



## Ohio Administrative Code

### Rule 5101:2-12-04 Building department, fire inspection and food service licensure for a licensed child care center.

Effective: October 29, 2021

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(A) What are the requirements for building inspections?

- (1) A certificate of occupancy for the purpose of operating a child care center is required in accordance with Chapters 3781. and 3791. of the Revised Code and shall be obtained from the local certified building department or in the absence of a local certified building department, the Ohio department of commerce, and be available on-site for review.
- (2) The center shall comply with any stipulations or limitations noted on the certificate of occupancy.
- (3) A certificate of occupancy is required in the following circumstances:
  - (a) At the time of application for a child care center license.
  - (b) At the time a child care center requests a license amendment for a change of location, including a temporary change of location.
  - (c) Prior to the use of any areas of the structure not previously inspected and approved for child care use.
  - (d) At the time of major repair, modification or alteration of any existing structure presently being used for child care but prior to the continued use of modified or altered parts of the structure. Major repair, modification or alteration includes:
    - (i) Cutting away of any wall, partition or portion thereof, the removal of or cutting of any structural beam or bearing support or the removal or change of any required means of escape, or rearrangement of parts of the structure affecting the exit requirements.
    - (ii) Addition to, alteration of, replacement or relocation of any gas, oil, water, soil, waste or vent



pipng, electrical wiring or heating, ventilating or air-conditioning equipment.

(iii) Any modification that would otherwise need a plan approval as required by the rules of the Ohio board of building standards.

(4) A new or revised certificate of occupancy is not required for the following:

(a) A change in ownership with no change of use.

(b) Child care is provided exclusively for school-age children in an existing public school or chartered nonpublic school building as described in section 5104.02 of the Revised Code.

(B) What are the requirements for a fire inspection?

(1) Licensed child care centers shall secure a written fire inspection from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction.

(2) The child care center is to abide by any stipulations or limitations set forth in the written documentation by the state fire marshal or local fire safety inspector.

(3) A fire inspection is to be obtained at the following times:

(a) At the time of initial application for a child care center license.

(b) At the time of a child care center license amendment when requesting a change of location, including a temporary change of location.

(c) At least once annually within each twelve months from the date of the last fire inspection report.

(d) Prior to the use of any areas of the structure not previously inspected and approved for child care use.

(4) If child care is provided exclusively for school-age children in an existing public school or



chartered nonpublic school building as described in section 5104.02 of the Revised Code, a fire inspection for the child care center is not required.

(C) What are the requirements for preparing and serving food for a child care center ?

(1) A valid food service operation license or exemption status shall be obtained from the local health department having jurisdiction.

(2) Meals or snacks may be provided by an off-site food processing establishment registered with the Ohio department of agriculture (ODA). This ODA registration requirement includes meals or snacks prepared by a child care center and provided or transported to a different child care center for serving.

(a) The center is to maintain on file a copy of the food processing establishment's current registration.

(b) If the food processing establishment only provides the food and it is the responsibility of the center to serve the food, the center is to follow the requirements of the local health department having jurisdiction, including securing a food service operation license for the center.

(3) A food service license or exemption for the child care center is not required if the child care program is located in an existing public school, chartered non-public school, church or similar location which maintains a food service operation license. The child care center is to obtain written documentation by the food service operation license holder granting permission to operate under their license.