

BBS Newsletter



Bob Taft
Governor
Gerald O. Holland
Chairman

Payne Designated First *David E. Denison Award* Winner

The Ohio Board of Building Standards presented Mr. John W. Payne with its first *David E. Denison Award* at the OBOA-BOCONEO Joint Conference in Cleveland, Ohio on the 28th of January 2002.

The award recognizes individuals who “display integrity, professionalism, and untiring dedication in the development and support of Ohio’s construction standards and for diligent work to improve the knowledge, understanding, and effectiveness of code enforcement in Ohio.”

The Board created the award to honor David Denison for his service as the Staff Architect Administrator from 1973 to 1995.



Mr. Denison was instrumental in developing the first BOCA-based Ohio Basic Building Code. Chairman Gerald Holland (pictured above with Mr. Payne) recognized Mr. Payne’s outstanding contributions during the recent code development process and recognized John’s consistent work in code training, building support

services, and the invaluable assistance he offered BBS staff developing the proposed code language which ultimately became the Ohio Building, Mechanical, and Plumbing Codes that the Board adopted effective January 1st, 2002.

John was also awarded the Ohio Building Officials Association’s *Associate of the Year Award* in recognition of meritorious service to OBOA in 2001.

John has been employed by Building Officials and Code Administrators International, Inc, and has worked in the BOCA Midwest Regional Office since 1988.

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SPECIAL POINTS OF INTEREST:

- What Ohio began at the St. Louis ICC Conference moves ahead—first ever *Webcast* of the ICC hearings. ICC will also test remote voting by computer during the hearings for possible rollout at the Joint Conference this fall. See page 6 for details.
- International Building Safety Week: April 7-13

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Barb Edington Named OBOA 2002 Joint Conference Honoree



Mrs. Barbara Edington was named the first OBOA Joint Conference

Honoree at the Cleveland Conference. Mrs. Barbara Edington began work for the Ohio Board of Building Standards in February, 1974. She was originally assigned to format and type all administrative rules proposed and adopted by the Board. In this capacity, Barbara has been responsible for formatting and typing all the rules when the Board

changed from its own code to the BOCA Basic Building Code in 1979. Barbara also performed this same function when the Board changed from the BOCA codes to the International Code Council codes in 2001. Since 1974, Barbara has been responsible for preparing the Board’s rule-making hearing draft for over one hundred public

hearings.

In 1985, the General Assembly amended Section 3781.10 (E) to require the Board to certify all building department personnel who enforce the state building code. Barbara assumed all the secretarial duties related to this certification program. During the seventeen years of the program existence, Bar-

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In the News Around Ohio

DAYTON—A Cincinnati man died in a fire at a house owned by the University of Dayton on Dec. 10, 2000. His family filed a lawsuit against the university claiming it failed in its responsibilities as a landlord to protect student.

The 21-year-old was an economics major and football player. He died in a second-story fire that broke out after other students began setting fire to paper towels.

A student pleaded guilty to charges of arson and involuntary manslaughter by arson and was sentenced to six months at a community correctional facility in Dayton. He was required to pay \$51,729 in restitution.

The lawsuit claims that the university also played a role in the student's death by failing to:

1. check if alarm system was operational,
2. take steps to prevent students from deactivation the alarms,
3. maintain a central monitoring system,
4. comply with requirements of building and housing codes, and
5. maintain the house in a habitable condition.

The fire alarm did not sound and investigators found that the second floor hallway was lined with bags of trash and clothing.

CANTON—The owner of a duplex that had its downstairs gutted by fire is undecided about whether to rebuild.

No one was hurt in the fire but tenants have been left homeless.

One resident was home at about 9 p.m. and, when a smoke alarm sounded, safely escaped the second floor.

The city's fire officials said yesterday the fire's cause has not

been determined.

KENT—Nearly a year after a court deadline the owner of a Kent hotel has until Jan. 7 to demolish the building.

The city has been trying for more than two years to get the owner to correct the problems or tear the building down. Concerns had been raised about fire, building and health code violations.

The owner addressed health code violations (getting rid of pigeons and rodents in the building) but the main concern has been brick, which is in danger of falling off the building.

