

1 RESOLUTION NO. 2011-005

2
3 SPONSOR Mr. Pry

4
5 DATE January 31, 2011 COMMITTEE Planning

6
7 **An amended Resolution authorizing the County Executive to execute an agreement with**
8 **the Village of Lakemore to enforce Part Thirteen of the Codified Ordinances of the County**
9 **of Summit, entitled "Building Code," as amended, within the Village of Lakemore, located**
10 **in Council District 8, for the Executive's Department of Community and Economic**
11 **Development, and declaring an emergency.**

12
13 WHEREAS, the State of Ohio, in the interest of providing building regulations
14 throughout the State of Ohio, has adopted the 2006 Residential Code of Ohio, which regulates
15 residential structures, and the 2007 Ohio Building Code, which regulates non-residential
16 structures, to provide uniform standards and requirements relating to the erection, construction,
17 repair, alteration and maintenance of residential and non-residential buildings within the State of
18 Ohio; and

19
20 WHEREAS, the County of Summit Division of Building Standards, through Part
21 Thirteen of the Codified Ordinances of the County of Summit, entitled "Building Code"
22 (hereinafter "County Building Code") has adopted the residential and non-residential building
23 regulations which incorporates both the 2006 Residential Code of Ohio and the 2007 Ohio
24 Building Code; and

25
26 WHEREAS, the County of Summit Division of Building Standards has been certified by
27 the State of Ohio Board of Building Standards to exercise enforcement, inspecting and
28 permitting authority pursuant to the County Building Code on behalf of and within townships
29 and certain municipalities throughout the County; and

30
31 WHEREAS, pursuant to an agreement between the County and the Village of Lakemore,
32 the County of Summit Division of Building Standards currently exercises enforcement,
33 inspecting and permitting authority for commercial structures within the Village of Lakemore,
34 but does not perform those functions for residential structures within the Village of Lakemore;
35 and

36
37 WHEREAS, the Village of Lakemore desires the County of Summit Division of Building
38 Standards to assume authority for enforcement, inspecting and permitting of residential
39 structures within the Village of Lakemore; and

40
41 WHEREAS, this Council anticipates that the Village of Lakemore Council will adopt
42 Resolution No. 1449-2010 which will authorize the Mayor of Lakemore to execute an
43 Agreement to authorize the County of Summit Division of Building Standards to enforce the
44 County Building Code on behalf of and within the territorial jurisdiction of the Village of
45 Lakemore for both residential and commercial structures; and

46
47 WHEREAS, this Council has determined, by reviewing all pertinent information, that it
48 is necessary and in the best interest of the County of Summit, to authorize the County Executive
49 to execute an agreement with the Village of Lakemore to enforce Part Thirteen of the Codified
50 Ordinances of the County of Summit, entitled "Building Code," as amended, within the Village
51 of Lakemore.

1 RESOLUTION NO. 2011-005

2 PAGE TWO

3

4 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the County of
5 Summit, State of Ohio, that:

6

7 SECTION 1

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9 The County Executive is hereby authorized to execute an agreement with the Village of
10 Lakemore to enforce Part Thirteen of the Codified Ordinances of the County of Summit, entitled
11 "Building Code," as amended, in the Village of Lakemore, located in Council District 8. A copy
12 of the agreement is attached hereto as amended Exhibit A.

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14 SECTION 2

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16 This Resolution is hereby declared to be an emergency measure in the interest of the
17 health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further
18 purpose of immediately assuming jurisdiction within the Village of Lakemore.

19

20 SECTION 3

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

25

26 SECTION 4

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28 It is found and determined that all formal actions of this Council concerning and relating
29 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
30 deliberations of this Council and of any of its committees that resulted in such formal action,
31 were in meetings open to the public, in compliance with all legal requirements, including Section
32 121.22 of the Ohio Revised Code.

