



Board of Building Standards

CONFERENCE MEETING AGENDA

DATE: MARCH 22, 2024
TIME: 10:00 AM
LOCATION: TRAINING RM 1, 6606 TUSSING RD REYNOLDSBURG, OHIO 43068
[Click here to join the meeting](#)

Call to Order

Roll Call

Consideration of Minutes

[MIN-1](#) February 23, 2024 Meeting Minutes

Certification Hearing

[CH-1](#) Certification Hearing

Committee Reports

[CR-1](#) Certification Committee Report
[CR-2](#) Education Committee Report
[CR-3](#) Code Committee Report
CR-4 Committee-of-the-Whole

Ratification of Board Recognized Accreditation Bodies, Conformity Assessment Bodies & Industry Trade Association Certification Programs

[AB-1](#) QAI Laboratories, Medley, FL - Testing Laboratory & QAI Laboratories, Nokomis, FL - Testing Laboratory

Building Department Support & Oversight

[RE-1](#) March Building Department Report

Public Comments

Old Business

[OB-1](#) Action on Amendments Group 101 (2019 RCO Amendments) - Resubmit final file of corrected rule 4101:8-34-01 and rule 4101:8-44-01 upon expiration of JCARR jurisdiction

New Business

[NB-1](#) City of Union Determination of Conflict

Compensate Board Members for Work Performed at their Regular Rate

Future Meeting Schedule

April 26, 2024	September 27, 2024
May 31, 2024	November 15, 2024
June 28, 2024	December 20, 2024
August 16, 2024	

Motion to Adjourn

File Attachments for Item:

MIN-1 February 23, 2024 Meeting Minutes

MINUTES
BOARD OF BUILDING STANDARDS
CONFERENCE MEETING & CERTIFICATION HEARING
February 23, 2024

The Board of Building Standards Conference Meeting was called to order at 10:00 a.m., Friday, February 23, 2024 at 6606 Tussing Road, Reynoldsburg, Ohio, Chairman Timothy Galvin presiding.

Ms. Regina Hanshaw, Executive Secretary, called the roll and reported that the following Board members were present:

Gregory Barney, Industrialized Units
Julienne Cromwell, Structural Engineer
Joseph F. Denk, Jr., Mechanical Engineer
Timothy P. Galvin, General Contractor, Chair
John Johnson, Construction Materials
Terry McCafferty, Public Member
Christopher Miller, Renewable Energy
John Pavlis, Homebuilder, Vice-Chair
Jeff Samuelson, Architect
Bailey Stanbery, Homebuilder
Jeff Tyler, Architect
Christie Ward, Mayor
Paul Yankie, Energy Conservation

The following members were absent:

Don Leach, Attorney

The following staff members were present:

Megan Foley, Certification Program Administrator
Debbie Ohler, Construction Codes Administrator
Jay Richards, Assistant Construction Codes Administrator
Mike Regan, IU Plans Examiner
Robert Johnson, Assistant Construction Codes Administrator
Pam Butts, Office Assistant
Bruce Culver, Assistant Construction Codes Administrator

A quorum of the Board was present.

The following visitors were present:

Kris Klaus, OHBA

CONSIDERATION OF THE MINUTES

Mr. McCafferty moved and Mr. Stanbery seconded to approve the minutes of the January 26, 2024 Certification Hearing and Conference Meeting.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

CERTIFICATION HEARING

Chairman Galvin opened the hearing to hear testimony on the individuals and building departments appearing on the Final Certification Hearing Agenda in the Board's Meeting Packet at the Hearing tab. Ms. Foley informed the Board that the individuals and departments appear on the hearing agenda have been reviewed by the Certification Committee and determined to meet the requirements of certification.

COMMITTEE REPORTS

CR-1 Certification Committee Report

Mr. McCafferty gave the committee’s report included in the Board’s Meeting packet at Tab CR-1:

The Certification Committee met on February 22nd, 2024, at 10:00 AM in the BBS Library, 6606 Tussing Road, with the following members present: Mr. McCafferty, Mr. Barney, Mr. Samuelson, Mr. Stanbery, Mr. Tyler, and Mayor Ward. Board Chairman Timothy Galvin was also present. The Committee makes the following recommendations, included in the February 23rd Board Packet at Tab CR-1, for the Board’s consideration.

Also present at the meeting were board staff, Megan Foley, and Rob Johnson. Guests Charles Martin and Sean Graham attended in person to discuss their applications, and Brian Roenigk attended virtually to discuss Sean Graham’s application. Charles Huber attended the meeting virtually to observe, and Matt Rohan, territory manager for the Cast Iron Soil Pipe Institute attended in person to learn more about how the Ohio BBS processes work.

Recommend the following applications be approved following a certification hearing effective immediately unless otherwise noted on the certification hearing agenda:

Cert ID	Name	Certifications Granted
9298	Adams, Kenneth	Building Official Building Inspector
58	Baker, Tracy	Building Plans Examiner
9160	Baldwin, Zachary	Alternative Trainee Plan approved for PI and PPE trainee
4858	Barkas, Jeffrey	Building Inspector
9315	Blankenship, Kevin	Building Inspector Residential Building Official
9306	Carraway, Ross	Fire Alarm System Designer
9311	Davis Jr., Leonard	Residential Building Inspector
4807	Davis, Scott	Residential Building Official Residential Plans Examiner
8713	Duggan, Michael	Electrical Plans Examiner
8569	Ellinger, Cory	NonResidential Industrialized Unit Inspector
9271	Emerson, Jason	Special Hazard System Designer
1850	Erbe, Rick	Residential Building Official
5138	Gill, Brandon	Building Plans Examiner Mechanical Plans Examiner
5592	Gingrich, Peter	NonResidential Industrialized Unit Inspector
9091	Graham, Sean	Building Inspector
5700	Huddleston, Thomas	Plumbing Plans Examiner
9304	Jarvis, Ryan	Automatic Sprinkler System Designer
9295	Kaminski, Erik	Residential Building Official Residential Building Inspector
8969	Lynch, Benjamin	Plumbing Plans Examiner
9305	Majocha, Erik	Fire Alarm System Designer
922	Martin, Charles	Plumbing Inspector Mechanical Inspector Residential Mechanical Inspector
9310	McCutcheon, Jacob	Residential Plans Examiner Trainee
5993	Mines, Parrish	Building Inspector Mechanical Inspector
9294	Moncrease, Darrell	Building Inspector

9285	Olmos, Diego	Automatic Sprinkler System Designer
8663	Pritchard, Robert	Medical Gas Inspector
2184	Santillo, Victor	Building Inspector Residential Building Official
9314	Shane, Heather	Building Inspector Residential Building Official
9312	Spies, Michael	Plumbing Inspector Trainee Plumbing Plans Examiner Trainee Alternative Trainee Plan approved
8835	Steinmann, Eric	Plumbing Plans Examiner
9313	Summers, Shannon	Plumbing Inspector Plumbing Plans Examiner
9293	Troiano, Joseph	Building Inspector Residential Building Official
6320	Walter, David	Electrical Safety Inspector Trainee Alternative Trainee Plan approved
9308	Wharton, Stefanie	Residential Building Inspector Trainee
9309	Wheele, Steven	Plumbing Inspector

*Electrical Safety Inspectors must complete examinations prior to issuance of interim certification
 ** Denotes approval conditioned on receipt of forms or fees or other conditions.

Building Department Certifications

Village of Wharton - Modify NonResidential Department certification
 Change from subdepartment of Richland County to primary department, contract with Wyandot County
 Exceptions: Plumbing, Med Gas

Personnel Certification Applications

Recommend the following applications be denied, additional information be requested, or other action as noted:

Benson, John - ESI, RBO
 Certification ID: 96
 Current Certifications: None
 ESIAC Recommendations: Not recommended for ESI exam based on current information.
 Committee Recommendation: Recommend request for additional information on all requested certifications.

Mines, Parrish - BI, MI, PI
 Certification ID: 5993
 Current Certifications: BPE, RBO, RBI
 Committee Recommendation: BI, MI approved, recommend PI Trainee if department will sponsor and supervise.

Santos, Miguel - BI
 Certification ID: 9292
 Current certifications- None
 Committee Recommendation: Recommend request for additional information on commercial structural experience for BI, or BI trainee if department will sponsor and supervise, or RBI.

New Business
 None this month

Old Business
 None this month

Mr. McCafferty moved and Mr. Stanbery seconded to approve the recommendations of the committee.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

CR-2 Education Committee Report

Mr. McCafferty gave the committee's report included in the Board's Meeting packet at Tab CR-2:

The Education Committee met on February 22nd, 2024 at 10:00 AM in the BBS Library, 6606 Tussing Road, with the following members present: Mr. McCafferty, Mr. Stanbery, Mr. Barney, Mr. Samuelson, Mr. Tyler, and Mayor Ward. Board Chairman Timothy Galvin was also present.

Also present at the meeting were board staff, Megan Foley, and Rob Johnson. Charles Huber attended the meeting virtually to observe, and Matt Rohan, territory manager for the Cast Iron Soil Pipe Institute attended in person to discuss CISPI education courses and the course approval process.

The Committee makes the following recommendations, included in the February 23rd, 2024 Board Packet at Tab CR-2, for the Board's consideration.

Courses approved without modification:

2024 Ohio Existing Buildings Code Overview (Columbus)
All certifications (2 hours)

Deck Framing (Columbus)
All certifications (1 hour)

Fire-Rated Assemblies (Columbus)
All certifications (1 hour)

Fire-Rated Penetrations (Columbus)
All certifications (1 hour)

Inspector Skills (Columbus)
All certifications (1 hour)

A Look in Wood Use in All Types of Construction (Hoover Treated Wood Products)
All certifications (4 hours)

2023 NEC (International Brotherhood of Electrical Workers)
All certifications (ten sessions of 3 hours each)

2023 NEC Analysis (IAEI Akron)
All certifications (8 sessions at 2 hours each)

2023 NEC Analysis of Changes (IAEI Central Ohio)
All certifications (10 sessions at 2 hours each)

2023 NEC Significant Changes (Columbus)
All certifications (1 hour)

2024 OPC and OMC and 2021 IFGC Significant Changes (Columbus)
All certifications (2 hours)

2024 OPC Significant Changes (Columbus)
All certifications (4 hours)

Backflow 101 (Columbus)
All certifications (1 hour)

Building Science for Building Officials (Nu Wool)
All certifications (2 hours)

Cellulose Insulation (Nu Wool)
All certifications (2 hours)

Communication, Consistency, and Preparedness Round Table
(Ohio Design Professionals and Code Analysts)
All certifications (6 sessions at 2 hours each)

Concrete Repair Design (Simpson Strong-Tie)
All certifications (2 hours)

Concrete Repair Installation (Simpson Strong-Tie)
All certifications (2 hours)

Copper Pipe Codes and Standards (Columbus)
All certifications (1 hour)

Listing/Labeling Standards (Columbus)
All certifications (2 hours)

Mixing Valves (Columbus)
All certifications (1 hour)

Polyurethane Spray Foam and Foam Plastic Coe Application (Nu Wool)
All certifications (2 hours)

Soft-Story Retrofit (Simpson Strong-Tie)
All certifications (3 hours)

Strengthening with Fiber-Reinforced Polymer (Simpson Strong-Tie)
All certifications (1 hour)

Testing DWV Systems and Plumbing Safety (Columbus)
All certifications (1 hour)

