

SPONSOR Spangler

**RESOLUTION NO. 2024-31**

**A RESOLUTION REQUESTING CERTIFICATION TO ENFORCE THE OHIO STATE BUILDING CODES WITHIN THE CITY OF WELLSTON, OHIO**

**WHEREAS**, the City of Wellston, Ohio, desires to enforce the Ohio State Building Codes for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings; and

**WHEREAS**, the City of Wellston, Ohio, seeks to obtain the authority to enforce the provisions of the Ohio State Building Codes through certification by the Ohio Board of Building Standards pursuant to Section 3781 ( E ) of the Revised Code.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WELLSTON, OHIO**, as follows:

**Section 1.** That Ohio Administrative Code 4101:1 – the Ohio Building Code, Ohio Administrative Code 4101:2 – the Ohio Mechanical Code as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Wellston, Ohio, excepting plumbing and medical gas.

**Section 2.** That this Resolution shall be in full force and in effect from and after the earliest period permitted by law following promulgation of the Ohio Building Code, Ohio Mechanical Code, and Ohio Plumbing Code by the Board of Building Standards through the certification process, adoption, and effective date of certification issued by the Ohio Board of Building Standards.

**Section 3.** It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 16<sup>th</sup> day of May, 2024.

  
\_\_\_\_\_  
Council President

ATTEST:



*MBE pwnangle*  
Clerk of Council

Approved this 16<sup>th</sup> day of May, 2024.

*[Signature]*  
Mayor

Published in accordance with the law on 4/18/24 and 5/2/24; and posted at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Wellston Post Office from 5/23/24 through 6/23/24.

*MBE pwnangle*  
Clerk of Council



## AGREEMENT

THIS AGREEMENT entered into this \_\_\_ day of March, 2024, by and between the County Commissioners of Ross, Ohio, hereinafter referred to as the County, acting for and on behalf of the City of Wellston, Ohio, hereinafter referred to as City.

WITNESSETH:

WHEREAS, the City desires to enforce the Residential Code of Ohio for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of residential buildings specified in section 3781.06 of the Revised Code of Ohio; and

WHEREAS, the City seeks to obtain the authority for enforcement of the provisions of the Residential Code of Ohio through certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code, with the condition that the City of Wellston Residential Building Department exercise the enforcement authority and accept and approve plans and specifications, and make inspections in accordance with the Residential Code of Ohio;

WHEREAS, the said Board of Building Standards has certified the City Residential Building Department to exercise enforcement authority in accordance with the Residential Code of Ohio, effective August 12, 2014, as set forth in said Board's certification rule; and

WHEREAS, the City desires and is willing to administer and enforce the Residential Code of Ohio within the limits of said City pursuant to its authority so to do contained in Chapter 3781 of the Revised Code of Ohio and as granted by the Ohio Board of Building Standards; and

WHEREAS, the City has heretofore passed its Ordinance No. <sup>2024-30</sup>~~2024-31~~ on the <sup>May</sup>~~11<sup>th</sup>~~ day of ~~March~~, 2024, authorizing the City through its Mayor, Anthony Brenner and its Clerk, Kathy Speraw, to enter into an agreement with the County, for the enforcement of the Residential Code of Ohio within the limits of said City; and

WHEREAS, the County has on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 adopted its resolution authorizing the County to enter into said agreement with the City for the purposes aforesaid;

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. The City hereby grants to the County, authority to do all things necessary to exercise enforcement authority and to accept and approve plans and specifications and make inspections necessary with the City, in accordance with the provisions of the Residential Code of Ohio pursuant to Ohio Administrative Code 4101:8 - Residential Code of Ohio as promulgated by the Ohio Board of Building Standards, and shall apply and be enforced within the City.

2. The CITY accepts the authority and responsibility to carry out the terms of this agreement.

3. The COUNTY shall have full authority to do all things necessary to administer and enforce the Residential Code of Ohio within the limits of the City of Wellston and in consideration therefore, the County of Ross, shall retain all permit and inspection fees authorized by the State of Ohio for such purposes.

4. The effective date for which the COUNTY shall begin to perform its duties under the terms of this agreement shall be the date of certification by the Ohio Board of Building Standards, and this agreement shall thereafter continue in full force and effect until either of the parties shall give written notice to the other and the Board of Building Standards of its intention to terminate the agreement, which may be for any reason, except that this agreement shall not terminate until the effective date of repeal of the rule of conditional certification by the Board of Building Standards.

5. The City of Wellston hereby agrees to hold the

(certified City, city, township, county) \_\_\_\_\_ harmless from all claims or causes of action of every kind and nature arising from the acts of the (certified City, city, township, county) \_\_\_\_\_ its agents, or employees, or representatives in the administration and enforcement of the Residential Code of Ohio within the limits of said (City, city, township, county applicant) \_\_\_\_\_

6. This agreement shall be deemed to authorize the (certified City, city, township, county) \_\_\_\_\_ to administer and enforce for the (City, city, township, county applicant) \_\_\_\_\_ any amendments or additions to the Residential Code of Ohio hereafter adopted by the Board of Building Standards pursuant to the authority granted by said Board by Chapter 3781 of the Revised Code of Ohio at all times after said Board shall have adopted such amendments or additions.

16<sup>th</sup> day of May, 2024. IN WITNESS WHEREOF, we have hereunto set our hands to this agreement this

SIGNED IN THE PRESENCE OF:

[Signature]  
[Signature]

(CITY, CITY, TOWNSHIP, COUNTY APPLICANT)

[Signature]  
(Mayor, County Commissioners)  
[Signature]  
(Clerk)

SIGNED IN THE PRESENCE OF:

\_\_\_\_\_  
\_\_\_\_\_

(CERTIFIED CITY, CITY, TOWNSHIP, COUNTY)

\_\_\_\_\_  
(Mayor, County Commissioners)  
\_\_\_\_\_  
(Clerk)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature] - upon approval by Russ C.  
(Legal Counsel- City, city, township, county applicant)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
(Legal Counsel- certified City, city, township, county)