



OHIO BOARD OF BUILDING STANDARDS

BUILDING DEPARTMENT CERTIFICATION RULES



Better Codes, Better Buildings, Safer Ohio



4101:7-2-01 Building department certification.

Municipalities, townships, and counties may seek certification by the board of building standards as described in division (E) of section 3781.10 of the Revised Code to exercise enforcement authority, to accept and approve construction documents, and to make inspections.

(A) Certification types. A political subdivision may seek to enforce the rules of the board by requesting either a certification as a building department or a sub-building department as required in paragraph (A)(1) or (A)(2) of this rule. References in this rule to “department” or “building department”, unless specified, shall mean “certified building department” or “certified sub-building department.”

(1) **Certification as a building department.** Municipalities, townships, and counties shall enforce the rules of the board in conformity with the law and as described in paragraphs (A)(1)(a) and (A)(1)(b) of this rule.

(a) **Municipalities.** Municipalities, in submitting the application described in paragraph (C) of this rule, must specify whether the department is to be certified to enforce the rules of the board for plumbing and will employ a plumbing inspector, certified as required in rule 4101:7-3-01 of the Administrative Code. If a department is not to be certified for plumbing, the enforcement shall be done by the local board of health or the division of industrial compliance plumbing section in the department of commerce.

Municipalities, in submitting the application described in paragraph (C) of this rule, must also specify whether the department is to be certified to enforce medical gas piping system provisions and will employ a medical gas piping inspector, certified as required in paragraph (E)(12) of rule 4101:7-3-01 of the Administrative Code. If the department is not to be certified to enforce medical gas piping system provisions, then the enforcement shall be done by the local board of health or the division of industrial compliance in the department of commerce.

Municipalities may, at any time, make application to the board of building standards to be approved to have the building department certification modified or to include, or exclude, plumbing and medical gas piping system enforcement duties in accordance with paragraph (H) of this rule.

(b) **Counties and townships.** Counties and townships, in submitting the application described in paragraph (C) of this rule for certification of a building department, are not certified to enforce plumbing provisions or employ plumbing inspectors required in paragraph (B)(2) of this rule. As permitted in section 3703.01 of the Revised Code, county building departments may enforce plumbing provisions if the county board of health has entered into an agreement with the board of county commissioners to provide plumbing code enforcement and employs a plumbing inspector, certified as required in division (D) of section 3703.01 of the Revised Code. The county shall specify on its application whether the county department will enforce the rules of the board for plumbing and will employ a properly certified plumbing inspector. If, after certification, a county building department assumes plumbing code enforcement as required in section 3703.01 of the Revised Code, it shall notify the board.

Counties and townships, in submitting the application described in paragraph (C) of this rule, must also specify whether the jurisdiction desires the department to be certified to enforce medical gas piping system provisions and will employ a medical gas piping inspector,

certified as required in paragraph (E)(12) of rule 4101:7-3-01 of the Administrative Code. If the county or township chooses not to have its department certified to enforce medical gas piping system provisions, then the enforcement shall be done by the local board of health or the division of industrial compliance in the department of commerce.

Counties and townships may, at any time, make application to the board of building standards to be approved to have the building department certification modified or to include, or exclude, medical gas piping system enforcement duties in accordance with paragraph (H) of this rule.

(2) **Certification as a sub-building department.** Municipalities, townships, and counties may be certified by the board of building standards to enforce the rules of the board as a sub-building department in conformity with the law and as described in paragraphs (A)(2)(a) and (A)(2)(b) of this rule. A sub-building department has enforcement exercised on their behalf by another certified political subdivision that will perform all enforcement, reporting, and administrative duties.

(a) **Municipalities.** Municipalities, in submitting the application described in paragraph (C) of this rule, must specify whether the department is to be certified as a sub-building department and shall indicate which certified building department of another political subdivision will enforce the rules of the board in the municipality. The application must also specify how the public in a municipality with a building department certified sub-building department will be provided information on how construction documents will be accepted, reviewed, and approved, and how inspections will be requested and made.

Municipalities may, at any time, make application to the board of building standards to be approved to have the building department certification modified to change its certification from a sub-building department to a certified building department, or vice versa, in accordance with paragraph (H)(1) of this rule.

(b) **Counties and townships.** Counties and townships, in submitting the application described in paragraph (C) of this rule, must specify whether the department is to be certified as a sub-building department and shall indicate which certified building department of another political subdivision will enforce the rules of the board in the county or township.

