

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 361**

**Representatives Lorenz, Fischer**

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To amend sections 303.15, 519.15, 711.09, 3781.10, 1  
and 5552.02 and to enact sections 303.123, 2  
519.123, 713.35, 3781.181, and 5552.12 of the 3  
Revised Code regarding building inspections, 4  
local regulations, and zoning. 5

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

**Section 1.** That sections 303.15, 519.15, 711.09, 3781.10, 6  
and 5552.02 be amended and sections 303.123, 519.123, 713.35, 7  
3781.181, and 5552.12 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 303.123.** (A) As used in this section, "entitlement" 10  
means any discretionary land use decision requiring an approval 11  
by a public body or elected official, including, but not limited 12  
to, a variance, special or conditional use, zoning change, 13  
planned unit development, or other special approval. 14

(B) Except as otherwise provided in the Revised Code, 15  
every entitlement application shall receive at least one public 16  
hearing, which shall occur not later than thirty days after the 17  
entitlement application is submitted, and every entitlement 18  
application shall be resolved via approval or denial not more 19  
than ninety days after the application is filed. This section 20

does not apply if an application is deviated from the original 21  
submission. The county board or commission conducting the 22  
hearing shall provide notice of the hearing not less than 23  
fourteen days before the hearing, as follows: 24

(1) To the owners of the property within the area proposed 25  
to be changed or affected by the proposed entitlement change, to 26  
the owners of property adjacent such area, and to the owners of 27  
property located within two hundred fifty feet of such area, via 28  
a mailed postcard that includes the date, time, and location of 29  
the hearing; 30

(2) By posting one or more signs within the area proposed 31  
to be changed or affected by the proposed entitlement change 32  
that include the date, time, and location of the hearing; 33

(3) By posting on the web site of the county, including 34  
the date, time, and location of the hearing, a description of 35  
the proposed entitlement change, and a web link to relevant 36  
documents. 37

**Sec. 303.15.** The county board of zoning appeals shall 38  
organize and adopt rules in accordance with the zoning 39  
resolution. Meetings of the board of zoning appeals shall be 40  
held at the call of the chairperson, and at such other times as 41  
the board determines. The chairperson, or in the chairperson's 42  
absence the acting chairperson, may administer oaths, and the 43  
board of zoning appeals may compel the attendance of witnesses. 44  
All meetings of the board of zoning appeals shall be open to the 45  
public. The board of zoning appeals shall keep minutes of its 46  
proceedings showing the vote of each regular or alternate member 47  
upon each question, or, if absent or failing to vote, indicating 48  
such fact, and shall keep records of its examinations and other 49  
official actions, all of which shall be immediately filed in the 50

office of the board of county commissioners and be a public 51  
record. 52

Appeals to the board of zoning appeals may be taken by any 53  
person aggrieved or by any officer of the county affected by any 54  
decision of the administrative officer. Such appeal shall be 55  
taken within twenty days after the decision by filing, with the 56  
officer from whom the appeal is taken and with the board of 57  
zoning appeals, a notice of appeal specifying the grounds. The 58  
officer from whom the appeal is taken shall transmit to the 59  
board of zoning appeals all the papers constituting the record 60  
upon which the action appealed from was taken. 61

The board of zoning appeals shall fix a reasonable time 62  
for the public hearing of the appeal, and shall give at least 63  
~~ten days' notice in writing to the parties in interest, and give~~ 64  
~~notice of such public hearing by one publication at least ten~~ 65  
~~days before the date of such hearing, using at least one of the~~ 66  
~~following methods:~~ 67

~~(A) In the print or digital edition of a newspaper of~~ 68  
~~general circulation within the county;~~ 69

~~(B) On the official public notice web site established~~ 70  
~~under section 125.182 of the Revised Code;~~ 71

~~(C) On the web site and social media account of the~~ 72  
~~county~~ as specified in section 303.123 of the Revised Code. 73

Upon the hearing, any person may appear in person or by 74  
attorney. 75

The boards of zoning appeals shall decide the appeal 76  
~~within a reasonable time~~ not more than thirty calendar days 77  
after it is submitted. 78

Sec. 519.123. (A) As used in this section, "entitlement" 79  
means any discretionary land use decision requiring an approval 80  
by a public body or elected official, including, but not limited 81  
to, a variance, special or conditional use, zoning change, 82  
planned unit development, or other special approval. 83

(B) Except as otherwise provided in the Revised Code, 84  
every entitlement application shall receive at least one public 85  
hearing, which shall occur not later than thirty days after the 86  
entitlement application is submitted, and every entitlement 87  
application shall be resolved via approval or denial not more 88  
than ninety days after the application is filed. This section 89  
does not apply if an application is deviated from the original 90  
submission. The township board or commission conducting the 91  
hearing shall provide notice of the hearing not less than 92  
fourteen days before the hearing, as follows: 93

(1) To the owners of the property within the area proposed 94  
to be changed or affected by the proposed entitlement change, to 95  
the owners of property adjacent such area, and to the owners of 96  
property located within two hundred fifty feet of such area, via 97  
a mailed postcard that includes the date, time, and location of 98  
the hearing; 99

