

REGULATION 500

A REGULATION REQUIRING REGISTRATION OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING IN MONTGOMERY COUNTY, OHIO, ESTABLISHING PLUMBING STANDARDS FOR ONE, TWO AND THREE-FAMILY STRUCTURES, (IDENTIFYING) PERSONS TO WHOM PLUMBING PERMITS MAY BE ISSUED, ESTABLISHING FEES AND SETTING ADMINISTRATIVE GUIDELINES FOR THE ENFORCEMENT THEREOF:

SECTION 501.00 DEFINITIONS

The following definitions as used in this regulation shall have the following meanings:

SECTION 501.01 APPRENTICE (Plumber's Apprentice) shall mean any person who is engaged in learning the trade of and assisting in the installation of plumbing, and is registered as an apprentice as required by this regulation.

SECTION 501.02 JOURNEYMAN PLUMBER shall mean a person who has sufficient practical knowledge and mechanical competency to install plumbing systems, and who has practiced the plumbing trade a minimum of four (4) years as an "Apprentice Plumber" or has passed the City of Dayton's examination for a Journeyman Plumber or has proof of equivalent qualifications from another city, county or state.

SECTION 501.03 LIMITED PLUMBING CONTRACTOR shall mean those persons engaged solely in the installation or replacement of commercial water treating devices, commercial water heaters, or residential and commercial sewer and water service connections. Practical knowledge and mechanical competency shall be equivalent to that of a Journeyman plumber.

SECTION 501.04 PLUMBING CONTRACTOR shall mean a person who has theoretical and practical knowledge of plumbing system design and installation, and the ability to prepare plans and specifications for, and to properly supervise the installation, construction, alteration, or repair of plumbing, ventilation, drainage, and who has practiced the plumbing trade a minimum of four (4) years as a Journeyman Plumber or has proof of equivalent qualifications from another city, county or state.

SECTION 501.05 ENGAGED IN THE BUSINESS OF PLUMBING as used in this regulation shall mean and include the installation, alteration, removal, replacement and repair of all drainage systems, plumbing systems, water supply systems and all parts thereof in or about any building, structure or premises; excepting those persons operating within the guidelines of and registered as a water systems contractor with the State of Ohio; or a sewage disposal system installer with the Montgomery County Board of Health.

SECTION 501.06 HEALTH COMMISSIONER shall mean the legally designated Health Commissioner for the Montgomery County, Ohio General Health District or his authorized representatives.

SECTION 501.07 PERSON shall mean and include any individual, firm, corporation, association or partnership.

SECTION 501.08 RESIDENTIAL APPLIANCE as used in regulation 500 shall mean a water heater, garbage disposal, water softener, dishwasher or water treatment device such as a reverse osmosis unit, installed in a one, two or three family dwelling.

SECTION 502.00 REGISTER OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING

SECTION 502.01 The Combined Health District of Montgomery County shall maintain a register of all persons engaged in or intending to engage in the business of plumbing within the Montgomery County, Ohio General Health District.

SECTION 502.02 All persons engaged in the business of plumbing in the Montgomery County, Ohio General Health District regardless of residence or place of business shall register with the Health District before engaging in such work. It shall be unlawful to be engaged in the business of plumbing within the Montgomery County Ohio General Health District, without first having registered with the Health District.

SECTION 502.03 There shall be four classes of registration: apprentice plumber, journeyman plumber, limited plumbing contractor, and plumbing contractor. The Board of Health shall from time to time by resolution establish the annual registration fee for such classes.

SECTION 502.04 Grandfather Clause. Registration requirements for any plumbers who are registered with the Health District before the effective date of the amendments to this regulation shall not be affected by the amended registration requirements. A plumber who accumulates experience toward qualifying for registration as a journeyman plumber under the amended regulations, which experience was accumulated prior to the adoption of this amended regulation, shall receive credit for such experience provided that the Health District's registration records verify such accumulated experience. Likewise, a plumber registered as a journeyman plumber before the effective date of these regulations shall be allowed credit for such accumulated experience toward qualifying as a plumbing contractor under these amended regulations provided that the Health District's registration records verify such accumulated experience.
The exceptions contained in this section apply only to requirements regarding registration thereunder and do not excuse any person from complying with any other section of these amended regulations.

