

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**S. B. No. 428**

**Senator Reynolds**

---

To amend sections 307.37, 715.27, 1312.01, 1312.02, 1506.01, 2711.02, 3709.091, 3718.01, 3718.023, 3781.06, 3781.10, 3781.102, and 4722.01 and to enact sections 3781.1012 and 4722.09 of the Revised Code to apply the residential building code and various other laws to four-family dwellings, to permit certain buildings to have a single stairway exit, and to name this act the Build Smart Act.

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

**Section 1.** That sections 307.37, 715.27, 1312.01, 1312.02, 1506.01, 2711.02, 3709.091, 3718.01, 3718.023, 3781.06, 3781.10, 3781.102, and 4722.01 be amended and sections 3781.1012 and 4722.09 of the Revised Code be enacted to read as follows:

**Sec. 307.37.** (A) As used in division (B) (3) of this section, "proposed new construction" means a proposal to erect, construct, repair, alter, redevelop, or maintain a single-family, two-family, ~~or three-family~~, or four-family dwelling or any structure that is regulated by the Ohio building code.

(B) (1) (a) The board of county commissioners may adopt local residential building regulations governing residential

buildings as defined in section 3781.06 of the Revised Code, to 21  
be enforced within the unincorporated area of the county or 22  
within districts the board establishes in any part of the 23  
unincorporated area. No local residential building regulation 24  
shall differ from the state residential building code the board 25  
of building standards establishes pursuant to Chapter 3781. of 26  
the Revised Code unless the regulation addresses subject matter 27  
not addressed by the state residential building code or is 28  
adopted pursuant to section 3781.01 of the Revised Code. 29

(b) The board of county commissioners may, by resolution, 30  
adopt, administer, and enforce within the unincorporated area of 31  
the county, or within districts the board establishes in the 32  
unincorporated area, an existing structures code pertaining to 33  
the repair and continued maintenance of structures and the 34  
premises of those structures provided that the existing 35  
structures code governs subject matter not addressed by, and is 36  
not in conflict with, the state residential building code 37  
adopted pursuant to Chapter 3781. of the Revised Code. The board 38  
may adopt by incorporation by reference a model or standard code 39  
prepared and promulgated by the state, any agency of this state, 40  
or any private organization that publishes a recognized or 41  
standard existing structures code. 42

(c) The board shall assign the duties of administering and 43  
enforcing any local residential building regulations or existing 44  
structures code to a county officer or employee who is trained 45  
and qualified for those duties and shall establish by resolution 46  
the minimum qualifications necessary to perform those duties. 47

(2) The board may adopt regulations for participation in 48  
the national flood insurance program as defined in section 49  
1521.01 of the Revised Code and regulations for the purposes of 50

section 1506.04 or 1506.07 of the Revised Code governing the 51  
prohibition, location, erection, construction, redevelopment, or 52  
floodproofing of new buildings or structures, substantial 53  
improvements to existing buildings or structures, or other 54  
development in unincorporated territory within flood hazard 55  
areas identified under the "Flood Disaster Protection Act of 56  
1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended, or within 57  
Lake Erie coastal erosion areas identified under section 1506.06 58  
of the Revised Code, including, but not limited to, residential, 59  
commercial, institutional, or industrial buildings or structures 60  
or other permanent structures, as defined in section 1506.01 of 61  
the Revised Code. Rules adopted under division (B) (2) of this 62  
section shall not conflict with the state residential and 63  
nonresidential building codes adopted pursuant to section 64  
3781.10 of the Revised Code. 65

(3) (a) A board may adopt regulations that provide for a 66  
review of the specific effects of a proposed new construction on 67  
existing surface or subsurface drainage. The regulations may 68  
require reasonable drainage mitigation and reasonable alteration 69  
of a proposed new construction before a building permit is 70  
issued in order to prevent or correct any adverse effects that 71  
the proposed new construction may have on existing surface or 72  
subsurface drainage. The regulations shall not be inconsistent 73  
with, more stringent than, or broader in scope than standards 74  
adopted by the natural resource conservation service in the 75  
United States department of agriculture concerning drainage or 76  
rules adopted by the environmental protection agency for 77  
reducing, controlling, or mitigating storm water runoff from 78  
construction sites, where applicable. The regulations shall 79  
allow a person who is registered under Chapter 4703. or 4733. of 80  
the Revised Code to prepare and submit relevant plans and other 81

documents for review, provided that the person is authorized to 82  
prepare the plans and other documents pursuant to the person's 83  
registration. 84

(b) If regulations are adopted under division (B) (3) of 85  
this section, the board shall specify in the regulations a 86  
procedure for the review of the specific effects of a proposed 87  
new construction on existing surface or subsurface drainage. The 88  
procedure shall include at a minimum all of the following: 89

(i) A meeting at which the proposed new construction shall 90  
be examined for those specific effects. The meeting shall be 91  
held within thirty days after an application for a building 92  
permit is filed or a review is requested unless the applicant 93  
agrees in writing to extend that time period or to postpone the 94  
meeting to another date, time, or place. The meeting shall be 95  
scheduled within five days after an application for a building 96  
permit is filed or a review is requested. 97

(ii) Written notice of the date, time, and place of that 98  
meeting, sent by regular mail to the applicant. The written 99  
notice shall be mailed at least seven days before the scheduled 100  
meeting date. 101

(iii) Completion of the review by the board of county 102  
commissioners not later than thirty days after the application 103  
for a building permit is filed or a review is requested unless 104  
the applicant has agreed in writing to extend that time period 105  
or postpone the meeting to a later time, in which case the 106  
review shall be completed not later than two days after the date 107  
of the meeting. A complete review shall include the issuance of 108  
any order of the board of county commissioners regarding 109  
necessary reasonable drainage mitigation and necessary 110  
reasonable alterations to the proposed new construction to 111

prevent or correct any adverse effects on existing surface or 112  
subsurface drainage so long as those alterations comply with the 113  
state residential and nonresidential building codes adopted 114  
pursuant to section 3781.10 of the Revised Code. If the review 115  
is not completed within the thirty-day period or an extended or 116  
postponed period that the applicant has agreed to, the proposed 117  
new construction shall be deemed to have no adverse effects on 118  
existing surface or subsurface drainage, and those effects shall 119  
not be a valid basis for the denial of a building permit. 120

(iv) A written statement, provided to the applicant at the 121  
meeting or in an order for alterations to a proposed new 122  
construction, informing the applicant of the right to seek 123  
appellate review of the denial of a building permit under 124  
division (B) (3) (b) (iii) of this section by filing a petition in 125  
accordance with Chapter 2506. of the Revised Code. 126

(c) The regulations may authorize the board, after 127  
obtaining the advice of the county engineer, to enter into an 128  
agreement with the county engineer or another qualified person 129  
or entity to carry out any necessary inspections and make 130  
evaluations about what, if any, alterations are necessary to 131  
prevent or correct any adverse effects that a proposed new 132  
construction may have on existing surface or subsurface 133  
drainage. 134

(d) Regulations adopted pursuant to division (B) (3) of 135  
this section shall not apply to any property that a platting 136  
authority has approved under section 711.05, 711.09, or 711.10 137  
of the Revised Code and shall not govern the same subject matter 138  
as the state residential or nonresidential building codes 139  
adopted pursuant to section 3781.10 of the Revised Code. 140

(e) As used in division (B) (3) of this section, 141

"subsurface drainage" does not include a household sewage 142  
treatment system as defined in section 3709.091 of the Revised 143  
Code. 144

(C) (1) Any regulation, code, or amendment may be adopted 145  
under this section only after a public hearing at not fewer than 146  
two regular or special sessions of the board. The board shall 147  
cause notice of any public hearing to be published once a week 148  
for the two consecutive weeks immediately preceding the hearing 149  
using at least one of the following methods: 150

