



Legislation Text

File #: O-290-22, **Version:** 1

Enacting New TMC Ch. 140 - Dept of Bldg. & Code Compliance
Law/Building Inspection
E. Granata (x1034)/ J. Molnar (x1229)

Enacting a New Toledo Municipal Code Chapter 140, Department of Building and Code Compliance; and declaring an emergency.

SUMMARY & BACKGROUND:

This Ordinance enacts a new Toledo Municipal Code (“TMC”) Chapter 140, Department of Building and Code Compliance, which combines the duties of the divisions of Inspection and Code Enforcement. Inspection was put under the Department of Economic Development in 2015 (see Ord. 118-15), with Code Enforcement moved under the Department of Neighborhoods in 2014 (see Ord. 482-14). This Ordinance reestablishes Building Inspection and most of the functions of the Division of Code Compliance as a separate combined department linking the related expertise and functions. (For repeal of previous provisions see separate legislation amending TMC Ch. 135 and 136.)

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Toledo Municipal Code Chapter 140, Department of Building and Code Compliance, is enacted to read as follows:

Chapter 140 Department of Building and Code Compliance

- 140.01 Department of Building and Code Compliance.
- 140.02 Director of Building and Code Compliance.
- 140.03 Deputy Director of Building and Code Compliance.
- 140.04 Division of Building Inspection.
- 140.05 Building Official.
- 140.06 Division of Code Compliance.

140.01 Department of Building and Code Compliance established.

The Department of Building and Code Compliance is hereby established as an administrative department of the City.

140.02 Appointment of Director.

The Director of the Department of Building and Code Compliance shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Director is responsible for the administration and operations of the Department of Building and Code Enforcement in compliance with applicable provisions of Ohio law, the Municipal Code or Council ordinance. The Director shall undertake such other duties and responsibilities as assigned by the Mayor.

140.03 Appointment of Deputy Director.

A Deputy Director of Building and Code Compliance may be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor. The Deputy Director shall serve as the Acting Director in the absence or unavailability of the Director of Information and Communications. The Deputy Director shall report to the Director and shall perform such other duties as may be proscribed by the Director or the Mayor. The Deputy Director may be combined with any Commissioner position upon recommendation of the Director and approval by the Mayor.

140.04 Division of Building Inspection.

(a) The Division of Inspection is established in the Department of Building and Code Compliance under the supervision of a Commissioner of Building Inspection, who shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor.

(b) The Division of Inspection shall be responsible for the administration and enforcement of building codes as adopted by Part Thirteen of the Municipal Code in accord with applicable Ohio law and building code. The Division of Inspection shall also be responsible for the issuance of all building permits and the administration and enforcement of Municipal Code provisions pertaining to registration of contractors.

(c) Duties of the Commissioner of Building Inspection. The Commissioner of Building Inspection shall be responsible for the administration and execution of the duties of the Division of Building Inspection under the supervision of the Director of Building and Code Compliance; and shall undertake duties as may prescribed by the Mayor or the Director of Building and Code Compliance or by ordinance of Council. As part of these duties, the Commissioner shall:

(1) Establish procedures, policies, and permit application documents in compliance with the State's Board of Building Standards and this Municipal Code to process, issue, store and retrieve permits, licenses, certificates, registrations, and other documents authorized and initiated by this Municipal Code and the State of Ohio.

(2) Supervise the activities of the City-employed, State-certified staff of plan reviewers, building inspectors, the Building Official, Assistant Building Official and all other division staff and assistants.

(3) Provide administrative support to the Board of Building Appeals, Board of Zoning Appeals, and the various boards of control as established under the Municipal Code as may be assigned by the Director of Building and Code Enforcement.

140.05 Building Official.

The City shall have in its employ a Building Official who shall hold the State of Ohio certification of Building Official. The Building Official shall report to the Commissioner of Building Inspection. The Building Official shall have such authority and responsibilities as specified under Ohio law and Part Thirteen of the Municipal Code. The Building Official shall have additional duties as may be prescribed by the Commissioner of Building Inspection or the Director of Building and Code Compliance. The Building Official shall also serve as the City's floodplain manager.

140.06 Division of Code Compliance.

(a) The Division of Code Compliance is established in the Department of Building and Code

Compliance under the supervision of a Commissioner of Code Compliance, who shall be appointed by the Mayor in the manner provided by the Charter and shall serve at the pleasure of the Mayor.

(b) The Division of Code Compliance shall be responsible for general inspections and enforcement of the provisions of and regulations made of Part Eleven (Zoning Code) and Part Seventeen (Health Code) of this Municipal Code and any other codes adopted under other provisions of this Municipal Code or by ordinance related to property maintenance, including enforcement of regulations and the issuance and enforcement of orders to abate nuisances thereunder.

(c) Duties of the Commissioner of Code Compliance. The Commissioner of Code Compliance shall be responsible for the administration and execution of the duties of the Division of Code Compliance under the supervision of the Director of Building and Code Compliance; and shall undertake duties as may be prescribed by the Mayor or the Director of Building and Code Compliance or by ordinance of Council.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and 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.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that the establishment of the Department of Building & Code Compliance is necessary to the ongoing effective delivery of city building and code compliance services citizens and businesses, and to timely engage in planning and implementation of department programming to address community needs.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council