SECTION 502.05 Any plumber, contractor, or any other person who is or intends to be engaged in the business of plumbing shall make application for registration with the Montgomery County Health District on a form provided by the Health District on or before the first day of January of each year. This requirement shall not apply to any owner of a single family dwelling who installs plumbing in the home in which he or she lives or intends to live, and who signs a notarized affidavit to that effect.

- SECTION 502.06 The applicant for registration with the Health District shall list on the application form the name, address and phone number of the firm or business with which the applicant is associated (if any). If the applicant is a plumbing contractor, the applicant shall also attach to the application form a list of all employees of the plumbing contractor who are actively engaged in the business of plumbing. In the event an employee of a contracting plumber who is engaged in the business of plumbing and has been authorized to take out permits transfers to another firm during a calendar year, it shall be the duty of the firm from which such employee has transferred to notify the Health District of such transfer in writing.
- SECTION 502.07 Each individual member of a firm, corporation, association, or group, who is engaged in the business of plumbing shall be required to register with the Health District.
- SECTION 502.08 Upon approval of an application for registration by a plumbing contractor, the plumbing contractor shall post a surety bond with the Board of Health of the Montgomery County, Ohio General Health District. The amount of the bond shall be determined from time to time by the Board of Health by resolution and shall run in favor of the Board of Health. The bond shall be conditioned upon the registrant's faithful compliance with the plumbing regulations and standards which may from time to time be adopted by the Board of Health. Such bond shall be deposited with the Montgomery County Board of Health on or before the first day of January of each year. Home owners applying for a permit to install plumbing in their own homes shall execute an affidavit pursuant to Section 502.05 and shall be required to post a cash returnable performance bond in favor of the Board of Health. The amount of such bond shall be determined from time to time by the Board of Health by Resolution. Upon satisfactory completion and approval by the Health District of all plumbing listed on the permit according to all requirements of this regulation, the cash bond shall be returned to the homeowner, less required reinspection charges and excess fixture fees established by the Board of Health.
- SECTION 502.09 Bonds posted with the Health District in the name of a company or corporation shall be accompanied with a list of persons associated with that company or corporation who are authorized to apply for permits under such bond.
- SECTION 502.10 Any person who registers with the Health District pursuant to this regulation may, upon recommendation of the Health Commissioner, have his or her registration revoked for improper installation of plumbing or the refusal or failure of such person to comply with any part of this regulation or with the standards included in the Ohio Plumbing Code as the code may from time to time be amended.
- SECTION 502.11 Any person whose registration has been revoked pursuant to Section 502.10 of this regulation may have such registration reinstated upon demonstrating to the satisfaction of the Health Commissioner his or her intention and ability to comply with the regulations of the Board of Health and/or the standards included in the Ohio Plumbing Code.

SECTION 502.12 No permit to install plumbing shall be issued to any person who is not registered as a plumbing contractor thereunder except that permits may be issued to those authorized persons listed pursuant to Section 502.09 of this regulation. Likewise, no permit to install plumbing shall be issued to any plumbing contractor (registered or unregistered) who employs or otherwise engages non-registered persons who are engaged in the business of plumbing in the Health District's jurisdiction. The requirements of this section shall not apply to owners of a single family dwelling who install plumbing in the home in which they live or intend to live.

SECTION 503.00 PERMITS

SECTION 503.01 PERMITS REQUIRED---Except as provided in this regulation no person shall engage in the business of plumbing or install plumbing in any manner without a permit. Permits are required for the installation, construction, alteration or repair of, or addition to the plumbing, drainage or water supply system in any building or structure including but not limited to the connection of any fixture, device, appliance or equipment to the plumbing or water supply system of a building and any work relating to water connected air conditioning equipment, water treating equipment, or water operated devices.

SECTION 503.02 WORK FOR WHICH NO PERMITS ARE REQUIRED---Permits shall not be required for minor repairs. The term "minor repairs" as used in this section shall mean work similar to any of the following: the repair of an existing fixture; the replacement of faucets or valves or parts thereof with like material or material serving the same purpose; the clearance of stoppages; and the repair of leaks and the relief of frozen pipes. The term "minor repair" does not include changes in the piping to a fixture or in the drainage, vent or water supply system other than those changes specifically provided in this section and does not include the stoppage of leaks which cannot be effected without the replacement of drainage or vent piping.

