

BBS Newsletter



Bob Taft
Governor
Gerald O. Holland
Chairman

Legislation Watch

S.B. 102 (As Introduced) **Sens:**

- Wachtmann, Jacobson**
- Creates Ohio Manufactured Homes Commission (MHC) to regulate installation of manufactured housing.
 - Requires (MHC) to adopt standards for installation of manufactured housing.
 - Establishes manufactured housing installer license.
 - Permits (MHC) to discipline installers and deny licenses to installers.
 - Permits the (MHC) to certify local departments to accept and approve plans and inspect installations of manufactured housing.

H.B. 175 (As Introduced) **Reps: Buehrer, Widener, Olman, D. Evans**

- Requires the BBS to adopt statewide uniform 1-, 2-, and 3-family residential building code, separate from nonresidential building code.
- Requires Residential Construction Advisory Committee to recommend a residential building code to the BBS.
- Permits certified county, township, or municipal building department to administer and enforce the residential building code, the nonresidential

- building code, or both.
- Specifies that in areas without local certified residential building department no plan submittal required.
- Permits local governments to adopt additional regulations for residential buildings if regulations are not in conflict with statewide residential building code and address subject matter that is not addressed in that code.
- Provides procedures for BBS to determine whether conflict exists with local regulation, and requires incorporation of local regulation into statewide residential building code if regulation conflicts with that code but is necessary for health, safety, or welfare.
- Requires political subdivisions with a certified residential building department to collect a BBS fee of 1% for residential.
- Retains energy conservation and thermal efficiency standards for residential structures while in a general manner.
- Adds penalty provisions for violations of Building Code.

(Continued on page 2)

2004 Looks Like a Nonresidential Year

Growth of construction spending is projected to stay at 3-3.5% in 2004, but when and what will be very different from last year. The growth will be at 2-2.5% early in the year as new residential activity slows. The pace is expected to accelerate to over 4% in the second half of 2004 as nonresidential growth quickens in an expanding economy and heavy construction gets a boost from new funds in the fiscal year 2005 public budgets.

Nonresidential is the most cyclical construction market. It will receive the biggest boost during the recovery phase of an economic cycle. The impact is more than the shift from 1.5% growth in 2003 to +6.7% next year because some nonresidential sectors will not start to expand quickly until spring 2004. Spending for commercial projects (which the U.S. Department of Commerce now defines as retail, parking, and warehousing) has been increasing strongly since February, with retail space typically following closely behind new housing. This offsets the steep drop in spending in 2002 and keeps total 2003

(Continued on page 7)

INSIDE THIS ISSUE:

In the News Around Ohio	2
New Appendix O	2
New Appendix P	3
BBS Quarterly Calendar	10
Joint Conference Schedule Info.	12

SPECIAL POINTS OF INTEREST:

- *ICC Event Calendar Includes OBOA/ COCOA Joint Conference*
- *Report on New ICC Code Adoptions*

REGULAR FEATURES:

• Getting Mechanical	3
• Legally Speaking	4
• Around the Code World	5
• Making it Understandable	8
• Training News	9

In the News Around Ohio



COLUMBUS—A Columbus owner is suing a major central Ohio home builder for over two million dollars for failing to comply with local and state building codes when they constructed the home in 1995.

When the owner, the second to own the structure, was in the home for less than a week, a serious insect and rodent infestation problem was discovered.

The complaint stated that insects were found in about every part of the home.

According to the Franklin County Common Pleas Court records, the real estate agent recommended that the owner discuss the infestation with the builder because the 20-year structural warranty on the eight-year old home was still in effect.

The builder provided a basement specialist to investigate a series of large cracks in the foundation - some of which allegedly measured three-eighths of an inch.

A structural engineering report indicated the reason for all the cracks is that the slab was not constructed properly.

The seller of the home, is also being sued for an alleged second case of fraud; the seller signed a disclosure form for the property and indicated that there was no known movement, shifting, deterioration, material cracks, or other material problems with the foundation, floors, or walls.

CANTON—18 December 2003, fire occurred in a house in Canton, killing three children, a baby and two men. The mother of the baby died five days later in an Akron hospital, while two adults and a firefighter were treated for injuries and released. The residents and neighbors kicked open

doors and tried to rescue those inside. A neighbor ran into the burning house but didn't come out. People tried to get inside and others ran garden hoses to the house to try to fight the flames.

Two persons were treated at Aultman Hospital for burns and smoke inhalation suffered as they tried to rescue the children. A Canton fire captain suffered an arm injury while bringing one of the victims out of the house and was also treated at Aultman.

It may take several days for fire investigators to pin down what started the blaze. Investigators have taken samples and collected evidence. Initial reports indicate the fire started in a living room on the first floor. The Christmas tree and other decorations were in the room, but it's not known if the holiday decorations played a part in the fire.

The first reports about the fire came at 4:06 a.m. Neighbors called emergency services after hearing cries for help. Another call was made at 4:08 a.m. and a final call was made at 4:12 a.m. and lasted about one minute and ended as firefighters arrived.

According to the city building department, a "non-owner occupancy certificate" - required for rental properties - had not been filed with the department. The certificate shows a property has been inspected by the building department and meets city safety codes, according to the Canton City law director's office.



