



**PART TWO: ADMINISTRATION CODE**

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CHAPTER 202

Rules of Construction; Definitions; General Code Penalty

202.01 Designation; citation; headings.

202.02 General definitions.

202.03 Rules of construction.

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202.06 General repealer; conflicts.

202.07 Severability.

202.99 General Code penalty.



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*CROSS REFERENCES*

Codification in book form - see Ohio R.C. 731.23

Imprisonment until fine paid - see Ohio R.C. 1905.30, 2947.14

Ordinances and resolutions - see ADM. Ch. 222

Traffic Code penalties - see TRAF. Ch. 408

Statute of limitations on prosecutions - see GEN. OFF. 606.06

General Offenses Code penalties and sentencing - see GEN. OFF. Ch. 698

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§ 202.01 DESIGNATION; CITATION; HEADINGS.

All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the Village Code, for which designation Code of Ordinances, Codified Ordinances, or Code may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

§ 202.02 GENERAL DEFINITIONS.

For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*AND.* May be read *OR*, and *OR* may be read *AND*, if the sense requires it.

*ANOTHER.* When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.



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*BOND.* Includes an undertaking.

*CHILD.* Includes child by adoption.

*COUNCIL.* The legislative authority of the municipality.

*COUNTY.* Pickaway County.

*FIRE CHIEF.* Shall include the Chief of the Fire Department if such Fire Department has been established in the municipality, and shall include the fire prevention officer if no Fire Department has been established in the municipality.

*IMPRISONED.* Shall have the same meaning as in Ohio R.C. 1.05.

*INTERNET.* The international computer network of both federal and non-federal interoperable packet switched data networks, including the graphical subnetwork known as the world wide web.

*KEEPER* or *PROPRIETOR.* Includes all persons, whether acting by themselves or as a servant, agent, or employee.

*LAND* or *REAL ESTATE.* Includes rights and easements of incorporeal nature.

*LEGISLATIVE AUTHORITY.* The Village Council of the Village of Commercial Point.

*MAY.* Is permissive.

*MUNICIPALITY* or *VILLAGE.* When used in this code, shall denote the Village of Commercial Point irrespective of its population or legal classification.



*OAC.* Refers to the Ohio Administrative Code.

*OATH.* Includes affirmation; and *SWEAR* includes affirm.

*OHIO R.C., ORC* or *REVISED CODE.* Refers to the Ohio Revised Code.

*OWNER.* When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.

*PERSON.* Includes an individual, corporation, business trust, estate, trust, partnership, and association.

*PERSONAL PROPERTY.* Includes all property except real property.

*PLAN OF SEWERAGE, SYSTEM OF SEWERAGE, SEWER, AND SEWERS.* Includes sewers, sewage disposal works and treatment plants, and sewage pumping stations, together with facilities and appurtenances necessary and proper therefor.

*PREMISES.* As applied to property, includes land and buildings.

*PROPERTY.* Includes real, personal, mixed estates, and interests.

*PUBLIC AUTHORITY.* Includes boards of education; the municipal, county, state, or federal government, its officers, or an agency thereof; or any duly authorized public official.

*PUBLIC PLACE.* Includes any street, sidewalk, park, cemetery, school yard, body of water or



watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

*REAL PROPERTY.* Includes lands, tenements, and hereditaments.

*REGISTERED MAIL.* Includes certified mail; and *CERTIFIED MAIL* includes registered mail.

*SHALL.* Is mandatory.

*SIDEWALK.* The portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

*STATE.* The State of Ohio.

*STREET.* Includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the municipality.

*TENANT* or *OCCUPANT.* As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

*UNDERTAKING.* Includes a bond.

*WEEK.* Seven consecutive days.

*WHOEVER.* Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.



*WRITING.* Includes printing.

*WRITTEN* or *IN WRITING.* Include any representation of words, letters, symbols, or figures; this provision does not affect any law relating to signatures.

*YEAR.* Means twelve consecutive months.  
(ORC 1.02, 1.05, 1.44, 1.59, 701.01)

#### § 202.03 RULES OF CONSTRUCTION.

(a) *Common and technical use.* Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(ORC 1.42)

(b) *Singular and plural; gender; tense.* As used in this code, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future tense.

(ORC 1.43)

(c) *Computation of time.*



(1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.

(2) When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.

(3) *LEGAL HOLIDAY*, as used in divisions (c)(1) and (c)(2) of this section, means the following days:

- A. The first day of January, known as New Year's Day;
- B. The third Monday in January, known as Martin Luther King Day;
- C. The third Monday in February, known as Washington-Lincoln Day;
- D. The day designated in the Act of June 28, 1968, 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial Day;
- E. The fourth day of July, known as Independence Day;
- F. The first Monday in September, known as Labor Day;



- G. The second Monday in October, known as Columbus Day;
- H. The eleventh day of November, known as Veteran's Day;
- I. The fourth Thursday in November, known as Thanksgiving Day;
- J. The twenty-fifth day of December, known as Christmas Day; and
- K. Any day appointed and recommended by the Governor of this state or the President of the United States as a holiday.

(4) If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.

(ORC 1.14)

(5) When an act is to take effect or become operative from and after a day named, no part of that day shall be included. If priority of legal rights depends upon the order of events on the same day, such priority shall be determined by the times in the day at which they respectively occurred.

(ORC 1.15)

(6) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(ORC 1.45)



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§ 202.04 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of this code does not revive the provision originally repealed nor impair the effect of any saving clause therein.

(ORC 1.57)

(b) The re-enactment, amendment, or repeal of this code does not, except as provided in division (c) of this section:

(1) Affect the prior operation of the provision or any prior action taken thereunder.

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture, or punishment for any offense is reduced by a re-enactment or amendment of this code, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to this code as amended.

(ORC 1.58)



**§ 202.05 CONSTRUCTION OF SECTION REFERENCES.**

(a) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, or of divisions or subdivisions of a section, such reference shall be construed to mean a violation of any provision of the section, sections, divisions or subdivisions included in the reference.

(b) References in this code to action taken or authorized under designated sections of this code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(ORC 1.23)

(c) A reference to any portion of a provision of the code applies to all re-enactments or amendments thereof.

(ORC 1.55)

(d) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

**§ 202.06 GENERAL REPEALER; CONFLICTS.**

(a) All ordinances, resolutions, rules and regulations of the municipality, and all parts of the same, enacted prior to the date of the adoption of this code and inconsistent or in conflict with any of the provisions of such code, are hereby repealed, save and except any ordinance, resolution, rule or regulation, or part of the same, expressly excepted from repeal by the ordinance that adopts this



code. No ordinance, resolution, rule or regulation, or part of the same, of the municipality, that is not inconsistent or in conflict with any of the provisions of this code and/or that can be reasonably interpreted to be compatible with the provisions of this code, shall be deemed to be repealed by the adoption of this code. Such ordinances, resolutions, rules and regulations, and all parts of the same, shall continue to be viable and enforceable by the municipality.

(b) In the event of a conflict between any of the provisions of this code, or between any of the provisions of this code and a provision of any standard code adopted by the municipality pursuant to Ohio R.C. 731.231, the provision that establishes the higher or stricter standard shall control. In the event of a conflict between any of the provisions of this code and any provision of state law, including rules and regulations promulgated pursuant to state law, the state law, rule or regulation shall control.

**§ 202.07 SEVERABILITY.**

If any provisions of a section of this code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

(ORC 1.50)



§ 202.99 GENERAL CODE PENALTY.

(a) Whenever, in this code or in any ordinance of the municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding five hundred dollars (\$500.00), a term of imprisonment not exceeding six months, or both. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(b) The failure of any officer or employee of the municipality to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation unless a penalty is specifically provided for such failure.

*Statutory reference:*

*Ordinance violations and penalties, see Ohio R.C. 715.67*



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CHAPTER 204  
Official Standards

*Editor's note: The State of Ohio operates on Eastern Daylight Savings Time from 2:00 a.m. of the first Sunday in April until 2:00 a.m. of the last Sunday in October. Congress, on March 22, 1966, passed the Uniform Time Act requiring uniform observance throughout the nation of Daylight Savings Time starting in 1967, except that a state legislature could exempt the entire state from Daylight Savings Time or divide a state into not more than two parts, each with a different time standard. The Ohio legislature, through inaction, has elected to observe Eastern Daylight Savings Time throughout the state.*

*On August 8, 2005, the Energy Policy Act of 2005 was enacted. This Act changed the time change dates for Daylight Saving Time in the United States. Beginning in 2007, the State of Ohio begins Daylight Saving Time at 2:00 a.m. on the second Sunday in March and reverts to standard time at 2:00 a.m. on the first Sunday in November. The Secretary of Energy will report the impact of this change to Congress. Congress retains the right to resume the 2005 Daylight Saving Time schedule once the Department of Energy study is complete.*

There are no sections in Chapter 204. This chapter has been established to provide a place for cross references and any future legislation.

**CROSS REFERENCES**

State standard of time - see Ohio R.C. 1.04

State legal holidays - see Ohio R.C. 1.14, 5.20 et seq., 1303.45

State flag and other insignia - see Ohio R.C. 5.01 et seq.