The hotel is vacant with the top three floors condemned as uninhabitable in 1979. The main and lower levels were leased until March 2000.

COLUMBUS—Provisions in an anti-terrorism bill in the Ohio Senate would restrict public access to government records describing public facilities, personnel response, or records on heating and cooling, water systems or security systems of public buildings.

Recently added provisions, the proposal would exempt security or infrastructure records from public disclosure.

Infrastructure record is defined as "any record that discloses the configuration of a public office's critical systems or the infrastructure or structural configuration of the building in which a public office is located." but does not mean a simple floor plan that discloses only the space relationship of components of a public office or the building in which a public office is located.

The types of buildings that officials and local government advocates are trying to protect include city halls, municipal electric plants, county

courthouses, fire stations and the Ohio Statehouse.

Planning and emergency response procedures - how public agencies respond to disasters - would also be classified as a "security" record and would not have to be publicly disclosed.

The new language in the anti-terrorism bill would also modify the exemptions for executive sessions for public bodies.

Under the new language, public bodies would also be able to call executive sessions to prevent disclosure of information dealing with security arrangements and emergency response for a public body or a public office, if disclosure could reasonably be expected to jeopardize the security of the body or office.

ATHENS—A judge's decision has questioned whether the city of Athens has any legal authority to regulate building construction and renovation work.

According to this new reading of the law, the code office cannot begin regulating a property until after it is actually put into use.

Unless the regulation is rewritten to allow the city to halt construction of non-conforming projects developers could potentially begin construction or renovation without checking with the city to find out if their plans will violate city codes.

The court decision was issued in late October by Athens County Municipal Judge Douglas Bennett in a misdemeanor case against the owner of a housing rental company. The owner sought a zoning certificate from the city, approving plans to renovate a building for use as offices and upstairs apartments. The code office refused to issue the certificate, citing the fact that the owner did not have

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2002 Joint Conference Photo Gallery



Dinner With the Conference Honoree



The "BOCA" Table



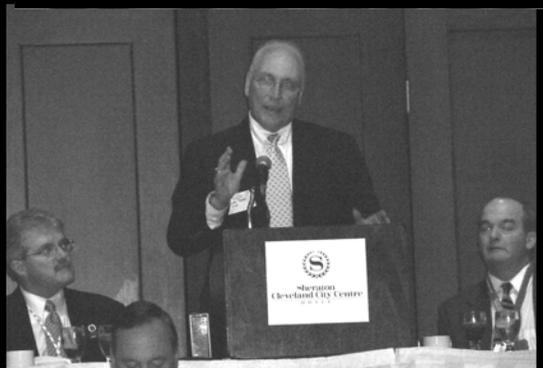
BOCA President Tim Ryan



New OBOA Board Members



Director Suhadolnik Addresses Conference



ICC CEO Bill Tangey Addresses Conference



County Commissioner Dimora Addresses Conference



First BBS Forum at Conference



Legally Speaking — John Brant

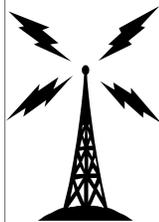
TELECOMMUNICATION TOWERS

Recently, the Board of Building Standards has received many inquiries about the regulation of the construction of wireless telecommunication towers under the Ohio Building Code. Section 3108 of the Ohio Building Code consists of straight forward standards that must be met in the design and construction of telecommunication towers.

However, the building standards are not really the root of the inquiries about which BBS staff members are being asked. Normally, the township or county where these towers are being erected have failed to adopt zoning requirements. In 1996, the Congress enacted the Federal Telecommunications Act with the intention of making the benefit of cell phones available to every citizen of the United States. Specifically, the Telecommunications Act of 1996 encouraged the growth of the new wireless communication technology and sought to provide fair access to these services for every American. Additionally, the Act gave telecommunication companies board powers to build their infrastructure and placed great limitations on the powers of local governments to ban the construction of these towers. Local ordinances and resolutions had the following limitations placed on them. First, the political subdivision could not discriminate among competing providers. Second, they could not prohibit wireless service. Third, the community's zoning and building departments had to act within a reasonable time on the applications for approval. In

Ohio, that would be thirty days for building department approval of plans. Any denial had to be a written denial and be based on substantial evidence, and under no circumstances could be a denial based on radio frequency emissions.

