

I\_136\_1211-10

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 361**

To amend sections 122.06, 303.15, 519.02, 519.03, 1  
519.15, 519.25, 711.09, 3781.031, 3781.10, 2  
3791.04, and 5552.02 and to enact sections 3  
303.123, 519.023, 519.024, 519.123, 713.211, 4  
713.35, 3781.181, 3791.043, and 5552.12 of the 5  
Revised Code to require townships with a 6  
population of 5,000 or more to adopt a zoning 7  
plan and to make other changes regarding 8  
building inspections, local regulations, and 9  
zoning. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 122.06, 303.15, 519.02, 519.03, 11  
519.15, 519.25, 711.09, 3781.031, 3781.10, 3791.04, and 5552.02 12  
be amended and sections 303.123, 519.023, 519.024, 519.123, 13  
713.211, 713.35, 3781.181, 3791.043, and 5552.12 of the Revised 14  
Code be enacted to read as follows: 15

**Sec. 122.06.** The department of development shall: 16

(A) Assemble, analyze, and make available to governmental 17  
agencies and the public, information relative to the human, 18  
natural, and economic resources and economic needs of the state; 19



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(B) Prepare and maintain, in cooperation with departments and agencies of the state, comprehensive plans and recommendations for promotion of more desirable patterns of growth and development of the resources of the state;	20 21 22 23
(C) Assist in the coordination of development plans of federal, state and local governments, regional and local planning authorities, and private agencies;	24 25 26
(D) Provide planning assistance to state departments and agencies, political subdivisions, county planning commissions, regional planning units, councils of government, and local governments of this state. Such planning assistance may be rendered with respect to surveys, land use studies, urban renewal plans, technical services and other planning work. In so doing, the department <u>may employ a certified planner and may</u> contract with municipal subdivisions, with regional planning commissions, and with qualified persons, firms, and agencies.	27 28 29 30 31 32 33 34 35
(E) Cooperate with federal agencies and authorities of other states in the solution of community and development problems which cross state lines;	36 37 38
(F) Recommend guidelines for the development and management of new communities;	39 40
(G) Prepare and maintain rules concerning certification of workable programs for impacted cities pursuant to division (C) of section 1728.01 of the Revised Code, provided that the department shall consult with officials of municipalities and representatives of statewide organizations of such officials prior to the preparation, adoption, or change of such rules.	41 42 43 44 45 46
<b><u>Sec. 303.123. (A) As used in this section, "entitlement"</u></b> <u>means any land use decision requiring an approval by a public</u>	47 48

body or elected official, including, but not limited to, a 49  
variance, special or conditional use, zoning change, planned 50  
unit development, or other special approval. 51

(B) Except as otherwise provided in the Revised Code, 52  
every entitlement application shall receive at least one public 53  
hearing. The public hearing shall occur not later than thirty 54  
days after the entitlement application is submitted and every 55  
entitlement application shall be resolved via approval or denial 56  
not more than ninety days after the application is filed, unless 57  
the applicant requests an extension of up to an additional sixty 58  
days. Alternatively, the applicant may request to table the 59  
application, which shall pause the thirty- or ninety-day time 60  
period until the applicant provides notice to resume 61  
consideration. An extension, tabling, or resumption shall be 62  
requested in person at a meeting where the application is being 63  
considered or in writing delivered to the clerk of the board of 64  
county commissioners. This section does not apply if a material 65  
revision is made to the application after the original 66  
submission. The county board or commission conducting the 67  
hearing shall provide notice of the hearing not less than 68  
fourteen days before the hearing, as follows: 69

(1) To the owners of the property within the area proposed 70  
to be changed or affected by the proposed entitlement change, to 71  
the owners of property adjacent such area, and to the owners of 72  
property located within one hundred fifty feet of such area, via 73  
a mailed postcard that includes the date, time, and location of 74  
the hearing; 75

(2) By posting one or more signs within the area proposed 76  
to be changed or affected by the proposed entitlement change 77  
that include the date, time, and location of the hearing; 78

(3) By posting on the web site of the county, including 79  
the date, time, and location of the hearing, a description of 80  
the proposed entitlement change, and a web link to relevant 81  
documents. 82

**Sec. 303.15.** The county board of zoning appeals shall 83  
organize and adopt rules in accordance with the zoning 84  
resolution. Meetings of the board of zoning appeals shall be 85  
held at the call of the chairperson, and at such other times as 86  
the board determines. The chairperson, or in the chairperson's 87  
absence the acting chairperson, may administer oaths, and the 88  
board of zoning appeals may compel the attendance of witnesses. 89  
All meetings of the board of zoning appeals shall be open to the 90  
public. The board of zoning appeals shall keep minutes of its 91  
proceedings showing the vote of each regular or alternate member 92  
upon each question, or, if absent or failing to vote, indicating 93  
such fact, and shall keep records of its examinations and other 94  
official actions, all of which shall be immediately filed in the 95  
office of the board of county commissioners and be a public 96  
record. 97

Appeals to the board of zoning appeals may be taken by any 98  
person aggrieved or by any officer of the county affected by any 99  
decision of the administrative officer. Such appeal shall be 100  
taken within twenty days after the decision by filing, with the 101  
officer from whom the appeal is taken and with the board of 102  
zoning appeals, a notice of appeal specifying the grounds. The 103  
officer from whom the appeal is taken shall transmit to the 104  
board of zoning appeals all the papers constituting the record 105  
upon which the action appealed from was taken. 106

The board of zoning appeals shall fix a reasonable time 107  
for the public hearing of the appeal, and shall give at least 108

~~ten days'~~ notice in writing to the parties in interest, and give  
notice of such public hearing by one publication at least ten  
days before the date of such hearing, using at least one of the  
following methods:

~~(A) In the print or digital edition of a newspaper of~~ 113  
~~general circulation within the county;~~ 114

~~(B) On the official public notice web site established~~ 115  
~~under section 125.182 of the Revised Code;~~ 116

~~(C) On the web site and social media account of the~~ 117  
~~county as specified in section 303.123 of the Revised Code.~~ 118

Upon the hearing, any person may appear in person or by 119  
attorney. 120

The boards of zoning appeals shall decide the appeal 121  
~~within a reasonable time not more than thirty calendar days~~ 122  
after it is submitted. 123

**Sec. 519.02.** (A) Except as otherwise provided in this 124  
section, in the board of township trustees of a township with a 125  
population of five thousand or more as of the most recent 126  
federal decennial census shall, and all other townships may, 127  
adopt a comprehensive plan by resolution to regulate the 128  
following for the following purposes: 129

(1) In the interest of the public health and safety, the 130  
board of township trustees may regulate by resolution, in 131  
accordance with a comprehensive plan, the location, height, 132  
bulk, number of stories, and size of buildings and other 133  
structures, including tents, cabins, and trailer coaches, 134  
percentages of lot areas that may be occupied, set back building 135  
lines, sizes of yards, courts, and other open spaces, the 136  
density of population, the uses of buildings and other 137

structures, including tents, cabins, and trailer coaches, and 138  
the uses of land for trade, industry, residence, recreation, or 139  
other purposes in the unincorporated territory of the township. 140  
~~Except as otherwise provided in this section, in~~ 141

(2) In the interest of the public convenience, comfort, 142  
~~prosperity, or general welfare, the board by resolution, in~~ 143  
~~accordance with a comprehensive plan, may regulate the location~~ 144  
of, set back lines for, and the uses of buildings and other 145  
structures, including tents, cabins, and trailer coaches, and 146  
the uses of land for trade, industry, residence, recreation, or 147  
other purposes in the unincorporated territory of the township, 148  
and. The board may establish reasonable landscaping standards 149  
and architectural standards excluding exterior building 150  
materials in the unincorporated territory of the township for 151  
these purposes. Except as otherwise provided in this section, in 152

(3) In the interest of the public convenience, comfort, 153  
~~prosperity, or general welfare, the board may regulate by~~ 154  
~~resolution, in accordance with a comprehensive plan, for~~ 155  
nonresidential property only, the height, bulk, number of 156  
stories, and size of buildings and other structures, including 157  
tents, cabins, and trailer coaches, percentages of lot areas 158  
that may be occupied, sizes of yards, courts, and other open 159  
spaces, and the density of population in the unincorporated 160  
territory of the township. 161

(B) For all these purposes, in the case of a township with 162  
a population of five thousand or more the board shall divide 163  
all, and in the case of other townships the board may divide all 164  
or any part, of the unincorporated territory of the township 165  
into districts or zones of such number, shape, and area as the 166  
board determines. All such regulations shall be uniform for each 167

class or kind of building or other structure or use throughout 168  
any district or zone, but the regulations in one district or 169  
zone may differ from those in other districts or zones. 170

(C) For any activities permitted and regulated under 171  
Chapter 1513. or 1514. of the Revised Code and any related 172  
processing activities, the board of township trustees may 173  
regulate under the authority conferred by this section only in 174  
the interest of public health or safety. A zoning resolution 175  
authorized under this section shall provide for the activities 176  
that are permitted and regulated under Chapter 1514. of the 177  
Revised Code, and any related processing activities, as either a 178  
permitted use or a conditional use through the board of zoning 179  
appeals in any district or zone when such activities are to be 180  
added to an existing permit issued under Chapter 1514. of the 181  
Revised Code. 182

~~(B)~~(D) A board of township trustees that pursuant to this 183  
chapter regulates adult entertainment establishments, as defined 184  
in section 2907.39 of the Revised Code, may modify its 185  
administrative zoning procedures with regard to adult 186  
entertainment establishments as the board determines necessary 187  
to ensure that the procedures comply with all applicable 188  
constitutional requirements. 189

**Sec. 519.023.** (A) The following apply to a township that 190  
has a population of five thousand or more as of the most recent 191  
federal decennial census: 192

(1) In the case of a township that does not have a plan in 193  
effect on the effective date of this section, the township shall 194  
consult with the decennial plan review commission established in 195  
division (B) of this section and with the department of 196  
development during the development of the plan. 197

