

Minutes of Legislation Codes & Regulations Meeting

January 22, 2019

Members present: Mr. Landon, Mr. Huddle, Mrs. Blevins.

With a quorum present, Mr. Landon called the meeting to order at 6:55 PM.

Minutes from the previous meeting were not available. They will be reviewed at the next regularly scheduled meeting.

New Business

Item 1. DISCUSSION ONLY: LIQUOR LICENSE AT NORTH MARION FUEL DBA MARATHON 847 N MAIN STREET

Representatives of North Marion Fuel (DBA Marathon) requested to address committee regarding their application for a liquor license. At this point, no new correspondence has been received by the Clerk for the C-1 license that they applied for last week. Previously, the Ohio Liquor Control Commission had denied the application, as well an appeal. They did not seek a reversal of the department's decision. The last action documented locally is on 03/29/2018.

Marathon owner explained that they build station about 2 years ago at about a cost of \$800,000. Their application for a liquor license was previously denied. The rehabilitation center next door is now closed. They employ four local people. Their hours are 6AM-10PM M-Sun. They would appreciate any support in getting their license.

Law Director Mark Russell explained that owner applied for a permit about 4 years ago. At the time, council and administration had an objection to it because of the proximity of Lincoln Park and Head Start. The second time they filed was also objected to for the same reasons, as well as the opening of a rehabilitation center. Currently, the city is not aware of a pending application. They must wait a year from denial to reapply.

The owners further explained precautions in place to prevent sales to underage buyers, including training, requiring two forms of ID and a POS system that requires a scan. They are not planning to change hours with receipt of a liquor permit but will do what the city would ask. Mayor Schertzer clarified that the city does not set hours for businesses. Proper protocol is that the application is filed, it will come to the committee, and then they have two options – take no action (not opposed) or call for a hearing. When the application is before the committee is when a decision needs to be made. AFTER the permit comes to us, the police and fire departments will do a check and issue a report. Chief Collins indicated that generally they make no recommendation, but it is reviewed on a case by case basis once the process is started.

Mayor Schertzer stated that Ohio Liquor Control Commission has rules in place that they follow first. His recommendation is to wait until the license comes in front of the committee. It may be premature to make up your minds now.

No action taken or required at meeting

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There being no further business, Mr. Landon adjourned the meeting at 7:12 PM.

Chairman Landon

Clerk of Council

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Members present: Mr. Landon, Mr. Huddle, Mrs. Blevins.

With a quorum present, Mr. Landon called the meeting to order at 6:41PM.

Minutes from the previous meeting were not available. They will be reviewed at the next regularly scheduled meeting.

Old Business

Item 1. CONTINUED DISCUSSION: BUILDING CODES AND REGULATIONS: AN ORDINANCE REQUIRING THE REGISTRATION OF CONSTRUCTION CONTRACTORS WITHIN THE CITY OF MARION

Paul Anderson (410 Reed Avenue), general contractor, expressed concern about subcontractors and that the term was lined out in the proposed ordinance.

Mr. Daniels (At Large) explained that there have been several revisions to the proposed ordinance that started with a model from Avon Lake, Ohio. The explicit definition for subcontractor was a contractor working under a general contractor. When a subcontractor is doing work on their own, they are then considered a general contractor. Without a general contractor's umbrella of protection over top of them, they would be considered a general themselves and would need to provide insurance themselves to operate.

Dave Roush (5048 Marion Cardington Road E., Dave Roush Heating and Cooling) stated that he does not see anything about people that are doing work flipping houses, rental properties, and the related. It says homeowners. They are not actual homeowners. They are a business. They are not licensed contractors. They are a business flipping houses. They go in and do everything.

Mr. Daniels explained that this law specifically exempts building owners. The thought was that they did not want to overreach into people doing their own work. There are paragraphs that address the responsibilities of an owner who pulls a permit that states they will do work to applicable codes. The legislation only comes into play when a contractor engages with an actual consumer. There is a whole gamut of responsibilities that these non-contractors will have later at a state and federal level when they sell that house. Upon sale, the house is usually inspected because of federally funded financing programs.