(a) In the print or digital edition of a newspaper of 151  
general circulation within the county; 152

(b) On the official public notice web site established 153  
under section 125.182 of the Revised Code; 154

(c) On the web site and social media account of the 155  
county. 156

Any notice of a public hearing shall include the time, 157  
date, and place of the hearing. 158

(2) Any proposed regulation, code, or amendment shall be 159  
made available to the public at the board office. The 160  
regulations or amendments shall take effect on the thirty-first 161  
day following the date of their adoption. 162

(D) (1) No person shall violate any regulation, code, or 163  
amendment the board adopts under sections 307.37 to 307.40 of 164  
the Revised Code. 165

(2) Each day during which an illegal location, erection, 166  
construction, floodproofing, repair, alteration, development, 167  
redevelopment, or maintenance continues may be considered a 168  
separate offense. 169

(E) Regulations or amendments the board adopts pursuant to 170  
this section, with the exception of an existing structures code, 171  
do not affect buildings or structures that exist or on which 172  
construction has begun on or before the date the board adopts 173  
the regulation or amendment. 174

(F) (1) The board may create a building department and 175  
employ the personnel it determines necessary to administer and 176  
enforce any local residential building regulations or existing 177  
structures code the board adopts pursuant to this section. The 178  
building department may enforce the state residential and 179  
nonresidential building codes adopted pursuant to Chapter 3781. 180  
of the Revised Code if the building department is certified 181  
pursuant to section 3781.10 of the Revised Code to enforce those 182  
codes. 183

(2) The board may direct the building department, upon 184  
certification, to exercise enforcement authority and to accept 185  
and approve plans pursuant to sections 3781.03 and 3791.04 of 186  
the Revised Code for the class of building for which the 187  
department and personnel are certified. 188

**Sec. 715.27.** (A) Any municipal corporation may: 189

(1) Regulate the erection of fences, billboards, signs, 190  
and other structures, within the municipal corporation, and 191  
provide for the removal and repair of insecure billboards, 192  
signs, and other structures; 193

(2) Regulate the construction and repair of wires, poles, 194  
plants, and all equipment to be used for the generation and 195  
application of electricity; 196

(3) Provide for the licensing of house movers; plumbers; 197  
sewer tappers; vault cleaners; and specialty contractors who are 198

not required to hold a valid license issued pursuant to Chapter 4740. of the Revised Code;	199 200
(4) Require all specialty contractors other than those who hold a valid license issued pursuant to Chapter 4740. of the Revised Code, to successfully complete an examination, test, or demonstration of technical skills, and may impose a fee and additional requirements for a license or registration to engage in their respective occupations within the jurisdiction of the municipal corporation.	201 202 203 204 205 206 207
(B) No municipal corporation shall require any specialty contractor who holds a valid license issued pursuant to Chapter 4740. of the Revised Code to complete an examination, test, or demonstration of technical skills to engage in the type of contracting for which the license is held, within the municipal corporation.	208 209 210 211 212 213
(C) A municipal corporation may require a specialty contractor who holds a valid license issued pursuant to Chapter 4740. of the Revised Code to register with the municipal corporation and pay any fee the municipal corporation imposes before that specialty contractor may engage within the municipal corporation in the type of contracting for which the license is held. Any fee shall be the same for all specialty contractors who engage in the same type of contracting. A municipal corporation may require a bond and proof of all of the following:	214 215 216 217 218 219 220 221 222 223
(1) Insurance pursuant to division (B) (4) of section 4740.06 of the Revised Code;	224 225
(2) Compliance with Chapters 4121. and 4123. of the Revised Code;	226 227

(3) Registration with the tax department of the municipal corporation. 228  
229

If a municipal corporation requires registration, imposes 230  
such a fee, or requires a bond or proof of the items listed in 231  
divisions (C) (1), (2), and (3) of this section, the municipal 232  
corporation immediately shall permit a contractor who presents 233  
proof of holding a valid license issued pursuant to Chapter 234  
4740. of the Revised Code, who registers, pays the fee, obtains 235  
a bond, and submits the proof described under divisions (C) (1), 236  
(2), and (3) of this section, as required, to engage in the type 237  
of contracting for which the license is held, within the 238  
municipal corporation. 239

(D) A municipal corporation may revoke the registration of 240  
a contractor registered with that municipal corporation for good 241  
cause shown. Good cause shown includes the failure of a 242  
contractor to maintain a bond or the items listed in divisions 243  
(C) (1), (2), and (3) of this section, if the municipal 244  
corporation requires those. 245

(E) A municipal corporation that licenses specialty 246  
contractors pursuant to division (A) (3) of this section may 247  
accept, for purposes of satisfying its licensing requirements, a 248  
valid license issued pursuant to Chapter 4740. of the Revised 249  
Code that a specialty contractor holds, for the construction, 250  
replacement, maintenance, or repair of one-family, two-family, 251  
~~or three-family, or four-family~~ dwelling houses or accessory 252  
structures incidental to those dwelling houses. 253

(F) A municipal corporation shall not register a specialty 254  
contractor who is required to hold a license under Chapter 4740. 255  
of the Revised Code but does not hold a valid license issued 256  
under that chapter. 257

(G) If a municipal corporation regulates a profession, 258  
occupation, or occupational activity under this section, the 259  
municipal corporation shall comply with Chapter 4796. of the 260  
Revised Code. 261

(H) As used in this section, "specialty contractor" means 262  
a heating, ventilating, and air conditioning contractor, 263  
refrigeration contractor, electrical contractor, plumbing 264  
contractor, or hydronics contractor, as those contractors are 265  
described in Chapter 4740. of the Revised Code. 266

**Sec. 1312.01.** As used in this chapter: 267

(A) "Construction defect" means a deficiency that arises 268  
directly or indirectly out of the construction or the 269  
substantial rehabilitation of a residential building. 270  
"Substantial rehabilitation" includes the addition of a room and 271  
the removal or installation of a wall, partition, or portion of 272  
the structural design. 273

(B) "Dwelling action" means any civil action in contract 274  
or tort for damages or indemnity brought against a residential 275  
contractor for damages or the loss of use of real property 276  
caused by a construction defect. 277

(C) "Owner" means an owner or a prospective owner of a 278  
residential building or a dwelling unit in a residential 279  
building who enters into a contract with a residential 280  
contractor for the construction or substantial rehabilitation of 281  
that residential building or unit. 282

(D) "Residential building" means a structure that is a 283  
one-family, two-family, ~~or~~ three-family, or four-family dwelling 284  
house or a dwelling unit within that structure, any accessory 285  
structures incidental to that dwelling house, and a unit in a 286

condominium development in which the owner holds title to that 287  
unit. "Residential building" includes any structure that is used 288  
as a model to promote the sale of a similar dwelling house. 289

(E) "Residential contractor" means a person or entity who, 290  
for pay, enters into a contract with an owner for the 291  
construction or the substantial rehabilitation of a residential 292  
building and who has primary responsibility for the construction 293  
or substantial rehabilitation of a residential building. 294

(F) "Accessory structure" has the same meaning as in 295  
section 3781.06 of the Revised Code. 296

**Sec. 1312.02.** (A) This chapter applies only to an owner 297  
and a residential contractor who enter into a contract for the 298  
construction or the substantial rehabilitation of a residential 299  
building. 300

(B) This chapter does not apply to a contract entered into 301  
prior to the effective date of this amendment for the 302  
construction or substantial rehabilitation of a four-family 303  
dwelling house, dwelling unit within that house, or any 304  
accessory structures incidental to that house. 305

**Sec. 1506.01.** As used in this chapter: 306

(A) "Coastal area" means the waters of Lake Erie, the 307  
islands in the lake, and the lands under and adjacent to the 308  
lake, including transitional areas, wetlands, and beaches. The 309  
coastal area extends in Lake Erie to the international boundary 310  
line between the United States and Canada and landward only to 311  
the extent necessary to include shorelands, the uses of which 312  
have a direct and significant impact on coastal waters as 313  
determined by the director of natural resources. 314

