

# LICKING COUNTY GENERAL HEALTH DISTRICT PLUMBING REGULATIONS

A REGULATION BY THE BOARD OF HEALTH OF THE LICKING COUNTY GENERAL DISTRICT ESTABLISHING STANDARDS AND PROCEDURES FOR THE ADMINISTRATION AND REGULATION OF THE PLUMBING INDUSTRY WITHIN THE LICKING COUNTY GENERAL HEALTH DISTRICT.

Whereas, it is the responsibility of the Licking County General Health District Board of Health to assure that persons practicing the profession of plumbing within the district meet minimum standards necessary to preclude injury to persons or property resulting from improper installation or repair of new and/or existing plumbing systems:

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY OF SECTION 3709.21, OHIO REVISED CODE, BE IT RESOLVED BY THE BOARD OF HEALTH OF THE LICKING COUNTY GENERAL HEALTH DISTRICT, COUNTY OF LICKING AND STATE OF OHIO, THAT:

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## Section 2: Definitions

For the purpose of administering the programs established by this Resolution, the following definitions shall apply to the terms used herein;

- (a) “Board of Health” means Board of Health of the Licking County General Health District as established in accordance with the provisions of Section 3709.02 of the Ohio Revised Code.
- (b) “Buildings” means any structure, place or premises where plumbing is installed, is to be installed, or is to be a part thereof.
- (c) Health Commissioner means the person occupying, in either a permanent or acting role, the office of the Licking County Health Commissioner of the Licking County Health District, said position being established in accordance with Section 3709.11, and Section 3709.13, Ohio Revised Code.

- (d) "Homeowner Registration" means a registration awarded to a Licking County resident who desires to perform plumbing work on property which he owns, leases, or upon which he resides, provided he is not a bona fide plumbing contractor.
- (e) "Home Sewage Disposal System" means any sewage disposal or treatment system, or part thereof, as outlined in Sections 3701-29-01 through 3701-29-21, Ohio Administrative Code, established in accordance with Section 3701.34 of the Ohio Revised Code.
- (f) "Person" means any individual, partnership, company, firm, trust, corporation, governmental unit, department, bureau, agency or other entity recognized by law.
- (g) "Plumber" means any person who engages in the practice of Plumbing, either on a full-time or part-time basis, and who receives compensation for services so performed, regardless of whether such compensation shall be in money or in kind.
- (h) "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 and water supply systems, with or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, maintenance, extension or alteration of a storm sewer, liquid waste, or drainage in water supply system of any premises.
- (i) "Plumbing Contractor Registration" means an unlimited registration awarded to any person in business as a bona fide plumbing contractor.
- (j) "Plumbing Fixtures" means installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquid borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.
- (k) "Plumbing System" means water supply systems; plumbing fixtures and traps; soil, waste and vent pipes; building drains, including their respective connections, devices and appurtenances.
- (l) Plumbing Inspector means any employee of the Board of Health assigned to the enforcement of the Plumbing Provisions of Title 37 of the Ohio Revised Code, and employees enforcing ordinances, resolutions or regulations regulating plumbing or prescribing the character thereof in the Licking County General Health District.
- (m) "Proprietor" means the owner, operator, administrator, manager or other person having control of any building, whether public or private.
- (n) "Testing" means the tests by which plumbing is tested in accordance with Chapter 4101.2-51, Ohio Administrative Code.

### **Section 3: Plumbing Standards, Chapter 4101:2-51 Ohio Administrative Code**

- (a) There is hereby adopted by the Licking County General Health District Board of Health, for the purpose of demolition, equipment, location and maintenance of plumbing and plumbing systems, Chapter 3701.2-51, Ohio Administrative Code, together with all amendments thereto adopted subsequent to the date of this Regulation by the Board of Building Standards, State of Ohio. Chapter

4101.2-51, Ohio Administrative Code, is hereby adopted and incorporated as is fully set out herein.

- (b) In accordance with Sections 3709.21 and 731.231, Ohio Revised Code, a complete copy of Chapter 4101.2-51, Ohio Administrative Code, as adopted herein, is on file with the Licking County Prosecutor and the Secretary of the Licking County Board of Health, for public inspection; and also on file in the Licking County Law Library, 22<sup>1/2</sup> North Second Street, Newark, Ohio. The Clerk of the Licking County General Health District shall have copies of Chapter 1401.2-51, Ohio Administrative Code, which are available to the public at cost.

