;
2. Installed/used in accordance with the listing;
3. The listing is current; and,
4. The extent of the listing does not include in its scope, elements of design, construction or installation otherwise in conflict with the provisions of this code such as fire-resistance, structural design, etc.

**114.1.1 Definitions.** The following words and terms shall, for the purposes of this section, have the meanings shown herein:

**Assembly.** A preassembled grouping of materials, products and/or devices designed to act as a whole. This does not include industrialized units regulated by section 113.

**Insignia.** A mark or label prescribed in accordance with board procedures.

**Material.** A manufactured form or substance designed to act as a whole.

**Method of construction.** A procedure or system intended to result in a finished building, structure or portion thereof.

**Product.** A material or device designed and manufactured to perform a predetermined function. Appliances, assemblies and equipment are also considered products.

**114.1.2 Used materials and products.** The use of used materials and products which meet the requirements of this code for new materials and products is permitted. Used products and materials shall not be reused unless approved by the building official.

**114.2 Alternative materials, products, assemblies and methods of construction.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any material, product, assembly or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, product or method of construction shall

be approved in accordance with either section 114.2.1 or section 114.2.2.

**Exception:** Industrialized units constructed in accordance with section 113.1 of this chapter.

**114.2.1 Research reports.** Any material, product, assembly or method of construction not specifically provided for in this code, shall have a valid research report from an evaluation service listed in “Appendix P” and shall be deemed to be approved provided it complies with the conditions listed in the report and Chapters 3781. and 3791. of the Revised Code.

**114.2.2 Board approval.** Any material, product, assembly or method of construction not specifically provided for in this code may be approved by the board of building standards upon application under the procedures prescribed by the board.

**114.2.2.1 Application.** The application for approval including revisions and renewals for existing approvals shall be submitted in two copies to the secretary of the board together with the fee required in section 114.2.2.11 of this chapter. The required information shall be on forms prescribed by the board. Construction documents in conformance with the applicable provisions of section 106 shall be included to adequately describe and show how equivalent compliance is achieved. Only the person holding an approval issued by the board may apply for a revision or renewal of the approval.

**114.2.2.2 Evaluation.** The board, upon receipt and evaluation of the completed application, shall have the authority to require such additional information as necessary to determine compliance with the requirements of this section.

**114.2.2.3 Tests.** The board shall have the authority to require tests as evidence of compliance to be made at no expense to the board. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the board shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the board for the period required for retention of public records.

**114.2.2.4 Approval process.** *When the board deems it advisable to permit the use of an alternative material, product, or method of construction, a public hearing shall be conducted in accordance with section 119.03 of the Revised Code. After such hearing, the board shall set an effective date and issue an approval for its use.*

**114.2.2.5 Conditions of approval.** *The approval of the alternative material, product, assembly or method of construction issued by the board constitutes an authorization for its use anywhere in Ohio subject to the conditions for its use and application as indicated in the approval. An insignia shall be affixed to each material, product and assembly after it is determined that it is constructed in accordance with the construction documents approved by the board. A certificate shall be issued for each approved method of construction. The approval for use is valid for a period of one year after the effective date established by the board.*

**114.2.2.6 Revisions.** *Any changes to an approved alternative material, product, assembly or method of construction affecting the conditions listed in the approval shall require approval by the Board.*

**114.2.2.7 Renewals.** *In order to retain the approval, the holder shall apply to the board for a renewal on an annual basis.*

**114.2.2.8 Code changes.** *When any changes to the rules of the board are adopted which affect the use, safety or sanitation of any approved alternative material, product, assembly or method of construction, the holder of such approval shall apply to the board for a revision of the approval. Failure to apply for revision of approvals within three months of the effective date of such rule changes shall constitute failure to comply with the conditions of the approval.*

**114.2.2.9 Compliance.** *After approval, each holder of an approval is required to maintain acceptable control of the materials and processes used in the manufacture of an approved alternative material, product, assembly or method of construction as a condition of the approval. The board or its designee shall have the right to make inspections at the place of manufacture to observe compliance. Each holder of an approval shall maintain responsibility over all work completed in their manufacturing facilities until the approved material, product and assembly is installed for*

initial use and shall rectify any deviations from the approved construction documents and other defects found either in the field or at the place of manufacture. The manufacturer shall submit to the board such periodic reports, notifications and information as required by board procedures. The holder of an approval shall be required to pay all associated expenses incurred by the board or its designee.