SECTION 503.03 WATER TREATING DEVICES---Where piping systems have been installed under permits pursuant to Section 503.01 for inclusion of water treating devices where such devices are rented under a servicing agreement by the owner of the structure or building, a permit shall not be required for the periodic replacement of the device under such servicing agreement. Should the Health Commissioner determine that any such device constitutes a hazard to health and/or safety, the Health Commissioner shall take whatever action is necessary to abate such hazard pursuant to Section 503.04.

SECTION 503.04 VACATING---When, in the opinion of the Health Commissioner, a water treatment device or any other plumbing installation constitutes a hazard to health and/or safety, the Health Commissioner may order the occupants to vacate the building or structure and/or to forthwith cease, desist and refrain from use or operation of the building, structure, equipment, service facility or part thereof which is deemed hazardous. If such order is issued, the Health Commissioner shall cause to be posted in a conspicuous place the following notice: "THE (Identity of Equipment) IS UNSAFE AND ITS USE OR OPERATION IS PROHIBITED BY LAW." After the posting of such notice, it shall be unlawful for any person thereafter to enter such building or structure in which the hazardous equipment is located or to use and/or operate such equipment, service facility or part which has been declared hazardous except with the permission of the Health Commissioner.

- SECTION 503.05 VARIANCES---When there are substantial practical difficulties involved in complying with the provisions of this regulation for one, two and three-family units, the Health Commissioner may grant variances from such provisions in specific cases upon application of the owner or his representative, provided that the granting of such variance neither violates the intent of this regulation nor impairs the public health, safety or welfare.
- SECTION 503.06 REQUEST FOR VARIANCE---Requests for variances pursuant to Section 503.05 of this regulation shall be in writing and shall be filed with the application for permit.
- SECTION 503.07 PAYMENT OF FEES---No permit shall be issued, and no amendment to a plan, application for permit, or other submission, shall be approved or certified, until the fees prescribed by the Board of Health have been paid.
- SECTION 503.08 COMPLIANCE WITH REGULATIONS---A permit shall be authorization to proceed with the specified work, but shall not be construed as authority to violate, cancel, or set aside any of the provisions of this regulation, or any zoning laws or any other applicable laws except as specifically allowed by variances granted pursuant to this regulation.
- SECTION 503.09 COMPLIANCE WITH PERMIT---All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.
- SECTION 503.10 APPLICATION FOR PERMITS PRIOR TO STARTING WORK---Except as provided in Section 503.02, it shall be unlawful for any person to perform work for which a permit is required by this regulation without first having secured a permit therefore.
- SECTION 503.11 EMERGENCIES---In cases of emergencies where there is an actual failure of or the existence of defective equipment or service facility such as to endanger life or health or where there exists such other condition so as to require immediate action to prevent a failure, the person which performs such emergency repairs or replacements may do so without first having obtained the required permit. In case the Health District offices are closed, the person making such emergency repairs shall notify the Health Commissioner on the first day on which the Health District offices are open for business thereafter. The required permit shall be obtained without unreasonable delay and shall be secure on the next business day.

SECTION 503.12 **ADDITIONAL CHARGE FOR FAILURE TO OBTAIN PERMIT**---Any person, who commences work for which a permit is required by this regulation without first obtaining such a permit, and who is subsequently allowed to obtain a permit for such work shall pay an additional fee over and above that usually charged for such permit. The amount of such fee shall be established from time to time by the Board of Health by resolution. The payment of such additional fee shall not relieve any person from fully complying with the requirements of this regulation nor shall it preclude the Health District from taking any further action it deems appropriate, including criminal prosecution of the violator. This additional fee shall not apply to emergency work as provided by Section 503.11, if it is proved to the satisfaction of the Health Commissioner that such work or installation was urgently necessary to protect the public health and that it would have been impractical to have gone through the normal process of applying for and being issued a permit. Before issuing a permit pursuant to this section, the Health Commissioner shall determine whether work performed prior to the date of the permit conforms to the provisions of this regulation. Such steps may include, but are not limited to directing the removal of a section or sections of surface work for access to subsurface sections, digging for access to piping and other subterranean work, etc. The applicant for the permit shall perform all such work as directed by the Health Commissioner and the cost of such work shall be borne by the applicant.

