

## FREQUENTLY ASKED QUESTIONS

### ***1. What work does Montgomery County Building Regulations Division regulate?***

**One, Two and Three Family Dwellings and their accessory structures**, commonly referred to as “**Residential Construction**”: Per local resolution, Montgomery County regulates new construction, additions, and alterations of these dwellings and their accessory structures, including work such as finishing basements, converting garages to living spaces, and deck construction. Enforcement extends to both structural and non-structural construction, and includes mechanical and electrical work as well.

**All Commercial and Multi-Family (4 or more) Residential Structures**, commonly referred to as “**Commercial Construction**”. Per state law, this construction is regulated by the Ohio Board of Building Standards, and is enforced locally by Montgomery County. This includes new construction, additions, structural and non-structural alterations, and changes of occupancy. Enforcement also covers mechanical and electrical work, and fire suppression and alarm systems.

In addition to code compliance listed above, we also check for compliance with Flood Damage Prevention Standards and Airport Zoning requirements around Wright Patterson Air Force Base.

### ***2. Where can I obtain copies of the codes you enforce?***

The current Ohio Building Code/Ohio Mechanical Code (OBC/OMC) is available from The International Code Council 1-888-422-7233, or [www.iccsafe.org](http://www.iccsafe.org).

The current Residential Code of Ohio for One, Two, and Three Family Dwellings is available from The International Code Council, 1-888-422-7233, or [www.iccsafe.org](http://www.iccsafe.org).

NFPA 13, 70 (and other NFPA Codes) are available from the National Fire Protection Association, 800-344-3555.

### ***3. Do contractors have to be licensed to work in Montgomery County?***

The Ohio Construction Industry Licensing Board (OCILB) (614-644-3493) requires that commercial, electrical, HVAC, hydronics, plumbing, and refrigeration contractors be licensed. State Licensing is not required for general contractors, nor contractors that only do 1, 2, 3 Family Residential work.

In addition, Montgomery County Building Regulations requires that mechanical contractors doing HVAC, gas piping, or building services piping work, register with us prior to obtaining permits or doing any of the above referenced work.

### ***4. I am the homeowner. Do I need to register to perform work on my own property?***

Homeowners do not need to be registered to work on their own property. They may do their own mechanical or gas piping work on their primary residence with their own labor without being registered. Work on non-primary residences, or work that is hired out requires mechanical contractor registration.

The various registrations and requirements are as follows for **residential and commercial** projects:

	Required	Term	Fee	Requirements
General Contractors	No	N/A	N/A	N/A
Plumbing Contractors	<i>Not regulated by Building Regulations Division. Contact the Combined Health District at 937-225-4943 or <a href="http://www.chdmc.org">www.chdmc.org</a></i>			
Mechanical Contractors	Yes	1 year	\$90	Complete notarized application Complete insurance certificate Current surety bond for \$5,000 notarized

Other jurisdictions (City of Dayton, City of Centerville, City of Kettering, etc.) may have different requirements for contractor licensing or registration. Contact the jurisdiction where the work will be performed for clarification.

### **5. What areas of Montgomery County are under your jurisdiction?**

**All townships in the county** are under the jurisdiction of Montgomery County Building Regulations Division. Also, **some villages and cities contract with Montgomery County** to do all or some building code enforcement for them.

(See chart on next page)

## JURISDICTIONAL CHART

PARCEL PREFIX	JURISDICTION	COMMERCIAL				RESIDENTIAL			
		BLDG	HTG	ELEC	GAS	BLDG	HTG	ELEC	GAS
A01	Butler Twp	X	X	X	X	X	X	X	X
C04	Clay Twp	X	X	X	X	X	X	X	X
M60	Clayton	X	X	X	X	X	X	X	X
F23	Farmersville	X	X	X	X	X	X	X	X
D13	German Twp	X	X	X	X	X	X	X	X
E20	Harrison Twp	X	X	X	X	X	X	X	X
P70	Huber Heights	X	X	X	X	X	X	X	X
F22	Jackson Twp	X	X	X	X	X	X	X	X
G27	Jefferson Twp	X	X	X	X	X	X	X	X
K45	Miami Twp	X	X	X	X	X	X	X	X
F24	New Lebanon	X	X	X	X	X	X	X	X
L52	Perry Twp	X	X	X	X	X	X	X	X
C08	Phillipsburg	X	X	X	X	X	X	X	X
I39	Riverside	X	X	X	X	X	X	X	X
H33	Trotwood	X	X	X	X	X	X	X	X
M58	Union	X	X	X	X		X	X	X
O67	Washington Twp	X	X	X	X	X	X	X	X
I39	WPAFB-Page Manor	X	X	X	X	X	X	X	X

### 6. *Is any construction exempt from building permits?*

**Maintenance and repairs may be made without building permits**, but such repairs cannot include any structural work, mechanical or electrical work, or construction or removal of non-structural walls or partitions. Permits are not required for cosmetic changes such as painting or carpeting, but such work must still comply with applicable codes, such as not exceeding applicable flame spread requirements. Refer to RCO R105.2, and OBC Section 101.2.