Truss Fundamentals (Simpson Strong-Tie)
All certifications (2 hours)

Wall Bracing for Wind Design with 2018 IRC (Simpson Strong-Tie)
All certifications (1 hour)

Why Is Pipe Sizing Important? (Columbus)
All certifications (2 hours)

Wind Design with the 2018 Wood Frame Construction Manual
(Simpson Strong-Tie)
All certifications (1 hour)

Wood, Steel, and Concrete Deterioration (Simpson Strong-Tie)
All certifications (1 hour)

2024 Ohio Plumbing Code Significant Changes (Ohio Certificate Renewal)
All certifications (Part 1 and Part 2 at 4 hours each)

Fire-Retardant Treated Wood (2-hour version) (Hoover Treated Wood Products)

All certifications (2 hours)

Fire-Retardant Treated Wood (Basic) (Hoover Treated Wood Products)
All certifications (1 hour)

Fire-Retardant Treated Wood Products (3-hour version) (Hoover Treated Wood Products)
All certifications (3 hours)

Heights and Areas and Wood Framing Details (Hoover Treated Wood Products)
All certifications (2 hours)

Ohio Ethics Law: Fifty Years of Safeguarding Government Ethics (Ohio Ethics Commission)
All certifications (1-hour and 2-hour versions)

Old Business:
None this month

New Business:
None this month

Mr. McCafferty moved and Mr. Stanbery seconded to approve the recommendations of the committee.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

CR-3 Code Committee Report

Mr. Denk gave the committee's report included in the Board's Meeting packet at Tab CR-3:

The Code Committee met on February 22, 2024 with the following members present: Mr. Denk, Mr. Johnson, Mr. Miller, Mr. Pavlis, Mr. Samuelson, Mr. Stanbery, and Mr. Yankie. Board Chairman, Mr. Galvin, was also present.

The committee report is included in the February 23, 2024 Board Meeting Packet at tab CR-3 for the Board's consideration.

Call to Order

The meeting was called to order by Mr. Denk at 1:04 P.M.

Approval of Minutes

Mr. Miller moved to approve the minutes of the Code Committee meeting held on December 14, 2023. Mr. Stanbery seconded. The motion passed unanimously.

Petitions

No items for consideration

Recommendations of the Residential Construction Advisory Committee
City of Union Determination of Conflict

Ms. Hanshaw stated that staff was contacted last year by a builder indicating that the City of Union has an ordinance that prohibits the use of concrete masonry units (CMU), and instead, requires the use of poured concrete. Mr. Robert Johnson, the Board's investigator, subsequently contacted the City's building official, Andrew Switzer, to discuss the purpose of the ordinance. The builder then requested that the Board make a determination of conflict in accordance with the procedure outlined in Revised Code §3781.01. The Residential Construction Advisory Committee (RCAC) met in November of 2023 and voted to make a recommendation to the Board that the City of Union's ordinance is in conflict with the Residential Code of Ohio (RCO) in that it doesn't allow other materials that the RCO allows and that it is not necessary for the health, safety, and welfare of Ohio's citizens. Therefore, it is not recommended that a similar prohibition be added to the

RCO. Ms. Hanshaw stated that no action from the Code committee was expected today, but that the City asked for time before the committee to present their position.

Mr. Joseph Moore, Law Director for the City of Union, introduced Mr. John Applegate, City Manager, and Andy Switzer, Residential Building Official for the City. Mr. Moore indicated that the City of Union adopted the ordinance in the best health, safety, and welfare interest of the citizens of Union. The city is a Charter City in Montgomery County with a population of approximately 7000. He explained that the city is a plat city and that there are no luxury home subdivisions in the city. As a Charter City, they believe that they can decide to use only one of the four acceptable methods in the RCO. Aesthetics is a legitimate government interest. The city planning commission recommended that a poured foundation is preferable and is in the best interest of the city. He believes that the City Council can do what is in the city's best interest.

Mr. Applegate provided the history of why the city's many ordinances were adopted. He indicated that most of the time, ordinances were adopted in response to citizen complaints. For example, they adopted a property maintenance code and presale inspection requirements as a direct result of citizen complaints. Essentially, the city leaders want their residential housing stock to stand the test of time. They are not wanting the RCO changed. They simply want to allow the City of Union to choose what is best for their community.

Mr. Moore mentioned that Dusty Balsbaugh, of Balsbaugh Excavating and Concrete, a local concrete expert and contractor that does a lot of work in the City of Union is quoted as saying that "poured concrete is a better long-term product." Mr. Moore provided copies of the following documents and asked that they be entered into the record: Affidavit of Mr. Balsbaugh, Ordinance No. 1762, and the City Council minutes dated 12/12/2022 documenting when the ordinance was adopted.

Mr. Samuelson asked whether the ordinance applies to only basements or to all foundations.

Mr. Applegate answered that it applies to all foundations. He mentioned that particularly with Ryan Homes, they notice deterioration of block due to deicing around the garage and the porch. He mentioned that they get calls and complaints from residents and that they try to be committed to the community.

Mr. Denk commented that it seems to be the heavy hand of government, but that it is well-intended. He asked whether CMU with bar and grout adequate?

Mr. Switzer answered "apparently not" and indicated that the front porch is the main issue. CMU rots, according to Mr. Switzer. If the porch is replaced, no reinforcement is required based on the small size of the porch.

Mr. Applegate confirmed that block is porous. The joints are weak points. He also emphasized that it is hard to find good block masons these days.

Mr. Pavlis explained that since 2000, they have tried to have a uniform RCO in Ohio. He is concerned that next year you might want only two by sixes. Builders don't want different codes across the state. The OHBA fought for one code throughout the state. He is an expert witness and has seen cracked CMUs as well as cracked poured walls.

Mr. Applegate mentioned that Union had its own code prior to the RCO. It's a blue-collar community and the city council wants to help the residents keep their homes. They want to choose from the methods allowed in the RCO. They don't care if a builder doesn't want to build in Union.

Mr. Pavlis shared his belief that the owner should be allowed to build what's in the code.

Mr. Applegate confirmed that they are not asking the BBS to change the code. He believes that a Charter Community should be allowed to choose what they want in their community. He stated that they want to keep their community strong and safe.

Mr. Switzer mentioned that rake and soffits are also required in Union. This protects the walls from rotting.

Mr. Pavlis indicated that he admires Mr. Applegate's passion, but that he disagrees with his position.

Mr. Stanbery questioned the problems that they had with Ryan Homes.

Mr. Applegate answered that we made them believers.

Mr. Johnson asked whether they have any retirement homes or apartments in the city and whether they are trying to keep certain people out. Typically the residents of these type of buildings are on a fixed income.

Mr. Applegate indicated that their goal is to have a blend of types of affordable homes. People in the city love it because we listen and care.

Mr. Johnson said that concrete will crack, but still be structurally sound. He shared that his personal feelings don't matter, but that he sees it as overreaching. He struggles having to tell a builder that they have to only build in one way. That makes costs go up. Poor people can't live in that city anymore. Building standards have evolved and we work hard to make sure the codes produce good homes. He worries that we are pricing them out. He can understand their intent but he worries that it will cost too much.

Mr. Applegate agreed with Mr. Johnson and indicated that all builders, except Arcon, have switched to poured concrete. They can work all year with concrete. The builders can't find bricklayers and masons anymore.

Mr. Pavlis suggested to just let it ride out and play itself out. The market will work itself out. He will also be transitioning to poured due to the lack of labor.

Mr. Stanbery suggested adding more property maintenance inspections.

Mr. Pavlis, again, emphasized the need for a uniform code.

Mr. Applegate appreciated the opportunity to present their position.

Ms. Hanshaw asked for clarification of the second sentence in the ordinance which allows for case-by-case application. She mentioned that type of code language is unusual and makes it hard for citizens to know what the city is looking for.

Mr. Switzer indicated that was intended to allow tilt-up concrete and to allow block for existing construction.

Mr. Applegate mentioned that they respond to their residents. When bushes grow into neighbor's yards, they require that the bush owner trim their bushes. It's a team effort. The city works with the residents and respond to complaints.

Mr. Miller asked for the cost difference between poured vs. block.

Mr. Applegate indicated that the cost is weather dependent, but the difference is 25%.

Mr. Pavlis confirmed that the cost is weather dependent, but that he plans for 40-50% more for poured. There is more labor in setting the forms. It's more specialized and many contractors are union workers.

Mr. Miller mentioned that ultimately, this will be a home rule argument. The committee will need to discuss this with home rule in mind.

After a brief break, Mr. Miller discussed the legal concept of home rule with the committee members. He explained that the Ohio constitution Article 18 allows for statutory cities and home rule cities.

Ms. Hanshaw mentioned the language in HB 175 inserted the BBS in the determination of conflict. She mentioned that the Dublin court case was the only case since HB 175 was enacted. She agreed that this is a constitutional issue.

Ms. Hanshaw mentioned that the RCAC specifically asked the city whether there were any unique local conditions that warranted the need for the ordinance. She believes that allowing this type of preference undermines the intent of HB 175.

No action was taken by the committee.

Old Business

No items for consideration

New Business

Public Comment

Mr. Matt Rohan, the Midwest Territory Manager for the Cast Iron Soil Pipe Institute (CISPI), introduced himself and the organization to the Code Committee and wanted the committee to know that he is available to answer any of their questions. The committee and staff asked a few questions about the use, application, and advantages of cast iron pipe vs. PVC pipe.

Proposed Code Change – OBC Section 907.5.2.2.3

Ms. Hanshaw provided the background that prompted a proposed change to the OBC. A new school in southwest Ohio was recently constructed with a required Emergency Voice Alarm Communication System (EVACS). The school administrators subsequently contracted to add an active shooter alarm system that included blue pull stations installed next to the red fire alarm pull stations. The active shooter alarm system was funded through the Ohio School Facilities Commission and was programmed to take precedence over the fire alarm system. The local fire official wrote a letter in support of the installation, but the State Fire Marshal Inspector cited the OFC Section 907.5.2.2.3 which prohibits any other system from taking precedence over the manual alarm signal. The school administrator and the designer of the EVACS system indicated that the NFPA 72 standard referenced from the OBC/OFC provides more design flexibility and that the NFPA standard was used as the basis of the fire/security system design. The building official issued an order that will allow the owner/school administrator to appeal the OBC/OFC requirement and request a variance.

Ms. Ohler presented proposed draft language for consideration to be added to the OBC, and hopefully the OFC, at a future time to allow more flexibility to building owners trying to balance safety and security risks. The language allows other high priority urgent emergency messages to take precedence over a fire alarm message provided that the building is sprinklered, the fire alarm system is addressable, and the proposed system priority levels are established in a building-specific emergency response plan.

Mr. Pavlis moved to table the item until we get input from the State Fire Marshal. Mr. Miller seconded. The motion passed unanimously.

Request that the RCAC reconsider Arc-Fault Circuit Interrupter (AFCI) requirements

Mr. Pavlis moved for the RCAC to re-review the technical feasibility of the AFCI requirements in the Residential Code of Ohio (RCO). He mentioned that the OHBA is getting complaints that dishwashers, microwaves, refrigerators, and vacuum cleaners are causing AFCI devices to trip, resulting in multiple call-backs and electricians replacing the AFCI devices with normal circuit breakers. Mr. Pavlis wonders if NFPA is working with the appliance industry to ensure that the AFCI devices are properly tested before adding the requirement in the National Electrical Code (NEC). Mr. Stanbery seconded. The motion passed unanimously.