The 1996 Act does affirm the authority of local governments to control the siting, construction, and modification of wireless facilities. All challenges to local government zoning and building code decisions must be appealed through the local administrative boards and the state court system except for those dealing with the environment effects of radio frequency emissions. The Federal law makes clear that wireless



The General Assembly has enacted Section 519.211, Revised Code, to make clear that township trustees or zoning boards of appeals have no power with respect to ... any buildings or structures of any public utility.

communication towers can not be sited in divisions zoned exclusively residential. However, in all other zoning subdivisions the federal act clearly intends to permit towers to be sited.

In Ohio, the General Assembly has enacted Section 519.211, Revised Code, to make clear that township trustees or zoning boards of appeals have no power with respect to the location, erection, construction, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility. The B paragraph of Section

519.211 (B) clearly provides that proposed towers are not to be erected in an area zoned for residential use, but are permitted in other zoning subdivisions. The Ohio Supreme Court has interpreted this section in two decisions. In Campanelli v. AT&T Wireless Services, 85 Ohio St.3d 103 (1999), the Court held that wireless telecommunication providers are public utilities for the purposes of Section 519.211, R. C., because they are providing a telephone service which is traditionally recognized as a matter of public concern and that they are exempt from local zoning requirements except for the prohibition against placing towers in districts exclusively owned residential. Similarly in Symmes

Township Bd. of Trustees v. Smyth, 87 Ohio St. 3d 549 (2000), the Supreme Court was asked to rule on the question of whether the Section 519.211 (B), R.C., applied to any zoning district where there were residential dwellings. The Court held that a site zoned "E Retail Business District" is not an area zoned for residential

use subject to township zoning regulation of telecommunication towers under this section even though some residential uses are permitted in that business district.

In conclusion, the building code should not be used to delay the construction of wireless communication towers where local zoning is other than for residential purposes. Hopefully, this will reduce the number of calls from building departments being asked to approve wireless communication towers that are clearly designed and constructed in accordance with the building code.



Around the Code World with Mike Brady



INVESTIGATIONS: CAUSE AND EFFECT

Although the Board receives countless phone calls and emails each year, an investigation of a certified building department or individual usually starts with a written complaint signed by an affected person alleging specific violations of the law or of the Board's rules.

The Board's staff usually presents copies of the complaint to the Board at its next scheduled meeting. If the Board determines that the complaint has sufficient merit, the Board normally directs staff to look into the allegation(s) and report back at a designated time. This point is known as the

"inquiry" phase. In some cases, it never goes beyond the inquiry phase because the allegations are either proven false or the evidence is not substantial enough to justify going any further. If the evidence is compelling enough, however, the Board will direct staff to enter into the "investigation" phase. Section 3781.10(E) of the Ohio Revised Code (ORC) authorizes the Board to certify qualified building departments and individual building department personnel. It is also authorized to revoke or suspend any such certification whenever a building department or individual has been found to be in violation of the related statutes or the rules of the Board. The OBC more clearly de-

fines the Board's authority to revoke certifications of building departments to certified personnel when complaints are substantiated.

OBC Section 103.2.5 deals with building department certification revocation and Section 103.3.14 deals with revocation of the certification of building department personnel. In both cases a hearing may be requested before any action can be taken by the Board.

What are the other major causes of an investigation? There are basically two:

- 1) under-enforcement, and
- 2) over-enforcement.

Under-enforcement and over-enforcement occur because the persons in charge are not paying

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Getting Mechanical - Debbie Ohler

Another "Hot" topic: "BOILERS"

In the December 2001 issue of *The BBS Newsletter*, I addressed the topic of fuel gas piping and the Ohio Mechanical Code (OMC). As many of you now understand, we can't have a discussion about gas piping installations in the State of Ohio without touching briefly on the subject of the Ohio pressure piping laws. In this issue of the newsletter I will address the topic of boilers and the OMC. Similarly, this is a topic that we can't address without some discussion of the very unique Ohio boiler laws and the Ohio pressure-piping laws.