Mr. Daniels continued. There is a section that states: "a contractor that involves themselves in collusive activities designed to conceal or disguise material defects in a buildings construction that result in civil or criminal prosecution of said contractor or owner." A homeowner hires a contractor to build a false wall over a collapsing basement wall. The new owner comes in months later and discovers the situation. That would put the seller liable to the buyer in a court of law. Once that prosecution was completed then the contractor that helped the homeowner and knew that they were concealing the defect would be held liable, their license would be held liable. If it looks like a contractor is doing something sneaky, they should not do it.

Mike Neff (851 E. Center Street) said the thing that brought him here was a house built on Merchant Avenue and the deficiencies in that house. They have gotten away from talking about

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that household and are now talking about registration of contractors. He would like council to understand that there is a residential code of Ohio. He read sections as follows. Chapter 1 administrative part 101.2 "The Scope of the Code. The provisions of the residential code of Ohio for 1,2, and 3 family dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair and use and occupancy, location, maintenance, removal, and demolition of EVERY (emphasis added) 1, 2, and 3 family dwelling and connected structures". Every home that is built or remodeled is covered. The city has no way to enforce that code. He read from The Intent of the Code 101.3 "The purpose of this code is to establish uniform MINIMUM (emphasis added) requirement for the erection, construction, repair, alteration, and maintenance of a residential building. Such requirements relate to the conservation of energy, SAFETY (emphasis added), and sanitation of buildings for intended use and occupancy." That is where he started at and somehow, they have ended up on contractor registration. He would like them to look at enforcing the RCO.

Mr. Neff read from a prepared statement. "Regarding registration of contractors, I believe that it will have no effect on the problems our community is facing right now as it relates to building construction. All 1,2,3 construction in Ohio is required to follow the RCO. The problem is that without a certified building department there is no mechanism to check for compliance. Registration of contractors has no means to enforce the provisions of the RCO. It will simply add administrative tasks for city employees, tax the contractors, and provide no relief to the citizens of Marion city. Contractors will continue to do as they see fit. Any reputable contractors simply cannot compete with contractors who disregard codes and look to maximize their profit margins. You will find many contractors that will be in support of a certified building department. This would bring the standard of work up across the board and level the playing field for all involved. The argument is made that Marion cannot afford to staff a new department. This is simply not true. We must look no further than Galion for an answer. The city of Galion recently formed a certified building department. There is one employee. To make this financially sound that employee is also tasked with all the zoning responsibilities. There are other avenues that the city could take to lessen the financial impact of a certified department. The city could simply become a subdepartment of an existing department. I had previously mentioned Delaware and Union counties as options that can be explored. Mayor Schertzer mentioned a good working relationship that has been developed with the city of Delaware. The city of Delaware also has a certified building department that Marion could potentially partner with. It is important to note that the two fundamental aspects of the RCO are performance and safety. An RCO-compliant home will last longer and remain an asset to the city for years to come. The safety provisions of the code will help protect citizens by minimizing hazards – smoke alarms, egress windows, receptacles. The Ohio Community Reinvestment of Area programs CRA currently provides over \$3 million dollars in tax abatements within the city of Marion to single and multi-family dwellings. Have these homes been built to the safety and performance standards of the RCO? Marion County landbank has been selling properties to investors. Are these properties being remodeled to the RCO standard? Within the last month, a landbank property sold on Congress Street suffered an extensive fire. It seems to me that this is going to be another eye sore for the city to deal with that they were just trying to get rid of. The time and effort put into this land bank transaction was completely wasted. Is this what the land bank envisioned for the reclaimed properties? Many other land banks have been sold or are slated to be sold soon. The only way to ensure that these homes will be converted into safe homes is through a certified building department. I have not yet mentioned the property manager house. These stakeholders also need to follow the standard in the RCO. A home at 376 Elm Street was purchased by an investor and was flipped and sold the next year. In a simple search on social media, you can

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see the extent of work done on this house. Fast forward to December 2018, this house in our city with no codes suffered an extensive devastating fire. Luckily the occupants were not home at the time. The home owners were a young couple with a small child. These are the citizens of our community who need to be protected – not the contractors, not the property managers, not the house flippers. I'm a lifelong Marionite who is a proud supporter and champion of our city. We all want to continue to move the city in a positive direction. Good things are happening here. I want you to know that I want the same thing for our community. Contractor registration is not the answer for the building problems that we are facing. Since the draft of this legislation, he hasn't heard one person who supports it. It takes both sides to agree that it is irrelevant and unnecessary. Adopting the RCO with a certified building department is the only right answer. I urge council to move to protect the safety of its home owners, the good citizens of Marion."

