BBS MEMO

Ohio Board of Building Standards July 11, 2014 6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009

OHIO'S "SEAL LAW" 19 YEARS LATER

BACKGROUND

Since enactment of HB 231 on November 24, 1995 (the "Seal Law"), the Board has issued several memos and fielded countless questions regarding when construction documents must be prepared by an Ohio registered design professional and how a building department should handle noncompliance. The Board has been requested to issue a new memo on the topic to review the code requirements and a building department's *limited* role in the law's enforcement.

WHEN THE SEAL OF A DESIGN PROFESSIONAL IS REQUIRED

Construction documents include the design, location, and physical characteristics of construction. *Whenever the preparation of construction documents requires technical design analysis (this means design elements of a complex nature, generally requiring computations, evaluations of the loads, stresses, etc.),* the documents must be sealed by a registered design professional. Based upon technical analysis, the registered design professional specifies the performance of a building or building system necessary to meet the needs of the owner/occupant and the requirements of the Ohio Building Code (OBC).

WHEN NO SEAL IS REQUIRED

There are cases in which construction documents provide design, location, and descriptions of physical characteristics of the construction independent of technical analysis/design. These construction documents can be submitted for review without a seal. Shop drawings, cut/spec sheets, and listings are obvious examples of documents that can be submitted for review but would not require a seal. The following guidelines must be used when applying OBC Section 106.2.1. Seals *are not required* on:

1. DOCUMENTS submitted for any 1-, 2-, or 3-family dwelling, including accessory structures such as a garage, greenhouse, shed, etc. not used for commercial purposes; this includes energy conservation design of 1-, 2-, and 3-family dwellings;

2. DOCUMENTS submitted for fire protection systems containing the signature of an individual certified in accordance with OBC Section 107.4.4;

3. DOCUMENTS submitted for installation of replacement devices, equipment, or systems that are equivalent in type and design to the replaced devices, equipment, or systems, including new equipment that meets the required performance characteristics of the original equipment. Examples include removal/replacement of structural members (headers, etc.) when the new member has equal or greater loadbearing characteristics, and HVAC units providing equivalent or greater efficiency ratings and meeting the original design heating/cooling/electrical loads;

4. DOCUMENTS submitted for any buildings or structures within the scope of the OBC where the proposed work, in the judgment of the building official, does not involve technical analysis/design, may include:
   a. GENERAL CONSTRUCTION drawings for details of alterations or new construction when the design is already clear or pre-established, where the work is empirically designed (from charts and tables), or where the plans examiner can determine compliance without having to check load calculations, etc. Examples include the location and type of a protected opening in a rated assembly when the rating of the assembly is known, details for installation or relocation of interior partitions when the original design parameters have not been changed.
   b. STRUCTURAL systems that are not modified, where any new load applied to the structural system can be shown to have been accounted for as part of the original design. Examples include: a floor assembly where the load imposed by the new use does not exceed the original design capacity; replacement of a rooftop equipment where the weight of the new equipment does not exceed the original design load and the curb is not to be replaced and can accept the new unit;

c. PRE-ENGINEERED LISTED/APPROVED equipment or system drawings or cut sheets that meet the listed manufacturer's installation instructions and the performance requirements of the code; such as listed commercial range hood suppression systems.
d. FIRE PROTECTION systems which are required by the OBC must bear the seal of a design professional or a certified fire protection designer for fire protection systems. Drawings submitted, for example, to extend an existing fire alarm system into an addition when the original design limits of the system are not exceeded, or the installation of a single-head limited area sprinkler system in a boiler room.
e. HVAC drawings submitted for the installation of replacement equipment or equipment that constitutes an upgrade for an existing system that does not exceed the original system design loads, or cause an increase in energy demand because of other alterations. If the original design of the system accounted for the increased load or can be shown to accommodate the new configuration or load, the seal of a design professional is not required.
f. ELECTRICAL drawings which provide sufficient information describing work that does not increase the load on the electrical load center, does not require the seal of a design professional. Adding a circuit to an existing panel or a new subpanel which does not increase the demand on the original service does not require the seal of a design professional. Temporary construction service does not require the seal of a design professional.
g. PLUMBING drawings describing additional fixtures or other alterations to the system when the system's capacity is shown to account for such increases/changes.

ACCEPTING CONSTRUCTION DOCUMENTS FOR REVIEW

Building officials do not have the right to refuse to accept non-residential construction documents that do not bear the seal of a registered design professional. If documents are required to have a seal of a registered design professional and they do not have one, *they still must be accepted for review*. Once the construction documents have been submitted and a plan review has started, the building official can then utilize the provisions of OBC Section 106.2.1 to cite the lack of a seal. This requirement simply becomes one of the many items checked during the normal plan review process. If a seal *is* required, this requirement can be included in a correction letter/adjudication order along with other items of noncompliance. *Building officials do not have the authority to determine which design professionals can seal the construction documents*. This means a building official cannot reject a landscape architect's seal on plans showing the building's location, grading, roadways, and site details. The building official does not determine whether it is an engineer or architect who should be sealing the documents when there is a seal. The scope of practice of architecture or engineering in Ohio is the jurisdiction of the appropriate registration board, not the building department.

A REMINDER

Failure to approve or deny construction documents and issue a Certificate of Plans Approval is a denial of a "license." In order for the building official to deny the issuance of a Certificate of Plans Approval an adjudication order **must be written** as required in OBC Section 109.1. This order must specify the provisions of the OBC with which the construction documents do not comply. The issuance of **any** order requires an opportunity for an adjudication hearing as provided in §119 .07 and §119 .03 ORC. If it is shown that the required construction documents were prepared by a registered design professional but were not sealed, as required by the registration laws of Ohio, or that a design professional stamped construction documents prepared by someone else or someone not under the direction of the design professional, the department may turn that information over to the appropriate registration board for investigation but the construction documents, if entitled to an approval, must be approved. The construction documents should be processed in the department as any other set of construction documents.

SUMMARY

To be in compliance with Ohio law, construction documents required to be submitted for an approval **must be accepted** for review by the building department. **A thorough and complete plan examination must then be performed.** If the Building Official does not issue an approval of the construction documents, this denial and the reasons for it shall be indicated in an adjudication order. This process must be used for any item of noncompliance causing the denial of an approval, including the requirement for an Ohio design professional's seal.