<u>(2) Not later than the last day of December of the year</u>	198
<u>during which the township first adopts a comprehensive zoning</u>	199
<u>plan under this chapter, the township shall submit the plan to</u>	200
<u>the department of development. A township that has a plan in</u>	201
<u>effect on the effective date of this section shall submit the</u>	202
<u>plan not later than the last day of December of the year during</u>	203
<u>which this section takes effect.</u>	204
<u>(3) During the year that is ten years after the year the</u>	205
<u>plan was submitted under division (A) (2) of this section, and</u>	206
<u>every ten years thereafter, the township shall do both of the</u>	207
<u>following:</u>	208
<u>(a) Complete a comprehensive review and update of its plan</u>	209
<u>in consultation with the decennial plan review commission</u>	210
<u>established in division (B) of this section and in consultation</u>	211
<u>with the department of development;</u>	212
<u>(b) Not later than the last day of December, submit the</u>	213
<u>updated plan to the department of development.</u>	214
<u>(B) (1) In each township that has a population of five</u>	215
<u>thousand or more as of the most recent federal decennial census</u>	216
<u>there shall be a decennial plan review commission consisting of</u>	217
<u>the following members:</u>	218
<u>(a) Six members appointed by the board of township</u>	219
<u>trustees. The following are suggested, but not required, for</u>	220
<u>appointment by the board:</u>	221
<u>(i) One member of the board of township trustees;</u>	222
<u>(ii) One member of the township zoning commission;</u>	223
<u>(iii) The planning director, consulting planning officer,</u>	224
<u>or regional planning director;</u>	225

<u>(iv) The engineering director or consulting engineer;</u>	226
<u>(v) The township law director or, if the township does not have a law director, the prosecuting attorney of the county;</u>	227
<u>(vi) The township administrator or consultant.</u>	228
<u>(b) Three to five community stakeholders appointed by the members listed under division (B) (1) (a) of this section.</u>	229
<u>(2) The members under division (B) (1) (a) of this section shall be appointed not later than the first day of January of the year during which the decennial plan review commission will provide consultation under this section. The members under division (B) (1) (b) of this section shall be appointed not later than the fifteenth day of January of the year during which the decennial plan review commission will provide consultation under this section.</u>	230
<u>(3) Any vacancy shall be filed in the manner of the original appointment.</u>	231
<u>(4) The members shall serve without compensation.</u>	232
<u>(5) The commission shall terminate upon submission of the plan to the department of development.</u>	233
<u><b>Sec. 519.024. The board of township trustees, township zoning commission, and township board of zoning appeals shall use the township's comprehensive zoning plan as the basis for land use decisions. Within any decision or resolution related to zoning, the board or commission shall provide a written narrative describing how its decision or resolution conforms with the township's comprehensive zoning plan.</b></u>	234
<u><b>Sec. 519.03. This section applies only to a township with a population of less than five thousand as of the most recent</b></u>	235

<u>federal decennial census.</u>	254
Before availing itself of the powers conferred by section 519.02 of the Revised Code, the board of township trustees shall pass a resolution declaring its intention to proceed under sections 519.02 to 519.25 of the Revised Code. The board may act in the following manner:	255 256 257 258 259
(A) It may adopt such a resolution upon its own initiative.	260 261
(B) It shall adopt such a resolution if there is presented to it a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof to be included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the board to proceed with township zoning under such sections.	262 263 264 265 266 267 268 269
<u>Sec. 519.123. (A) As used in this section, "entitlement"</u> means any land use decision requiring an approval by a public body or elected official, including, but not limited to, a variance, special or conditional use, zoning change, planned unit development, or other special approval.	270 271 272 273 274
<u>(B) Except as otherwise provided in the Revised Code,</u> every entitlement application shall receive at least one public hearing. The public hearing shall occur not later than thirty days after the entitlement application is submitted and every entitlement application shall be resolved via approval or denial not more than ninety days after the application is filed, unless the applicant requests an extension of up to an additional sixty days. Alternatively, the applicant may request to table the	275 276 277 278 279 280 281 282

application, which shall pause the thirty- or ninety-day time 283  
period until the applicant provides notice to resume 284  
consideration. An extension, tabling, or resumption shall be 285  
requested in person at a meeting where the application is being 286  
considered or in writing delivered to the township fiscal 287  
officer. This section does not apply if a material revision is 288  
made to the application after the original submission. The 289  
township board or commission conducting the hearing shall 290  
provide notice of the hearing not less than fourteen days before 291  
the hearing, as follows: 292

(1) To the owners of the property within the area proposed 293  
to be changed or affected by the proposed entitlement change, to 294  
the owners of property adjacent such area, and to the owners of 295  
property located within one hundred fifty feet of such area, via 296  
a mailed postcard that includes the date, time, and location of 297  
the hearing; 298

(2) By posting one or more signs within the area proposed 299  
to be changed or affected by the proposed entitlement change 300  
that include the date, time, and location of the hearing; 301

(3) By posting on the web site of the township, including 302  
the date, time, and location of the hearing, a description of 303  
the proposed entitlement change, and a web link to relevant 304  
documents. 305

**Sec. 519.15.** The township board of zoning appeals shall 306  
organize and adopt rules in accordance with the zoning 307  
resolution. Meetings of the board of zoning appeals shall be 308  
held at the call of the chairperson, and at such other times as 309  
the board determines. The chairperson, or in the chairperson's 310  
absence the acting chairperson, may administer oaths, and the 311  
board of zoning appeals may compel the attendance of witnesses. 312

All meetings of the board of zoning appeals shall be open to the 313  
public. The board of zoning appeals shall keep minutes of its 314  
proceedings showing the vote of each regular or alternate member 315  
upon each question, or, if absent or failing to vote, indicating 316  
such fact, and shall keep records of its examinations and other 317  
official actions, all of which shall be immediately filed in the 318  
office of the board of township trustees and be a public record. 319

Appeals to the board of zoning appeals may be taken by any 320  
person aggrieved or by any officer of the township affected by 321  
any decision of the administrative officer. Such appeal shall be 322  
taken within twenty days after the decision by filing, with the 323  
officer from whom the appeal is taken and with the board of 324  
zoning appeals, a notice of appeal specifying the grounds. The 325  
officer from whom the appeal is taken shall transmit to the 326  
board of zoning appeals all the papers constituting the record 327  
upon which the action appealed from was taken. 328

The board of zoning appeals shall fix a reasonable time 329  
for the public hearing of the appeal, and shall give at least 330  
~~ten days'~~ notice in writing to the parties in interest, publish 331  
~~notice of such public hearing at least ten days before the date~~ 332  
~~of such hearing using at least one of the following methods:~~ 333

~~(A) In the print or digital edition of one or more~~ 334  
~~newspapers of general circulation in the county;~~ 335

~~(B) On the official public notice web site established~~ 336  
~~under section 125.182 of the Revised Code;~~ 337

~~(C) On the web site and social media account of the~~ 338  
~~township as specified in section 519.123 of the Revised Code.~~ 339

~~The board shall decide the appeal within a reasonable time~~ 340  
~~not more than thirty calendar days after it is submitted. Upon~~ 341

the hearing, any person may appear in person or by attorney. 342

The board of township trustees may require a person making 343  
an appeal to pay a fee to defray the cost of advertising, 344  
mailing, providing notices and other expenses. 345

**Sec. 519.25.** In any township in which there is in force a 346  
plan of township zoning and the township has a population of 347  
less than five thousand as of the most recent federal decennial 348  
census, the plan may be repealed by the board of township 349  
trustees in the following manner: 350

(A) The board may adopt a resolution upon its own 351  
initiative. 352

(B) The board shall adopt a resolution if there is 353  
presented to it a petition, similar in all relevant aspects to 354  
that prescribed in section 519.12 of the Revised Code, signed by 355  
a number of qualified electors residing in the unincorporated 356  
area of such township included in the zoning plan equal to not 357  
less than fifteen per cent of the total vote cast for all 358  
candidates for governor in such area at the most recent general 359  
election at which a governor was elected, requesting that the 360  
question of whether or not the plan of zoning in effect in such 361  
township shall be repealed be submitted to the electors residing 362  
in the unincorporated area of the township included in the 363  
zoning plan at a special election to be held on the day of the 364  
next primary or general election. The resolution adopted by the 365  
board of township trustees to cause such question to be 366  
submitted to the electors shall be certified to the board of 367  
elections not later than ninety days prior to the day of 368  
election at which said question is to be voted upon. In the 369  
event a majority of the vote cast on such question in the 370  
township is in favor of repeal of zoning, then such regulations 371

shall no longer be of any effect. Not more than one such 372  
election shall be held in any two calendar years. 373

**Sec. 711.09.** (A) (1) Except as otherwise provided in 374  
division (A) (2) of this section, when a city planning commission 375  
adopts a plan for the major streets or thoroughfares and for the 376  
parks and other open public grounds of a city or any part of it, 377  
or for the unincorporated territory within three miles of the 378  
corporate limits of a city or any part of it, then no plat of a 379  
subdivision of land within that city or territory shall be 380  
recorded until it has been approved by the city planning 381  
commission and that approval endorsed in writing on the plat. If 382  
the land lies within three miles of more than one city, then 383  
division (A) (1) of this section applies to the approval of the 384  
planning commission of the city whose boundary is nearest to the 385  
land. 386

(2) Division (A) (1) of this section does not apply to any 387  
unincorporated territory when all of the following conditions 388  
are met: 389

(a) The township in which the territory is located has a 390  
zoning resolution covering all the unincorporated territory in 391  
the township. 392

(b) The county in which the territory is located has a 393  
county or regional planning commission. 394

(c) Subdivision regulations other than municipal 395  
subdivision regulations are in effect in the county in which the 396  
unincorporated territory is located. 397

When all of these conditions are met, no plat of a 398  
subdivision of land in that unincorporated territory shall be 399  
recorded until it has been approved by the county or regional 400

planning commission as provided in section 711.10 of the Revised  
401  
Code. 402