**114.2.2.10 Revocation of approval.** Whenever an approved alternative material, product, assembly or method of construction fails to comply with the conditions of the approval and this chapter, the board, upon its own motion, shall order a hearing in accordance with section 119.03 of the Revised Code to revoke an existing approval.

**114.2.2.11 Fees.** Fees for approved alternative materials, products, assemblies and methods of construction shall be in accordance with sections 114.2.2.11.1 to 114.2.2.11.6.

**114.2.2.11.1 New application.** An application for approval shall be accompanied by a nonrefundable processing fee of one hundred dollars, and the applicant shall bear the cost of the evaluation.

**114.2.2.11.2 Code changes.** An application to modify an existing approval due to code changes under section 114.2.2.8 shall not require a processing fee; however, the applicant shall bear the cost of the evaluation.

**114.2.2.11.3 Revisions.** An application to revise an existing approval shall require a nonrefundable processing fee of one hundred dollars and the applicant shall bear the cost of the evaluation.

**114.2.2.11.4 Renewals** An application to revise an existing approval shall require a nonrefundable processing fee of one hundred dollars. The renewal application shall be received by the board within thirty days after the end of each calendar year.

**114.2.2.11.5 Tests.** Tests required by the board to be performed to determine compliance pursuant to section 114.2.2.3, shall be conducted at no expense to the board. Costs associated with any required testing or research necessary to provide evidence of

compliance shall be the responsibility of the applicant.

**114.2.2.11.6 Unit fee.** The fee for insignias for each material, product and assembly manufactured for use in the state of Ohio shall be one dollar per unit.

The fee for a certificate for each method of construction in the state of Ohio shall be one thousand dollars.

**114.3 Materials, products and assembly directories.** “Table 114.3” lists directories for materials, products and assemblies accepted for specified performances.

**Table 114.3**

<b><u>Title</u></b>	<b><u>Agency</u></b>	<b><u>Edition</u></b>
<u>Building Materials Directory</u>	<u>UL</u>	<u>2009</u>
<u>Electrical Appliances and Utilization Equipment Directory</u>	<u>UL</u>	<u>2008</u>
<u>Electrical Construction Materials Directory</u>	<u>UL</u>	<u>2008</u>
<u>Fire Protection Equipment Directory</u>	<u>UL</u>	<u>2009</u>
<u>Fire Resistance Directory Vols. 1, 2A, 2B, and 3</u>	<u>UL</u>	<u>2009</u>
<u>Flammable and Combustible Liquids and Gases Equipment Directory</u>	<u>UL</u>	<u>2008</u>
<u>Hazardous Location Equipment Directory</u>	<u>UL</u>	<u>2008</u>
<u>CSA Website - <a href="http://directories.csa-international.org/">http://directories.csa-international.org/</a></u>	<u>CSA<sup>1,4</sup></u>	<u>N/A</u>
<u>Intertek ETL <a href="http://www.intertek-etlsemko.com">www.intertek-etlsemko.com</a></u>	<u>Intertek<sup>2</sup></u>	<u>N/A</u>
<u>Approval Guide <a href="http://www.approvalguide.com">www.approvalguide.com</a></u>	<u>FM<sup>5</sup></u>	<u>N/A</u>
<u>Fire Resistance Design Manual (GA-600- 18th ed.)</u>	<u>GA<sup>3</sup></u>	<u>2006</u>

Footnotes:

1. Canadian Standards Association or CSA International (formerly AGA)
2. Website only – Select “ETL Listed Directory or WH&OPL Mark Directory”
3. Gypsum Association
4. Website only – Select “Gas Appliances.”
5. Website only – free registration

**114.4 Approved agencies.** When test reports are required to be submitted to the building official or where materials or assemblies are required by this code to be marked or labeled, the agency performing the tests, marking or the labeling shall be an approved agency.

**114.4.1 Application for approval.** Any testing or inspection agency may apply to the board to become an approved agency upon accreditation and/or

recognition by one of the approved national evaluation and accreditation services listed in “Appendix P”. Application shall be limited to those tests or standards listed in each approved agency’s scope of accreditation report.

