

ORDINANCE NO. 2022-53

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO  
CONTRACT WITH SANDUSKY COUNTY TO PROVIDE  
BUILDING CODE SERVICES FOR COMMERCIAL PROJECTS IN  
THE CITY OF CLYDE AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Clyde has re-established its Building Department for local enforcement of the building codes; and

**WHEREAS**, the City of Clyde anticipates receiving certification to enforce the Ohio State Building Code within the City of Clyde; and

**WHEREAS**, the City desires to enter into contract with the Sandusky County Board of Commissioners on behalf of the Sandusky County Building Code Department for the provision of building code services for commercial projects in the City of Clyde, Ohio;

**NOW THEREFORE BE IT ORDAINED** by the Council of the City of Clyde, State of Ohio:

**SECTION 1.** That the City Manager is authorized to contract with the Sandusky County Board of Commissioners on behalf of the Sandusky County Building Code Department to provide building code services for commercial projects in the City of Clyde, Ohio, specifically within the entire municipal boundaries of the City.

**SECTION 2.** That a draft of the proposed contract is attached hereto and incorporated herein as though fully set forth.

**SECTION 3.** The City Manager is authorized to establish the commencement date of the agreement and the provision of these services, subject to the date of certification by the Ohio Department of Commerce Division of Industrial Compliance, and it is understood that this agreement shall renew on an annual basis on January 1st of each year, all as set forth in the agreement.

**SECTION 4.** Although no expenses to the City are contemplated by this agreement, if and as necessary, the Finance Director is hereby authorized and directed to take any action necessary to comply with this ordinance and all applicable laws, including drawing his warrant or warrants for any funds required, as the same may be appropriated by City Council.

**SECTION 5.** That the Clerk of Council be, and is hereby authorized and directed as may be necessary, to send a certified copy of this ordinance as requested by the administration or the Sandusky County Board of Commissioners on behalf of the Sandusky County Building Code Department.



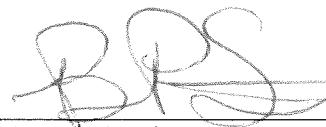
**SECTION 6.** That all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

**SECTION 7.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of the City of Clyde, and that it is necessary to authorize the signing of this contract to provide these needed services for the City of Clyde as soon as possible for the benefit of all parties and the citizens of Clyde.

**WHEREFORE**, this Ordinance shall be in full force and effect from the date of its adoption.

9-20-2022

Passed:



Brent Stanley, Mayor

Janet R. Dickman  
Attest: Clerk of Council

APPROVED AS TO FORM:

Zachary J. Selvey  
Zachary J. Selvey, Solicitor



**CONTRACTUAL AGREEMENT TO PROVIDE BUILDING CODE SERVICES FOR  
COMMERCIAL PROJECTS IN THE CITY OF CLYDE, OHIO.**

This contractual agreement made and entered into this -- day of -----, 2022 by and between the Sandusky County Board of Commissioner on behalf of the Sandusky County Building Code Department, and the City of Clyde, Ohio (City).

**Whereas**, the citizens of Clyde require the establishment of local enforcement of the building codes; and

**Whereas**, the State of Ohio requires the establishment of a building department prior to the exercise of enforcement authority, and,

**Whereas**, the Sandusky County Building Code Department desires and is willing to administer and enforce the applicable provisions of the Ohio Basic Building Code within the limits of the City pursuant to its authority and is granted by the Ohio Board of Building Standards, and

**Whereas**, the City has on the \_\_\_\_\_ day of -----, 2022, heretofore approved by majority vote authorization for the City to enter into agreement with the Sandusky County Building Code Department, for enforcement of the provisions of the Ohio Basic Building Code within the limits of the City, whereby the Sandusky County Building Code Department is to exercise all enforcement authority necessary within the City, and,

**Whereas**, the Sandusky County Board of Commissioners has on the \_\_\_\_\_ day of -----, 2022 approved by majority vote authorization for the Sandusky County Building Code Department to enter into said agreement with the City, for the purpose aforesaid:

**Now, therefore**, it is hereby agreed by and between the parties as follows:

1. This agreement shall be void and have no force or effect in the event of refusal of the Ohio Department of Commerce Division of Industrial Compliance to certify the City into the Sandusky County Building Code Department territory.