(B) (1) Except as otherwise provided in division (B) (2) of  
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this section, when a village planning commission, a platting  
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commissioner, or, if there is no commission or commissioner, the  
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legislative authority of a village, adopts a plan for the major  
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streets or thoroughfares and for the parks and other public  
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grounds of a village or any part of it, then no plat of a  
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subdivision of land within that village shall be recorded until  
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it has been approved by the village commission, commissioner, or  
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legislative authority and that approval endorsed in writing on  
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the plat. If the county in which the village lies contains no  
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cities, has no county subdivision regulations in effect, and the  
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village commission, commissioner, or legislative authority  
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adopts a plan for the major streets or thoroughfares and for the  
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parks and other public grounds for the unincorporated territory  
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within one and one-half miles of the corporate limits of the  
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village or any part of it, then no plat of a subdivision of land  
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shall be recorded until it has been approved by the village  
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commission, commissioner, or legislative authority and that  
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approval is endorsed in writing on the plat. If the land lies  
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within one and one-half miles of more than one village, then  
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division (B) (1) of this section applies to the approval of the  
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commission, commissioner, or legislative authority of the  
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village whose boundary is nearest to the land. 425

(2) Division (B) (1) of this section does not apply to any  
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unincorporated territory when both of the following conditions  
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are met:  
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(a) The township in which the territory is located has a  
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zoning resolution covering all the unincorporated territory in  
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the township. 431

(b) The county in which the territory is located has a 432  
county or regional planning commission. 433

When both of these conditions are met, no plat of a 434  
subdivision of land in that unincorporated territory shall be 435  
recorded until it has been approved by the county or regional 436  
planning commission as provided in section 711.10 of the Revised 437  
Code. 438

(C) The approval of the planning commission, the platting 439  
commissioner, or the legislative authority of a village required 440  
by this section, or the refusal to approve, shall be endorsed on 441  
the plat within thirty-ninety days after the submission of the 442  
plat for approval or within such further time as the applying 443  
party may agree to; otherwise that plat is deemed approved, and 444  
the certificate of the planning commission, the platting 445  
commissioner, or the clerk of the legislative authority, as to 446  
the date of the submission of the plat for approval and the 447  
failure to take action on it within that time, shall be issued 448  
on demand and shall be sufficient in lieu of the written 449  
endorsement or other evidence of approval required by this 450  
section. The planning commission, platting commissioner, or 451  
legislative authority of a village shall not require a person 452  
submitting a plat to alter the plat or any part of it as a 453  
condition for approval, as long as the plat is in accordance 454  
with the general rules governing plats and subdivisions of land, 455  
adopted as provided in this section, in effect at the time the 456  
plat was submitted. The ground of refusal or approval of any 457  
plat submitted, including citation of or reference to the rule 458  
violated by the plat, shall be stated upon the record of the 459  
commission, commissioner, or legislative authority. Within sixty 460

days after refusal, the person submitting any plat that the 461  
commission, commissioner, or legislative authority refuses to 462  
approve may file a petition in the court of common pleas of the 463  
proper county, in which the person shall be named plaintiff. The 464  
petition shall contain a copy of the plat sought to be recorded, 465  
a statement of the facts justifying the propriety and 466  
reasonableness of the proposed subdivision, and a prayer for an 467  
order directed to the recorder to record the plat and may 468  
include a statement of facts to support a claim that the rules 469  
of the planning authority under which it refused to approve the 470  
plat are unreasonable or unlawful. The planning authority 471  
refusing to approve the plat and the recorder of the county 472  
shall be joined as defendants and summons shall be issued upon 473  
those defendants as in civil actions. Within the rule day 474  
provided for a civil action, the planning authority may file an 475  
answer in which it may set forth a statement of the facts 476  
justifying its refusal to approve the plat, a copy of its rule 477  
under which it refused to approve the plat, and a statement of 478  
the facts supporting the reasonableness and lawfulness of that 479  
rule. The court shall hear the matter upon such evidence as is 480  
introduced by either party and the planning authority may 481  
introduce as a part of its case a complete transcript of any 482  
proceedings had before it. Any detail of the plat may be 483  
modified upon motion of the plaintiff before the cause is 484  
submitted to the court. If the court finds that the prayer for 485  
the recording of the plat or any modification of it as may be 486  
agreed to or proposed by the plaintiff, is supported by a 487  
preponderance of the evidence, it shall enter an order directed 488  
to the recorder to record the plat as originally submitted or as 489  
agreed to be modified. Otherwise, the petition shall be 490  
dismissed. The court shall return a separate finding upon the 491  
reasonableness and lawfulness of the refusal to approve the plat 492

or upon the reasonableness and lawfulness of the rule under 493  
which the planning authority refused to approve the plat or 494  
both, as the case may require. The judgment or order of the 495  
court may be appealed by either party on questions of law as in 496  
other civil cases. 497

The planning commission, platting commissioner, or 498  
legislative authority of a village may adopt general rules 499  
governing plats and subdivisions of land falling within its 500  
jurisdiction in order to secure and provide for the coordination 501  
of the streets within the subdivision with existing streets and 502  
roads or with the plan or plats of the municipal corporation, 503  
for the proper amount of open spaces for traffic, circulation, 504  
and utilities, and for the avoidance of future congestion of 505  
population detrimental to the public health or safety but shall 506  
not impose a greater minimum lot area than forty-eight hundred 507  
square feet. The rules may provide for their modification by the 508  
planning commission in specific cases where unusual 509  
topographical or other exceptional conditions require the 510  
modification. The rules may require the county department of 511  
health to review and comment on a plat before the planning 512  
commission, platting commissioner, or legislative authority of a 513  
village acts upon it and may also require proof of compliance 514  
with any applicable zoning resolutions as a basis for approval 515  
of a plat. 516

However, no city or village planning commission shall 517  
adopt any rules requiring actual construction of streets or 518  
other improvements or facilities or assurance of that 519  
construction as a condition precedent to the approval of a plat 520  
of a subdivision unless the requirements have first been adopted 521  
by the legislative authority of the city or village after a 522  
public hearing. The rules shall be promulgated and published as 523

provided by sections 731.17 to 731.42 of the Revised Code, and 524  
before adoption a public hearing shall be held on the adoption 525  
and a copy of the rules shall be certified by the commission, 526  
commissioner, or legislative authority to the county recorder of 527  
the county in which the municipal corporation is located. 528

In the exercise of any power over or concerning the 529  
platting and subdivision of land or the recording of plats of 530  
subdivisions by a city, county, regional, or other planning 531  
commission pursuant to any other section of the Revised Code, 532  
the provisions of this section with respect to appeals from a 533  
decision of a planning commission apply to the decision of any 534  
such commission in the exercise of any power of that kind 535  
granted by any other section of the Revised Code in addition to 536  
any other remedy of appeal granted by the Revised Code. When a 537  
plan has been adopted as provided in this section, the approval 538  
of plats shall be in lieu of the approvals provided for by any 539  
other section of the Revised Code, so far as territory within 540  
the approving jurisdiction of the commission, commissioner, or 541  
legislative authority, as provided in this section, is 542  
concerned. Approval of a plat shall not be an acceptance by the 543  
public of the dedication of any street, highway, or other way or 544  
open space shown upon the plat. 545

(D) This section does not apply to unincorporated 546  
territory in any county having five or more cities and having a 547  
regional planning commission or county planning commission not 548  
included within the geographic boundaries of a regional planning 549  
commission, where the regional or county planning commission has 550  
determined, by resolution, to exercise the authority granted 551  
under section 711.10 of the Revised Code for the unincorporated 552  
territory within three miles of cities within that county. 553

<u>Sec. 713.211.</u>	(A) As used in this section, "entitlement"	554
means any land use decision requiring an approval by a public		555
body or elected official, including, but not limited to, a		556
variance, special or conditional use, zoning change, planned		557
unit development, or other special approval.		558
 <u>(B) Except as otherwise provided in the Revised Code,</u>		559
every entitlement application shall receive at least one public		560
hearing. The public hearing shall occur not later than thirty		561
days after the entitlement application is submitted and every		562
entitlement application shall be resolved via approval or denial		563
not more than ninety days after the application is filed, unless		564
the applicant requests an extension of up to an additional sixty		565
days. Alternatively, the applicant may request to table the		566
application, which shall pause the thirty- or ninety-day time		567
period until the applicant provides notice to resume		568
consideration. An extension, tabling, or resumption shall be		569
requested in person at a meeting where the application is being		570
considered or in writing delivered to the clerk of the regional		571
planning commission. This section does not apply if a material		572
revision is made to the application after the original		573
submission. The regional planning commission shall provide		574
notice of the hearing not less than fourteen days before the		575
hearing, as follows:		576
 <u>(1) To the owners of the property within the area proposed</u>		577
to be changed or affected by the proposed entitlement change, to		578
the owners of property adjacent such area, and to the owners of		579
property located within one hundred fifty feet of such area, via		580
a mailed postcard that includes the date, time, and location of		581
the hearing;		582
 <u>(2) By posting one or more signs within the area proposed</u>		583

<u>to be changed or affected by the proposed entitlement change</u>	584
<u>that includes the date, time, and location of the hearing;</u>	585
<u>      (3) By posting on the web site of the regional planning</u>	586
<u>commission, including the date, time, and location of the</u>	587
<u>hearing, a description of the proposed entitlement change, and a</u>	588
<u>web link to relevant documents.</u>	589
<u><b>Sec. 713.35.</b> (A) As used in this section, "entitlement"</u>	590
<u>means any land use decision requiring an approval by a public</u>	591
<u>body or elected official, including, but not limited to, a</u>	592
<u>variance, special or conditional use, zoning change, planned</u>	593
<u>unit development, or other special approval.</u>	594
<u>      (B) Except as otherwise provided in the Revised Code,</u>	595
<u>every entitlement application shall receive at least one public</u>	596
<u>hearing. The public hearing shall occur not later than thirty</u>	597
<u>days after the entitlement application is submitted and every</u>	598
<u>entitlement application shall be resolved via approval or denial</u>	599
<u>not more than ninety days after the application is filed, unless</u>	600
<u>the applicant requests an extension of up to an additional sixty</u>	601
<u>days. Alternatively, the applicant may request to table the</u>	602
<u>application, which shall pause the thirty- or ninety-day time</u>	603
<u>period until the applicant provides notice to resume</u>	604
<u>consideration. An extension, tabling, or resumption shall be</u>	605
<u>requested in person at a meeting where the application is being</u>	606
<u>considered or in writing delivered to the clerk of the</u>	607
<u>legislative authority. This section does not apply if a material</u>	608
<u>revision is made to the application after the original</u>	609
<u>submission. The municipal board or commission conducting the</u>	610
<u>hearing shall provide notice of the hearing not less than</u>	611
<u>fourteen days before the hearing, as follows:</u>	612
<u>          (1) To the owners of the property within the area proposed</u>	613

to be changed or affected by the proposed entitlement change, to 614  
the owners of property adjacent such area, and to the owners of 615  
property located within one hundred fifty feet of such area, via 616  
a mailed postcard that includes the date, time, and location of 617  
the hearing; 618

