

EMERGENCY

City of Cincinnati

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An Ordinance No. _____

- 2021

MODIFYING Article XXI, "Department of Buildings and Inspections," of the Administrative Code of the City of Cincinnati by **AMENDING** Section 2, "Duties of Director of Buildings and Inspections," Section 3, "Division of Permits and Inspections," and Section 5, "Division of Property Maintenance Code Enforcement," and by **REPEALING** Section 4, "Urban Conservator"; and **MODIFYING** Article XXV, "Department of City Planning and Engagement," by **AMENDING** Section 2, "Duties of the Director of the Department of City Planning and Engagement," and by **ADDING** new Section 3, "Zoning Administrator," and new Section 4, "Urban Conservator," to transfer the roles of Zoning Administrator and Urban Conservator, and subordinate employees, from the Department of Buildings and Inspections to the Department of City Planning and Engagement, in order to facilitate the oversight and efficient integration of zoning administration and urban conservation responsibilities into the operations of the Department of City Planning and Engagement.

WHEREAS, the efficient oversight and integration of the Zoning Administrator and Urban Conservator, and the subordinate employees of each, into the operations of the Department of City Planning and Engagement, to enhance that Department's role in zoning and urban conservation responsibilities, requires modification of the Administrative Code of the City of Cincinnati; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, with three-fourths of its members concurring:

Section 1. That Sections 2, 3, and 5 of Article XXI, "Department of Buildings and Inspections," of the Administrative Code are hereby amended as follows:

Section 2. - Duties of Director of Buildings and Inspections

The director of the department of buildings and inspections shall be certified by the board of building standards for the state of Ohio as a building official for residential and non-residential purposes, or shall be certified to serve as an interim building official. The director shall also be a registered professional engineer or registered architect in the state of Ohio, or be eligible for registration. The director of the department of buildings and inspections shall be the chief building official for the city for the purposes of administering and adjudicating orders under the Cincinnati building code, under revised code ~~chapter~~ chapters 3781, ~~revised code chapter~~ and 3791, and the rules made under them, including the Ohio building code and the residential code of Ohio, and under all other related building and housing codes.

Permits and Inspections.

The director of buildings and inspections shall oversee the administration and enforcement of all building, housing, and related codes and ordinances under the jurisdiction of the permits and inspections deputy as they relate to the construction and erection of new structures, the renovation of existing structures, the construction and erection of alterations and additions to existing structures, and other alterations and improvements to real property; shall oversee the building permitting and building inspections functions of the city; ~~shall oversee the administration and enforcement of all zoning regulations under the jurisdiction of the zoning administrator; shall oversee the protection and preservation of the city's historic assets and historic districts, and the administration and enforcement of the city's historic preservation regulations;~~ shall serve as the floodplain administrator and oversee the administration and enforcement of floodplain laws and regulations; and shall perform other duties assigned by the city manager or by ordinance of the council.

Property Maintenance Code Enforcement.

The director of buildings and inspections shall oversee the administration and enforcement of the property maintenance-related provisions of the housing, building, ~~zoning~~, and related codes and ordinances under the jurisdiction of the property maintenance deputy as they relate to the maintenance of existing structures and existing uses of land; oversee the administration and enforcement of the city's weed, high grass, and litter regulations contained in Municipal Code Chapters 714, "Littering," and 731, "High Grass"; and shall perform other duties assigned by the city manager or by ordinance of the council.

The director of building and inspections and those designated inspectors and employees, when enforcing the provisions of ordinances or laws within the scope of their duties related to enforcement of the city's weed, high grass, and litter regulations, shall be vested with the powers of police officers of the city.

Section 3. - Division of Permits and Inspections

The director of the department of buildings and inspections shall establish a division of permits and inspections, to be ~~co-~~administered by a permits and inspections deputy ~~and a zoning administrator, each of which shall be~~ subject to the supervision and control of the director of the department of buildings and inspections. The division may also contain other subordinate officers and employees appointed to serve under the direction and supervision of the permits and inspections deputy ~~and the zoning administrator~~. The permits and inspections deputy, ~~the zoning administrator~~, and those designated officers and employees, when enforcing the provisions of ordinances or laws within the scope of their duties, shall be vested with the powers of police officers of the city.

Permits and Inspections Deputy:

The permits and inspections deputy shall be certified by the board of building standards for the state of Ohio as a building official for residential and non-residential purposes, or shall

be certified to serve as an interim building official. It shall be the duty of the permits and inspections deputy to perform building permitting and building inspection functions of the city; administer and enforce all building and housing code regulations as they relate to the construction and erection of new structures, the renovation of existing structures, the construction and erection of alterations and additions to existing structures, and other alterations and improvements to real property; and perform other duties assigned by the director, the city manager, or by ordinance of the council. The permits and inspections deputy shall serve as the chief building official for the city, within the scope of the foregoing duties, in the event of a conflict of interest or the unavailability of the director of buildings and inspections.

Zoning Administrator:

~~The zoning administrator shall be an experienced city planner, architect, design professional, attorney licensed in the state of Ohio, or a person with intimate knowledge of, and experience in, the administration and enforcement of zoning codes. It shall be the duty of the zoning administrator to review and approve applications for building permits and other appropriate applications under his or her jurisdiction to determine their compliance with the city's zoning regulations; to administer and enforce the city's zoning regulations; to oversee and manage the office of the urban conservator and other officers and employees of the permits and inspections division charged with administration and enforcement of zoning regulations; and all other duties assigned by the director, the city manager, or by ordinance of the council.~~

Sec. 5. - Division of Property Maintenance Code Enforcement.