(2) By posting one or more signs within the area proposed 100  
to be changed or affected by the proposed entitlement change 101  
that include the date, time, and location of the hearing; 102

(3) By posting on the web site of the township, including 103  
the date, time, and location of the hearing, a description of 104  
the proposed entitlement change, and a web link to relevant 105  
documents. 106

Sec. 519.15. The township board of zoning appeals shall 107

organize and adopt rules in accordance with the zoning 108  
resolution. Meetings of the board of zoning appeals shall be 109  
held at the call of the chairperson, and at such other times as 110  
the board determines. The chairperson, or in the chairperson's 111  
absence the acting chairperson, may administer oaths, and the 112  
board of zoning appeals may compel the attendance of witnesses. 113  
All meetings of the board of zoning appeals shall be open to the 114  
public. The board of zoning appeals shall keep minutes of its 115  
proceedings showing the vote of each regular or alternate member 116  
upon each question, or, if absent or failing to vote, indicating 117  
such fact, and shall keep records of its examinations and other 118  
official actions, all of which shall be immediately filed in the 119  
office of the board of township trustees and be a public record. 120

Appeals to the board of zoning appeals may be taken by any 121  
person aggrieved or by any officer of the township affected by 122  
any decision of the administrative officer. Such appeal shall be 123  
taken within twenty days after the decision by filing, with the 124  
officer from whom the appeal is taken and with the board of 125  
zoning appeals, a notice of appeal specifying the grounds. The 126  
officer from whom the appeal is taken shall transmit to the 127  
board of zoning appeals all the papers constituting the record 128  
upon which the action appealed from was taken. 129

The board of zoning appeals shall fix a reasonable time 130  
for the public hearing of the appeal, and shall give ~~at least~~ 131  
~~ten days'~~ notice ~~in writing to the parties in interest, publish~~ 132  
~~notice of such public hearing at least ten days before the date~~ 133  
~~of such hearing using at least one of the following methods:~~ 134

~~(A) In the print or digital edition of one or more~~ 135  
~~newspapers of general circulation in the county;~~ 136

~~(B) On the official public notice web site established~~ 137

~~under section 125.182 of the Revised Code,~~ 138

~~(C) On the web site and social media account of the~~ 139  
~~township~~ as specified in section 519.123 of the Revised Code. 140

The board shall decide the appeal ~~within a reasonable time~~ 141  
not more than thirty calendar days after it is submitted. Upon 142  
the hearing, any person may appear in person or by attorney. 143

The board of township trustees may require a person making 144  
an appeal to pay a fee to defray the cost of ~~advertising,~~ 145  
~~mailing,~~ providing notices and other expenses. 146

**Sec. 711.09.** (A) (1) Except as otherwise provided in 147  
division (A) (2) of this section, when a city planning commission 148  
adopts a plan for the major streets or thoroughfares and for the 149  
parks and other open public grounds of a city or any part of it, 150  
or for the unincorporated territory within three miles of the 151  
corporate limits of a city or any part of it, then no plat of a 152  
subdivision of land within that city or territory shall be 153  
recorded until it has been approved by the city planning 154  
commission and that approval endorsed in writing on the plat. If 155  
the land lies within three miles of more than one city, then 156  
division (A) (1) of this section applies to the approval of the 157  
planning commission of the city whose boundary is nearest to the 158  
land. 159

(2) Division (A) (1) of this section does not apply to any 160  
unincorporated territory when all of the following conditions 161  
are met: 162

(a) The township in which the territory is located has a 163  
zoning resolution covering all the unincorporated territory in 164  
the township. 165

(b) The county in which the territory is located has a 166

county or regional planning commission. 167

(c) Subdivision regulations other than municipal 168  
subdivision regulations are in effect in the county in which the 169  
unincorporated territory is located. 170

When all of these conditions are met, no plat of a 171  
subdivision of land in that unincorporated territory shall be 172  
recorded until it has been approved by the county or regional 173  
planning commission as provided in section 711.10 of the Revised 174  
Code. 175

(B) (1) Except as otherwise provided in division (B) (2) of 176  
this section, when a village planning commission, a platting 177  
commissioner, or, if there is no commission or commissioner, the 178  
legislative authority of a village, adopts a plan for the major 179  
streets or thoroughfares and for the parks and other public 180  
grounds of a village or any part of it, then no plat of a 181  
subdivision of land within that village shall be recorded until 182  
it has been approved by the village commission, commissioner, or 183  
legislative authority and that approval endorsed in writing on 184  
the plat. If the county in which the village lies contains no 185  
cities, has no county subdivision regulations in effect, and the 186  
village commission, commissioner, or legislative authority 187  
adopts a plan for the major streets or thoroughfares and for the 188  
parks and other public grounds for the unincorporated territory 189  
within one and one-half miles of the corporate limits of the 190  
village or any part of it, then no plat of a subdivision of land 191  
shall be recorded until it has been approved by the village 192  
commission, commissioner, or legislative authority and that 193  
approval is endorsed in writing on the plat. If the land lies 194  
within one and one-half miles of more than one village, then 195  
division (B) (1) of this section applies to the approval of the 196

commission, commissioner, or legislative authority of the 197  
village whose boundary is nearest to the land. 198