The 2002 OMC addresses boilers, water heaters and pressure vessels in Chapter 10. You will notice several exceptions to the scoping provisions of Chapter 10 in Section 1001.1. If a particular type of vessel is listed in one of the

exceptions, then it is not covered by the mechanical code. The last of the exceptions, number 8, states "any boiler, water heater, or unfired pressure vessel within the scope of chapters 4101:4-1 to 4101:4-17 of the Administrative Code entitled "Ohio Boiler and Unfired Pressure Vessel Rules". Basically, this forces the code user to refer to the Ohio boiler laws and the boiler administrative rules to determine what type of boilers are within the scope of those rules. Speaking only of boilers, after reviewing the Ohio boiler laws and the referenced Ohio Administrative Code sections, you'll find that all power boilers and high-pressure, high-temperature water boilers as well as all low-pressure boilers are regulated by the Ohio boiler rules and not the OMC. Therefore, those boilers will be inspected by the State Boiler Inspectors and not by the certified building department personnel. As usual,

there are a few exceptions to this rule of thumb: those boilers under federal control, low-pressure steam or hot-water boilers located in private residences or in apartment houses of less than six family units, and portable boilers are all exempt from the State Boiler inspections. In accordance with exception number one of Section 101.2 of the building code, the OMC is not applicable to boilers in one, two, or three family dwellings. Therefore, to summarize, speaking only of boilers, certified building department personnel would only inspect those low-pressure steam or hot-water boilers located in apartment houses of four or five family units. The State Boiler inspectors will inspect all other boilers.

The Chief Boiler inspector for the state assures me that the

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ASHRAE & NFPA to Partner on Energy Code

The National Fire Protection Association (NFPA) and the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) have announced an agreement to partner on an energy code. The code will incorporate ASHRAE's widely used energy standards, Standard 90.1 and Standard 90.2, and become part of a full set of comprehensive codes developed by NFPA and its partners.

The resulting *Energy Code* will incorporate the 2001 editions of the 90.1 and 90.2, and reflect any updates or addenda to those standards. The code will apply to all buildings, including low-rise residential structures.

The full codes set from NFPA and its partners will be developed through a process accredited by the American National Standards Institute (ANSI).



ICC Code Development Hearings WEBCAST!

The ICC Code Development Hearings are scheduled to take place in Pittsburgh from April 8-19. For the first time a web cast of the code development hearing can be sent directly to your desktop. Interested parties who are unable to attend the meeting in Pittsburgh can still participate by logging on to <http://www.intlcode.org/springinfo.htm>, where hearings will be broadcast live, from start to finish.

The hearings include:

- International Fire Code, April 8 and 9
- ICC Performance Code, April 10
- International Building Code (Fire Safety), April 10, 11
- International Building Code (General and ICC Electrical Code), April 11, 12
- International Building Code (Means of Egress), April 13
- International Energy Conservation Code, April 14

- International Residential Code (Building/Energy), April 15, 16
- International Residential Code (Plumbing/Mechanical), April 16
- International Plumbing Code/International Private Sewage Disposal Code, April 17, 18
- International Mechanical Code, April 18
- International Fuel Gas Code, April 19 (may start the 18th, upon completion of Mechanical Code hearing)

What was begun by Ohio at the St. Louis Conference will now move closer to fruition with the first ever webcast of the hearings. ICC will also test another Ohio piloted idea, remote voting by computer, during the hearings for possible rollout at the ICC Joint Conference this fall. For more information about viewing the Pittsburgh hearings on the Internet, contact Vikki Paloma at (800) 214-4321, ext. 204; or e-mail hera@atl



Board to Provide Training on New Codes and Standards

The Board of Building Standards is again assembling important codes and standards for distribution during Board-sponsored training early this spring.