Adjourn

Mr. Miller moved to adjourn at 3:35 P.M. Mr. Yankee seconded. The motion passed unanimously.

Mr. Denk moved and Mr. Samuelson seconded to approve the recommendations of the committee.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

CR-4 Committee-of-the-Whole

There was no report.

**RATIFICATION OF BOARD RECOGNIZED ACCREDITATION BODIES,
CONFORMITY ASSESSMENT BODIES & INDUSTRY TRADE ASSOCIATION
CERTIFICATION PROGRAMS**

No items for consideration.

BUILDING DEPARTMENT SUPPORT AND OVERSIGHT

RE-1 February Building Department Report

Ms. Borso presented the February Building Department Report:

February 2024 Department Visit Status Report

Board Staff conduct building department visits to engage building officials in discussion regarding the administration of their departments and to obtain feedback for the Board. Specifically, Board Staff inquire on the status of plan review and inspection turnaround times, protocols, policies and processes of the department, software systems used, current and projected activity, department funding and fees, relationships with fire departments, administration and elected officials, the issuance of plan approvals, adjudication orders, certificates of occupancy, and appeals.

The following Building departments were visited since the last Board update:

Perkins Township
Logan Co.
Summit Co.
Lucas Co.
Clinton Co.

Administrative and enforcement activity has remained strong. With the continued upgrading of software/computer systems, more departments are implementing 100% digital submissions. If submitted, paper submissions are scanned for the plan examiners, ensuring documents can be accepted in any format. Some building departments are allowing fire to access to their software for plan review recommendations electronically, saving time in the approval process.

There is a concern regarding the lack of certified inspectors to fill vacant positions. Departments are looking at alternative solutions to address this issue, such as, adjusting pay scales and implementing in house training.

There has been an increase in the reuse of existing buildings, prompting applications for changes of use.

An inquiry was made as to the possibility of adding a plan review class for continuing education purposes as well as other topics of technical chapters from the RCO. Other ideas include the introduction of classes for the builder/contractor industry to learn and understand the requirements for submitting plans that comply with the residential codes.

Officials appreciate the access to the new electronic subscription through ICC, although some of the larger departments would like to see more than one subscription allocated.

Building officials visited express appreciation for the discussions as it allows them to ask questions of Board staff and to establish rapport.

PUBLIC COMMENTS

There were no public comments.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

COMPENSATE BOARD MEMBERS FOR WORK PERFORMED AT THEIR REGULAR RATE

Ms. Hanshaw reported that board members had performed committee and board work for the amount of hours, including board meetings, as follows:

Mr. Barney	16	Mr. Miller	16
Ms. Cromwell	8	Mr. Pavlis	16
Mr. Denk	16	Mr. Samuelson	16
Mr. Galvin	20	Mr. Stanbery	16
Mr. Johnson	16	Mr. Tyler	16
Mr. Leach	0	Ms. Ward	16
Mr. McCafferty	16	Mr. Yankie	16

Mr. McCafferty moved and Mr. Miller seconded to compensate board members for the work performed at their regular rate.

Chairman Galvin called for the ayes and nays.

Motion carried unanimously.

FUTURE MEETINGS

March 22, 2024	August 16, 2024
April 26, 2024	September 27, 2024
May 31, 2024	November 15, 2024
June 28, 2024	December 20, 2024

ADJOURNMENT

Mr. McCafferty moved and Mr. Miller seconded to adjourn. The Board adjourned at 10:15 a.m.

Timothy Galvin, Chairman
Board of Building Standards

Regina Hanshaw, Executive Secretary
Board of Building Standards

File Attachments for Item:

CH-1 Certification Hearing



MARCH 22, 2024

CERTIFICATION HEARING AGENDA

Notice is hereby given that the Board of Building Standards will convene for a certification hearing in accordance with the rules of the Board at 10:00 AM, March 22nd, 2024, at the Board of Building Standards, Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068

The purpose of the hearing is to hear testimony from anyone wishing to speak to the proposed certification of building departments, local boards of building appeals, and building department personnel.

Table with 3 columns: Cert ID, Name, Certification Granted. Rows include individuals like John Andres, Jeffrey Barkas, Robert Bell, etc., with their respective certification roles.

922	Martin, Charles	Plumbing Plans Examiner Mechanical Plans Examiner
9333	Merrick, David	Building Official
	Mershimer, Richard	Building Inspector Residential Building Inspector
9334	Miller, Michael	Residential Building Official Residential Plans Examiner Residential Building Inspector Residential Industrialized Unit Inspector
9322	O'Donnell, Todd	Residential Building Inspector
9330	Pugh, Tyler	Electrical Safety Inspector Alternative Trainee Plan approved
1264	Rose, Dennis	NonResidential Industrialized Unit Inspector Residential Industrialized Unit Inspector
9196	Rudyak, Andriy	Residential Building Inspector
1381	Smerek, David	Mechanical Inspector Fire Protection Inspector NonResidential Industrialized Unit Inspector
	Smith, Joshua	Electrical Safety Inspector*
9317	Smith, Kristen	Electrical Safety Inspector Alternative Trainee Plan approved
8974	Taylor, Ted	Plumbing Plans Examiner
	White, Trevor	Plumbing Inspector

*Electrical Safety Inspectors must complete examinations prior to issuance of interim certification

** Denotes approval conditioned on receipt of forms or fees or other conditions.

Building Department Certifications

Lockington - New NonResidential and Residential Subdepartment of Shelby County
Exceptions: Plumbing, Med Gas

Thurston - New NonResidential Subdepartment of Fairfield County
Exceptions: Plumbing, Med Gas

File Attachments for Item:

CR-1 Certification Committee Report



BOARD OF BUILDING STANDARDS

CERTIFICATION COMMITTEE MEETING REPORT

The Certification Committee met on March 21st, 2024, at 10:00 AM in the BBS Library, 6606 Tussing Road, with the following members present: Mr. Leach, Mr. McCafferty, Mr. Barney, Ms. Cromwell, Mr. Stanbery, Mr. Tyler, and Mayor Ward. Board Chairman Timothy Galvin was also present. The Committee makes the following recommendations, included in the March 22nd Board Packet at Tab CR-1, for the Board's consideration.

Also present at the meeting were board staff, Megan Foley, and Rob Johnson. Guests Charles Huber attended the meeting virtually to observe.

Recommend the following applications be approved following a certification hearing effective immediately unless otherwise noted on the certification hearing agenda:

Table with 3 columns: Cert ID, Name, Certification Granted. Rows include applicants like Andres, John; Barkas, Jeffrey; Bell, Robert; Benson, John; Centineo, John; Dedic, Juraj; Edwards, Edwin; Elmi, Eric; Entwistle, Matthew; Francis, Shad; Graham, Sean; Hittle, Matthew; Jansen, Andrew; Keil, Mark.

8546	Kelly, Martin	Electrical Safety Inspector Alternative Trainee Plan approved
5522	Maddama, Damian	Mechanical Inspector
922	Martin, Charles	Plumbing Plans Examiner Mechanical Plans Examiner
9333	Merrick, David	Building Official
	Mershimer, Richard	Building Inspector Residential Building Inspector
9334	Miller, Michael	Residential Building Official Residential Plans Examiner Residential Building Inspector Residential Industrialized Unit Inspector
9322	O'Donnell, Todd	Residential Building Inspector
9330	Pugh, Tyler	Electrical Safety Inspector Alternative Trainee Plan approved
1264	Rose, Dennis	NonResidential Industrialized Unit Inspector Residential Industrialized Unit Inspector
9196	Rudyak, Andriy	Residential Building Inspector
1381	Smerek, David	Mechanical Inspector Fire Protection Inspector NonResidential Industrialized Unit Inspector
	Smith, Joshua	Electrical Safety Inspector*
9317	Smith, Kristen	Electrical Safety Inspector Alternative Trainee Plan approved
8974	Taylor, Ted	Plumbing Plans Examiner
	White, Trevor	Plumbing Inspector

*Electrical Safety Inspectors must complete examinations prior to issuance of interim certification

** Denotes approval conditioned on receipt of forms or fees or other conditions.

Building Department Certifications

Lockington - New NonResidential and Residential Subdepartment of Shelby County
Exceptions: Plumbing, Med Gas

Thurston - New NonResidential Subdepartment of Fairfield County
Exceptions: Plumbing, Med Gas

Personnel Certification Applications

Recommend the following applications be denied, additional information be requested, or other action as noted:

Francis, Shad - BPE
Certification ID: 9323
Current certifications- none
Committee Recommendation: Applicant is invited to attend April 25 committee meeting virtually or in person to discuss experience with commercial construction documents.

Sizler, Keith - BI
Certification ID: 9318
Current certifications- none
Committee Recommendation: Request additional information on commercial structural experience, recommend MI, RBI as alternatives to requested certification.

Stanich, Brian - BI
Certification ID: 8590
Current certifications- PI
Committee Recommendation: Request additional information on specific commercial structural experience, or applicant may be approved as BI trainee with sponsor, supervisor documents.

Horvath, Louis - BI, PI
Certification ID: 9335
Current Certifications: None
Committee Recommendation: Request additional information on plumbing installation experience and commercial structural experience.

New Business

None this month

Old Business

Certification rules: updated committee on feedback, discussion of timing of effective date, outreach activities.

File Attachments for Item:

CR-2 Education Committee Report



BOARD OF BUILDING STANDARDS

EDUCATION COMMITTEE MEETING REPORT

The Education Committee met on March 21st, 2024 at 10:00 AM in the BBS Library, 6606 Tussing Road, with the following members present: Mr. McCafferty, Mr. Stanbery, Mr. Barney, Ms. Cromwell, Mr. Tyler, and Mayor Ward. Board Chairman Timothy Galvin was also present.

Also present at the meeting were board staff Megan Foley and Rob Johnson. Charles Huber attended the meeting virtually to observe,

The Committee makes the following recommendations, included in the March 22nd, 2024 Board Packet at Tab CR-2, for the Board's consideration.

Courses approved with modification or special circumstances, or denied, as stated.

The Basics of Fireblocking (Code Consultation and Plan Review Services)
All certifications (1 hour)
Committee Recommendation: Administrative approval ratified.

Appliances (2023 NEC) (Independent Electrical Contractors of Greater Cincinnati)
All certifications (4 hours)
ESIAC Recommendations: All recommended approval, but one recommended 2 hours credit and one recommended 3 hours credit, and one recommended approval as is.
Committee Recommendation: Course approved for 2 hours continuing education credit.

Box Fill (2023 NEC) (Independent Electrical Contractors of Greater Cincinnati)
All certifications (4 hours)
ESIAC Recommendations: All recommended approval, but one recommended 2 hours credit and one recommended 3 hours credit, and one recommended approval as is.
Committee Recommendation: Course approved for 3 hours continuing education credit.

Conductor Types, Ampacities, and Correction Factors (2023 NEC) (Independent Electrical Contractors of Greater Cincinnati)
All certifications (4 hours)
Staff Notes:
ESIAC Recommendations: All recommended approval, but one recommended 2 hours credit and one recommended three hours credit, and one recommended approval as is.
Committee Recommendation: Course approved for 3 hours continuing education credit.