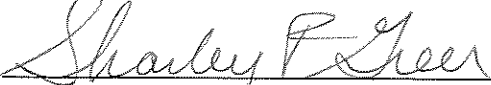
33

34 INTRODUCED January 10, 2011

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36 ADOPTED January 31, 2011

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38 
39 _____

40 CLERK OF COUNCIL

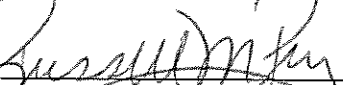
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PRESIDENT OF COUNCIL

42 APPROVED January 31, 2011

43

44 
45 _____

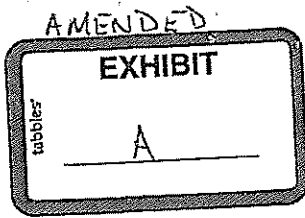
46 EXECUTIVE

January 31, 2011

ENACTED EFFECTIVE

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Poda, Prentice, Rodgers, Roemer, Schmidt, Shapiro, Smith

11-005



11-005

AGREEMENT FOR BUILDING INSPECTION SERVICES

THIS AGREEMENT entered into on this ____ day of _____, 20___, by and between the County of Summit, Ohio, (hereinafter "County"), with the County having its principal place of business located at 175 South Main Street, Akron, Ohio 44308, and the VILLAGE OF LAKEMORE having its principal place of business located at 1400 Main Street, PO Box 455, Lakemore, Ohio 44250.

WITNESSETH:

WHEREAS, the State of Ohio, in the interest of providing uniform building regulations throughout the State, has adopted the 2006 Residential Code of Ohio, which regulates residential buildings, and the 2007 Ohio Building Code, which regulates nonresidential buildings for purposes of establishing uniform standards relating to the erection, construction, repair, alteration and maintenance of residential and nonresidential buildings within the State of Ohio; and

WHEREAS, the County of Summit, through Part Thirteen of the Codified Ordinances of the County of Summit, entitled "Building Code," (hereinafter "County Building Code") has adopted the residential and nonresidential building regulations which incorporate both the 2006 Residential Code of Ohio and the 2007 Ohio Building Code; and

WHEREAS, the County of Summit Department of Building Standards has been certified by the State of Ohio Board of Building Standards to exercise enforcement, inspecting and permitting authority pursuant to the County Building Code on behalf of and within townships and certain municipalities throughout the County; and

WHEREAS, the VILLAGE OF LAKEMORE wishes to grant the County of Summit the authority to enforce the County Building Code, as more fully set forth herein, within the territorial jurisdiction of the VILLAGE OF LAKEMORE subject to any required approval or certification by the Ohio Board of Building Standards; and

WHEREAS, the County is able and willing to provide such Building Code review, inspection and enforcement as is more fully set forth herein; and

NOW THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE COUNTY OF SUMMIT AND THE VILLAGE OF LAKEMORE AS FOLLOWS:

SECTION ONE. This Agreement between the VILLAGE OF LAKEMORE and the County of Summit replaces and supersedes any and all prior Agreements between the parties concerning building inspection services.

SECTION TWO. The VILLAGE OF LAKEMORE hereby grants to the County of Summit authority to do all things reasonably necessary to exercise enforcement authority and to accept, review and process plans, to issue building permits and to make inspections within the territorial jurisdiction of the VILLAGE OF LAKEMORE in accordance with the provisions of Chapter 3781 of the Ohio Revised Code (the 2006 Residential Code of Ohio) and Chapter 3791 of the Ohio Revised Code (the 2007 Ohio Building Code) and regulations promulgated and adopted thereunder and codified under Part Thirteen of the Codified Ordinances of the County of Summit and entitled "Building Code" and as further authorized by any Order or Certification of the Ohio Board of Building Standards. Prior to issuing any building permit under authority of this Agreement, the County shall require any applicant to produce a valid zoning certificate or waiver from VILLAGE OF LAKEMORE.

SECTION THREE. The VILLAGE OF LAKEMORE shall be responsible for obtaining any administrative rule change, certification or conditional certification required by the Ohio Board of Building Standards to enable the County of Summit Department of Building Standards to exercise the review and enforcement authority set forth in this Agreement. The duty of the VILLAGE OF LAKEMORE to obtain said rule change, certification or conditional certification shall be a continuing and ongoing duty as long as this Agreement is in force and effect.