(2) Division (B)(1) of this section does not apply to any 199  
unincorporated territory when both of the following conditions 200  
are met: 201

(a) The township in which the territory is located has a 202  
zoning resolution covering all the unincorporated territory in 203  
the township. 204

(b) The county in which the territory is located has a 205  
county or regional planning commission. 206

When both of these conditions are met, no plat of a 207  
subdivision of land in that unincorporated territory shall be 208  
recorded until it has been approved by the county or regional 209  
planning commission as provided in section 711.10 of the Revised 210  
Code. 211

(C) The approval of the planning commission, the platting 212  
commissioner, or the legislative authority of a village required 213  
by this section, or the refusal to approve, shall be endorsed on 214  
the plat within ~~thirty-ninety~~ days after the submission of the 215  
plat for approval or within such further time as the applying 216  
party may agree to; otherwise that plat is deemed approved, and 217  
the certificate of the planning commission, the platting 218  
commissioner, or the clerk of the legislative authority, as to 219  
the date of the submission of the plat for approval and the 220  
failure to take action on it within that time, shall be issued 221  
on demand and shall be sufficient in lieu of the written 222  
endorsement or other evidence of approval required by this 223  
section. The planning commission, platting commissioner, or 224  
legislative authority of a village shall not require a person 225



submitting a plat to alter the plat or any part of it as a 226  
condition for approval, as long as the plat is in accordance 227  
with the general rules governing plats and subdivisions of land, 228  
adopted as provided in this section, in effect at the time the 229  
plat was submitted. The ground of refusal or approval of any 230  
plat submitted, including citation of or reference to the rule 231  
violated by the plat, shall be stated upon the record of the 232  
commission, commissioner, or legislative authority. Within sixty 233  
days after refusal, the person submitting any plat that the 234  
commission, commissioner, or legislative authority refuses to 235  
approve may file a petition in the court of common pleas of the 236  
proper county, in which the person shall be named plaintiff. The 237  
petition shall contain a copy of the plat sought to be recorded, 238  
a statement of the facts justifying the propriety and 239  
reasonableness of the proposed subdivision, and a prayer for an 240  
order directed to the recorder to record the plat and may 241  
include a statement of facts to support a claim that the rules 242  
of the planning authority under which it refused to approve the 243  
plat are unreasonable or unlawful. The planning authority 244  
refusing to approve the plat and the recorder of the county 245  
shall be joined as defendants and summons shall be issued upon 246  
those defendants as in civil actions. Within the rule day 247  
provided for a civil action, the planning authority may file an 248  
answer in which it may set forth a statement of the facts 249  
justifying its refusal to approve the plat, a copy of its rule 250  
under which it refused to approve the plat, and a statement of 251  
the facts supporting the reasonableness and lawfulness of that 252  
rule. The court shall hear the matter upon such evidence as is 253  
introduced by either party and the planning authority may 254  
introduce as a part of its case a complete transcript of any 255  
proceedings had before it. Any detail of the plat may be 256  
modified upon motion of the plaintiff before the cause is 257

submitted to the court. If the court finds that the prayer for 258  
the recording of the plat or any modification of it as may be 259  
agreed to or proposed by the plaintiff, is supported by a 260  
preponderance of the evidence, it shall enter an order directed 261  
to the recorder to record the plat as originally submitted or as 262  
agreed to be modified. Otherwise, the petition shall be 263  
dismissed. The court shall return a separate finding upon the 264  
reasonableness and lawfulness of the refusal to approve the plat 265  
or upon the reasonableness and lawfulness of the rule under 266  
which the planning authority refused to approve the plat or 267  
both, as the case may require. The judgment or order of the 268  
court may be appealed by either party on questions of law as in 269  
other civil cases. 270

The planning commission, platting commissioner, or 271  
legislative authority of a village may adopt general rules 272  
governing plats and subdivisions of land falling within its 273  
jurisdiction in order to secure and provide for the coordination 274  
of the streets within the subdivision with existing streets and 275  
roads or with the plan or plats of the municipal corporation, 276  
for the proper amount of open spaces for traffic, circulation, 277  
and utilities, and for the avoidance of future congestion of 278  
population detrimental to the public health or safety but shall 279  
not impose a greater minimum lot area than forty-eight hundred 280  
square feet. The rules may provide for their modification by the 281  
planning commission in specific cases where unusual 282  
topographical or other exceptional conditions require the 283  
modification. The rules may require the county department of 284  
health to review and comment on a plat before the planning 285  
commission, platting commissioner, or legislative authority of a 286  
village acts upon it and may also require proof of compliance 287  
with any applicable zoning resolutions as a basis for approval 288

of a plat. 289

However, no city or village planning commission shall 290  
adopt any rules requiring actual construction of streets or 291  
other improvements or facilities or assurance of that 292  
construction as a condition precedent to the approval of a plat 293  
of a subdivision unless the requirements have first been adopted 294  
by the legislative authority of the city or village after a 295  
public hearing. The rules shall be promulgated and published as 296  
provided by sections 731.17 to 731.42 of the Revised Code, and 297  
before adoption a public hearing shall be held on the adoption 298  
and a copy of the rules shall be certified by the commission, 299  
commissioner, or legislative authority to the county recorder of 300  
the county in which the municipal corporation is located. 301