(2) By posting one or more signs within the area proposed 619  
to be changed or affected by the proposed entitlement change 620  
that include the date, time, and location of the hearing; 621

(3) By posting on the web site of the municipal 622  
corporation, including the date, time, and location of the 623  
hearing, a description of the proposed entitlement change, and a 624  
web link to relevant documents. 625

**Sec. 3781.031.** (A) Any department or agency of the state 626  
or any political subdivision that enforces Chapters 3781. and 627  
3791. of the Revised Code or the rules adopted pursuant to those 628  
chapters, by any remedy, civil or criminal, shall issue an 629  
adjudication order within the meaning of sections 119.06 to 630  
119.13 of the Revised Code, or a stop work order as provided in 631  
this section. 632

(B) (1) Any person charged with enforcing Chapters 3781. 633  
and 3791. of the Revised Code or the rules or regulations 634  
adopted pursuant to those chapters may issue a stop work order 635  
whenever the person finds, after inspection and giving notice as 636  
provided under division (B) (3) of this section, that the site 637  
preparations or structure to be constructed, or the installation 638  
of an industrialized unit, or the use of an appliance, material, 639  
assemblage, or manufactured product does not comply with 640  
Chapters 3781. and 3791. of the Revised Code or the rules 641  
adopted pursuant to those chapters. The effect of such an order 642  
shall be limited to the matter specified therein and is subject 643

<u>to the following conditions:</u>	644
(a) <u>The person issuing the stop work order shall designate</u>	645
<u>a time, not more than two business days after the stop work</u>	646
<u>order is issued, at which the owner of the building, the</u>	647
<u>architect, the engineer, or the contractor of record may meet</u>	648
<u>with the person, or the person's designee, to discuss a remedy</u>	649
<u>for the violation or provide additional evidence to demonstrate</u>	650
<u>compliance with the building code standards.</u>	651
(b) <u>If the person issuing the stop work order and the</u>	652
<u>owner of the building, architect, engineer, or contractor of</u>	653
<u>record do not meet within the time prescribed by division (B) (1)</u>	654
<u>(a) of this section, or that meeting does not result in the</u>	655
<u>person rescinding the stop work order, the owner of the building</u>	656
<u>or the owner's agent may initiate an expedited appeal as</u>	657
<u>provided in section 3781.22 of the Revised Code.</u>	658
(c) <u>Nothing in this section limits the authority of the</u>	659
<u>person charged with enforcing Chapters 3781. and 3791. of the</u>	660
<u>Revised Code or the rules adopted pursuant to those chapters to</u>	661
<u>issue a stop work order for a project or any portion of a</u>	662
<u>project that may go into effect immediately as provided by law,</u>	663
<u>if the person determines that a condition on the building site</u>	664
<u>constitutes an immediate threat to public safety. A stop work</u>	665
<u>order issued for reasons of an immediate threat to public safety</u>	666
<u>may be appealed in the manner described in sections 3781.19,</u>	667
<u>3781.20, and 3781.22 of the Revised Code.</u>	668
(2) <u>Any adjudication order shall specify what appliances,</u>	669
<u>site preparations, additions, or alterations to structures,</u>	670
<u>plans, materials, assemblages, or procedures are necessary for</u>	671
<u>compliance with Chapters 3781. and 3791. of the Revised Code.</u>	672

<u>(3) A person issuing a stop work order under division (B)</u>	673
<u>(1) of this section shall provide notice to the owner of the</u>	674
<u>building, the architect, the engineer, or the contractor of</u>	675
<u>record by posting a copy of the order in a conspicuous place on</u>	676
<u>the site of the project. The notice shall include all of the</u>	677
<u>following:</u>	678
<u>    (a) A statement that the owner of the building, the</u>	679
<u>architect, the engineer, or the contractor of record is entitled</u>	680
<u>to meet with the person that issued the stop work order, or the</u>	681
<u>person's designee, within two business days to discuss a remedy</u>	682
<u>for the violation or provide additional evidence to demonstrate</u>	683
<u>compliance with the building code standards.</u>	684
<u>    (b) The time and place at which the person that issued the</u>	685
<u>stop work order, or that person's designee, will be available</u>	686
<u>for that meeting and contact information or a procedure by which</u>	687
<u>the owner of the building, the architect, the engineer, or the</u>	688
<u>contractor of record may reach the person that issued the stop</u>	689
<u>work order.</u>	690
<u>    (c) A statement explaining that, if there is no meeting</u>	691
<u>between the person that issued the stop work order and the owner</u>	692
<u>of the building, architect, engineer, or contractor of record</u>	693
<u>within two business days, or that meeting does not result in the</u>	694
<u>person rescinding the stop work order, the owner may initiate an</u>	695
<u>expedited appeal as provided in section 3781.22 of the Revised</u>	696
<u>Code.</u>	697
<u>(C) Upon the issuance of any order provided for in this</u>	698
<u>section, the person receiving the order shall cease work upon</u>	699
<u>the site preparations or structure to be constructed or the</u>	700
<u>installation of an industrialized unit, or shall cease using the</u>	701
<u>appliance, materials, assemblages, or manufactured product</u>	702

identified in the order until the appeal provided for in 703  
accordance with section 3781.19 or 3781.22 of the Revised Code, 704  
and all appeals from the hearing have been completed, or the 705  
order issued has been released. 706

(D) Notwithstanding Chapter 119. of the Revised Code 707  
relating to adjudication hearings and proceedings, a 708  
stenographic or mechanical record of the testimony and other 709  
evidence submitted shall be taken at the expense of the agency. 710  
Any party adversely affected by an order issued following an 711  
adjudication hearing may appeal to the court of common pleas of 712  
the county in which the party is a resident or in which the 713  
premises affected by the order is located. The court shall not 714  
be confined to the record as certified to it by the agency but 715  
any party may produce additional evidence and the court shall 716  
hear the matter upon the record and additional evidence any 717  
party introduces. The court shall not affirm the agency's order 718  
unless the preponderance of the evidence before it supports the 719  
reasonableness and lawfulness of the order and any rule of the 720  
board of building standards upon which the order is based in its 721  
application to the particular set of facts or circumstances 722  
involved in the appeal. 723

(E) Failure to cease work after receiving a stop work 724  
order is hereby declared a public nuisance. 725

**Sec. 3781.10.** (A) (1) The board of building standards shall 726  
formulate and adopt rules governing the erection, construction, 727  
repair, alteration, and maintenance of all buildings or classes 728  
of buildings specified in section 3781.06 of the Revised Code, 729  
including land area incidental to those buildings, the 730  
construction of industrialized units, the installation of 731  
equipment, and the standards or requirements for materials used 732

in connection with those buildings. The board shall incorporate  
those rules into separate residential and nonresidential  
building codes. The standards shall relate to the conservation  
of energy and the safety and sanitation of those buildings.

(2) (a) The rules governing nonresidential buildings are  
the lawful minimum requirements specified for those buildings  
and industrialized units, except that no rule other than as  
provided in division (C) of section 3781.108 of the Revised Code  
that specifies a higher requirement than is imposed by any  
section of the Revised Code is enforceable.

(b) The rules governing residential buildings are uniform  
requirements in any area with a building department certified to  
enforce the state residential building code in accordance with  
division (E) of this section, for both of the following:

(i) The erection and construction of new residential  
buildings;

(ii) The repair and alteration of existing residential  
buildings.

(c) In no case shall any local code or regulation differ  
from the state residential building code for either the erection  
and construction of new residential buildings or for the repair  
and alteration of existing residential buildings unless that  
code or regulation addresses subject matter not addressed by the  
state residential building code or is adopted pursuant to  
section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are  
complete, lawful alternatives to any requirements specified for  
buildings or industrialized units in any section of the Revised  
Code. Except as otherwise provided in division (I) of this

section, the board shall, on its own motion or on application 762  
made under sections 3781.12 and 3781.13 of the Revised Code, 763  
formulate, propose, adopt, modify, amend, or repeal the rules to 764  
the extent necessary or desirable to effectuate the purposes of 765  
sections 3781.06 to 3781.18 of the Revised Code. 766

(B) The board shall report to the general assembly 767  
proposals for amendments to existing statutes relating to the 768  
purposes declared in section 3781.06 of the Revised Code that 769  
public health and safety and the development of the arts require 770  
and shall recommend any additional legislation to assist in 771  
carrying out fully, in statutory form, the purposes declared in 772  
that section. The board shall prepare and submit to the general 773  
assembly a summary report of the number, nature, and disposition 774  
of the petitions filed under sections 3781.13 and 3781.14 of the 775  
Revised Code. 776