The county or township must also specify how the public in the county or township with a building department certified as a sub-building department will be provided information on how construction documents will be accepted and approved, and how inspections will be requested and made.

Counties and townships may, at any time, make application to the board of building standards to be approved to have the building department certification modified to change its certification from a sub-building department and to a certified building department, or vice versa, in accordance with paragraph (H)(1) of this rule.

(B) **Building department certification requirements.** To qualify for residential or nonresidential building department certification, a municipal, township, or county shall comply with the following:

- (1) **Conformity with law.** The residential or non-residential building department shall submit an application and shall have been created in conformity with the law, shall have adopted ordinances or resolutions, and shall have entered into any agreements or contracts necessary to comply with the rules of the board and paragraph (C) of this rule;
- (2) **Required personnel.** All personnel of municipal, township, or county residential or non-residential building departments, and persons and employees of persons, firms, or corporations whose responsibilities include the exercise of enforcement authority shall be certified by the board of building standards pursuant to rule 4101:7-3-01 of the Administrative Code prior to performing such duties. A certified residential or non-residential building department or sub-building department shall have the respective personnel qualified to execute the duties required for the exercise of enforcement authority, the review and approval of construction documents, and the performance of inspections under the rules of the board:
 - (a) **Non-residential building department personnel.**
 - (i) **Building official.**
 - (ii) **Master plans examiner.**
 - (iii) **Building inspector.**
 - (iv) **Plumbing inspector.** If the department is certified to enforce plumbing provisions, then the department shall have in its employ or under contract at least one person holding the plumbing inspector certification as required in paragraph (E)(16) of rule 4101:7-3-01 of the Administrative Code.
 - (v) **Medical gas piping inspector.** If the department is certified to enforce medical gas provisions, then the department shall have in its employ or under contract at least one person holding the medical gas inspector certification as required in paragraph (E)(20) of rule 4101:7-3-01 of the Administrative Code.
 - (vi) **Electrical safety inspector.**
 - (vii) **Backup personnel.** The department shall have in its employ or under contract alternate personnel meeting the requirements of rule 4101:7-3-01 of the Administrative Code, to serve in the event of a conflict of interest or the unavailability of the building official, master plans examiner, elective plans examiners, or inspectors. All backup personnel shall be clearly identified and disclosed on the yearly operational report. For those backup personnel under contract, copies of the respective contracts shall also be submitted.
 - (b) **Residential building department personnel.**
 - (i) **Residential building official.**
 - (ii) **Residential plans examiner.**
 - (iii) **Residential building inspector.**
 - (iv) **Plumbing inspector.** If the residential department is certified to enforce plumbing provisions, then the residential department shall have in its employ or under contract at least one person holding the plumbing inspector certification as required in paragraph (E)(16) of rule 4101:7-3-01 of the Administrative Code.

- (v) **Electrical safety inspector.**
 - (vi) **Backup personnel.** The residential department shall have in its employ or under contract, alternate personnel meeting the requirements of this rule, to serve in the event of a conflict of interest or the unavailability of the residential building official, residential plans examiner or residential inspectors.
- (3) **Elective personnel.** The department may elect to have the following personnel certified by the board of building standards pursuant to rule 4101:7-3-01 of the Administrative Code prior to performing such duties:
- (a) **Non-residential building department elective personnel.**
 - (i) Building plans examiner.
 - (ii) Mechanical plans examiner.
 - (iii) Electrical plans examiner.
 - (iv) Plumbing plans examiner.
 - (v) Fire protection plans examiner.
 - (vi) Fire protection inspector.
 - (vii) Mechanical inspector.
 - (b) **Residential building department elective personnel.**
 - (i) Electrical plans examiner.
 - (ii) Residential mechanical inspector.
 - (iii) Plumbing plans examiner.
- (4) **Replacement personnel.** When required personnel, both primary and backup, leave the employ of the residential or non-residential building department, permanent replacement personnel shall be designated in accordance with the rules of the board within one-hundred-twenty days.
- (5) **Contract employees.** A municipal corporation, township, or county may contract with a certified residential or non-residential building department, health district, or with persons, firms, or corporations under contract to furnish services, and meeting the requirements of rule 4101:7-3-01 of the Administrative Code, to exercise the respective residential or non-residential building code enforcement authority, administer the board's rules, approve plans and specifications and perform inspections on behalf of such municipal corporation, township, or county, providing such authority is exercised pursuant to such contract and upon application to and approval by the board of building standards. All contract employees shall be clearly identified and disclosed on the yearly operational report and copies of the respective contracts shall also be submitted;
- (6) **Building department office.** The certified residential or non-residential building department shall have an office conveniently located within the area it serves. The office shall be open and staffed to serve the public need and office hours shall be conspicuously posted. If the department contracts for its enforcement services, or is certified as a sub-building department,

