

BBS MEMO

Ohio Board of Building Standards

April 24, 1996

2323 West Fifth Ave., Box 825, Columbus, Ohio 43216

THE SEAL LAW - CLARIFYING THE RULES FOR BUILDING DEPARTMENTS

There have been several meetings called by Representatives Tiberi and Schuring since the February 26, 1996 BBS MEMO was sent out to all building departments. While many jurisdictions have begun to adjust their enforcement practices to bring them into line with the bill's intent and the BBS MEMO, the sponsors of the bill, as well as many other legislators, have continued to receive complaints from the public. The majority of complaints seem to come from contractors and others attempting to secure plan approval for small projects and simple alterations. If, as an enforcement community, we do not implement a uniform, fair, and appropriate application across the state of Ohio, the legislature, through a bill being considered in Senator Cupp's Committee (substitute SB 124), will change the law again, probably to add more exceptions.

Many of the complaints have come from applicants who have had their plans handed back to them at the counter because there was no seal of a design professional on the drawings. Others have indicated that some building departments require embossed seals on every sheet. Building Officials do not have the authority to refuse to review the plans, nor do they have authority to enforce any of the provisions of the professional registration laws.

Processing construction documents in a manner other than as prescribed in the OBBC places the department outside its legal enforcement authority. Therefore, applications for plan approval required by § 4101:2-1-17, OBBC must be processed as specified in the Ohio Administrative Code (the OBBC) as follows:

1. 4101:2-1-18 Construction Documents, When and Where To File

Construction documents are required to be submitted for approval prior to beginning of construction.

2. 4101:2-1-19 Construction Documents To Be Adequate

Construction documents shall be complete (clear, comprehensive, detailed, and legible) to permit a competent person (plans examiner) to review them for compliance with the OBBC.

3. 4101:2-1-22 Construction Documents, Examination Of

This section states clearly that a plans examiner **shall** review construction documents to determine compliance with the OBBC. This section also states that they shall be *reviewed* for compliance with the OBBC in the order in which they are received.

4. 4101:2-1-23 Plans, Approval Of

Failure to approve construction documents and issue a Plans Approval Certification is a denial of a "license". In order for the building official to deny the issuance of a Plans Approval Certification an order must be written as required in 4101:2-1-35. This order must specify the provisions of the OBBC with which the construction documents do not comply. The issuance of any order requires an opportunity for an adjudication hearing as provided in sections 119.07 and 119.03 of the Ohio Revised Code.

In summary, construction documents required to be submitted must then be examined for compliance with the OBBC in the order received. A thorough, complete plan examination must then be performed. If the Building Official does not approve the plans, this denial must be indicated in a correction/adjudication order. This process shall be used for any item of non-compliance causing a denial of approval; including the requirements of §4101:2-1-20 OBBC which delineates when a seal is necessary.

A Reminder:

The 2/26/96 BBS Memo was intended to provide examples of conditions under which a seal is not required. Documents describing other situations and construction not requiring technical design and analysis also would not require a seal. For example, some sign installation contractors have experienced overly restrictive enforcement on simple sign projects. This is not consistent with the intent of the legislation and §4101:2-1-20 OBBC. (This paragraph was revised to correct a typo on 4/30/96 to add the word "not" in the last sentence.)