2. The City hereby grants the Sandusky County Building Code Department full authority to take all measures necessary to exercise enforcement authority on commercial projects, to accept and approve plans and specifications and make inspections necessary within the City in accordance with the provisions of the Ohio Basic Building Code relating to commercial projects, including particularly chapter 4101:2-56-69, Ohio Administrative Code.

3. The Sandusky County Building Code Department accepts the authority and responsibility to implement the terms of this agreement.

4. The Sandusky County Building Code Department shall have full authority to take all measures necessary to administer and enforce provisions of the Ohio Basic Building Code within the limits of the City and in consideration, therefore, the Sandusky County Building Code Department shall retain all plan review, permit and inspection fees authorized by the State of Ohio for such purposes.

5. The effective date for which the Sandusky County Building Code Department shall begin to perform its said duties under the terms of this agreement shall be the \_\_\_\_\_ day of -----, 2022, or the date of certification by the Ohio Department of Commerce Division of Industrial Compliance, whichever shall last occur, this agreement shall automatically renew on an annual

basis on January 1st each year, this agreement shall thereafter continue in full force and effect until either party shall give written notice to the other of its intention to terminate the agreement, which may be for any reason, except that this agreement shall not terminate until the City can obtain code enforcement services or 180 days, upon which shall be confirmed in writing by both parties as the effective date of termination, whichever time occurs first. The Sandusky County Building Code Department shall be entitled to receive and retain all monies payable under this agreement until the effective date of termination.

6. The City hereby agrees to hold the Sandusky County Building Code Department harmless from claims or causes of action of every kind and nature arising from the acts of the Sandusky County Building Code Department, its agents, employees or representatives in the administration and enforcement of the Ohio Basic Building Code within the limits of the City except where the acts of omissions of the agents, employees or representatives are found to be manifestly outside the scope of employment or official responsibilities, or where the acts or omissions are found to be in bad faith with malicious purpose, or are the result of fraudulent acts or misrepresentations of the agents, employees or representatives of the Sandusky County Building Code Department, or involving the operation of motor vehicles by employees or representatives for which the City has insurance coverage.

7. This agreement shall be deemed to authorize the Sandusky County Building Code Department to administer and enforce for the City any amendments or additions to the Ohio Basic Building Code 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. The City agrees that the Sandusky County Building Code Department require City of Clyde business to be conducted at the Sandusky County Building Code Department office in Clyde, Ohio.

8. Sandusky County Building Code Department shall retain all monies collected from permits, plan reviews and/or fixtures for all commercial plumbing and/or medical gas permits issued for projects within the City in return for the Sandusky County Building Code Department conducting inspections on behalf of the City.

9. The Sandusky County Building Code Department shall retain 100% of all monies collected from re-inspections, contractor registrations, OCILB education classes or code book sales. The Sandusky County Building Code Department shall include the City into its contractor registration territory.

11. The Sandusky County Building Code Department will assume all labor costs associated with the employment of inspectors and management of them (wages, healthcare, workers compensation, and Medicare).

12. This agreement can be modified upon agreement of both the Sandusky County Building Code Department and the City any modifications shall be submitted in written form and signed both agencies assigned person.

ACCEPTANCE of this Contract/Agreement of Authorization is evidence of our intent to comply with Titles VI and VI I of the 1964 Civil Rights Act and Section 504 of the Rehabilitation Act which prohibits discrimination because of race, color, natural origin, handicap (age, sex and/or religion where applicable) in any facet of our operation.

IN WITNESS WHEREOF, the parties have duly executed this Agreement effective September 20, 2022

City of Clyde, Ohio

By:   
Brent Stanley - Mayor

By:   
Justin La Benne – City Manager

Sandusky County Board of Commissioners

By:   
Commissioner Scott Miller

By:   
Commissioner Charles Schwochow

By:   
Commissioner Russ Zimmerman