State seals - see Ohio R.C. 5.10 et seq.





CHAPTER 206

Public Meetings

206.01 Adoption of rules.

206.02 Definitions.

206.03 Notice of regular and organizational  
meetings.

206.04 Notice of special meetings.

206.05 Notice to news media of special  
meetings.

206.06 Notification of discussion of specific  
types of public business.

206.07 General provisions.

206.08 Smoking prohibited.



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*CROSS REFERENCES*

Public meetings - see Ohio R.C. 121.22

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§ 206.01 ADOPTION OF RULES.

The following rules are hereby adopted pursuant to Ohio R.C. 121.22(F) for notification of the public and news media of the time and place of meetings of Council, boards and other bodies of the municipality.

§ 206.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*FISCAL OFFICER.* The Village Fiscal Officer, as established by § 232.01 of this code.

*DAY.* A calendar day.

*MEETING.* Any prearranged discussion of the public business of a municipal body by a majority of the members of such municipal body.

*MUNICIPAL BODY.* Any legislative authority or board, commission, committee, agency, authority or similar decision-making body of the municipality.

*ORAL NOTIFICATION.* Notification given orally either in person or by telephone, directly to the



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person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the Fiscal Officer under this chapter.

*POST.* To post in an area accessible to the public during the usual business hours at the office of the Fiscal Officer and in the lobby of the municipal building.

*SPECIAL MEETING.* A meeting which is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such regular (or special) meeting.

*WRITTEN NOTIFICATION.* Notification in writing mailed, telegraphed or delivered to the address of the person for whom such notification is intended, as shown on the records kept by the Fiscal Officer under this chapter, or in any way delivered to such person. If mailed, such notification shall be mailed by first-class mail, deposited in a U.S. postal service mailbox not later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

#### § 206.03 NOTICE OF REGULAR AND ORGANIZATIONAL MEETINGS.

(a) The Fiscal Officer shall post a statement of the time and place of regular meetings of each municipal body for each calendar year not later than the second day preceding the day of the first regular meeting (other than the organizational meeting) of the calendar year of that municipal body. The Fiscal Officer shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If, at any time during the calendar year, the time or place of regular meetings, or of any regular meeting, is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be so posted by the Fiscal



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Officer at least 24 hours before the time of the first changed regular meeting.

(b) The Fiscal Officer shall post a statement of the time and place of any organizational meeting of a municipal body at least 24 hours before the time of such organizational meeting.

(c) Upon the adjournment of any regular or special meeting to another day, the Fiscal Officer shall promptly post notice of the time and place of such adjourned meeting.

#### § 206.04 NOTICE OF SPECIAL MEETINGS.

(a) Except in the case of a special meeting provided for in § 206.05(e), the Fiscal Officer shall, not later than 24 hours before the time of a special meeting of a municipal body, post a statement of the time, place and purpose of such special meeting.

(b) The statement required under division (a) of this section, and the notifications required under § 206.05, shall state such specific or general purpose then known to the Fiscal Officer to be intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before such municipal body at such meeting may be considered and acted upon.

Public Meetings

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#### § 206.05 NOTICE TO NEWS MEDIA OF SPECIAL MEETINGS.

(a) Any news media organization that wishes to be given advance notification of special meetings of a municipal body shall file with the Fiscal Officer a written request therefor.

(b) Except in the event of an emergency requiring immediate official action as provided for in



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division (e) of this section, a special meeting shall not be held unless at least 24 hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with division (c) of this section.

(c) (1) News media requests for such advance notification of special meetings shall specify the following:

- A. The municipal body that is the subject of such request;
- B. The name of the medium;
- C. The name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered; and
- D. The names, addresses and telephone numbers (including addresses and telephone numbers at which notification may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given.

(2) Such request shall be effective for one year from the date of filing with the Fiscal Officer or until the Fiscal Officer receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such request may be modified or extended only by filing a completely new request with the Fiscal Officer. A request shall not be deemed to be made unless it is complete, in all respects, and such request may be conclusively relied on by the municipality, the municipal body that is the subject of such request and the Fiscal Officer.

(d) The Fiscal Officer shall give such oral notification or written notification, or both, as the



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Fiscal Officer determines, to the news media that have requested such advance notification, in accordance with division (c) of this section, of the time, place and purposes of each special meeting, at least 24 hours prior to the time of such special meeting.

(e) In the event of an emergency requiring immediate official action, a special meeting may be held without giving 24 hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such persons or the Fiscal Officer on their behalf, shall immediately give oral notification or written notification, or both, as the person giving such notification determines, of the time, place and purposes of such special meeting, to such news media that have requested such advance notification in accordance with division (c) of this section. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

#### § 206.06 NOTIFICATION OF DISCUSSION OF SPECIFIC TYPES OF PUBLIC BUSINESS.

(a) Any person, upon written request and as provided for in this chapter, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed.

(b) Such person may file a written request with the Fiscal Officer specifying: the person's name, the address(es) and telephone number(s) at or through which the person can be reached during and outside of business hours; the specific type of public business the discussion of which the person is requesting advance notification of; the municipal body that is the subject of such request; and the number of calendar months (not to exceed three) which the request covers. Such request may be canceled by request from such person to the Fiscal Officer.

(c) Each written request must be accompanied by cash, or a check or money order payable to



the municipality, in the amount of ten dollars (\$10.00) for each month covered by the request, which amount has been determined by Council to represent a reasonable fee to cover costs of providing such advance notification.

(d) The Fiscal Officer shall, if possible, give such advance notification under this section in writing. If such written notification cannot be given or has not been given, the Fiscal Officer shall give oral notification.

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**206.07 GENERAL PROVISIONS.**

(a) Any notification provided in this chapter to be given by the Fiscal Officer may be given by any person acting on behalf of or under the authority of the Fiscal Officer.

(b) A reasonable attempt at notification shall constitute notification in compliance with this chapter.

(c) A certificate by the Fiscal Officer as to compliance with this chapter shall be conclusive upon the municipality and the municipal body involved.

(d) The Fiscal Officer shall maintain a record of the date and manner, and the time, if pertinent under this chapter, of all actions taken with regard to notices and notifications under this chapter.

(e) To better ensure compliance with this chapter as to notice and notification, it shall be the responsibility of the chairperson or secretary of a municipal body other than Council, or the person calling the meetings, to timely advise the Fiscal Officer of future meetings, and of the subject matters to be discussed thereat, of such municipal body.

**§ 206.08 SMOKING PROHIBITED.**

The smoking of all types of tobacco products is prohibited during Council meetings.  
(Ord. 11-89, passed 1-2-1990)



CHAPTER 208  
Village Records

208.01 Creation of Village Records  
Commission.

208.02 Function.

208.03 Disposal of records.



*CROSS REFERENCES*

Records commission - municipal corporation - see Ohio R.C. 149.39

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**§ 208.01 CREATION OF VILLAGE RECORDS COMMISSION.**

(a) There is hereby created a Village Records Commission (Commission) composed of the Mayor, as chairperson, Fiscal Officer, Village Solicitor, and a citizen appointed by the Mayor.

(b) Each respective officer may designate an assistant or deputy to represent them on the Commission. The Commission shall appoint a secretary, who may or may not be a member of the Commission to keep a record of all proceedings.

(c) The Commission shall meet at least once every six months and upon call of the chairperson.

(Ord. 97.05, passed 3-3-1997; Am. Ord. 2005-02, passed 2-7-2005)

**§ 208.02 FUNCTION.**

(a) The function of the Commission shall include providing rules for retention and disposal of records of the village and reviewing applications for one-time records disposal and schedules of records retention and disposition submitted by village offices.

(b) The Commission may at any time review any schedule it has previously approved and, for good cause shown, revise that schedule.

(Ord. 97.05, passed 3-3-1997; Am. Ord. 2005-02, passed 2-7-2005)





§ 208.03 DISPOSAL OF RECORDS.

(a) When village records have been approved for disposal, a list of such records shall be sent to the auditor of state. If the auditor of state disapproves of the action by the Village Records Commission, in whole or in part, he or she shall so inform the Commission within a period of 60 days and these records shall not be destroyed.

(b) Before public records are disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of 60 days to select for its custody such public records as it considers being of continuing historical value.

(Ord. 2005-02, passed 2-7-2005)



**CHAPTER 210  
Paying Routine Bills**

210.01 Fiscal Officer action authorized.



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*CROSS REFERENCES*

Annexation duties - see Ohio R.C. 709.03, 709.06

Certification of assessments - see Ohio R.C. 727.30, 727.33

Income tax collection - see Ohio R.C. 733.85

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**§ 210.01 FISCAL OFFICER ACTION AUTHORIZED.**

(a) The Fiscal Officer of the village, upon approval of the Mayor, is hereby authorized to pay the following bills of the village without prior approval of Village Council:

(1) All employee wages and salaries, payroll withholding, and health insurance for employees;

(2) All routine and recurring bills of the village, such as utility bills and other regular monthly or periodic charges to the village;

(3) All other routine bills for which a late payment charge, interest, or penalty would accrue if the bill is not paid on time;

(4) Bills for the purchase of ordinary supplies needed by the staff and employees of the village not in excess of sixty dollars (\$60.00); and

(5) Bills of an emergency nature for the Water and/or Sewerage Department shall be approved as follows. Approval must be by two of the following: Utility Superintendent, the Mayor, President Pro Tem, or any member of Village Council.