Voltage Drop (2023 NEC) (Independent Electrical Contractors of Greater Cincinnati)

All certifications (4 hours)

ESIAC Recommendations: All recommended approval, but one recommended 2 hours credit and one recommended 3 hours credit, and one recommended approval as is.

Committee Recommendation: Course approved for 2 hours continuing education credit.

Air Sampling Smoke Detection (Edwards/Kidde)

All certifications (4 hours)

Committee Recommendation: References are to UL 268 7th Edition (2018). The 2024 OBC referenced standard is UL 268 6th Edition (amendments through 2016). This course does not reflect current Ohio referenced standards, course not recommended for approval.

Fire Alarm Design (IEC of Greater Cincinnati)

All certifications (12 hours)

Committee Recommendation: Course references 2018 IBC, current 2024 OBC is based on the 2021 IBC. Recommend changes to reflect current code, course to be administratively approved upon receipt.

Modification to Existing Systems (SWOBOA)

All certifications (1 hour)

Committee Recommendation: Course based on 2025 NFPA 13, not an adopted referenced standard in Ohio, and instruction is based on the differences between NFPA 13 (2022) and NFPA13 (2025) Since this is not based on current code, approval not recommended.

Courses approved without modification:

2024 Code Consistency Symposium (Molnar)(Five-Counties Building Officials Association)

All certifications (2 hours)

Emergency Responder Radio Communication Systems Explained (Edwards/Kidde)

All certifications (2 hours)

Practical NEC 2023 Training (Pool LLC)

All certifications (10 hours)

2024 Ohio Building Code (HalfMoon Education)

All certifications (7 hours)

Acceptance Testing for Water-Based Fire Protection Systems (SWOBOA)
All certifications (3 hours)

Significant Changes NFPA 13 2016-2022 (SWOBOA)
All certifications (2 hours)

Dwelling Circuit Requirements (2023 NEC) (Independent Electrical Contractors of Greater Cincinnati)
All certifications (4 hours)

Grounding and Bonding (2023 NEC) (Independent Electrical Contractors of Greater Cincinnati)
All certifications (4 hours)

File Attachments for Item:

CR-3 Code Committee Report



CODE COMMITTEE RECOMMENDATIONS

The Code Committee met on March 21, 2024 with the following members present: Ms. Cromwell, Mr. Denk, Mr. Johnson, Mr. Miller, Mr. Pavlis, Mr. Stanbery, and Mr. Tyler. Board Chairman, Mr. Galvin, was also present.

The committee report is included in the March 22, 2024 Board Meeting Packet at tab CR-3 for the Board's consideration.

March 21, 2024 Code Committee Meeting

Call to Order

The meeting was called to order by Mr. Denk at 1:10 P.M.

Approval of Minutes

Mr. Stanbery moved to approve the minutes of the Code Committee meeting held on February 22, 2024. Mr. Tyler seconded. The motion passed unanimously.

Petitions

No items for consideration

Recommendations of the Residential Construction Advisory Committee

No items for consideration

Old Business

City of Union Determination of Conflict

Mr. Miller summarized the City of Union's position on the local ordinance 1312.03(e) that has been in place since December 12, 2022, and prohibits concrete masonry unit (CMU) foundations for most new residential building construction. Mr. Miller moved that the ordinance is in direct conflict with the Residential Code of Ohio (RCO) and that it is not necessary to protect the health and safety of the public, is not economically reasonable and has an unwarranted negative impact on the building owner. Mr. Johnson seconded. After committee discussion, the motion passed unanimously.

Proposed Code Change – OBC Section 907.5.2.2.3

Remains tabled.

Use of Glass Fiber Reinforced Polymer (GFRP) in structural concrete

Ms. Cromwell shared that she has talked with professionals that have used the product, with rebar suppliers, with contractors, with engineers, and with academia involved in FRP research, but has not been able to talk to a couple of key folks yet. She would like to talk

with ACI 440.11 committee members as she thought that ACI was proposing additional changes to the IBC language. She is leaning toward allowing it as optional with limitations as previously drafted and as published in the 2024 IBC. She and other engineers are hesitant to specify it because of the lack of ductility, lack of flexibility during installation, the inability to shape it on the job site, and the forced increase in size of the members. She believes that she will have her research complete by the April meeting, but she will contact staff when she has finished researching and is ready for us to invite ACI to the Code Committee meeting for additional discussion. No action was taken.

New Business

RCO Chapter 34 (Electrical) Update

Ms. Hanshaw explained to the committee that we withdrew a recently filed RCO rule that inadvertently omitted an intended Ohio change that exempts sump pumps from GFCI protection. The proposed fix is scheduled to go into effect on April 15th along with the proposed update to the 2023 National Electrical Code. No action was taken.

Adjourn

Mr. Miller moved to adjourn at 2:20 P.M. Mr. Johnson seconded. The motion passed unanimously.

File Attachments for Item:

AB-1 QAI Laboratories, Medley, FL - Testing Laboratory & QAI Laboratories, Nokomis, FL - Testing Laboratory

Revised: 3/14/2024

UPDATE STATUS OF CONFORMITY ASSESSMENT BODIES

RECOGNITION RECOMMENDED
HOLD - PENDING REVIEW
REMOVED
2023 Update completed



CONFORMITY ASSESSMENT BODY TYPE

Log number	July 1, 2023 Tri Annual Renewal completion Date	Company/Location	Contact Name/Title Phone Number/Email	Received Date	Certificate and scope of Recognized accreditation submitted?	Scanned/FILED	Recommend Recognition?	Board Meeting recognition date	Recognition Letter sent date	CONFORMITY ASSESSMENT BODY TYPE									
										Testing Laboratory	Product Certification Body / Evaluation Services	Product Certification Body / Listing Agency	Inspection Body	Field Evaluation body	Fabricator Inspection Program/Agency	Special Inspection Agency	Calibration Laboratory	Industry Trade Association	
116	NEW	QAI Laboratories Ltd. 1060 Endeavor Court Nokomis FL 34275	Jarred Johnson ASQ-CQA Corporate Quality Mgr 918-437-8333 jjohnson@qai.org	3/6/2024	IAS	Y	Y	3/22/2024		X									
115	NEW	QAI Laboratories Inc. 8148 NW 74th Ave, Medley, FL 91730	Jarred Johnson ASQ-CQA Corporate Quality Mgr 918-437-8333 jjohnson@qai.org	3/6/2024	IAS	Y	Y	3/22/2024		X									

File Attachments for Item:

RE-1 March Building Department Report

Building Department Support and Oversight

March 2024 Department Visit Status Report

Board Staff conduct building department visits to engage building officials in discussion regarding the administration of their departments and to obtain feedback for the Board. Specifically, Board Staff inquire on the status of plan review and inspection turnaround times, protocols, policies and processes of the department, software systems used, current and projected activity, department funding and fees, relationships with fire departments, administration and elected officials, the issuance of plan approvals, adjudication orders, certificates of occupancy, and appeals.

The following Building departments were visited since the last Board update:

Kettering
Lyndhurst

Pickerington
Miamisburg

Pepper Pike

Administrative and enforcement activity has remained strong. With the continued upgrading of software/computer systems, more departments are implementing 100% digital submissions. If submitted, paper submissions are scanned for the plan examiners, ensuring documents can be accepted in any format. Some building departments are allowing fire to access to their software for plan review recommendations electronically, saving time in the approval process.

There is a concern regarding the lack of certified inspectors to fill vacant positions. Departments are looking at alternative solutions to address this issue, such as, adjusting pay scales, implementing in house training, and joining forces with surrounding building departments.

An inquiry was made as to the possibility of adding a plan review class for continuing education purposes as well as other topics of technical chapters from the RCO. Other ideas include the introduction of classes for the builder/contractor industry to learn and understand the requirements for submitting plans that comply with the residential codes. A suggestion was made to add a 2-year program for inspectors. First year completed at a community college, with the 2nd year providing hands on training with a certified department.

Officials appreciate the access to the new electronic subscription through ICC. High praise has been given for the training available on the BS website.

Building officials visited express appreciation for the discussions as it allows them to ask questions of Board staff and to establish rapport.

File Attachments for Item:

OB-1 Action on Amendments Group 101 (2019 RCO Amendments) - Resubmit final file of corrected rule 4101:8-34-01 and rule 4101:8-44-01 upon expiration of JCARR jurisdiction

4101:8-34-01 Electrical.

[Comment: When a reference is made within this rule to a federal statutory provision, an industry consensus standard, or any other technical publication, the specific date and title of the publication as well as the name and address of the promulgating agency are listed in rule 4101:8-44-01 of the Administrative Code. The application of the referenced standards shall be limited and as prescribed in section 102.5 of rule 4101:8-1-01 of the Administrative Code.]

**SECTION 3401
ELECTRICAL**

3401.1 Electrical. *The provisions of the National Electrical Code, NFPA 70, shall be incorporated herein and shall govern the installation, testing and operation of the electrical systems of one-, two- and three-family dwellings and their accessory structures ~~except for the following:~~ including the amendments (1) through (8) listed below.*

For the purposes of this Chapter, any reference in NFPA 70 to “one- and two-family dwellings” will include “one-, two- and three-family dwellings.” Where the NFPA 70 requirement identifies a one-family dwelling or a two-family dwelling, a three-family dwelling is regulated as a “multi-family dwelling” (i.e. Section 210.52(E)(1)).

1. Modify Section 210.8(A) to read:

(A) Dwelling units. *All 125-volt, single phase, 15- and 20-ampere receptacles installed in locations specified in 210.8(A)(1) through (A)(12) are to have ground-fault circuit-interrupter protection for personnel.*

~~2.~~ Modify Section 210.8(A)(2) shall be modified to read:

(2) *Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use ~~except for the receptacle located to serve a garage door opener when the device is a single receptacle and located in the ceiling.~~*

~~3.~~ Add Exception (5) under Section 210.8(A)(5) shall be modified to read:

~~Unfinished portions or areas of the basement not intended as habitable rooms.~~

~~Exceptions:~~

- ~~1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit interrupter protection.~~
- ~~2. Exception No 5: A single receptacle located to serve a sump pump shall not be required to have ground-fault circuit-interrupter protection when there is a duplex receptacle with ground-fault circuit-interrupter protection within six (6) feet of the sump pump.~~

~~3. **Section 210.8(D) shall be deleted.**~~

4. Modify Section 210.8(F) to read:

(F) Outdoor Outlets. All outdoor outlets for dwellings, other than those covered in 210.8(A), Exception No. 1, garages with floor level at or below grade, accessory buildings and boathouses, where the outlets are supplied by single-phase branch circuits rated 150 volts or less to ground, and 50 amperes or less, are to be provided with ground-fault circuit-interrupter protection for personnel.

If equipment supplied by an outlet covered under the requirements of this section is replaced, the outlet is to be supplied with GFCI protection.

Exception No. 1: GFCI protection is not required on lighting outlets other than those covered in 210.8(C)

Exception No. 2: GFCI protection is not required for listed HVAC equipment.