Each training session will provide one set of codes and standards to each Ohio certified building department. The information to be provided will be:

- 1) West Group copy of the two-volume *Ohio Building Code and Related Codes (including a subscription to the update service for this copy)*.
- 2) *International Fuel Gas Code*
- 3) *International Energy Conservation Code*
- 4) *International Residential Code* and the *IRC Highlight Guide*

- 5) *IRC, IFGC, IECC* code tabs
- 6) *IBC Commentaries* (two-volumes)
- 7) American Society of Civil Engineers' *ASCE-7* and *ASCE-24* (standards for loads and for floodproof construction)
- 8) American National Standards Institute's *ICC/ANSI A117.1* (accessibility standard)
- 9) American Society of Heating Refrigeration and Air-conditioning Engineers' *ASHRAE 90.1* and *ASHRAE 90.1 User's Guide* (both unavailable except through this Board purchase)
- 10) National Fire Protection Association's *NFPA 13 Handbook* (includes 13D and 13R systems), *NFPA 72 Handbook*,

and *NFPA 70 Handbook*

Given the Board's purchasing power, these documents were obtained at an average of a 44% discount.

The tentative plan is to set up sessions in three locations around the state. Watch for more information that will follow on dates and locations for this training.

Future training documents could include:

ASHRAE 62, NFPA 14, 17, 17A, 30, 80, 102, and SMACNA-HVAC-95.

If you have any recommendations, use the feedback form on page 9 to indicate other documents you feel should be considered by the Board for inclusion in future training materials.





Making it Accessible - Jan Sokolnicki

Based on the calls we've received and comments made during seminars we have been conducting lately, it's clear that some of the basic elements of the accessibility provisions are not understood by many designers and code enforcement professionals. With the added complexity of the OBC's new format, added provisions, new standards and changed terminology, BBS staff focus (and, we hope, others teaching the subject, explaining and writing about it) will be to *clarify* the provisions, one at a time. We will use this column and BBS MEMO to isolate problem areas that folks have identified as confusing or otherwise inadequately understood.

Basics, (referenced standards): Our decisions on what provisions and standards to use is based exclusively on maintaining comparability with the federal accessibility laws having the greatest impact on design and construction of Ohio facilities: ADA and the Fair Housing Amendments

Act. Since the U.S. Department of Justice reserves to itself final enforcement authority for these laws, we use the same standard in our code (the version of ADAAG) as they enforce. As of the date of the writing of this article, the applicable ADAAG is the July, 1994 version. It is the one posted and downloadable on their website at: <http://www.usdoj.gov/crt/ada/stdspdf.htm>. There are four other versions, all with nice stuff in them, but there is only one that is technically correct, costs nothing to download and print, has all the required figures and tables in it, and is enforceable. When that standard changes and is validated by action of the Justice Department, we will inform you. In addition to ADAAG, and the expanded requirements for accessibility in Chapter 11 of the OBC, one other standard is referenced: ICC/ANSI A117.1-98. This standard is only applicable for dwelling units and some sleeping

units in the I and R occupancies. *If* the ANSI standard is referenced for a particular design type (only Type A & B units) in Section 1107 of the OBC, the reference will always be to Chapter 10 of that standard first. The other provisions of ANSI A117.1-98 only apply if there is a cross-reference from Chapter 10 (ANSI) to another section for details in the units. This spring, the Board of Building Standards will be distributing to each building department copies of several documents including these two standards. We are also offering (based on available time) to provide on-site training on the accessibility provisions to groups of designers & code enforcement professionals.

In the meantime: If you have a problem area or question on the accessibility provisions, e-mail it to us at: jasokoln@com.state.oh.us. We will generate BBSMEMOs for clarifications 

NAHB Support Efforts to Adopt I-Codes

The National Association of Home Builders (NAHB) announced that it supports efforts by its members and affiliated local and state associations to adopt the *International Residential Code* (IRC) and the other *International Codes* (I-Codes).

"NAHB policy supports the concept of a single coordinated set of national model building codes," said Bruce Smith, president of NAHB and a home builder from Walnut Creek, Calif. "And in fact, NAHB worked with the International Code Council to develop the IRC as a simple, user-friendly, stand-alone residential code that takes housing affordability into consideration when

specific code provisions are developed."