(B) "Coastal management program" means the comprehensive 315

action of the state and its political subdivisions cooperatively 316  
to preserve, protect, develop, restore, or enhance the resources 317  
of the coastal area and to ensure wise use of the land and water 318  
resources of the coastal area, giving attention to natural, 319  
cultural, historic, and aesthetic values; agricultural, 320  
recreational, energy, and economic needs; and the national 321  
interest. "Coastal management program" includes the 322  
establishment of objectives, policies, standards, and criteria 323  
concerning, without limitation, protection of air, water, 324  
wildlife, rare and endangered species, wetlands and natural 325  
areas, and other natural resources in the coastal area; 326  
management of coastal development and redevelopment; 327  
preservation and restoration of historic, cultural, and 328  
aesthetic coastal features; and public access to the coastal 329  
area for recreation purposes. 330

(C) "Coastal management program document" means a 331  
comprehensive statement consisting of, without limitation, text, 332  
maps, and illustrations that is adopted by the director in 333  
accordance with this chapter, describes the objectives, 334  
policies, standards, and criteria of the coastal management 335  
program for guiding public and private uses of lands and waters 336  
in the coastal area, lists the governmental agencies, including, 337  
without limitation, state agencies, involved in implementing the 338  
coastal management program, describes their applicable policies 339  
and programs, and cites the statutes and rules under which they 340  
may adopt and implement those policies and programs. 341

(D) "Person" means any agency of this state, any political 342  
subdivision of this state or of the United States, and any legal 343  
entity defined as a person under section 1.59 of the Revised 344  
Code. 345

(E) "Director" means the director of natural resources or the director's designee. 346  
347

(F) "Permanent structure" means any residential, 348  
commercial, industrial, institutional, or agricultural building, 349  
any mobile home as defined in division (O) of section 4501.01 of 350  
the Revised Code, any manufactured home as defined in division 351  
(C) (4) of section 3781.06 of the Revised Code, and any septic 352  
system that receives sewage from a single-family, two-family, ~~or~~ 353  
three-family, or four-family dwelling, but does not include any 354  
recreational vehicle as defined in section 4501.01 of the 355  
Revised Code. 356

(G) "State agency" or "agency of the state" has the same 357  
meaning as "agency" as defined in section 111.15 of the Revised 358  
Code. 359

(H) "Coastal flood hazard area" means any territory within 360  
the coastal area that has been identified as a flood hazard area 361  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 362  
42 U.S.C.A. 4002, as amended. 363

(I) "Coastal erosion area" means any territory included in 364  
Lake Erie coastal erosion areas identified by the director under 365  
section 1506.06 of the Revised Code. 366

(J) "Conservancy district" means a conservancy district 367  
that is established under Chapter 6101. of the Revised Code. 368

(K) "Park board" means the board of park commissioners of 369  
a park district that is created under Chapter 1545. of the 370  
Revised Code. 371

(L) "Erosion control structure" means a structure that is 372  
designed solely and specifically to reduce or control erosion of 373  
the shore along or near Lake Erie, including, without 374

limitation, revetments, seawalls, bulkheads, certain 375  
breakwaters, and similar structures. 376

(M) "Shore structure" includes, but is not limited to, 377  
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 378  
certain dikes designated by the chief of the division of water 379  
resources; piers; docks; jetties; wharves; marinas; boat ramps; 380  
any associated fill or debris used as part of the construction 381  
of shore structures that may affect shore erosion, wave action, 382  
or inundation; and fill or debris that is placed along or near 383  
the shore, including bluffs, banks, or beach ridges, for the 384  
purpose of stabilizing slopes. 385

**Sec. 2711.02.** (A) As used in this section and section 386  
2711.03 of the Revised Code, "commercial construction contract" 387  
means any written contract or agreement for the construction of 388  
any improvement to real property, other than an improvement that 389  
is used or intended to be used as a single-family, two-family, 390  
~~or three-family,~~ or four-family detached dwelling house and 391  
accessory structures incidental to that use. 392

(B) If any action is brought upon any issue referable to 393  
arbitration under an agreement in writing for arbitration, the 394  
court in which the action is pending, upon being satisfied that 395  
the issue involved in the action is referable to arbitration 396  
under an agreement in writing for arbitration, shall on 397  
application of one of the parties stay the trial of the action 398  
until the arbitration of the issue has been had in accordance 399  
with the agreement, provided the applicant for the stay is not 400  
in default in proceeding with arbitration. 401

(C) Except as provided in division (D) of this section, an 402  
order under division (B) of this section that grants or denies a 403  
stay of a trial of any action pending arbitration, including, 404

but not limited to, an order that is based upon a determination 405  
of the court that a party has waived arbitration under the 406  
arbitration agreement, is a final order and may be reviewed, 407  
affirmed, modified, or reversed on appeal pursuant to the Rules 408  
of Appellate Procedure and, to the extent not in conflict with 409  
those rules, Chapter 2505. of the Revised Code. 410

(D) If an action is brought under division (B) of this 411  
section upon any issue referable to arbitration under an 412  
agreement in writing for arbitration that is included in a 413  
commercial construction contract, an order under that division 414  
that denies a stay of a trial of the action pending arbitration, 415  
including, but not limited to, an order that is based upon a 416  
determination of the court that a party has waived arbitration 417  
under the arbitration agreement, is a final order and may be 418  
reviewed, affirmed, modified, or reversed on appeal pursuant to 419  
the Rules of Appellate Procedure and, to the extent not in 420  
conflict with those rules, Chapter 2505. of the Revised Code. 421

**Sec. 3709.091.** (A) As used in this section: 422

(1) "Household sewage treatment system" means any sewage 423  
treatment system, or part of such a system, for a single-family, 424  
two-family, ~~or~~ three-family, or four-family dwelling that 425  
receives sewage. 426

(2) "Sewage" means liquid waste containing animal or 427  
vegetable matter in suspension or solution that originates from 428  
humans and human activities. "Sewage" includes liquids 429  
containing household chemicals in solution commonly discharged 430  
from a residence or from commercial, institutional, or other 431  
similar facilities. 432

(3) "Small flow on-site sewage treatment system" means a 433

system, other than a household sewage treatment system, that 434  
treats not more than one thousand gallons of sewage per day and 435  
that does not require a national pollutant discharge elimination 436  
system permit issued under section 6111.03 of the Revised Code 437  
or an injection well drilling or operating permit issued under 438  
section 6111.043 of the Revised Code. 439

(B) If any owner, leaseholder, or assignee of real 440  
property fails to pay a fee as required by rule of a board of 441  
health of a city or general health district pursuant to section 442  
3709.09 of the Revised Code for an operation permit for, or for 443  
inspection of, a household sewage treatment system or a small 444  
flow on-site sewage treatment system located on the real 445  
property, the health commissioner of the city or general health 446  
district or the commissioner's designated representative shall 447  
notify the owner, leaseholder, or assignee of the real property 448  
of the amount of the fee and any accrued penalties for late 449  
payment of the fee. The notice shall state, in boldface letters: 450  
"You have 30 days to object to the amount of the unpaid 451  
operation permit or inspection fee for your household sewage 452  
treatment system or small flow on-site sewage treatment system, 453  
as applicable, as designated in this notice, which may include 454  
accrued penalties for late payment of the fee. If you do not pay 455  
this amount as instructed herein within 30 days of receipt of 456  
this notice or object to this amount during that time period in 457  
accordance with the procedures set forth herein, the amount will 458  
be placed as a lien on your real property." The notice also 459  
shall explain how the owner, leaseholder, or assignee may pay 460  
the amount, or object to the amount in accordance with the 461  
procedures established by divisions (C) and (D) of this section. 462

