

1 RESOLUTION NO. 2011-096

LATE FILING

2  
3 SPONSOR Mr. Pry

4  
5 DATE March 21, 2011

COMMITTEE: Planning

6  
7 **A Resolution authorizing the Executive to execute an Agreement with the City of**  
8 **Tallmadge whereby the County of Summit Division of Building Standards will enforce Part**  
9 **Thirteen of the Codified Ordinances of the County of Summit, entitled “Building Code,”**  
10 **which incorporates the 2006 Residential Code of Ohio and the 2007 Ohio Building Code, on**  
11 **behalf of and within the territorial jurisdiction of the City of Tallmadge, for the**  
12 **Executive’s Department of Community and Economic Development, and declaring an**  
13 **emergency.**

14  
15 WHEREAS, the State of Ohio, in the interest of providing uniform building regulations  
16 throughout the State, has adopted the 2006 Residential Code of Ohio, which regulates residential  
17 structures, and the 2007 Ohio Building Code, which regulates non-residential structure; and

18  
19 WHEREAS, the County of Summit Division of Building Standards, through Part  
20 Thirteen of the Codified Ordinances of the County of Summit, entitled “Building Code,”  
21 (hereinafter “County Building Code”) has adopted both the 2006 Residential Code of Ohio and  
22 the 2007 Ohio Building Code; and

23  
24 WHEREAS, the County of Summit Division of Building Standards has been certified by  
25 the State of Ohio Board of Building Standards to exercise enforcement, inspecting and  
26 permitting authority pursuant to the County Building Code on behalf of and within townships  
27 and certain municipalities throughout Summit County; and

28  
29 WHEREAS, the City of Tallmadge desires to enter into an agreement with the County  
30 setting forth the scope of duties, manner of performance and all essential terms and conditions  
31 whereby the County of Summit Division of Building Standards will enforce the County Building  
32 Code on behalf of and within the territorial jurisdiction of the City of Tallmadge, and whereby  
33 the County of Summit Division of Building Standards shall have the authority to (i) accept and  
34 approve plans and specifications for residential and non-residential buildings, (ii) permit the  
35 erection, construction, repair and alteration of residential and non-residential structures, (iii)  
36 inspect the erection, construction, repair and alteration of residential and non-residential  
37 structures and (iv) enforce the provisions of the County Building Code as they pertain to  
38 residential and non-residential structures; and

39  
40 WHEREAS, on or about March 10, 2011, the City of Tallmadge enacted Ordinance No.  
41 33-2011 which authorized the Mayor to enter into an agreement with the County to authorize the  
42 County of Summit Division of Building Standards to enforce the County Building Code on  
43 behalf of and within the territorial jurisdiction of the City of Tallmadge; and

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45 WHEREAS, it is anticipated that the Ohio Board of Building Standards will grant the  
46 application of the City of Tallmadge for certification of the County of Summit Division of  
47 Building Standards, pursuant to Section 3781.10(A) of the Ohio Revised Code, to enforce the  
48 County Building Code on behalf of and within the territorial jurisdiction of the City of  
49 Tallmadge and to exercise all authority under Chapters 3781 and 3791 of the Ohio Revised Code  
50 on behalf of and within the City of Tallmadge; and

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56 WHEREAS, given the uniformity of both the residential and non-residential building  
57 codes throughout the State of Ohio with the adoption of the 2006 Residential Code of Ohio and  
58 the 2007 Ohio Building Code, the actions contemplated by this Resolution will improve  
59 governmental efficiency and economy through consolidation of multiple governmental entities  
60 that perform the same code enforcement functions within the County; and

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62 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
63 that it is necessary and in the best interest of the County to authorize the Executive to enter into  
64 an Agreement with the City of Tallmadge whereby the County shall enforce the County Building  
65 Code on behalf of and within the territorial jurisdiction of the City of Tallmadge.

66

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

69

70 SECTION 2

71

72 The County Executive is hereby authorized to enter into a comprehensive Agreement  
73 with the City of Tallmadge setting forth the scope of duties, manner of performance and all  
74 essential terms and conditions whereby the County of Summit Division of Building Standards  
75 will enforce the County Building Code on behalf of and within the territorial jurisdiction of the  
76 City of Tallmadge, and whereby the County of Summit Division of Building Standards shall  
77 have the authority to (i) accept and approve plans and specifications for residential and non-  
78 residential buildings, (ii) permit the erection, construction, repair and alteration of residential and  
79 non-residential structures, (iii) inspect the erection, construction, repair and alteration of  
80 residential and non-residential structures and (iv) enforce the provisions of the County Building  
81 Code as they pertain to residential and non-residential structures.

82

83 SECTION 2

84 This Resolution is hereby declared to be an emergency in the interest of the health, safety  
85 and welfare of the citizens of the County of Summit and for the further reason to immediately  
86 authorize the Executive to enter into the aforementioned agreement so that the consolidation with  
87 the City of Tallmadge may take place as expeditiously as possible.

88

89 SECTION 3

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

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95 SECTION 4

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

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105 PAGE THREE

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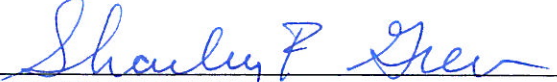
108 INTRODUCED February 14, 2011

SECOND READING: March 7, 2011

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110 ADOPTED March 21, 2011

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114 CLERK OF COUNCIL

  
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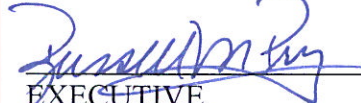
PRESIDENT OF COUNCIL

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116 APPROVED March 21, 2011

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121 EXECUTIVE

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123 ENACTED EFFECTIVE March 21, 2011

Voice Vote: 10-0 YES: Comunale, Crawford, Feeman, Kostandaras  
Kurt, Rodgers, Roemer, Schmidt, Shapiro, Smith ABSENT: Prentice