

ORDINANCE NO. 2013-08

AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO AMEND THE CERTIFICATION OF THE VILLAGE OF MOUNT STERLING FOR THE ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO WITH THE CONDITION THAT THE FAYETTE COUNTY RESIDENTIAL BUILDING DEPARTMENT EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATION, AND MAKE INSPECTIONS, AND AUTHORIZING AN AGREEMENT FOR SUCH ENFORCEMENT BETWEEN THE VILLAGE OF MOUNT STERLING AND FAYETTE COUNTY AND DECLARING AN EMERGENCY

WHEREAS, the Village of Mount Sterling, Ohio desires to enforce the Residential Code of Ohio for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings specified in section 3781.06 of the Revised Code of Ohio, and;

WHEREAS, the Village of Mount Sterling obtained initial authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code, with the condition that the City of London Residential Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio, and;

WHEREAS, the Village of Mount Sterling desires to modify its original authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code, with the condition that the Fayette County Building Department exercise enforcement authority and accept and approve plans and specification, and make inspections in accordance with the Residential Code of Ohio, and;

WHEREAS, the said Board of Building Standards has certified the Fayette County Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective _____, as set forth in said Board's certification rule, and;

WHEREAS, it is necessary in accordance with law to administer and enforce the Residential Code of Ohio within the limits of the Village of Mount Sterling, and;

WHEREAS, it is necessary that an agreement be entered into between the Village of Mount Sterling and the Fayette County Building Department for the enforcement of the Residential Building Code within the limits of the Village of Mount Sterling.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MOUNT STERLING, STATE OF OHIO

SECTION I.

That Ohio Administrative Code 4101:8 - Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the Village of Mount Sterling.

SECTION II.

The Mayor of the Village of Mount Sterling or his designee is authorized and directed to sign and submit an amended application to the Ohio Board of Building Standards requesting said Board amend the Village of Mount Sterling certification for the enforcement of the Residential Code of Ohio with the condition that the Fayette County Building Department exercise the enforcement authority as necessary in accordance with the Residential Code of Ohio with the limits of the Village of Mount Sterling and to enter into

an agreement with the Fayette County Building Department for such purpose.

SECTION III.

The terms of said agreement shall grant to the Fayette County Building Department full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the Village of Mount Sterling and in consideration therefore to allow the Fayette County Building Department to retain pursuant to the agreement of the Village of Mount Sterling and the Fayette County Building Department certain permit and inspection fees as authorized by the State of Ohio for such purposes. See Attached Contract for Building Department Inspection Services and Permit and Inspection Fees for the Residential Code of Ohio for One, Two and Three Family Dwellings incorporated by reference herein.

SECTION IV.

The Legislative Authority of the Village of Mount Sterling agree to hold the Fayette County Building Department harmless for all claims or causes of action of every kind and nature arising from the acts of the Fayette County Building Department, its agents, employees, and representative in the administration and enforcement of said codes.

SECTION III.

That the Clerk of Council, pursuant to O.R.C, §731.24, shall cause to be published in a manner required by law, this Ordinance.

SECTION V.

This Ordinance is hereby declared to be an emergency measure, the immediate passage of which is necessary for the public health, safety and welfare and for the further reason that said Code must be enforced and administered according to law and particularly pursuant to the requirements of Chapter 3781 of the Revised Code of Ohio; wherefore, this Ordinance shall take effect and be in force immediately upon its passage and effective date of certification issued by the Ohio Board of Building Standards.

PASSED:

ATTEST:

Clerk of Council Bonnie Liff

Mayor Charles Neff

Submitted to Mayor:

APPROVED:

Date of Approval:

Mark J. Pitstick, Law Director
Approved as to Form

I, _____, the Clerk of Council, hereby certifies that Ordinance 2013-___ was published in _____ Newspaper for once a week for two consecutive weeks beginning on the _____ day of _____, 20__ and ending on the ___ day of _____, 20___. See Attached Sworn Affidavit of Posting by the Newspaper. Further, I certify that a complete copy of the Ordinance was posted in the lobby of Village Hall.

Clerk of Council