

Resolution No 14-840

**AGREEMENT
BETWEEN FULTON/WOOD COUNTIES**

THIS AGREEMENT entered into this 15th day of MAY, 2014, by and between the County Commissioners of Wood County, Ohio, acting for and on behalf of Wood County, Ohio, and the County of Fulton, Ohio.

WITNESSETH:

WHEREAS, the County of Fulton, Ohio desires to enforce the Ohio State Building Codes for Buildings/Structures (excluding 1, 2, and 3 Family Dwellings) for the purpose of providing uniform standards and requirements for the erection, construction, repair, alteration, and maintenance of buildings and has adopted said code within its jurisdiction in Resolution No. 2014-455; and

WHEREAS, the County of Fulton, Ohio seeks certification by the Ohio Board of Building Standards pursuant to Section 3781.10(E) of the Revised Code to enforce the Ohio State Building Codes with the condition that the Wood County Building Department exercise the enforcement authority, approve plans and specifications, and make inspections in accordance with the Ohio State Building Code; and

WHEREAS, the said Board of Building Standards has certified the Wood County Building Department to exercise enforcement authority in accordance with the Ohio State Building Codes, effective JUNE 5, 2014, which is willing to administer and enforce the Ohio State Building Codes within the limits of said County of Fulton, Ohio; and

WHEREAS, the County of Fulton, Ohio has heretofore passed its Resolution No. 2014-455 on the 15th day of MAY, 2014, authorizing the County through its Commissioners and its Clerk, to enter into an agreement with the Wood County Building Inspection Department for the enforcement of the Ohio State Building Codes within the limits of said County of Fulton, Ohio; and

WHEREAS, the Wood County Board of Commissioners has on the 5th day of, JUNE 2014, adopted its resolution authorizing the County of Wood, Ohio to enter into said agreement with the County of Fulton, Ohio for the purposes aforesaid;

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

1. The County of Fulton, Ohio hereby grants to the County of Wood, Ohio authority to do all things necessary to exercise enforcement authority, accept and approve plans and specifications and make inspections necessary within the County of Fulton, Ohio in accordance with the provisions of the Ohio State Building Codes pursuant to Ohio Administrative Code 4101:1-1, the Ohio Building Code; and 4101:2-1, the Ohio Mechanical Code; and 4101:3-1 the Ohio Plumbing Code as promulgated by the Ohio Board of Building Standards.
2. The County of Wood, Ohio accepts the authority and responsibility to carry out the terms of this agreement.
3. The County of Wood, Ohio shall have full authority to do all things necessary to administer and enforce the Ohio State Building Codes and any amendments or additions thereto hereafter adopted within the limits of the County of Fulton, Ohio and in consideration therefore, the Wood County Building Inspection Department shall retain all permit and inspection fees authorized by the State of Ohio for such purposes.
4. The County of Fulton, Ohio agrees that in the event court proceedings are necessary to enforce the Ohio Building Codes as adopted, Fulton County will provide legal representation through its Prosecutor or other retained counsel.
5. **Terms of the Agreement:** The effective date for which the County of Wood, Ohio 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 thirty (30) days written notice to the other and the Board of Building Standards of its intention to terminate the agreement, which may be for any reason. This Agreement shall also terminate on the effective date of any repeal of conditional certification by the Board of Building Standards.
6. **Modification of the Agreement:** Any alteration or modification of the terms or conditions of this agreement must be in writing and signed by the parties.
7. **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this agreement shall for any reason be held invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of and such holding shall not affect the validity of the remaining portions hereof.
8. **Entire Agreement:** This agreement, the schedules and all attachments designated on the face of the agreement as included shall constitute the entire agreement of the parties and shall supersede all prior negotiations and representations, whether written or oral.

IN WITNESS WHEREOF, we have hereunto set our hands to this Agreement this
15th day of May, 2014.