The International Code Council achieved its goal of developing a single coordinated set of national model building codes in 2000 when it published the first editions of its building, residential, and fire codes. With three members serving on the IRC Drafting Committee, NAHB was an active participant in the drafting process for the ICC codes and continues to participate in the code development process.

"Since the IRC was published, home builders have played a key role supporting its adoption in numerous state and local jurisdic-

tions," Smith said. "Adoption efforts have been successful in Texas, Utah, Indiana, and Michigan through the efforts of coalitions that prominently included representatives from the home builders.

"NAHB has supported—and will continue to support—adoption efforts for the IRC and other I-Codes when assistance is requested by NAHB members and affiliated state and local builders associations," Smith added. "As part of the association's effort to make safe and affordable housing available to all Americans, NAHB will

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In the News Around Ohio (cont.)

adequate parking to serve the number of tenants he planned to put in the residential portion. Appeals were filed in Athens County Common Pleas Court and were resolved when the Athens Board of Zoning Appeals voted in November to grant a variance on the parking issue.

While the case was still moving through the courts, the owner chose to defy the city by starting renovation work on the building despite his lack of a zoning certificate. Subsequently, the city filed criminal charges against him, asking that he be fined \$500 for every day he was in violation of city law. The owner's attorney asked the judge to throw out the charges arguing that because the city does not issue building permits, it cannot stop a developer from constructing or renovating a building without a zoning certificate -- even if the use planned for the site will be illegal.

Under the city's regulations, the use of the property is constrained and controlled but construction is not prohibited if all other state permits have been obtained. The Ohio Department of Commerce does issue building permits, and the owner obtained one. The attorney maintained that the city was trying to punish the owner for starting renovations without a zoning certificate. To make things worse, the lawyer maintained, there is no specific criminal statute the city can point to in its code which the owner violated.

CLEVELAND—A business-park developer accused Cleveland of illegally holding building permits hostage to pressure him into paying thousands of dollars that he says he does not

owe.

The partner characterized the city's behavior as extortion in a countersuit filed last month in Cuyahoga County Common Pleas Court. The 16-month delay in granting the permits supposedly cost more than \$600,000 in rent because one of the buildings in the business park sat empty.

This claim is the latest development in a dispute over a storm water-retention pond near Cleveland Hopkins International Airport.

The partners' lawsuit says the city denied the permits to "coerce Cleveland Business Park to comply with a series of unlawful demands" that had nothing to do with sewer and water connections.

PLAIN CITY—A sixth-grader has no muscle control in his left leg—because of his cerebral palsy— which has forced him and his mother to confront Jonathan Alder school officials about how he gets from class to class. Diminished muscle control on his left side and a half-inch difference in the length of one leg makes climbing difficult.

In December, a complaint was filed with the U.S. Department of Education Office for Civil Rights. Officials there have 135 days to determine whether changes are needed in the district.

ELYRIA - A senior at Elyria High School and one of nine students there who use wheelchairs are challenged in getting between classes because of shoulder-to-shoulder traffic in the hallways. Those in wheelchairs face an additional challenge - very little of the school is handicap accessible.

The school is so badly equipped for the handicapped that administrators must work schedules around handicapped students. Other areas of the school—locker rooms, media center—are difficult if not impossible to access.

Handicapped accessibility is one of the problems EHS officials say is a reason the school needs to be re-

placed. Voters will decide on Tuesday whether to approve a bond issue for a new school.

A new Elyria High would be fully equipped to handle the handicapped.

WARREN - The Federal Bureau of Investigation is examining the head of the city's Building Department, also a local contractor, for possible impropriety.

He was arrested in Cortland earlier this month for driving under the influence and being uncooperative.

Because his driving privileges were suspended, the city's Safety-Service Director limited him to working only four hours per day until he is allowed to drive again.

The building official was charged with malfeasance because he must maintain a driver's license to do his job.

The building official is also named in a subpoena issued in October 2000 to the City of Warren, which demanded copies of records that included a list of contractors who did projects with the city.

The building official was the former owner of Commercial Construction Corp., which went out of business before he took the office of director of the Building Department last spring. The subpoena sought records from at least 10 other contractors and projects in the city.