Sulu Kelley (365 E. Farming) asked about building owners being exempted. They still must follow all the applicable state and local building codes, but the ordinance seems to say that permits are only issued to a licensed contractor. Also, he is not required to carry workers compensation by state/federal law and he does not want to see the ordinance require him to.

Mr. Daniels stated that the section only applies to contractors. It would be his preference that a building contractor hold the minimum workers compensation certificate whether they provide coverage for themselves or not. A contractor is usually never solely alone. A helper will not be covered under workers compensation unless a certificate is issued.

Bart Wolfe (238 Merchant Avenue) praised Mr. Neff's statement. The city can require anyone to register, but unless someone is inspecting the work it does not do any good. It seems like there have been more fire and perhaps this would prevent that. If the city had a building department, they could do the commercial inspection instead of the state. That would be a good way to recoup some of the money.

Mr. Roush stated that he does not believe that one inspector will be sufficient for the workload. He pulls a lot of permits for the city and county and believes that he could keep one inspector busy. The plumbing inspector will do 4 or 5 for him in one day. That is just plumbing, not electric and construction. If the commercial inspections are included, he estimates a need for up to 4 inspectors. They are not all the same inspector for commercial. He wants everyone to realize that when considering the building code. When Marion tried this before, they had 4 inspectors and that was not nearly enough. They would go 2-3-4 months before an inspection. Contractors are required by law in Ohio to follow the building code. They are liable. He works in other counties too. He does not think the people of Marion understand the cost involved in this, including the cost to the consumer themselves. To move a heat run in a house in some counties, he has 5 hours of down time just to move that heat run that takes one hour. The cost of construction will go up. There is some poor workmanship out there. Many towns that do not have a building code also have a contractor's association to try to work those problems out. The city should not attempt a building department unless they are ready to staff it. He does not know how Galion manages with one inspector. If the city would do full blown inspections on the entire Ohio building code, it is a massive project. Even with the state of Ohio, he has problems with them showing up now because they are so overloaded. They have 5 inspectors for our county/area and they do not have a lot of commercial work. There is an enormous amount of paperwork for permits. Any legitimate building department that he goes to he has to take a number to wait his turn. The first time the city tried to do this, they did it wrong, really wrong.

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They need to make sure that they do it right this time, if they do it. They cannot charge for permits and no one ever shows up.

Mr. Huddle praised good contractors who take responsibility for doing things right. If something is wrong, they fix it. They are concerned about the contractors who do not do that. They need something that will stop that.

Mr. Roush said that if someone is working on a house and they do not have workers compensation then the home owner is liable if something happens. Most sole proprietorships do not have workers compensation. If the city does pass something like this, they should implement a workers compensation requirement because that protects the home owner from having to pay if the contractor would fall off roof. They want to protect the citizens. They also try to have the best contractors that they can in town – good products and safe. If the city implements this code, that means if a contractor does work and an inspector comes in and he sees anything even not pertaining to what they are doing, he has to code that. If someone goes out and puts in a hot water tank inspector comes out and notices an unrelated code violation that inspector must take and write that code violation up and the home owner must have someone take care of it. It happens in a lot of counties. The state is that way too. The majority of the houses in Marion city limits will never ever pass. When they put a code in, they do not grandfather that stuff. Some of that stuff was done 40-50 years ago. It will increase the cost for everyone in town. If the city is going to put a code in, start with little pieces. This ordinance is a little piece of the puzzle. To implement it all at once is overwhelming.

Mr. Neff stated that he is a certified electrical inspector for certified department) and that he has been trained at the Ohio Code Academy. He is an electrical inspector and he cannot go outside the box. Unless an unrelated problem is an eminent safety hazard (which is subject to interpretation), he has no jurisdiction over anything except what he is there to look at. If he sees a safety hazard, he must go to chief building official to document and decide if it meets the standard of an eminent safety hazard. The discussion has gone from the city not having enough construction to have a building department to now they have so much work that they will need a huge department. He has 72 hours to complete an inspection after assignment and then the contractor can continue on. It is written in the code. It will add to cost of building and repair. But what is the cost for safety? Four inspectors for the city of Marion? If the city is building a department, they will need to start with the basics and then branch out to other areas. The RCO wants to have sanitary and safe homes. He works for city of Westerville. He does commercial and residential inspections. He believes that one inspector can do all of this. Eventually, the city could take on commercial inspections. They could start with residential and one inspector, and then add inspectors as needed. If that works, they could go to the state and add on commercial inspections. Most inspectors are certified in residential and commercial. He is an electrical inspector only. He thinks that 40 inspections for Roush only seems steep.