Notice to the owner, leaseholder, or assignee shall be 463  
made by either of the following: 464

(1) Certified mail, overnight delivery service, hand 465  
delivery, or any other method that includes written evidence of 466  
receipt; 467

(2) The sheriff of the county in which the owner, 468  
leaseholder, or assignee to be served resides, in one or more of 469  
the methods provided in the Ohio Rules of Civil Procedure. The 470  
sheriff may charge reasonable fees for that service. 471

(C) Not later than thirty days after receipt under 472  
division (B) of this section of notification of the amount of an 473  
unpaid operation permit or inspection fee and any accrued late 474  
payment penalties, the owner, leaseholder, or assignee may 475  
object to the amount by delivering a written notice of objection 476  
to the health commissioner by any of the means provided for in 477  
division (B)(1) of this section. Not later than sixty days after 478  
receipt of the notice of objection, the county prosecutor, on 479  
behalf of the city or general health district, may file a civil 480  
action in the court of common pleas against the owner, 481  
leaseholder, or assignee. If the county prosecutor fails to 482  
commence suit within the sixty-day period, or if the action is 483  
commenced, but dismissed with prejudice before adjudication, the 484  
unpaid fee and any accrued late payment penalties are void and 485  
cannot be placed on the general tax list and duplicate as a lien 486  
against the real property. 487

(D) If, in accordance with division (C) of this section, 488  
the owner, leaseholder, or assignee objects to the amount of the 489  
unpaid operation permit or inspection fee and any accrued late 490  
payment penalties and the county prosecutor commences suit and 491  
prevails in the action, the owner, leaseholder, or assignee 492  
objecting shall pay the amount of the fee, any accrued late 493  
payment penalties, and the costs of the action, as determined by 494

the court.	495
(E) If the owner, leaseholder, or assignee on which the notice required by division (B) of this section was served does not pay to the city or general health district the amount of an unpaid operation permit or inspection fee and any accrued late payment penalties within thirty days after receipt of the notice, or does not object to the amount in the manner provided in division (C) of this section, the health commissioner of the city or general health district or the commissioner's designated representative may certify, on or before the first Monday of September, the amount of the unpaid fee and any accrued late payment penalties to the county auditor to be placed on the general tax list and duplicate as provided in section 319.281 of the Revised Code.	496 497 498 499 500 501 502 503 504 505 506 507 508
<b>Sec. 3718.01.</b> As used in this chapter:	509
(A) "Alter" means to change by making substantive replacements of, additions to, or deletions in the design or materials or to change the location of an existing sewage treatment system.	510 511 512 513
(B) "Bedrock" means hard stratum that underlies unconsolidated surface materials or soil.	514 515
(C) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	516 517 518 519
(D) "Domestic septage" means the liquid or solid material removed from a sewage treatment system, portable toilet, or type III marine sanitation device as defined in 33 C.F.R. 159.3.	520 521 522
"Domestic septage" does not include grease removed from a grease	523

trap.	524
(E) "Gray water recycling systems" means systems that	525
treat and reuse wastewater discharged from lavatories, bathtubs,	526
showers, clothes washers, and laundry sinks that does not	527
contain food wastes or bodily wastes.	528
(F) "Household sewage treatment system" means any sewage	529
treatment system, or part of such a system, that receives sewage	530
from a single-family, two-family, <del>or</del> <u>three-family, or four-</u>	531
<u>family</u> dwelling.	532
(G) "Infiltrative surface" means the point or area of	533
application of treated or partially treated sewage to the soil	534
or sand fill for purposes of treatment, dispersal, or both.	535
(H) "Inspection" means the on-site evaluation or analysis	536
of the design, installation, and operation of a sewage treatment	537
system.	538
(I) "Installer" means any person who engages in the	539
business of installing or altering or who, as an employee of	540
another, installs or alters any sewage treatment system.	541
(J) "Limiting condition" means a restrictive soil layer,	542
bedrock, a water table, or ground water that limits or precludes	543
the treatment or dispersal of sewage in the soil of a property	544
where a household sewage treatment system is located.	545
(K) "Manufacturer" means any person that manufactures	546
sewage treatment systems or components of systems.	547
(L) "Person" has the same meaning as in section 1.59 of	548
the Revised Code and also includes any state, any political	549
subdivision of a state, and any department, division, board,	550
commission, agency, or instrumentality of a state or political	551

subdivision.	552
(M) "Sanitary sewerage system" means pipelines or	553
conduits, pumping stations, force mains, and all other	554
constructions, devices, appurtenances, and facilities that	555
convey sewage to a central sewage treatment plant and that are	556
required to obtain a permit under Chapter 6111. of the Revised	557
Code.	558
(N) "Septage hauler" means any person who engages in the	559
collection, transportation, disposal, and land application of	560
domestic septage.	561
(O) "Service provider" means any person who services, but	562
does not install or alter, sewage treatment systems.	563
(P) "Sewage" means liquid waste containing animal or	564
vegetable matter in suspension or solution that originates from	565
humans and human activities. "Sewage" includes liquids	566
containing household chemicals in solution commonly discharged	567
from a residence or from commercial, institutional, or other	568
similar facilities.	569
(Q) "Sewage treatment system" means a household sewage	570
treatment system, a small flow on-site sewage treatment system,	571
or both, as applicable.	572
(R) "Small flow on-site sewage treatment system" means a	573
system, other than a household sewage treatment system, that	574
treats not more than one thousand gallons of sewage per day and	575
that does not require a national pollutant discharge elimination	576
system permit issued under section 6111.03 of the Revised Code	577
or an injection well drilling or operating permit issued under	578
section 6111.043 of the Revised Code.	579
(S) "Soil" means the naturally occurring pedogenically	580

developed and undeveloped regolith overlying bedrock. 581

(T) "Vertical separation distance" means the distance of 582  
the infiltrative surface of the distribution system of a soil 583  
absorption system, or component thereof, to a limiting condition 584  
in the soil. 585

(U) "Water table" means the surface of the saturated zone 586  
below which all interconnected voids are filled with water and 587  
at which the pressure is atmospheric. 588

**Sec. 3718.023.** (A) In accordance with rules adopted under 589  
division (A) of section 3718.02 of the Revised Code, a board of 590  
health shall approve or deny the installation, operation, or 591  
alteration of sewage treatment systems the use of which has been 592  
authorized in those rules or that have been approved for use in 593  
this state by the director of health under section 3718.04 of 594  
the Revised Code. The board shall approve an installation, 595  
operation, or alteration only in the health district in which 596  
the board has jurisdiction. A board shall approve the 597  
installation, operation, or alteration of a sewage treatment 598  
system through the issuance of a permit in accordance with rules 599  
adopted under section 3718.02 of the Revised Code. A board shall 600  
not approve the installation, operation, or alteration of a 601  
sewage treatment system if the installation, operation, or 602  
alteration is not appropriate for the site at which the use of 603  
the system is or is proposed to be located. In determining 604  
whether to approve or disapprove the installation, operation, or 605  
alteration of a sewage treatment system, including the 606  
progressive or incremental installation or alteration of a 607  
system, a board shall consider the economic impact on the 608  
property owner, the state of available technology, and the 609  
nature and economics of various alternatives. A board shall 610

provide written documentation of such economic impact if 611  
requested by the property owner. In addition, the board shall 612  
ensure that a system, when installed and maintained properly, 613  
will not create a public health nuisance and shall require a 614  
system to comply with the requirements established in division 615  
(B) of this section and other applicable requirements of this 616  
chapter. 617

The board shall permit a property owner to select a sewage 618  
treatment system for use by the property owner from those 619  
systems that have been approved for use in the state, from the 620  
least expensive system to the most expensive system, and a 621  
property owner may select any such system regardless of its 622  
cost, provided that the system selected will comply with all 623  
applicable requirements and standards established under this 624  
chapter and rules adopted under it. 625