~~4. **Section 210.12(A) shall be modified to read:**~~

~~All 120 volt single phase, 15 and 20 ampere branch circuits supplying outlets or devices installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sun rooms, recreational rooms, closets, hallways, laundry rooms, or similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6):~~

- ~~(1) A listed combination type arc fault circuit interrupter, installed to provide protection of the entire branch circuit.~~
- ~~(2) A listed branch/feeder type AFCI installed at the origin of the branch circuit in combination with a listed outlet branch circuit type arc fault circuit interrupter installed at the first outlet box on the branch circuit.~~

The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

- (3) ~~A listed supplemental arc protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch circuit type arc fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - a. ~~The branch circuit wiring shall be continuous from the branch circuit overcurrent device to the outlet branch circuit arc fault circuit interrupter.~~
 - b. ~~The maximum length of the branch circuit wiring from the branch circuit overcurrent device to the first outlet shall not exceed 15.2 m (50 ft.) for a 14 AWG conductor or 21.3 m (70 ft.) for a 12 AWG conductor.~~
 - c. ~~The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.~~~~
- (4) ~~A listed outlet branch circuit type arc fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch circuit overcurrent protective device where all of the following conditions are met:
 - a. ~~The branch circuit wiring shall be continuous from the branch circuit overcurrent device to the outlet branch circuit arc fault circuit interrupter.~~
 - b. ~~The maximum length of the branch circuit wiring from the branch circuit overcurrent device to the first outlet shall not exceed 15.2 m (50 ft.) for a 14 AWG conductor or 21.3 m (70 ft.) for a 12 AWG conductor.~~
 - c. ~~The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.~~
 - d. ~~The combination of the branch circuit overcurrent device and outlet branch circuit AFCI shall be identified as meeting the requirements for a system combination type AFCI and shall be listed as such.~~~~
- (5) ~~If RMC, IMC, EMT, Type MC, or steel armored Type AC cables meeting the requirements of 250.118, metal wireways, metal auxiliary gutters, and metal outlet and junction boxes are installed for the portion of the branch circuit between the branch circuit overcurrent device and the first outlet, it shall be permitted to install a listed outlet branch circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.~~
- (6) ~~Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 50 mm (2 in.) of concrete for the portion of the branch circuit between the branch circuit overcurrent device and the~~

first outlet, it shall be permitted to install a listed outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch-circuit.

~~Exception No. 1: Where an individual branch-circuit to a fire alarm system installed in accordance with 760.41(B) or 760.121(B) is installed in RMC, IMC, EMT, or steel-sheathed cable, Type AC or Type MC, meeting the requirements of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.~~

~~Exception No. 2: Branch circuits supplying receptacle outlets installed to serve only the kitchen countertop surfaces shall be permitted to be installed without arc-fault circuit interrupter protection.~~

~~5. **Section 210.64 shall be modified to read:**~~

~~At least one 125-volt, single-phase, 15- or 20-ampere-rated receptacle outlet shall be installed in an accessible location within 7.5m (25 ft.) of the indoor electrical service equipment. The required receptacle outlet shall be located within the same room or area as the service equipment.~~

~~Exception No. 1: The receptacle outlet shall not be required to be installed in one-, two-, or three-family dwellings.~~

~~Exception No. 2: Where the service voltage is greater than 120 volts to ground, a receptacle outlet shall not be required for services dedicated to equipment covered in Articles 675 and 682.~~

5. Modify Section 215.18(A) to read:

(A) Surge-Protection Device. *Where provided as part of feeder supplies for the dwelling or dwelling unit, a surge-protection device (SPD) is to be installed in accordance with this section.*

6. Modify 225.42(A) to read:

(A) Surge-Protection Device. *Where provided as part of feeder supplies for the dwelling or dwelling unit, a surge-protection device (SPD) is to be installed in accordance with this section.*

7. Modify Section 230.67(A) to read:

a. Surge-Protection Device. *Where provided as part of the service supplying the dwelling or dwelling unit, surge-protection devices (SPD) are to be installed in accordance with this section.*

8. Delete Item (6) Sump Pumps under Section 422.5.

**SECTION 3402
EMERGENCY AND STANDBY POWER SYSTEMS**

3402.1 Installation. *Emergency and standby power systems shall be installed in accordance with this code and NFPA 70. The performance, classification, transfer, testing, and maintenance of emergency and standby power systems shall also comply with either NFPA 110 (liquid- and gas- fueled systems) or NFPA 111 (battery and inertia systems), as applicable.*

3402.1.1 Stationary generators. *Stationary emergency and standby power generator assemblies shall be listed in accordance with UL 2200.*

3402.1.1.1 Engine-driven generators. *The installation of liquid- and gas- fueled stationary internal combustion engines and gas turbines used to drive generator assemblies shall meet the requirements of NFPA 37.*

3402.1.1.1.1 Fuel tanks connected to generator assemblies. *Fuel tanks piped to and supplying fuel for engine-driven generator assemblies may be engine-mounted, located inside of a building, outside of a building, or on a roof in accordance with NFPA 37 or NFPA 30.*

3402.1.1.1.1.1 Engine-mounted tanks. *Engine-mounted tanks located outdoors may be located in accordance with Section 4.1.4 of NFPA 37 and shall be vented in accordance with NFPA 30. Engine-mounted tanks shall be provided with adequate clearance to enable filling, maintenance, and testing, shall be safeguarded against public access, and shall be protected from impact.*

3402.1.1.1.1.2 Other fuel tanks. *Fuel tanks, other than engine- mounted tanks, piped to and supplying the generator engine shall be located, installed, and vented in accordance with the applicable sections of NFPA 37 or located, installed, and vented in accordance with NFPA 30.*

3402.1.1.1.2 Gaseous fuel supply. *Where an internal combustion engine supplied with gaseous fuel powers emergency or standby generators, the fuel gas storage and piping system shall comply with NFPA 37 and Chapter 24.*

File Attachments for Item:

NB-1 City of Union Determination of Conflict



March 22, 2024

John Applegate
City Manager
City of Union
118 North Main Street
Union, OH 45322

Dear Mr. Applegate:

At its meeting on March 22, 2024, the Board of Building Standards (Board), upon receiving recommendations from both the Residential Construction Advisory Committee (RCAC) and the Board of Building Standards Code Committee (Code Committee), made the following findings concerning portions of the City of Union (City) Building Code as promulgated by the Codified Ordinances of the City of Union, Part Thirteen:

§ 1312.03(e) – Conflict. This section of the Codified Ordinances of the City of Union (Code), enacted on December 12, 2022 with the passage of Ordinance Number 1762 (Ordinance), limits foundations for new One, Two, and Three Family Dwelling homes to only poured-in-place concrete foundations and pre-cast foundations under limited unspecified conditions, and concrete masonry foundations for additions and alterations only if the existing structure's foundation is already concrete masonry. The Residential Code of Ohio (RCO) permits the following methods/materials for foundation walls and foundation footings: wood foundations (§ 402.1), concrete (§ 402.2), precast concrete (§ 402.3), masonry (§ 402.4), and rubble stone masonry (§ 404.1.8), and wood, concrete, crushed stone footings and other approved structural systems (§ 403.1).

City Manager John Applegate, Law Director Joseph Moore and Residential Building Official Andrew Switzer attended the November 8, 2023, RCAC meeting virtually. During the November 8th meeting, City representatives explained that the purpose of Ordinance Number 1762 is to address the foundation deterioration identified within the City in homes constructed prior to 1980's so as not to burden homeowners with costly maintenance in the future. However, in response to questions posed by the RCAC, City representatives indicated that there were no unique soil conditions present within the City to warrant the limitation and the deterioration appears to exist only in older homes constructed prior to the adoption of modern code requirements that include reinforcement. At the conclusion of discussion, the RCAC recommended to the Board that the Code § 1312.03(e) directly conflicts with the RCO and is not necessary to protect the health and safety of the public.

City Manager John Applegate, Law Director Joseph Moore, and Residential Building Official Andrew Switzer then attended the February 22, 2024 Code Committee Meeting where the recommendation of the RCAC was considered. During the February 22nd meeting, City representatives again explained the purpose of the Ordinance is to prevent deterioration and future blight but did not present any additional information regarding conditions unique to the City to warrant the limitation. Mr. Moore entered into the record an affidavit of Mr. Balsbaugh,

Ordinance No. 1762, December 12, 2022 City of Union Council Minutes, and the February 22, 2023 testimony of Mr. Moore and Mr. Applegate. On March 21, 2024, following review of the information presented at both the November 8, 2023 RCAC Meeting and the February 22, 2024 Code Committee Meeting, the Code Committee accepted the recommendations of the RCAC and determined that the Ordinance is in conflict with the RCO and is not necessary to protect the health and safety of the public, is not economically reasonable, and has an unwarranted negative financial impact on residential property owners in the City.

On March 22, 2024, the Code Committee in its Committee Report to the Board recommended the Board find that the Ordinance directly conflicts with the RCO for the reasons described herein.

Following its review and deliberation of the Code Committee's recommendation, the Board now finds that the RCO contains technical requirements addressing the same subject matter addressed in the Code § 1312.03(e), as outlined above. RCO requirements differ from and conflict with the requirements found in the Ordinance. The Board also determined that the Ordinance is not necessary to protect the health and safety of the public, is not economically reasonable, and has an unwarranted negative financial impact on an owner.

As such, the provisions of the Ordinance conflict with the intent of the legislature to create a residential code for Ohio that, pursuant to Revised Code § 3781.10, establishes uniform requirements for the erection, construction, repair, alteration, and maintenance of residential buildings, including construction of industrialized units, and relate to the conservation of energy, safety, and sanitation of buildings for their intended use and occupancy.

As required in Section 3781.01 of the Revised Code, the Board of Building Standards hereby notifies the City of Union that the above sections of the City of Union Building Code must then be deemed invalid and may not be enforced.

We appreciate your cooperation in this matter. If you have any questions, please contact me at (614) 644-2613.

Sincerely,



Regina S. Hanshaw, Executive Secretary
Ohio Board of Building Standards

Cc: Andrew Switzer, Residential Building Official
Joseph Moore, Law Director
Tim Shellabarger
File

From: [Cassie Shellabarger](#)
To: [BBS, BBSOfficeAsst3](#)
Cc: [Tim Shellabarger](#)
Subject: Determination of Conflict
Date: Monday, June 26, 2023 3:13:50 PM
Attachments: [Union Local Provisions.pdf](#)
[Ohio Revised Code.pdf](#)

To whom it may concern,

We believe Section 1312.03 item (e) of the local provisions stating “**New buildings are to be constructed with poured-in-place concrete foundations. Existing buildings may have additions with foundations constructed using concrete block, CMU, if, and only if, the main building foundation is also constructed using CMU.** Pre-cast poured concrete foundations may be approved on a case-by-case basis after examination by the Zoning Administrator. Accessory buildings less than 144 sqft in area are exempt from the poured in place concrete requirements” (attached) conflicts with the RCO section 404.1.2.1 and 404.1.3 (attached).

We believe that the local provisions are opinion based and do not follow the RCO.

- a contact name: Tim Shellabarger
- what local governing authority’s regulations are being represented: Union, Oh
- a mailing address: 7824 Alternate State Route 49, Arcanum, Oh 45304
- E-mail address if available: timshellabarger@arconbuilders.com
- a daytime phone number: 937-692-6330

Appreciated,

Cassie Shellabarger

cassie@arconbuilders.com

accounts@arconbuilders.com



7824 Alt. St. Rt. 49

Arcanum, OH 45304

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CHAPTER 1312

Local Provisions

- 1312.01 Storage sheds.
- 1312.02 Patios.
- 1312.03 Requirements for new one, two, and three-family dwelling homes.
- 1312.04 Portable storage containers.
- 1312.99 Penalty.

