

1 RESOLUTION NO. 2010-059

\*\*\* Companion Ordinance No. 2010-060

2  
3 SPONSOR Mr. Pry

4  
5 DATE March 1, 2010

COMMITTEE Planning

6  
7 **A Resolution authorizing the Executive to apply for and obtain certification from the Ohio**  
8 **Board of Building Standards for the County's Department of Building Standards to**  
9 **enforce the medical gas systems provisions of the Ohio Building Code and Ohio Plumbing**  
10 **Code, for the Executive's Department of Community and Economic Development, Division**  
11 **of Building Standards, and declaring an emergency.**

12  
13 WHEREAS, pursuant to Ohio Administrative Code Chapter 4101:1, a County building  
14 department may enforce the medical gas systems provisions of the Ohio Building Code and Ohio  
15 Plumbing Code, provided that it employs the requisite medical gas systems inspectors and  
16 applies for and obtains the certification of the Ohio Board of Building Standards; and

17  
18 WHEREAS, pursuant to Ohio Administrative Code Chapter 4101:1, if a County elects  
19 not to apply for and obtain the aforementioned certification, the enforcement of the medical gas  
20 systems provisions of the Ohio Building Code and Ohio Plumbing Code will be performed by  
21 either the local board of health or the Ohio Division of Industrial Compliance; and

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23 WHEREAS, the County has not previously applied for said certification from the Ohio  
24 Board of Building Standards and does not currently have certification to enforce the medical gas  
25 systems provisions of the Ohio Building Code and Ohio Plumbing Code; and

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27 WHEREAS, currently, the Ohio Division of Industrial Compliance enforces the medical  
28 gas systems provisions of the Ohio Building Code and Ohio Plumbing Code in the areas where  
29 the County has statutory or contractual jurisdiction; and

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31 WHEREAS, the Executive has proposed that the County, through its Division of  
32 Building Standards, apply for and obtain certification from the Ohio Board of Building Standards  
33 to enforce the medical gas systems provisions of the Ohio Building Code and Ohio Plumbing  
34 Code for the following reasons: (i) the County can provide this service to businesses and  
35 developers within its jurisdiction at a lower cost than the State, (ii) it will be more convenient  
36 and efficient for the County to provide this service to businesses and developers and (iii) it will  
37 create additional revenue for the County without a substantial increase in associated expenses;  
38 and

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40 WHEREAS, the County's Division of Building Standards currently employs individuals  
41 with the requisite certifications to serve as medical gas systems inspectors; and

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43 WHEREAS, concurrently with this Resolution, this Council has adopted Ordinance No.  
44 2010-060, thereby enacting Section 1301.16 of the Codified Ordinances of the County of  
45 Summit, entitled "Medical Gas Systems" and 1307.12 of the Codified Ordinances of the County  
46 of Summit, entitled "Medical Gas Systems Fees;" and

47  
48 WHEREAS, this Council finds and determines that it is necessary and in the best interest  
49 of the County to authorize the Executive to apply for and obtain certification from the Ohio  
50 Board of Building Standards for the County's Department of Building Standards to enforce the  
51 medical gas systems provisions of the Ohio Building Code and Ohio Plumbing Code.

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2 PAGE TWO

3  
4 SECTION 1

5  
6 The Executive is hereby authorized to apply for and obtain certification from the Ohio  
7 Board of Building Standards for the County's Department of Building Standards to enforce the  
8 medical gas systems provisions of the Ohio Building Code and Ohio Plumbing Code.

9  
10 SECTION 2

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12 This Resolution is hereby declared an emergency in the interest of the health, safety and  
13 welfare of the citizens of the County of Summit and for the further purpose to immediately begin  
14 enforcement of the medical gas systems locally to realize the aforementioned benefits.

15  
16 SECTION 3

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18 Provided this Resolution receives the affirmative vote of eight members, it shall take  
19 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
20 effect and be in force at the earliest time provided by law.

21  
22 SECTION 4

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24 It is found and determined that all formal actions of this Council concerning and relating  
25 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
26 deliberations of this Council and of any of its committees that resulted in such formal action,  
27 were in meetings open to the public, in compliance with all legal requirements, including Section  
28 121.22 of the Ohio Revised Code.

29  
30 INTRODUCED February 8, 2010

31  
32 ADOPTED March 1, 2010

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35 CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

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37  
38 APPROVED March 2, 2010

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41 EXECUTIVE  
42

March 2, 2010  
ENACTED EFFECTIVE

Voice Vote: 10-1 YES: Comunale, Crossland, Feeman, Kostandaras, Poda,  
Prentice, Rodgers, Schmidt, Shapiro, Smith NO: Crawford