#### **Section 4: Registration**

- (a) No person shall hereafter work at the trade of plumbing contractor in the Licking County General Health District unless he shall first have procured a registration certificate therefore in accordance with the provisions of this Regulation. Further, no person shall extensively alter, repair or install any plumbing on the property which he owns or upon which he resides or upon any other property in the Licking County General Health District, unless he shall have first procured a registration certificate therefore in accordance with the provisions of this Regulation.
- (b) The application for a plumbing contractor or homeowner registration shall be on a form prescribed by the Licking County Health Commissioner. Such forms shall contain the name and address of the person making application and the type of registration which he seeks. Each applicant shall appear before a Notary Public who shall acknowledge the applicants sworn statement of his intention to comply with all State and local plumbing codes and regulations. The application form shall also contain such other reasonable Information as may be required by the Health Commissioner.
- (c) At the option of a bona fide plumbing contractor, such contractor may designate an agent who shall obtain, in the name of the contractor a Plumbing Contractor Registration. Such agent need not be a plumber. The plumbing contractor so electing to designate an agent for registration purposes shall be responsible for maintaining with the Board of Health a current identification address, telephone number and such other information as the Health Commissioner may reasonably require regard to such agent. The appointment of the agent and his acceptance of such responsibility shall be made in writing on a form prescribed by the Health Commissioner, and such form shall be presented to the Health Commissioner with the application for registration. Failure to notify the Health Commissioner of any change in regard to the identity or address of such agent within a reasonable time after such change occurs shall constitute a violation of this Regulation.
- (d) There shall be a fee charged for each plumbing contractor registration required under this Regulation in such amount as may be set forth in the fee schedule included herein.
- (e) Each registration required by this Regulation shall expire at twelve midnight on December 31st of the year during which such registration was issued unless sooner suspended or revoked.

## **Section 5: Insurance**

Every person who holds a plumbing contractor registration shall, on original issuance and upon each renewal of such unlimited registration, present a certificate of insurance as evidence that such registrant is insured in the minimum amount of One Hundred Thousand Dollars (\$100,000.) for injury to persons and One Hundred Thousand Dollars (\$100,000.) for damage or injury to property arising out of any negligent act of the insured or any agent or employee of the insured.

## **Section 6: Plumbing Permits**

- (a) No person shall engage in plumbing in any building in the Licking County General Health District, whether public or private, except in cases of minor repairs to existing plumbing by a proprietor, until such person obtains a plumbing permit from the Plumbing Inspector for the particular work or project which is intended to be accomplished.
- (b) All plumbing permits shall be obtained from the Plumbing Inspector on such form or forms as he may, from time to time, prescribe.

## **Section 7: Inspections**

- (a) All plumbing in and for any building in the Licking County General Health District, whether public or private, shall be installed, maintained, tested, and inspected and approved as required by the provision of this Regulation.
- (b) An individual proprietor may obtain a plumbing permit and he may install plumbing systems in his place of residence subject to all regulations and inspections pertaining to that installation.
- (c) No plumbing work shall be performed in any building in the Licking County General Health District, whether public or private, except in cases of minor repairs in existing plumbing performed by a proprietor, until plans and specifications for such plumbing work have been submitted to and approved by the Plumbing Inspector and the aforementioned permit has been issued therefore.
- (d) No person shall place into operation any installation of new plumbing or any alteration of existing plumbing without first having same tested, inspected and approved by the Plumbing Inspector.
- (e) No person who is the proprietor of any building shall permit the occupancy of any portion of such building in which the plumbing is found to be inadequate or unsafe to the occupants thereof.
- (f) The review and approval of plans and specifications required herein shall be completed within a period of thirty (30) days from the date of receipt thereof by the Plumbing Inspector. Failure of the Plumbing Inspector to approve or reject plans and specifications within thirty (30) days shall entitle a person to an order from the Health Commissioner ordering the Plumbing Inspector to approve or reject the plans or specifications within 48 additional hours from receipt of such order.
- (g) The Health Commissioner may require the inspection or testing of the plumbing in any building in which he has reasonable cause to believe that there exist defects in plumbing or violations of this regulation

which might constitute a hazard to public health or to the health or safety of the occupants, The Health Commissioner shall, at any reasonable time, and upon proper identification, be entitled to access to any building for the purpose of Inspection.