information shall be provided to the public explaining how building department services shall be provided;

(7) **Availability of inspectors.** The residential or non-residential building department shall be staffed so that all inspectors are available, during normal business hours, for requested inspections as required in section 108.1 of rules 4101:8-1-01 and 4101:1-1-01 of the Administrative Code, respectively. The department may offer inspections at other times at the request of the owner or owner's representative; and

(8) **Building department certificate to be posted.** The certificate issued by the board of building standards to a municipal, township, or county building department shall be posted in a conspicuous place within the jurisdiction.

(C) **Building department certification application.** Application for certification of a municipal, township, or county residential or non-residential building department, or application for modification of an existing certification, shall be made on a form prescribed by the board of building standards and shall set forth:

(1) A copy of the law creating such a department.

(2) A copy of a resolution requesting certification of the building department to enforce the rules of the board.

(3) The proposed budget for the operation of such department.

(4) A chart showing the organization of the building department within the governmental body.

(5) Data reflecting the population and the size of the area to be served.

(6) The number of and board certifications held by staff to be employed by the building department.

(7) The names, addresses, and board certifications of persons, firms or corporations contracting to furnish work or services when such persons, firms, or corporations are under contract to furnish architectural, engineering, or inspection services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract.

(8) The names of other municipal corporations, townships, counties, or health districts contracting to furnish work or services when such other municipal corporation, township, county, or health district is under contract to furnish architectural or engineering services to the municipal corporation, township, or county, and such authority is exercised pursuant to such contract and when officers or employees of any other municipal corporation, township, county, or health district under contract to furnish inspection services to the municipal corporation, township, or county, when such authority is exercised pursuant to such contract.

(9) A copy of the ordinance or resolution authorizing a residential or non-residential building department to enter into a contract with other municipalities, townships, counties, health districts, persons, firms or corporations to do their plan approval and inspections.

(10) A copy of the contract between the residential or non-residential building department and other municipalities, townships, counties, health districts, persons, firms, or corporations to do their plan approval or inspections.

- (11) The department within the municipality, township, or county which will be responsible for plumbing inspection, if not within the building department.
- (12) The applicant may attach any other charts, maps, statistical data or other information which it determines may be beneficial to the board in considering the applications for certification.
- (13) A procedure for plan approval and for performing inspections, a copy of the plan review application, and a copy of the department's approval stamp.
- (14) Signature of an authorized representative of the board of township trustees in townships, the board of county commissioners in counties, or the appropriate officials in municipalities.

The original of the documents, papers and charts required in paragraphs (C)(1) to (C)(14) of this rule shall be filed with the board at least two weeks prior to a certification hearing.

The board may allow amendments to applications prior to formal action. Requests for amendments to applications shall be made in writing and conform to all the other provisions of this rule.

(D) Building department certification, certification hearing. Upon receipt of an application, the board of building standards' certification committee shall review the application and make a recommendation to the board of building standards. The committee may ask for additional information to be submitted by the applicant prior to making a recommendation to the board. If the committee requests additional information from the applicant, failure to submit the requested information within ninety days from the date of the request may be cause for disapproval of the application by the board. After receiving a recommendation from the committee, a certification hearing on the application shall be conducted by the board of building standards. An authorized representative of the municipality, township, or county seeking certification present at the certification hearing may give testimony or respond to any questions from the board. The board shall give all interested persons appearing at such certification hearing an opportunity to be heard and explain their positions. A record of the proceeding shall be made by the board.

(1) Building department certification, approval or denial. Following the certification hearing, the board shall act on the application for certification.

Approval by the board of building standards of an application for certification shall set forth the group classifications and subject matters for which the municipal, township, or county building department under consideration is to be certified. After such approval, the appropriate official in municipalities, the board of township trustees in townships, or the board of county commissioners in counties requesting certification, shall be furnished a certificate of approval which shall state the conditions and limitations, if any, under which it has been issued.

