

RESOLUTION NO. 2014-06

RESOLUTION OF THE BOARD OF HEALTH OF THE ERIE COUNTY COMBINED GENERAL HEALTH DISTRICT, ERIE COUNTY, OHIO, TO AMEND PLUMBING REGULATIONS BY ADDING SECTION 2.13 TO ESTABLISH A THIRD REGISTRATION CLASSIFICATION “SYSTEMS DEVICE INSTALLER” AND ADD “JURISDICTION OF THE ERIE COUNTY COMBINED GENERAL HEALTH DISTRICT” TO THE PLUMBING REGULATIONS FOR THE PLUMBING PROGRAM IN THE CONSTRUCTION PROGRAMS DIVISION,

The Erie County Combined General Health District, Board of Health met this 27TH day of May 2014 in regular session with the following members present

Nancy Thornhill	<input type="checkbox"/>	George L. Mylander	<input type="checkbox"/>
Thelma Darden	<input type="checkbox"/>	Marsha Cooper	<input type="checkbox"/>
Dawn Demuth	<input type="checkbox"/>	Larry Holkenborg	<input type="checkbox"/>
Darwitt Garrett	<input type="checkbox"/>	George Steinemann	<input type="checkbox"/>
Linda Miller-Moore	<input type="checkbox"/>	Richard Bulan	<input type="checkbox"/>
Dr. Dina Bauer	<input type="checkbox"/>		

M. _____ introduced the following resolution and moved its adoption:

WHEREAS, O.R.C. 119, 3703, 3709.09, 3781 and 3791 permits the Board to register contractors working within its jurisdiction;

WHEREAS, the Board seeks to amend its current plumbing regulations by adding a third registration classification 2.13 “Systems Device Installer” and “within the jurisdiction of the Erie County Combined General Health District” into the current plumbing regulations;

WHEREAS, all services will be performed in compliance with O.R.C. 119, 3703, 3781 and 3791 and O.A.C. 4101:3-1 through 4101:3-13;

NOW THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY GENERAL HEALTH DISTRICT BOARD OF HEALTH:

THAT, in accordance with O.R.C. 3703 & 3709.09 this Board hereby amends its Plumbing Regulations dated March 27, 2012 to include 2.13 “Systems Device Installer” and “within the jurisdiction of the Erie County Combined General Health District” into the Plumbing Regulations;

THAT, in accordance with O.R.C. 119, 3703, 3709.09, 3781 and 3791 the Board adopt through this resolution the complete Plumbing Regulations which are more fully set forth in **Exhibit A**, for the Plumbing Program;

THAT, this rule shall be read on the following dates: (1) First Reading – May 27, 2014; (2) Second Reading – June 24, 2014; (3) Third Reading – July 29, 2014.

THAT, a public hearing shall be scheduled for June 24, 2014;

THAT, in compliance with O.R.C. 3709.09(E), the rule adopted by this Board for Plumbing Regulations, Section 2.13 “Systems Device Installer” for the Plumbing Program shall be published in one newspaper of general circulation within the health district once a week for two consecutive weeks or as provided in O.R.C. 7.16 of the Revised Code;

THAT, the rule adopted by this Board for Plumbing Regulations, Section 2.13 “Systems Device Installer” for the Plumbing Program shall take effect and be in force thirty (30) days from the date of the first publication in the newspaper; and

THAT, this Board hereby finds and determines that all formal actions relative to the adoption of the Resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which result in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirements, including O.R.C. 121.22.