The FBI is trying to determine if the city improperly awarded contracts to certain contractors for city projects.

EAST CLEVELAND—As reported by the Cleveland Plain Dealer, city Councilman O. Mays twice has barred housing inspec-

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Board Calendar—FY 2002

MARCH 2002						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- 15 March—Board of Building Standards Conference Meeting.
- 17 March—St. Patrick’s Day
- 31 March—Easter

APRIL 2002						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- 7-13 April—International Building Safety Week
- 8-19 April—ICC Code Development Hearings in Pittsburgh.
- 26 April—Board of Building Standards Public Hearing and Conference Meeting.

MAY 2002						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 12 May—Mother’s Day
- 27 May—Memorial Day
- 31 May—Board of Building Standards Conference Meeting.

Around the Code World

(Continued from page 5)

attention to either their legal obligations or limitations under the law. Ignorance of the law and the rules of the Board are key factors in creating the conditions that can lead to an investigation. Granted, sometimes people knowingly break the law in the belief they will somehow avoid the consequences, but for the vast majority of certified individuals, awareness of the rules is all that is needed to prevent an investigation.

So just what is under-enforcement and over-enforcement? Here are some actual examples:

A building department failed to require accessibility to ground floor dwelling units in several apartment complexes. A complaint was filed against the developer and designer with the Ohio Civil Rights Commission and the Department of Justice in Washington, D.C. and a concurrent complaint was filed with the Board because of the building department’s inadequate plan review and inspection procedures. Eventually the case was settled out of court

but not before a very high cost was paid, including the dismissal of the building official. So under-enforcement can cost time, money and even careers.

In a different case, a building department had required panic hardware on the exit doors of a business with an occupant load of only 10 persons. They also required combustion air to an *electric* furnace. Why did they do it? The person responsible answered that he thought it was a “good idea.” So over-enforcement costs time and money and hurts the community. It can also lead to trouble for the building department. In this case, it led to a full investigation by the Board.

The Board has made tremendous strides over the past few years in providing education for building personnel on their duties required by law and the rules of the Board. Today certified building departments, in general, employ more professional and more knowledgeable personnel than they have in the past. Oddly, one of the consequences of these improvements has been an increase in the number of com-

plaints received by the Board. Since people are more aware now than before, they take notice when something is wrong and they are more inclined to do something about it.

Obviously, more can be done, but ultimately it is the responsibility of all certified building departments to make sure they are properly enforcing the code. As 

NAHB Support

(Continued from page 7)

also assist members and state and local builders associations in their efforts to amend the provisions of the I-Codes to make them more cost-effective while continuing to ensure the health and safety of building occupants."

The NAHB is a Washington-based trade association representing more than 205,000 members involved in home building, remodeling, multi-family construction, property management, subcontracting, design, housing finance, building product manufacturing, and other aspects of residential and light commercial construction.



Ohio News

(Continued from page 8)

tors from investigating a tenant's complaints about an apartment building the councilman owns.

City inspectors were told by Mays that the woman who complained about living conditions had been evicted and that he would not let them enter.

The inspectors were checking a tenant's allegations of ceiling problems, water damage, and an unsafe rear porch.

YOUNGSTOWN—The head of the Warren Building Department, filed for Chapter 7 bankruptcy in U.S. Bankruptcy Court in Youngstown Feb. 5.

The Warren Tribune Chronicle has reported that he owes back taxes to Trumbull County and the federal government, has debts from casinos in Las Vegas and Atlantic City, and has been named in a FBI probe in Trumbull County.

CANTON—A local contractor's practices are causing complaints from Akron residents; the contractor does insurance home repair work after damage or fires.

Nineteen months after the Cuyahoga County contractor completed a prison sentence for theft, he has resumed business in Stark and Summit counties.

The Akron Beacon Journal reports that State records show the contractor operating since 1971. Since then, he has operated remodeling and fire restoration businesses in Northeast Ohio under several company names and has come to the attention of Cuyahoga County courts several times since then.

In 1976, the Ohio attorney general won a permanent injunction against his company and ordered him and his company to honor state law allowing clients to cancel

contracts within three days.