If the application is denied in whole, or in part, by the board of building standards, the appropriate official in municipalities, the board of township trustees in townships, or the board of county commissioners in counties requesting certification shall be notified in writing of such denial and the reason therefore and to their rights of appeal pursuant to sections 3781.10 and 3781.101 and Chapter 119. of the Revised Code.

(E) Building department certification, board to maintain list. The board of building standards shall maintain a current list of all certified nonresidential and residential building departments, their contact information and, if applicable, their contractual relationships with other persons,

departments, firms, or corporations that enforce the rules of the board on behalf of the certified building department.

The list of certified building departments shall be made available upon request and shall be posted on the board's website at <http://www.com.ohio.gov/dico/BBS.aspx>.

(F) **Building department certification, reports, and assessment.** Certified building departments shall submit the following reports and information to the board of building standards:

- (1) **Yearly operational report.** A yearly operational report for the previous year, within ninety calendar days after the end of each calendar year;
- (2) **Changes in personnel.** Written notification of changes in personnel of the residential or non-residential building department who enforce the rules of the board, within thirty calendar days after such personnel have been appointed;
- (3) **Board requests or queries.** Replies to any special requests or queries made by the board of building standards, within thirty calendar days of receipt;
- (4) **Revised contracts or agreements.** Copies of revised contracts or agreements, within thirty calendar days after the residential or non-residential department creates or changes a contractual relationship with another department or firm.
- (5) **Board assessment.** Each political subdivision that prescribes fees pursuant to division (E) of section 3781.102 of the Revised Code shall also collect on behalf of the board of building standards an assessment equal to three per cent of those fees imposed for non-residential or one per cent of those fees imposed for residential approvals, the acceptance and approval of plans and specifications, and for performing inspections.

Assessment report. The political subdivision shall report on the prescribed form and remit monthly by check or other acceptable method of payment, the amount of the assessments collected on behalf of the board not later than sixty days following the end of each month in which the assessments are collected. In the case of building departments that are certified as sub-departments, pursuant to paragraph (A)(2) of this rule, the building department exercising enforcement authority shall report and remit to the board for all certified sub-building departments. Remittance in the form of checks shall be made payable to the "Treasurer, State of Ohio."

(G) **Building department certification, revocation or suspension.** In accordance with division (E) of section 3781.10 of the Revised Code, a department certification may be revoked or suspended and, for a non-residential department with respect to any and all of the group classifications for which it is certified, upon receipt by the board of building standards of a written complaint from any person affected by the exercise of the authority granted under such certification, or by the board on its own motion.

- (1) **Complaint process.** Upon receipt of a written complaint against a certified building department that is substantiated by demonstrable evidence or upon the board's own motion:
 - (a) The board shall decide whether the information submitted warrants causing a formal investigation to be initiated or sending a notice of opportunity for hearing as outlined in paragraph (G)(1)(d) of this rule;

- (b) If a formal investigation is warranted, the certified jurisdiction shall be notified that an investigation has been initiated by the board;
 - (c) Upon completion of the investigation, findings shall be reported to the board.
 - (d) The board may dismiss the complaint, table the matter for future action, or initiate action to suspend or revoke the certification. If the board issues an order to suspend or revoke the certification it shall:
 - (i) Notify the certified jurisdiction of the charges by certified mail, return receipt requested. The certified jurisdiction shall be informed that a hearing, if desired, must be requested within thirty days from the date of the mailing to request a hearing before the board. The order shall inform the certified jurisdiction that it may be represented by counsel at the hearing. Failure by the certified jurisdiction to request a hearing within thirty days from the date of the mailing of the notification may cause the board, after a hearing, to uphold the order revoking or suspending certification;
 - (ii) Schedule a hearing to be held seven to fifteen days after receipt of the request. The board may continue or postpone the hearing upon application by the party or upon its own motion;
 - (iii) The board may appoint a hearing officer to conduct a hearing.
 - (iv) A hearing will be conducted during which parties and witnesses can be examined and offer testimony, in a manner that prevents unnecessary delay, and that ensures the development of a clear and adequate record. The hearing shall be conducted pursuant to the provisions of sections 3781.10, 3781.101, and 119.09 of the Revised Code;
 - (v) If a hearing officer has been appointed, then within thirty days after the hearing, the hearing officer shall submit a written report of the findings of fact and recommendations to the board for its consideration.
 - (e) Following the hearing, the party affected shall be sent a certified copy of the board's action and informed by certified mail, return receipt requested, that the jurisdiction may appeal the order within fifteen days to the court of common pleas in Franklin county pursuant to sections 3781.10, 3781.101, and 119.12 of the Revised Code.
- (2) **Building department certification, hearings and appeals.** Hearings shall be held by the board of building standards and appeals shall be permitted on any proceedings for certification as provided in section 119.07 of the Revised Code and in paragraphs (G)(1)(a) to (G)(1)(e) of this rule.
- (3) **Revocation or suspension.** In the event of suspension or revocation of a residential or non-residential building department certification, the jurisdiction shall, within fifteen days of being notified of such suspension or revocation, surrender to the secretary of the board of building standards the certificate previously issued under paragraph (D)(1)(a) of this rule. The department, upon suspension or revocation, shall no longer hold out to the public that it is authorized to issue certificates of plan approval for the construction, repair, alteration of buildings or classes of buildings specified in section 3781.06 of the Revised Code or for performing inspections for which it has been suspended or certification revoked.

