

1 RESOLUTION NO. 2010-483

2
3 SPONSOR Mr. Pry

4
5 DATE November 29, 2010

COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute an Agreement with the City of**
8 **Cuyahoga Falls, setting forth the scope of duties, manner of performance and all essential**
9 **terms and conditions whereby the County shall enforce Part Thirteen of the Codified**
10 **Ordinances of the County of Summit, entitled "Building Code", which incorporates the**
11 **2006 Residential Code of Ohio and the 2007 Ohio Building Code, on behalf of and within**
12 **the territorial jurisdiction of the City of Cuyahoga Falls, for the Executive's Department of**
13 **Community and Economic Development, and declaring an emergency.**

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

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

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

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33 WHEREAS, the City of Cuyahoga Falls desires to enter into an Agreement with the
34 County of Summit setting forth the scope of duties, manner of performance and all essential
35 terms and conditions whereby the County Department of Building Standards shall enforce the
36 County Building Code on behalf of and within the territorial jurisdiction of the City of
37 Cuyahoga Falls, and whereby the County Department of Building Standards shall have authority
38 to (i) accept and approve plans and specifications for residential and non-residential buildings,
39 (ii) permit the erection, construction, repair and alteration of residential and non-residential
40 buildings, (iii) inspect the erection, construction, repair and alteration of residential and non-
41 residential buildings, (iv) enforce the provisions of the County Building Code as they pertain to
42 residential and non-residential buildings, and

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44 WHEREAS, on or about December 10, 2010, the City of Cuyahoga Falls enacted
45 Ordinance No. 122-2010 which authorized the Mayor and/or Service Director of the City of
46 Cuyahoga Falls to negotiate and execute an Agreement to authorize the County of Summit
47 Department of Building Standards to enforce the County Building Code on behalf of and within
48 the territorial jurisdiction of the City of Cuyahoga Falls; and

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4 WHEREAS, it is anticipated that the Ohio Board of Building Standards will grant the
5 application of the City of Cuyahoga Falls for certification of the County of Summit Department
6 of Building Standards pursuant to Section 3781.10(A) of the Ohio Revised Code to enforce the
7 County Building Code, on behalf of and within the territorial jurisdiction of the City of
8 Cuyahoga Falls and to exercise all authority under Chapters 3781 and 3791 of the Ohio Revised
9 Code on behalf of the City of Cuyahoga Falls effective on and after January 1, 2011; and

10
11 WHEREAS, given the uniformity of both the residential and non-residential building
12 codes throughout the State of Ohio with the adoption of the 2006 Residential Code of Ohio and
13 the 2007 Ohio Building Code, it will improve governmental efficiency and economy to
14 consolidate multiple governmental entities performing the same code enforcement functions
15 within the County; and

16
17 WHEREAS, this Council finds and determines after reviewing all pertinent information,
18 that it is necessary and in the best interest of the County to authorize the Executive to enter into
19 an Agreement with the City of Cuyahoga Falls whereby the County shall enforce the County
20 Building Code on behalf of and within the territorial jurisdiction of the City of Cuyahoga Falls.

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22 NOW THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State
23 of Ohio, that:

24
25 SECTION ONE

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27 The County Executive is hereby authorized to enter into a comprehensive Agreement
28 with the City of Cuyahoga Falls setting forth the scope of duties, manner of performance and all
29 essential terms and conditions whereby the County Department of Building Standards shall
30 enforce the County Building Code on behalf of and within the territorial jurisdiction of the City
31 of Cuyahoga Falls, and whereby the County of Summit Department of Building Standards shall
32 have the authority to (i) accept and approve plans and specifications for residential and non-
33 residential buildings; (ii) permit the erection, construction, repair and alteration of residential and
34 non-residential buildings; (iii) inspect the erection, construction, repair and alteration of
35 residential and non-residential buildings and (iv) enforce the provisions of the County Building
36 Code as they pertain to residential and non-residential buildings.

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38 SECTION TWO

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40 This Resolution is hereby declared to be an emergency in the interest of the health, safety
41 and welfare of the residents of the County of Summit and for the further reason that it will
42 immediately authorize the County Executive to execute said Agreement and allow the County of
43 Summit Department of Building Standards to begin enforcement of the County Building Code
44 on behalf of and within the territorial jurisdiction of the City of Cuyahoga Falls on or before the
45 certification date of January 1, 2011, as set by the Ohio Board of Building Standards.

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47 SECTION THREE

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49 Provided this Resolution receives the affirmative vote of the eight members, it shall take
50 effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect
51 and be in force at the earliest time provided by law.
52

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2 PAGE THREE

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4 SECTION FOUR

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6 It is found and determined that all formal actions of this Council concerning and related
7 to the adoption of this Resolution were adopted in open meeting of this Council, and that all
8 deliberations of this Council and of any of its committees that resulted in such formal action,
9 were in meetings open to the public, in compliance with all legal requirements, including Section
10 121.22 of the Ohio Revised Code.

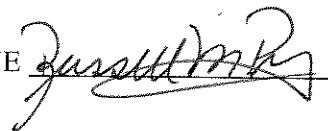
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12
13 INTRODUCED November 15, 2010

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15 ADOPTED November 29, 2010

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18 Sharley P. Greer
19 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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21 APPROVED November 29, 2010

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23
24 EXECUTIVE 
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27 ENACTED EFFECTIVE November 29, 2010

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