(b) No bill referred to in this section shall be paid unless an appropriation has been made by Village Council authorizing the expenditure of the funds to pay the bill.

(c) All such payments made under authority of this section shall be reviewed by Village Council at its next regular session. Not later than two days before the date of Council's next regular meeting, the Fiscal Officer shall present to the President of Council a written itemized listing of all bills paid under authority of this section which have not previously been reviewed by Council.

(Ord. 2005-07, passed 6-6-2005)



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**TITLE FOUR - Legislation**

- Chap. 220. Council.
- Chap. 222. Ordinances and Resolutions.
- Chap. 224. Initiative and Referendum.
- Chap. 226. Contracts.
- Chap. 228. Mayor.

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**CHAPTER 220**

**Council**

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|-------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 220.01 Membership; election; terms of office.                                       | 220.08 Rules; journal; expulsion of members.                    |
| 220.02 President Pro Tempore.                                                       | 220.09 Meetings.                                                |
| 220.03 Vacancy when President Pro Tempore becomes Mayor.                            | 220.10 General powers.                                          |
| 220.04 Qualifications of members.                                                   | 220.11 Failure to take oath or give bond.                       |
| 220.05 Compensation and bonds of Village officers and employees.                    | 220.12 Notice when new bond required.                           |
| 220.06 Vacancies.                                                                   | 220.13 Care, supervision and management of public institutions. |
| 220.07 Judge of election and qualification of members; quorum and special meetings. | 220.14 Council member salaries.                                 |



*CROSS REFERENCES*

Passage of ordinances and resolutions - see ADM. 222.01 et seq.

Publication of ordinances and resolutions - see ADM. 222.05 et seq.

Emergency ordinances - see ADM. 222.13

Contracts by Council - see ADM. 226.01, 226.02

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**§ 220.01 MEMBERSHIP; ELECTION; TERMS OF OFFICE.**

The legislative power of the municipality shall be vested in, and exercised by, a Council, composed of six members, who shall be elected by the electors of the municipality at large, for terms of four years.

(ORC 731.09)

**§ 220.02 PRESIDENT PRO TEMPORE.**

(a) At the first meeting in January of each year, the Council shall immediately proceed to elect a President Pro Tempore from its own number, who shall serve until the first meeting in January next after his or her election. The Council may provide employees for the municipality as it determines, and employees may be removed at any regular meeting by a majority of the members elected to the Council.

(b) When the Mayor is absent from the municipality, or is unable, for any cause, to perform his or her duties, the President Pro Tempore shall be the acting Mayor, and shall have the same powers and perform the same duties as the Mayor.

(ORC 731.10)

**§ 220.03 VACANCY WHEN PRESIDENT PRO TEMPORE BECOMES MAYOR.**



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When the President Pro Tempore of the Council becomes the Mayor, the vacancy thus created shall be filled as provided in § 220.06, and the Council shall elect another President Pro Tempore from its own number, who shall have the same rights, powers, and duties as his or her predecessor. (ORC 731.11)

#### **§ 220.04 QUALIFICATIONS OF MEMBERS.**

(a) Each member of the Council shall have resided in the municipality for at least one year immediately preceding the member's election, and shall be an elector of the municipality. No member of the Council shall hold any other public office, be interested in any contract with the municipality, or hold employment with the municipality, except that the member may be a notary public, a member of the state militia, or a volunteer firefighter of the village; provided that such member shall not receive any compensation for his or her services as a volunteer firefighter of the village in addition to his or her regular compensation as a member of the Council. Any member who ceases to possess any of these qualifications, or who moves from the municipality, shall forfeit his or her office.

(b) The purpose of establishing a one-year residency requirement in this section is to recognize that the municipality has a substantial and compelling interest in encouraging qualified candidacies for election to the office of member of the Council by ensuring that a candidate for the office has every opportunity to become knowledgeable with and concerned about the problems and needs of the area the candidate seeks to represent. In enacting this requirement, the municipality finds that the one-year period is reasonably related to this purpose, while leaving unimpaired a person's right to travel, to vote, and to be a candidate for public office.

(ORC 731.12)

#### **§ 220.05 COMPENSATION AND BONDS OF VILLAGE OFFICERS AND EMPLOYEES.**

The Council shall fix the compensation and bonds of all officers, clerks, and employees of the



municipality, except as otherwise provided by law. The Council shall, in the case of elective officers, fix their compensation for the ensuing term of office at a meeting held not later than five days prior to the last day fixed by law for filing as a candidate for such office. All bonds shall be made with sureties subject to the approval of the Mayor. The compensation so fixed shall not be increased or diminished during the term for which any officer is elected or appointed. This section does not prohibit the payment of any increased costs of continuing to provide the identical benefits provided to an officer at the commencement of his or her term of office.

(ORC 731.13)



§ 220.06 VACANCIES.

(a) Except as otherwise provided in division (b) of this section, when the office of a member of the Council becomes vacant, the vacancy shall be filled by election by the Council for the unexpired term. If the Council fails within 30 days to fill the vacancy, the Mayor shall fill it by appointment, except that subject to division (b) of this section, when the vacancy occurs because of the operation of Ohio R.C. 733.25, or a substantially equivalent municipal ordinance, the successor shall hold office only for the period the President Pro Tempore of the Council holds the office of Mayor.

(b) When a vacancy occurs in the office of a member of the Council of a village with a population of less than 2,000 because of the operation of Ohio R.C. 733.25, or a substantially equivalent municipal ordinance, at the time the President Pro Tempore becomes Mayor, the President Pro Tempore shall decide whether he or she wishes to serve the remainder of his or her unexpired term as a member of the Council when the Mayor's successor is elected and qualified in accordance with Ohio R.C. 733.25, or a substantially equivalent municipal ordinance. If the President Pro Tempore decides to serve the remainder of his or her unexpired term as a member of the Council, the vacancy on the Council shall not be filled and the President Pro Tempore shall resume serving his or her unexpired term on the Council as soon as the Mayor's successor is elected and qualified. If the President Pro Tempore decides not to resume serving the remainder of his or her unexpired term as a member of the Council as soon as the Mayor's successor is elected and qualified, then the vacancy in the office of the member of the Council shall be filled in accordance with this section.

(ORC 731.43(A))



**§ 220.07 JUDGE OF ELECTION AND QUALIFICATION OF MEMBERS; QUORUM AND SPECIAL MEETINGS.**

The Council shall be the judge of the election and qualification of its members. A majority of all the members elected shall be a quorum, but a less number may adjourn from day to day and compel attendance of absent members in a manner and under penalties as are prescribed by ordinance. The Council shall provide rules for the manner of calling special meetings.

(ORC 731.44)

**§ 220.08 RULES; JOURNAL; EXPULSION OF MEMBERS.**

The Council shall determine its own rules, and keep a journal of its proceedings. It may punish or expel any member for disorderly conduct or violation of its rules, and declare his or her seat vacant for absence without valid excuse, where the absence has continued for two months. No expulsion shall take place without the concurrence of two-thirds of all the members elected, and until the delinquent member has been notified of the charge against him or her, and has had an opportunity to be heard.

(ORC 731.45)



**§ 220.09 MEETINGS.**

The Council shall not be required to hold more than one regular meeting in each week. The meetings may be held at a time and place as is prescribed by ordinance, and shall, at all times, be open to the public. The Mayor, or any three members of the Council, may call special meetings upon at least 12 hours' notice to each member, served personally or left at his or her usual place of residence.

(ORC 731.46)

**§ 220.10 GENERAL POWERS.**

The Council shall have the management and control of the finances and property of the municipality, except as otherwise provided.

(ORC 731.47)

**§ 220.11 FAILURE TO TAKE OATH OR GIVE BOND.**

The Council may declare vacant the office of any person elected or appointed to the office who, within ten days after he or she has been notified of his or her appointment or election, or obligation to give a new or additional bond, fails to take the required official oath or to give any bond required of him or her.

(ORC 731.49)

**§ 220.12 NOTICE WHEN NEW BOND REQUIRED.**



(a) When the Council declares by resolution that an officer shall give a new bond, written notice shall be served by the Fiscal Officer upon the officer designated, and a copy of the notice, with a statement of the time and place of service, shall be recorded in the proceedings of the Council.

(b) If the officer fails to give such new bond, with sureties, to the satisfaction of the Mayor, within ten days after such service, the Council shall declare the office vacant, and the vacancy shall be filled in the manner provided in Title VII of the Ohio Revised Code.

(c) When a new bond is accepted or the Council declares the office vacant, the sureties of the original bond shall cease to be liable for the acts of such officer done thereafter, but shall continue to be liable for his or her acts then already done.

(ORC 731.50)

#### § 220.13 CARE, SUPERVISION AND MANAGEMENT OF PUBLIC INSTITUTIONS.

Council shall provide by resolution or ordinance for the care, supervision, and management of all public parks, baths, libraries, market houses, crematories, sewage disposal plants, houses of refuge and correction, workhouses, infirmaries, hospitals, pesthouses or any of such institutions owned, maintained or established by the municipality. When Council determines to plat any of the streets, it shall provide for the platting thereof.