"Associate yourself with men of good quality if you esteem your own reputation. It is better to be alone than in bad company."

George Washington

Legislation

(Continued from page 1)

- Removes authority of county or municipal corporation to require licensing of residential contractors.
- Requires residential contractors to be licensed statewide by OCIEB.
- Increases OCIEB from 17 to 22 members by adding five-member residential construction section.
- Provides procedures for homeowner and residential contractor to follow prior to homeowner filing claim or seeking arbitration.

Sub. H.B. 208 (As Reported by H. Commerce & Labor) **Reps: Young, Brinkman, Buehrer, McGregor, Flowers, Aslanides, Peterson, D. Evans, Gibbs, Reidelbach, Callender**

[JOBA testimony before committee and letters/calls to representatives about this bill were very instrumental in getting an amendment made favorable to certified building departments.]

- Decreases retainage that may be withheld for specified public improvement projects from 8% to maximum of 2%.
- Limits use of holding retainage to a percentage-based system in private sector.
- Prohibits contractor, subcontractor, or material supplier from withholding retainage at higher rate than amount being withheld from that contractor, subcontractor, or material supplier.
- Requires interest to be paid on retainage withheld.
- Modifies conditions for release of retainage for specified public improvement projects and establishes similar conditions for release of retainage for private sector construction projects, including "line item release" by trade.
- Modifies penalties for delayed release or unauthorized retainage for

(Continued on page 8)



Getting Mechanical—Debbie Ohler, P.E.

The Slow Drip on Piping Systems

As most of you know from my article in the previous edition of the newsletter, there are some major rule changes scheduled to take place on January 1, 2004 regarding the enforcement of piping systems in Ohio. These rule changes were proposed as a result of legislative changes to the pressure piping laws that became effective on September 26, 2003. At the time of this writing, the rule changes have already been through the public hearing process and were adopted by the Board of Building Standards on December 12, 2003. Since the code publishers will not have these changes in your hands by January 1st it is important that you get copies of these rules for your use. To obtain a copy of the actual text of the proposed rules, check the public hearing draft mailed to your department or the Register of Ohio website at www.registerofohio.state.oh.us.

Since the publication of the last newsletter article which summarized the changes, I have received numerous questions about these rule changes and thought it might be helpful to share some of the questions and responses in this edition.

1. Question: Who will be inspecting the medical gas piping systems?

Answer: There are two options for enforcement of medical gas piping systems. The first option is a board of building standards (BBS) certified building department holding the optional certification to enforce medical gas piping systems. If the department is not certified for medical

gas piping system enforcement, then the Division of Industrial Compliance will continue to have enforcement authority.

2. Question: Will certified departments have to enforce power piping systems?

Answer: Enforcement of power piping systems will be an optional department certification just as medical gas piping system enforcement is an option. If departments choose to not enforce these piping systems, the Division of Industrial Compliance will continue to have enforcement authority.

3. Question: Departments will now be required to do plan review and inspection of hydronic, refrigeration, LP gas, and certain other piping systems. Will the board provide training for department personnel on these topics?

Answer: Mandatory board training on the piping systems will not be provided prior to the effective date of these rules, January 1, 2004. The board education staff is working with private vendors to get some courses approved for continuing education credits. As of this date, only one vendor has approached the board inquiring about offering a board approved seminar on medical gas piping systems. The board technical staff is currently busy keeping up with the legislative and administrative rule changes associated with these piping systems. A seminar will be provided by staff at the OBOA joint conference updating interested parties on the administrative application of these piping system rules. The board technical staff is busy developing the next set of Ohio codes scheduled for adoption in 2004 and

therefore, will be unavailable to teach classes until that project is completed in the fall of 2004. As always, it is anticipated that mechanical and plumbing code mandatory training will be provided next year, just prior to the new code adoption. Those sessions will briefly touch on the enforcement of the piping provisions of the codes. If certified individuals desire more detailed instruction on inspection of piping systems, we suggest that you check with the following sources: ICC (offers BBS approved courses on the International Plumbing Code, the International Mechanical Code, and the International Fuel Gas Code), NFPA (offers courses on medical gas systems), and ASME (offers courses on power and process piping systems).

4. Question: Some industry pressure piping systems were previously inspected by "special inspectors" holding a certificate of competency through the board. Will "special inspectors" employed by private industry still be permitted to self inspect the piping systems in their facilities?

Answer: Until certified departments request optional certification and get approved by the board to become certified for power piping systems, the superintendent has agreed to temporarily designate the previously recognized "special inspectors" and allow them to continue the self inspections of only power piping systems (not building services type refrigeration, hydronic, and LP gas piping systems) in their facilities. This temporary designation was put in place because the board is aware that industry represen-

(Continued on page 4)

Pressure Piping

(Continued from page 3)

tatives are planning to get a bill introduced to propose further legislative changes to the Ohio Revised Code. In facilities without “special inspectors”, the superintendent will designate department inspectors to inspect the power piping systems, as is currently the practice.

5. **Question:** Who is responsible for inspecting the outside LP gas piping between the tank and the point of delivery?