M. _____ seconded the motion for the adoption of said resolution and the roll being called upon its adoption, the vote resulted as followed:

	Aye	Nay		Aye	Nay
Nancy Thornhill	<input type="checkbox"/>	<input type="checkbox"/>	George L. Mylander	<input type="checkbox"/>	<input type="checkbox"/>
Thelma Darden	<input type="checkbox"/>	<input type="checkbox"/>	Dr. Marsha Cooper	<input type="checkbox"/>	<input type="checkbox"/>
Dawn Demuth	<input type="checkbox"/>	<input type="checkbox"/>	Darwitt Garrett	<input type="checkbox"/>	<input type="checkbox"/>
Larry Holkenborg	<input type="checkbox"/>	<input type="checkbox"/>	George Steinemann	<input type="checkbox"/>	<input type="checkbox"/>
Linda Miller-Moore	<input type="checkbox"/>	<input type="checkbox"/>	Richard Bulan	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Dina C. Bauer		<input type="checkbox"/>			<input type="checkbox"/>

Adopted: _____

First Reading: May 27, 2014

Second Reading: June 24, 2014

Third Reading: July 29, 2014

Public Hearing: June 24, 2014

Publications: August 1st and 8th, 2014

Effective: August 11th, 2014

CERTIFICATE

I, Peter T. Schade, Health Commissioner and Secretary to the Erie County General Health District Board of Health, hereby do certify that the above is a true and correct copy of the Resolution as adopted by said Board under said date and as same as appears in the Board's Journal.

Peter T. Schade, MPH, RS
Health Commissioner
Secretary – Erie County Board of Health
Erie County General Health District

Exhibit "A"

ERIE COUNTY COMBINED GENERAL HEALTH DISTRICT PLUMBING REGULATIONS

Effective September 1, 2006

Erie County Board of Health Revisions:

- Section 2.6 and 3.6 (Deleted): Approved by Board of Health: 09/26/06
- Section 2.5, 2.10, 4.1-4.3: Approved by Board of Health: 02/27/07
- Section 2.11 and 2.12 Added; Section 4.1 Revised: Approved by Board of Health: 11/29/2011
- Section 1.2, 2.9, 3.2, 5.1, 5.3 and 5.7 Corrected 03/27/2012
- Section 2.13 Added: Approved by Board of Health: 07/28/2014

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SECTION 1 Title, Scope, Administration and Enforcement, Right of Entry, Governance

- 1.1 **Title.** Sections 1.1 through 8.1 of this regulation shall be known as the Erie County Combined General Health District Plumbing Regulations promulgated under Section 3709.21 Ohio Revised Code.
- 1.2 **Scope.** This regulation shall govern the design, installation, maintenance, alteration, repair, relocation, replacement, addition to, testing, use, and inspection of all plumbing in or for public buildings or places; the design, installation, maintenance, testing, use, and inspection of all plumbing in newly constructed single-family, two-family, and three-family dwellings and newly constructed additions having plumbing fixtures within the jurisdiction of the Erie County Combined General Health District; and those persons engaged in the plumbing business doing work within the Health District. This regulation shall not apply within those municipal jurisdictions already certified by the Ohio Board of Building Standards under Section 3781.10 of the Ohio Revised Code to exercise enforcement authority for plumbing.
- 1.3 **Administration and Enforcement.** This regulation shall be administered and enforced by qualified personnel employed by the Erie County Combined General Health District and authorized by the Erie County Health Commissioner.
- 1.4 **Right of Entry** Plumbing inspectors employed by the Erie County Combined General Health District may, between sunrise and sunset, enter any public building or place where there is good and sufficient reason to believe that the sanitary condition of the premises endangers the public health, for the purpose of making an inspection to ascertain the condition of the premises. Residential inspections shall be made by appointment with the owner or his/her agent.
- 1.5 **Good Governance** This regulation shall be administered by the principles of good governance, meaning personnel of the Erie County Health Department are expected to fairly and lawfully apply the regulation at all times, that all documents related to the adoption, authorization, administration, and application of the regulation are available for review by the public, that personnel of the Erie County Health Department are responsive to all reasonable requests for information and assistance, that the plumbing program shall be administered in an efficient and effective manner, and that an accounting of all activities within the plumbing program shall be done at least annually.