(ORC 735.27)



**§ 220.14 COUNCIL MEMBER SALARIES.**

(a) The procedure for the payment of salaries of the Council members of the Village of Commercial Point is established.

(b) The Council members will be paid annually on or before December 31 of each calendar year.

(c) The salary for the members of the Council commencing January 1, 2008 shall be set at the sum of fifty dollars (\$50.00) per meeting of Council attended.

(d) The salary for the President of the Council commencing January 1, 2008 shall be set at the sum of fifty-five dollars (\$55.00) for each meeting of Council attended.

(e) Council members shall only be compensated for meetings actually attended and pursuant to Ohio R.C. § 731.13, the compensation so fixed pursuant to this section shall not be increased or diminished and this section shall have no effect upon those members of the Council of the Village of Commercial Point during the term for which such member was elected or appointed and this section will not be effective upon each individual Council member until such time as he or she is re-elected. This section, however, shall be effective immediately upon passage and approval for those members of the Council of the Village of Commercial Point elected or appointed after such date of approval. (Ord. 5-71, passed 6-5-1971; Am. Ord. 1500.30, passed 12-4-1989; Am. Ord. 2200.16, passed 11-6-1995; Am. Ord. 99-9, passed 11-1-1999; Am. Ord. 04-28, passed 12-20-2004; Am. Ord. 2007-32, passed 8-6-07)





## CHAPTER 222

### Ordinances and Resolutions

- |                                                                                         |                                                                                              |
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| 222.06 Notice for proposed amendments to the Municipal Charter.                         | 222.13 Ordinances providing for appropriations or street improvements; emergency ordinances. |
| 222.07 Times of publication required.                                                   | 222.14 Ordinances and resolutions as evidence.                                               |
| 222.08 Publication and certification of ordinances in book form.                        |                                                                                              |

### *CROSS REFERENCES*

Publication where no newspaper printed - see Ohio R.C. 701.04

Charter method of passage or publication - see Ohio R.C. 701.05

Annexation - see Ohio R.C. 709.23 et seq.

Improvements - see Ohio R.C. 727.09, 727.12, 727.23



Assessments - see Ohio R.C. 727.25 et seq., 729.09, 729.11

Declaratory judgments - see Ohio R.C. 2721.03

Initiated ordinances - see ADM. 224.01 et seq.

Referendums - see ADM. 224.02 et seq.

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**§ 222.01 PASSAGE PROCEDURE.**

(a) The following procedures shall apply to the passage of ordinances and resolutions of the municipality:

(1) Each ordinance and resolution shall be read by title only, provided that Council may, by a majority vote of its members, require any reading to be in full.

(2) Each ordinance or resolution shall be read on three different days, provided that Council may dispense with this rule by a vote of at least three-fourths of its members.



(3) The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.

(4) Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of Council.

(b) Action by Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.

(ORC 731.17)

#### § 222.02 STYLE OF ORDINANCES.

The style of all ordinances shall be: Be it ordained by the Village Council of Commercial Point, State of Ohio.

(ORC 731.18)

#### § 222.03 SUBJECT AND AMENDMENT OF ORDINANCES AND RESOLUTIONS.

No ordinance or resolution shall contain more than one subject, which shall be clearly expressed in its title. No ordinance or section thereof shall be revived or amended unless the new ordinance contains the entire ordinance or section revived or amended and unless the ordinance or section so amended is repealed. Each such resolution and ordinance shall be adopted or passed by a separate vote of Council and the yeas and nays shall be entered upon the journal.



(ORC 731.19)

**§ 222.04 AUTHENTICATION AND RECORDING OF ORDINANCES AND RESOLUTIONS.**

Ordinances and resolutions shall be authenticated by the signature of the presiding officer and Clerk of Council of the municipality. Ordinances of a general nature or providing for improvements shall be published as provided by §§ 222.05 and 222.07 before going into operation. No ordinance shall take effect until the expiration of ten days after the first publication of such notice. As soon as a resolution or ordinance is passed and signed, it shall be recorded by the Fiscal Officer in a book furnished by Council for that purpose.

(ORC 731.20)

**§ 222.05 PUBLICATION OF ORDINANCES AND RESOLUTIONS; PROOF OF PUBLICATION AND CIRCULATION.**

(a) Notwithstanding any conflicting provision of Ohio R.C. 7.12, each municipal ordinance or resolution, or a succinct summary of each municipal ordinance and resolution, and all statements, orders, proclamations, notices and reports required by law or ordinance to be published, shall be published as follows:



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(1) In two English language newspapers of opposite politics, published and of general circulation in the municipality, if there are such newspapers;

(2) If two English language newspapers of opposite politics are not published and of general circulation in the municipality, then in one such political newspaper and one other English language newspaper published and of general circulation therein;

(3) If only one English language newspaper is published and of general circulation in the municipality, then in that newspaper;

(4) If no English language newspaper is published and of general circulation in the municipality, then in any English language newspaper of general circulation therein or by posting as provided in § 222.11, at the option of Council. Proof of the publication and required circulation of any newspaper used as a medium of publication as provided by this section shall be made by affidavit of the proprietor of either of such newspapers, and shall be filed with the Clerk of Council.

(b) If a summary of an ordinance or resolution is published under division (a) of this section, the publication shall contain notice that the complete text of each such ordinance or resolution may be obtained or viewed at the office of the Clerk of Council and may be viewed at any other location designated by Council. The legal counsel of the municipality shall review any summary of an ordinance or resolution published under this section prior to forwarding it to the Clerk for publication, to ensure that the summary is legally accurate and sufficient.

(c) Upon publication of a summary of an ordinance or resolution in accordance with this section,



the Clerk of Council shall supply a copy of the complete text of each such ordinance or resolution to any person, upon request, and may charge a reasonable fee, set by Council, for each copy supplied. The Clerk shall post a copy of the text at his or her office and at every other location designated by Council.

(ORC 731.21)

**§ 222.06 NOTICE FOR PROPOSED AMENDMENTS TO THE MUNICIPAL CHARTER.**

In accordance with Section 9 of Article XVIII of the Ohio Constitution, notice of proposed amendments to the Municipal Charter, if and when one is adopted by and for the municipality, shall be given in one of the following ways:

(a) Not less than 30 days prior to the election at which the amendment is to be submitted to the electors, the Fiscal Officer of the Village shall mail a copy of the proposed Charter amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held therein.



(b) The full text of the proposed Charter amendment shall be published once a week for not less than two consecutive weeks in a newspaper published in the municipality, with the first publication being at least 15 days prior to the election at which the amendment is to be submitted to the electors. If no newspaper is published in the municipality, then such publication shall be made in a newspaper of general circulation within the municipality.

(ORC 731.211)

#### § 222.07 TIMES OF PUBLICATION REQUIRED.

The publication required in § 222.05 shall be for the following times:

(a) Ordinances and resolutions, or summaries of ordinances or resolutions, and proclamations of elections, once a week for two consecutive weeks;

(b) Notices, not less than two nor more than four consecutive weeks; and

(c) All other matters shall be published once.

(ORC 731.22)

#### § 222.08 PUBLICATION AND CERTIFICATION OF ORDINANCES IN BOOK FORM.

(a) When ordinances are revised, codified, rearranged, published in book form and certified as correct by the Clerk of Council and the Mayor, such publication shall be a sufficient publication, and the ordinances so published, under appropriate titles, chapters and sections, shall be held the same



in law as though they had been published in a newspaper. A new ordinance so published in book form, which has not been published as required by §§ 222.05 and 222.07 and which contains entirely new matter, shall be published as required by such sections. If such revision or codification is made by the municipality and contains new matter, it shall be a sufficient publication of such codification, including the new matter, to publish, in the manner required by such sections, a notice of the enactment of such codifying ordinance, containing the title of the ordinance and a summary of the new matters covered by it. Such revision and codification may be made under appropriate titles, chapters and sections and in one ordinance containing one or more subjects.

(b) Except as provided by this section, all ordinances, including emergency ordinances, shall be published in accordance with § 222.05.

(ORC 731.23)

#### § 222.09 ADOPTION OF TECHNICAL ORDINANCES AND CODES.

(a) Council may adopt standard ordinances and codes, prepared and promulgated by the state, or any department, board or other agency thereof, or any code prepared and promulgated by a public or private organization which publishes a model or standard code, including, but not limited to, codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, electricity, buildings, refrigeration machinery, piping, boilers, heating or air conditioning, by incorporation by reference.



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(b) The publication required by §§ 222.05 through 222.11 shall clearly identify such code, shall state the purpose of the code, shall state that a complete copy of such code is on file with the Clerk of Council for inspection by the public and also on file in the County Law Library and that such Clerk has copies available for distribution to the public at cost. If Council amends or deletes any provision of such code, the publication shall contain a brief summary of such deletion or amendment.

(c) If the agency which originally promulgated or published the code thereafter amends such code, Council may adopt such amendment or change by incorporation by reference in an amending ordinance by the same procedure as required for the adoption of the original code, without the necessity of setting forth in full in the amending ordinance the provisions of the original ordinance or code.