**114.4.2 Maintaining accreditation.** Each approved agency shall maintain its accreditation or recognition by an approved national evaluation and accreditation service. Approval shall be based upon a current accreditation or evaluation report issued by an approved national evaluation and accreditation service and subject to the limitations listed therein. Approved agencies are listed in “Appendix O”.

**114.4.3 Fee.** Each application for approval shall be accompanied by a processing fee of one hundred dollars.

### **Section 115**

#### **Construction documents examination and inspection fees**

**115.1 Payment of fees.** Fees for construction documents submitted to and inspections made by certified building departments shall be in accordance with the locally adopted fee schedule.

**115.2 Schedule of fees.** The fees for examination and processing of construction documents when required to be submitted to the division of industrial compliance, except medical gas piping systems, shall be in accordance with Table 115.2.

**Exception:** Fees for alteration or change of occupancy as determined by the building official shall be based on the actual area affected by the alteration or change of occupancy which may extend beyond the limits of construction.

**115.2.1 Additional inspections.** The division of industrial compliance may establish a written policy for the maximum number of inspections required by sections 108.2 and 105.1.5 that may be included in the fees set forth in Table 115.2. Inspections in excess of the maximum number established by the division of industrial compliance shall be subject to fee of one hundred fifty dollars per inspection.

**115.2.2 Resubmissions.** The fees set forth in Table 115.2 shall include one initial plan review and up to two resubmission plan reviews to resolve issues resulting from correction letters. The fee for plan review after the second

resubmission shall be of one hundred dollars for each additional resubmission.

**115.2.3 Re-stamping.** The processing fee for re-stamping additional sets of construction documents after initial plan approval shall be one hundred dollars.

**115.2.4 Amended construction documents.** The processing fee for amended construction documents submitted to the division of industrial compliance in accordance with section 106.3 shall be two hundred fifty dollars. The fee for plans examination of amended construction documents submitted to the division of industrial compliance in accordance with section 106.3 shall be one hundred dollars per hour for each submission.

**115.2.5 Phased plan approval.** The fees for plan examination and processing of a phased plan approval request per section 105.1.4 shall be in accordance with Table 115.2 and section 115.2.1 for the initial phase submission of each scope of work. The processing fee for plan examination of each subsequent phase of submission shall be two hundred fifty dollars.

**Table 115.2**

<b><u>Scope of Work</u></b>	<b><u>Processing Fee</u></b>	<b><u>Fee for Plans Examination and a minimum of Five Inspections</u></b>
<u>(1) Structural</u>	<u>\$250.00</u>	<u>\$9.50/100 sq. ft. gross area of each floor level</u>
<u>(2) Mechanical</u>	<u>\$250.00</u>	<u>\$5.75/100 sq. ft. gross area of each floor level</u>
<u>(3) Electrical</u>	<u>\$250.00</u>	<u>\$5.75/100 sq. ft. gross area of each floor level</u>
<u>(4) Fire alarm systems</u>	<u>\$250.00</u>	<u>\$5.75 per device</u>
<u>(5) Automatic sprinkler and other fire suppression systems (all suppressed areas)</u>	<u>\$250.00</u>	<u>\$5.75/100 sq. ft. gross area of each floor level</u>
<u>(6) Industrial unit</u>	<u>\$200.00</u>	<u>\$1.75/100 sq. ft. gross area of each floor level</u>

**115.3 Medical gas piping systems.** The fees for examination and processing of

construction documents for medical gas piping systems when required to be submitted to the division of industrial compliance shall be in accordance with Table 115.3.

**115.3.1 Additional inspections.** The division of industrial compliance may establish a written policy for the maximum number of inspections required by sections 104.4 and 105.1 that may be included in the fees set forth in Table 115.3 for medical gas piping systems. Inspections in excess of the maximum number established by the division of industrial compliance shall be subject to a fee of one hundred fifty dollars per inspection.

**Table 115.3**

<b><u>Medical Gas Piping System Processing, Plans Examination, and Inspections</u></b>	<b><u>Fee (includes a minimum of two inspections)</u></b>
<u>Processing</u>	<u>\$250.00</u>
<u>Plans Examination</u>	<u>\$250.00</u>
<u>Per room (with outlets) and equipment rooms</u>	<u>\$10.00</u>
<u>Per zone valve assembly</u>	<u>\$25.00</u>
<u>Per system</u>	<u>\$25.00</u>
<u>Per "tie-in"</u>	<u>\$25.00</u>

**115.4 Preliminary review.** The fee for preliminary construction document examination for the purpose of determining compliance with the provisions of the rules of the board by the division of industrial compliance shall be one hundred thirty dollars per hour.