SECTION 503.13 **STOP WORK ORDER**---Whenever it shall come to the attention of the Health Commissioner that work of any kind is being prosecuted contrary to the provisions of this regulation or in an unsafe or dangerous manner, the Health Commissioner may issue a stop work order to the owner of the premises involved, or to the agent of such owner, or to the person doing such work. The Health Commissioner shall cause to be posted at the site of the work a distinctive placard informing the public and all concerned that work at the site has been stopped by official order. Upon receiving such order the recipient thereof shall immediately cease such work and shall cause all other persons under the recipient's control to cease such work as well. It shall be unlawful for any person to continue work after a stop work order has been received. The stop work order shall be written and shall in all cases state the conditions under which work may be resumed.

SECTION 503.14 **DRAWINGS**---For the purpose of determining compliance with these regulations in regard to one, two, and three-family units, drawings may be required by the Health Commissioner showing the location of all plumbing fixtures, including but not limited to, the entire sewage, drain soil, waste and vent pipes.

SECTION 503.15 **SPECIFICATIONS**---Except as provided below, each set of drawings submitted for a permit shall be accompanied by a set of specifications describing all the materials to be used and the work to be done. The specifications shall be legible and easy to read. Any specifications which are illegible shall be rejected. All matters contained in the specifications relating to plumbing shall be incorporated in that part of the specifications devoted to the subject of plumbing.

- SECTION 503.16 WHEN SPECIFICATIONS NOT REQUIRED---The Health Commissioner may waive the requirement for submission of specifications if in his judgment all pertinent specification data necessary to determine compliance with this regulation is adequately shown on the drawings.
- SECTION 503.17 FAILURE TO PROVIDE CORRECT INFORMATION--It shall be unlawful for any person to purposely supply false or incorrect information to the Combined Health District in an effort to obtain a permit under these regulations. The Health Commissioner shall have the right to immediately revoke any permit if it is discovered that such permit was obtained under false pretenses or such permit was issued pursuant to incorrect information provided by the applicant (whether such incorrect information was purposely or inadvertently provided).
- SECTION 503.18 PERMITS-ACTION ON APPLICATION---The Health Commissioner shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after such applications are filed. If the applicant or the plans do not conform to the requirements of all applicable laws and regulations, the Health Commissioner shall reject such application stating the reasons therefore. If the Health Commissioner is satisfied that the proposed work conforms to the requirements of these regulations and all laws and ordinances applicable thereto, he shall issue a permit for the proposed work as soon as practicable. Each permit shall carry on its face the nature of the work before final approval of the work by the Health District can be made.
- SECTION 503.19 ACTING ON APPLICATIONS--All applications for permits shall be dated on receipt by the Health Commissioner and examined in order of their receipt. No application shall be acted on out of its regular order unless the work involved is of a complex character which requires prolonged examination. Applications which are disapproved because of incomplete or inaccurate information or because of violations of the provisions of this regulation or other applicable laws shall be considered in order as of the date of resubmission.
- SECTION 503.20 TIME LIMITATION OF PERMIT---Each permit shall have stated on its face the period of time for which it is valid. Notwithstanding such statement, a permit which has been issued for any proposed work shall automatically expire six (6) months after the date of issuance except that for reasonable cause, the Health Commissioner may grant an extension of the expiration date. Such extension shall not exceed ninety (90) days in length and not more than two such extensions shall be granted for any permit. No extension shall be granted if the authorized work remains uninitiated, or is suspended, postponed, or abandoned during the initial six (6) month period or the initial three (3) month extension period.