- (h) When inspection or testing reveals defects in the plumbing which constitute a violation of this Regulation, the Health Commissioner shall notify the responsible person in writing, calling attention to the specific violation, and ordering correction and affording reasonable time and opportunity to the proprietor to comply with required improvements or changes. Such notification shall be accomplished as set forth hereafter.
- (i) The Health Commissioner shall require any inspection or test as he may deem necessary to determine compliance with this Regulation. In each case where new plumbing is installed or existing plumbing altered, the Health Commissioner shall require at least the following inspections:
  - (i) There shall be an inspection and approval of all plans prior to actual construction or alteration.
  - (ii) There shall be an inspection and approval of all rough-in work. No approval shall be given until the plumbing system has been determined satisfactory by water tests or air tests.
  - (iii) There shall be a final inspection and approval of the completed plumbing system. No approval shall be given unless the plumbing system has been determined satisfactory by an air test.

### **Section 8: Notice of Violation: Correction of Violations**

- (a) Upon determination of the Health Commissioner or Plumbing Inspector that a violation of this Regulation exists, he shall affix a notice of the violation on the premises where such violation exists. Such notice shall be in the form of a conspicuous sticker which shall contain, at a minimum, the following information, to wit: The date, of the inspection, a brief description of the violation with reference to the appropriate regulation, ordinance or statute involved, and a warning that removal by other than the Plumbing Inspector or his designated representative is unlawful. Said notice shall be affixed to the premises in a place conspicuous to all who may reasonably be expected to use same. Violation notices may be removed from a premises by the Plumbing Inspector, or his designated representative, except a proprietor may remove such a sticker if his doing so is expressly authorized in writing by the Plumbing Inspector.
- (b) In addition to the notice described in subparagraph (a), above, written notice of the violation shall be sent by certified mail, return receipt requested, to the person in whose name the plumbing permit for the particular premises in question was obtained. Such written notice shall contain the date of the inspection, a brief description of the violation or violations involved, and notice that such violation and violations must be corrected prior to occupancy. The notice shall contain an explanation of the permit holders' rights in regard to appeal from the determination of the

- violation by the Plumbing Inspector and a description of the penalties involved for failing to comply with the appropriate regulation, or statute.
- (c) In the event that the notice issued pursuant to subparagraph (b), above, is returned by the post office indicating that the certified letter was either “returned” or “unclaimed”, the Plumbing Inspector shall then send the same notice to the permit holder by regular mail. In the event that the certified notice is returned indicating “addressee unknown” or “moved”, “left no forwarding address”, notice of said violation shall be published in the same manner that a summons and complaint are published pursuant to Rule 4.4 of the Ohio Rules of Civil Procedure.
  - (d) Service of notice as described in subparagraphs (b) and (c), above, shall be completed when the notice is received by the permit holder or his authorized agent. The return receipt or proof of publication shall be prima facia evidence of the date of service of notice. In the event that service is to be accomplished by regular mail following notice from the post office that the original service was either refused or unclaimed, service of notice shall be complete on the date that such notice is placed in the mail.
  - (e) In computing any period of time prescribed or allowed hereunder, the date of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than ten (10) days, intermediate Saturday, Sundays and legal holidays shall be excluded in the computation.
  - (f) The time during which the permit holder must correct a violation shall be set by the Plumbing Inspector. In setting such period of time correction of the violation, the Plumbing Inspector shall take into account the following factors, to wit:
    - (i) The hazard or danger to the public health, safety, and welfare caused by such violation.
    - (ii) The amount of time during which it could be reasonably expected that such violation could be corrected, taking into account the amount of work necessary, whether weather conditions will be a factor in completing such correction, and the capabilities of the individual permit holder,
    - (iii) Whether the building or structure is occupied,
  - (g) Upon written application and for good cause shown the Plumbing Inspector shall allow at least one extension of time during which the permit holder must correct a violation.