In the exercise of any power over or concerning the 302  
platting and subdivision of land or the recording of plats of 303  
subdivisions by a city, county, regional, or other planning 304  
commission pursuant to any other section of the Revised Code, 305  
the provisions of this section with respect to appeals from a 306  
decision of a planning commission apply to the decision of any 307  
such commission in the exercise of any power of that kind 308  
granted by any other section of the Revised Code in addition to 309  
any other remedy of appeal granted by the Revised Code. When a 310  
plan has been adopted as provided in this section, the approval 311  
of plats shall be in lieu of the approvals provided for by any 312  
other section of the Revised Code, so far as territory within 313  
the approving jurisdiction of the commission, commissioner, or 314  
legislative authority, as provided in this section, is 315  
concerned. Approval of a plat shall not be an acceptance by the 316  
public of the dedication of any street, highway, or other way or 317  
open space shown upon the plat. 318

(D) This section does not apply to unincorporated 319  
territory in any county having five or more cities and having a 320  
regional planning commission or county planning commission not 321  
included within the geographic boundaries of a regional planning 322  
commission, where the regional or county planning commission has 323  
determined, by resolution, to exercise the authority granted 324  
under section 711.10 of the Revised Code for the unincorporated 325  
territory within three miles of cities within that county. 326

Sec. 713.35. (A) As used in this section, "entitlement" 327  
means any discretionary land use decision requiring an approval 328  
by a public body or elected official, including, but not limited 329  
to, a variance, special or conditional use, zoning change, 330  
planned unit development, or other special approval. 331

(B) Except as otherwise provided in the Revised Code, 332  
every entitlement application shall receive at least one public 333  
hearing, which shall occur not later than thirty days after the 334  
entitlement application is submitted, and every entitlement 335  
application shall be resolved via approval or denial not more 336  
than ninety days after the application is filed. This section 337  
does not apply if an application is deviated from the original 338  
submission. The municipal board or commission conducting the 339  
hearing shall provide notice of the hearing not less than 340  
fourteen days before the hearing, as follows: 341

(1) To the owners of the property within the area proposed 342  
to be changed or affected by the proposed entitlement change, to 343  
the owners of property adjacent such area, and to the owners of 344  
property located within two hundred fifty feet of such area, via 345  
a mailed postcard that includes the date, time, and location of 346  
the hearing; 347

(2) By posting one or more signs within the area proposed 348

to be changed or affected by the proposed entitlement change 349  
that include the date, time, and location of the hearing; 350

(3) By posting on the web site of the municipal 351  
corporation, including the date, time, and location of the 352  
hearing, a description of the proposed entitlement change, and a 353  
web link to relevant documents. 354

**Sec. 3781.10.** (A) (1) The board of building standards shall 355  
formulate and adopt rules governing the erection, construction, 356  
repair, alteration, and maintenance of all buildings or classes 357  
of buildings specified in section 3781.06 of the Revised Code, 358  
including land area incidental to those buildings, the 359  
construction of industrialized units, the installation of 360  
equipment, and the standards or requirements for materials used 361  
in connection with those buildings. The board shall incorporate 362  
those rules into separate residential and nonresidential 363  
building codes. The standards shall relate to the conservation 364  
of energy and the safety and sanitation of those buildings. 365

(2) The rules governing nonresidential buildings are the 366  
lawful minimum requirements specified for those buildings and 367  
industrialized units, except that no rule other than as provided 368  
in division (C) of section 3781.108 of the Revised Code that 369  
specifies a higher requirement than is imposed by any section of 370  
the Revised Code is enforceable. The rules governing residential 371  
buildings are uniform requirements for residential buildings in 372  
any area with a building department certified to enforce the 373  
state residential building code. In no case shall any local code 374  
or regulation differ from the state residential building code 375  
unless that code or regulation addresses subject matter not 376  
addressed by the state residential building code or is adopted 377  
pursuant to section 3781.01 of the Revised Code. 378

(3) The rules adopted pursuant to this section are 379  
complete, lawful alternatives to any requirements specified for 380  
buildings or industrialized units in any section of the Revised 381  
Code. Except as otherwise provided in division (I) of this 382  
section, the board shall, on its own motion or on application 383  
made under sections 3781.12 and 3781.13 of the Revised Code, 384  
formulate, propose, adopt, modify, amend, or repeal the rules to 385  
the extent necessary or desirable to effectuate the purposes of 386  
sections 3781.06 to 3781.18 of the Revised Code. 387