(C) On its own motion or on application made under 777  
sections 3781.12 and 3781.13 of the Revised Code, and after 778  
thorough testing and evaluation, the board shall determine by 779  
rule that any particular fixture, device, material, process of 780  
manufacture, manufactured unit or component, method of 781  
manufacture, system, or method of construction complies with 782  
performance standards adopted pursuant to section 3781.11 of the 783  
Revised Code. The board shall make its determination with regard 784  
to adaptability for safe and sanitary erection, use, or 785  
construction, to that described in any section of the Revised 786  
Code, wherever the use of a fixture, device, material, method of 787  
manufacture, system, or method of construction described in that 788  
section of the Revised Code is permitted by law. The board shall 789  
amend or annul any rule or issue an authorization for the use of 790  
a new material or manufactured unit on any like application. No 791  
department, officer, board, or commission of the state other 792

than the board of building standards or the board of building 793  
appeals shall permit the use of any fixture, device, material, 794  
method of manufacture, newly designed product, system, or method 795  
of construction at variance with what is described in any rule 796  
the board of building standards adopts or issues or that is 797  
authorized by any section of the Revised Code. Nothing in this 798  
section shall be construed as requiring approval, by rule, of 799  
plans for an industrialized unit that conforms with the rules 800  
the board of building standards adopts pursuant to section 801  
3781.11 of the Revised Code. 802

(D) The board shall recommend rules, codes, and standards 803  
to help carry out the purposes of section 3781.06 of the Revised 804  
Code and to help secure uniformity of state administrative 805  
rulings and local legislation and administrative action to the 806  
bureau of workers' compensation, the director of commerce, any 807  
other department, officer, board, or commission of the state, 808  
and to legislative authorities and building departments of 809  
counties, townships, and municipal corporations, and shall 810  
recommend that they audit those recommended rules, codes, and 811  
standards by any appropriate action that they are allowed 812  
pursuant to law or the constitution. 813

(E) (1) The board shall certify municipal, township, and 814  
county building departments, the personnel of those building 815  
departments, persons described in division (E) (7) of this 816  
section, and employees of individuals, firms, the state, or 817  
corporations described in division (E) (7) of this section to 818  
exercise enforcement authority, to accept and approve plans and 819  
specifications, and to make inspections, pursuant to sections 820  
3781.03, 3791.04, and 4104.43 of the Revised Code. 821

(2) The board shall certify departments, personnel, and 822

persons to enforce the state residential building code for the  
erection and construction of new residential buildings, to  
enforce the nonresidential building code, or to enforce both the  
residential and the nonresidential building codes. A department  
certified to enforce the state residential building code for the  
erection and construction of new residential buildings may also  
enforce the state residential building code for the repair and  
alteration of existing residential buildings upon obtaining the  
appropriate certification from the board, in accordance with  
this section, for the department and its personnel. Any  
department, personnel, or person may enforce only the type of  
building code for which certified.

(3) The board shall not require a building department, its  
personnel, or any persons that it employs to be certified for  
residential building code enforcement if that building  
department does not enforce the state residential building code.  
The board shall specify, in rules adopted pursuant to Chapter  
119. of the Revised Code, the requirements for certification for  
residential and nonresidential building code enforcement, which  
shall be consistent with this division. The requirements for  
residential and nonresidential certification may differ. Except  
as otherwise provided in this division, the requirements shall  
include, but are not limited to, the satisfactory completion of  
an initial examination and, to remain certified, the completion  
of a specified number of hours of continuing building code  
education within each three-year period following the date of  
certification which shall be not less than thirty hours. The  
rules shall provide that continuing education credits and  
certification issued by the council of American building  
officials, national model code organizations, and agencies or  
entities the board recognizes are acceptable for purposes of

this division. The rules shall specify requirements that are 854  
consistent with the provisions of section 5903.12 of the Revised 855  
Code relating to active duty military service and are 856  
compatible, to the extent possible, with requirements the 857  
council of American building officials and national model code 858  
organizations establish. 859

(4) The board shall establish and collect a certification 860  
and renewal fee for building department personnel, and persons 861  
and employees of persons, firms, or corporations as described in 862  
this section, who are certified pursuant to this division. 863

(5) Any individual certified pursuant to this division 864  
shall complete the number of hours of continuing building code 865  
education that the board requires or, for failure to do so, 866  
forfeit certification. 867

(6) This division does not require or authorize the board 868  
to certify personnel of municipal, township, and county building 869  
departments, and persons and employees of persons, firms, or 870  
corporations as described in this section, whose 871  
responsibilities do not include the exercise of enforcement 872  
authority, the approval of plans and specifications, or making 873  
inspections under the state residential and nonresidential 874  
building codes. 875

(7) Enforcement authority for approval of plans and 876  
specifications and enforcement authority for inspections may be 877  
exercised, and plans and specifications may be approved and 878  
inspections may be made on behalf of a municipal corporation, 879  
township, or county, by any of the following who the board of 880  
building standards certifies: 881

(a) Officers or employees of the municipal corporation, 882

township, or county;	883
(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;	884 885 886 887
(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;	888 889 890 891
(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.	892 893 894 895
(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.	896 897 898 899 900
(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.	901 902 903 904 905 906 907 908 909
(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or	910 911

the board of county commissioners and approval of that  
application by the board of building standards. The application  
shall set forth: 912  
913  
914

(a) Whether the certification is requested for residential  
or nonresidential buildings, or both; 915  
916

(b) If the certification is requested for residential  
buildings, whether the requested certification is for only the  
erection and construction of new residential buildings or also  
the repair and alteration of existing residential buildings; 917  
918  
919  
920

(c) The number and qualifications of the staff composing  
the building department; 921  
922

(d) The names, addresses, and qualifications of persons,  
firms, or corporations contracting to furnish work or services  
pursuant to division (E) (7) (b) of this section; 923  
924  
925

(e) The names of any other municipal corporation,  
township, county, health district, or political subdivision  
under contract to furnish work or services pursuant to division  
(E) (7) of this section; 926  
927  
928  
929

(f) The proposed budget for the operation of the building  
department; 930  
931

(g) Whether the building department intends to accept  
plans examination and inspection reports from a third-party  
examiner or inspector in accordance with rules adopted by the  
board of building standards pursuant to division (E) (15) of this  
section. 932  
933  
934  
935  
936

(11) The board of building standards shall adopt rules  
governing all of the following: 937  
938

(a) The certification of building department personnel and 939

persons and employees of persons, firms, or corporations 940  
exercising authority pursuant to division (E) (7) of this 941  
section. The rules shall disqualify any employee of the 942  
department or person who contracts for services with the 943  
department or the general contractor, owner, or applicant under 944  
section 3781.181 of the Revised Code, from performing services 945  
for the department or the general contractor, owner, or 946  
applicant when that employee or person would have to pass upon, 947  
inspect, or otherwise exercise authority over any labor, 948  
material, or equipment the employee or person furnishes for the 949  
construction, alteration, or maintenance of a building or the 950  
preparation of working drawings or specifications for work 951  
within the jurisdictional area of the department. ~~The Except in~~ 952  
the case of a contract under section 3781.181 of the Revised 953  
Code, the department shall provide other similarly qualified 954  
personnel to enforce the residential and nonresidential building 955  
codes as they pertain to that work. 956

(b) The minimum services to be provided by a certified 957  
building department. 958

(12) The board of building standards may revoke or suspend 959  
certification to enforce the residential and nonresidential 960  
building codes, on petition to the board by any person affected 961  
by that enforcement or approval of plans, or by the board on its 962  
own motion. Hearings shall be held and appeals permitted on any 963  
proceedings for certification or revocation or suspension of 964  
certification in the same manner as provided in section 3781.101 965  
of the Revised Code for other proceedings of the board of 966  
building standards. 967

(13) Upon certification, and until that authority is 968  
revoked, any county or township building department shall 969

enforce the residential and nonresidential building codes for 970  
which it is certified without regard to limitation upon the 971  
authority of boards of county commissioners under Chapter 307. 972  
of the Revised Code or boards of township trustees under Chapter 973  
505. of the Revised Code. 974

(14) The board shall certify a person to exercise 975  
enforcement authority, to accept and approve plans and 976  
specifications, or to make inspections in this state in 977  
accordance with Chapter 4796. of the Revised Code if either of 978  
the following applies: 979

(a) The person holds a license or certificate in another 980  
state. 981

(b) The person has satisfactory work experience, a 982  
government certification, or a private certification as 983  
described in that chapter in the same profession, occupation, or 984  
occupational activity as the profession, occupation, or 985  
occupational activity for which the certificate is required in 986  
this state in a state that does not issue that license or 987  
certificate. 988

(15) (a) In addition to the personnel and persons certified 989  
by the board of building standards pursuant to this section to 990  
enforce the state residential building code and nonresidential 991  
building code, the board may shall adopt rules authorizing 992  
requiring certified municipal, township, and county building 993  
departments to accept plans examination and inspection reports 994  
from a third-party examiner or inspector in accordance with 995  
section 3781.181 of the Revised Code. 996

(b) The rules may require the third-party examiner or 997  
inspector be certified pursuant to sections 3781.10 and 3783.03 998

of the Revised Code and authorized to conduct such plans 999  
examination or inspection elsewhere in this state or to 1000  
demonstrate equivalent competency as specified and determined by 1001  
the board of building standards. 1002

(c) Fees charged by a third-party examiner or inspector 1003  
are in addition to any fees prescribed by the political 1004  
subdivision pursuant to section 3781.102 of the Revised Code and 1005  
are the responsibility of the building owner. 1006

(d) The issuance of certificates of plan approval under 1007  
section 3791.04 of the Revised Code and certificates of 1008  
occupancy or completion remains the exclusive authority of the 1009  
certified personnel employed by or under contract with a 1010  
certified municipal, township, and county building department 1011  
and shall not be issued by a third-party examiner or inspector. 1012

(F) In addition to hearings sections 3781.06 to 3781.18 1013  
and 3791.04 of the Revised Code require, the board of building 1014  
standards shall make investigations and tests, and require from 1015  
other state departments, officers, boards, and commissions 1016  
information the board considers necessary or desirable to assist 1017  
it in the discharge of any duty or the exercise of any power 1018  
mentioned in this section or in sections 3781.06 to 3781.18, 1019  
3791.04, and 4104.43 of the Revised Code. 1020

(G) The board shall adopt rules and establish reasonable 1021  
fees for the review of all applications submitted where the 1022  
applicant applies for authority to use a new material, assembly, 1023  
or product of a manufacturing process. The fee shall bear some 1024  
reasonable relationship to the cost of the review or testing of 1025  
the materials, assembly, or products and for the notification of 1026  
approval or disapproval as provided in section 3781.12 of the 1027  
Revised Code. 1028