A representative from CRT Mechanical stated that he thinks that the city does not need to bring in the full state code. They should start with just the basics and focus on safety issues.

Todd Schneider (Council President) thinks that the most important thing to look at is what is council doing to protect the citizens of Marion. They need to do that. What do they have to do to make sure that renters, buyers, and home owners are living in a structure that are safe and efficient. The reality is that there are substandard housing predatory landlords preying on poor

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people. Where is this conversation going? Are they talking about this piece of legislation? Or are they talking about other future pieces of legislation down the road?

Paul Anderson (410 Reed) stated he builds houses in Delaware and Union county. The majority of the finances comes from permits and inspections. If a contractor happens to have a fail, then they must pay for the reinspection. The big portion comes from that. He agrees with Mr. Neff, The city needs something. He sees things in houses every day. Someone else comes in before and they must tear it out and redo it because of fire hazards. He has been here for a long time. Proud of work and likes to work here and thinks city needs to step up to the plate and do what other comparable cities do. He does not see where they will need that many inspectors. In Delaware county, they had 4-5 inspectors for that county. There is a lot of building activity down there – more than here. They have never been delayed by inspectors under the old code in Marion, at most a couple of days. He likes that they have taken the first step in trying to adopt something to get legit contractors to do the work in town. Good first step. If the city requires every contractor to be licensed or to get insurance, a lot of them will not get it because they cannot afford it. That would take a lot of the riff raff out. He is for a building code and he thinks it would be good for a town of this size. Customer told him one time that they would never buy a house in Marion County unless they have a building code. There is a house on Canterbury (valued at \$300,000+) that needs to be torn down. Insulation inspection would fail entire house.

Mr. Kelley states that they are going beyond what state requires by asking sole proprietors to carry workers compensation.

Mr. Daniels returned discussion to the specific ordinance in front of the committee. There is a reason they came to contractor registration. There is a lot of history and experience here that many individuals here have been through. If they have a building code, they will have to have a full-blown building department. The city has one or they do not. It was voted out 20 years ago – 61-39%. It had been enacted 13 months. People were mad. Knowing that and knowing history, this is a practical decision. If someone is mad enough, they can get signatures and put it on ballot to overturn a cod. If they want to put it in effect, there is a difference between Delaware and Union county AND Marion county. Marion is considered distressed. Those counties are considered prosperous. The median income in those counties is 2X what it is Marion. People here do not generally hire contractors to do all of their work. It is more efficient for them to put their own deck on the back of their house. People in more affluent counties hire contractors. These are two different markets. They cannot make Marion like those counties if Marion's income is not prosperous. He is tired of the comparison. No one ever makes a comparison to Wyandot, Crawford, or Hardin. This ordinance actually does. If a contractor wants a license, they will come in and see zoning inspector and they will sign a certification that says that they have not had a license revoked in another state or municipality and they have not been penalized or barred from public contract in past 5 years for providing falsified payroll records or violations of the FLSA. It says the contractor will have workers compensation. The contractor can have no serious intentional or willful violations of OSHA in the previous 2 years. The contractor will not have evidence of repeated violation of building and housing codes in this city. They will have liability insurance. They will have to bring in proof of insurance of \$100,000-\$300,000. They need to have workers comp – for a non-reporting policy just a certificate may only be \$15. They would not have to report payroll for that certificate. If they have an accident, they will not receive disability. Workers compensation may make medical payments, but if the contractor does not report income they will not get disability. Just because interested parties

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are not getting a building code, does not make this legislation a bad idea. Reputable contractors have these things. It is a first step of multiple steps or it may be a first of an only step. He has been in public service for 20 years. He knows political realities of these decisions in the end. Interested parties can say no to this and maybe they will have nothing -- no consumer protections. He was inspired to this because there was a roofing contractor who robbed some innocent people in crafty ways and he is still in construction. He took \$1,000s of dollars for work and did not perform work. This aims to prevent that. Nothing that council or the city does will prevent everything. This is a small part and it is progress.