(B) The board shall report to the general assembly 388  
proposals for amendments to existing statutes relating to the 389  
purposes declared in section 3781.06 of the Revised Code that 390  
public health and safety and the development of the arts require 391  
and shall recommend any additional legislation to assist in 392  
carrying out fully, in statutory form, the purposes declared in 393  
that section. The board shall prepare and submit to the general 394  
assembly a summary report of the number, nature, and disposition 395  
of the petitions filed under sections 3781.13 and 3781.14 of the 396  
Revised Code. 397

(C) On its own motion or on application made under 398  
sections 3781.12 and 3781.13 of the Revised Code, and after 399  
thorough testing and evaluation, the board shall determine by 400  
rule that any particular fixture, device, material, process of 401  
manufacture, manufactured unit or component, method of 402  
manufacture, system, or method of construction complies with 403  
performance standards adopted pursuant to section 3781.11 of the 404  
Revised Code. The board shall make its determination with regard 405  
to adaptability for safe and sanitary erection, use, or 406  
construction, to that described in any section of the Revised 407  
Code, wherever the use of a fixture, device, material, method of 408  
manufacture, system, or method of construction described in that 409

section of the Revised Code is permitted by law. The board shall 410  
amend or annul any rule or issue an authorization for the use of 411  
a new material or manufactured unit on any like application. No 412  
department, officer, board, or commission of the state other 413  
than the board of building standards or the board of building 414  
appeals shall permit the use of any fixture, device, material, 415  
method of manufacture, newly designed product, system, or method 416  
of construction at variance with what is described in any rule 417  
the board of building standards adopts or issues or that is 418  
authorized by any section of the Revised Code. Nothing in this 419  
section shall be construed as requiring approval, by rule, of 420  
plans for an industrialized unit that conforms with the rules 421  
the board of building standards adopts pursuant to section 422  
3781.11 of the Revised Code. 423

(D) The board shall recommend rules, codes, and standards 424  
to help carry out the purposes of section 3781.06 of the Revised 425  
Code and to help secure uniformity of state administrative 426  
rulings and local legislation and administrative action to the 427  
bureau of workers' compensation, the director of commerce, any 428  
other department, officer, board, or commission of the state, 429  
and to legislative authorities and building departments of 430  
counties, townships, and municipal corporations, and shall 431  
recommend that they audit those recommended rules, codes, and 432  
standards by any appropriate action that they are allowed 433  
pursuant to law or the constitution. 434

(E) (1) The board shall certify municipal, township, and 435  
county building departments, the personnel of those building 436  
departments, persons described in division (E) (7) of this 437  
section, and employees of individuals, firms, the state, or 438  
corporations described in division (E) (7) of this section to 439  
exercise enforcement authority, to accept and approve plans and 440

specifications, and to make inspections, pursuant to sections 441  
3781.03, 3791.04, and 4104.43 of the Revised Code. 442

(2) The board shall certify departments, personnel, and 443  
persons to enforce the state residential building code, to 444  
enforce the nonresidential building code, or to enforce both the 445  
residential and the nonresidential building codes. Any 446  
department, personnel, or person may enforce only the type of 447  
building code for which certified. 448

~~(3)~~ (3) (a) The board shall not require a building 449  
department, its personnel, or any persons that it employs to be 450  
certified for residential building code enforcement if that 451  
building department does not enforce the state residential 452  
building code. ~~The~~ 453

(b) The board shall specify, in rules adopted pursuant to 454  
Chapter 119. of the Revised Code, the requirements for 455  
certification for residential and nonresidential building code 456  
enforcement, which shall be consistent with ~~this division~~ (E) (3) 457  
of this section. ~~The~~ 458

(c) Rules adopted under division (E) (3) (b) of this section 459  
related to residential and nonresidential building code 460  
enforcement shall make the certification process as accessible 461  
as possible, while still ensuring that certificate holders are 462  
adequately qualified to enforce compliance with the state's 463  
residential and nonresidential building standards. 464

(d) The requirements for residential and nonresidential 465  
certification may differ. ~~Except~~ 466

(e) Except as otherwise provided in this division, the 467  
requirements shall include, but are not limited to, the 468  
satisfactory completion of an initial examination and, to remain 469



certified, the completion of a specified number of hours of 470  
continuing building code education within each three-year period 471  
following the date of certification which shall be not less than 472  
thirty hours. ~~The~~ 473

(f) The rules shall provide that continuing education 474  
credits and certification issued by the council of American 475  
building officials, national model code organizations, and 476  
agencies or entities the board recognizes are acceptable for 477  
purposes of ~~this division~~ (E) (3) of this section. ~~The~~ 478

(g) The rules shall specify requirements that are 479  
consistent with the provisions of section 5903.12 of the Revised 480  
Code relating to active duty military service and are 481  
compatible, to the extent possible, with requirements the 482  
council of American building officials and national model code 483  
organizations establish. 484

(4) The board shall establish and collect a certification 485  
and renewal fee for building department personnel, and persons 486  
and employees of persons, firms, or corporations as described in 487  
this section, who are certified pursuant to this division. 488

(5) Any individual certified pursuant to this division 489  
shall complete the number of hours of continuing building code 490  
education that the board requires or, for failure to do so, 491  
forfeit certification. 492