**Some work is exempt from local code enforcement**, such as state or federal projects built on state or federally owned land, used for governmental purposes. In those cases, the state or federal government oversees code compliance. Other buildings such as those used for agricultural purposes are also exempt. If you have questions about whether your project is exempt, be sure to check with the building department before proceeding. Refer to OBC Section 101.2

5.2.

**Certain minor residential construction has been deemed exempt** from building permits, such as single story detached sheds that do not exceed 200 square feet in floor area. But such work must still be installed in accordance with residential code standards.

### **7. What permits do I need if I'm just moving into an existing space, and doing no remodeling?**

**Continuation of existing uses.** To use a building in the same manner as previously approved, such as a dress shop occupying a former men's clothing store, and the former use had been legally approved, no new Certificate of Occupancy is needed. C.O.'s are issued for a specific use of a building or space, not a specific tenant, and do not expire if the use does not change.

**Same overall use, but some specific changes in occupancy.** If any significant changes are proposed in how the spaces are used, even if the overall use remains the same, the changes must be approved by our department. Examples include converting offices to storage rooms (may require fire rated separations or fire sprinklers), or storage rooms to employee lounges (may require additional mechanical ventilation).

**New use of an existing space.** Some proposed occupancies are considered a Change of Use, and may increase the amount of people using the building enough that additional exits, toilet facilities, ventilation systems and fire suppression systems are required, such as locating a church in a space previously approved for a business use. Also when a new use goes in a building, specific code requirements for that use must be met, such as installing alarm systems in churches or daycare centers.

**Same use, I think, but I can't prove it.** A variety of documentation approaches may be considered. Contact your design professional or our department if you have questions. Montgomery County maintains extensive permit approval records which are available to the public for research any time during normal business hours. *Contact our office for details about our Records Research Policy.*

### **8. What do I need to submit in order to get a permit?**

**Residential permit applications** must include two copies of drawings that describe the proposed work and how it will meet applicable code requirements, along with a completed application. Submittal requirements are described in more detail on the back of the Residential Application Form. Upon approval of a permit, we will return one set with approval marks and notes, and keep one set on file in our offices. *Refer to back of Residential Permit Application for more detailed information.*

**Commercial permit applications** must include two or three copies of Ohio Certified drawings and specifications describing the work for which the permit is sought, and how it will meet applicable code requirements, along with a completed application form. Submittal requirements for various types of permits are described in more detail on the back of the Commercial Permit Application Form, Part A.

Upon approval of a permit, we will return one set with approval marks and notes, and keep one set on file in our offices. (When a third set is required, it is sent to the local fire department for review and comment).

### **9. How long does it take to get a permit?**

Most **Commercial Permits** are processed within seven to ten working days after receiving sufficient information to do a plan review. Turn around for some partial permits is three to five working days. Most **Residential Permits** are processed within three to five working days after receiving enough information to do a plan review.

When submittals are found to be deficient, either because the submittal is incomplete or the work proposed is code deficient, the applicant is notified of the need to submit additional or corrected information, and the “turn around clock” stops until a response is received. Time spent waiting for such responses is not counted against turn around goals.

### **10. Can I get a partial permit to get construction started more quickly?**

**A variety of Partial Permits are available to expedite construction.**

The most common is the issuance of a Footing/Foundation Permit which is processed in one to three days. Footing/foundation Permits are only available on certain type of projects. Shell Permits are processed in the same time frame as complete construction permits, but allow expedited construction since work can proceed before all interior detailing is completed. These permits are separate, standalone permits. *Again, see the back of the application forms for submittal information.*

**Some over the counter permits are available** for Electric Permits, Gas Piping Permits, Residential Mechanical Permits, and Demolition Permits. Also, Residential Footing/Foundation Permits are available on a same day basis for new homes, with proper information being provided.

### **11. How can I group permits for multiple tenants or dwellings?**

Each finished building, tenant space, or dwelling unit requires a Certificate of Occupancy. Multiple C.O.'s in a single building can be applied for with one drawing submittal, but may require individual applications for each space. For multi-family dwellings, a single application listing all addresses can be submitted, and you will have to pay for multiple C.O.'s. For other multi-tenant buildings, a separate application form will have to be submitted for each tenant.