SECTION 2 Definitions

The following definitions shall apply in the interpretation and enforcement of this regulation in addition to those terms already defined in the Ohio Plumbing Code Chapter 4101:3 of the Ohio Administrative Code:

- 2.1 **Commercial Plumbing** means the plumbing in all structures that are not single-family, two-family, or three-family dwellings, and as designated by the Ohio Department of Commerce.
- 2.2 **Dwelling** means any building, which is wholly or partly used or intended to be used by human occupants not included in Section 3781.06 of the Ohio Revised Code, and shall include any single-family, two-family, or three-family dwelling.
- 2.3 **Health Commissioner** means the legally designated person appointed by the Erie County Board of Health, under the authority of Section 3709.11 Ohio Revised Code or his/her authorized representative.
- 2.4 **Person** means any individual, firm, corporation, association, partnership, organization or governmental entity.
- 2.5 **Plumbing** means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: drainage systems, venting systems, water supply systems, and medical gas systems, within or adjacent to any building, structure, or conveyance; also, the practice and materials used in the installation, maintenance, extension, or alteration of liquid wastes, or drainage and water supply systems of any premises.
- 2.6 **Plumbing Fixtures** means the installed receptacles, devices, or appliances, including, but not limited to grease traps, interceptors/separators, roof/drains, testable backflow devices, tempering valves, backwater valves, pressure reducing valves, sumps/ejectors, water heaters, expansion devices, eye wash stations, beverage dispensers, or appliances, which are supplied with water or which receive or discharge liquids or liquid-borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected.
- 2.7 **Proper Enforcement** means an adequate staff of plumbing inspectors with qualifications in plumbing or plumbing inspection work equivalent to the qualifications of plumbing inspectors employed by the Ohio Department of Commerce, as provided under Section 3703.04 of the Ohio Revised Code; an adequate recordkeeping system; and proper application and enforcement of this regulation.
- 2.8 **Public Building or Place** means any building or place as used in Section 3781.06 of the Ohio Revised Code, and any other similar building or place where plumbing is installed, is to be installed, or is to be a part thereof.
- 2.9 **Residential Plumbing** means the plumbing in all newly constructed single-family, two-family, and three-family dwellings, in newly constructed additions of said dwellings, and as designated by the Ohio Department of Commerce.

- 2.10 **Residence or residential property** meaning property that is not deeded to a company or corporation, the tax records are in the individuals' personal name that is performing the work on the property.
- 2.11 **Registered Plumbing Contractor** shall be Ohio Construction Industry Licensing Board (OCILB) licensed plumbing contractor and shall be permitted to engage in all activities defined under the OCILB license, shall maintain a license/permit bond in the amount of \$20,000.00, the license/permit must state the name of the company, list as obligee the Erie County Combined General Health District, and must be valid through December 31st of the appropriate year and shall pay the fee for such registration as listed in the fee schedule for the plumbing program.
- 2.12 **Interim Plumbing Contractor** shall be permitted to secure permits for residential projects only. Shall enroll and complete the Erie County Combined General Health District twenty (20) hour plumbing education course "Introduction to Plumbing Codes" as described in the plumbing programs fee schedule. Shall maintain a license/permit bond in the amount of \$20,000.00, the license/permit must state the name of the company, list as obligee the Erie County Combined General Health District, and must be valid through December 31st of the appropriate year and shall pay the fee for such as listed in the plumbing programs fee schedule.
- 2.13 **Systems Device Installer** shall be permitted to secure permits for residential and commercial system/device installations such as; fire suppression (sprinkler systems), water softeners/filtration systems, lawn irrigation systems or other systems as determined by health commissioner. System shall be connecting to the plumbing drainage, venting and/or water supply lines and be attached in conformance with applicable Ohio Building Codes. Systems device installer shall maintain a license/permit bond in the amount of \$20,000.00, the license/permit must state the name of the company, list as obligee the Erie County Combined General Health District, and must be valid through December 31st of the appropriate year and shall pay the fee for such registration as listed in the fee schedule for the plumbing program.

