

BBS MEMO

Board of Building Standards

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2323 West Fifth Ave., Box S25, Columbus, Ohio 43216

SEAL LAW IN JEOPARDY

BACKGROUND

Since the November 24, 1995 effective date of HB 231 (the Seal Law), members of the legislature have become increasingly impatient with the way the law is being misapplied by some building officials. Ohio House members involved in the development of this Bill attended a special meeting earlier this year with interested parties in an attempt to eliminate the incorrect application of the law by clarifying the statute's intent. At this meeting, the legislators stated that *this bill was not intended to authorize a building department to require a seal on all documents submitted for review to determine compliance with the OBBC*. Recently, legislators requested that BBS staff send another memo to each building department to remind building officials of the law's intent. If building departments continue to apply this law in an overly restrictive manner, lawmakers have indicated *there is a very real chance that this law will be repealed*.

ACCEPTING CONSTRUCTION DOCUMENTS

Building officials do not have the right to refuse construction documents that do not have a seal. If documents are required to have a seal and they do not have one, *they must be accepted for review*. Once the plan review has started, the building official can then utilize the provisions of section 4101:2-1-20 OBBC to determine whether or not a seal is needed. This requirement just becomes one of the many items checked during the normal plan review process. If a seal is required, then this can go into a correction letter/adjudication order along with other items of noncompliance.

Building officials do not have the authority to determine which design professional can seal the plans. This means a building official cannot reject a landscape architect's seal on plans showing the building's location, grading, roadways and site details. The building official does not determine whether it is an engineer or architect who should be sealing the documents when there is a seal.

WHEN A SEAL IS REQUIRED

Construction documents include design, and the location and physical characteristics of construction. *Whenever the preparation of construction documents requires technical analysis (this means design elements of a complex nature, generally requiring computations, evaluations of the loads, stresses, etc.),* the documents must be sealed by a registered design professional. Based upon technical analysis, the registered design professional specifies the performance of a building or building system necessary to meet the needs of the owner/occupant and the requirements of the OBBC.

WHEN NO SEAL IS REQUIRED

There are cases when documents provide location and descriptions of physical characteristics of the construction independent of technical analysis/design. These documents can be submitted for review without a seal. Shop drawings, cut/spec sheets and listings are obvious examples of documents that can be submitted for review but would not require a seal. The following guidelines shall be used when applying section 4101:2-1-20 OBBC. Seals *are not required* on:

1. DOCUMENTS submitted for any 1, 2 or 3 family dwellings including accessory structures such as a garage, greenhouse, shed, etc. not used for commercial purposes; including energy conservation design of 1, 2 and 3-family dwellings;
2. DOCUMENTS submitted for fire protection systems containing the signature of an individual certified in accordance with paragraph (d) of rule 4101:2-1-22 of the Administrative Code;
3. DOCUMENTS submitted for installation of replacement devices, equipment or systems that are equivalent in type and design to the replaced devices, equipment, or systems, including new equipment that meets the required performance characteristics of the original equipment. Examples include removal/replacement of structural members

(headers, etc.) when the new member has equal or greater loadbearing characteristics, and HVAC units providing equivalent or greater efficiency ratings and meeting the original design heating/cooling/electrical loads;

DOCUMENTS submitted for any buildings or structures subject to the OBBC where the proposed work does not involve technical analysis/design, include:

- a. GENERAL CONSTRUCTION drawings for details of alterations or new construction when the design is already clear or preestablished or where the plans examiner can determine compliance without having to check load calculations, etc. Examples include the location and type of a protected opening in a rated assembly when the rating of the assembly is known, details for installation or relocation of interior partitions when the original design parameters have not been changed.
- b. STRUCTURAL systems that are not modified, where any new load applied to the structural system can be shown to have been accounted for as part of the original design. Examples include: a floor assembly where the load imposed by the new use does not exceed the original design capacity; replacement of one type of rooftop equipment where the weight of the new equipment does not exceed the original design load;
- c. PRE-ENGINEERED LISTED/APPROVED equipment drawings or cut sheets that meet the specifications and performance requirements of the code; such as listed commercial range hood.
- d. FIRE PROTECTION systems which are required by the OBBC must bear the seal of a design professional or a certified fire protection designer for fire protection systems. Drawings submitted for the installation of new non-required fire protection systems (per Section 901.3 of the OBBC), and alterations to existing systems that can be made without exceeding the capacity of the system do not require the seal of a design professional or signature of a certified fire protection designer for fire protection systems. Examples include extending existing fire alarm systems into additions when the original design limits of the system are not exceeded, or the installation of a single-head limited area sprinkler system in a boiler room.
- e. HVAC drawings submitted for the installation of replacement equipment or equipment that constitutes an upgrade for an existing system that does not exceed the system's capacities, or an increase in energy demand because of other alterations. If the original design of the system accounted for the increased load or can be shown to accommodate the new configuration or load, the seal of a design professional is not required.
- f. ELECTRICAL drawings which provide sufficient information describing work that does not increase the load on the electrical load center, does not require the seal of a design professional. Adding a circuit to an existing panel or a new subpanel which does not increase the demand on the original service does not require the seal of a design professional. Temporary construction service does not require the seal of a design professional.
- g. PLUMBING drawings describing additional fixtures or other alterations to the system when the system's capacity can be shown to account for such increases/changes.

A REMINDER

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 §119.07 and §119.03 ORC.

In summary, construction documents required to be submitted **must be accepted** for review by the building department. A **thorough, complete plan examination must then be performed**. If the Building Official does not approve the plans, this denial and the reasons for it shall be indicated in a correction/adjudication order. This process shall be used for any item of non-compliance causing the denial including the requirement for a seal.