



Ohio Board of Building Standards

BBS Newsletter

John R. Kasich, Governor
David Goodman, Director
David Williamson, Superintendent
Gerald O. Holland, Chair

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Summer 2011

2011 David E. Denison Award

Each year the Ohio Board of Building Standards presents the David E. Denison Award to individuals who have demonstrated integrity, professionalism, and dedication to development and support of Ohio's construction standards. Recipients worked diligently to improve the knowledge, understanding, and effectiveness of code enforcement in Ohio.

The award is named after Dave Denison who worked for the Board for over 25 years. Dave received state and national recognition for professionalism, certification, and continuing education for building officials in Ohio. Dave exemplified the virtues of independence, professionalism, honesty, integrity, collegiality, and thirst for learning.

In 2010, the Board's Code Committee and a group of constituent code experts evaluated proposed changes to the Ohio Building, Mechanical, and Plumbing Codes. The Code Committee and Constituent Code Expert Group "scored" a list of over 300 significant changes between the 2006 and the 2009 International Building, Mechanical, and Plumbing Codes. The evaluation considered savings, costs, and other factors.

For their hard work, the Board recognized the members of the Code Scoring Constituent Group with the 2011 David E. Denison Award:

Dana Booghier, Building Official
David Dexter, Professional Engineer
Dave Hughes, David C. Hughes Architects
Eric Leman, Heapy Engineering
Nancy Montecalvo, Montecalvo Electric
Greg Nicholls, Building Official
Mike Rudey, Wood County Building Department
John E. Sickie, Jr., Officer, Ohio Fabricators, Inc., and Breining Mechanical Systems
Rob Smith, Schooley Caldwell Associates
Larry Thompson, Thompson Electric



Board Chair Gerry Holland presents the David E. Denison Award to (from left) David Hughes, Rob Smith, and David Dexter.

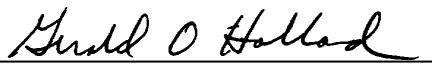
Board of Building Standards Chair Gerald O.Holland:

August 2011

Two thousand eleven has been a busy year for the Board of the Building Standards. We finalized the update to Ohio's nonresidential building codes which take effect later this year. Following the Board's action in 2009 to put on hold the Administrative rule adoption process for updates to all the building codes, the Board developed a methodology to analyze the potential impacts of updating the nonresidential codes. The study found that "the code represents the appropriate balance between savings and cost and assures that Ohio's citizens are living in a safe and sanitary built environment that ensures their continued health, safety, and security." The Board's code committee was assisted by a constituent expert group to conduct the study. The constituent group members volunteered their time in the arduous task of reviewing almost three hundred proposed changes for potential cost or savings impact. For their hard work, the Board recognized the members of the constituent expert group this year with the Dave Denison Award.

Recently, the Board also set out to reinvigorate its education program. The first priority was the Ohio Building Code Academy which was reduced by two days and utilized Board Staff to instruct attendees on how to perform code enforcement. Refocusing the Code Academy is part of the Board's overall goal to provide certified individuals and departments with the skills and tools necessary for fair and efficient code enforcement in Ohio. To achieve this goal, I also appointed thirty-five individuals to an Education Ad Hoc committee who are volunteering their time to advise the Board on continuing education curriculum models.

The updates to the Ohio Building, Plumbing, and Mechanical Codes go into effect on November 1, 2011. The Board is currently working with code publishers to arrange for publication of the codes. Also, the Board is developing an online training program to educate building department personnel on the changes so the code codes will be properly and fairly enforced. As always Board Staff is available to respond to any questions regarding application of the codes or the upcoming code updates from code officials, contractors, owners and designers. You can contact the Board Office at (614) 644-2613 or at dic.bbs@com.state.oh.us.



Gerald O. Holland, Chair

Board of Building Standards Members

Gerry Holland, Fire Service, Chair
Steve Kasarnich, Construction Materials, Vice-Chair
Gerry Bird, Architect
Jennifer Coleman, Architect
Joseph Denk, Jr., Mechanical Engineer
Timothy Galvin, General Contractor
Robert Gilbert, Renewable Energy
Peter Korda, Structural Engineer
Donald Leach, Attorney
Terrence McCafferty, Public Member
Charles Ruma, Homebuilder
Douglas Scholz, Industrialized Units
Carl Schultz, III, Energy Conservation
Bob Yost, Homebuilder

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Ohio Department of Commerce Director David Goodman:

Dear Friend to Commerce,

As you read this, the State of Ohio has taken big steps towards economic recovery.

The State's FY 2012-2013 biennial budget closes a multi-billion dollar deficit that Governor John Kasich faced when he took the helm, less than six months ago. Ohio had lost 400,000 jobs since 2006. Governor John R. Kasich's clarity of vision for the future and working with the General Assembly has brought us to a balanced budget, a common sense approach to government and a more business-friendly environment.