Shell Only spaces may be combined with applications for adjoining finished spaces. Multiple buildings being constructed on a site can be submitted with one set of drawings, but a separate application must be submitted for each building, and you will have to ensure that the approved permit set is at each building site at the time you schedule inspections for that building.

Applications for sub-permits such as electric or gas piping may be grouped similar to the primary building permits discussed above. Additional inspections may need to be paid for, however. *See applicable parts of the fee schedule for more details.*

### **12. What other permits might I need?**

Zoning permits must be obtained for all new work and most changes of use of buildings. They are obtained from the township, city, or village in which the building is located. They should be obtained before applying for the building permit, but in specific instances, exceptions may be made.

Other agencies issue permits that may be required for your work, such as Plumbing and Food Service Permits issued from the Montgomery County Health District, Commercial Swimming Pool Permits issued from the Ohio Department of Health, etc. *See the back of the Commercial Permit Application for a list of agencies and phone numbers that you might need permits from.*

### **13. What else should I know before I start construction?**

READ ALL NOTES RETURNED WITH YOUR PERMIT BEFORE YOU START CONSTRUCTION! Too many small issues become big problems because the applicant/builder/designer did not read the code review comments as soon as the permit was issued. There may be notes about submittals that still need to be made, or cautions about our expectations for work not fully described on the drawings. If you have questions about such remarks, it is best to raise them at the beginning of the job, not when the inspector turns you down.

### **CHECK YOUR TRUSS DRAWING SUBMITTAL INFORMATION BEFORE**

**TURNING IT IN!** While the actual truss shop drawings are often submitted for review after the primary building permit has been issued, they must still be legible, complete, and sealed by an architect or engineer. A detailed statement of submittal requirements is issued with each permit using trusses. Incomplete submittals clog up our system and slow you down, especially when you submit them very close to the time you are expecting a rough framing inspection (which includes inspecting the truss installation).

### **14. Once I obtain a permit, what inspections are required?**

Both Commercial and Residential work must have rough inspections of construction progress before work is covered up, and final inspections after work is complete. Typically all sub trade inspections such as electrical and mechanical must be approved before the main permit (general construction) inspection will be done. Approved plans must be on the jobsite for each inspection. *Refer to the Commercial Inspection Checklist or Residential Inspection Checklist for more detailed information.*

Note: Footings, Slabs, and Gas or Electric Trenches must be inspected before concrete is poured or backfill material is placed.

### **15. What must be done before I can get power turned on at a building?**

**For New Construction or Alterations**, we typically require that building and sub-trade rough inspections be approved and Fault Current Analysis must be submitted before the electric service is permitted to be energized. Exceptions are possible. *Contact our division for more details on our Commercial and Residential Service Release policies and Fault Current Analysis Forms.*

**Electric reconnects** will be authorized after a Service Reconnect Permit is obtained and an electric safety inspection is done to ensure no electrical hazards are present.

**Gas piping** must have all underground and rough piping inspections approved, then the Building Regulations Division will authorize it to be energized.

**Gas reconnects** will be authorized after a Service Reconnect Permit is obtained and a gas piping inspection is done to ensure that no hazards are present.

### **16. Explain C.O.'s and T.C.O.'s**

**Certificates of Occupancy** (C.O.'s) are issued after all work has been completed and inspections (including inspections by other agencies such as plumbing and fire department) for the main building permit have been approved. In the event no new work is proposed, just a request to occupy an existing space, the Building Regulations Division conducts one final inspection after the fire department conducts a final inspection.

**Temporary Certificates of Occupancy** (T.C.O.'s) may be granted by the Chief Building Official if either part of the work is 100 percent complete, or all of the work is mostly complete. All spaces to be occupied must have been inspected per normal procedures, and must be deemed safe to occupy. In other words, all matters relating to life safety, such as exit signs, door hardware, alarm and suppression systems, must be installed and functioning properly. Also, our policy is that all permits must have been obtained or at least applied for before a T.C.O. will be considered. Refer to the Temporary Certificate of Occupancy Policy for more detailed information.

#### **Note:**

A zoning "Certificate of Occupancy" only signifies compliance with zoning ordinances for land use approval. It does not take the place of Montgomery County's Certificate of Occupancy for building use approval.

