

## RECORD OF ORDINANCES

AN ORDINANCE AUTHORIZING A REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFY THE CITY OF BROOKVILLE FOR ENFORCEMENT OF THE OHIO BUILDING CODE AND THE RESIDENTIAL CODE OF OHIO WITH THE CONDITION THAT THE MONTGOMERY COUNTY BUILDING REGULATIONS EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS, AND MAKE INSPECTIONS, AND AUTHORIZING AN AGREEMENT FOR SUCH ENFORCEMENT BETWEEN THE CITY OF BROOKVILLE AND MONTGOMERY COUNTY, AND DECLARING IT AN EMERGENCY.

**WHEREAS**, the City of Brookville, Ohio desires to enforce the Ohio State Buildings Codes, namely the Ohio Building Code, Ohio Mechanical Code, and the Residential Code of Ohio, for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings specified in Section 3781.06 of the Revised Code of Ohio; and

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

**WHEREAS**, the said Board of Building Standards has certified Montgomery County Building Regulations to exercise enforcement authority in accordance with the Ohio State Building Codes, effective July 1, 1979, as set forth in said Board's certification rule; and

**WHEREAS**, it is necessary in accordance with law to administer and enforce the Ohio State Building Codes within the limits of the City of Brookville; and

**WHEREAS**, the City is desirous of requiring prior City zoning approval of all applications for building permits within the City before the County issues such permits; and

**WHEREAS**, it is necessary that an agreement be entered into between the City of Brookville and Montgomery County for the enforcement of the Ohio State Building Codes within the limits of said City of Brookville;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
BROOKVILLE, OHIO THAT:

**SECTION I:** The Ohio Administrative Code 4101:1-the Ohio Building Code 4101:2-the Ohio Mechanical Code, and the Residential Code of Ohio 4101:8, as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the City of Brookville, Ohio.

**SECTION II:** This Ordinance shall be in full force and effect from and after the earliest period permitted by law following promulgation of the Ohio Building Code, Ohio Mechanical Code, and Residential Code of Ohio by the Board of Building Standards through the certification process, adoption and effective date of certification issued by the Ohio Board of Building Standards.

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**SECTION III:** The City Manager of the City of Brookville is hereby authorized and directed to sign and submit an application to the Ohio Board of Building Standards requesting said Board to certify Montgomery County for enforcement of the Ohio State Building Codes with the condition that Montgomery County Building Regulations exercise the enforcement authority as necessary in accordance with the Ohio State Building Codes within the limits of said city and to enter into an agreement with Montgomery County Building Regulations for such purpose.

**SECTION IV:** The City of Brookville through its City Manager is hereby authorized and directed to enter into an agreement with Montgomery County for the enforcement of the Ohio State Building Codes within the limits of said city, whereby Montgomery County Building Regulations will exercise all enforcement authority and accept and approve plans and specifications and make inspections necessary within said city in accordance with the provisions of the Ohio State Building Codes.

**SECTION V:** The terms of the said agreement shall grant to the county full authority to do all things necessary to administer and enforce the Ohio State Building Codes within the limits of the City of Brookville and in consideration therefore to allow the county to retain all permit and inspection fees authorized by the State of Ohio for such purposes.

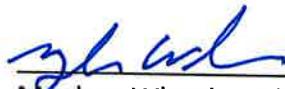
**SECTION VI:** The City Council further authorizes the City of Brookville to indemnify and hold harmless the County, its elected officials and personnel, from and against any and all claims, demands, suits, damages, costs or losses, including, but not limited to the fees and costs of attorneys retained by the County, arising from or as a result of the County withholding issuance of a building permit within the City until the applicant has provided the County with a zoning certificate indicating that the proposed use is compatible with existing zoning regulations.

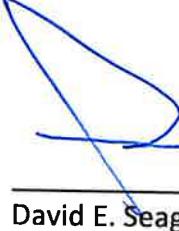
**SECTION VII:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION VIII:** This Ordinance is hereby declared to be an emergency measure the immediate passage of which is necessary for the public peace, health, safety, and welfare and for the further reason that said Code must be enforced and administered according to law and particularly pursuant to the requirements of Chapter 3781 of the Ohio Revised Code; this Ordinance shall take effect and be in force immediately upon its passage and effective date of certification issued by the Ohio Board of Building Standards.

PASSED this 7th day of August, 2018.

ATTEST:

  
\_\_\_\_\_  
Meghan Wheeler, Clerk

  
\_\_\_\_\_  
David E. Seagraves, Mayor

## RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

## **CERTIFICATE**

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2018-12, passed by the Council of the City of Brookville, Ohio, on the 7<sup>th</sup> day of August 2018.

mgw  
Meghan Wheeler, Clerk

**CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2018-12 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 8<sup>th</sup> day of August 2018 to the 7<sup>th</sup> day of September both days inclusive.

MW  
Meghan Wheeler, Clerk