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4781-7-08 Duties and powers of the ~~inspector~~authority having jurisdiction.

(A) General.

(1) "Authority having jurisdiction" shall have the same meaning as defined in rule 4781-06-3(B)(12) of the Administrative Code.

~~(1)-(2) The~~When under contract pursuant to rule 4781-07-01(F) of the Administrative Code, the authority having jurisdiction shall enforce Chapter 4781. of the Revised Code and the rules promulgated thereunder. The authority having jurisdiction and the inspector shall:

(a) Render interpretations of Chapter 4781. of the Revised Code and the rules promulgated thereunder.

Such interpretations, policies, and procedures adopted by the authority having jurisdiction shall comply with the intent and purpose of Chapter 4781. of the Revised Code and the rules promulgated thereunder. Where there is a specific conflict, the division's interpretations of its statutes or rules shall be binding on the authority having jurisdiction.

(b) Adopt policies and procedures ~~in order~~ to clarify the application of Chapter 4781. of the Revised Code and the rules promulgated thereunder. Such policies and procedures shall not waive any of the requirements under Chapter 4781. of the Revised Code and the rules promulgated thereunder.

~~(2)-(2) Such interpretations, policies, and procedures adopted by the authority having jurisdiction shall comply with the intent and purpose of Chapter 4781. of the Revised Code and the rules promulgated thereunder. Such policies and procedures shall not waive any of the requirements under Chapter 4781. of the Revised Code and the rules promulgated thereunder.~~

~~(3)-(3) Where there is a specific conflict, the commission interpretations of its statutes or rules, shall be binding on the authority having jurisdiction.~~

(B) Applications for permits and plans review.

(1) The authority having jurisdiction shall receive permit applications, review plans, and issue permits for the installation of manufactured homes in compliance with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(2) The authority having jurisdiction shall issue all permits, approvals of plan reviews, directives, and/or all necessary notices or orders to ensure compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.

(3) The authority having jurisdiction may shall charge ~~additional~~ fees for permits, inspections, and plans review as set forth in rule ~~4781-7-09~~4781-7-10 of the Administrative Code unless alternate fees have been preapproved in writing by the division.

(C) Inspection authority.

The authority having jurisdiction shall make all the required inspections and shall accept or reject any reports of inspection by approved agencies or by the person responsible for the installation of the manufactured home. Reports of inspections shall be in writing and be signed by the responsible officer of the

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approved agency or by the responsible person or approved agency.

- (D) Identification. The inspector, upon request, shall present his or her ~~commission~~division --approved credential when inspecting the installation of manufactured homes.
- (E) Right of entry. Where it is necessary to make an inspection to enforce the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder, or where the inspector has reasonable cause to believe that there exists in a manufactured home a condition in violation of Chapter 4781. of the Revised Code ~~and/or~~ the rules promulgated thereunder, that renders the manufactured home unsafe, dangerous, or hazardous, the inspector shall be authorized to enter the manufactured home to inspect or perform his or her duties imposed by Chapter 4781. of the Revised Code or the rules promulgated thereunder, provided that credentials be presented and entry be requested of the installer, the owner, or other person having charge or control of the manufactured home. If entry is refused, the inspector shall have recourse to seek remedies provided by law to ~~secure~~obtain entry and shall not enter until proper approval is granted.
- (F) The authority having jurisdiction shall keep official records of applications received, permits and seals issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained ~~in the official records for the period required for the retention of public records~~pursuant to the records retention policy of the division. Upon termination of certification, all records must be delivered to the ~~commission~~division's office as prescribed.

~~(G)~~ (G) ~~Liability.~~

~~Liability of authority having jurisdictions' personnel for any tortious act will be determined by Ohio courts under Chapter 2744. of the Revised Code. The provisions of Chapter 2744. of the Revised Code are not applicable to third party plans review and/or inspection agency's personnel.~~

~~(H)~~ (G) Approved materials and equipment. Materials, equipment, and devices approved by the inspector shall be installed in accordance with such approval. Used materials equipment and devices shall not be reused unless approved by the inspector.

~~(H)~~ (H) Other designs, installations, or equipment.

(1) Alternative materials, design, and methods of installation or equipment.

(a) These rules do not prohibit the installation of any material or prohibit any design or method of installation that has not been specifically prescribed by Chapter 4781. of the Revised Code and the rules promulgated thereunder, as long as any alternative method, design, or material has been approved by the ~~commission~~division and is in accordance with this Chapter and meets or exceeds the minimum requirements adopted by the department of housing and urban development (HUD) and set forth in 24 C.F.R. 3285.

(b) Alternative materials, designs, or methods of installation shall be approved ~~whereby~~ the ~~commission~~division only if the ~~commission~~division determines that the proposed material, design, or method complies with the intent and the purpose of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder, and that the material, design, or method is being

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used for the purpose intended and is at least the equivalent of the standards prescribed in Chapter 4781. of the Revised Code and the rules promulgated thereunder and meets or exceeds the minimum requirements adopted by HUD and set forth in 24 C.F.R. 3285.

(c) Compliance with specific performance-based provisions of the HUD ~~MHCSS~~ Manufactured Home Construction Safety Standards or the residential code of Ohio ~~or of the international codes~~ in lieu of specific requirements of these rules may be permitted as an alternative.

(2) Tests.

(a) Whenever there is insufficient evidence for compliance with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder or evidence that a material, design, or method does not conform to the requirements of Chapter 4781. of the Revised Code and the rules promulgated thereunder, the inspector or the ~~commission~~ division shall have authority to require tests of the proposed material, design, or method for evidence of compliance at no expense to the jurisdiction.

(b) Test methods shall be as specified in Chapter 4781. of the Revised Code and the rules promulgated thereunder or by other recognized test standards.

(c) Tests shall be performed by an agency approved by the Ohio board of building standards, HUD, or the ~~commission~~ division. In the absence of recognized and accepted test methods, the inspector, or the ~~commission~~ division shall approve the testing procedures.

(d) Reports of tests shall be retained by the authority having jurisdiction ~~for the period required for retention of public records~~ in accordance with the records retention policy of the division.

(3) Submission of a valid research report from an evaluation service that supports the efficacy of use of any material, appliance, equipment, or method not specifically provided for in Chapter 4781. of the Revised Code and the rules promulgated thereunder, or that demonstrates compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder may be used as evidence of compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder. ~~Evaluation services include but are not limited to BOCA-ES, ICBO-ES, SBCCI-ES, NES and ICC-ES.~~