The Journal also reports that his company was charged in 1997 under an 11-count indictment that included felony theft, receiving stolen property, forgery, insurance fraud and engaging in a pattern of corrupt activity. He pleaded guilty to two theft counts and no contest to theft in an amended indictment for incidents at 3 Cleveland residences. Prosecutors dropped remaining charges for home repairs made prior to October 30, 1997. He served six months of the two-year sentence at Lorain County Correctional Institution before a judge granted an early release. He completed his parole in May 1999.



Getting Mechanical

(Continued from page 5)

State Boiler inspectors are inspecting the boilers, the pressure relief valves, the pressure gages, the expansion tanks, the drains, and the boiler controls. All other mechanical devices and components associated with the boilers such as the venting, dampers, burners, fuel oil and natural gas lines, and steam, hot water and condensate piping from low-pressure boilers as well as the requirements for proper combustion air will be addressed through the mechanical code and therefore, will require certified building department inspections. LP-gas lines, steam and condensate piping from power boilers, and hot water and condensate piping from high-pressure, high-temperature boilers will, of course, be inspected by the State certified pressure-piping inspectors.

I hope this clarifies the inspection boundaries as they relate to boiler inspections. As always, if you have further questions, feel free to contact me at dohler@com.state.oh.us or call the Board offices at (614) 644-2613.



Ohio Residential Advisory Committee Formed

A committee that is examining whether there's a need for a statewide residential building code has been formed as a result of legislation.

The Ohio Residential Advisory Committee met for the first time in Columbus.

The eight-member committee was appointed by the Ohio Department of Commerce in December. The committee will meet periodically during the next six months and will make its recommendations to the state Board of Building Standards.

The Board then will decide whether to advance any of the ideas resulting from the committee meetings to the state legislature, he said.

Local jurisdictions have adopted the OBOA Ohio Residential Code for one-, two-, and three-family dwellings, but there is no standard residential code that is mandated statewide.



Training News

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from OBOA, a representative from OFOA, a representative from IAIEI, and other at-large members appointed by the Chairman of the Board. Chairman Holland has asked the president's of these organizations to provide a list of at least three individuals from each organization to be considered for appointment to the committee. Chairman Holland will appoint members to the Committee from the list provided by the associations and any other at-large

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Edington

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Barbara has had contact with almost every person who is certified. She has always worked to resolve every person's problem whether it was a shortage of continuing education hours or not understanding how to complete the application form to apply for certification. Barbara has been recognized several times by the Ohio Building Officials Association for the dedication that she has shown in assisting certified personnel. The Ohio Building Officials Association dedicated their annual conference in 2002 to Barbara to show their appreciation for the manner in which Barbara performed this job.

Mrs. Edington also had re-

sponsibility for many secretarial functions related to the Board's monthly meetings. She was responsible for seeing that the agenda books were assembled, for typing the final draft of the minute, and for seeing that adjudication hearing records were together. Barbara also performed many other functions; e. g., payroll, maintaining the official books of administrative rules, preparing certified documents and subpoenas, and other related duties.

Barbara also was active as the secretary to the Binns Bengals Youth Football team. Barbara has two sons and three daughters and is married to John Ed-

Awards

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John is a registered architect in Ohio, Indiana, Kentucky, Michigan, Maryland, West Virginia, and Pennsylvania, is an NCARB certificate holder, and also a certified inspector for the US Department of Housing and Urban Development.

John provides BOCA code training for architects, engineers, and code enforcement professionals in Ohio and other states. John is a member of the Ohio Design Professionals and Code Analysts, Inc. and also finds time to be active in his community and serves as a city council member. John is married

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members for a 2-year term. Chairman Holland would like to make appointments to this Ad Hoc Committee at the Board's March 15, 2002 meeting.

In closing, a reminder to those who have previously had continuing education courses approved by the Board prior January 1, 2002. Any continuing education course approval number that does not begin with BBS2002 must be resubmitted and updated to the 2002 Ohio Building Code. If you have any questions about course approvals, please feel free to contact me at 614-644-2613.



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