WITNESSES:


Print Name: Ben Sunz


Print Name: VINCENT T. KELLY

Print Name: _____

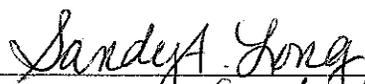
FULTON COUNTY BOARD OF COMMISSIONERS

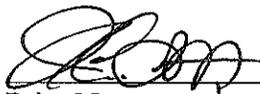

County Commissioner


County Commissioner


County Commissioner

WITNESSES:

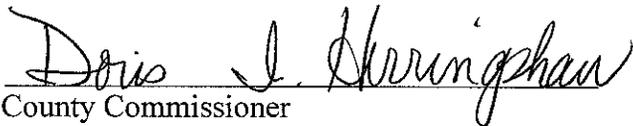

Print Name: Sandy A. Long


Print Name: Joseph A. Tancett


Print Name: Andrew S. Kalwar

WOOD COUNTY BOARD OF COMMISSIONERS


County Commissioner

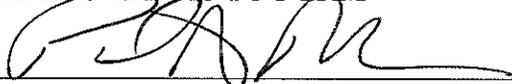

County Commissioner


County Commissioner

APPROVED AS TO FORM


Fulton County Prosecutor

APPROVED AS TO FORM


Wood County Prosecutor

RESOLUTION 2014-538

In the Matter of Resolution to Execute) Office of County Commissioners
Application for Certification of Building Department) Fulton County, Ohio
To the State Board of Building Standards) June 10, 2014

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on June 9, 2014, at 152 South Fulton Street, Wauseon, Ohio, with the following members present:

Perry Rupp
Bill Rufenacht
Paul Barnaby

Commissioner Rupp moved for the adoption of the resolution herein.

WHEREAS, on May 1, 2014 the Board of Commissioners voted to adopt state building codes and form a building department for the County; and

WHEREAS, on May 15, 2014 in Fulton County Resolution 2014-455, the Commissioners authorized a request to the Ohio Board of Building Standards to certify the Fulton County Building Department and entered into Fulton County Contract #2014-68, with the Wood County Commissioners to perform inspections and enforce those standards for non-residential structures;

THEREFORE BE IT RESOLVED, that after review, the Fulton County Commissioners hereby approves the application for the certification of their Building Department and authorize it's submission to the Ohio Board of Building Standards, as attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners, County of Fulton, State of Ohio that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner Rufenacht seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:

Voting Nay thereon:

Abstain:

Perry Rupp
Perry Rupp

Perry Rupp

Perry Rupp

Bill Rufenacht
Bill Rufenacht

Bill Rufenacht

Bill Rufenacht

Paul Barnaby
Paul Barnaby

Paul Barnaby

Paul Barnaby

RESOLUTION 2014-455

In the Matter of Resolution Authorizing a Request) Office of County Commissioners,
To the Ohio Board of Building Standards to Certify) Fulton County, Ohio
The County of Fulton for Enforcement of the Ohio) May 15, 2014
State Building Codes for Non-Residential Structures)
With the Condition that the Wood County Building)
Inspection Department Exercises Enforcement)
Authority and Accept and Approve Plans and)
Specifications and Make Inspections, and Authorizing)
an Agreement for Such Enforcement Between the)
County of Fulton and Wood County)

The Board of County Commissioners of Fulton County, Ohio met in regular session pursuant to notice, on May 15, 2014, at 152 South Fulton Street, Wauseon, Ohio, with all members present:

Perry Rupp
Bill Rufenacht
Paul Barnaby

Commissioner Barnaby moved for the adoption of the following resolution:
WHEREAS, the County of Fulton, 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 specified in section 3781.06 of the Revised Code of Ohio; and

WHEREAS, the County of Fulton, 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 the Wood County Building Inspection Department exercise the enforcement authority and accept and approve plans and specifications, and make inspection in accordance with the Ohio State Building Codes; and

WHEREAS, the said Board of Building Standards has certified the Wood County Building Department to exercise enforcement authority in accordance with the Ohio State Building Codes, effective in 1966 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 County of Fulton; and

WHEREAS, it is necessary that an agreement be entered into between the County of Fulton and the Wood County Building Inspection Department for the enforcement of the Ohio State Building Codes within the limits of the County of Defiance.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE COUNTY OF FULTON, OHIO;

SECTION I: That Ohio Administrative Code 4101:1 - the Ohio Building Code; and 4101:2 - the Ohio Mechanical Code; and 4101:3 - the Ohio Plumbing Code as promulgated by the Ohio Board of Building Standards, shall apply and be enforced within the said County of Fulton, Ohio.