Answer: As was previously mentioned, certified building departments will be responsible for enforcement of LP gas piping systems. The Ohio Mechanical Code (OMC) section 301.3 refers the code user to the International Fuel Gas Code (IFGC) for fuel gas distribution piping. The scope of the IFGC only includes the piping system between the point of delivery and the connection to the gas utilization equipment. For LP gas, unlike natural gas, IFGC section 401.2 refers the code user to the IFC and NFPA 58 for the LP gas storage system (including piping on the supply side of the point of delivery). NFPA 58 is to be enforced, to the extent of the reference, just like any other referenced standard in the building code, by the building official having jurisdiction.

If you have further questions or concerns about the rule changes addressed in the last edition, please feel free to contact me at the office (614)644-2613 or via e-mail at dohler@com.state.oh.us. As mentioned above, we may be seeing further changes to the piping system laws. If so, **stay tuned** for the next edition of “As the piping drip continues”!



Legally Speaking—John Brant, Esq.

An issue recently resurfaced pertaining to the exception in Section 105.3.1.1 of the Ohio Building Code as to when a building official can review plans if he is not also certified by the Board as a plans examiner.

This exception was enacted by the General Assembly in H. B. 300 which established the building department personnel certification program in Ohio, and was intended to allow the building official to perform plan examination in the absence of a full-time plan examiner on the staff of the building department. Specifically, the exception is found in Section 3791.042, R. C., and was enacted after the Board threatened to revoke the certification of a building department because its building official was reviewing all of the plans submitted to the department even though he was not a registered architect or professional engineer and was not certified as a plans examiner.

After receiving numerous complaints about the Board’s position not letting the building official act as a plans examiner, the General Assembly enacted Section 3791.042 of the Ohio Revised Code. This section and section 105.3.1.1 of the Ohio Building Code provide that the building official may review the plans when there is no full-time plans examiner employed by the building department and when a registered architect or professional engineer prepares the plans. The law also requires that the registered design professional place a written certification upon the plans that “the plans and specifications conform to the requirements of the Ohio

building code and chapters 3781. and 3791. of the Revised Code.” What constitutes a written certification? It is an affirmative statement that clearly states that the plans, specifications and technical calculations conform to all requirements of the building code adopted by the Board of Building Standards and additionally that all requirements of Chapters 3781 and 3791, R. C. have been complied with.

The published commentary on Chapter One of the OBC indicates that the written certification is not just the seal of the registered design professional on the construction documents. Rather, it must be in a form of a notarized statement. General notes on the documents stating that the design will be in compliance with the OBC, OMC, or OPC are not sufficient to meet this requirement.

Does this eliminate the requirement for a plans examination to be performed by the building official? The building official is now required to perform the review and it is incumbent on the building official to fulfill this obligation with a thorough review of the construction documents to assure that they comply with both the statutory law and the building code.

Section 3791.042 has never been litigated in court, but it is my opinion that once the architect elects to invoke this section and certifies the plans as complying with the Revised Code and the Ohio Building Code that the design professional would be held strictly liable if his construction documents failed to comply with all provisions of the Ohio Building Code and the Chapters 3781 and 3791, Revised Code.



Around the Code World with Mike Brady



OUT WITH THE OLD, IN WITH THE NEW

Some of you may have noticed that more research reports are being submitted from the International Code Council (ICC) and less are from BOCA, ICBO and SBCCI. This is because technically, BOCA and the others no longer exist, having been absorbed into the ICC. I've included copies of the new Appendix O (refer to page 6) and Appendix P (refer to page 7) to go with this article because they have not yet been printed by the publisher.

In reality, you should have started accepting ICC reports and turning away reports from BOCA, ICBO and SBCCI when you began receiving plans submitted under the 2002 Ohio Building Code. There was a brief transition when BOCA and the others were listed along with the ICC in Appendix P because plans were still being submitted under the old OBBC during the grace period that ran from January 1, 2002 to June 30, 2002. Some of those projects may still be out there.

As part of this transition, the ICC absorbed the research reports from BOCA and the others and they were re-evaluated and republished under the ICC name. As time goes on, you will begin to receive more ICC reports from agencies processed by the International Accreditation Service, Inc. (IAS). IAS was specifically created to evaluate the kinds of agencies you see in Appendix O. This is why both the ICC and IAS are listed in Appendix P. Given their background role, it is unlikely you will ever see a report by IAS. Most of the reports for products and systems will carry the ICC name, but they will cover products and manufacturers evaluated by agencies having accreditation from the IAS.

Approved agencies are different from

approved national evaluation and accreditation services in that approved agencies are listed in Appendix O and approved national evaluation and accreditation services are listed in Appendix P. Normally, one would only need to use Appendix P if it became necessary to verify the tests each agency is accredited to perform (more on that later).

OBC section 119 states: "When test reports are required to be submitted to the building official or where materials or assemblies are required by this code to be labeled, the agency performing the tests, marking or the labeling shall be an approved agency."

What's the difference between an approved agency and an approved national evaluation and accreditation service? An approved agency is defined in section 1702.1 OBC as "An established and recognized agency regularly engaged in conducting tests and/or furnishing inspection services, when such agency has been approved in accordance with the rules of the Ohio Board of Building Standards." An approved national evaluation and accreditation service is defined in Chapter 2 OBC as "An established and nationally recognized service regularly engaged in evaluating the competency of agencies to conduct tests and inspections required by the rules of the Board." Basically, Appendix O is intended for use by certified building departments and Appendix P is intended for use by the Board of Building Standards although it can be used by both. (More on that later).

