

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 361

Representatives Lorenz, Fischer

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
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(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
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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 645
proposed rule from the committee as described in division (I)(1) 646
of this section, the proposed rule shall become part of the 647
residential building code. 648

(J) The board shall cooperate with the director of 649
children and youth when the director promulgates rules pursuant 650
to section 5104.05 of the Revised Code regarding safety and 651
sanitation in type A family child care homes. 652

(K) The board shall adopt rules to implement the 653
requirements of section 3781.108 of the Revised Code. 654

Sec. 3781.181. (A) As used in this section: 655

(1) "Nonresidential building" and "residential building" 656
have the same meanings as in section 3781.06 of the Revised 657
Code. 658

(2) "Owner" means the fee owner of any building or 659
structure. 660

(3) "Third-party private inspector" means an inspector 661
that is certified under section 3781.10 of the Revised Code to 662
to accept and approve plans and specifications, and to make 663
inspections of residential or nonresidential building 664
construction projects but who is not directly employed by a 665
governmental entity. 666

(B) A building department having jurisdiction with respect 667
to a residential or nonresidential building shall review plans 668
and perform inspections of residential and nonresidential 669
building construction projects within thirty days after 670
receiving a plan review or inspection request. 671

(C) (1) The board of building standards may maintain a list 672

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