(H) The residential construction advisory committee shall 1029  
provide the board with a proposal for a state residential 1030  
building code that the committee recommends pursuant to division 1031  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 1032  
recommendation from the committee that is acceptable to the 1033  
board, the board shall adopt rules establishing that code as the 1034  
state residential building code. 1035

(I) (1) The committee may provide the board with proposed 1036  
rules to update or amend the state residential building code 1037  
that the committee recommends pursuant to division (E) of 1038  
section 4740.14 of the Revised Code. 1039

(2) If the board receives a proposed rule to update or 1040  
amend the state residential building code as provided in 1041  
division (I) (1) of this section, the board either may accept or 1042  
reject the proposed rule for incorporation into the residential 1043  
building code. If the board does not act to either accept or 1044  
reject the proposed rule within ninety days after receiving the 1045  
proposed rule from the committee as described in division (I) (1) 1046  
of this section, the proposed rule shall become part of the 1047  
residential building code. 1048

(J) The board shall cooperate with the director of 1049  
children and youth when the director promulgates rules pursuant 1050  
to section 5104.05 of the Revised Code regarding safety and 1051  
sanitation in type A family child care homes. 1052

(K) The board shall adopt rules to implement the 1053  
requirements of section 3781.108 of the Revised Code. 1054

**Sec. 3781.181. (A) As used in this section:** 1055

(1) "Nonresidential building" and "residential building" 1056  
have the same meanings as in section 3781.06 of the Revised 1057

<u>Code.</u>	1058
<u>(2) "Owner" has the same meaning as in section 163.01 of the Revised Code.</u>	1059
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<u>(3) "Third-party private inspector" means an inspector that is certified under section 3781.10 of the Revised Code to accept and approve plans and specifications, and to make inspections of residential or nonresidential building construction projects but who is not directly employed by the governmental entity having jurisdiction.</u>	1061
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<u>(B) A building department having jurisdiction with respect to a residential or nonresidential building shall review plans within fourteen days after receiving a plan review and perform inspections of residential and nonresidential building construction projects within four days after receiving an inspection request.</u>	1067
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<u>(C) (1) The board of building standards may maintain a list of third-party private inspectors and building departments that are certified by the board to conduct plan review or to provide inspections for residential and nonresidential buildings.</u>	1073
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<u>(2) If the board maintains a list pursuant to division (C) (1) of this section, the list shall include for each third-party private inspector all of the following:</u>	1077
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<u>(a) Whether the third-party private inspector is certified to conduct plan review, provide inspections, or both;</u>	1080
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<u>(b) Whether the third-party private inspector is certified to provide services for residential buildings, nonresidential buildings, or both;</u>	1082
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<u>(c) Any other limitations on the third-party private</u>	1085

inspector's authority to provide services under this section. 1086

(3) The list shall be published to a publicly accessible 1087  
web site maintained by the board. 1088

(D) (1) If the building department having jurisdiction does 1089  
not timely conduct the plan review or inspection in accordance 1090  
with division (B) of this section, the general contractor or 1091  
owner of the residential or nonresidential building construction 1092  
project, or the applicant for the plan review or inspection, or 1093  
any of the them, may notify the board of building standards and 1094  
the building department having jurisdiction that the general 1095  
contractor, owner, or applicant intends to contract for an 1096  
independent plan review or inspection. 1097

(2) After sending notice, the general contractor, owner, 1098  
or applicant may enter into a contract with a qualified third- 1099  
party private inspector or a building department to conduct the 1100  
plan review or inspection of the residential or nonresidential 1101  
building construction project. 1102

(3) Within fifteen days after receiving the plan review or 1103  
inspection, the general contractor, owner, or applicant shall 1104  
pay both of the following: 1105

(a) Any fee contracted for by the third-party private 1106  
inspector or certified building department for the independent 1107  
plan review or inspection under division (D) (2) of this section; 1108

(b) Any fee charged by the building department having 1109  
jurisdiction that is customary for the approval of a plan review 1110  
or inspection, including an administrative or filing fee, but 1111  
excluding any fee related to the actual plan review or 1112  
inspection. 1113

(4) A third-party private inspector or an inspector 1114

employed by a certified building department shall send the 1115  
results to the building department having jurisdiction within 1116  
twenty-four hours after completing an independent plan review or 1117  
inspection. 1118

(5) The building department having jurisdiction shall not 1119  
require a general contractor, owner, or applicant to obtain a 1120  
building permit sooner than one hundred eighty days after a 1121  
third-party private inspector or an inspector employed by a 1122  
certified building department approves plans submitted under 1123  
this section. 1124

(6) The chief building official of the building department 1125  
with jurisdiction may prohibit final occupancy if plans have not 1126  
been approved for a project, as directed by the chief building 1127  
official. 1128

(7) The rules adopted by the board of building standards 1129  
under section 3781.10 of the Revised Code shall prescribe 1130  
procedures for the review and processing of plan review and 1131  
inspection reports by the building official of the building 1132  
department having jurisdiction. 1133

**Sec. 3791.04.** (A) (1) Before beginning the construction, 1134  
erection, or manufacture of any building to which section 1135  
3781.06 of the Revised Code applies, including all 1136  
industrialized units, the owner of that building, in addition to 1137  
any other submission required by law, shall submit plans or 1138  
drawings, specifications, and data prepared for the 1139  
construction, erection, equipment, alteration, or addition that 1140  
indicate the portions that have been approved pursuant to 1141  
section 3781.12 of the Revised Code and for which no further 1142  
approval is required, to the municipal, township, or county 1143  
building department having jurisdiction unless one of the 1144

following applies:	1145
(a) If no municipal, township, or county building department certified for nonresidential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner shall make the submissions described in division (A) (1) of this section to the superintendent of industrial compliance.	1146 1147 1148 1149 1150 1151
(b) If no certified municipal, township, or county building department certified for residential buildings pursuant to division (E) of section 3781.10 of the Revised Code has jurisdiction, the owner is not required to make the submissions described in division (A) (1) of this section.	1152 1153 1154 1155 1156
(2) (a) The seal of an architect registered under Chapter 4703. of the Revised Code or an engineer registered under Chapter 4733. of the Revised Code is required for any plans, drawings, specifications, or data submitted for approval, unless the plans, drawings, specifications, or data are permitted to be prepared by persons other than registered architects pursuant to division (C) or (D) of section 4703.18 of the Revised Code, or by persons other than registered engineers pursuant to division (C) or (D) of section 4733.18 of the Revised Code.	1157 1158 1159 1160 1161 1162 1163 1164 1165
(b) No seal is required for any plans, drawings, specifications, or data submitted for approval for any residential buildings, as defined in section 3781.06 of the Revised Code, or erected as industrialized one-, two-, or three-family units or structures within the meaning of "industrialized unit" as defined in section 3781.06 of the Revised Code.	1166 1167 1168 1169 1170 1171
(c) No seal is required for approval of the installation of replacement equipment or systems that are similar in type or	1172 1173

capacity to the equipment or systems being replaced. No seal is 1174  
required for approval for any new construction, improvement, 1175  
alteration, repair, painting, decorating, or other modification 1176  
of any buildings or structures subject to sections 3781.06 to 1177  
3781.18 and 3791.04 of the Revised Code if the proposed work 1178  
does not involve technical design analysis, as defined by rule 1179  
adopted by the board of building standards. 1180

(B) No owner shall proceed with the construction, 1181  
erection, alteration, or equipment of any building until the 1182  
plans or drawings, specifications, and data have been approved 1183  
as this section requires, or the industrialized unit inspected 1184  
at the point of origin, or as approved by section 3791.043 of 1185  
the Revised Code. No plans or specifications shall be approved 1186  
or inspection approval given unless the building represented 1187  
would, if constructed, repaired, erected, or equipped, comply 1188  
with Chapters 3781. and 3791. of the Revised Code and any rule 1189  
made under those chapters. 1190

(C) The approval of plans or drawings and specifications 1191  
or data pursuant to this section is invalid if construction, 1192  
erection, alteration, or other work upon the building has not 1193  
commenced within twelve months of the approval of the plans or 1194  
drawings and specifications. One extension shall be granted for 1195  
an additional twelve-month period if the owner requests at least 1196  
ten days in advance of the expiration of the permit and upon 1197  
payment of a fee not to exceed one hundred dollars. If in the 1198  
course of construction, work is delayed or suspended for more 1199  
than six months, the approval of plans or drawings and 1200  
specifications or data is invalid. Two extensions shall be 1201  
granted for six months each if the owner requests at least ten 1202  
days in advance of the expiration of the permit and upon payment 1203  
of a fee for each extension of not more than one hundred 1204

dollars. Before any work may continue on the construction, 1205  
erection, alteration, or equipment of any building for which the 1206  
approval is invalid, the owner of the building shall resubmit 1207  
the plans or drawings and specifications for approval pursuant 1208  
to this section. 1209

(D) Subject to section 3791.042 of the Revised Code, the 1210  
board of building standards or the legislative authority of a 1211  
municipal corporation, township, or county, by rule, may 1212  
regulate the requirements for the submission of plans and 1213  
specifications to the respective enforcing departments and for 1214  
processing by those departments. The board of building standards 1215  
or the legislative authority of a municipal corporation, 1216  
township, or county may adopt rules to provide for the approval, 1217  
subject to section 3791.042 of the Revised Code, by the 1218  
department having jurisdiction of the plans for construction of 1219  
a foundation or any other part of a building or structure before 1220  
the complete plans and specifications for the entire building or 1221  
structure are submitted. When any plans are approved by the 1222  
department having jurisdiction, the structure and every 1223  
particular represented by and disclosed in those plans shall, in 1224  
the absence of fraud or a serious safety or sanitation hazard, 1225  
be conclusively presumed to comply with Chapters 3781. and 3791. 1226  
of the Revised Code and any rule issued pursuant to those 1227  
chapters, if constructed, altered, or repaired in accordance 1228  
with those plans and any rule in effect at the time of approval. 1229