A testing laboratory or inspection service can become an approved agency by demonstrating the capa-

bility, competence and independence required to perform the tests and inspections referenced in the OBC. Previously, the Board determined this through information supplied solely by the agencies themselves. It was not practical to conduct the on-site visits required to verify the accuracy of the information because the Board simply did not have the resources available to do the job. To fulfill this need, the Board changed its procedures on August 1, 1996, to include the services of nationally recognized evaluation and accreditation services.

In order to be accepted by the Board, an agency must meet the following criteria:

- 1) It must be accredited or recognized by one of the approved national evaluation and accreditation services listed in Appendix P in the OBC; and
- 2) It must be a truly independent third party agency (have no conflicts of interest); and
- 3) It must maintain its accreditation with one of the approved national evaluation and accreditation services.

Why do building departments need to know about the agencies listed in Appendix O? They need to know because they must be assured that the work described in reports has been performed by independent laboratories and/or inspection services are competent to do the testing and inspections prescribed in the OBC (see section 1703, for example). The Board of Building Standards provides this information in Appendix O in order to make this assurance possible.

(Continued on page 11)

Code World

APPENDIX O APPROVED TESTING AND INSPECTION AGENCIES

This is a list of Ohio approved testing laboratories and inspection agencies created in accordance with the provisions of section 119 OBC. It is intended for use by certified building departments wherever the OBC requires the testing, inspection, labeling or grademarking of materials or assemblies. Whenever a certified building department receives a report from a laboratory or inspection agency or is required by this code to check for labeling or grademarking, the building department must review this appendix to see if the report, label or grademark is from one of the approved agencies listed herein to determine compliance.

APA - The Engineered Wood Association ¹ 7011 South 19th Street P.O. Box 11700, Tacoma, WA 98466	Factory Mutual Research Corporation 1151 Boston-Providence Turnpike, Norwood, MA 02062	Upper Marlboro, MD 20774	TesTech, Inc. 1700 Lyons Road, Dayton, OH 45458
Applied Research Laboratories 5371 N.W. 161st. Street, Miami, FL 33014	Geo-Sci Laboratory, Inc. 792 Bagley Road, Berea, OH 44017	NSF International ³ 789 Dixboro Road, Ann Arbor, Michigan 48105	Timberco, Inc. (TECO) 86305 College View Road, Eugene, OR 97405
ATC Associates, Inc. 8989 Herrmann Drive, Suite 300, Columbia, MD 21045	Guardian Fire Testing Laboratories, Inc. 399 Prospect Avenue, Buffalo, NY 14201	Omega Point Laboratories, Inc. 16015 Shady Falls Road Elmendorf, TX 78112	TolTest, Inc. P.O. Box 2186, 1915 North 12th Street, Toledo, OH 43624
BBC & M Engineering, Inc. Dublin location 6190 Enterprise Court Dublin, OH 443016	Hardwood Plywood & Veneer Association P.O. Box 2789, 1825 Michael Faraday Drive, Reston, VA 20190	OMNI-Test Laboratories, Inc. ³ 5465 SW Western Avenue, Suite G, P.O. Box 743 Beaverton, Oregon 97075	Underwriters Laboratories, Inc. 333 Pflingsten Road, Northbrook, IL 60062
Cincinnati location 11699 Chesterdale Road Cincinnati, OH 45246	H.C. Nutting Company 611 Lunken Park Drive Cincinnati, OH 45226	PFS Corporation 2402 Daniels Street, Madison, WI 53718	Underwriters Laboratories of Canada 7 Crouse Road, Scarborough, Ontario M1R 3A9
Bowser-Momer Testing Lab, Inc. 4518 Taylorsville Road P.O. Box 51, Dayton, OH 45424	Independent Textile Testing Service, Inc. P.O. Box 1948, 1503 Murray Avenue, Dalton, GA 30722	Professional Service Industries, Inc. 5555 Canal Road, Cleveland, OH 44125	Wyle Laboratories, Inc. 7800 Highway 20 West, Huntsville, AL 35806
Canadian Plywood Association ² 735 West 15th Street, North Vancouver, B.C., Canada V7M 1T2	Intertek Testing Services NA Inc. ⁴ Headquarters: 70 Codman Hill Road Boxborough, MA 01719	Professional Testing Laboratory, Inc. 714 Glenwood Place, Dalton, GA 30721	Notes: 1. Approved as an inspection agency 2. Approved as an inspection and grade marking agency 3. Approved as a testing laboratory and an inspection agency 4. ETL and Warnock-Hersey are now part of Intertek Testing Services. 5. AGA is now a part of the Canadian Standards Association. 6. The Engineering Experiment Station at the Ohio State University discontinued performing tests in 1985. It is still listed because some of the tests performed before 1985 may still be valid.
CSA International ⁵ HQ 178 Rexdale Boulevard, Toronto, Ontario, Canada M9W 1R3	Antioch location: 2200 Wymore Way, Antioch, CA 94509	Progressive Engineering, Inc. 58640 State Road 15, Goshen, IN 46528	
Alberta location 1707 - 94 Street, Edmonton, Alberta, Canada T6N 1E6	Cortland location: (ETL) 3933 US Route 11, Cortland, NY 13045	RADCO, Inc. 3220 East 59th Street, Long Beach, CA 90805	
British Columbia location 13799 Commerce Parkway, Richmond, (Vancouver), B.C. Canada V6V 2N9	Madison location: (Warnock-Hersey) 8431 Murphy Drive, Middleton, WI 53562	Resource International, Inc. 281 Enterprise Drive, Westerville, OH 43081	
California location 2805 Barranca Parkway Irvine, CA 92606	Montreal location: 1829 32nd Avenue, Lachine, Quebec, Canada H8T 3J1	SGS U.S. Testing Laboratories, Inc. Headquarters: 5555 Telegraph Road, Los Angeles, CA 90040	
Ohio location (formerly AGA), 8501 East Pleasant Valley Road Cleveland, OH 44131	Toronto location: 3210 American Drive, Mississauga, Ontario, Canada L4V 1B3	New Jersey location: 291 Fairfield Avenue, Fairfield, NJ 07004	
Quebec location 865 Rue Ellingham Point-Claire, Quebec, Canada H9R 5E8	Vancouver location: 211 Schoolhouse Street, Coquitlam, B.C., Canada V3K 4X9	Oklahoma location: 1341 North 108th East Avenue, Tulsa, OK 74116	
Commercial Testing Company P.O. Box 985, 1215 South, Hamilton Street, Dalton, GA 30720 Engineering Experiment Station ⁶ The Ohio State University 2070 Neil Avenue, Columbus, OH 43210	MET Laboratories, Inc. 914 West Patapsco Avenue Baltimore, MD 21230	Solar Testing Laboratories, Inc. 5399 Lancaster Drive, Brooklyn Heights, Ohio 44131	
Entela, Inc. 3033 Madison Avenue S.E. Grand Rapids, MI 49548	NAHB Research Center 400 Prince Georges Boulevard	Southwest Research Institute Department of Fire Tech. 6220 Culebra Road, P.O. Drawer 28510, San Antonio, TX 78228	

