

1 ORDINANCE NO. 2010-060

Companion Resolution No. 2010-059

2
3 SPONSOR Mr. Pry

4
5 DATE March 1, 2010

COMMITTEE Planning

6
7 **An Ordinance enacting Section 1301.16 of the Codified Ordinances of the County of**
8 **Summit, entitled “Medical Gas Systems” and 1307.12 of the Codified Ordinances of the**
9 **County of Summit, entitled “Medical Gas Systems Fees” to establish the authority and fee**
10 **structure for the Division of Building Standards to enforce the medical gas systems**
11 **provisions of the Ohio Building Code and Ohio Plumbing Code, for the Executive’s**
12 **Department of Community and Economic Development, Division of Building Standards,**
13 **and declaring an emergency.**

14
15 WHEREAS, pursuant to Ohio Administrative Code Chapter 4101:1, a County building
16 department may enforce the medical gas systems provisions of the Ohio Building Code and Ohio
17 Plumbing Code, provided that it employs the requisite medical gas systems inspectors and
18 applies for and obtains the certification of the Ohio Board of Building Standards; and

19
20 WHEREAS, pursuant to Ohio Administrative Code Chapter 4101:1, if a County elects
21 not to apply for and obtain the aforementioned certification, the enforcement of the medical gas
22 systems provisions of the Ohio Building Code and Ohio Plumbing Code will be performed by
23 either the local board of health or the Ohio Division of Industrial Compliance; and

24
25 WHEREAS, the County has not previously applied for said certification from the Ohio
26 Board of Building Standards and does not currently have certification to enforce the medical gas
27 systems provisions of the Ohio Building Code and Ohio Plumbing Code; and

28
29 WHEREAS, currently, the Ohio Division of Industrial Compliance enforces the medical
30 gas systems provisions of the Ohio Building Code and Ohio Plumbing Code in the areas where
31 the County has statutory or contractual jurisdiction; and

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33 WHEREAS, the Executive has proposed that the County, through its Division of
34 Building Standards, apply for and obtain certification from the Ohio Board of Building Standards
35 to enforce the medical gas systems provisions of the Ohio Building Code and Ohio Plumbing
36 Code for the following reasons: (i) the County can provide this service to businesses and
37 developers within its jurisdiction at a lower cost than the State, (ii) it will be more convenient and
38 efficient for the County to provide this service to businesses and developers and (iii) it will create
39 additional revenue for the County without a substantial increase in associated expenses; and

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41 WHEREAS, the County’s Division of Building Standards currently employs individuals
42 with the requisite certifications to serve as medical gas systems inspectors; and

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44 WHEREAS, concurrently with this Ordinance, this Council has adopted Resolution No.
45 2010-059, which authorizes the Executive to apply for and obtain certification from the Ohio
46 Board of Building Standards for the County’s Department of Building Standards to enforce the
47 medical gas systems provisions of the Ohio Building Code and Ohio Plumbing; and

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4 WHEREAS, this Council finds and determines that it is necessary and in the best interest
5 of the County enact ordinances which establish the authority of the Division of Building
6 Standards to enforce the medical gas systems provisions of the Ohio Building Code and Ohio
7 Plumbing Code and to establish a fee for the processing, plans examinations and inspections of
8 medical gas systems thereunder.

9
10 SECTION 1

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12 Section 1301.16 of the Codified Ordinances of the County of Summit, entitled "Medical
13 Gas Systems" is hereby enacted as follows:

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15 **1301.16 Medical Gas Systems**

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17 (A) This Section shall apply to all townships and municipalities for which the County has
18 jurisdiction and/or has contracted to enforce the Ohio Building Code and perform
19 inspections under that Code, or where the County has specifically contracted with a
20 political subdivision to perform inspections and enforce the Codes set forth in
21 subsection (B).

22
23 (B) No person shall alter, construct, install and/or repair any medical gas system, medical
24 oxygen, or vacuum piping system, as defined and set forth in the current versions of
25 Chapters 4101:1, 4101:2 and 4101:3 of the Ohio Administrative Code, Chapter 12 of
26 the Ohio Plumbing Code and the National Fire Protection Association Section 99C
27 (hereinafter collectively "medical gas system") without first obtaining a medical gas
28 system permit from the Building Official to perform such work. No owner or person
29 having charge of any property shall cause or allow any such work to be performed on
30 such premises without a medical gas system permit having been first obtained
31 therefore and the prescribed fee having been paid. Any person or company
32 performing permitted work on a medical gas system shall be appropriately certified
33 and provide proof of such certification upon request at the time of inspection.

34
35 (C) Medical gas system permit fees shall be calculated and paid according to the fee
36 schedule set forth in Section 1307.12.

37
38 SECTION 2

39
40 Section 1307.12 of the Codified Ordinances of the County of Summit, entitled "Medical
41 Gas Systems Fees" is hereby enacted as follows:

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43 **1307.12 Medical Gas Systems Fees**

44
45 (A) The fees for examination and processing of construction documents for medical gas
46 systems, as described in Section 1301.16 of these Codified Ordinances, and the
47 inspection of medical gas systems shall be as follows:

Voice Vote: 11-0 YES: Komunale, Crawford, Crossland, Feeman, Kostandaras, Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith

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SECTION 2 (cont'd.)

Processing	\$200.00
Plans Examination	\$200.00
Per room (with outlets) and equipment rooms	\$10.00
Per zone valve assembly	\$20.00
Per system	\$20.00
Per "tie-in"	\$20.00

(B) The maximum number of inspections that are included in the pricing set forth in subsection (A), above, is three (3), and any inspections that exceed that maximum number shall be charged at the rate of \$120.00 per inspection.

SECTION 3

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose to immediately begin enforcement of the medical gas systems locally to realize the aforementioned benefits.

SECTION 4

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 5

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED February 8, 2010

ADOPTED March 1, 2010

Charlene Munis
CLERK OF COUNCIL

[Signature]
PRESIDENT OF COUNCIL

APPROVED March 2, 2010

[Signature]
EXECUTIVE

March 2, 2010
ENACTED EFFECTIVE

~~Voice Vote: 11-0 YES: Komunale, Crawford, Crossland, Feeman, Kostandaras, Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith~~