1312.01 STORAGE SHEDS.

- (a) The maximum dimension of storage sheds shall not exceed twelve feet by twelve feet, with a total height of no more than twelve feet and no more height than eight feet to eaves soffit from concrete floor.
- (b) All storage sheds must be installed on a four-inch slab, and anchored with concrete anchoring devices.
- (c) In lieu of concrete slab, pilasters may be used consisting of concrete or treated lumber for ground contact as approved by the Building Inspector. Pilasters shall be a minimum of eight inches in diameter and eighteen inches in depth. In addition, a wooden structure shall be seven inches above grade if built of untreated lumber, to prevent rotting and wood boring insects; if metal, two to three inches off ground to prevent rusting.
- (d) No storage shed shall be placed closer than ten feet to main structure, or within six feet of any property line, or on any easements; and no storage shed shall be installed closer to the street than the building setback line.
- (e) No plumbing shall be installed in storage sheds.
- (f) Materials and construction of storage sheds must be of acceptable quality. This must be determined by the Building Inspector when application for building permit is submitted.
- (g) Pre-fabricated kit building, less than 144 square feet in area, will usually not be judged for structural soundness if produced and sold by a reputable manufacturer and if no history of problems or serious defects are known to the Building Inspector. In such cases, the owner should check the warranties.

(Ord. 1384, Passed 1-23-06.)

1312.02 PATIOS.

- All patios must be of four-inch concrete on four inches of gravel.
- (Ord. 1092, Passed 5-12-97.)

1312.03 REQUIREMENTS FOR NEW ONE, TWO, AND THREE-FAMILY DWELLING HOMES.

- (a) Minimum two car garage.
 - (b) All driveways and sidewalks must be concrete in approved subdivision plats.
 - (c) Sod is required in the front yard, side yard, and fifteen feet in the rear yard for any dwelling when there is less than a seventy-five foot setback. Sod or hydroseed is required in the front yard, side yard and fifteen feet in the rear yard for any dwelling that has more than a seventy-five foot setback.
 - (d) Overhangs are required on all new houses.
 - (e) New buildings are to be constructed with poured-in-place concrete foundations. Existing buildings may have additions with foundations constructed using concrete block, CMU (concrete masonry units) if, and only if, the main building foundation is also constructed using CMU. Pre-cast poured concrete foundations may be approved on a case-by-case basis after examination by the Zoning Administrator. Accessory buildings less than 144 sq. ft. in area are exempt from this poured-in-place concrete requirement.
 - (f) New buildings and additions thereto are to be constructed with plywood or oriented strand-board exterior wall sheathing. Accessory buildings less than 144 sq. ft. in area are exempt from this requirement.
- (Ord. 1762, Passed 12-12-22; Ord. 1763, Passed 12-12-22.)

403.4.2 Concrete footings. Concrete footings shall be installed in accordance with Section 403.1 and Figure 403.4(2).

403.5 Exterior deck footings. See Section 507 for exterior deck foundation requirements.

**SECTION 404
FOUNDATION AND RETAINING WALLS**

404.1 Concrete and masonry foundation walls. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section 404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section 404.1.2.

404.1.1 Design required. Concrete or masonry foundation walls shall be designed in accordance with accepted engineering practice where either of the following conditions exists:

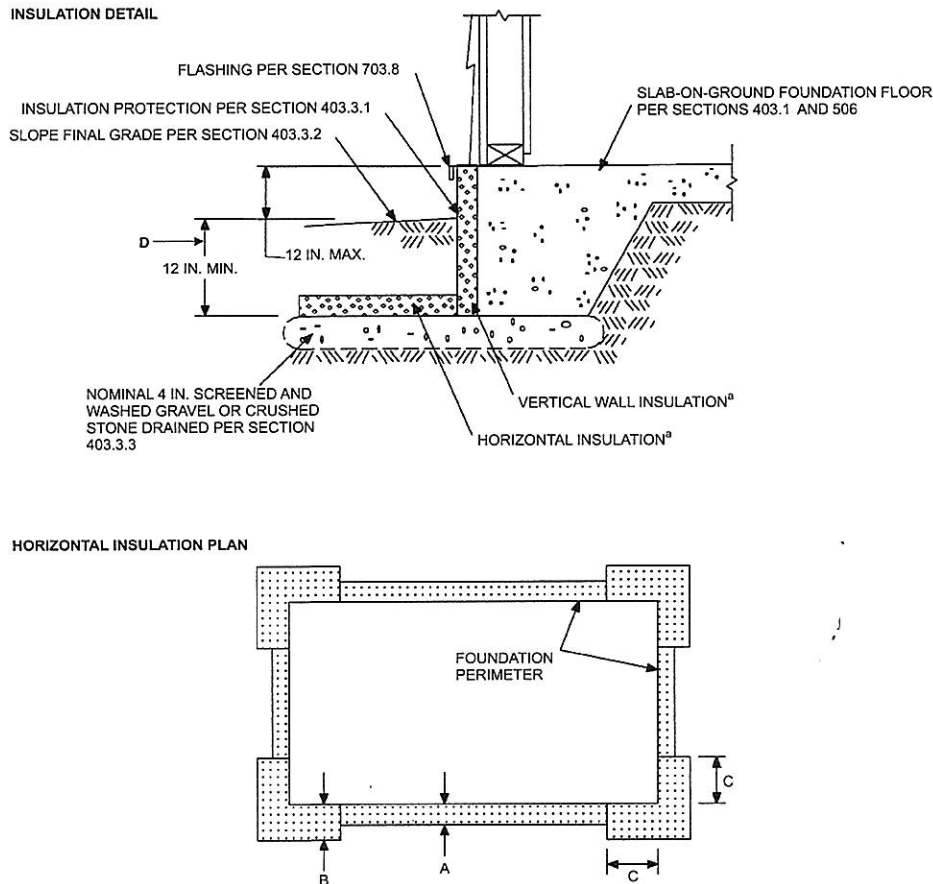
1. Walls are subject to hydrostatic pressure from ground water.

2. Walls supporting more than 48 inches (1219 mm) of unbalanced backfill that do not have permanent lateral support at the top or bottom.

404.1.2 Design of masonry foundation walls. Masonry foundation walls shall be designed and constructed in accordance with the provisions of this section or in accordance with the provisions of TMS 402.

404.1.2.1 Masonry foundation walls. Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Table 404.1.1(1), 404.1.1(2), 404.1.1(3) or 404.1.1(4) and shall comply with applicable provisions of Section 606. Rubble stone masonry foundation walls shall be constructed in accordance with Sections 404.1.8 and 606.4.2.

404.1.3 Concrete foundation walls. Concrete foundation walls that support light-frame walls shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete walls that are within the applicability limits of Section 608.2 shall be designed and constructed in accordance with the provisions of this section, ACI 318, ACI 332 or PCA 100. Concrete foundation walls that support above-grade concrete



For SI: 1 inch = 25.4 mm.

a. See Table 403.3(1) for required dimensions and R-values for vertical and horizontal insulation and minimum footing depth.

**FIGURE 403.3(1)
INSULATION PLACEMENT FOR FROST-PROTECTED FOOTINGS IN HEATED BUILDINGS**

**TABLE 404.1.1(1)
PLAIN MASONRY FOUNDATION WALLS^f**

MAXIMUM WALL HEIGHT (feet)	MAXIMUM UNBALANCED BACKFILL HEIGHT ^c (feet)	PLAIN MASONRY ^a MINIMUM NOMINAL WALL THICKNESS (inches)		
		Soil classes ^b		
		GW, GP, SW and SP	GM, GC, SM, SM-SC and ML	SC, MH, ML-CL and inorganic CL
5	4	6 solid ^d or 8	6 solid ^d or 8	6 solid ^d or 8
	5	6 solid ^d or 8	8	10
6	4	6 solid ^d or 8	6 solid ^d or 8	6 solid ^d or 8
	5	6 solid ^d or 8	8	10
	6	8	10	12
7	4	6 solid ^d or 8	8	8
	5	6 solid ^d or 8	10	10
	6	10	12	10 solid ^d
	7	12	10 solid ^d	12 solid ^d
8	4	6 solid ^d or 8	6 solid ^d or 8	8
	5	6 solid ^d or 8	10	12
	6	10	12	12 solid ^d
	7	12	12 solid ^d	Footnote e
	8	10 grout ^d	12 grout ^d	Footnote e
9	4	6 grout ^d or 8 solid ^d or 12	6 grout ^d or 8 solid ^d	8 grout ^d or 10 solid ^d
	5	6 grout ^d or 10 solid ^d	8 grout ^d or 12 solid ^d	8 grout ^d
	6	8 grout ^d or 12 solid ^d	10 grout ^d	10 grout ^d
	7	10 grout ^d	10 grout ^d	12 grout
	8	10 grout ^d	12 grout	Footnote e
	9	12 grout	Footnote e	Footnote e

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square inch = 6.895 Pa.

- a. Mortar shall be Type M or S and masonry shall be laid in running bond. Ungrouted hollow masonry units are permitted except where otherwise indicated.
- b. Soil classes are in accordance with the Unified Soil Classification System. Refer to Table 405.1.
- c. Unbalanced backfill height is the difference in height between the exterior finish ground level and the lower of the top of the concrete footing that supports the foundation wall or the interior finish ground level. Where an interior concrete slab-on-grade is provided and is in contact with the interior surface of the foundation wall, measurement of the unbalanced backfill height from the exterior finish ground level to the top of the interior concrete slab is permitted.
- d. Solid indicates solid masonry unit; grout indicates grouted hollow units.
- e. Wall construction shall be in accordance with either Table 404.1.1(2), Table 404.1.1(3), Table 404.1.1(4), or a design shall be provided.
- f. The use of this table shall be prohibited for soil classifications not shown.

* 4-5 BLOCK HIGH 8" CMU w/ SOLID L-BLOCK @ TOP ROW OR FHA CAP

* MASONRY 8" CMU WALL CURRENTLY USED AT UNION LOCATION

CITY OF UNION

Good afternoon. My name is John Applegate, City Manager for the City of Union. At this time, I would like to thank the Board of Building Standards for the opportunity to be here today. I would like to talk about some of the things our City Council has passed over the years to keep residential property to a certain standard and to enhance how its street scape looks. Let's start with

CHAPTER 1311 Residential Code of Ohio in our City Code Book (Ord. 1697. Passed 7-8-19)

1311.01 ADOPTION (Ord. 1697. Passed 7-8-19)

- (A) Pursuant to Section 2.13 of the City Charter and Ohio R.C. 731.231, there is hereby adopted by the Municipality, the 2019 Residential Code of Ohio, for one, two, and three family dwellings. Said 2019 Residential Code of Ohio is hereby adopted by the City of Union and incorporated by reference herein.
- (B) The purpose of this code is to provide minimum standard for the protection of life, limb, health, property and environment and for the safety and welfare of the consumer, general public and the owners and occupants of residential buildings regulated by this code.
- (C) A complete copy of this code on file with Clerk of Council, the Building Official and the Montgomery County Law Library
(Ord. 1697. Passed 7-8-19.)