(d) Ordinances or codes adopted by the municipality under this section shall be deemed to be a full and complete compliance with §§ 222.05 through 222.11, and no other publication is necessary. (ORC 731.231)

**§ 222.10 CERTIFICATE OF CLERK AS TO PUBLICATION.**

Immediately after the expiration of the period of publication for ordinances or summaries of ordinances required by § 222.07, the Clerk of Council shall enter on the record of ordinances, in a blank to be left for such purpose under the recorded ordinance, a certificate stating in which newspaper and on what dates such publication was made, and shall sign his or her name thereto officially. Such certificate shall be prima facie evidence that legal publication of the ordinance or summary of the ordinance was made.



(ORC 731.24)

**§ 222.11 PUBLICATION WHEN NO NEWSPAPER PUBLISHED IN VILLAGE.**

(a) Notwithstanding any conflicting provision of Ohio R.C. 7.12, if no newspaper is published in the municipality, publication of ordinances and resolutions, or summaries of ordinances and resolutions, and publication of all statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be accomplished in either of the following methods, as determined by Council:

(1) By posting copies thereof in not less than five of the most public places in the municipality, as determined by Council, for a period of not less than 15 days prior to the effective date thereof; or

(2) By publication in any newspaper printed in the state and of general circulation in the municipality.

(b) Notices to bidders for the construction of public improvements and notices of the sale of bonds shall be published in not more than two newspapers, printed in the state and of general circulation in the municipality, for the time prescribed in § 222.07.



(c) Where such publication is by posting, the Clerk shall make a certificate as to such posting, and as to the times when and the places where such posting is done, in the manner provided in § 222.10, and such certificate shall be prima facie evidence that the copies were posted as required. (ORC 731.25)

**§ 222.12 EFFECT OF NOT MAKING PUBLICATION.**

It is a sufficient defense to any suit or prosecution under an ordinance, to show that no publication or posting was made as required by §§ 222.05 through 222.11. (ORC 731.26)

**§ 222.13 ORDINANCES PROVIDING FOR APPROPRIATIONS OR STREET IMPROVEMENTS; EMERGENCY ORDINANCES.**

Ordinances or other measures providing for appropriations for the current expenses of the municipality, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be especially assessed for the cost thereof, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety in the municipality, shall go into immediate effect. Such emergency ordinances or measures must, upon a yea and nay vote, receive a two-thirds vote of all the members elected to the Council, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.

(ORC 731.30)



**§ 222.14 ORDINANCES AND RESOLUTIONS AS EVIDENCE.**

Printed copies of the ordinances and resolutions of the municipality, published under its authority, and transcripts of any resolutions or ordinances, or of any act or proceeding of the municipality, recorded in any book or entered on any minutes or journal kept under the direction of the municipality, and certified by the Fiscal Officer, shall be received in evidence throughout the state for any purpose for which the original books, ordinances, minutes or journals would be received.

(ORC 731.42)



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CHAPTER 224  
Initiative and Referendum

- |                                                                               |                                                                                                                                   |
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| 224.01 Initiative petitions.                                                  | 224.07 Designation of committee filing petition; public inspection of petitions; ordinances passed or repealed prior to election. |
| 224.02 Referendum petitions.                                                  | 224.08 Itemized statement by circulator of petition.                                                                              |
| 224.03 More than one ordinance required; application of chapter.              | 224.09 Prohibited practices relative to petitions.                                                                                |
| 224.04 Presentation of petitions.                                             | 224.10 Accepting premiums for signing.                                                                                            |
| 224.05 Copy of proposed ordinance or measure to be filed with Fiscal Officer. | 224.11 Threats in securing signatures.                                                                                            |
| 224.06 Words to be printed in red.                                            | 224.12 Application of chapter if Charter adopted.                                                                                 |

***CROSS REFERENCES***

Initiative and referendum - see Ohio Const. Art. II, Sec. 1 et seq.; Ohio R.C. 3519.01 et seq.

Transfer of powers to county - see Ohio Const. Art. X, Sec. 1

Acquisition of public utility - see Ohio Const. Art. XVIII, Sec. 5

Adoption of Charter - see Ohio Const. Art. XVIII, Secs. 7, 8, 9

Application to various plans of government - see Ohio R.C. 705.91

Charter municipalities may adopt own provisions as to - see Ohio R.C. 705.91



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Recall of elective officer - see Ohio R.C. 705.91, 705.92

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§ 224.01 INITIATIVE PETITIONS.

(a) Ordinances and other measures providing for the exercise of any powers of government granted by the Constitution or delegated to the municipality by the General Assembly may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than 10% of the number of electors who voted for Governor at the most recent general election for the office of Governor in the municipality.

(b) When a petition is filed with the Fiscal Officer, signed by the required number of electors proposing an ordinance or other measure, the Fiscal Officer shall, after ten days, transmit a certified copy of the text of the proposed ordinance or measure to the Board of Elections. The Fiscal Officer shall transmit the petition to the Board, together with the certified copy of the proposed ordinance or other measure. The Board shall examine all signatures on the petition to determine the number of electors of the municipality who signed the petition. The Board shall return the petition to the Fiscal Officer within



ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition.

(c) The Board shall submit such proposed ordinance or measure for the approval or rejection of the electors of the municipality at the next general election occurring subsequent to 75 days after the Fiscal Officer certifies the sufficiency and validity of the initiative petition to the Board. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the measure in the municipality shall be subject to the veto of the Mayor.

(d) As used in this section, certified copy means a copy containing a written statement attesting that it is a true and exact reproduction of the original proposed ordinance or other measure.

(ORC 731.28)

#### § 224.02 REFERENDUM PETITIONS.

(a) Any ordinance or other measure passed by Council shall be subject to the referendum except as provided in § 224.03. No ordinance or other measure shall go into effect until 30 days after it is passed by Council, except as provided in § 224.03.

(b) When a petition, signed by 10% of the number of electors who voted for Governor at the most recent general election for the office of Governor in the municipality, is filed with the Fiscal Officer within 30 days after any ordinance or other measure is filed with the Mayor or passed by Council, or, if the Mayor has vetoed the ordinance or any measure and returned it to Council, such petition may be filed within 30 days after Council has passed the ordinance or measure over his or



her veto, ordering that such ordinance or measure be submitted to the electors of the municipality for their approval or rejection, such Fiscal Officer shall, after ten days, and not later than 4:00 p.m. of the seventy-fifth day before the day of election, transmit a certified copy of the text of the ordinance or measure to the Board of Elections. The Fiscal Officer shall transmit the petition to the Board, together with the certified copy of the ordinance or measure. The Board shall examine all signatures on the petition to determine the number of electors of the municipality who signed the petition. The Board shall return the petition to the Fiscal Officer within ten days after receiving it, together with a statement attesting to the number of such electors who signed the petition. The Board shall submit the ordinance or measure to the electors of the municipality, for their approval or rejection, at the next general election occurring subsequent to 75 days after the Fiscal Officer certifies the sufficiency and validity of the petition to the Board.

(c) No such ordinance or measure shall go into effect until approved by the majority of those voting upon it. Sections 224.01 through 224.13 do not prevent the municipality, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any publication required by such ordinance or other measure.

(d) As used in this section, certified copy means a copy containing a written statement attesting that it is a true and exact reproduction of the original ordinance or other measure.

(ORC 731.29)



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**§ 224.03 MORE THAN ONE ORDINANCE REQUIRED; APPLICATION OF CHAPTER.**

Whenever Council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, §§ 224.01 through 224.13 shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances and other measures relating thereto.

(ORC 731.30)

**§ 224.04 PRESENTATION OF PETITIONS.**

(a) Any initiative or referendum petition may be presented in separate parts, but each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and a full and correct copy of the title of the ordinance or other measure sought to be referred. Each signer of any such petition must be an elector of the municipality in which the election, upon the ordinance or measure proposed by such initiative petition, or the ordinance or measure referred to by such referendum petition, is to be held. Petitions shall be governed in all other respects by the rules set forth in Ohio R.C. 3501.38. In determining the validity of any such petition, all signatures which are found to be irregular shall be rejected, but no petition shall be declared invalid in its entirety when one or more signatures are found to be invalid, except when the number of valid signatures is found to be less than the total number required by this section.

(b) The petitions and signatures upon such petitions shall be prima facie presumed to be in all respects sufficient. No ordinance or other measure submitted to the electors of the municipality, and



receiving an affirmative majority of the votes cast thereon, shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the ordinance or measure was procured, nor shall the rejection, by a majority of the votes cast thereon, of any ordinance or other measure submitted to the electors of the municipality, be held invalid for such insufficiency.

(c) Ordinances proposed by initiative petition and referendums receiving an affirmative majority of the votes cast thereon, shall become effective on the fifth day after the day on which the Board of Elections certifies the official vote on such question.

(ORC 731.31)

**§ 224.05 COPY OF PROPOSED ORDINANCE OR MEASURE TO BE FILED WITH FISCAL OFFICER.**

(a) Whoever seeks to propose an ordinance or measure in the municipality by initiative petition or files a referendum petition against any ordinance or measure shall, before circulating such petition, file a certified copy of the proposed ordinance or measure with the Fiscal Officer.