(E) The approval of plans and specifications, including 1230  
inspection of industrialized units, under this section is a 1231  
"license" and the failure to approve plans or specifications as 1232  
submitted or to inspect the unit at the point of origin within 1233  
~~thirty days after the plans or specifications are filed or the~~ 1234  
~~request to inspect the industrialized unit is made the time~~ 1235

required by section 3791.043 of the Revised Code, the 1236  
disapproval of plans and specifications, or the refusal to 1237  
approve an industrialized unit following inspection at the point 1238  
of origin is "an adjudication order denying the issuance of a 1239  
license" requiring an "adjudication hearing" as provided by 1240  
sections 119.07 to 119.13 of the Revised Code and as modified by 1241  
sections 3781.031 and 3781.19 of the Revised Code. An 1242  
adjudication order denying the issuance of a license shall 1243  
specify the reasons for that denial. 1244

(F) The board of building standards shall not require the 1245  
submission of site preparation plans or plot plans to the 1246  
division of industrial compliance when industrialized units are 1247  
used exclusively as one-, two-, or three-family dwellings. 1248

(G) Notwithstanding any procedures the board establishes, 1249  
if the agency having jurisdiction objects to any portion of the 1250  
plans or specifications, the owner or the owner's representative 1251  
may request the agency to issue conditional approval to proceed 1252  
with construction up to the point of the objection. Approval 1253  
shall be issued only when the objection results from conflicting 1254  
interpretations of the rules of the board of building standards 1255  
rather than the application of specific technical requirements 1256  
of the rules. Approval shall not be issued where the correction 1257  
of the objection would cause extensive changes in the building 1258  
design or construction. The giving of conditional approval is a 1259  
"conditional license" to proceed with construction up to the 1260  
point where the construction or materials objected to by the 1261  
agency are to be incorporated into the building. No construction 1262  
shall proceed beyond that point without the prior approval of 1263  
the agency or another agency that conducts an adjudication 1264  
hearing relative to the objection. The agency having 1265  
jurisdiction shall specify its objections to the plans or 1266

specifications, which is an "adjudication order denying the  
issuance of a license" and may be appealed pursuant to sections  
119.07 to 119.13 of the Revised Code and as modified by sections  
3781.031 and 3781.19 of the Revised Code. 1267  
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(H) A certified municipal, township, or county building  
department having jurisdiction, or the superintendent, as  
appropriate, shall review any plans, drawings, specifications,  
or data described in this section that are submitted to it or to  
the superintendent. 1271  
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(I) No owner or persons having control as an officer, or  
as a member of a board or committee, or otherwise, of a building  
to which section 3781.06 of the Revised Code is applicable, and  
no architect, designer, engineer, builder, contractor,  
subcontractor, or any officer or employee of a municipal,  
township, or county building department shall violate this  
section. 1276  
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(J) Whoever violates this section shall be fined not more  
than five hundred dollars. 1283  
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**Sec. 3791.043. (A) As used in this section:** 1285

(1) "Application" means the application to the certified 1286  
municipal, township, or county building department having 1287  
jurisdiction, or the superintendent of industrial compliance, to 1288  
review plans, drawings, specifications, or data described in 1289  
section 3791.04 of the Revised Code, for inspections, and for 1290  
certificates of completion. 1291

(2) "Architect" has the same meaning as in section 4703.20 1292  
of the Revised Code. 1293

(3) "Reviewing authority" means the certified municipal, 1294  
township, or county building department having jurisdiction, or 1295

<u>the superintendent of industrial compliance.</u>	1296
<u>(4) "Engineer" means a person registered as a professional engineer under Chapter 4733. of the Revised Code.</u>	1297 1298
<u>(5) "Conflict of interest" includes having any financial interest in, or being employed by the applicant, other than as a plan reviewer or inspector under this section, or a business that has a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of, or any involvement in the making of plans or specifications for, the project subject to plan review or inspection.</u>	1299 1300 1301 1302 1303 1304 1305 1306
<u>(B) Except as otherwise provided in division (C) of this section, to the extent practicable, a reviewing authority shall do both of the following:</u>	1307 1308 1309
<u>(1) Complete its review and make a determination on plans, drawings, specifications, or data described in section 3791.04 of the Revised Code, within thirty days after receipt of the application;</u>	1310 1311 1312 1313
<u>(2) Provide inspection services within two business days after receipt of the application.</u>	1314 1315
<u>(C) (1) Not later than five business days after receiving an application, the reviewing authority shall determine whether the application is complete and provide written notice to the applicant of that determination.</u>	1316 1317 1318 1319
<u>(2) If the reviewing authority determines that the application is complete, the notice shall include an indication as to whether the reviewing authority has the capacity to meet the deadlines prescribed by division (B) of this section. Any time spent by the reviewing authority in determining</u>	1320 1321 1322 1323 1324

completeness of the application counts in determining compliance 1325  
with those deadlines. 1326

(3) If the reviewing authority determines that the 1327  
application is not complete, the notice shall identify the 1328  
specific items that are needed in order for the application to 1329  
be complete. The date such notice is sent to the date the 1330  
applicant submits a complete application do not count in 1331  
determining compliance with the deadlines prescribed by division 1332  
(B) of this section. In addition, the reviewing authority may 1333  
extend those deadlines by an additional five business days for 1334  
the purpose of reviewing revisions to an application or any 1335  
associated documents for completeness. 1336

(4) If the reviewing authority determines that the 1337  
personnel employed or contracted by the reviewing authority are 1338  
unable to meet the deadlines prescribed by division (B) of this 1339  
section, the applicant may retain, at the applicant's own 1340  
expense, an architect or engineer to perform the plan review or 1341  
inspection within the architect's and engineer's scope of 1342  
practice and in accordance with this section. If the applicant 1343  
elects to retain an architect or an engineer, all of the 1344  
following apply: 1345

(a) The applicant shall notify the reviewing authority. 1346  
(b) The reviewing authority shall reduce the applicable 1347  
fee by fifty per cent and, if the applicant has remitted the fee 1348  
already, refund the excess to the applicant. 1349

(c) The applicant shall submit a copy of the architect's 1350  
or engineer's plan review or inspection report to the reviewing 1351  
authority within five days after its completion. The plan review 1352  
and report shall include the affidavit required under division 1353

<u>(D) (2) of this section and any documents required by the reviewing authority to verify that the permit applicant has secured all other governmental approvals required by law.</u>	1354
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<u>(5) If the reviewing authority states its intent to complete the required plan review or inspection services within the time prescribed by division (B) of this section, or within an extended period of time mutually agreed upon by the applicant and the reviewing authority, and the reviewing authority fails to complete such plan review or inspection services in that time, the reviewing authority shall issue the applicant a project initiation permit to allow the applicant to begin work on the project, provided that the initial phase of work is compliant with Chapters 3781. and 3791. of the Revised Code and any rule made under those chapters. The reviewing authority may do either or both of the following:</u>	1357
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<u>(a) Limit the scope of a project initiation permit;</u>	1369
<u>(b) Limit the areas of the site to which the project initiation permit applies.</u>	1370
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<u>(D) (1) An architect or an engineer performing a plan review under this section shall review the plans, drawings, specifications, or other data described in section 3791.04 of the Revised Code to determine compliance with Chapters 3781. and 3791. of the Revised Code and all rules made under those chapters. Any plan review or inspection conducted by an architect or an engineer under this section shall be no less extensive than plan reviews or inspections conducted by the reviewing authority.</u>	1372
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<u>(2) Upon reviewing the application or conducting the inspection, the architect or engineer shall prepare an affidavit</u>	1381
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<u>certifying all of the following under oath in accordance with</u>	1383
<u>applicable professional standards of care:</u>	1384
<u>(a) The affiant is duly authorized to conduct a plan</u>	1385
<u>review or inspection pursuant to this section, holds the</u>	1386
<u>appropriate credentials set forth in this section, and does not</u>	1387
<u>have a conflict of interest with respect to the applicant.</u>	1388
<u>(b) Whether the plans or the subjects of the inspection</u>	1389
<u>comply with all applicable requirements of Chapters 3781. and</u>	1390
<u>3791. of the Revised Code and all applicable rules made under</u>	1391
<u>those chapters;</u>	1392
<u>(c) In the case of plans submitted for review, whether the</u>	1393
<u>plans conform with any plans previously approved for that</u>	1394
<u>project and do not alter such plans already approved for that</u>	1395
<u>project, except as set forth in the plans submitted for review</u>	1396
<u>pursuant to this section.</u>	1397
<u>(3) An architect or an engineer may perform any plan</u>	1398
<u>review or inspection required by a reviewing authority,</u>	1399
<u>including inspections for footings, foundations, concrete slabs,</u>	1400
<u>framing, electrical, plumbing, heating, ventilation and air</u>	1401
<u>conditioning, or any other inspection necessary or required to</u>	1402
<u>determine compliance with applicable requirements and for the</u>	1403
<u>issuance of a building permit by the reviewing authority</u>	1404
<u>provided that the plan review or inspection is within the scope</u>	1405
<u>of the architect's or engineer's area of competency.</u>	1406
<u>(4) If an architect or engineer conducts an inspection</u>	1407
<u>under this section, upon completion of the inspection, the</u>	1408
<u>architect or engineer shall submit a copy of the architect's or</u>	1409
<u>engineer's report to the reviewing authority. The reviewing</u>	1410
<u>authority shall accept the report without requiring further</u>	1411

inspection by the inspectors or other personnel employed or 1412  
contracted by the reviewing authority, unless the reviewing 1413  
authority notifies the architect or engineer in writing, within 1414  
two business days after the submission of the report, that it 1415  
finds the report incomplete or the inspection inadequate. The 1416  
written notice shall include a written description of the 1417  
deficiencies and specific requirements that have not been 1418  
adequately addressed. If the reviewing authority does not 1419  
provide such written notice within two business days after 1420  
submission of the report, the reviewing authority is deemed to 1421  
have accepted all determinations of the architect or engineer in 1422  
the report and, if merited by such determinations, the 1423  
inspection shall be approved. 1424