Mr. Roush explained that he feels that inspectors go after code violations outside of the specific inspection every day (in reference to the comments that inspectors have a tight window of what they can look at). Locally, a bowling alley was delayed two months because an electric inspector came in to inspect front panels, shut the project down to redraw plans because of panels in the back. A sump pump is not a safety violation. If an inspector sees that going into sewer, he will stop it even if he is there to inspect something else. It is true. What Mr. Daniels is saying is correct. There is a glass wall at the Delaware county line. Marion has a lot of poor people and a lot of poor housing. If the city requires immediate updates to housing, people will not be able to afford it.

Motion to recommend to council by Mr. Huddle, 2nd Mr. Landon Roll Call: Ayes – Mr. Landon, Mr. Huddle, Mrs. Blevins; Nays – none

Legislation recommended to council (3-0)

New Business

Items not on the Agenda

There being no further business, Mr. Landon adjourned the meeting at 7:50 PM.

Chairman Landon

Clerk of Council

December 3, 2018

Members present: Mr. Landon, Mr. Huddle, Mrs. Blevins.

With a quorum present, Mr. Landon called the meeting to order at 6:53PM.

Old Business:

**Item 1. CONTINUED DISCUSSION: BUILDING CODES AND REGULATIONS:
AN ORDINANCE REQUIRING THE REGISTRATION OF CONSTRUCTION
CONTRACTORS WITH THE CITY OF MARION**

Mr. Daniels reviewed the ordinance with updates since previous meeting, including appeals process for revocation or denial of registration/license (additional steps added), clarification of defective or faulty workmanship that includes language regarding criminal conviction, reference to bonding removed, and an expanded definition of construction.

Mr. Daniels explained that they could review the list of previous building permit owners to notify contractors of new registration requirements. There should probably be a grace period as this is enacted.

Mr. Daniels explained that section on bonds had been removed because they are typically used for government work. The city would not be able to pay out a bond to some other entity. The bond would not be able to be client specific because contractor will not know each of their clients for the future year. He is unaware of a generalized bond that could be applied but would consider if available.

Mayor Schertzer urged caution regarding the role of the Zoning Inspector and the Board of Building Appeals to determine if contractor is qualified or the work is qualified. He also clarified that the existence of this registry would not mean the people could not hire companies or individuals who are not on the list. Registered contractors will sign an affidavit that says they will construct under the state building code. That gives extra to our citizens and our constituents as well.

Sulu Kelly (365 E. Farming Street) expressed concern about various sections, including requirement of workers compensation for sole proprietor that exceeds state law.

Mr. Daniels stated the fact that owner of a 1-2-3 family dwelling can do own work. Homeowners are not required to register. There was further discussion of clarifying home owner or building owner. Dwellings for 4+ family units are required to pull building permits and are covered under commercial building codes.

Mr. Daniels discussed workers compensation policy. For a sole proprietor, a policy can be obtained with reportable wages or not. He believes that the basic policy may cost as low as \$15. The law does not require them to hold a full fledge policy, just a certificate. This may prevent a contractor from suing a home owner for falling off a roof.

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Mayor Schertzer addressed the role of the current Zoning Inspector. He believes that the registration of contractors would probably be handled in Engineering. He cautions against looking at a person going out on an enforcement angle.

Mr. Daniels stated that Zoning Inspector is out in the community and is involved in nuisance complaints as well. Because he is in the field, he thinks there is some ability to include enforcement. The legislation will need to be field tested to determine direction and personnel needed in the future.

Kevin Johnston (contractor) stated that this ordinance would not have made a difference in the house that started the conversation. He stated there is no reason to enact something that does not address a community problem.

Mike Neff (851 E. Center Street) stated that reference needs to be to the Residential Building Code not the ICC. He is opposed to exemption of property owners, especially property flippers.

Mr. Neff continued. Twenty-nine of eighty-eight counties in Ohio have a certified building department. Ten of those counties are smaller than Marion County. This needs to include the entire county. Two hundred ninety municipalities have building departments. Aesthetics are not addressed in code. Home owners would be required to pull permits, but they are permitted to do any of the work – subject to inspection – except plumbing work. No certified building department is going to inspect a roof. It is required to be built to code. The problem with the previous building code was that a 3rd party company was brought into do the inspections. A contract inspector is the least desirable option. A certified building department would have more accountability to elected officials. He asked what the city's ISO rating is and stated that a certified building department would affect that rating in a positive way. Neighboring counties might be an option to contract with for building inspection services. He stated that the two stakeholders in Merchant Avenue property have delinquencies with the city of Marion.