(B) A board of health shall ensure that the design and 626  
installation of a soil absorption system prevents public health 627  
nuisances. In addition, a board of health shall ensure that a 628  
sewage treatment system that is installed after ~~the effective~~ 629  
~~date of this section~~ September 17, 2010, shall not discharge into 630  
a ditch, stream, pond, lake, natural or artificial waterway, 631  
drain tile, or other surface water or onto the surface of the 632  
ground unless authorized by a national pollutant discharge 633  
elimination system permit issued under Chapter 6111. of the 634  
Revised Code and rules adopted under it. In addition, a board 635  
shall ensure that a sewage treatment system shall not discharge 636  
into an abandoned well, a drainage well, a dry well, a cesspool, 637  
a sinkhole, or another connection to ground water. If a 638  
household sewage treatment system serving a two-~~or three-family~~ 639  
, three-, or four-family dwelling or a small flow on-site sewage 640  
treatment system is classified as a class V injection well, a 641

board of health shall ensure that the system complies with rules 642  
adopted under section 6111.043 of the Revised Code and with 643  
Chapter 3745-34 of the Administrative Code. 644

(C) For purposes of the approval or denial of the 645  
installation, operation, or alteration of a sewage treatment 646  
system under this section, "economic impact" means all of the 647  
following, as applicable: 648

(1) The cost to the property owner for the installation of 649  
the proposed sewage treatment system, including the cost of 650  
progressive or incremental installation of the system; 651

(2) The cost of an alternative system, including the cost 652  
of progressive or incremental installation of the system, that, 653  
when installed and maintained properly, will not create a public 654  
health nuisance compared to the proposed sewage treatment 655  
system; 656

(3) The costs of repairing the sewage treatment system, 657  
including the cost of progressive or incremental repairs, as 658  
opposed to replacing the system with a new system. 659

(D) An application for an installation permit that is 660  
accepted by a board of health prior to January 1, 2012, shall be 661  
valid for three years from the date of the submission of the 662  
complete application and the accompanying application fee. 663

(E) An installation permit issued by a board of health 664  
prior to January 1, 2012, shall be valid until January 1, 2013, 665  
unless extended by a board of health for not more than an 666  
additional six months. 667

**Sec. 3781.06.** (A) (1) Any building that may be used as a 668  
place of resort, assembly, education, entertainment, lodging, 669  
dwelling, trade, manufacture, repair, storage, traffic, or 670

occupancy by the public, any residential building, and all other 671  
buildings or parts and appurtenances of those buildings erected 672  
within this state, shall be so constructed, erected, equipped, 673  
and maintained that they shall be safe and sanitary for their 674  
intended use and occupancy. 675

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 676  
3791.04 of the Revised Code shall be construed to limit the 677  
power of the division of industrial compliance of the department 678  
of commerce to adopt rules of uniform application governing 679  
manufactured home parks pursuant to section 4781.26 of the 680  
Revised Code. 681

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of 682  
the Revised Code do not apply to any of the following: 683

(1) Buildings or structures that are incident to the use 684  
for agricultural purposes of the land on which the buildings or 685  
structures are located, provided those buildings or structures 686  
are not used in the business of retail trade. For purposes of 687  
this division, a building or structure is not considered used in 688  
the business of retail trade if fifty per cent or more of the 689  
gross income received from sales of products in the building or 690  
structure by the owner or operator is from sales of products 691  
produced or raised in a normal crop year on farms owned or 692  
operated by the seller. 693

(2) Existing single-family, two-family, ~~and three-family,~~ 694  
and four-family detached dwelling houses for which applications 695  
have been submitted to the director of children and youth 696  
pursuant to section 5104.03 of the Revised Code for the purposes 697  
of operating type A family child care homes as defined in 698  
section 5104.01 of the Revised Code; 699

(3) A mobile computing unit. As used in this division, 700  
"mobile computing unit" means an assembly that meets all of the 701  
following criteria: 702

(a) Its purpose is to house and operate computers as 703  
defined in section 2913.01 of the Revised Code. 704

(b) Its exterior is integral to the protection or cooling, 705  
or both, of the computers housed within it. 706

(c) It is not attached to a permanent foundation. 707

(d) It is not accessible to the public. 708

(e) It is not designed for regular occupancy, but rather 709  
limited access for service and maintenance. 710

(f) It can be moved or transported as a single integrated 711  
unit. 712

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of 713  
the Revised Code: 714

(1) "Agricultural purposes" include agriculture, farming, 715  
dairying, pasturage, apiculture, algaculture meaning the farming 716  
of algae, horticulture, floriculture, viticulture, ornamental 717  
horticulture, olericulture, pomiculture, and animal and poultry 718  
husbandry. 719

(2) "Building" means any structure consisting of 720  
foundations, walls, columns, girders, beams, floors, and roof, 721  
or a combination of any number of these parts, with or without 722  
other parts or appurtenances. 723

(3) "Industrialized unit" means a building unit or 724  
assembly of closed construction fabricated in an off-site 725  
facility, that is substantially self-sufficient as a unit or as 726

part of a greater structure, and that requires transportation to 727  
the site of intended use. "Industrialized unit" includes units 728  
installed on the site as independent units, as part of a group 729  
of units, or incorporated with standard construction methods to 730  
form a completed structural entity. "Industrialized unit" does 731  
not include a manufactured home as defined by division (C) (4) of 732  
this section or a mobile home as defined by division (O) of 733  
section 4501.01 of the Revised Code. 734

(4) "Manufactured home" means a building unit or assembly 735  
of closed construction that is fabricated in an off-site 736  
facility and constructed in conformance with the federal 737  
construction and safety standards established by the secretary 738  
of housing and urban development pursuant to the "Manufactured 739  
Housing Construction and Safety Standards Act of 1974," 88 Stat. 740  
700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or 741  
tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying 742  
compliance with all applicable federal construction and safety 743  
standards. 744

(5) "Permanent foundation" means permanent masonry, 745  
concrete, or a footing or foundation approved by the division of 746  
industrial compliance of the department of commerce pursuant to 747  
Chapter 4781. of the Revised Code, to which a manufactured or 748  
mobile home may be affixed. 749

(6) "Permanently sited manufactured home" means a 750  
manufactured home that meets all of the following criteria: 751

(a) The structure is affixed to a permanent foundation and 752  
is connected to appropriate facilities; 753

(b) The structure, excluding any addition, has a width of 754  
at least twenty-two feet at one point, a length of at least 755

twenty-two feet at one point, and a total living area, excluding 756  
garages, porches, or attachments, of at least nine hundred 757  
square feet; 758

(c) The structure has a minimum 3:12 residential roof 759  
pitch, conventional residential siding, and a six-inch minimum 760  
eave overhang, including appropriate guttering; 761

(d) The structure was manufactured after January 1, 1995; 762

(e) The structure is not located in a manufactured home 763  
park as defined by section 4781.01 of the Revised Code. 764

(7) "Safe," with respect to a building, means it is free 765  
from danger or hazard to the life, safety, health, or welfare of 766  
persons occupying or frequenting it, or of the public and from 767  
danger of settlement, movement, disintegration, or collapse, 768  
whether such danger arises from the methods or materials of its 769  
construction or from equipment installed therein, for the 770  
purpose of lighting, heating, the transmission or utilization of 771  
electric current, or from its location or otherwise. 772

(8) "Sanitary," with respect to a building, means it is 773  
free from danger or hazard to the health of persons occupying or 774  
frequenting it or to that of the public, if such danger arises 775  
from the method or materials of its construction or from any 776  
equipment installed therein, for the purpose of lighting, 777  
heating, ventilating, or plumbing. 778