(b) As used in this section, certified copy means a copy containing a written statement attesting that it is a true and exact reproduction of the original proposed ordinance or measure or of the original ordinance or measure.

(ORC 731.32)



**§ 224.06 WORDS TO BE PRINTED IN RED.**

At the top of each part of the petition mentioned in § 224.05, the following words shall be printed in red:

**NOTICE**

Whoever knowingly signs this petition more than once, signs a name other than his or her own, or signs when not a legal voter is liable to prosecution.

(ORC 731.33)

**§ 224.07 DESIGNATION OF COMMITTEE FILING PETITION; PUBLIC INSPECTION OF PETITIONS; ORDINANCES PASSED OR REPEALED PRIOR TO ELECTION.**

(a) The petitioners may designate in any initiative or referendum petition a committee of not less than three of their number, who shall be regarded as filing the petition.

(b) After a petition has been filed with the Fiscal Officer, it shall be kept open for public inspection for ten days.

(c) If, after a petition proposing an ordinance or other measure has been filed with the Fiscal Officer, the proposed ordinance or other measure, or a substitute for the proposed ordinance or measure approved by such committee, is passed by Council, the majority of the committee shall notify the Board of Elections in writing and such proposed ordinance or measure shall not be



submitted to a vote of the electors.

(d) If, after a verified referendum petition has been filed against any ordinance or measure, Council repeals such ordinance or measure, or it is held to be invalid, the Board shall not submit such ordinance or measure to a vote of the electors.

(ORC 731.34)

#### § 224.08 ITEMIZED STATEMENT BY CIRCULATOR OF PETITION.

(a) The circulator of an initiative or referendum petition, or his or her agent, shall, within five days after such petition is filed with the Fiscal Officer, file an itemized statement, made under penalty of election falsification, showing in detail:

(1) All moneys or things of value paid, given or promised for circulating such petition;

(2) Full names and addresses of all persons to whom such payments or promises were made;

(3) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions; and



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(4) Time spent and salaries earned while circulating or soliciting signatures to petitions by persons who were regular salaried employees of some person who authorized them to solicit signatures for or circulate the petition as a part of their regular duties.

(b) The statement provided for in division (a) of this section shall not be required from persons who take no other part in circulating a petition than signing declarations to parts of the petition and soliciting signatures to them.

(c) Such statement shall be open to public inspection for a period of one year.  
(ORC 731.35)

**§ 224.09 PROHIBITED PRACTICES RELATIVE TO PETITIONS.**

No person shall, directly or indirectly:

(a) Willfully misrepresent the contents of any initiative or referendum petition;

(b) Pay or offer to pay any elector anything of value for signing an initiative or referendum petition;

(c) Promise to help another person to obtain appointment to any office provided for by the Constitution or laws of the state or by the ordinances of any municipal corporation, or to any position or employment in the service of the state or any political subdivision thereof, as a consideration for obtaining signatures to an initiative or referendum petition;



(d) Obtain signatures to any initiative or referendum petition as a consideration for the assistance or promise of assistance of another person in securing an appointment to any office or position provided for by the Constitution or laws of the state or by the ordinances of any municipal corporation therein, or employment in the service of the state or any subdivision thereof;

(e) Alter, add to or erase any signature or name on the parts of a petition after such parts have been filed with the Municipal Fiscal Officer; or

(f) Fail to file the sworn itemized statement required by § 224.08.  
(ORC 731.36)

#### § 224.10 ACCEPTING PREMIUMS FOR SIGNING.

No person shall accept anything of value for signing an initiative or referendum petition.  
(ORC 731.38)



**§ 224.11 THREATS IN SECURING SIGNATURES.**

No person shall, directly or indirectly, by intimidation or threats, influence or seek to influence any person to sign or abstain from signing, or to solicit signatures to or abstain from soliciting signatures to, an initiative or referendum petition.

(ORC 731.40)

**§ 224.12 APPLICATION OF CHAPTER IF CHARTER ADOPTED.**

Sections 224.01 through 224.12 will not apply to the municipality if and when it adopts its own Charter containing an initiative and referendum provision for its own ordinances and other legislative measures.

(ORC 731.41)



## CHAPTER 226

### Contracts

226.01 General restriction.

226.02 Contracts by Council.

226.03 Contracts by Village Administrator;  
central purchasing.

226.04 Bids and proceedings.

226.05 Award to lowest responsive and  
responsible bidder.

226.06 Alterations or modifications of  
contracts.

### *CROSS REFERENCES*

Contracts for utility services without advertising for bids - see Ohio R.C. 9.30

Contracts for work on public buildings and improvements - see Ohio R.C. 153.50 et seq.

Service contracts with county - see Ohio R.C. 307.14 et seq.

Police protection contracts - see Ohio R.C. 505.43, 737.04

Gas company monopolies prohibited - see Ohio R.C. 743.33

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### § 226.01 GENERAL RESTRICTION.

The Council shall not enter into any contract which is not to go into full operation during the term for which all the members of such Council are elected.

(ORC 731.48)



§ 226.02 CONTRACTS BY COUNCIL.

(a) All contracts made by the Council shall be executed in the name of the municipality and signed on its behalf by the Mayor and Fiscal Officer. Except where the contract is for equipment, services, materials or supplies to be purchased under Ohio R.C. 125.04, 713.23(D), or 5513.01, or available from a qualified nonprofit agency pursuant to Ohio R.C. 4115.31 through 4115.35, or required to be purchased from a qualified nonprofit agency under Ohio R.C. 125.60 through 125.6012, when any expenditure, other than the compensation of persons employed in the municipality, exceeds twenty-five thousand dollars (\$25,000.00), such contracts shall be in writing and made to the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the municipality. The Legislative Authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the Legislative Authority's internet web site. If the Legislative Authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the municipality, provided that the first notice published in such newspaper meets all of the following requirements:

- (1) It is published at least two weeks before the opening of bids.



(2) It includes a statement that the notice is posted on the Legislative Authority's internet web site.

(3) It includes the internet address of the Legislative Authority's internet web site.

(4) It includes instructions describing how the notice may be accessed on the Legislative Authority's internet web site.

(b) The bids shall be opened and shall be publicly read by the Fiscal Officer or a person designated by the Fiscal Officer at the time, date and place specified in the advertisement to bidders or specifications. The time, date and place of bid openings may be extended to a late date by the Council, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. This section does not apply to the municipality if an Administrator has been appointed pursuant to the provisions of Ohio R.C. 735.271, or a substantially equivalent municipal ordinance.

(ORC 731.14)

**§ 226.03 CONTRACTS BY VILLAGE ADMINISTRATOR; CENTRAL PURCHASING.**

(a) If the municipality has established the position of Administrator as provided by Ohio R.C. 735.271, or a substantially equivalent municipal ordinance, the Administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the Administrator's supervision involving not more than twenty-five thousand dollars (\$25,000.00). When an



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expenditure, other than the compensation of persons employed by the municipality, exceeds twenty-five thousand dollars (\$25,000.00), the expenditure shall first be authorized and directed by ordinance of the Council. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under Ohio R.C. 125.04, 713.23(D), or 5513.01 or available from a qualified nonprofit agency pursuant to Ohio R.C. 4115.31 through 4115.35, or required to be purchased from a qualified nonprofit agency under Ohio R.C. 125.60 through 125.6012, the Administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the municipality. The bids shall be opened and shall be publicly read by the Administrator or a person designated by the Administrator at the time, date and place specified in the advertisement to bidders or specifications. The time, date and place of bid openings may be extended to a later date by the Administrator, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than 96 hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the municipality and signed on its behalf by the Administrator and the Fiscal Officer.

(b) The Council may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the municipality, under the direction of the Administrator who shall make contracts, purchase supplies or materials, and provide labor for any work of the municipality in the manner provided by this section.

(ORC 731.141)

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**§ 226.04 BIDS AND PROCEEDINGS.**

Each bid on any contract under § 222.02 or § 222.04 shall contain the full name of every person interested in such bid. If the bid is for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of Ohio R.C. 153.54. If the bid is for any other contract authorized by § 222.02 or § 222.04, it shall be accompanied by a sufficient bond or certified check, cashiers check, or money order on a solvent bank or savings and loan association that, if the bid is accepted, a contract will be entered into and the performance of it properly secured. If the bid for work embraces both labor and materials, it shall be separately stated, with the price thereof. The Council or Administrator, in the event an Administrator has been appointed as provided by Ohio R.C. 735.271, or a substantially equivalent municipal ordinance, may reject any and all bids. The contract shall be between the municipality and the bidder, and the municipality shall pay such contract price in cash. When a bonus is offered for completion of a contract prior to a specified date, the Council or Administrator, in the event an Administrator has been appointed as provided in Ohio R.C. 735.271, or a substantially equivalent municipal ordinance, may exact a prorated penalty in like sum for each day or delay beyond the specified date. When there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.

(ORC 731.15)

**§ 226.05 AWARD TO LOWEST RESPONSIVE AND RESPONSIBLE BIDDER.**

(a) (1) If the municipality is required by law or by an ordinance or resolution adopted under division (c) of this section to award a contract to the lowest responsive and responsible bidder, a



bidder on the contract shall be considered responsive if the bidder's proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. The factors that the municipality shall consider in determining whether a bidder on the contract is responsible include the experience of the bidder, the bidder's financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly.