At the Department of Commerce, we look forward to a new Commercial Building Code and Fire Code going into effect on November 1, 2011. Credit for this good work goes to the Board of Building Standards and the Fire Marshal's office, working with the variety of stakeholders to gather input and finalize a balance of effective regulation and quality standards for safety and security. Your service to the state is appreciated.

Over the next few months, a combined effort between BBS and the State Fire Marshal to educate the building professionals about the new codes simultaneously is both efficient and sure to be effective. Most of all, it will enable quality companies to get on with their primary business. Where you see building, you see an economy in good health.

Where there are people working, there are people who feel fulfilled through their contribution to community and their families.

Working together, we can make a stronger Ohio.

David Goodman
Director
Ohio Department of Commerce



Follow us on Twitter!



For news and updates about Ohio's construction-related industries and businesses, follow the Division of Industrial Compliance on Twitter @OhioBuilds. Twitter is an online social networking tool which allows users to send and receive information at an unprecedented speed. Keep up-to-date on changes to Ohio's building codes, announcements about industry-related jobs, construction projects happening throughout the state, and more!

Simply go to www.Twitter.com and "Follow" @OhioBuilds.

New 2009 Commercial Codes Effective November 1, 2011

The Ohio Board of Building Standards has amended Ohio Building Code, Ohio Plumbing Code, and Ohio Mechanical Code to incorporate updates included in the 2009 International Model Codes published by the International Code Council. The amendments will take affect on November 1, 2011. They are available now on the Board website at:

<http://www.com.ohio.gov/dico/BBS.aspx>,

“Code Information: Non-Residential Building Codes - Public Hearing Draft — Reconsideration of Amendments Group LXXXIII, Jan. 21, 2011”

The codes will be available from publishers later this year.

New Rules for Accessibility... include adjustment period

The long awaited update to Americans with Disabilities Act Accessibility Guidelines (ADAAG) and other federal accessibility rules can be found on the US Department of Justice website:

<http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>

The new ADAAG introduces additional exceptions, revised dimensions and extensive advisory content. To minimize misunderstandings and to allow time for those affected by the changes to learn correct application, the federal rules allowed designs to meet either the old requirements or the new during a one year period, Ohio’s rules will do the same. Starting on March 15th, 2011 and continuing until March 15th, 2012, an application for approval can conform to the old (existing today) accessibility provisions (in OBC Chapters 11 and 34 and the July, 1994 ADAAG) or the new provisions in the downloadable document on the Department of Justice website.

Applications should indicate which accessibility provisions the designer or owner intends to be applied to the submitted construction documents. The option of either compliance method will continue until March 15th, 2012. After March 15th, 2012, Chapters 11 & 34 will be revised to coordinate with the new ADAAG and the old access provisions will not apply.

Wireless Telecommunication Towers

The Board of Building Standards receives inquiries about the construction of wireless telecommunication towers. Section 3108 of the Ohio Building Code explains standards that must be met in the design and construction of telecommunication towers. However, the building standards are not really the root of the inquiries and should not be used to delay the construction of wireless telecommunication towers..

Normally, the township or county where these towers are being erected have not adopted zoning requirements. The intention of the Federal Telecommunications Act of 1996 was to encourage the growth of the new wireless communication technology and provide fair access to these services for every American.

Additionally, the Act gave telecommunication companies broad powers to build their infrastructure and placed great limitations on the powers of local governments to ban the construction of these towers.

Local ordinances and resolutions had the following limitations placed on them. First, the political subdivision could not discriminate among competing providers. Second, they could not prohibit wireless service. Third, the community's zoning and building departments had to act within a reasonable time on applications. In Ohio, that would be thirty days for building department approval of plans. Any denial had to be in writing and based on substantial evidence, and no denial could be based on radio frequency emissions.

The 1996 Act affirms the authority of local governments to control the siting, construction, and modification of wireless facilities. All challenges to local government decisions must be appealed through the local administrative boards and the state court system except for those dealing with the environmental effects of radio frequency emissions. The Federal law makes clear that wireless communication towers can not be sited in divisions zoned exclusively residential. However, in all other zoning subdivisions the federal act clearly intends to permit towers to be sited.

In Ohio, the General Assembly has enacted Section 519.211, Revised Code, to make clear that township trustees or zoning boards of appeals have no power with respect to the location, erection, construction, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility. The B paragraph of Section 519.211 clearly provides that proposed towers are not to be erected in an area zoned for residential use, but are permitted in other zoning subdivisions.