(9) "Residential building" means a one-family, two-family, 779  
~~or three-family, or four-family~~ dwelling house, and any 780  
accessory structure incidental to that dwelling house. 781  
"Residential building" includes a one-family, two-family, ~~or~~ 782  
~~three-family, or four-family~~ dwelling house that is used as a 783  
model to promote the sale of a similar dwelling house. 784

"Residential building" does not include an industrialized unit 785  
as defined by division (C) (3) of this section, a manufactured 786  
home as defined by division (C) (4) of this section, or a mobile 787  
home as defined by division (O) of section 4501.01 of the 788  
Revised Code. 789

(10) "Nonresidential building" means any building that is 790  
not a residential building or a manufactured or mobile home. 791

(11) "Accessory structure" means a structure that is 792  
attached to a residential building and serves the principal use 793  
of the residential building. "Accessory structure" includes, but 794  
is not limited to, a garage, porch, or screened-in patio. 795

**Sec. 3781.10.** (A) (1) The board of building standards shall 796  
formulate and adopt rules governing the erection, construction, 797  
repair, alteration, and maintenance of all buildings or classes 798  
of buildings specified in section 3781.06 of the Revised Code, 799  
including land area incidental to those buildings, the 800  
construction of industrialized units, the installation of 801  
equipment, and the standards or requirements for materials used 802  
in connection with those buildings. The board shall incorporate 803  
those rules into separate residential and nonresidential 804  
building codes. The standards shall relate to the conservation 805  
of energy and the safety and sanitation of those buildings. 806

(2) (a) The rules governing nonresidential buildings are 807  
the lawful minimum requirements specified for those buildings 808  
and industrialized units, except that no rule other than as 809  
provided in division (C) of section 3781.108 of the Revised Code 810  
that specifies a higher requirement than is imposed by any 811  
section of the Revised Code is enforceable. 812

(b) The rules governing residential buildings are uniform 813

requirements in any area with a building department certified to 814  
enforce the state residential building code in accordance with 815  
division (E) of this section, for both of the following: 816

(i) The erection and construction of new residential 817  
buildings; 818

(ii) The repair and alteration of existing residential 819  
buildings. 820

(c) In no case shall any local code or regulation differ 821  
from the state residential building code for either the erection 822  
and construction of new residential buildings or for the repair 823  
and alteration of existing residential buildings unless that 824  
code or regulation addresses subject matter not addressed by the 825  
state residential building code or is adopted pursuant to 826  
section 3781.01 of the Revised Code. 827

(3) The rules adopted pursuant to this section are 828  
complete, lawful alternatives to any requirements specified for 829  
buildings or industrialized units in any section of the Revised 830  
Code. Except as otherwise provided in division (I) of this 831  
section, the board shall, on its own motion or on application 832  
made under sections 3781.12 and 3781.13 of the Revised Code, 833  
formulate, propose, adopt, modify, amend, or repeal the rules to 834  
the extent necessary or desirable to effectuate the purposes of 835  
sections 3781.06 to 3781.18 of the Revised Code. 836

(B) The board shall report to the general assembly 837  
proposals for amendments to existing statutes relating to the 838  
purposes declared in section 3781.06 of the Revised Code that 839  
public health and safety and the development of the arts require 840  
and shall recommend any additional legislation to assist in 841  
carrying out fully, in statutory form, the purposes declared in 842

that section. The board shall prepare and submit to the general 843  
assembly a summary report of the number, nature, and disposition 844  
of the petitions filed under sections 3781.13 and 3781.14 of the 845  
Revised Code. 846

(C) On its own motion or on application made under 847  
sections 3781.12 and 3781.13 of the Revised Code, and after 848  
thorough testing and evaluation, the board shall determine by 849  
rule that any particular fixture, device, material, process of 850  
manufacture, manufactured unit or component, method of 851  
manufacture, system, or method of construction complies with 852  
performance standards adopted pursuant to section 3781.11 of the 853  
Revised Code. The board shall make its determination with regard 854  
to adaptability for safe and sanitary erection, use, or 855  
construction, to that described in any section of the Revised 856  
Code, wherever the use of a fixture, device, material, method of 857  
manufacture, system, or method of construction described in that 858  
section of the Revised Code is permitted by law. The board shall 859  
amend or annul any rule or issue an authorization for the use of 860  
a new material or manufactured unit on any like application. No 861  
department, officer, board, or commission of the state other 862  
than the board of building standards or the board of building 863  
appeals shall permit the use of any fixture, device, material, 864  
method of manufacture, newly designed product, system, or method 865  
of construction at variance with what is described in any rule 866  
the board of building standards adopts or issues or that is 867  
authorized by any section of the Revised Code. Nothing in this 868  
section shall be construed as requiring approval, by rule, of 869  
plans for an industrialized unit that conforms with the rules 870  
the board of building standards adopts pursuant to section 871  
3781.11 of the Revised Code. 872

(D) The board shall recommend rules, codes, and standards 873

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

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

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

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

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

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code

education that the board requires or, for failure to do so, 936  
forfeit certification. 937

(6) This division does not require or authorize the board 938  
to certify personnel of municipal, township, and county building 939  
departments, and persons and employees of persons, firms, or 940  
corporations as described in this section, whose 941  
responsibilities do not include the exercise of enforcement 942  
authority, the approval of plans and specifications, or making 943  
inspections under the state residential and nonresidential 944  
building codes. 945

(7) Enforcement authority for approval of plans and 946  
specifications and enforcement authority for inspections may be 947  
exercised, and plans and specifications may be approved and 948  
inspections may be made on behalf of a municipal corporation, 949  
township, or county, by any of the following who the board of 950  
building standards certifies: 951

(a) Officers or employees of the municipal corporation, 952  
township, or county; 953

(b) Persons, or employees of persons, firms, or 954  
corporations, pursuant to a contract to furnish architectural, 955  
engineering, or other services to the municipal corporation, 956  
township, or county; 957

(c) Officers or employees of, and persons under contract 958  
with, a municipal corporation, township, county, health 959  
district, or other political subdivision, pursuant to a contract 960  
to furnish architectural, engineering, or other services; 961

(d) Officers or employees of the division of industrial 962  
compliance in the department of commerce pursuant to a contract 963  
authorized by division (B) of section 121.083 of the Revised 964

Code.	965
(8) Municipal, township, and county building departments	966
have jurisdiction within the meaning of sections 3781.03,	967
3791.04, and 4104.43 of the Revised Code, only with respect to	968
the types of buildings and subject matters for which they are	969
certified under this section.	970
(9) A certified municipal, township, or county building	971
department may exercise enforcement authority, accept and	972
approve plans and specifications, and make inspections pursuant	973
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code	974
for a park district created pursuant to Chapter 1545. of the	975
Revised Code upon the approval, by resolution, of the board of	976
park commissioners of the park district requesting the	977
department to exercise that authority and conduct those	978
activities, as applicable.	979
(10) Certification shall be granted upon application by	980
the municipal corporation, the board of township trustees, or	981
the board of county commissioners and approval of that	982
application by the board of building standards. The application	983
shall set forth:	984
(a) Whether the certification is requested for residential	985
or nonresidential buildings, or both;	986
(b) If the certification is requested for residential	987
buildings, whether the requested certification is for only the	988
erection and construction of new residential buildings or also	989
the repair and alteration of existing residential buildings;	990
(c) The number and qualifications of the staff composing	991
the building department;	992
(d) The names, addresses, and qualifications of persons,	993

firms, or corporations contracting to furnish work or services	994
pursuant to division (E) (7) (b) of this section;	995
(e) The names of any other municipal corporation,	996
township, county, health district, or political subdivision	997
under contract to furnish work or services pursuant to division	998
(E) (7) of this section;	999
(f) The proposed budget for the operation of the building	1000
department;	1001
(g) Whether the building department intends to accept	1002
plans examination and inspection reports from a third-party	1003
examiner or inspector in accordance with rules adopted by the	1004
board of building standards pursuant to division (E) (15) of this	1005
section.	1006
(11) The board of building standards shall adopt rules	1007
governing all of the following:	1008
(a) The certification of building department personnel and	1009
persons and employees of persons, firms, or corporations	1010
exercising authority pursuant to division (E) (7) of this	1011
section. The rules shall disqualify any employee of the	1012
department or person who contracts for services with the	1013
department from performing services for the department when that	1014
employee or person would have to pass upon, inspect, or	1015
otherwise exercise authority over any labor, material, or	1016
equipment the employee or person furnishes for the construction,	1017
alteration, or maintenance of a building or the preparation of	1018
working drawings or specifications for work within the	1019
jurisdictional area of the department. The department shall	1020
provide other similarly qualified personnel to enforce the	1021
residential and nonresidential building codes as they pertain to	1022

that work. 1023

(b) The minimum services to be provided by a certified 1024  
building department. 1025