Code World

APPENDIX P

APPROVED NATIONAL EVALUATION AND ACCREDITATION SERVICES

The contents of this appendix to the Administrative Code is not adopted material but is approved by the Board of Building Standards and provided as a reference for users.

AASHTO Accreditation Program (AAP)
Building 226, Room A365
Gaithersburg, MD 20899
Tel. (301) 975-6704

American Association for Laboratory Accreditation (A2LA)
5301 Buckeystown Pike, Suite 350
Frederick, Maryland 21704
Tel. (301) 644-3248

ICC Evaluation Service, Inc. (ICC-ES)
5360 Workman Mill Road
Whittier, California 90601
Phone: (562) 699-0543

International Accreditation Service, Inc. (IAS)
5360 Workman Mill Road
Whittier, California 90601
Phone: (562) 699-0541

National Voluntary Laboratory Accreditation Program (NVLAP)
Building 820, Room 282
Gaithersburg, MD 20899
Tel. (301) 975-4016

Standards Council of Canada
200-270, rue Albert Street
Ottawa, ON (Canada) K1P6N7
Tel. (613) 238-3222

2004 Belongs to Nonresidential

(Continued from page 1)
spending unchanged.

Spending will continue to expand into 2005.

Later next year, as a reflection of a stronger economy, larger regional projects are expected to begin construction.

Some large retail projects will be built before they are justified by increased consumer shopping demand because capital that is leaving a depressed bond market is

flowing to real estate to obtain better returns.

The warehouse sector (17% of total commercial) shrank by one-third in the last three years, but is projected to grow 4-5% in 2004.

Surplus distribution capacity is being absorbed quickly as goods industries expand faster than service industries during the early recovery phase of the business cycle.

Good news—we'll see.



ICC Adoptions

The 2003 *International Building®* and *Residential Codes®* will be the base documents for the *Florida Building and Residential Codes*. The Florida codes will contain amendments to the I-Codes™, including modifications to address the state's strict hurricane standards. The *Florida Residential Code* will be a first for the state. There is no current Florida Residential Code. Florida already enforces statewide the *IFGC*, *IMC*, and *IPC*.

Jurisdictions recently adopting I-Codes:

Fountain Hills (population 22,000), Arizona—2003 *IBC*, *IFC*, *IFGC*, *IMC* and *IPC*, effective in February.

Houston (population 2 million), Texas, approved new fire code—2000 *International Fire Code* with amendments. Effective Oct. 6.

Lacey (population 32,000), Washington—2003 *IBC*, *IEBC*, *IFC*, *IFGC*, *IMC*, *ICCP* and *IRC*. Effective Aug. 23.

Lakewood (population 144,000), Colorado—2003 *IBC*, *IECC*, *IFC*, *IFGC*, *IMC* and *IRC*. Effective Aug. 30

North Lyon County, (population 38,000), Nevada, Fire Protection District—2000 *IBC*, *IFC*, *IFGC*, *IMC*, *IPC*, *IPMC*, and *IRC* for the district.