## 17. Explain your penalty fees

**Plan re-review fees** are assessed for incomplete or incorrect submittals. If submittals lack basic levels of adequacy, such as not being drawn to scale, or not having rooms labeled as to proposed use, a re-review fee may be assessed immediately, before any plan review is conducted. (It is important to review the plan submittal requirements listed on the back of the application forms.) Typically, however, this fee will only be assessed after a plan review has been done, a correction letter has been sent out, and the resubmittal has been reviewed and found to still be deficient or incorrect regarding the need to show a code complying solution. When assessed, fees must be paid at the time of any subsequent resubmittal.

**Reinspection fees** are assessed after an inspection is done once, turned down, and then any of the same items are found to be lacking or improperly installed on the follow-up inspection. In other words, you get one free inspection per phase of work, but subsequent re-inspections must be paid for.

**Lockout, not ready, no address.** - No approved drawings on site. These situations cause us to assess a reinspection fee immediately. Lockout means we could not gain access to the work through a normal route. This could also be assessed if the building had personal belongings in it but no adult was there to escort us on our inspection. Not ready means that it was obvious during the course of our inspection that the work had not been completed sufficiently for us to inspect all that we were requested to. Typically, we allow up to six deficiencies to be noted on an inspection before we say it's apparent that the work is not ready. No address means we could not observe a posted address, visible from the street when we arrived to do an inspection. Without such address visible, we can't be sure we are inspecting the right property. Approved drawings need to be on site to conduct a proper inspections.

**Missed inspection fees** will be assessed when work is covered up without inspection, and we then have to spend time deliberating and discussing acceptable measures to verify construction adequacy of concealed work.

**Unsafe Jobsite** if access to the work is not possible due to unsafe conditions such as inadequate ladders or lack of backfill combined with inadequate walkway planks, inspection may be postponed and fees assessed.

The Chief Building Official may waive penalty fees if legitimate misunderstandings occurred, or if our office gave out incorrect information or acted incorrectly. Penalty fees must be paid before we continue with further plan reviews or inspections, and may be paid in person, by mail, or by Discover Card.



**18. How can I appeal a decision, interpretation, or order of the Building Regulations Division?**

All decisions, interpretations, and orders of the Building Regulations Division are appealable. Upon receiving a written request for an appeal or variance of one of the codes the Building Regulations Division enforces, a written Adjudication Order (a written order to comply with a law) will be prepared. It will detail the code issues involved and will indicate to whom and how you file an appeal. Montgomery County administers a residential appeals board, and the City of Dayton administers the commercial appeals board.

**19. What are your local climatic design criteria for structural design?**

**Commercial Criteria:** Frost Depth = 32"; Ground Snow Load = 20 PSF; Wind Speed = 90 MPH; Seismic Zone = 1.

**Residential Criteria:** Frost Depth = 32"; Ground Snow Load = 20 PSF; Wind Speed = 90 MPH.

**20. Can I look up information about prior permits, inspections, and occupancy approvals for the building I'm interested in?**

Yes. Information submitted for permit approval becomes a public record, and is available for public inspection and research. Drawings are archived on microfiche, with records going back to the 1960's, and may be viewed during normal working hours. Contact our office for more details on our records research policy. You can also use our "E-Connect" feature of our website, at [www.mcoho.org/build](http://www.mcoho.org/build).

**21. How might Montgomery County's Floodplain Damage Prevention Regulations affect my project?**

Montgomery County Floodplain Damage Prevention Regulations have been enacted in conjunction with FEMA's flood damage insurance program. Construction within areas identified by FEMA as having a flood hazard potential must obtain a Floodplain Construction Permit, and may have special construction limitations or requirements. *Copies of the regulations and applications are available from our office and on our website.*

**22. How might Wright-Patterson Air Force Base Airport Zoning Regulations affect my project?**

WPAFB Airport Zoning Regulations is an overlay zoning district, affecting construction in close proximity to the Air Force Base. It has been created in order to protect public health and welfare within noise-sensitive surface and airport hazard areas, and to ensure compatible uses and protect against incompatible encroachment. If the work is within the district, construction compliance information must be included with the project submittal before any permits (including footing/foundation permits) will be issued. *Copies of the regulations are available from our office and on our website.*

### 23. What do I need to get a Daycare Licensing Permit?

Most day care facilities are regulated by both the Ohio Building Code, and the Ohio Department of Job and Family Services. To determine what type of child day care license is required by the ODJFS, contact them at 513-852-3296, or check their website at [www.state.oh.us/odhs/cdc](http://www.state.oh.us/odhs/cdc). As part of their licensing requirements, they require proof of a Certificate of Occupancy from the building department before they will issue their license. In order for us to issue a C.O., you must obtain a building permit from our division by submitting three sets of construction documents, a completed application form, and the minimum up front fee. Applying for a permit will require that you describe your proposed use and any proposed construction or alterations in accordance with the OBC.