(12) The board of building standards may revoke or suspend 1026  
certification to enforce the residential and nonresidential 1027  
building codes, on petition to the board by any person affected 1028  
by that enforcement or approval of plans, or by the board on its 1029  
own motion. Hearings shall be held and appeals permitted on any 1030  
proceedings for certification or revocation or suspension of 1031  
certification in the same manner as provided in section 3781.101 1032  
of the Revised Code for other proceedings of the board of 1033  
building standards. 1034

(13) Upon certification, and until that authority is 1035  
revoked, any county or township building department shall 1036  
enforce the residential and nonresidential building codes for 1037  
which it is certified without regard to limitation upon the 1038  
authority of boards of county commissioners under Chapter 307. 1039  
of the Revised Code or boards of township trustees under Chapter 1040  
505. of the Revised Code. 1041

(14) The board shall certify a person to exercise 1042  
enforcement authority, to accept and approve plans and 1043  
specifications, or to make inspections in this state in 1044  
accordance with Chapter 4796. of the Revised Code if either of 1045  
the following applies: 1046

(a) The person holds a license or certificate in another 1047  
state. 1048

(b) The person has satisfactory work experience, a 1049  
government certification, or a private certification as 1050  
described in that chapter in the same profession, occupation, or 1051

occupational activity as the profession, occupation, or 1052  
occupational activity for which the certificate is required in 1053  
this state in a state that does not issue that license or 1054  
certificate. 1055

(15) (a) In addition to the personnel and persons certified 1056  
by the board of building standards pursuant to this section to 1057  
enforce the state residential building code and nonresidential 1058  
building code, the board may adopt rules authorizing certified 1059  
municipal, township, and county building departments to accept 1060  
plans examination and inspection reports from a third-party 1061  
examiner or inspector. 1062

(b) The rules may require the third-party examiner or 1063  
inspector be certified pursuant to sections 3781.10 and 3783.03 1064  
of the Revised Code and authorized to conduct such plans 1065  
examination or inspection elsewhere in this state or to 1066  
demonstrate equivalent competency as specified and determined by 1067  
the board of building standards. 1068

(c) Fees charged by a third-party examiner or inspector 1069  
are in addition to any fees prescribed by the political 1070  
subdivision pursuant to section 3781.102 of the Revised Code and 1071  
are the responsibility of the building owner. 1072

(d) The issuance of certificates of plan approval under 1073  
section 3791.04 of the Revised Code and certificates of 1074  
occupancy or completion remains the exclusive authority of the 1075  
certified personnel employed by or under contract with a 1076  
certified municipal, township, and county building department 1077  
and shall not be issued by a third-party examiner or inspector. 1078

(F) In addition to hearings sections 3781.06 to 3781.18 1079  
and 3791.04 of the Revised Code require, the board of building 1080

standards shall make investigations and tests, and require from 1081  
other state departments, officers, boards, and commissions 1082  
information the board considers necessary or desirable to assist 1083  
it in the discharge of any duty or the exercise of any power 1084  
mentioned in this section or in sections 3781.06 to 3781.18, 1085  
3791.04, and 4104.43 of the Revised Code. 1086

(G) The board shall adopt rules and establish reasonable 1087  
fees for the review of all applications submitted where the 1088  
applicant applies for authority to use a new material, assembly, 1089  
or product of a manufacturing process. The fee shall bear some 1090  
reasonable relationship to the cost of the review or testing of 1091  
the materials, assembly, or products and for the notification of 1092  
approval or disapproval as provided in section 3781.12 of the 1093  
Revised Code. 1094

(H) The residential construction advisory committee shall 1095  
provide the board with a proposal for a state residential 1096  
building code that the committee recommends pursuant to division 1097  
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 1098  
recommendation from the committee that is acceptable to the 1099  
board, the board shall adopt rules establishing that code as the 1100  
state residential building code. 1101

(I) (1) The committee may provide the board with proposed 1102  
rules to update or amend the state residential building code 1103  
that the committee recommends pursuant to division (E) of 1104  
section 4740.14 of the Revised Code. 1105

(2) If the board receives a proposed rule to update or 1106  
amend the state residential building code as provided in 1107  
division (I) (1) of this section, the board either may accept or 1108  
reject the proposed rule for incorporation into the residential 1109  
building code. If the board does not act to either accept or 1110

reject the proposed rule within ninety days after receiving the 1111  
proposed rule from the committee as described in division (I) (1) 1112  
of this section, the proposed rule shall become part of the 1113  
residential building code. 1114

(J) The board shall cooperate with the director of 1115  
children and youth when the director promulgates rules pursuant 1116  
to section 5104.05 of the Revised Code regarding safety and 1117  
sanitation in type A family child care homes. 1118

(K) The board shall adopt rules to implement the 1119  
requirements of section 3781.108 of the Revised Code. 1120

(L) The board shall adopt rules to apply the residential 1121  
building code to a four-family dwelling house and any accessory 1122  
structure incidental to that dwelling house. 1123

**Sec. 3781.102.** (A) Any county or municipal building 1124  
department certified pursuant to division (E) of section 3781.10 1125  
of the Revised Code as of September 14, 1970, and that, as of 1126  
that date, was inspecting single-family, two-family, ~~and three-~~ 1127  
family, and four-family residences, and any township building 1128  
department certified pursuant to division (E) of section 3781.10 1129  
of the Revised Code, is hereby declared to be certified to 1130  
inspect single-family, two-family, ~~and three-family,~~ and four- 1131  
family residences containing industrialized units, and shall 1132  
inspect the buildings or classes of buildings subject to 1133  
division (E) of section 3781.10 of the Revised Code. 1134

(B) Each board of county commissioners may adopt, by 1135  
resolution, rules establishing standards and providing for the 1136  
licensing of electrical and heating, ventilating, and air 1137  
conditioning contractors who are not required to hold a valid 1138  
and unexpired license pursuant to Chapter 4740. of the Revised 1139

Code. 1140

Rules adopted by a board of county commissioners pursuant 1141  
to this division may be enforced within the unincorporated areas 1142  
of the county and within any municipal corporation where the 1143  
legislative authority of the municipal corporation has 1144  
contracted with the board for the enforcement of the county 1145  
rules within the municipal corporation pursuant to section 1146  
307.15 of the Revised Code. The rules shall not conflict with 1147  
rules adopted by the board of building standards pursuant to 1148  
section 3781.10 of the Revised Code or by the department of 1149  
commerce pursuant to Chapter 3703. of the Revised Code. This 1150  
division does not impair or restrict the power of municipal 1151  
corporations under Section 3 of Article XVIII, Ohio 1152  
Constitution, to adopt rules concerning the erection, 1153  
construction, repair, alteration, and maintenance of buildings 1154  
and structures or of establishing standards and providing for 1155  
the licensing of specialty contractors pursuant to section 1156  
715.27 of the Revised Code. 1157