Other cities include: Anchorage, (population 269,000), Alaska; Belle Meade, (population 3,000), Tennessee; Cape Girardeau (population 36,000), Missouri; Cheyenne, (population 54,000), Wyoming; Fargo, (population 91,000), North Dakota; Mobile, (population 195,000), Alabama; New Rochelle, (population 72,000), New York; Oklahoma City, (population 519,000), Oklahoma; Seneca, (population 2,000), Illinois and Toledo, (population 309,000), Ohio.

Making it Understandable - Jan Sokolnicki



It's not as difficult as it used to be for me to decide what to write about. We get so many calls about accessibility and occupancy issues that I feel I'll never be able to write about anything else....such is life.

The Sprinkler Thresholds:

We have had a couple significant changes this past year in the sprinkler thresholds that deserve some attention.

OBC §903.2.1.3: The newest change relates to the **automatic sprinkler requirements for churches and it becomes effective 1/1/04**. The new provisions resulted from a petition, numerous letters and appeals related to the significantly more restrictive sprinkler requirements of the 2002 OBC.

In the new change, two exceptions have been added. Fire areas exceeding 12,000 ft² or 300 occupants will not require sprinklers when those areas are used for worship (with fixed seating) or are areas without fixed seating but not used for exhibition or display.

OBC §903.2.7: An exception was added to the sprinkler requirements of certain R-2 occupancies and it became effective in August of 2003 but many still haven't seen it or read it and others may have been confused because of the Sept./Oct./2003 *Code News* article. The article, written by Greg Nicholls, AIA, was a very useful explanation of the new provisions but unfortunately, West Publishing included some graphics at the end of the article that were not intended for the new provisions. To clarify, the added fourth exception allows an R-2 occupancy to be built without sprinklers when the building qualifies pursuant to §1005.2.2 to be a single exit building **and** the design/building meets **each** criteria listed (a-d) below:

- a) exit constructed as exterior stair pursuant to §1005.3.6
- b) each dwelling egresses through the exit
- c) building is limited to fire areas with no more than two units per floor & 6 per fire area
- d) all units within a fire area must be separated per §708.1.

Accessibility Questions:

Q. *If an owner or designer indicates that an area in a building would be used only by employees, and those employees could not be disabled based on their job descriptions (e.g. firefighters, police officers, etc.) does the work area and the adjacent spaces have to meet the accessibility provisions of the OBC?*

A. The building official and plans examiners have no exception in the code to use that would exempt employee-only areas unless it meets the criteria listed in OBC section 1103.2 (construction sites, raised areas for security/special observation, equipment platforms, etc.). While the accessibility provisions only require that work stations have access into and from the spaces, the common areas used by the employees require compliance to the same extent that amenities and spaces in public areas must meet.

Q. *Do the accessibility provisions in Chapter 11 apply to a change of occupancy in the same way as if the space were newly constructed?*

A. No. Since the building is existing, section 3409 in Chapter 34 must be reviewed first to determine which accessibility provisions apply. It is also important to review and understand the application of the disproportionate costs provision when evaluating a proposal that includes an alteration to an area of primary function.



Legislation

(Continued from page 2)

public improvement projects and establishes similar penalties for private sector construction projects.

- Shortens by ten days specified payment deadlines and adds new criteria to establish deadline.
- Except for contracts for residential construction, establishes criteria regarding unauthorized withholding of funds that render a construction contract void and unenforceable as against public policy.
- Abolishes retainage provisions applicable to contracts for specified street improvements authorized by county commissioners.
- Requires public and private owners to state in their construction contracts percentage amount of retainage.
- Allows contractors to use insurance for replacing delivered materials stolen, destroyed, or damaged.
- Defines "retainage" and "schedule of values" as those terms apply to specified provisions governing public and private sector construction projects.

H.B. 266 (As Introduced) Reps: Flowers, Widener

Renames BBS as the Board of Building and Fire Standards (BBFS) and adds five members.

- Transfers authority to adopt the State Fire Code from the State Fire Marshal to the BBFS.
- Creates a 5-member Ohio Building Code Advisory Committee and a five-member Ohio Fire Code Advisory Committee to assist the BBFS in OBC and OFC adoption.
- Transfers the State Fire Marshal's office from the Dept of Commerce to the Dept of Public Safety.

(Continued on page 11)



Training News—Billy Phillips

Ohio Code Academy May Soon Be A Reality -

Richard Schreiwer/ Contributing

At its Conference meeting held at the 12th Annual Joint Conference in Cleveland the Board created the Education Ad Hoc Committee. The committee responsibility includes making recommendations to assist the Board on education and certification issues. The committee consist of one member from each of the following code organizations: Ohio Building Official's Association, Five County Building Official's Association, Building Conference of Northeast Ohio, North Central Ohio Building Official's Association, Northwest Ohio Building Official's Association, Miami Valley Building Official's Conference, Southwestern Ohio Building Official's Association and the Central Ohio Code Official's Association. The President of OBOA also serves as an advisory member of the committee.

The committee has continued to work on the Ohio Code Academy, a concept that has been evolving over the past two decades. During this time span, Ohio has taken several steps to establish progressive methods of educating certified personnel.