Mr. Daniels said that further discussion and continued revisions to get it right. He was glad that contractors were out for and against the legislation. He believes that was some of the problem before. He cautioned that if homeowners are added, the legislation will tank.

This legislation will be reviewed again at the first committee meeting in January.

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December 3, 2018

There being no further business, Mr. Landon adjourned the meeting at 7:55PM.

Chairman Landon

Clerk of Council

November 20, 2018

Members present: Mr. Landon, Mr. Huddle, Mrs. Blevins.

With a quorum present, Mr. Landon called the meeting to order at 8:07PM.

Old Business:

Item 1. JUNK CARS AS ADDRESSED IN: ORDINANCE AMENDING EXISTING MARION CITY CODE SECTIONS 1153.034 AND 660.07(F) FINDING A REAL AND PRESENT NEED TO CONTROL NUISANCES WITHIN THE CITY OF MARION, OHIO (CITY ADMINISTRATION)

Safety Director Robbins stated that there may need to be some modifications made to the ordinance. They need to make it easier to take enforcement action. Changes are driven by noncompliance issues and an uptick in vehicles (and related) being parked off drives.

Law Director Russell stated that this ordinance has two main issues.

- PARKING -- One is about where residents can park a vehicle. They cannot park in front yard or back yard, except on a permitted driveway. Violations start with a \$150 fine.
- JUNK MOTOR VEHICLES -- They are also enhancing the penalty for junk motor vehicles. Currently, first offense is minor misdemeanor with a \$150 fine. They are requesting to increase that to a fourth-degree misdemeanor with up to a \$250 fine (1st offense) or 30 days in jail.

Safety Director Robbins said that some of these properties may be a zoning violation where an income producing business in a residential neighborhood. This is a complaint driven process.

Law Director Russell indicated that time frames for processing complaints are included in the code. The enhancement of the penalties will help with repeat offenders. Each vehicle is a separate offense.

Safety Director Robbins indicated that this is a chronic problem facing communities all over the state. Regulations were put in place in 1960s and have not been changed since.

Mr. Huddle made a motion to send to council; Mrs. Blevins 2nd. Roll Call: Ayes – Mr. Landon, Mr. Huddle, Mrs. Blevins.

Ordinance recommended to council (3-0)

November 20, 2018

Item 2. PODS AS ADDRESSED IN: ORDINANCE AMENDING EXISTING MARION CITY CODE SECTIONS 1159.01, 1123.01 AND 1127.99 FINDING A REAL AND PRESENT NEED TO CONTROL NUISANCES WITHIN THE CITY OF MARION, OHIO (CITY ADMINISTRATION)

Safety Director Robbins stated this is dealing with exterior auxiliary structures for storage like pods and construction trailers.

Law Director Russell explained that set-backs still apply for these structures. This applies to residential districts only. They may need to have additional discussion about issues related to commercial or industrial lots. He suggests looking at each one of those types of situations individually to determine if code needs to be enhanced.

Mr. Huddle made a motion to send to council; Mrs. Blevins 2nd. Roll Call: Ayes – Mr. Landon, Mr. Huddle, Mrs. Blevins.

Ordinance recommended to council (3-0)

Item 3. CONTINUED DISCUSSION: BUILDING CODES AND REGULATIONS: AN ORDINANCE REQUIRING THE REGISTRATION OF CONSTRUCTION CONTRACTORS WITH THE CITY OF MARION

Mr. Daniels explained that they have discussed a full-blown building department and he believes that contractor registration may be a solid compromise. He reviewed the ordinance as written. Building owners and home owners are exempted. "Construction contractor" is defined in the ordinance.

Mayor Schertzer explained that this is good step forward and a first step forward. He requested that the ordinance stay in committee for further discussion.

There being no further business, Mr. Landon adjourned the meeting at 8:45PM.

Chairman Landon

Clerk of Council

Minutes of Legislation Codes & Regulations Meeting

November 5, 2018

Members present: Mr. Landon, Mr. Huddle, Mrs. Blevins.

With a quorum present, Mr. Landon called the meeting to order at 7:29 PM.

