

ORDINANCE NO. 2013-16

AN ORDINANCE AUTHORIZING CHARLES NEFF, MAYOR, OR HIS DESIGNEE AUTHORITY TO CONTRACT WITH THE FAYETTE COUNTY BUILDING DEPARTMENT TO ENFORCE THE COMMERCIAL OHIO BOARD OF BUILDING STANDARDS, TO REQUEST IN ITS INITIAL APPLICATION TO THE OHIO BOARD OF BUILDING STANDARDS FOR CERTIFICATION OF THE VILLAGE OF MOUNT STERLING COMMERCIAL BUILDING DEPARTMENT THAT THE FAYETTE COUNTY BUILDING DEPARTMENT WOULD BE RESPONSIBLE FOR THE ENFORCING AND ADMINISTRATING THE COMMERCIAL BUILDING STANDARDS; ACCEPT AND APPROVE PLANS AND SPECIFICATION; MAKE INSPECTIONS, AND DECLARING AN EMERGENCY

WHEREAS, in Ordinance No. 2013-15, the Council of the Village of Mount Sterling created a commercial building department, and;

WHEREAS, Council of the Village of Mount authorized Charles Neff, Mayor, or designee to obtain initial authority for enforcement of the provisions of the Commercial Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(A) of the Revised Code and rules adopted by the Board of Building Standards, and;

WHEREAS, the Village of Mount Sterling desires in its initial application for authority for enforcement of the provisions of the Commercial Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(A) 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 Commercial 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 Commercial 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 Commercial 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 Commercial 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 Commercial Building 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 certify the Village of Mount Sterling Commercial Building Department for the enforcement of the Commercial Building Code of Ohio with the condition that the Fayette County Building Department exercise the enforcement authority as necessary in accordance with

the Commercial Building 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 Commercial Building Code of Ohio with 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 Commercial Building Code of Ohio, 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 V.

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 VI.

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

Mayor 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