Four major initiatives that created milestones in the development process are:

- The development of a structured curriculum covering all aspects of code enforcement was created with the help of Ohio State University. This document known as "DACUM" is still referred to extensively in discussions of educational development.
- "Train the Trainer", made it

clear that adult education needs are best filled when they are taught to specific learning objectives, delivered in brief concise segments, and the learning experience is verified and validated by some means of measurement.

- The Education Coalition meetings held in the late 90's were the most effective activities, melding together all of the aspects of our previous sessions and highlighting the aspects of our plan that were incomplete.
- The creation and appointment of the Education Ad Hoc Committee to make recommendations to the Board on education and certification issues. For the past two years the committee has been putting the final touches on the Ohio Code Academy.

Each of these four initiatives tackled along that 20-year journey have been combined to make up the necessary pieces of the fully developed code academy concept.

The Education Ad Hoc committee has completed the remaining work and developed a progressive plan that will professionally educate and evaluate those individuals seeking certification in the State of Ohio as a certified code official.

The committee has completed two descriptive papers one of which is titled, "The Progression from Trainee to Full Certification"; the other is the "The Ohio Code Academy Structure".

"The Progression from Trainee to Full Certification" is a concise description of the new methods an individual will use to achieve full certification in their desired discipline. The primary change from today's system is the expanded level of Interim Certification. At this level an individual will be re-

quired to attend and successfully complete the requirements of the Code Academy prior to being recommended for full certification.

"The Ohio Code Academy Structure" is a comprehensive view of the Academy and its inter workings. Included in the paper is the proposed structure for the business side of the academy, the process by which courses will be taught, how students will be evaluated, the required course work by certification, and the specific course topics with the curriculum of each topic outlined.

At its Conference meeting held on December 12, 2003, the Board recommended approval of the Ohio Code Academy and changes to certification categories submitted by the Education Ad Hoc Committee be moved to Public Hearing. Prior to the Public Hearing scheduled for March 5, 2004, the Board has recommended that an Open Hearing take place during the Board's Conference meeting scheduled for at the OBOA/COCOA Joint Conference in Columbus on January 26, 2004. The Open Hearing will allow code officials, design professional and other interested parties an additional opportunity to voice their opinion to the Board on the proposed changes. Board member Dave Ledvinka noted that "The committee has always viewed the Ohio Code Academy concept as a work in progress. An Open Hearing at the conference will allow the committee and the Board to gather additional information to make modifications prior to the Public Hearing in March". The Open Hearing will be an opportunity for you to voice your opinion to the Board on this very important issue.

A complete copy of the proposed changes will be sent out to each certified building department sometime in January prior to the Joint Confer-

(Continued on page 11)

Ohio Board of Building Standards Calendar

JANUARY 2004							FEBRUARY 2004							MARCH 2004						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3	1	2	3	4	5	6	7		1	2	3	4	5	6
4	5	6	7	8	9	10	8	9	10	11	12	13	14	7	8	9	10	11	12	13
11	12	13	14	15	16	17	15	16	17	18	19	20	21	14	15	16	17	18	19	20
18	19	20	21	22	23	24	22	23	24	25	26	27	28	21	22	23	24	25	26	27
25	26	27	28	29	30	31	29							28	29	30	31			

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| <p>1—New Years Day</p> <p>25, 26, 27—OBOA/COCOA Joint Conference</p> <p>26—Board of Building Standards Public Hearing & Conference Meeting</p> | <p>2—Groundhog Day</p> <p>12—Lincoln’s Birthday</p> <p>16—President’s Day</p> | <p>1—Electrical Safety Inspector Exam</p> <p>5—Board of Building Standards Conference Meeting</p> <p>17—St. Patrick’s Day</p> |
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ICC Calendar

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| <p>Jan. 11-14 BOMA Winter Business Meeting and Leadership Conference; Tucson, Arizona</p> <p>Jan. 14 Deadline for Receipt for Public Comments</p> <p>Jan. 14-16 NMHC Annual Meeting; Boca Raton, Florida</p> <p>Jan. 24-28 ASHRAE Winter Meeting; Anaheim, California</p> <p>Jan. 25-27 OBOA/COCOA Annual Conference; Marriott North; Columbus, Ohio</p> <hr style="width: 50%; margin: 10px 0;"/> <p>Feb. 1 Deadline for ICC Receipt of Public Comments</p> <p>Feb. 2-4 Use of Elevators in Fires and Other Emergencies; Westin Peachtree Plaza Hotel; Atlanta, Georgia</p> <p>Feb. 12-13 Central Ohio Expo; Greater Columbus Convention Center; Columbus, Ohio</p> | <p>Feb. 23-27 EduCode - Las Vegas, Nevada</p> <p>Feb. 27-Mar. 2 NACO Legislative Conference 2004; Washington, DC</p> <hr style="width: 100%; margin: 10px 0;"/> <p>March 1-6 Colorado Chapter Educational Institute; Marriott; Denver, Colorado</p> <p>March 2-4 Workshop on Use of Elevator in Fires & Other Emergencies; The Westin Peachtree Plaza; Atlanta, Georgia; ICC is Co-sponsor</p> <p>March 11-13 AGC Constructor Expo; Gaylord Palms Hotel - Orlando, Florida</p> <p>March 23-27 Midwest Builders Show; Donald E. Stephens Convention Center; Rosemont, Illinois</p> <p>March 25-28 AIA South Carolina; Columbia, South Carolina</p> |
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Code World

(Continued from page 5)

Why are these reports important to building departments? These reports are important to building departments because:

- 1) They are required by section 1703 OBC;
- 2) They can help determine whether the product or assembly meets the requirements of the OBC; and
- 3) They describe any conditions/limitations attached to their acceptance.

