

RESOLUTION NO. 43-2021

Introduced by Trey Hardy

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE HURON TOWNSHIP BOARD OF TRUSTEES FOR THE SERVICES OF THE HURON TOWNSHIP BUILDING DEPARTMENT TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT AND APPROVE PLANS AND SPECIFICATIONS AND MAKE ALL NECESSARY INSPECTIONS UNDER THE RESIDENTIAL (ONE, TWO AND THREE-FAMILY) CODE OF OHIO WITHIN THE CITY OF HURON

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HURON, OHIO:


SECTION 1. That the City Manager be, and he hereby is, authorized and directed to enter into an agreement with the Huron Township Board of Township Trustees for the services of the Huron Township Building Department, which agreement shall be in substantially the form of Exhibit "A" attached hereto and made part hereof.

SECTION 2. That this Council finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with the law, including Section 121.22 of the Revised Code.

SECTION 3. That this Resolution shall go into effect and be in full force and effect from and after the earliest date allowed by law.



Sam Artino, Mayor

ATTEST: 
Clerk of Council

ADOPTED: 27 JUL 2021



HURON TOWNSHIP/CITY OF HURON
BUILDING DEPARTMENT
SERVICE AGREEMENT

THIS SERVICE AGREEMENT, entered into this 2nd day of Aug., 2021, by and between Huron Township, Erie County, Ohio, hereinafter referred to as “the Township” and the City of Huron a municipal corporation of Erie County, Ohio, hereinafter referred to as “the City”,

WHEREAS, the Township has, as one of its administrative departments, the Huron Township Building Department, which department is certified by the Ohio Board of Building Standards (“Board”) to exercise enforcement authority with regard to the Ohio Building Code and the Residential Code of Ohio;

WHEREAS, in order to enforce the Ohio Building Code and the Residential Code of Ohio within its jurisdiction, the City needs to be certified, and to do so, it must arrange for inspections and the exercise of all enforcement authority by a building department certified by such Board;

WHEREAS, Huron Township is willing to have its Building Department perform such services for the City as are necessary to enforce the Ohio Building Code, the Residential Code of Ohio, and the Huron Codified Ordinances (except plumbing) within the corporate limits of the City in accordance with the terms and conditions as set forth in this Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Services.** The Huron Township Building Department, by and through its building official (“Building Official”) will receive, review and approve all plans, issue building permits and conduct all inspections and perform all other enforcement actions, needed to enforce the Ohio Building Code, the Residential Code of Ohio, and the Huron Codified Ordinances (except plumbing) within the corporate limits of the City. In addition, the Building Official will work in conjunction with the City Planning and Zoning Manager, or his designated representative, to make joint recommendations to the Planning Commission and the Board of Zoning Appeals, and confer with the City Administration and City Council as needed. Furthermore, Huron Township will comply with the city’s adopted Records Retention Schedule for any and all documents and plans retained by Huron Township

2. **Costs.** The Township agrees to issue building permits applying fees for such services pursuant to Huron Codified Ordinance Chapter 1321. The City shall collect the building permit fees for the services contemplated by this Agreement. The City shall prepare a monthly reconciliation reports based on the collected sums of the building permit fees to be used as the invoice by which the Finance Department will pay Huron Township for the General Fee portion of the building permits. Invoices shall be paid within thirty (30) days of receipt pursuant to the payment policy of the Finance Department.

3. **Term.** This Agreement shall be effective upon the signing of all parties. This Agreement shall commence on July 26, 2021 and remain in effect for a period of five (5) years.

4. Amendment and Termination. This Agreement may be amended upon providing written notice of amendment to the other party's authorized representative. Any modification of this Agreement shall be binding only if evidenced in writing and signed by the authorized representative of each party. This Agreement may be terminated by either party by giving ninety (90) days written notice of termination to the other party. In the event this agreement is terminated pursuant to this section, the City shall have no further obligation to make payment to the Township, except for payment for services rendered and owed at the time of the termination and the Township shall have no further obligation to provide the services required by this Agreement.

5. Severability. In the event of the invalidation of any portion of this Agreement, the remaining sections and subsections shall remain in effect for the duration of the Agreement. The parties may meet to negotiate new terms for the invalidated section or subsection if mutually agreeable.

6. Liability.

- (a) The parties agree that the Building Official is solely the employee of the Township, and not an employee of the City. The Township agrees that it is solely responsible for all compensation and benefits (and attendant state, local and federal taxes or pension obligations) to which the Building Official may be entitled by virtue of the services performed under this Agreement. Further, the Township agrees that it is the sole employer of the Building Official for all legal purposes, including without limitation, for purposes of any workers' compensation, unemployment and/or administrative claims, and/or claims asserted under Chapter 4112 of the Ohio Revised Code that may be asserted by the Building Official. The Township further waives and fully releases the City from any claim of liability or contribution related to all matters pertaining to the Building Official's continuing status as an employee of the Township, to the extent allowed by law.
- (b) At execution of this Agreement, and as may be periodically requested by the City, the Township shall provide a Certificate of Insurance ensuring the City is identified as "additional named insured" on the Township's insurance policies for any acts or omissions of the Township and/or the Building Official in performing the services required hereunder.