(6) This division does not require or authorize the board 493  
to certify personnel of municipal, township, and county building 494  
departments, and persons and employees of persons, firms, or 495  
corporations as described in this section, whose 496  
responsibilities do not include the exercise of enforcement 497  
authority, the approval of plans and specifications, or making 498

inspections under the state residential and nonresidential 499  
building codes. 500

(7) Enforcement authority for approval of plans and 501  
specifications and enforcement authority for inspections may be 502  
exercised, and plans and specifications may be approved and 503  
inspections may be made on behalf of a municipal corporation, 504  
township, or county, by any of the following who the board of 505  
building standards certifies: 506

(a) Officers or employees of the municipal corporation, 507  
township, or county; 508

(b) Persons, or employees of persons, firms, or 509  
corporations, pursuant to a contract to furnish architectural, 510  
engineering, or other services to the municipal corporation, 511  
township, or county; 512

(c) Officers or employees of, and persons under contract 513  
with, a municipal corporation, township, county, health 514  
district, or other political subdivision, pursuant to a contract 515  
to furnish architectural, engineering, or other services; 516

(d) Officers or employees of the division of industrial 517  
compliance in the department of commerce pursuant to a contract 518  
authorized by division (B) of section 121.083 of the Revised 519  
Code; 520

(e) Persons, or employees of persons, firms, or 521  
corporations, or officers or employees of other municipal 522  
corporations, townships, or counties certified by the board of 523  
building standards to make inspections under the conditions 524  
established in rules adopted under division (E) (11) (c) of this 525  
section. 526

(8) Municipal, township, and county building departments 527

have jurisdiction within the meaning of sections 3781.03, 528  
3791.04, and 4104.43 of the Revised Code, only with respect to 529  
the types of buildings and subject matters for which they are 530  
certified under this section. 531

(9) A certified municipal, township, or county building 532  
department may exercise enforcement authority, accept and 533  
approve plans and specifications, and make inspections pursuant 534  
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 535  
for a park district created pursuant to Chapter 1545. of the 536  
Revised Code upon the approval, by resolution, of the board of 537  
park commissioners of the park district requesting the 538  
department to exercise that authority and conduct those 539  
activities, as applicable. 540

(10) Certification shall be granted upon application by 541  
the municipal corporation, the board of township trustees, or 542  
the board of county commissioners and approval of that 543  
application by the board of building standards. The application 544  
shall set forth: 545

(a) Whether the certification is requested for residential 546  
or nonresidential buildings, or both; 547

(b) The number and qualifications of the staff composing 548  
the building department; 549

(c) The names, addresses, and qualifications of persons, 550  
firms, or corporations contracting to furnish work or services 551  
pursuant to division (E) (7) (b) of this section; 552

(d) The names of any other municipal corporation, 553  
township, county, health district, or political subdivision 554  
under contract to furnish work or services pursuant to division 555  
(E) (7) of this section; 556

(e) The proposed budget for the operation of the building department. 557  
558

(11) The board of building standards shall adopt rules governing all of the following: 559  
560

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department or the general contractor, owner, or applicant under section 3781.181 of the Revised Code, from performing services for the department or the general contractor, owner, or applicant when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The-Except in the case of a contract under section 3781.181 of the Revised Code, the department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work. 561  
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(b) The minimum services to be provided by a certified building department; 579  
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(c) Rules necessary to implement section 3781.181 of the Revised Code. 581  
582

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected 583  
584  
585

by that enforcement or approval of plans, or by the board on its 586  
own motion. Hearings shall be held and appeals permitted on any 587  
proceedings for certification or revocation or suspension of 588  
certification in the same manner as provided in section 3781.101 589  
of the Revised Code for other proceedings of the board of 590  
building standards. 591

(13) Upon certification, and until that authority is 592  
revoked, any county or township building department shall 593  
enforce the residential and nonresidential building codes for 594  
which it is certified without regard to limitation upon the 595  
authority of boards of county commissioners under Chapter 307. 596  
of the Revised Code or boards of township trustees under Chapter 597  
505. of the Revised Code. 598

(14) The board shall certify a person to exercise 599  
enforcement authority, to accept and approve plans and 600  
specifications, or to make inspections in this state in 601  
accordance with Chapter 4796. of the Revised Code if either of 602  
the following applies: 603

(a) The person holds a license or certificate in another 604  
state. 605

(b) The person has satisfactory work experience, a 606  
government certification, or a private certification as 607  
described in that chapter in the same profession, occupation, or 608  
occupational activity as the profession, occupation, or 609  
occupational activity for which the certificate is required in 610  
this state in a state that does not issue that license or 611  
certificate. 612

(F) In addition to hearings sections 3781.06 to 3781.18 613  
and 3791.04 of the Revised Code require, the board of building 614

standards shall make investigations and tests, and require from 615  
other state departments, officers, boards, and commissions 616  
information the board considers necessary or desirable to assist 617  
it in the discharge of any duty or the exercise of any power 618  
mentioned in this section or in sections 3781.06 to 3781.18, 619  
3791.04, and 4104.43 of the Revised Code. 620