Outstanding plans review, approvals, inspections, or orders. In the event of the suspension or revocation of a non-residential building department certification, the enforcement duties shall be transferred to the division of industrial compliance or to the certified building department as approved by the board.

- (4) **Probationary status.** In the event of an investigation in which the board decides not to immediately suspend or revoke a residential or non-residential building department's certification, as outlined in paragraph (G) of this rule, the board may place the department on probationary status for a period of time and require remedial action as the board deems appropriate. During this time the department shall comply with the training, reporting, auditing, or other remedial action required by the board. The board is authorized to revoke or suspend the department's certification for failure to comply with such remedial requirements pursuant to paragraph (G) of this rule.

(H) Special building department requirements.

- (1) **Changes in jurisdictional authority.** The department shall submit an application to have its existing building department certification modified. The application shall also include a transition plan identifying all outstanding projects that have received a certificate of plans approval but have yet to be issued a certificate of occupancy or certificate of completion. The transition plan shall indicate how and by whom code enforcement duties for those projects will be continued and completed and how paid and pending fees will be assessed and/or shared to prevent duplicative fees and/or enforcement duties.
- (2) **Surrender of department certification.** The political subdivision shall submit a written notification to the board declaring its intention to surrender its existing building department certification. The notification shall also include a transition plan identifying all outstanding projects that have received a certificate of plans approval but have yet to be issued a certificate of occupancy or certificate of completion. The transition plan shall indicate how and by whom code enforcement duties for those projects will be continued and completed and how paid and pending fees will be assessed and/or shared to prevent duplicative fees and/or enforcement duties. All documents, reports, and project files will be transferred to the jurisdiction that will assume enforcement authority.

Township certification when a county is or becomes certified. A township may not submit an application pursuant to this rule to exercise enforcement authority, to accept and approve construction documents, and to make inspections that is located in a county that is already certified. If a township is certified and the county subsequently is certified by the board, the township's certification is preempted by the county one year after the county certification is effective or at an earlier date as the board of township trustees approves.

Townships and counties certified by the board as of the effective date of this rule are not affected by this section.

- (3) **Structures with shared jurisdictional authority.** When a department receives an application for plan approval for a structure or portion of a structure which, when built, would involve shared jurisdictional authority, the building official shall immediately notify the owner that the structure involves shared jurisdictional authority and the process, determined below, that will be used in approvals and inspections for the project and shall:

- (a) Determine which other political subdivision(s) has jurisdiction for a portion of the structure;
- (b) Determine the name and contact information for the building official for any other political subdivision(s) which has jurisdiction for a portion of the structure;
- (c) Determine, with the advice of legal counsel, and after discussion with the building official(s) of the other political subdivision(s) identified above, how and by whom code enforcement duties for the project shall be completed;
- (d) Determine how, when, and which enforcement records shall be provided to the various parties;
- (e) Determine how paid and pending fees will be assessed and/or shared to prevent duplicative fees and/or enforcement duties; and
- (f) Establish by whom, when, and to whom the certificate of occupancy or certificate of completion shall be issued and distributed.