SECTION 3 Plumbing for Public Places and Dwellings, Incorporation By Reference to the Ohio Plumbing Code, Purpose

- 3.1 All plumbing in or for public buildings or places located within in the jurisdiction of the Erie County Combined General Health District shall be installed, maintained, tested, and inspected in accordance with this regulation and the provisions of the Ohio Plumbing Code, Chapters 4101:3-1 through 4101:3-13 of the Ohio Administrative Code, in effect as of August 11, 2005, as may be subsequently amended, which is hereby incorporated by reference into this regulation and made a part of this regulation. This provision shall apply only to the types of public buildings or places within the jurisdiction for which the Ohio Department of Commerce has designated and approved the Erie County Combined General Health District to make the plumbing inspections and to issue permits thereto.

- 3.2 All plumbing in newly constructed single-family, two-family, and three-family dwellings and in newly constructed additions of said dwellings within in the jurisdiction of the Erie County Combined General Health District shall be installed, maintained, tested, and inspected in accordance with this regulation and the applicable provisions of the Ohio Plumbing Code, Chapters 4101:3-1 through 4101:3-13 of the Ohio Administrative Code, in effect August 11, 2005, as may be subsequently amended, which is hereby incorporated by reference into this regulation and made a part of this regulation.
- 3.3 It is the purpose of this regulation to adopt by incorporation and reference the standards and methods regarding plumbing installations, maintenance, testing, and inspections of all plumbing within in the jurisdiction of the Erie County Combined General Health District as provided in the Ohio Plumbing Code, Chapters 4101:3-1 through 4101:3-13 of the Ohio Administrative Code, in effect August 11, 2005, as may be subsequently amended, and to provide for the proper enforcement of such provisions to protect the public health, to prevent the contamination of water supplies, to provide the sanitary collection of wastes, and to make unnecessary the exercise of this authority by the Ohio Department of Commerce under Section 3703.01 of the Ohio Revised Code.
- 3.4 A complete copy of the Ohio Plumbing Code, Chapters 4101:3-1 through 4101:3-13 of the Ohio Administrative Code in effect August 11, 2005, as may be subsequently amended, which is incorporated by reference into this regulation and made a part of this regulation, is on file for inspection by the public at the Sandusky office of the Erie County Health Department.
- 3.5 A complete list of all types of public buildings or places which the Ohio Department of Commerce designates and approves the Health District to make plumbing inspections and to issue permits thereto, shall be on file for inspection by the public at the Sandusky office of the Erie County Health Department.

SECTION 4 Register of Persons in the Plumbing Business

- 4.1 The Erie County Health Commissioner shall maintain a register of all persons engaged in or intending to engage in the plumbing business. Registrations shall be separated into ~~two~~ Three categorizes A) Registered Plumbing Contractor or; B) Interim Plumbing Contractor or C) Systems Device Installer. A) Registered Plumbing Contractor shall be permitted to engage in all activities defined under the OCILB license. B) The Interim Plumbing Contractor shall have conditional privileges as defined in Section 2.12. C) Systems Device Installer shall have conditional privileges as defined in Section 2.13. Registrations shall be renewed annually for each calendar year, expiring on December 31st. Homeowners and property owners doing plumbing work on their own residential property are not required to be registered.
- 4.2 Any person engaged in or intending to engage in the plumbing business shall make application to the Health Commissioner on a form provided by the Health Commissioner to have his/her name placed on the appropriate register for those engaged in the plumbing business. The application form shall contain the name

and address of the person making application and the name and address of the firm or place of business he/she is representing, and other such information as the Health Commissioner determines will reasonably aid in the administration and enforcement of this regulation.