(5) An applicant shall not retain an architect or engineer 1425  
that has a conflict of interest with respect to the applicant to 1426  
conduct a plan review or inspection under this section. An 1427  
architect or engineer shall not conduct a plan review or 1428  
inspection under this section for any applicant with respect to 1429  
which the architect or engineer has a conflict of interest. 1430

(E) (1) Not more than thirty days after receiving both an 1431  
application and a report from an architect or engineer under 1432  
this section, the reviewing authority shall either issue the 1433  
requested permit or provide written notice to the applicant 1434  
identifying the specific plan features that do not comply with 1435  
Chapters 3781. and 3791. of the Revised Code or rules issued 1436  
pursuant to those chapters, including citations to the 1437  
applicable code sections or rules. If the reviewing authority 1438  
does not provide a written notice of the plan deficiencies 1439  
within the time required by this division, the application is 1440  
deemed approved as a matter of law, and the reviewing authority 1441  
shall issue the permit on the next business day. 1442

(2) If the reviewing authority provides a written notice of plan deficiencies to the applicant, the date such notice is sent to the date the applicant responds to the notice do not count in determining compliance with the deadline prescribed by division (E) (1) of this section. The applicant may respond to the notice by submitting revisions to correct the deficiencies or additional information that demonstrates compliance with the applicable code sections or rules. 1443  
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(3) If the applicant submits revisions or additional information to address the plan deficiencies previously identified, the reviewing authority shall, within the remainder of the thirty-day period prescribed by division (E) (1) of this section plus five business days, either issue the requested permit or provide a second written notice to the applicant stating which previously identified plan features remain noncompliant, including citations to the applicable code sections or rules. If the reviewing authority does not provide the second written notice within the time required by this division, the application is deemed approved as a matter of law, and the permit shall be issued by the reviewing authority on the next business day. If the applicant revises the plan in a way that necessitates new approvals from the reviewing authority, the applicant shall obtain such approvals before submitting a revised application. 1451  
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(4) If the reviewing authority provides a second written notice of plan deficiencies to the applicant within the time required by division (E) (4) of this section, the applicant may respond by submitting additional revisions to correct the deficiencies or additional information that demonstrates compliance with the applicable code sections or rules. For responses submitted after the first revision, the reviewing 1467  
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<u>authority shall, within the remainder of the thirty-day period prescribed by division (E) (1) of this section plus an additional five business days, do one of the following:</u>	1474
(a) <u>Issue the requested permit;</u>	1477
(b) <u>Provide written notice to the applicant stating which of the previously identified plan features remain noncompliant, including citations to the specific code sections or rules that apply;</u>	1478
(c) <u>Deny the application.</u>	1482
(F) <u>The applicant may initiate an expedited appeal under section 3781.21 of the Revised Code if any of the following apply:</u>	1483
(1) <u>The reviewing authority issues a third written notice to the permit applicant as provided in division (E) of this section.</u>	1486
(2) <u>The reviewing authority denies the application.</u>	1489
(3) <u>The reviewing authority notifies the architect or engineer submitting an inspection report that it finds the report incomplete or the inspection inadequate.</u>	1490
(G) <u>Upon issuance of applicable permits under this section, the reviewing authority is discharged and released from any liabilities, duties, and responsibilities imposed by this section, or in common law, from any claim arising out of, or attributed to, plans reviewed under this section.</u>	1493
(H) <u>Nothing in this section authorizes any private professional provider to issue a certificate of occupancy.</u>	1498
<b>Sec. 5552.02. (A) Except as provided in divisions (C) and</b>	1500

(D) of this section, for the purposes of promoting traffic safety and efficiency and maintaining proper traffic capacity and traffic flow, a board of township trustees may adopt, by resolution, regulations for the management of access onto township roads in the unincorporated area of the township in accordance with sections 5552.05 and 5552.06 of the Revised Code. As part of those regulations, the board may require permits, including interim and temporary permits, for the construction, reconstruction, use, and maintenance of any point of access from public or private property onto those township roads. If the board adopts regulations that require permits, the regulations shall include standards that will be used for the approval or denial of a permit. Any regulations regarding the approval or denial of a permit shall specify a reasonable period for the approval or denial and shall provide that a failure to approve or deny, in whole or in part, any permit, license, or other approval sought within that period shall constitute a granting of approval for the permit, license, or other approval.

Notwithstanding anything to the contrary in this division, a board of township trustees of a township other than an urban township may not adopt regulations authorized by this division until the date that is one year after ~~the effective date of this section~~ October 24, 2002, and then only if the county does not adopt or initiate the process of adopting regulations under division (B) of this section within that one-year period. If the county initiates the process of adopting regulations under division (B) of this section within that one-year period but does not actually adopt regulations under division (B) of this section within two years after ~~the effective date of this section~~ October 24, 2002, the township may adopt regulations authorized by this division on or after the date that is two

years after ~~the effective date of this section~~ October 24, 2002.

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(B) For the purposes of promoting traffic safety and efficiency and maintaining proper traffic capacity and traffic flow, the board of county commissioners may adopt, by resolution, regulations for the management of access onto county and township roads in the unincorporated area of the county in accordance with sections 5552.04 and 5552.06 of the Revised Code. As part of those regulations, the board may require permits, including interim and temporary permits, for the construction, reconstruction, use, and maintenance of any point of access from public or private property onto those county and township roads. If the board adopts regulations that require permits, the regulations shall include standards that will be used for the approval or denial of a permit. Any regulations regarding the approval or denial of a permit shall specify a reasonable period for the approval or denial and shall provide that a failure to approve or deny, in whole or in part, any permit, license, or other approval sought within that period shall constitute a granting of approval for the permit, license, or other approval.

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efficiency and maintaining proper traffic capacity and traffic

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flow, the board of county commissioners may adopt, by

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resolution, regulations for the management of access onto county

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and township roads in the unincorporated area of the county in

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accordance with sections 5552.04 and 5552.06 of the Revised

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Code. As part of those regulations, the board may require

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permits, including interim and temporary permits, for the

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construction, reconstruction, use, and maintenance of any point

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of access from public or private property onto those county and

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township roads. If the board adopts regulations that require

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permits, the regulations shall include standards that will be

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used for the approval or denial of a permit. Any regulations

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regarding the approval or denial of a permit shall specify a

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reasonable period for the approval or denial and shall provide

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that a failure to approve or deny, in whole or in part, any

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permit, license, or other approval sought within that period

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shall constitute a granting of approval for the permit, license,

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or other approval.

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The same county regulations that apply to county roads

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shall apply to township roads. Except as provided in divisions

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(C) and (D) of this section, upon their effective date, the

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county regulations shall apply to all county and township roads

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in the unincorporated area of the county.

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(C) On or after the appropriate date provided in division

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(A) of this section for adopting regulations under that

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division, the board of township trustees of a township other

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than an urban township may adopt the regulations authorized by

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that division. If such a board of township trustees adopts

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regulations, and a board of county commissioners later adopts 1562  
regulations under division (B) of this section that apply to the 1563  
same township roads, then, one year after the effective date of 1564  
the county regulations, the regulations adopted by the board of 1565  
township trustees shall be void, and the regulations adopted by 1566  
the board of county commissioners shall apply to those township 1567  
roads. However, the board of township trustees may establish an 1568  
earlier date for the county regulations to take effect and the 1569  
township regulations to be void by adopting a resolution 1570  
establishing an earlier date and sending a certified copy of 1571  
that resolution to the board of county commissioners. 1572

(D) Except as otherwise provided in this division, if an 1573  
urban township adopts regulations under division (A) of this 1574  
section and the county also adopts regulations under division 1575  
(B) of this section that affect township roads in that township, 1576  
the county regulations shall have no effect on the township 1577  
roads in that township. If the urban township adopts its 1578  
regulations after the county adopts its regulations, however, 1579  
the county regulations shall remain in effect for one year after 1580  
the township regulations are adopted unless the board of county 1581  
commissioners establishes an earlier date for the county 1582  
regulations to expire within that urban township. After the 1583  
earlier established date or one year, whichever is applicable, 1584  
only the township regulations shall apply to the township roads 1585  
in that urban township, although the county regulations shall 1586  
continue to apply to the county roads in that urban township. 1587

~~(E)~~ (E) (1) Any county regulations adopted under this 1588  
section shall be, to the extent possible, consistent with county 1589  
zoning regulations and coordinated with any existing township 1590  
zoning regulations. Any township regulations adopted under this 1591  
section shall be, to the extent possible, consistent with any 1592

county or township zoning regulations in effect in the township. 1593

(2) Any county or township regulations adopted or modified 1594  
under this section shall not establish standards that are 1595  
stricter than the corresponding state and federal regulations 1596  
for similar points of access from public or private property 1597  
onto similar public streets and highways. 1598

Sec. 5552.12. A board of county commissioners or board of 1599  
township trustees that adopts access management regulations 1600  
under section 5552.02 of the Revised Code shall require any 1601  
necessary traffic studies related to the construction, 1602  
reconstruction, use, and maintenance of any point of access from 1603  
public or private property onto those county and township roads 1604  
to be reviewed not later than forty-five days after the permit 1605  
application is submitted. 1606

**Section 2.** That existing sections 122.06, 303.15, 519.02, 1607  
519.03, 519.15, 519.25, 711.09, 3781.031, 3781.10, 3791.04, and 1608  
5552.02 of the Revised Code are hereby repealed. 1609

**Section 3.** A township with a population of five thousand 1610  
or more that does not have a comprehensive zoning plan in effect 1611  
on the effective date of this section shall do both of the 1612  
following: 1613

(A) Not later than thirty days after this section takes 1614  
effect, appoint members to the decennial plan review commission 1615  
established under section 519.023 of the Revised Code as enacted 1616  
by this act. 1617

(B) Not later than six months after this section takes 1618  
effect, adopt a comprehensive zoning plan in accordance with the 1619  
applicable Revised Code sections, in consultation with the 1620  
decennial plan review commission and the Department of 1621

Development. 1622

**Section 4.** The General Assembly hereby urges cities to 1623  
adopt a comprehensive zoning plan. 1624