(2) For purposes of this division, the provision of a bid guaranty in accordance with Ohio R.C. 153.54(A)(1) and (B) issued by a surety licensed to do business in this state is evidence of financial responsibility, but the municipality may request additional financial information for review from an apparent low bidder after it opens all submitted bids. The municipality shall keep additional financial information it receives pursuant to a request under this division confidential, except under proper order of a court. The additional financial information is not a public record under Ohio R.C. 149.43.

(3) An apparent low bidder found not to be responsive and responsible shall be notified by the municipality of that finding and the reasons for it. The notification shall be given in writing and by certified mail.

(b) Where the municipality has adopted an ordinance or resolution under division (c) of this section and determines to award a contract to a bidder other than the apparent low bidder or bidders for the construction, reconstruction, improvement, enlargement, alteration, repair, painting or decoration of a

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public improvement, it shall meet with the apparent low bidder or bidders upon a filing of a timely written protest. The protest must be received within five days of the notification required in division (a) of this section. No final award shall be made until the municipality either affirms or reverses its earlier determination. Notwithstanding any other provision of the Ohio Revised Code, the procedure described in this division is not subject to Ohio R.C. Chapter 119.

(c) The municipality may, by ordinance or resolution, adopt a policy of requiring each competitively bid contract it awards to be awarded to the lowest responsive and responsible bidder in accordance with this section.

(ORC 9.312)

#### § 226.06 ALTERATIONS OR MODIFICATIONS OF CONTRACTS.

When it becomes necessary in the opinion of the Council or Administrator, in the event an Administrator has been appointed as provided in Ohio R.C. 735.271, or a substantially equivalent municipal ordinance, in the prosecution of any work under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only by the Council by resolution or by the Administrator in writing, in the event an Administrator had been appointed as provided in Ohio R.C. 735.271, or a substantially equivalent municipal ordinance, but such resolution or written modification shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract has been agreed upon in writing and signed by the contractor, and by the Mayor or Administrator in the event an Administrator has been appointed as provided in Ohio R.C. 735.271, or a substantially equivalent municipal ordinance, on behalf of the municipality. No contractor shall recover anything for work or material because of any alteration or



modification unless such contract is made as provided in this section, nor shall the contractor recover for such work or material, or either, more than the agreed price. The law relating to requiring bids and the awarding of contracts for public buildings, so far as they apply, shall remain in effect. A duplicate copy of each contract shall be filed in the office of the Fiscal Officer.

(ORC 731.16)



CHAPTER 228

Mayor

- |                                                |                                               |
|------------------------------------------------|-----------------------------------------------|
| 228.01 Term; qualifications; powers.           | 228.09 Suspension of accused pending hearing. |
| 228.02 Vacancy.                                | 228.10 Power of Council as to process.        |
| 228.03 General duties.                         | 228.11 Oaths; compulsory testimony; costs.    |
| 228.04 Communications to Council.              | 228.12 Disposition of fines and other moneys. |
| 228.05 Protest against excess of expenditures. | 228.13 Annual report to Council.              |
| 228.06 Supervision of conduct of officers.     | 228.14 Salary.                                |
| 228.07 Charges against delinquent officers.    |                                               |
| 228.08 Hearing of charges; action of Council.  |                                               |

*CROSS REFERENCES*

Contracts - see ADM. 226.02

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§ 228.01 TERM; QUALIFICATIONS; POWERS.

The Mayor shall be elected for a term of four years commencing on the first day of January next after his or her election. He or she shall be an elector of the municipality, and shall have resided in the municipality for at least one year immediately preceding his or her election. He or



she shall be the chief conservator of the peace within the municipality, and shall have the powers and duties provided by law. He or she shall be the President of the Council, and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie.

(ORC 733.24)

§ 228.02 VACANCY.

When the Mayor is absent from the municipality, or is unable for any cause to perform his or her duties, the President Pro Tempore of the Council shall be acting Mayor. In case of the death, resignation, or removal of the Mayor, such President Pro Tempore shall become the Mayor and shall hold office until his or her successor is elected and qualified. Such successor shall be elected to the office for the unexpired term at the first regular municipal election that occurs more than 40 days after the vacancy has occurred, except that when the unexpired term ends within one year immediately following the date of such election, an election to fill such unexpired term shall not be held and the President of the Council shall hold the office for such unexpired term.

(ORC 733.25)



**§ 228.03 GENERAL DUTIES.**

The Mayor shall perform all the duties prescribed by the bylaws and ordinances of the municipality. He or she shall see that all ordinances, bylaws, and resolutions of the Council are faithfully obeyed and enforced. He or she shall sign all commissions, licenses, and permits granted by the Council, or authorized by Title VII of the Ohio Revised Code, and such other instruments as by law or ordinance require his or her certificate.

(ORC 733.30)

**§ 228.04 COMMUNICATIONS TO COUNCIL.**

The Mayor shall communicate to the Council from time to time a statement of the finances of the municipality, and other information relating thereto, and the general condition of the affairs of the municipality as he or she deems proper, or as is required by the Council.

(ORC 733.32)

**§ 228.05 PROTEST AGAINST EXCESS OF EXPENDITURES.**

If, in the opinion of the Mayor, an expenditure authorized by the Council exceeds the revenues of the municipality for the current year, he or she shall protest against the expenditure and enter the protest, and the reason therefor, on the journal of the Council.

(ORC 733.33)

**§ 228.06 SUPERVISION OF CONDUCT OF OFFICERS.**



The Mayor shall supervise the conduct of all the officers of the municipality, inquire into and examine the grounds of all reasonable complaints against any officers, and cause their violations or neglect of duty to be punished promptly or reported to the proper authority for correction.  
(ORC 733.34)

**§ 228.07 CHARGES AGAINST DELINQUENT OFFICERS.**

The Mayor shall have general supervision over each department and the officers provided for in Title VII of the Ohio Revised Code. When the Mayor has reason to believe that the head of a department or an officer has been guilty, in the performance of his or her official duty, of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality, or habitual drunkenness, he or she shall immediately file with the Council, except when the removal of the head of the department or officer is otherwise provided for, written charges against the person, setting forth in detail a statement of alleged guilt, and, at the same time, or as soon thereafter as possible, serve a true copy of the charges upon the person against whom they are made. Service may be made on the person or by leaving a copy of the charges at the office of the person. Return thereof shall be made to the Council, as is provided for the return of the service of summons in a civil action.  
(ORC 733.35)



**§ 228.08 HEARING OF CHARGES; ACTION OF COUNCIL.**

Charges filed with Council under § 228.07 shall be heard at the next regular meeting thereof, unless Council extends the time for the hearing, which shall be done only on the application of the accused. The accused may appear in person and by counsel, examine all witnesses, and answer all charges against him or her. The judgment or action of Council shall be final, but to remove such officer the votes of two-thirds of all members elected thereto shall be required.

(ORC 733.36)

**§ 228.09 SUSPENSION OF ACCUSED PENDING HEARING.**

Pending any proceedings under §§ 228.07 and 228.08, an accused person may be suspended by a majority vote of all members elected to Council, but such suspension shall not be for a longer period than 15 days, unless the hearing of such charges is extended upon the application of the accused, in which event the suspension shall not exceed 30 days.

(ORC 733.37)

**§ 228.10 POWER OF COUNCIL AS TO PROCESS.**

For the purpose of investigating charges filed pursuant to § 228.07 against the head of any department or officer, Council may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it, and Council may provide by ordinance for exercising and enforcing this section.

(ORC 733.38)



**§ 228.11 OATHS; COMPULSORY TESTIMONY; COSTS.**

In all cases in which the attendance of witnesses may be compelled for an investigation under § 228.10, any member of Council may administer the requisite oaths, and Council has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. In all such cases, witnesses shall be entitled to the same privileges and immunities as are allowed witnesses in civil cases. Witnesses shall be paid the same fees and mileage provided for under Ohio R.C. 1901.26, and the costs of all such proceedings shall be payable from the general fund of the municipality.

(ORC 733.39)

**§ 228.12 DISPOSITION OF FINES AND OTHER MONEYS.**

(a) Except as otherwise provided in Ohio R.C. 4511.193, all fines, forfeitures and costs in ordinance cases and all fees that are collected by the Mayor, that in any manner come into the Mayor's hands, or that are due the Mayor or the Chief of Police or other officer of the municipality, any other fees and expenses that have been advanced out of the treasury of the municipality, and all money received by the Mayor for the use of the municipality shall be paid by the Mayor into the treasury of the municipality on the first Monday of each month. At the first regular meeting of the legislative authority

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each month, the Mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by Ohio R.C. 307.515 or Ohio R.C. 4511.19, all fines and forfeitures collected by the Mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the Mayor to the county treasury on the first business day of each month. Except as otherwise provided by Ohio R.C. 307.515 or Ohio R.C. 4511.19, the Mayor shall pay all court costs and fees collected by the Mayor in state cases into the municipal treasury on the first business day of each month.