Motion to approve the 10/01/2018 minutes made by Mr. Huddle, 2nd Mrs. Blevins; Roll Call: Ayes -- Mr. Landon, Mr. Huddle, Mrs. Blevins

Minutes of 10/01/2018 approved (3-0)

Old Business:

Item 1. JUNK CARS AS ADDRESSED IN: ORDINANCE AMENDING EXISTING MARION CITY CODE SECTIONS 1153.034 AND 660.07(F) FINDING A REAL AND PRESENT NEED TO CONTROL NUISANCES WITHIN THE CITY OF MARION, OHIO (CITY ADMINISTRATION)

Safety Director Robbins explained that this is an important ordinance that has been discussed for a long time and updates legislation for junk cars, parking in yards/side yards, and enforcement. Currently, police and zoning work on enforcement now. Law Director Russell was not able to be present at the meeting to provide legal interpretations.

Mayor Schertzer and Safety Director Robbins talked about options for landlords/property owners to use tow operators and impound lot and encouraged them to seek legal opinion. There is a section of the code that covers abandoned vehicle on private property.

Judy Hammond (121 Harcourt) asked about a double drive between two houses, one house is abandoned, and three junk cars abandoned in driveway. The responsible party is the titled property owner, per Safety Director Robbins. He further explained that this legislation would give them a little more teeth. It may not capture everything, but it is an improvement and it is a step forward. If they see a need (administration, staff, constituents, council), they can revisit it.

Mayor Schertzer stated that other items could be added to legislation to enhance it now or later, but this is a starting point. The zoning inspector attempts to work with individuals, sometimes that doesn't work, he writes it up, and then it is referred to law director. This ordinance needs to have some teeth in it when people violate a city code.

Mr. Landon (1st Ward) expressed some concern over regulation of backyard parking. He believes it to be too intrusive.

No action taken

November 5, 2018

Item 2. PODS AS ADDRESSED IN: ORDINANCE AMENDING EXISTING MARION CITY CODE SECTIONS 1159.01, 1123.01 AND 1127.99 FINDING A REAL AND PRESENT NEED TO CONTROL NUISANCES WITHIN THE CITY OF MARION, OHIO (CITY ADMINISTRATION)

Mayor Schertzer explained that this regulation applies to residential zoning only and accessory structures, like pods. He suggested that further discussion wait until the Law Director can be present.

No action taken

Item 3. DISCUSSION ONLY: BUILDING CODES AND REGULATIONS (NO PROPOSED LEGISLATION)

Bart Wolfe (238 Merchant Avenue) stated that the purpose of the building code is to protect public health, safety, environment, and general welfare as they relate to the construction and the occupancy of building construction. He has talked with others in the construction field locally who support the building code and would like to see something done. The state already has a building code. We just need to enforce it. He would like to see the code county wide and not just limited to the city. He states that contractors feel that a building code would assure a level playing field.

Mayor Schertzer addressed the issue of county and city implementing similar code. He has discussed with county commissioners, but it is newer to them than the city. The state does have a lengthy building code and would be a starting point. He asked about the issue of licensing contractors. He would like to see what that legislation looks like. He feels that might be a good initial step and would allow the county to catch up with the city. He reminded council that if code adopted, a department would need to be created and funding would need to follow that. This would be a general fund expenditure.

Mr. Wolfe indicated that he has a problem with the registering of contractors and how to weed people out who may not be a true contractor. He says that in some municipalities, inspectors are shared. He believes that there will be more building in the county in the future.

Mr. Landon stated that he would like to see the issue of smoke detectors addressed. Chief Deem stated that according to the fire code, the property owner is responsible to provide smoke detectors. About 1,000+ smoke detectors are issued through Safety City each year. There is no program provided through Marion City that installs the smoke detectors.

Mr. Landon stated that there is an intention to bring forward an actual ordinance addressing the registration of contractors based on Mr. Daniels discussion of it.

Minutes of Legislation Codes & Regulations Meeting

November 5, 2018

Mayor Schertzer said that he would like to see a discussion of contractors signing an affidavit to follow the state building code as part of the registration process.

There being no further business, Mr. Landon adjourned the meeting at 8:15PM.

Chairman Landon

Clerk of Council

Minutes of Legislation Codes & Regulations Meeting

September 18, 2018

Members present: Mr. Huddle.

Members absent: Mr. Landon, Mrs. Blevins.

Without a quorum present, Mr. Huddle declared that the committee was unable to conduct business at 6:55PM.

Chairman Landon

Clerk of Council