**115.5 Inspection fees.** The fee for each inspection, other than those required by section 108.2 and 105.1.5 shall be two hundred twenty-five dollars per inspection. Requests for all inspections shall be in writing to the division of industrial compliance and the fee shall be paid prior to the inspection.

Fees for an application pursuant to section 105.1.5 shall include a processing fee of one hundred fifty dollars. The fee for periodic inspections conducted by the division of industrial compliance shall include the hourly inspection rate and expenses such as food, lodging, and administrative costs. All such fees shall be paid by the holder of an annual approval.

**115.6 Reinspection fee.** The fee for each reinspection shall be one hundred fifty

dollars. A reinspection shall be required when the inspector must return to inspect work that was not ready or had failed a previous inspection.

**115.7 Related fees.** In addition to the fees required by sections 115.2, 115.3 and 115.4, the superintendent of the division of industrial compliance shall collect a fee, on behalf of the board of building standards, of three dollars and twenty-five cents for each application for acceptance and approval of construction documents and for making inspections.

The fee shall be deposited by the division of industrial compliance, pursuant to section 121.084 of the Revised Code, to the credit of the board. The superintendent of the division shall report on the amount of the fees collected and deposited to the credit of the board not later than forty-five days following the end of the first full month's collection and then monthly afterward.

**115.8 Late fee.** Any person who fails to pay an inspection fee required for any inspection conducted by the department of commerce pursuant to Chapters 3781. and 3791. of the Revised Code, except for fees charged for the examination and processing of construction documents, within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

**115.9 Certificate of occupancy.** The fee for each certificate of occupancy issued in accordance with section 111 shall be sixty-five-dollars.

**115.10 Annual approval for alterations.** The fee for each annual approval for an individual applicant issued in accordance with section 105.1.5 shall be six hundred fifty dollars.

**115.11 Welding and brazing procedure specification review.** The fee for the review of each piping welding and brazing specification submitted in accordance with section 313.5 of the mechanical code and section 315.5 of the plumbing code shall be sixty dollars.

**115.12 Welding and brazing procedure qualification record review.** The fee for the review of each procedure qualification record submitted in accordance with section 313.5 of the mechanical code and section 315.5 of the plumbing code shall be fifteen dollars.

**115.13 Welding and brazing performance qualification review.** *The fee for the review of each performance qualification submitted in accordance with section 313.5 of the mechanical code and section 315.5 of the plumbing code shall be fifteen dollars.*

Replaces: 4101:1-1-01  
Effective: 07/01/2009  
R.C. 119.032 review dates: 07/01/2012

**CERTIFIED ELECTRONICALLY**

---

Certification

06/16/2009

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3781.10(A), 4104.43(A)(1)  
Rule Amplifies: 2744, 3781.03, 3781.031, 3781.10, 3781.11, 3781.105, 3791.04  
Prior Effective Dates: 7/7/69, 4/15/74, 2/15/75, 7/1/77, 12/30/77, 7/1/78, 7/1/79, 7/16/79, 5/1/80, 1/1/81, 3/10/82, 7/1/82, 3/10/82, 1/1/83, 1/1/84, 3/1/84, 3/5/84, 3/1/85, 7/1/85, 12/1/85, 3/1/86, 9/1/86, 7/1/87, 1/1/88, 10/1/88, 1/1/89, 1/1/90, 8/1/90, 10/1/90, 7/1/91, 7/15/92, 9/1/92, 1/1/93, 7/5/93, 1/1/94, 9/1/94, 5/15/95, 7/1/95, 2/1/96, 2/2/96, 1/1/97, 7/1/97, 1/1/98, 3/1/98, 4/1/99, 10/1/99, 7/15/00, 12/1/00, 4/1/01, 1/1/02, 7/1/02, 1/1/03, 4/1/03, 7/1/03, 8/15/03, 1/1/04, 7/1/04, 3/1/05, 9/6/05, 3/1/06, 7/1/06, 7/1/07, 1/1/09