- SECTION 503.21 PREVIOUS APPROVALS---Nothing in this regulation shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been issued or otherwise lawfully authorized before the effective date of this regulation, provided that (1) work under such permit or authorization is under active prosecution upon such date, or is actively prosecuted within 90 days after such date, and (2) that all work under such permit or authorization is satisfactorily completed within two (2) years after the date of such permit or duly granted extension thereto. Notwithstanding the foregoing, if the work has been diligently prosecuted, an extension of time may be granted for the completion of such work which allow its completion in accordance with the terms of the original permit.
- SECTION 503.22 BUILDING PERMITS REQUIRED---When building permits are required the Health District shall not issue plumbing permits dealing with such structure or building until the appropriate building permits have been obtained.
- SECTION 503.23 PERMITS FOR CONNECTION TO PUBLIC SEWER AND PUBLIC WATER SUPPLY SYSTEMS---Except as provided in Section 503.24, a permit for the installation of a plumbing, drainage, or water supply system on any premises shall not be issued until all the required permits have been obtained to connect to the public sewer system and to the public water supply system if accessible.
- SECTION 503.24 EXCEPTIONS---A permit for the installation of a plumbing, drainage, or water supply system on a premises may be issued before permits to connect to the public sewer system and/or a public water supply system have been obtained, if at the time of application for such permit acceptable evidence is presented that the installation of such public sewer system and/or public water supply system has been officially approved and that such system(s) will be constructed and placed in operation within a reasonable time. In such cases the owner of the premises shall obtain the necessary permits and make the connection to the public sewer system and/or public water supply system as each system becomes accessible. The plumbing, drainage or water supply system so installed shall not be used until such connections have been made and approved.
- SECTION 503.25 INDIVIDUAL SEWAGE DISPOSAL SYSTEM REQUIREMENTS--- Where the use of an individual sewage system is proposed for any premises, permits for the installation of plumbing or drainage in a new or existing building shall not be issued until after the Health Commissioner has approved the application for the installation of the individual sewage disposal system.
- SECTION 503.26 ABANDONMENT OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND PRIVATE WATER SUPPLIES---When a public sewer system and/or public water supplies become accessible to residential structures currently using individual sewage disposal systems and/or private water supplies and connections to the public sewer system and/or public water supplies is to be made, plumbing permits shall be required for such work and a complete inspection of all plumbing within the structure(s) affected shall be conducted to determine compliance with all plumbing requirements. Leak tests may be waived if in the opinion of the Health Commissioner, after a visual inspection, the plumbing remains tight. The permit holder shall be responsible for the approved abandonment of the septic tank and/or private water supply according to applicable regulations.

- SECTION 503.27 REPLACEMENT OF EXISTING PUBLIC WATER AND SEWER SERVICE CONNECTIONS---A plumbing permit shall be required and plumbing inspections shall be conducted pursuant to Section 503.26 for replacement of existing public water and sewer connections.
- SECTION 503.28 SANITARY PLUMBING REQUIRED WHEN OCCUPANCY OR USE OF BUILDING IS CHANGED---No change of occupancy in any building or structure shall be made or permitted if the existing plumbing fixtures, toilet rooms, bathrooms, or washrooms in such building or structure are unsanitary, in need of repairs, or are inadequate to accommodate the public, employees, families or occupants to be housed therein.
- SECTION 503.29 UNLAWFUL OCCUPANCY---It shall be unlawful for an owner or any other person to occupy or permit the occupancy of any building or structure or part thereof without first providing approved sanitary plumbing fixtures, toilet rooms, bathrooms, or washrooms for the use of the public, employees, families or occupants of such building or structure as required by this regulation. No such building or structure shall be occupied until a final inspection of the plumbing facilities therein has been performed and such facilities approved by the Health Commissioner.
- SECTION 503.30 CORRECTION OF EXISTING DRAINAGE NUISANCE---Any surface or roof drainage from any premises which flows into, onto, or across any adjacent premises, or buildings, so as to create a structural hazard, a health hazard, or a nuisance to the owners or occupants of the adjacent premises, shall be abated by the owners (or any other person exercising control) of the improperly drained premises, who shall cause the drainage to be disposed of in a manner acceptable to the Health Commissioner.
- SECTION 503.31 REMEDIAL ACTION---Should any surface or roof drainage from any premises flow into, onto, or across a public thoroughfare (e.g., sidewalk, street, or alley) thus creating a nuisance and hazard to persons using the thoroughfare or causing stoppage or undue maintenance or public drainage systems, the owner (or any other person exercising control) of the improperly drained premises shall abate such nuisance in accordance with orders issued by the Health Commissioner.