DOCUMENT

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IN WITNESS WHEREOF, the parties have set their hands to duplicates hereof on the date first written above, Huron Township by its Board of Trustees pursuant to Resolution 2021-_____, and the City of Huron by its City Manager acting pursuant to Resolution 2021-_____.

CITY OF HURON



Matthew Lasko, City Manager

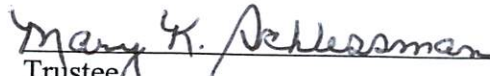
HURON TOWNSHIP



Trustee



Trustee




Trustee

APPROVED AS TO FORM:

Todd A. Schrader, Law Director,
City of Huron

**KEVIN J. BAXTER,
ERIE COUNTY PROSECUTOR**

By: 

Susan R. Brown, Assistant Prosecutor

IN WITNESS WHEREOF, the parties have set their hands to duplicates hereof on the date first written above, Huron Township by its Board of Trustees pursuant to Resolution 2021-_____, and the City of Huron by its City Manager acting pursuant to Resolution 43-2021.

CITY OF HURON

HURON TOWNSHIP

Matthew Lasko, City Manager

Trustee

Trustee

Trustee

APPROVED AS TO FORM:



Todd A. Schrader, Law Director,
City of Huron

**KEVIN J. BAXTER,
ERIE COUNTY PROSECUTOR**

By: _____
Susan R. Brown, Assistant Prosecutor

RESOLUTION # 2021-11

RESOLUTION OF THE BOARD OF TRUSTEES OF HURON TOWNSHIP, ERIE COUNTY, OHIO, TO ENTER INTO A AGREEMENT WITH THE CITY OF HURON, ERIE COUNTY, OHIO, FOR THE PURPOSE OF PROVIDING THE CITY OF HURON BUILDING DEPARTMENT WITH BUILDING INSPECTION SERVICES FOR THE ENFORCEMENT OF APPLICABLE BUILDING CODES.

The Board of Trustees of Huron Township, Erie County, Ohio, met in regular session on the 2nd day of August, 2021, at the Offices of the Board of Trustees of Huron Township, 1820 Bogart Road, Huron, Ohio, with the following members present:

Mr. Gordon Hahn
Mr. Edward Enderle
Ms. Mary K. Schlessman

Mr. Enderle introduced the following resolution and urged its adoption.

WHEREAS, the Board, under Resolution 98-11, adopted 10/14/98, established a Township Building Department and position of Building Official, and adopted the most current edition of the Ohio Building Code and the Residential Code of Ohio as adopted by the Ohio Board of Building Standards,

WHEREAS, the Board, under Resolution 98-12, adopted 10/14/98, requested the Ohio Board of Building Standards to certify the Township Building Department, which was certified May 21, 1999; and,

WHEREAS, The City of Huron, Erie County, Ohio, seeks to enter into a contract with this Board for the provisions of building code enforcement services (both commercial/industrial and residential) within its jurisdictional boundaries, **NOW THEREFORE BE IT RESOLVED**,

That the Board of Trustees of Huron Township, Erie County, Ohio, hereby enters into a contract with the City of Huron, Erie County, Ohio, herein attached as Exhibit A, for the provision of building code services, for the purpose of enforcement of applicable Ohio building codes, for a period of five (5) years; and,

FURTHER, that this Board requests that the Township Fiscal Officer send a certified copy of this resolution and a copy of the executed contract to the City Manager of the City of Huron within ten (10) days of the passage of this resolution; and

FURTHER, that this Board hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board, and its committees, if any, which resulted in formal action were taken in meetings open to the public in full compliance with applicable legal requirements including Ohio Revised Code Section 121.22.

RESOLUTION # 2021-11


Ms. Schlessman seconded the motion; and the roll call being called upon resulted as follows:

	AYE	NAY
Mr. Gordon Hahn	X	<input type="checkbox"/>
Mr. Edward Enderle	X	<input type="checkbox"/>
Ms. Mary K. Schlessman	X	<input type="checkbox"/>

Adopted this 2nd day of August, 2021

CERTIFICATION

I, Matthew Dewey, Fiscal Officer of the Board of Trustees of Huron Township, hereby do certify that the above is a true and correct copy of the Resolution adopted by said Board of Trustees under said date and as the same appears in the minutes of the regular meeting of the Board of Trustees of Huron Township, duly called and held on the 2nd day of August, 2021.


Matthew Dewey, Fiscal Officer
Board of Township Trustees
Huron Township, Erie County, Ohio