

RESOLUTION NO. 25-85
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Jeffrey Siler ON THE 16th
DAY OF September, 1985.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS TO PROVIDE THE SERVICES OF THE DAYTON BOARD OF BUILDING APPEALS.

WHEREAS, various political subdivisions in Montgomery County desire to enter into agreements with the City of Dayton for the Dayton Board of Building Appeals to hear and decide appeals from adjudication orders pertaining to the enforcement of the Ohio Basic Building Codes; and

WHEREAS, the authority to enter into such agreements is specifically conferred by Section 3781.20 of the Ohio Revised Code; and

WHEREAS, it is necessary for the immediate preservation of the public peace, property, health and safety that this Resolution requesting the service, and the executed agreements are scheduled for a public hearing by the State Board of Building Standards on October 4, 1985.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

SECTION 1. That the City Manager is hereby authorized and directed to execute agreements with the following political subdivisions for the Dayton Board of Building Appeals to hear and decide appeals from adjudication orders pertaining to the enforcement of the Ohio Basic Building Codes, said agreements to be substantially the same in form and content as the Agreement attached hereto, marked exhibit "A" and made a part hereof:

Montgomery County	Miamisburg
Kettering	Englewood
West Carrollton	Moraine
Vandalia	New Lebanon
Centerville	

SECTION 2. That the City Manager is hereby authorized and directed to execute similar agreements with additional political subdivisions that may wish to utilize the services of the Dayton Board of Building Appeals.

PASSED This 16th day of September, 1985.

Shirley F. Heintz
Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn J. Sander
Clerk of the Council of the City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution Number 25-85, passed by the Council of the City of Centerville, Ohio, on the 16th day of September, 1985.

Marilyn J. Sander
Clerk of Council

Approved as to form, consistency with existing ordinances, the charter & constitutional provisions.
Department of Law
Robert N. Farquhar
Municipal Attorney

AGREEMENT

THIS AGREEMENT entered into by and between THE CITY OF DAYTON, OHIO, hereinafter called "Dayton," and the _____ of _____, hereinafter called "_____."

WHEREAS, the Dayton Board of Building Appeals has been certified by the State Board of Building Standards to hear and decide appeals from adjudication orders pertaining to the enforcement of the Ohio Basic Building Codes and any rules adopted pursuant thereto; and

WHEREAS, Dayton has, by ordinance, made the services of Dayton's Board of Building Appeals available to other municipal corporations and counties that enter into agreements for such services; and

WHEREAS, _____ has adopted the Ohio Basic Building Codes as and for its building codes within the limits of the _____ of _____; and

WHEREAS, _____ has requested the services of Dayton's Board of Building Appeals for the purpose of hearing and deciding all matters of the building codes entered for appeal from decisions of _____'s Building Superintendent/Inspector, as provided in the Ohio Basic Building Code; and

WHEREAS, Section 3781.20, Ohio Revised Code authorizes such contracts between municipal corporations and counties for the services of Boards of Building Appeals;

NOW, THEREFORE, IT IS AGREED by and between Dayton and _____ as follows:

1) The services of Dayton's Board of Building Appeals are hereby made available to _____ for the purpose of hearing and deciding all appeals pertaining only to Ohio Basic Building Code matters where a decision of _____'s Building Superintendent/Inspector is in dispute.

2) All appeals on matters contained in the Ohio Basic Building Code shall be entered with Dayton's Board of Building Appeals pursuant to Sections 307.38, 307.381, 3781.19 and 3781.20, Ohio Revised Code, under which such Board of Building Appeals is authorized and certified to hear and decide appeals, and in accordance with the rules of said Board.

3) This Agreement shall become operative and binding upon the parties hereto, when all the terms and provisions hereof have been accepted by an ordinance or resolution duly and properly adopted by _____, which authorizes and directs the execution of this Agreement.

4) This Agreement shall continue in full force and effect until terminated by either party hereto, which termination shall become effective at the expiration of ninety (90) days following written notice, by duly adopted and certified ordinance or resolution from either party to the other, stating that it elects to terminate the same.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials the day and year first above written.

Witnesses:

THE CITY OF DAYTON, OHIO

By: _____
City Manager

_____, OHIO

By: _____
(Title)

Approved as to form:

City Attorney for
The City of Dayton, Ohio