Why should a building official or plans examiner be concerned with test reports? Because section 1703.4 OBC states: "Specific information consisting of test reports conducted by an approved testing agency in accordance with standards referenced in Chapter 35, or such other information as necessary, shall be provided for the building official or plan examiner to determine that the material meets the applicable code requirements." This means the building department must receive and review these documents before the material is approved and the inspector must have the appropriate installation information before any inspection.

Why should a building official or plans examiner or inspector be concerned with labeling? Because section 1703.5 OBC states: "Where materials or assemblies are required by this code to be labeled, such materials or assemblies shall be labeled by an approved agency in accordance with Section 1703."

To be acceptable to a building official or plan examiner, a report must meet the following criteria:

- 1) It must be issued by an ap-

proved testing laboratory;

- 2) The tests or standards must be referenced or listed in the OBC; and

- 3) It must display the information necessary to satisfy the requirements of the OBC.

What should the building officials or plan examiner look for in a report? They should look for information pertinent to the material's performance requirements in the OBC. For example, a report for foam plastic insulation would need to show the following information:

- 1) The name and location of the testing facilities;
- 2) The manufacturer and material name;
- 3) The names and editions of the test procedures, i.e., ASTM E84-2000, etc;
- 4) The dates the tests were performed;
- 5) The size, thickness and density of the sample tested;
- 6) The flame spread and smoke developed rating of the core material; and
- 7) Any conditions or limitations of acceptance.

If it becomes necessary to know what tests or standards approved agencies are listed for, the building official or plan examiner can obtain this information at one of the websites of the approved national evaluation and accreditation services listed in Appendix P. Note that many of these websites will list test or standards that are not referenced in the OBC and, as such, are not usable for purposes of code enforcement.

If you have any questions about the new appendices or about specific reports, please contact us at the Board.



Legislation

(Continued from page 8)

- Adds 2 members to the BBA.
- Transfers regulation of underground storage tanks from State Fire Marshal to Superintendent of Industrial Compliance (DIC).
- Requires Superintendent of DIC to propose rules to BBFS for adoption of Aboveground Petroleum Storage Tank Program and gives Superintendent primary responsibility for administering program.
- Creates a 16-member Aboveground Petroleum Storage Tank Study Committee for submitting a recommendation whether unregulated aboveground petroleum storage tanks should be registered

H.B. 298 (As Introduced) **Reps: Skindell, Seitz, McGregor, Distel, Carano, Miller, Allen, Ujvagi, Chandler, Yates, Strahorn, Harwood, D. Stewart**

- Directs BBS to adopt rules for state buildings and school buildings that comply with LEED Green Building Rating System (Leadership in Energy and Environmental Design), developed by U.S. Green Building Council.
- Requires state buildings and school buildings be designed, constructed, renovated, and maintained in compliance with LEED based rules. 

Training

(Continued from page 9)

ence.

Just a reminder that The Ohio Building Officials Association and the Central Ohio Code Officials Association will hold the 14th Annual Joint Conference, "A Capital Event", on January 25th, 26th, and 27th at the Columbus Marriott North. The continuing education schedule can be seen on page twelve of this newsletter. 

Join Conference Information

MONDAY, JANUARY 26, 2004

- 6:30 – 8:30 a.m. Breakfast
- 7:30 a.m. – 1:00 p.m. Registration
- 5:30 p.m. – 6:30 p.m. Registration
- 8:30 a.m. Companion Tour Departure
- 8:30 – 9:30 a.m. OBOA Annual Mtg. OBOA Elections
- 10:00 a.m. – 12:00 p.m. Education Seminar
- 12:00 noon – 1:00 p.m. Luncheon Speaker, OBOA Awards, Door Prizes
- 1:00 – 3:00 p.m. BBS Conference Meeting
- 1:00 – 5:00 p.m. Educational Seminars
- 5:30 – 6:30 p.m. Registration
- 6:00 – 7:00 p.m. Social Hour
- 7:00 p.m. Banquet, Install OBOA Bd.

TUESDAY, JANUARY 27, 2004

- 6:30 – 8:30 a.m. Breakfast
- 7:00 a.m. Presidents Breakfast
- 7:30 – 10:00 a.m. Registration
- 9:30 a.m. Companion Tour Departure
- 8:00 – 11:00 a.m. Education
- 11:00 – 12:00 p.m. Lunch
- 12:00 – 4:00 p.m. Education

MONDAY SCHEDULE JANUARY 26, 2004												
	CAPITAL ROOM	FOYER	GRAND PAVILION	BALLROOM 1	BALLROOM 2	BALLROOM 3	BALLROOM 4	SALON B	SALON C	SALON E	SALON F	CARDINAL ROOM
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Ohio Board of Building Standards

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*Using Technology to Support the
 Enforcement and Building
 Communities.*

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