(G) The board shall adopt rules and establish reasonable 621  
fees for the review of all applications submitted where the 622  
applicant applies for authority to use a new material, assembly, 623  
or product of a manufacturing process. The fee shall bear some 624  
reasonable relationship to the cost of the review or testing of 625  
the materials, assembly, or products and for the notification of 626  
approval or disapproval as provided in section 3781.12 of the 627  
Revised Code. 628

(H) The residential construction advisory committee shall 629  
provide the board with a proposal for a state residential 630  
building code that the committee recommends pursuant to division 631  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 632  
recommendation from the committee that is acceptable to the 633  
board, the board shall adopt rules establishing that code as the 634  
state residential building code. 635

(I) (1) The committee may provide the board with proposed 636  
rules to update or amend the state residential building code 637  
that the committee recommends pursuant to division (E) of 638  
section 4740.14 of the Revised Code. 639

(2) If the board receives a proposed rule to update or 640  
amend the state residential building code as provided in 641  
division (I) (1) of this section, the board either may accept or 642  
reject the proposed rule for incorporation into the residential 643  
building code. If the board does not act to either accept or 644

reject the proposed rule within ninety days after receiving the  
proposed rule from the committee as described in division (I) (1)  
of this section, the proposed rule shall become part of the  
residential building code.

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

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

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

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

(2) "Owner" means the fee owner of any building or  
structure.

(3) "Third-party private inspector" means an inspector  
that is certified under section 3781.10 of the Revised Code to  
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 a  
governmental entity.

(B) A building department having jurisdiction with respect  
to a residential or nonresidential building shall review plans  
and perform inspections of residential and nonresidential  
building construction projects within thirty days after  
receiving a plan review or inspection request.

(C) (1) The board of building standards may maintain a list

of third-party private inspectors and building departments that 673  
are certified by the board to conduct plan review or to provide 674  
inspections for residential and nonresidential buildings. 675

(2) If the board maintains a list pursuant to division (C) 676  
(1) of this section, the list shall include for each third-party 677  
private inspector all of the following: 678

(a) Whether the third-party private inspector is certified 679  
to conduct plan review, provide inspections, or both; 680

(b) Whether the third-party private inspector is certified 681  
to provide services for residential buildings, nonresidential 682  
buildings, or both; 683

(c) Any other limitations on the third-party private 684  
inspector's authority to provide services under this section. 685

(3) The list shall be published to a publicly accessible 686  
web site maintained by the board. 687

(D) (1) If the building department having jurisdiction does 688  
not timely conduct the plan review or inspection in accordance 689  
with division (B) of this section, the general contractor or 690  
owner of the residential or nonresidential building construction 691  
project or the applicant for the plan review or inspection may 692  
notify the board of building standards and the building 693  
department having jurisdiction that the general contractor, 694  
owner, or applicant intends to contract for an independent plan 695  
review or inspection. 696

(2) After sending notice, the general contractor, owner, 697  
or applicant may enter into a contract with a qualified third- 698  
party private inspector or a building department to conduct the 699  
plan review or inspection of the residential or nonresidential 700  
building construction project. 701



(3) Within fifteen days after receiving the plan review or 702  
inspection, the general contractor, owner, or applicant shall 703  
pay both of the following: 704

(a) Any fee contracted for by the third-party private 705  
inspector or certified building department for the independent 706  
plan review or inspection under division (D)(2) of this section; 707

(b) Any fee charged by the building department having 708  
jurisdiction that is customary for the approval of a plan review 709  
or inspection, including an administrative or filing fee, but 710  
excluding any fee related to the actual plan review or 711  
inspection. 712

(4) A third-party private inspector or an inspector 713  
employed by a certified building department shall send the 714  
results to the building department having jurisdiction within 715  
twenty-four hours after completing an independent plan review or 716  
inspection. 717

(5) The building department having jurisdiction shall not 718  
require a general contractor, owner, or applicant to obtain a 719  
building permit sooner than one hundred eighty days after a 720  
third-party private inspector or an inspector employed by a 721  
certified building department approves plans submitted under 722  
this section. 723

(6) Plan approvals for fire and sprinkler plans shall not 724  
interfere with the issuance of a certificate of plan approval or 725  
a building permit. 726

(7) The chief building official of the building department 727  
with jurisdiction may prohibit final occupancy if plans have not 728  
been approved for a project, as directed by the chief building 729  
official. 730

(8) The rules adopted by the board of building standards 731  
under section 3781.10 of the Revised Code shall prescribe 732  
procedures for the review and processing of plan review and 733  
inspection reports by the building official of the building 734  
department having jurisdiction. 735