SECTION II: That this Resolution shall be in full force and effect from and after the earliest date permitted by law following promulgation of the Ohio Building, Mechanical, and Plumbing Codes as approved 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 III: The Commissioners of the County of Fulton are hereby authorized and directed to enter into an agreement with the Wood County Building Inspection Department for the enforcement of the Ohio State Building Codes within the limits of said County, whereby the Wood County Building Inspection Department will exercise all authority and accept plans and specifications and make inspections necessary within said County in accordance with the provisions of the Ohio State Building Codes.

SECTION IV: The terms of the said agreement shall grant to the Wood County Building Inspection Department full authority to do all things necessary to administer and enforce the Ohio State Building Codes within the limits of the County of Fulton, and inconsideration therefore to allow the Wood County Building Inspection Department to retain all permit and inspection fees authorized by the State of Ohio for such purposes.

CLERK'S CERTIFICATION:
I hereby CERTIFY that the foregoing is a true and accurate copy of Resolution 2014-455 adopted by the Board of Commissioners of Fulton County, Ohio, on May 15, 2014 and recorded in the Commissioners' Journal.
Teri S. Suarez
Commissioner's Clerk

SECTION V: The Legislature Authority of the County of Fulton further agrees to hold the Wood County Building Inspection Department harmless for all claims or causes of action of every kind and nature arising from the acts of Wood County, its departments, agents, employees, and representatives in the administration and enforcement of said codes.

SECTION VI: This Resolution is hereby declared to be an emergency measure, the immediate passage of which is necessary for the public 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 Revised Code of Ohio; wherefore, this resolution shall take effect and be in force immediately upon its passage and effective date of certification issued by the Ohio Board of Building Standards.

SECTION VII: The said clerk is further directed to publish this resolution as required by law.

BE IT FURTHER RESOLVED that it is found and determined that all formal actions of this Board of County Commissioners, County of Fulton, State of Ohio concerning the adoption of this resolution were adopted in an open meeting of this Board of County Commissioners, and that all deliberations of this Board of County Commissioners and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Commissioner Rufenacht seconded the resolution and upon calling the roll, the following vote was taken:

Voting Aye thereon:	Voting Nay thereon:	Abstain:
<u>Perry Rupp</u> Perry Rupp	_____	_____
<u>Bill Rufenacht</u> Bill Rufenacht	_____	_____
<u>Paul Barnaby</u> Paul Barnaby	_____	_____

**BOARD OF COUNTY COMMISSIONERS
FULTON COUNTY, OHIO**

Attest: [Signature]
Teri Suarez, Clerk

CERTIFICATION

STATE OF OHIO)
) SS:
COUNTY OF FULTON)

I, Teri S. Suarez, Clerk of the Board of Commissioners of the County of Fulton, Ohio, do hereby certify that the foregoing is taken and copied from the record of the proceedings of said Commissioners; that the same has been compared by me with the Resolution of record, and that it is a true and correct copy thereof.

I further certify that the Motion to adopt the foregoing Resolution was made by Commissioner Barnaby, and seconded by Commissioner Rufenacht. That on roll call, the Resolution passed by a vote of 3 yea, 0 nay.

WITNESS, my signature the 15th day of May, 2014.

[Signature]
CLERK, COUNTY OF FULTON

County Legal

CLERK'S CERTIFICATION:
I hereby CERTIFY that the foregoing is a true and accurate copy of Resolution 2014-45 adopted by the Board of Commissioners of Fulton County, Ohio, on MAY 15 2014 and recorded in the Commissioners' Journal. [Signature]
TERI S. SUAREZ
County Clerk