A board of county commissioners, pursuant to this 1158  
division, may require all electrical contractors and heating, 1159  
ventilating, and air conditioning contractors, other than those 1160  
who hold a valid and unexpired license issued pursuant to 1161  
Chapter 4740. of the Revised Code, to successfully complete an 1162  
examination, test, or demonstration of technical skills, and may 1163  
impose a fee and additional requirements for a license to engage 1164  
in their respective occupations within the jurisdiction of the 1165  
board's rules under this division. 1166

(C) No board of county commissioners shall require any 1167  
specialty contractor who holds a valid and unexpired license 1168  
issued pursuant to Chapter 4740. of the Revised Code to 1169

successfully complete an examination, test, or demonstration of 1170  
technical skills in order to engage in the type of contracting 1171  
for which the license is held, within the unincorporated areas 1172  
of the county and within any municipal corporation whose 1173  
legislative authority has contracted with the board for the 1174  
enforcement of county regulations within the municipal 1175  
corporation, pursuant to section 307.15 of the Revised Code. 1176

(D) A board may impose a fee for registration of a 1177  
specialty contractor who holds a valid and unexpired license 1178  
issued pursuant to Chapter 4740. of the Revised Code before that 1179  
specialty contractor may engage in the type of contracting for 1180  
which the license is held within the unincorporated areas of the 1181  
county and within any municipal corporation whose legislative 1182  
authority has contracted with the board for the enforcement of 1183  
county regulations within the municipal corporation, pursuant to 1184  
section 307.15 of the Revised Code, provided that the fee is the 1185  
same for all specialty contractors who wish to engage in that 1186  
type of contracting. If a board imposes such a fee, the board 1187  
immediately shall permit a specialty contractor who presents 1188  
proof of holding a valid and unexpired license and pays the 1189  
required fee to engage in the type of contracting for which the 1190  
license is held within the unincorporated areas of the county 1191  
and within any municipal corporation whose legislative authority 1192  
has contracted with the board for the enforcement of county 1193  
regulations within the municipal corporation, pursuant to 1194  
section 307.15 of the Revised Code. 1195

(E) The political subdivision associated with each 1196  
municipal, township, and county building department the board of 1197  
building standards certifies pursuant to division (E) of section 1198  
3781.10 of the Revised Code may prescribe fees to be paid by 1199  
persons, political subdivisions, or any department, agency, 1200

board, commission, or institution of the state, for the 1201  
acceptance and approval of plans and specifications, and for the 1202  
making of inspections, pursuant to sections 3781.03 and 3791.04 1203  
of the Revised Code. 1204

(F) Each political subdivision that prescribes fees 1205  
pursuant to division (E) of this section shall collect, on 1206  
behalf of the board of building standards, fees equal to the 1207  
following: 1208

(1) Three per cent of the fees the political subdivision 1209  
collects in connection with nonresidential buildings; 1210

(2) One per cent of the fees the political subdivision 1211  
collects in connection with the erection of and construction of 1212  
new residential buildings and, if the political subdivision 1213  
elects under division (E) of section 3781.10 of the Revised Code 1214  
to enforce the state residential building code for the repair 1215  
and alteration of existing residential buildings, one per cent 1216  
of the fees the political subdivision collects in connection 1217  
with the repair and alteration of existing residential 1218  
buildings. 1219

(G) (1) The board shall adopt rules, in accordance with 1220  
Chapter 119. of the Revised Code, specifying the manner in which 1221  
the fee assessed pursuant to division (F) of this section shall 1222  
be collected and remitted monthly to the board. The board shall 1223  
pay the fees into the state treasury to the credit of the 1224  
industrial compliance operating fund created in section 121.084 1225  
of the Revised Code. 1226

(2) All money credited to the industrial compliance 1227  
operating fund under this division shall be used exclusively for 1228  
the following: 1229

(a) Operating costs of the board;	1230
(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;	1231 1232 1233
(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.	1234 1235 1236
(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one- family, two-family, <del>or three-family,</del> <u>or four-family</u> dwelling houses or accessory structures incidental to those dwelling houses.	1237 1238 1239 1240 1241 1242 1243 1244 1245 1246 1247 1248
(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.	1249 1250 1251 1252
(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.	1253 1254 1255 1256
(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor,	1257 1258

refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code. 1259  
1260  
1261

Sec. 3781.1012. (A) As used in this section, "dwelling unit" has the same meaning as in section 5321.01 of the Revised Code. 1262  
1263  
1264

(B) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, to permit a building of group R-2 occupancy to have a single stairway serving as an exit for all dwelling units if the building meets all of the following conditions: 1265  
1266  
1267  
1268  
1269

(1) The building has not more than six stories above grade plane. 1270  
1271

(2) There are not more than four dwelling units on each floor. 1272  
1273

(3) The building is equipped with an automatic sprinkler system. 1274  
1275

(4) Each dwelling unit has at least one window or other emergency exit provision. 1276  
1277

**Sec. 4722.01.** As used in this chapter: 1278

(A) "Cost-plus contract" means a contract entered into between an owner and a home construction service supplier under which payment to the supplier is based on the cost of a product plus the supplier's rate for labor to install the product plus an agreed percentage of profit or a stipulated fee. 1279  
1280  
1281  
1282  
1283

(B) "Home construction service" means the construction of a residential building, including the creation of a new structure and the repair, improvement, remodel, or renovation of 1284  
1285  
1286

an existing structure. "Home construction service" does not 1287  
include construction performed on a structure that contains ~~four~~ 1288  
five or more dwelling units, except for work on an individual 1289  
dwelling unit within that structure, or construction performed 1290  
on the common area of a condominium property. 1291

(C) "Home construction service contract" means a contract 1292  
between an owner and a supplier to perform home construction 1293  
services, including services rendered based on a cost-plus 1294  
contract, for an amount exceeding twenty-five thousand dollars. 1295

(D) "Home construction service supplier" or "supplier" 1296  
means a person who contracts with an owner to provide home 1297  
construction services for compensation and who maintains in 1298  
force a general liability insurance policy in an amount of not 1299  
less than two hundred fifty thousand dollars. 1300

(E) "Owner" means the person who contracts with a home 1301  
construction service supplier. "Owner" may include the owner of 1302  
the property, a tenant who occupies the dwelling unit on which 1303  
the home construction service is performed, or a person the 1304  
owner authorizes to act on the owner's behalf to contract for a 1305  
home construction service, and any other person who contracts 1306  
for a home construction service. 1307

(F) "Residential building" means a one-, two-, ~~or three-~~ 1308  
~~family~~ three-, or four-family dwelling and any accessory 1309  
construction incidental to the dwelling. "Residential building" 1310  
does not include any of the following: 1311

(1) An industrialized unit as described in section 3781.06 1312  
of the Revised Code; 1313

(2) A manufactured home as described in section 3781.06 of 1314  
the Revised Code; 1315

(3) A mobile home as described in section 4501.01 of the Revised Code. 1316  
1317

(G) "Workmanlike manner" means the home construction service supplier has engaged in construction that meets or exceeds the minimum quantifiable standards promulgated by the Ohio home builders association. 1318  
1319  
1320  
1321

Sec. 4722.09. This chapter does not apply to a contract entered into prior to the effective date of this section for the construction of a four-family dwelling, including the creation of a new structure and the repair, improvement, remodel, or renovation of an existing structure, or any accessory structures incidental to that dwelling. 1322  
1323  
1324  
1325  
1326  
1327

**Section 2.** That existing sections 307.37, 715.27, 1312.01, 1312.02, 1506.01, 2711.02, 3709.091, 3718.01, 3718.023, 3781.06, 3781.10, 3781.102, and 4722.01 of the Revised Code are hereby repealed. 1328  
1329  
1330  
1331

**Section 3.** This act shall be known as the Build Smart Act. 1332