**Sec. 5552.02.** (A) Except as provided in divisions (C) and 736  
(D) of this section, for the purposes of promoting traffic 737  
safety and efficiency and maintaining proper traffic capacity 738  
and traffic flow, a board of township trustees may adopt, by 739  
resolution, regulations for the management of access onto 740  
township roads in the unincorporated area of the township in 741  
accordance with sections 5552.05 and 5552.06 of the Revised 742  
Code. As part of those regulations, the board may require 743  
permits, including interim and temporary permits, for the 744  
construction, reconstruction, use, and maintenance of any point 745  
of access from public or private property onto those township 746  
roads. If the board adopts regulations that require permits, the 747  
regulations shall include standards that will be used for the 748  
approval or denial of a permit. Any regulations regarding the 749  
approval or denial of a permit shall specify a reasonable period 750  
for the approval or denial and shall provide that a failure to 751  
approve or deny, in whole or in part, any permit, license, or 752  
other approval sought within that period shall constitute a 753  
granting of approval for the permit, license, or other approval. 754

Notwithstanding anything to the contrary in this division, 755  
a board of township trustees of a township other than an urban 756  
township may not adopt regulations authorized by this division 757  
until the date that is one year after ~~the effective date of this~~ 758  
~~section~~ October 24, 2002, and then only if the county does not 759  
adopt or initiate the process of adopting regulations under 760  
division (B) of this section within that one-year period. If the 761

county initiates the process of adopting regulations under 762  
division (B) of this section within that one-year period but 763  
does not actually adopt regulations under division (B) of this 764  
section within two years after ~~the effective date of this~~ 765  
~~section~~ October 24, 2002, the township may adopt regulations 766  
authorized by this division on or after the date that is two 767  
years after ~~the effective date of this section~~ October 24, 2002. 768

(B) For the purposes of promoting traffic safety and 769  
efficiency and maintaining proper traffic capacity and traffic 770  
flow, the board of county commissioners may adopt, by 771  
resolution, regulations for the management of access onto county 772  
and township roads in the unincorporated area of the county in 773  
accordance with sections 5552.04 and 5552.06 of the Revised 774  
Code. As part of those regulations, the board may require 775  
permits, including interim and temporary permits, for the 776  
construction, reconstruction, use, and maintenance of any point 777  
of access from public or private property onto those county and 778  
township roads. If the board adopts regulations that require 779  
permits, the regulations shall include standards that will be 780  
used for the approval or denial of a permit. Any regulations 781  
regarding the approval or denial of a permit shall specify a 782  
reasonable period for the approval or denial and shall provide 783  
that a failure to approve or deny, in whole or in part, any 784  
permit, license, or other approval sought within that period 785  
shall constitute a granting of approval for the permit, license, 786  
or other approval. 787

The same county regulations that apply to county roads 788  
shall apply to township roads. Except as provided in divisions 789  
(C) and (D) of this section, upon their effective date, the 790  
county regulations shall apply to all county and township roads 791  
in the unincorporated area of the county. 792

(C) On or after the appropriate date provided in division 793  
(A) of this section for adopting regulations under that 794  
division, the board of township trustees of a township other 795  
than an urban township may adopt the regulations authorized by 796  
that division. If such a board of township trustees adopts 797  
regulations, and a board of county commissioners later adopts 798  
regulations under division (B) of this section that apply to the 799  
same township roads, then, one year after the effective date of 800  
the county regulations, the regulations adopted by the board of 801  
township trustees shall be void, and the regulations adopted by 802  
the board of county commissioners shall apply to those township 803  
roads. However, the board of township trustees may establish an 804  
earlier date for the county regulations to take effect and the 805  
township regulations to be void by adopting a resolution 806  
establishing an earlier date and sending a certified copy of 807  
that resolution to the board of county commissioners. 808

(D) Except as otherwise provided in this division, if an 809  
urban township adopts regulations under division (A) of this 810  
section and the county also adopts regulations under division 811  
(B) of this section that affect township roads in that township, 812  
the county regulations shall have no effect on the township 813  
roads in that township. If the urban township adopts its 814  
regulations after the county adopts its regulations, however, 815  
the county regulations shall remain in effect for one year after 816  
the township regulations are adopted unless the board of county 817  
commissioners establishes an earlier date for the county 818  
regulations to expire within that urban township. After the 819  
earlier established date or one year, whichever is applicable, 820  
only the township regulations shall apply to the township roads 821  
in that urban township, although the county regulations shall 822  
continue to apply to the county roads in that urban township. 823

~~(E)~~ (E) (1) Any county regulations adopted under this 824  
section shall be, to the extent possible, consistent with county 825  
zoning regulations and coordinated with any existing township 826  
zoning regulations. Any township regulations adopted under this 827  
section shall be, to the extent possible, consistent with any 828  
county or township zoning regulations in effect in the township. 829

(2) Any county or township regulations adopted or modified 830  
under this section shall not establish standards that are 831  
stricter than the corresponding state and federal regulations 832  
for similar points of access from public or private property 833  
onto similar public streets and highways. 834

**Sec. 5552.12.** A board of county commissioners or board of 835  
township trustees that adopts access management regulations 836  
under section 5552.02 of the Revised Code shall require any 837  
necessary traffic studies related to the construction, 838  
reconstruction, use, and maintenance of any point of access from 839  
public or private property onto those county and township roads 840  
to be completed not later than forty-five days after the permit 841  
application is submitted. 842

**Section 2.** That existing sections 303.15, 519.15, 711.09, 843  
3781.10, and 5552.02 of the Revised Code are hereby repealed. 844