- 4.3 Any person making application to have his/her name placed on the register for those engaged in the plumbing business shall submit with said application the current registration fee as set by the Erie County Board of Health.
- 4.4 A license/permit bond in the amount of \$20,000.00 must be submitted with the application to register as a person engaged or intending to engage in the plumbing business. The license/permit must state the name of the company, list as obligee the Erie County Combined General Health District, and must be valid through December 31st of the appropriate year.
- 4.5 All persons intending to engage in the plumbing business within the Erie County Combined General Health District must attend a training session on this regulation. This training will be sponsored and conducted by the Erie County Health Department annually.
- 4.6 Upon the recommendation of the Health Commissioner, the Board of Health may, after a hearing, remove the name of any person from the register of persons in the plumbing business that has demonstrated inability or unwillingness to comply with this regulation and the Ohio Plumbing Code, Chapters 4101:3-1 through 4101:3-13 of the Ohio Administrative Code in effect August 11, 2005, as may be subsequently amended. Such person may have his/her name reinstated on the register of persons in the plumbing business by the Board of Health upon recommendation of the Health Commissioner after satisfactory demonstration of ability and willingness to comply with this regulation and the Ohio Plumbing Code, Chapters 4101:3-1 through 4101:3-13 of the Ohio Administrative Code in effect August 11, 2005, as may be subsequently amended.
- 4.7 No person shall do any plumbing in any public building or place or dwelling whose name is not on the register maintained by the Health Commissioner.

SECTION 5 Permit Required, Approval of Plans, Fees, Inspections

- 5.1 No person shall perform plumbing in any public building or place or newly constructed dwelling, except in cases of leaks or other emergency repairs of existing plumbing, until plans and specifications for such plumbing work have been submitted and approved and a permit has been obtained from the Health Commissioner; this section shall apply only to (a) the types of public buildings or places for which the Ohio Department of Commerce has designated and approved the Erie County Combined General Health District to make plumbing inspections and to issue permits thereto, and to (b) all newly constructed single-family, two-family, and three-family dwellings and to newly constructed additions of said dwellings.

- 5.2 The application to the Health Commissioner for a review of plans to perform plumbing work shall be made on forms provided by the Health Commissioner and shall be accompanied by three sets of plans and specifications and the current fee for plan review as set by the Erie County Board of Health and required by this regulation.
- 5.3 The plans and specifications required by this regulation shall contain sufficient detail and information to permit a clear understanding and an intelligent review of the proposed plumbing work. When such plans and specifications do not contain the necessary information and details or, if after review and investigation, alterations or revisions are required, additional, supplemental, or revised plans and specifications and other data shall be submitted upon notification from the Health Commissioner. Said notification shall occur within six (6) business days of the initial submission of plans and specifications for commercial plumbing and two (2) business days for residential plumbing.
- 5.4 The application to the Health Commissioner for a permit to perform plumbing work shall be made on forms provided by the Health Commissioner and shall be accompanied by the current fee for a plumbing permit as set by the Erie County Board of Health and required by this regulation. A permit to perform plumbing work shall only be issued after the review of plans and specifications has been completed and the plans and specifications approved.
- 5.5 The approved plumbing permit shall remain valid for up to one year, expiring on the first anniversary of its issuance, or upon completion of the plumbing work and a satisfactory final inspection, whichever occurs first.
- 5.6 The approved plumbing permit and at least one copy of the approved plans and specifications shall be posted in a conspicuous place on the premises where the plumbing work is being done.
- 5.7 A rough-in inspection, an underground inspection and a final inspection shall be conducted for each plumbing job. The registered plumbing contractor shall give the Health Commissioner at least twenty-four (24) hours of notice of his/her need for an inspection of his/her plumbing work. The Health Commissioner shall either approve or disapprove the plumbing. For plumbing that requires a re-inspection because of deficiencies found during the initial inspection, a fee as set by the Erie County Board of Health for re-inspections shall be charged.

SECTION 6 Effect of Partial Invalidity

- 6.1 Should any part of this regulation be declared unconstitutional for any reason, the remainder of this regulation shall not be affected thereby.

SECTION 7 Penalties

- 7.1 Any person who violates any provision of this regulation shall be in violation of Section 3709.99 of the Ohio Revised Code and subject to its penalties.

SECTION 8 Effective Date

8.1 This regulation shall be effective on and after September 1, 2006 as may be subsequently amended.

Linda Miller-Moore, President
Erie County Board of Health
Erie County Board of Health

Peter T. Schade, RS, MPH,
Secretary
Erie County Board of Health