The OBC categorizes day care facilities for children and adults as being either R-3 Residential, E Educational, A-3 Assembly, or I-4 Institutional. The age and number of residents (children or adults) being cared for are primary determining factors in deciding the appropriate Use Group, as seen in the following chart:

<b>Classification for Occupancy Groups in Less than 24-Hour Care Facilities</b>			
<b>Age and Capability of Residents</b>	<b>Number of Residents</b>		
	<b>1 – 5</b>		<b>Over 5</b>
	<b>In a 1, 2, or 3 family dwelling (Ohio Residential Code)</b>	<b>In a 4 family or more dwelling building (Ohio Building Code)</b>	<b>Ohio Building Code</b>
2 ½ years or less (assumed not capable of self preservation)	Residential	R-3	I-4 or E
Over 2 ½ years and capable of self preservation	Residential	R-3	E – Children A-3 – Adult
Over 2 ½ years and not capable of self preservation	Residential	R-3	I-4

Once you determine which Use Group your proposed use will be classified as, your application must show how the facility you intend to construct or occupy will meet OBC requirements for that use group. In addition to normal permit submittal requirements, the plans must specifically indicate which rooms are going to be used for day care, and the ages and number of residents proposed for each of those rooms. They must also indicate, if required by the OBC, what alarm systems and/or sprinkler systems will be provided, as well as showing all exit signs and emergency lights provided.

Plan review for day care applications is the same as other projects, usually taking between seven and ten working days to complete. Once the permit is obtained, any work indicated on the permit drawings to be constructed or installed can be done, with inspections then done by

our division at appropriate intervals. After we pass the final building inspection, we will issue a Certificate of Occupancy, which you will submit to your day care licensing representative so she or he can complete the licensing approval process.

**24. What do I do if my building is damaged by fire, wind, rain, snow, or vehicles?**

When requested, the Building Regulations Division staff will conduct a damage assessment inspections as soon as possible after being notified of damage to a structure or building system. All such inspections require a Damage Assessment Permit to be obtained, preferably before the inspection, but in emergencies, an application can be deferred to a later time. If emergency inspections are done outside normal working hours, after hours inspection fees will be assessed in addition to other scheduled fees. Our inspectors will determine either:

1. Damage was minor, no repair permit or inspection is necessary;
2. Damage repair may proceed with the understanding that items damaged will be replaced with like material. A repair permit must be obtained, and all work must be inspected before being concealed, but no drawings are required; or
3. Extensive repairs are necessary, a repair permit must be obtained, drawings must be submitted detailing the work to be done, and all work must be inspected before being concealed.

**25. Explain your refund policy**

Up-front fees paid are not refundable, unless the fee is assessed mistakenly, in which case we will refund the entire amount. If a refund is requested by the applicant, after deducting up front fees, one half of the remainder paid will be refunded to the party that paid the fee. No refunds are available after the work has commenced.

**MONTGOMERY COUNTY OFFICES**

MONTGOMERY COUNTY BUILDING REGULATIONS DIVISION  
451 West Third Street, Dayton, Ohio 45422 Office:  
937-225-4622 • Fax: 937-225-6327

MONTGOMERY COUNTY PLANNING COMMISSION  
Montgomery County Administration Building  
451 West Third Street, Dayton, Ohio 45422  
Office: 937-225-4351 • Fax: 937-225-6327

MONTGOMERY COUNTY ENGINEER'S OFFICE  
Montgomery County Administration Building  
451 West Third Street, Dayton, Ohio 45422  
Office: 937-225-4904 • Fax: 937-496-7441

MONTGOMERY COUNTY SANITARY ENGINEERING SERVICES  
1850 Spaulding Road, Kettering, Ohio 45432  
Offices: 937-781-2500

MONTGOMERY COUNTY COMBINED HEALTH DISTRICT  
Reibold Building  
117 South Main Street, Dayton, Ohio 45422  
(North of S.R. 35) Office: 937-225-4943  
(South of S.R. 35) Office: 937-225-5912

**RELATED AGENCIES**

OHIO UTILITIES PROTECTION SERVICE  
800-362-2764  
[www.oups.org](http://www.oups.org)

OHIO BOARD OF BUILDING STANDARDS  
614-644-2613  
[www.com.state.oh.us/dic/dicbbs.htm](http://www.com.state.oh.us/dic/dicbbs.htm)

