

4781-7-08

**Duties and powers of the inspector.****(A) General.**

- (1) The authority having jurisdiction shall enforce Chapter 4781. of the Revised Code and the rules promulgated thereunder. The authority having jurisdiction and the inspector shall:
  - (a) Render interpretations of Chapter 4781. of the Revised Code and the rules promulgated thereunder.
  - (b) Adopt policies and procedures in order to clarify the application of Chapter 4781. of the Revised Code and the rules promulgated thereunder.
- (2) Such interpretations, policies, and procedures adopted by the authority having jurisdiction shall comply with the intent and purpose of Chapter 4781. of the Revised Code and the rules promulgated thereunder. Such policies and procedures shall not waive any of the requirements under Chapter 4781. of the Revised Code and the rules promulgated thereunder.
- (3) Where there is a specific conflict, the commission interpretations of its statutes or rules , shall be binding on the authority having jurisdiction.

**(B) Applications for permits and plans review.**

- (1) The authority having jurisdiction shall receive permit applications, review plans and issue permits for the installation of manufactured homes in compliance with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder.
- (2) The authority having jurisdiction shall issue all permits, approvals of plan reviews, directives and/or all necessary notices or orders to ensure compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.
- (3) The authority having jurisdiction may charge additional fees for permits, inspections, and plans review as set forth in rule 4781-7-09 of the Administrative Code.

**(C) Inspection authority.**

- (1) The authority having jurisdiction shall make all the required inspections and shall accept or reject any reports of inspection by approved agencies or by the person responsible for the installation of the manufactured home. Reports of inspections shall be in writing and be signed by the responsible officer of the approved agency or by the responsible person or approved agency.
- (D) Identification. The inspector, upon request, shall present his or her commission approved credential when inspecting the installation of manufactured homes.
- (E) Right of entry. Where it is necessary to make an inspection to enforce the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder, or where the inspector has reasonable cause to believe that there exists in a manufactured home a condition in violation of Chapter 4781. of the Revised Code and/or the rules promulgated thereunder, that renders the manufactured home unsafe, dangerous or hazardous, the inspector shall be authorized to enter the manufactured home to inspect or perform his or her duties imposed by Chapter 4781. of the Revised Code or the rules promulgated thereunder, provided that credentials be presented and entry be requested of the installer, the owner or other person having charge or control of the manufactured home. If entry is refused the inspector shall have recourse to remedies provided by law to secure entry and shall not enter until proper approval is granted.
- (F) The authority having jurisdiction shall keep official records of applications received, permits and seals issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records, ~~upon~~ Upon termination of certification, all records must be delivered to the ~~OMHC~~ commission office as prescribed.
- (G) Liability.
- Liability of authority having jurisdictions' personnel for any tortious act will be determined by Ohio courts under Chapter 2744. of the Revised Code. The provisions of Chapter 2744. of the Revised Code are not applicable to third party plans review and/or inspection agency's personnel.
- (H) Approved materials and equipment. Materials, equipment, and devices approved by the inspector shall be installed in accordance with such approval. Used materials equipment and devices shall not be reused unless approved by the inspector.
- (I) Other designs, installations or equipment.
- (1) Alternative materials design and methods of installation or equipment.

- (a) These rules do not prohibit the installation of any material or prohibit any design or method of installation that has not been specifically prescribed by Chapter 4781. of the Revised Code and the rules promulgated thereunder, as long as any alternative method, design, or material has been approved by the commission.
- (b) Alternative materials, designs or methods of installation shall be approved where the commission only if the commission determines that the proposed material, design or method complies with the intent and the purpose of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder, and that the material, design, or method is for the purpose intended and at least the equivalent of the standards prescribed in Chapter 4781. of the Revised Code and the rules promulgated thereunder.
- (c) Compliance with specific performance-based provisions of the HUD MHCSS or the residential code of Ohio or of the international codes in lieu of specific requirements of these rules may be permitted as an alternative.

(2) Tests.

- (a) Whenever there is insufficient evidence for compliance with the provisions of Chapter 4781. of the Revised Code and the rules promulgated thereunder or evidence that a material, design or method does not conform to the requirements of Chapter 4781. of the Revised Code and the rules promulgated thereunder, the inspector or the commission shall have authority to require tests of the proposed material, design or method for evidence of compliance at no expense to the jurisdiction.
- (b) Test methods shall be as specified in Chapter 4781. of the Revised Code and the rules promulgated thereunder or by other recognized test standards.
- (c) Tests shall be performed by an agency approved by the Ohio board of building standards, HUD or the commission. In the absence of recognized and accepted test methods, the inspector, or the commission shall approve the testing procedures.
- (d) Reports of tests shall be retained by the authority having jurisdiction for the period required for retention of public records.

- (3) Submission of a valid research report from an evaluation service that supports the efficacy of use of any material, appliance, equipment or method not specifically provided for in Chapter 4781. of the Revised Code and the rules promulgated thereunder, or that demonstrates compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder may be used as evidence of compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder. Evaluation services include but are not limited to BOCA-ES, ICBO-ES, SBCCI-ES, NES and ICC-ES.

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CERTIFIED ELECTRONICALLY

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Certification

11/20/2012

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Date

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