SECTION FOUR. On and after the Effective Date, this Agreement shall authorize the County of Summit Department of Building Standards to administer and enforce within the territorial jurisdiction of the VILLAGE OF LAKEMORE any amendments or additions to the County Building Code upon approval of adoption of such amendments or additions by the Ohio Board of Building Standards pursuant to the authority granted to said Board by Chapters 3781 and 3791 of the Ohio Revised Code.

SECTION FIVE. This Agreement shall be effective from the date of approval by the legislative authority of both parties and this Agreement shall thereafter continue in full force and effect until either of the parties shall give sixty (60) days written notice to the other and the Ohio Board of Building Standards of its intention to terminate this Agreement, which may be for any reason, except that this Agreement shall not terminate until the effective date of the repeal of any rule or conditional rule of certification by the Ohio Board of Building Standards.

SECTION SIX. The County shall bear all necessary costs and expenses in connection with the administration of the County Building Department but shall not be responsible for legal expenses or court costs in connection with any nuisance abatement or related legal action brought by the VILLAGE OF LAKEMORE. The County may assist or cooperate with the VILLAGE OF LAKEMORE with such a legal action but is not obligated to do so. In consideration for the building services to be rendered the County of Summit shall collect and retain all review, permit and inspection fees

authorized by the State of Ohio and the Codified Ordinances of the County of Summit for such purposes. County will not pay, share or remit any fees with the VILLAGE OF LAKEMORE except as set forth herein. County will remit ten (10%) of gross fees collected from plan review and building permits fees from projects in the VILLAGE OF LAKEMORE occurring during calendar year 2011. All sharing of plan review and/or building permit fees shall terminate and cease thereafter.

SECTION SEVEN. After the Effective Date of this Agreement, all contractors doing business in the VILLAGE OF LAKEMORE must register and post an acceptable surety bond and otherwise comply with the contractor registration provisions of Chapter 1323 of the Codified Ordinances of the County of Summit.

SECTION EIGHT. The County acknowledges its duty pursuant to Ohio Revised Code Section 149.43 to maintain, produce and disseminate the public records of the Summit County Building Department and agrees to respond, as required by law, to any and all public record requests for the County Building Department including records generated as result of conducting building standard functions within the territorial jurisdiction of the VILLAGE OF LAKEMORE on and after the Effective Date of this Agreement.

SECTION NINE. This Agreement and the promises, covenants, conditions and performance contemplated hereunder or any sub-part thereof, may not be assigned or transferred by either party without the written consent of the other party. Consent may be withheld by either party for any reason whatsoever. Each provision of this Agreement is intended to be severable. If any term or provision hereof is determined to be unenforceable by a court of competent jurisdiction for any reason whatsoever, then such term or provision shall not affect the validity of the remainder of this Agreement. The parties acknowledge that this Agreement is governed by the laws of the State of Ohio. The parties also acknowledge that any suit touching upon or related to this Agreement shall be brought in the Court of Common Pleas of the County of Summit, Ohio.

SECTION TEN. This Agreement contains the complete understanding between the parties who acknowledge that no other representations, oral or otherwise, have been made or relied upon. This Agreement may not be modified, altered, amended, supplemented or changed except upon the written consent of the VILLAGE OF LAKEMORE and the County of Summit and such modification, alteration, amendment, supplemental agreement or other charge must be in writing and adopted by resolution or ordinance of each party's legislative body.

IN WITNESS WHEREOF, the parties hereby sign this Agreement effective as of the date signed by the County Executive.

VILLAGE OF LAKEMORE

MICHAEL KOLOMICHAK, Mayor

Date

COUNTY OF SUMMIT

RUSSELL M. PRY, Executive

Date

APPROVED AS TO FORM AND CORRECTNESS

REBECCA DOHERTY, Law Director

Date

DEBROAH S. MATZ, General Counsel
County of Summit

Date