The Ohio Supreme Court has interpreted this section in two decisions. In *Campanelli v. AT&T Wireless Services*, 85 Ohio St.3d 103 (1999), the Court held that wireless telecommunication providers are public utilities for the purposes of Section 519.211, R. C., because they are providing a telephone service which is traditionally recognized as a matter of public concern and they are exempt from local zoning requirements except for the prohibition against placing towers in districts exclusively owned residential.

Similarly, in *Symmes Township Bd. of Trustees v. Smyth*, 87 Ohio St. 3d 549 (2000), the Supreme Court was asked to rule on the question of whether the Section 519.211 (B), R.C., applied to any zoning district where there were residential dwellings. The Court held that a site zoned "E Retail Business District" is not an area zoned for residential use subject to township zoning regulation of telecommunication towers under this section even though some residential uses are permitted in that business district.

In conclusion, the building code should not be used to delay the construction of wireless communication towers where local zoning is other than for residential purposes.



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Automatic Sprinkler System Designers

The Board of Building Standards receives two reoccurring types of complaints about fire protection system designers.

First, some fire protection system designers have developed their own seals and affixed them to plans. Section 3791.041, R. C., is specific that the fire protection system designer should place his signature and Board-assigned system designer number on the plans. No statutory authority gives any fire protection system designer authorization to develop and use a seal. In fact the Ohio Architects Board is very protective of its right and that of the Ohio Professional Engineers and Surveyors Board to have exclusive authority for a seal.

The second complaint comes when a building department denies a professional engineer or architect from submitting fire protection plans under their seal. Section 3791.041 (B) (1), R. C., provides that persons certified under Chapters 4733 and 4703, R. C., have a right to submit fire protection systems plans if they are Ohio certified in either discipline.



In 1982, the General Assembly passed a law requiring the Board of Building Standards to certify automatic sprinkler system designers and to assure that their sprinkler construction documents are given the same treatment as those submitted by a registered design professional, an architect or professional engineer. Initially, previous applicants were grandfathered under the legislation and new applicants were required to pass an examination. The grandfathered applicants were only permitted to design fire protection systems that used water and not high hazard or fire alarm systems.

After the “seal law” regulating the submission of plans by registered architects and engineers was passed in 1995, fire protection system designers were concerned that they could no longer submit plans for non-water fire protection and fire alarm systems because they were not registered architects or professional engineers. The fire protection system designers successfully lobbied the General Assembly and in 1996, Section 3781.105, R. C., was modified to require the Board of Building Standards Building Standards to certify fire protection systems designers for all types of automatic fire suppression systems and fire alarm systems.

The law directs the Board must determine that the applicant for certification had directly engaged in designing and preparing drawings for the category of the type of fire protection system for which certification is sought. The Board must certify a qualified applicant who submits proof of passing an examination by the National Institute for Certification in Engineering Technologies (NICET) for the type of fire protection system for which they seek certification. There was no grandfathering of any person who had not already been certified. Those individuals certified prior to September 26, 1996 were only authorized to do wet systems. Individuals certified after September 26, 1996, had to meet the NICET requirements and pass its examination.

For individuals who design other than wet systems, high hazard systems, or fire alarm systems, they must hold NICET level III or IV certification.

The Board does not administer its own examination nor does it have jurisdiction over security alarm systems.

Calendar of Events

September 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
August 31 Residential Construction Advisory Regular Committee 9:00 a.m.				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 BBS Prefabricated Buildings/Industrialized Building (IU's) CE Course Mike Regan 10:30 a.m. Sponsored by 2011 AIA Ohio Valley Region Convention Discover.Design.Dayton	16 Ohio Board of Building Standards Regular Meeting 10:00 a.m.	17
18	19	20	21	22	23	24
25	26	27	28 Residential Construction Advisory Regular Committee 9:00 a.m.	29	30	

October 2011						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5 BBS Chapter 1 CE Course Steve Regoli 10:00 a.m. Sponsored by Cleveland Plumbing Industry Promotion and Education Fund	6 BBS Accessibility CE Course Jan Sokolnicki Sponsored by Miami Valley Building Officials Council	7	8
9	10	11	12	13	14	15
16	17	18	19 Residential Construction Advisory Regular Committee 9:00 a.m.	20	21 "I Have to Do What to the Building to Start My Business" Ohio Building Officials Assn. & BBS 1:15 p.m. Sponsored by APA-OH Planning Committee & 25 Annual Miami Valley Planning & Zoning Workshop	22
23	24	25	26	27	28	29
30	31					

The Board staff is available to help you. Please note our updated REFERENCE GUIDE to the staff at the Ohio Board of Building Standards' Office:

Our hours of operation are: 8:00 a.m. to 5:00 p.m., Eastern Time Zone, Monday through Friday

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Investigations

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Assistant Architect Administrator

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(All complaints must be filed via a letter to the above address)

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