

APPLICATION

FOR THE CERTIFICATION OF A BOARD OF BUILDING APPEALS - FORM A

Pursuant to section 3781.20 of the Ohio Revised Code and rules adopted by the Board of Building Standards, application is herewith submitted for certification of a Board of Building Appeals to hear and decide appeals from adjudication orders pertaining to the enforcement of Chapters 3781 and 3791 and the rules of the Board of Building Standards.



Board of Building Standards

6606 Tussing Road, P.O. Box 4009
 Reynoldsburg, OH 43068-9009
 (614) 644-2613 Fax (614) 644-3147 FaxBack (614) 728-1244
 dic.bbs@com.state.oh.us
 www.com.state.oh.us/dic/dicbbs.htm

1. BUILDING DEPARTMENT:

Dept. Name: _____
 Street: _____
 City: _____
 Zip Code: _____
 Telephone No: _____
 Fax No: _____
 Date: _____ Year: 20 _____
 E-mail Address: _____

2. BOARD OF BUILDING APPEALS INFORMATION:

Is this application for a contract certification with another Certified Board of Building Appeals? Yes No
 If "Yes", give name of Certified Board of Building Appeals under contract. _____

3. DOCUMENTS TO BE SUBMITTED WITH THIS APPLICATION* (indicate enclosure with an "X" in the appropriate box):

- Ordinance/Resolution Creating Board of Building Appeals
- Ordinance/Resolution Requesting Certification
- Board of Building Appeals Organizational Chart
- Hearing Schedule and Procedures
- Names and Resumes of Members Pursuant to 4101:1-1-12 OAC.

*DOCUMENTS TO BE SUBMITTED FOR CERTIFICATION UNDER CONTRACT WITH ANOTHER BOARD OF BUILDING APPEALS ONLY:

- Ordinance/Resolution (from Jurisdiction with Board of Building Appeals being contracted with) Authorizing Contract
- Copy of Contract

4. COMPOSITION AND TERMS OF BOARD OF BUILDING APPEALS:

Required Member:	Name:	Term Begins	Term Ends
Attorney, admitted to the Ohio bar:	_____	_____	_____
Architect, registered in Ohio:	_____	_____	_____
Engineer, registered in Ohio – Structural:	_____	_____	_____
Engineer, registered in Ohio – Mechanical:	_____	_____	_____
Organized Labor Representative:	_____	_____	_____

Appeals Board Administrative Contact: _____ Phone: _____
 _____ E-mail: _____

5. SIGNATURES OF APPROPRIATE AUTHORITIES (Municipal Officials or County Commissioners):

 Name Title Date

 Name Title Date

 Name Title Date

OAC 4101:1-1-12
Section 112
Board of appeals

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

1. A copy of the charter provision, ordinance or resolution establishing the local board of building appeals and providing for the appointments in accordance with section 112.3;
Note: Certified building departments applying for contractual agreement with a certified board of another political subdivision shall submit a copy of the ordinance or resolution from each party authorizing the contract along with a copy of the contract.
2. The name and resume of each member, including the date of appointment, term of office, professional qualifications and experience necessary for membership.

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

1. The applicant political subdivision has a building department certified pursuant to division (E) of section 3781.10 of the Revised Code and that certification is not by contract with another political subdivision;
2. The board is established pursuant to municipal charter, ordinance or resolution; and
3. The board membership meets the requirements of section 112.3.

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

1. Both political subdivisions have authorized the contractual arrangement by ordinance or resolution and the contract properly executed reflects that arrangement; and
2. The political subdivision applying for the contract has a building department certified pursuant to section 3781.10 of the Revised Code.

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

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

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

1. One attorney, admitted to the Ohio bar;
2. One architect, registered in Ohio;
3. One structural engineer, registered in Ohio;
4. One mechanical engineer, registered in Ohio;
Note: each of these four members shall have recognized ability, broad training and experience in problems and practice incidental to the construction and equipment of buildings and structures.
5. One member representing organized labor, knowledgeable in the construction and equipment of buildings and structures.

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

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

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

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

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

112.4 Powers, local boards of building appeals. Certified municipal and county boards of building appeals shall hear and decide the adjudication hearings referred to in section 113.1 within the jurisdiction of and arising from orders of the local building official in the enforcement of Chapters 3781. and 3791. of the Revised Code and rules adopted thereunder. The orders may be reversed or modified by the board if it finds:

1. The order contrary to such laws or rules;

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

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

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

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

1. Requests for hearing shall be within thirty days of the mailing date of an adjudication order. The local board shall schedule a hearing and notify the party. If the hearing concerns section 3781.111 of the Revised Code or rules adopted thereunder, reasonable notice of time, date, place, and subject of the hearing shall be given to any local organization composed of or representing handicapped persons, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide organization composed of or representing handicapped persons.
 - 1.1 For purposes of conducting adjudication hearings, the local board may require attendance of witnesses, production of records and papers, and may take depositions of witnesses in accordance with section 119.09 of the Revised Code.
 - 1.2 Testimony shall be under oath and as outlined in section 113.1. A stenographic or mechanical record of testimony and other evidence submitted shall be taken at the expense of the local board of building appeals.
 - 1.3 The local board may postpone or continue any adjudication hearing on its own motion or upon the application of any party.
 - 1.4 The board shall keep a full and complete record of all proceedings which shall be open to public inspection.
2. The Board shall render its decision within thirty days after the hearing.
3. Following the hearing, an order shall be entered on its journal, and the local board shall serve by certified mail, return receipt requested, upon the party affected thereby, a certified copy of the order and a statement of the time and method by which an appeal may be perfected. A copy of the order shall be mailed to the attorney or other representatives of record representing the party.
4. Any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of building appeals, may apply to the state board of building appeals for a de novo hearing, or may appeal to the court of common pleas of the county in which he is a resident or in which the premises affected by such order is located.
5. In addition, when the adjudication hearing concerns section 3781.111 of the Revised Code, or any rule made thereunder, any local organization composed of or representing handicapped persons, or if no local organization exists, then any statewide organization representing handicapped persons may file appeals as indicated in paragraph 4. of this section.
6. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.

112.6 Revocation of certification, local board of building appeals. The board of building standards on its own motion or on written complaint of any person affected by the local board of building appeals shall cause to be conducted such investigation to determine whether there is:

1. The presence of fraud;
2. Failure to adhere to applicable procedures set forth in Chapters 119. and 3781. of the Revised Code or rules made thereunder;
3. Failure to render decisions within thirty days of the hearing;
4. Granting of variances to provisions of rules of the board not adopted pursuant to Chapters 3781. and 3791. of the Revised Code but mandated by other chapters of the Revised Code;
5. Failure to notify handicapped organizations pursuant to section 3781.19 of the Revised Code;
6. Failure to permit an appeal for a de novo hearing before the state board of appeals or a direct appeal to the court of common pleas pursuant to section 3781.19 of the Revised Code.

112.6.1 Complaint. When a complaint against a local board has been investigated and found justified:

1. The board of building standards shall schedule an adjudication hearing pursuant to section 119.09 of the Revised Code. The local board shall be notified of the charges by certified mail, return receipt requested, at least thirty days prior to the hearing, informed of their right to be represented by counsel and to present witnesses in their behalf;
2. Following the adjudication hearing, the board of building standards may adopt an order dismissing the complaint or schedule a public hearing pursuant to section 119.03 of the Revised Code for the purpose of revoking the certification of the local board;
3. Following the public hearing, the board of building standards may, in accordance with Chapter 119. of the Revised Code, adopt an order dismissing the complaint or adopt a rule revoking the certification of the local board;
4. Any party to the adjudication or public hearing shall be notified of the board's action by certified mail, return receipt requested, and informed of their right to appeal the order, within fifteen days after the mailing of the notice, to the court of common pleas in Franklin county pursuant to section 3781.20 and Chapter 119. of the Revised Code.

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE _____ BOARD OF BUILDING APPEALS.

WHEREAS, the Citizens of _____ require the establishment of a local appeals process for adjudication orders issued in the enforcement of Revised Code Chapters 3781 and 3791 and the rules of the Ohio Board of Building Standards and;

WHEREAS, the State of Ohio requires the establishment of a local board of building appeals prior to the exercise of authority;

NOW THEREFORE BE IT ORDAINED by the (City Council/County Commissioners) of _____, Ohio that:

SECTION 1. The _____ Board of Building Appeals, upon certification, is hereby established.

SECTION 2. Said Board of Building Appeals shall have full authority to hear and decide appeals from adjudication orders issued pertaining to the enforcement of Chapters 3781 and 3791 and the rules of the Ohio Board of Building Standards pursuant to the certification approved by the Ohio Board of Building Standards and Section 3781.20 of the Revised Code.

SECTION 3. The Citizens of _____, Ohio need this service as soon as possible, and therefore, this matter is declared an emergency.

ORDINANCE/RESOLUTION NO. _____

AN ORDINANCE/RESOLUTION REQUESTING CERTIFICATION TO CREATE A BOARD OF BUILDING APPEALS WITHIN THE (CITY/COUNTY) OF _____ OHIO.

WHEREAS, the (city/county) of _____, Ohio has a certified building department to enforce Revised Code Chapters 3781 and 3791 and the rules of the Ohio Board of Building Standards for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings.

WHEREAS, the (city/county) of _____, Ohio seeks to establish a Board of Building Appeals certified by the Ohio Board of Building Standards pursuant to Section 3781.20 of the Revised Code to hear and decide appeals, therefore

BE IT ORDAINED by the (city council/county commissioners) of the (city/county) of _____, Ohio:

SECTION I: That, upon certification, a Board of Building Appeals is hereby created and shall have full authority to enforce all laws, statutes, and regulations as provided and authorized in the Ohio Revised Code to hear and decide appeals from adjudication orders pertaining to the enforcement of Revised Code Chapters 3781 and 3791 and the rules of the Ohio Board of Building Standards, enforced within the (city /county) of _____, Ohio.

SECTION II: That this ordinance/resolution shall be in full force and effect from and after the earliest period permitted by law and the effective date of certification issued by the Ohio Board of Building Standards.

PASSED: _____
Date