1312.01 STORAGE SHEDS. (Ord. 1384. Passed 1-23-06)

- Max 12' x 12' x 11' no more than 8' from floor to soffit /eaves
- 4" concrete slab and anchored with concrete anchoring devices
- 10' from structure; 6' from property line or easement
- No plumbing
(Ord. 375. Passed 9-22-75)

- Or optional pilasters made of concrete or treated lumber 8” diameter; 18” deep. (Ord. 719. Passed 6-10-85)
- Max height 12’ (Ord. 1384. Passed 1-23-06)

1312.02 PATIOS. (Ord. 375. Passed 9-22-75)

- All patios must be of four-inch concrete on four inches of gravel. (Ord. 375. Passed 9-22-75)
- Patios larger than 6’x 8’ next to main structures require a footer/foundation
- All flat work (including sidewalks) must be inspected on residential property

1312.03 REQUIREMENTS FOR NEW ONE, TWO, AND THREE-FAMILY DWELLING HOMES. (Ord. 1092. Passed 5-12-97)

- Minimum two car garage. (Ord. 1092. Passed 5-12-97)
- Concrete driveways and sidewalks. (Ord. 1092. Passed 5-12-97)
- Sod is required in the front yard, side yard, and fifteen feet in the rear yard. (Ord. 1092. Passed 5-12-97)
- Overhangs are required. (Ord. 1092. Passed 5-12-97)
- poured-in-place concrete foundations. Existing additions with foundations constructed using concrete block, CMU (concrete masonry units) if, the main foundation is also constructed using CMU. (Ord. 1762. Passed 12-12-22)
- constructed with plywood or oriented strand-board exterior wall sheathing. Accessory buildings less than 144 sq. ft. in area are exempt from this requirement. (Ord. 1763. Passed 12-12-22.)
- Requiring sheeting for 25 years

1312.04 PORTABLE STORAGE CONTAINERS. (Ord. 1710. Passed 3-9-20.)

- PODS shall be located in driveways outside the right of way.
- No more than thirty (30) days
- \$50.00 permit fee
- issued no more than two times for any designated property 365 days. (Ord. 1710. Passed 3-9-20.)

1361.01 The Exterior Property Maintenance Code

(Ord. 703. Passed 2-11-85.)

1361.02 FINDINGS AND DECLARATION OF POLICY. (Ord. 703. Passed 2-11-85.)

- residential and nonresidential substandard properties, lack of maintenance, fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the residents and inhabitants of the City.
(Ord. 703. Passed 2-11-85.)

1361.03 PURPOSES. (Ord. 703. Passed 2-11-85.)

- to protect the public health, safety and welfare by establishing minimum standards (Ord. 703. Passed 2-11-85.)
- **1361.05 SCOPE.** (Ord. 703. Passed 2-11-85.)
- Every residential and nonresidential building shall comply with the provisions of this chapter, This chapter establishes minimum (Ord. 703. Passed 2-11-85.)

1381.01 PRE-SALE INSPECTION AND CERTIFICATE OF OCCUPANCY REQUIRED (Ord. 1381. Passed 1-23-06.)

- unlawful sell or transfer a property without pre-sale inspection
- Application
- Result of the inspection to be certificate of occupancy: Within fourteen (14) days after application was made for a pre-sale inspection, the code official shall have completed the inspection, compiled a list of any items to be brought into compliance with this chapter and applicable provisions of the Fire Code, Zoning Code, Property Maintenance Code and other ordinances of the City of Union and shall have issued a certificate of occupancy as described below. This period of time may be extended by the code official if a delay is caused by any matter beyond the reasonable control of the official.
- Certificate of Occupancy. valid for one year after its date or until sixty (60)
- A signed certificate of occupancy evidence that the premises complies with the requirements (Ord. 1381. Passed 1-23-06.)

1381.04 CERTIFICATE OF OCCUPANCY REQUIRED FOR NEW OWNER. (Ord. 1381. Passed 1-23-06.)

1381.05 DISCLOSURE OF VIOLATIONS TO NEW OWNER.
(Ord. 1381. Passed 1-23-06.)

As Mr. Moore has stated in his opening remarks, the City's goal is not only what's good for our residential housing today but also for the preservation and future stability of our residential housing stock. Being a small, primarily residential community, our housing stock and its residential homeowners are the backbone of the financial stability of our city. Items I've talked about today deal with what we have done so far to protect the public health, safety, and welfare of our city. By choosing better standards, it is the city's desire to prevent future conditions such as structural deterioration of its residential housing stock. Should this occur, it would constitute a menace to the health, safety and welfare and reasonable comfort of the City's inhabitants. Also, this could lead to progressive deterioration of residential properties creating blighted conditions that will necessitate, in time, the expenditure of public funds to correct and eliminate the same. We want our residential housing to stand the test of time.

For example, I live in a house that I purchased in 1968 that was built in 1901. The foundation and basement of that structure is poured concrete and it's still as structurally sound as when it was built.

In conclusion, requiring concrete foundations in building codes for residential structures offers numerous advantages in terms of structural integrity, durability, waterproofing, consistency, fire resistance, and long-term cost savings. It's my belief that concrete foundations offer consistency in quality and performance since they are typically constructed using standardized methods and materials. In contrast, block foundations may vary in quality depending on factors such as weather, workmanship, mortar strength, and block type, leading to potential inconsistencies and vulnerabilities in the foundation system. These benefits contribute to safer, more resilient, and higher-quality homes for occupants, making concrete foundations a preferred choice in many residential housing projects. That's why the city is always looking at ways to make a basic home better. The core of any house is the footer, foundation, and structural framing. These are key components of a house

that help it meet the test of time standard. We are not asking to change the residential code of Ohio but request that you allow us to choose poured foundations as our minimum requirement for foundations.

ORDINANCE 1697

Passed July 8, 2019

AN ORDINANCE AMENDING 1311.01 OF THE UNION CODE, ADOPTING THE 2019 RESIDENTIAL BUILDING CODE OF OHIO FOR ONE, TWO, AND THREE FAMILY DWELLINGS.

WHEREAS, the revised 2019 Residential Code of Ohio provides for a more efficient and effective enforcement of building standards throughout the City of Union, and;

WHEREAS, all of the certified building departments throughout Montgomery County, have indicated a desire to adopt and implement this revised 2019 Residential Code of Ohio, and;

WHEREAS, it is in the best interest of the City to adopt the 2019 Residential Code of Ohio originally adopted by Ordinance No. 1212, passed February 12, 2001 and amended by Ordinance 1341, passed November 22, 2004 and amended by Ordinance 1471, passed May 11, 2009 and amended by Ordinance 1547, passed November 13, 2012.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Union, Montgomery County, Ohio, the majority of all members elected thereto concurring, that;

SECTION I:

1311.01 ADOPTION

Pursuant to Section 2.13 of the City Charter and R.C. Section 731.231, there is hereby adopted by the Municipality, the 2019 Residential Code of Ohio, for one, two, and three family dwellings. Said 2019 Residential Code of Ohio is hereby adopted by the City of Union and incorporated by reference herein.

The purpose of this code is to provide minimum standard for the protection of life, limb, health, property, and environment and for the safety and welfare of the consumer, general public and the owners and occupants of residential buildings regulated by this code.

ORDINANCE 1697

Passed July 8, 2019

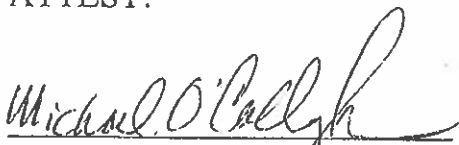
A complete copy of this code and the amendments thereto are on file with the Clerk of Council, the Building Official and the Montgomery County Law Library for inspection. The Clerk of Council shall maintain additional copies available for sale at cost.


SECTION II:

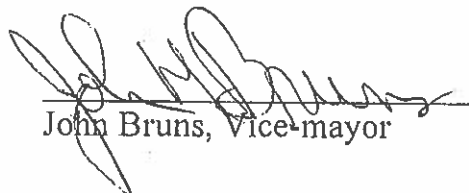
This Ordinance will take effect and be in force within thirty days.

PASSED THIS 8 DAY OF July, 2019.

ATTEST:


Michael O'Callaghan, Mayor


Denise A. Winemiller
Clerk of Council


John Bruns, Vice-mayor

ORDINANCE 1762

Passed 12/12/2022

AN ORDINANCE AMENDING CODE SECTION 1312.03, AS ENACTED BY ORDINANCE NO. 1547

WHEREAS, it is Council's desire to amend Section 1312.03 to govern the material used to construct commercial and residential building foundations; and

WHEREAS, the Council of the City of Union finds that the change and amendment to Section 1312.03 is necessary and desirable in order to prevent deterioration of building foundations which will enhance and protect the physical appearance of the City and reduce on-going maintenance costs to its residents; and

WHEREAS, the Council of the City of Union finds that the change and amendment is necessary and desirable for the orderly administration of said City and that Section 1312.03 be amended as set forth in this Ordinance.

NOW BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNION, STATE OF OHIO.

SECTION I:

That Section 1312.03 of the Codification of the City of Union be amended to read as follows: (with deletions lined out and additions underlined):

1312.03 REQUIREMENTS FOR NEW ONE, TWO, AND THREE-FAMILY DWELLING HOMES.

- (a) Minimum two car garage.
- (b) All driveways and sidewalks must be concrete in approved subdivision plats.
- (c) Sod is required in the front yard, side yard, and fifteen feet in the rear yard for any dwelling when there is less than a seventy-five foot setback. Sod or hydroseed is required in the front yard, side yard and fifteen feet in the rear yard for any dwelling that has more than a seventy-five foot setback.
- (d) Overhangs are required on all new houses.

(e) New buildings are to be constructed with poured-in-place concrete foundations. Existing buildings may have additions with foundations constructed using concrete block, CMU (concrete masonry units) if, and only if, the main building foundation is also constructed using CMU. Pre-cast poured concrete foundations may be approved on a case-by-case basis after examination by the zoning administrator. Accessory buildings less than 144 sq. ft. in area are exempt from this poured-in-place concrete requirement.


SECTION II:

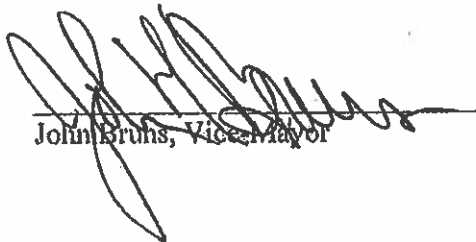
This Ordinance shall take effect and be in force from the earliest period allowed by law.

PASSED THIS 12 day of December, 2022

ATTEST:


Michael O'Callaghan, Mayor


Denise Winemiller,
Clerk of Council


John Bruhs, Vice Mayor

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

December 12, 2022

Mr. Bruns then moved that they have the one and only reading and adopt emergency Ordinance 1760. Mrs. Oberer seconded the motion. All concurred and emergency Ordinance 1760 was adopted.

5. ONE READING - ORDINANCE 1761 - AN ORDINANCE ESTABLISHING A REGULAR PAY TABLE, ASSIGNING PAY GRADES, STEPS/SALARIES AND MAXIMUM NUMBER OF FULL-TIME, REGULAR PART-TIME, PART TIME (SEASONAL) AND AUXILIARY POSITIONS WITHIN THE CITY OF UNION FOR 2023 AND DECLARING AN EMERGENCY.

Mr. Applegate stated that the payroll Ordinance for 2023 is declared an emergency so that the pay rates go in effect on January 1, 2023 and City staff recommends that council adopts this legislation.

Mr. Bruns moved that Ordinance 1761 be declared an emergency for the reasons set forth in the Ordinance. Mrs. Oberer seconded the motion. All concurred and Ordinance 1761 was declared an emergency.