## **Section 9: Administrative Procedure**

- (a) If, upon receipt of a notice of violation as described in Section 8 above, a permit holder or proprietor wishes to appeal the finding of the Health Commissioner or Plumbing Inspector that such a violation exists, he shall, within ten (10) days of the receipt of such notice, file a written request for an appeal with the Licking County Board of Health, Unless in the opinion of the Health Commissioner the alleged violation

- constitutes a clear and present danger to the health, safety and welfare of the community and requires immediate correction to protect others from immanent peril, correction of the alleged violation shall be stayed until action is taken by the Board of Health.
- (b) Upon receipt of such a request for an appeal, the Board of Health shall fix a time and place, no more than thirty (30) days after receipt of the request for the appeal, for a hearing to determine whether the permit holder or proprietor must comply with the order of the Health Commissioner or Plumbing Inspector. The Secretary of the Board of Health shall send written notice of the place and date of the hearing, together with a copy of any of the Health Commissioner's or Plumbing Inspector's reports regarding the violation to the person listed as the permit holder for the particular plumbing project under consideration. Such notice shall be sent by regular mail to the address shown on the application for said permit.
  - (c) In hearing the matter and deciding the issue, the Board of Health shall consider the testimony of any persons appearing pursuant to the notice, or their authorized representatives, the testimony of any witnesses appearing on behalf of such persons, the Health Commissioner's or the Plumbing Inspector's report or testimony, or both, and any other evidence pertinent to the matter. If the Board of Health determines that the determination of the Health Commissioner or the Plumbing Inspector that a violation exists should be upheld, it shall order the satisfactory correction of said violation within such period at time as the Board of Health determines reasonable. Notice of the findings and order shall be sent to the plumbing permit holder.
  - (d) Any person aggrieved by the order of the Board of Health made under subparagraph (c), above, may appeal as provided in Chapter 2506 of the Revised Code.

## **Section 10: Fees and Costs**

(See Current Fee Schedule)

## **Section 11: Penalties: Revocation of Registration**

- (a) Whomever willfully or negligently falls to obey this Regulation or any order of the Board of Health adopted or issued in pursuance hereof, or interferes with the execution of this Regulation or such an order by a member of the Board or person authorized by the Board, shall be fined not more than One Hundred Dollars (\$100.00), imprisoned not more than ninety (90) days, or both. No person shall be imprisoned for the first offense, and the prosecution shall always be for the first offense unless the Affidavit upon which the prosecution is instituted contains the allegations that the offense is a subsequent offense.
- (b) Except in case of an emergency endangering the public health caused by an epidemic, an infectious or communicable disease, or a disaster emergency condition or event, no prosecution for violation of this Regulation or an order adopted pursuant thereto shall take place until twenty (20) days after the Board of Health, the Health Commissioner or the Plumbing Inspector have notified the person subject to such Regulation or order of the specific violation

alleged. No such prosecution shall be commenced when, within such twenty (20) day period, the violation has been corrected.

- (c) Where, upon application by the Health Commissioner, the Board of Health determines that any person has failed or refused to correct an alleged violation of this Regulation, which violation constitutes a clear and present danger to the health, safety and welfare of any person, the Board shall suspend the registration of the offender until the violation is corrected. Upon notification by the Health Commissioner that any person has been convicted of an offense under the provisions of Section 12 (a) above, the Board of Health shall revoke said person's registration unless, pursuant to the procedures set forth in Section 10, above, the registrant shall show cause why such registration shall not be revoked.

### **Section 12: Repeal of Prior Regulation**

Any prior Board of Health Plumbing Regulation is superseded by adoption of this regulation.

### **Section 13: Severability Clause**

If any provision of these regulations or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these regulations that can be given effect without the invalid provision or application, and to this end the provisions of these regulations are severable.

### **Section 14: Enacting Clause**

As no emergency exists, this regulation shall become effective on the 1<sup>st</sup> day of January, 1984.

Adopted by the LICKING COUNTY GENERAL HEALTH DISTRICT on this 1<sup>st</sup> day of November, 1983.