The director of buildings and inspections shall establish a division of property maintenance code enforcement, to be administered by a property maintenance deputy, who shall be subject to the supervision and control of the director of buildings and inspections. The division of property maintenance code enforcement shall consist of the property maintenance deputy and other inspectors and employees appointed or assigned to serve under the direction and supervision of the property maintenance deputy. The property maintenance deputy, and those designated inspectors and employees, when enforcing the provisions of ordinances or laws within the scope of their duties, shall be vested with the powers of police officers of the city.

Property Maintenance Deputy:

The property maintenance deputy shall be certified by the board of building standards for the state of Ohio as a building official for residential and non-residential purposes, or shall be certified to serve as an interim building official. It shall be the duty of the property maintenance deputy to administer and enforce all property maintenance and related provisions of the housing, building, zoning, and other codes and ordinances under his or her jurisdiction as they relate to the maintenance of existing structures and existing uses of land; exercise the authority to vacate buildings; condemn unsafe buildings; conduct summary abatement and demolition of public nuisance buildings, and perform related

activities; issue permits relating to property maintenance orders; order serious safety hazards corrected on existing buildings and structures; and perform other duties assigned by the director, the city manager, or by ordinance of the council. The property maintenance deputy shall serve as the chief building official for the city, within the scope of the foregoing duties, in the event of a conflict of interest or the unavailability of the director of buildings and inspections.

Section 2. That Section 2 of Article XXV, “Department of City Planning and Engagement,” of the Administrative Code is hereby amended as follows:

Section 2. - Duties of the Director of the Department of City Planning and Engagement.

The director of the department of city planning and engagement shall direct the urban planning function of the city of Cincinnati; ~~shall~~ advise the council and the city manager on matters affecting the physical improvement and development of the city; ~~shall~~ provide professional services and guidance to the city planning commission as necessary to assist it in the performance of all duties and responsibilities conferred upon it by the charter; ~~work in cooperation with the office of the urban conservator to recommend and effectuate the in the designation of historic assets and historic districts~~ develop the city’s comprehensive plan, neighborhood plans, and other plans, and oversee their implementation; develop and recommend amendments to the city’s official zoning map, zoning regulations, and other land use regulations; oversee the administration and enforcement of all zoning regulations under the jurisdiction of the zoning administrator; oversee the protection and preservation of the city’s historic assets and historic districts, and the administration and enforcement of the city’s historic preservation regulations; serve as the city’s liaison to community councils, citizens, and businesses on all city planning and land use related matters; and ~~shall~~ perform other duties assigned by the city manager or by ordinance of council. The director shall submit to the city planning commission for review an annual department work program, which shall guide the work of the department and the commission for the year ahead within the budget recommended by the commission and approved by the council.

Section 3. That new Sections 3 and 4 are hereby added to Article XXV, “Department of City Planning and Engagement,” of the Administrative Code:

Section 3. - Zoning Administrator

There shall be an office of zoning administration within the department of city planning and engagement to be administered by a zoning administrator, subject to the supervision and control of the director of the department of city planning and engagement. The office may also contain other subordinate officers and employees appointed to serve under the direction and supervision of the zoning administrator. The zoning administrator and those designated officers and employees, when enforcing the provisions of ordinances or laws

within the scope of their duties, shall be vested with the powers of police officers of the city.

The zoning administrator shall be an experienced city planner, architect, design professional, attorney licensed in the state of Ohio, or a person with intimate knowledge of, and experience in, the administration and enforcement of zoning codes. It shall be the duty of the zoning administrator to review and approve applications for building permits and other appropriate applications to determine their compliance with the city's zoning regulations; administer and enforce the city's zoning regulations; oversee and manage the office of the urban conservator and other officers and employees of the office of the zoning administrator charged with administration and enforcement of zoning regulations; and perform all other duties assigned by the director, the city manager, or by ordinance of the council.

Section 4. - Urban Conservator.

There shall be an office of historic preservation within the department of city planning and engagement to be administered by an urban conservator, subject to the supervision and control of the director of city planning and engagement and the zoning administrator. The office of historic preservation shall include an urban conservator and other subordinate employees appointed by the director to serve under the direction and control of the urban conservator.

The urban conservator shall meet the secretary of the interior's professional qualification standards for preservation professionals under 36 C.F.R. Part 61 or any successor provision. It shall be the duty of the urban conservator to administer the city's historic preservation regulations; maintain and administer the city's historic inventory and conservation guidelines; review and consider the appropriateness of alterations and demolitions of the city's historic assets and properties located within historic districts; conduct environmental reviews to determine impacts on historic assets and historic districts as required by state and federal funding programs; serve as the city's internal and external liaison on all historic preservation matters; advise the historic conservation board on matters that come before it; serve as an advocate for the protection and preservation of the city's historic assets and historic districts; and perform other duties assigned by the city manager, director, zoning administrator, or by ordinance of the council.

Section 4. That existing Sections 2, 3, 4, and 5 of Article XXI, "Department of Buildings and Inspections," of the Administrative Code, and existing Section 2 of Article XXV, "Department of City Planning and Engagement," of the Administrative Code are hereby repealed.

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 hereof, including causing the transfer of personnel from the Department of Buildings and Inspection to the Department of City Planning and Engagement the target date of October 3, 2021.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to begin the process for integrating the zoning administration and urban conservation responsibilities into the operations of the Department of City Planning and Engagement to enhance that department's role in these City functions.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

New language is underscored. Deleted language is struck through.