Mr. Bruns then moved that they have the one and only reading and adopt emergency Ordinance 1761. Mrs. Oberer seconded the motion. All concurred and emergency Ordinance 1761 was adopted.

6. ONE READING - ORDINANCE - 1762 - AN ORDINANCE AMENDING CODE SECTION 1312.03, AS ENACTED BY ORDINANCE NO. 1547.

Mr. Applegate stated that the concrete block tends to be porous and can deteriorate. Foundations then begin to fail and front porches can start to crumble resulting in violations being issued. We feel this amendment to require concrete foundations needs to be incorporated into the code so it is in effect and gives the City

RECORD OF PROCEEDINGS

MEETING OF COUNCIL

December 12, 2022

authority to enforce the requirements with the builders. The Planning Commission reviewed and approved the new code to be presented to the Council for approval. Staff recommends Councils approval.

Mr. Bruns moved that they suspend the charter requirements of three separate readings on three separate days in regard to Ordinance 1762. Mrs. Oberer seconded the motion. All concurred and the motion was passed.

Mr. Bruns moved to have the one and only reading and adopt Ordinance 1762. Mrs. Oberer seconded the motion. All concurred and Ordinance 1762 was adopted.

7. ONE READING -- ORDINANCE 1763 -- AN ORDINANCE AMENDING CODE SECTION 1312.03, AS ENACTED BY ORDINANCE NO. 1547.

Mr. Applegate commented that this Ordinance will require new buildings and additions to be constructed with plywood or oriented strand-board wall sheathing. Some builders use Styrofoam or other thin materials for wall sheathing that either collapses or warps. It will provide better structure to install and finish siding. It can also prevent wind damage and save the homeowners future maintenance cost. We have had conversations with builders in town and they have agreed to comply. This is the standard that we have always expected but it was not in the code. This Ordinance will make it a requirement. Staff recommends councils approval.

Mr. Bruns moved that they suspend the charter requirements of three separate readings on three separate days in regard to Ordinance 1763. Mrs. Oberer seconded the motion. All concurred and the motion was passed.

Mr. Bruns moved to have the one and only reading and adopt Ordinance 1763. Mrs. Oberer seconded the motion. All concurred and Ordinance 1763 was adopted.

CHAPTER 1311
Residential Code of Ohio

1311.01 Adoption.

CROSS REFERENCES

Adoption of Codes - see CHTR. Sec. 2.13

Local provisions - see BLDG. Ch. 1312

1311.01 ADOPTION.

(a) Pursuant to Section 2.13 of the City Charter and Ohio R.C. 731.231, there is hereby adopted by the Municipality, the 2019 Residential Code of Ohio, for one, two, and three family dwellings. Said 2019 Residential Code of Ohio is hereby adopted by the City of Union and incorporated by reference herein.

(b) The purpose of this code is to provide minimum standard for the protection of life, limb, health, property and environment and for the safety and welfare of the consumer, general public and the owners and occupants of residential buildings regulated by this code.

(c) A complete copy of this code and the amendments thereto are on file with the Clerk of Council, the Building Official and the Montgomery County Law Library for inspection. The Clerk of Council shall maintain additional copies available for sale at cost.
(Ord. 1697. Passed 7-8-19.)

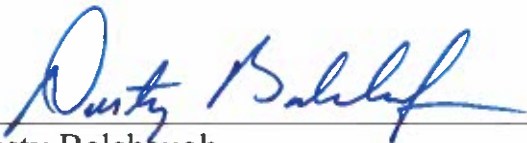
AFFIDAVIT

STATE OF OHIO
MONTGOMERY COUNTY, SS:

Dusty Balsbaugh, having been first duly sworn, deposed and says that:


1. I am an owner of Balsbaugh Excavating and Concrete;
2. The Company installs roads, concrete curbs, sidewalks and foundations in regard to the installation of a subdivision;
3. In the commercial and industrial area, the Company installs concrete in parking garage foundations, foundations for commercial buildings, and concrete work related to water and wastewater treatment facilities;
4. The Company is located in the City of Union and has done extensive work for the City of Union. Balsbaugh has also done work for private contractors and other governmental entities including as far North as Lima, East to Columbus, South to Cincinnati and West to Indianapolis;
5. It is my opinion that poured concrete is a better long-term product than block for the foundations of residential properties.

Further Affiant sayeth naught.



Dusty Balsbaugh

Sworn to before me in my presence by the said Dusty Balsbaugh, this 21st day of February, 2024. No oath or affirmation was administered to the signer with regard to the notarial act.



Notary Public

LISA J. ROBINSON, Notary Public
and for the State of Ohio
Commission Expires May 2, 2027

The City of Union is a municipality in Montgomery County, Ohio. It is a Charter City and has a population of seven thousand (7,000) people. The City has its own:

1. Police Department;
2. Fire Department;
3. EMS Service;
4. Water distribution and sewer collection systems as well as water and waste water treatment facilities. It also has a storm water collection system.
5. A public park system;
6. Street department;
7. Council consisting of seven (7) members; one whom is the Mayor.

The primary residential part of the City is located on the west side of the Stillwater River; it has an industrial park on the east side of the Stillwater River.

The City of Union, is located in northwestern Montgomery County, Ohio. It is a City Manager type of government and the City Manager is John Applegate who will be speaking next.

The types of residences in the City of Union consists of subdivisions that contain primarily plat homes. There are no subdivisions that have luxury homes built in them. Historically, the City of Union has done things for its residents' short-term and long-term welfare in regard to residential construction and maintenance. Mr. Applegate will address these more specifically. The issue before you and advocated by the City is that its Ordinance and requirement is that foundations be poured concrete. (See Ordinance 1762 attached)

This Ordinance requires that Section 1312 .03 (e) that "New buildings are to be constructed with poured-in-place concrete foundations"

The City of Union is a municipality in Montgomery County, Ohio. It is a Charter City and has a population of seven thousand (7,000) people. The City has its own:

1. Police Department;
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5. A public park system;
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7. Council consisting of seven (7) members; one whom is the Mayor.

The primary residential part of the City is located on the west side of the Stillwater River; it has an industrial park on the east side of the Stillwater River.

The City of Union, is located in northwestern Montgomery County, Ohio. It is a City Manager type of government and the City Manager is John Applegate who will be speaking next.

The types of residences in the City of Union consists of subdivisions that contain primarily plat homes. There are no subdivisions that have luxury homes built in them. Historically, the City of Union has done things for its residents' short term and long term welfare in regard to residential construction and maintenance. Mr. Applegate will address these more specifically. The issue before you and advocated by the City is that its Ordinance and requirement is that foundations be poured concrete. (See Ordinance 1762 attached)

This Ordinance requires that Section 1312 .03 (e) that "New buildings are to be constructed with poured-in-place concrete foundations"

In the Preface of the Residential Code of Ohio, it states “This code is founded on principles intended to establish provisions consistent with the scope of a residential code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction”

In Chapter 4 **Foundations** it states “Chapter 4 provides the requirements for the design and construction of foundation systems for building regulated by this code. Provisions for seismic load, flood load and frost protection are contained in this chapter. A foundation system consists of two interdependent components: the foundation structure itself and the supporting soil.

The prescriptive provisions of this chapter provide requirements for constructing footings and walls for foundations of wood, masonry, concrete, and precast concrete. In addition to a foundation’s ability to support the required design loads, this chapter addresses several other factors that can affect foundation performance. These include controlling surface water and subsurface drainage, requiring soil tests where conditions warrant and evaluating proximity to slopes and minimum depth requirements. The chapter also provides requirements to minimize adverse effects of moisture, decay and pests in basements and crawl spaces.”

The question at issue between the City of Union and the Residential Code of Ohio is whether these methods all must be permitted by a **Charter City** or can the construction of foundations be limited by a local Ordinance to one of the four methods (wood, masonry, concrete and precast concrete) based upon the facts and

experiences of use in a particular City. In other words, can one (1) of the four (4) methods be chosen and be used exclusively in a particular city; the City of Union.

The City of Union's position is that "the protection of real estate from impairment and destruction of value" is a legitimate government interest. The City of Union further believes that "the maintenance of aesthetics of a community" is a legitimate government interest. Additionally, the City of Union contends these interests "may be preserved by the reasonable exercise of a municipality's police power where such actions bear a substantial relationship to the general welfare of the public." The welfare of the citizens of the City of Union, in the City Councils' determination, is best served by having the poured concrete foundation requirement. From past experience with subdivisions and residences built in the City of Union, there is less maintenance, potential damage and upkeep for the citizens with the poured concrete requirement.

"The objective of a government's police power is to maintain the public health, safety, and general welfare, and in order for its exercise to be valid, the police power must bear a substantial relationship to that objective. Maintaining the aesthetics of the community is a legitimate government interest and constitutes a valid exercise of its police power."

The Residential Code of Ohio and the law, has the concept of the health and safety or health, safety, and welfare as a standard in it. The question of what is best for the health, safety, and welfare of residents in the City of Union is determined by the Council of the City and implemented by the City Manager.

In this case, Council passed Ordinance 1762 Amending Section 1312.03 of the Code of the City of Union.

The minutes of the December 12, 2022 Council Meeting when the Ordinance was passed indicate that:

“ONE READING – ORDINANCE – 1762 – AN ORDINANCE AMENDING CODE SECTION 1312.03, AS ENACTED BY ORDINANCE NO 1547.

Mr. Applegate stated that the concrete block tends to be porous and can deteriorate. Foundations then begin to fail and front porches can start to crumble resulting in violations being issued. We feel this amendment to require concrete foundations needs to be incorporated into the code so it is in effect and gives the City authority to enforce the requirements with the builders. The Planning Commission reviewed and approved the new code to be presented to the Council for approval. Staff recommends Councils approval.”

As indicated previously, the question of maintaining the health, safety, and welfare is a question of fact for each community and in the City of Union, it is determined by the Council of the City and implemented by the City Manager.

In the instance of the City of Union, its Council has the benefit of years of experience and observations upon which to base its actions. This is not only because the City had been a village and became eligible to become a City in 1980 but also because the City of Union’s current City Manager, John Applegate, who is here today to testify has worked for the Village and the City thereafter for sixty (60) years. In those years, Mr. Applegate started as laborer, obtained and currently has a class three (3) wastewater and class one (1) water treatment license, has been the building and zoning inspector, and is the City Manager. (Since 1982).

Mr. Applegate will address you now and I will offer some additional comments when he is done.

Not only does the City of Union Council and the City Manager believe the health, safety, and welfare of the City is best served by Ordinance 1762 and its requirement for poured concrete foundations, but also a representative of Balsbaugh Construction which Company has worked for years in and around the community believes it is so also.

Mr. Dusty Balsbaugh's affidavit is being made part of today's record.

The City of Union's position is it can determine what conditions for residential construction are best for the health, safety, and welfare of its residents.

The City's position is that City of Union has the right, as an exercise of its police power, to consider maintenance of the aesthetics of community when specifying and choosing which the type of material of those listed in the Residential building Code to be used in the City.

This Board does not have evidence before it to find that the City of Union's requirement of poured foundations does not maintain and enhance the aesthetics of the community.

Further, this Board does not have evidence before it to find that Ordinance is not necessary to protect the health, safety, and welfare of the persons within the City of Union.

Therefore, the City of Union's position is that Board cannot find that the City of Union's Ordinance is unenforceable.