(b) This section does not apply to fines collected by the Mayor's Court for violations of Ohio R.C. 4513.263(B), or any substantially equivalent municipal ordinance, all of which shall be forwarded to the Treasurer of State as provided in Ohio R.C. 4513.263(E).  
(ORC. 733.40)

#### § 228.13 ANNUAL REPORT TO COUNCIL.

At the first regular meeting in January of each year, and at other times as the Mayor deems expedient, he or she shall report to the Council concerning the affairs of the municipality, and recommend such measures as seem proper to him or her.  
(ORC 733.41)

#### § 228.14 SALARY.

The Mayor shall receive a salary as shall be fixed by the Village Council.



(Ord. 3-67, passed 8-7-1967; Am. Ord. 2-8-70, passed 8-7-1970; Am. Ord. 5-71, passed 6-5-1971; Am. Ord. 1500.30, passed 12-4-1989; Am. Ord. 2200.17, passed 11- -1995; Am. Ord. 99-9, passed 11-1-1999; Am. Ord. 2007-31, passed 8-6-2007)



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**TITLE SIX - Administration**

- Chap. 230. Village Administrator.
- Chap. 232. Village Fiscal Officer.
- Chap. 234. Legal Counsel.
- Chap. 236. Police Department.
- Chap. 238. Fire Department.
- Chap. 240. Miscellaneous Village Employees.
- Chap. 242. Employee Guidelines.

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**CHAPTER 230**

**Village Administrator**

- 230.01 Employment of Village Administrator.      230.02 Salary.

***CROSS REFERENCES***

Streets and public grounds - see Ohio R.C. Ch. 723

Sidewalks and sewers - see Ohio R.C. Ch. 729

Water works - see Ohio R.C. 743.01 et seq.

Water pollution - see Ohio R.C. 743.25

Gas, water and electricity - see Ohio R.C. 743.26 et seq.

Care, supervision and management of public institutions - see ADM. 220.13

Contracts by Village Administrator - see ADM. 226.03

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**§ 230.01 EMPLOYMENT OF VILLAGE ADMINISTRATOR.**



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(a) In accordance with Ohio R.C. § 735.271, there is hereby created the position of part-time Village Administrator. The salary of the part-time Village Administrator shall be per contract with the village.

(b) The part-time Village Administrator shall have those powers, duties, and functions as provided by the general laws of the State of Ohio; and specifically those powers, duties, and functions authorized by Ohio R.C. § 735.273.

(c) After the effective date of this section, the appointment of the part-time Village Administrator by the Mayor, and his or her confirmation by the Council, the part-time Village Administrator shall serve under the general supervision and control of the Mayor.

(Ord. 1700.02, passed 10-1-1979)

#### § 230.02 SALARY.

The Village Administrator shall receive a salary as shall be fixed by the Village Council.  
(Ord. 96.16, passed 10-7-1996; Am. Ord. 04-1, passed 3-1-2004; Am. Ord. 2007-19, passed 7-2-2007)





CHAPTER 232  
Village Fiscal Officer

232.01 Fiscal Officer.

232.02 Salary.

*CROSS REFERENCES*

Annexation duties - see Ohio R.C. 709.03, 709.06

Certification of assessments - see Ohio R.C. 727.30, 727.33

Income tax collection - see Ohio R.C. 733.85

Authentication of ordinances and resolutions - see ADM. 222.04

Publication of ordinances - see ADM. 222.10

Initiative petitions - see ADM. 224.01

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§ 232.01 FISCAL OFFICER.

The Council of the Village of Commercial Point hereby combines the duties of the Village Clerk and Village Treasurer into the appointed office of Village Fiscal Officer in accordance with Ohio R.C. 733.262(B).

(Ord. 2007-21, passed 6-19-2007)

§ 232.02 SALARY.



The Village Fiscal Officer shall receive a salary as shall be fixed by the Village Council.  
(Ord. 2007-25, passed 7-2-2007; Am. Ord. 2007-39, passed 9-10-2007)





CHAPTER 234  
Legal Counsel

234.01 Employment of legal counsel.

234.03 Duties.

234.02 Salary.

*CROSS REFERENCES*

Appointment in commission plan of government - see Ohio R.C. 705.46

Approval of leases - see Ohio R.C. 715.011

Preparation of bonds - see Ohio R.C. 733.70

Attorneys - see Ohio R.C. Ch. 4705

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§ 234.01 EMPLOYMENT OF LEGAL COUNSEL.

(a) Except as provided in division (b) of this section, when it considers it necessary, the legislative authority may provide legal counsel for the municipality, or for any department or official of the municipality, for a period not to exceed two years and shall provide compensation for the legal counsel.

(b) (1) A petition may be filed with the Fiscal Officer, signed by registered electors residing in the municipality equal in number to not less than 10% of the total vote cast for all candidates for Governor in the municipality at the most recent general election at which a Governor was elected,



requesting that the question be placed before the electors whether, instead of the legislative authority appointing legal counsel for the municipality or for any department or official of the municipality, the Mayor shall appoint an attorney or law firm as the legal counsel with the advice and consent of the legislative authority. Within two weeks after receipt of the petition, the Fiscal Officer shall certify it to the Board of Elections, which shall determine its sufficiency and validity. The petition shall be certified to the Board of Elections not less than 75 days prior to the election at which the question is to be voted upon.

(2) At the election, if a majority of the electors of the municipality approves the question, then effective immediately when the Mayor considers it necessary, the Mayor shall appoint, with the advice and consent of the legislative authority, an attorney or law firm as legal counsel for the municipality, or for any department or official of the municipality, for a period not to exceed two years. The appointment of legal counsel under this division shall be pursuant to a contract approved by the Mayor and a majority vote of the legislative authority. The contract shall provide for the compensation and other terms of the engagement of the legal counsel, and the legislative authority shall provide that compensation for the legal counsel.



(c) When acting under this section, the legislative authority acts in its administrative capacity. (ORC 733.48) (Ord. 2-66, passed - -1966; Am. Ord. 10-69, passed 10-6-1969; Am. Ord. 4-1-71, passed - -1971; Am. Ord. 3-72, passed 3-13-1972; Am. Ord. 1-73, passed 2-5-1973; Am. Ord. 1500.13, passed 3-7-1977; Am. Ord. 3-91, passed 4-1-1991; Am. Ord. 2211, passed 2-27-1995; Am. Ord. 97-06, passed 3-3-1997; Am. Ord. 99-11, passed 10-4-1999; Am. Ord. 01-18, passed 12-3-2001; Am. Ord. 02-19, passed 12-9-2002; Am. Ord. 04-20, passed 8-25-2004; Am. Ord. 2005-13, passed 8-1-2005; Am. Ord. 2005-19, passed 9-12-2005; Am. Ord. 2006-01, passed 1-9-2006)

§ 234.02 SALARY.

The village legal counsel shall receive compensation as shall be fixed by the Village Council. (Ord. 2-66, passed - -1966; Am. Ord. 10-69, passed 10-6-1969; Am. Ord. 4-1-71, passed - -1971; Am. Ord. 3-72, passed 3-13-1972; Am. Ord. 1-73, passed 2-5-1973; Am. Ord. 1500.13, passed 3-7-1977; Am. Ord. 3-91, passed 4-1-1991; Am. Ord. 2211, passed 2-27-1995; Am. Ord. 97-06, passed 3-3-1997; Am. Ord. 99-11, passed 10-4-1999; Am. Ord. 01-18, passed 12-3-2001; Am. Ord. 02-19, passed 12-9-2002; Am. Ord. 04-20, passed 8-25-2004)

§ 234.03 DUTIES.

(a) It shall be the duty of the legal counsel to:

- (1) Draft all village legislation;



(2) To prosecute and defend all actions by or against the village or any department or officer thereof during the term of his or her employment; and

(3) To render written legal opinions to the Council or any department or officer of the village upon request to do so.

(b) The village legal counsel shall serve the village as legal counsel for civil representation as well as matters involving prosecutorial functions, which shall include, but not be limited to, the handling of traffic citations issued by any law enforcement agency of the Village of Commercial Point.

(Ord. 2-66, passed - -1966; Am. Ord. 10-69, passed 10-6-1969; Am. Ord. 4-1-71, passed - -1971; Am. Ord. 3-72, passed 3-13-1972; Am. Ord. 1-73, passed 2-5-1973; Am. Ord. 1500.13, passed 3-7-1977; Am. Ord. 2211, passed 2-27-1995; Am. Ord. 97-06, passed 3-3-1997; Am. Ord. 99-11, passed 10-4-1999; Am. Ord. 01-18, passed 12-3-2001; Am. Ord. 02-19, passed 12-9-2002; Am. Ord. 04-20, passed 8-25-2004)



CHAPTER 236  
Police Department

236.01 Position of Chief of Police  
established.

236.02 Salary.

236.03 Waiving the requirement that Chief  
of Police become a resident of the  
village.

236.04 Auxiliary police officers.

*CROSS REFERENCES*

Recovered property and disposition - see Ohio R.C. 737.29 et seq., 4513.60 et seq.

Police Pension and Disability Fund - see Ohio R.C. Ch. 742

Police officer may arrest on view - see Ohio R.C. 2935.03, 2935.05, 2935.07

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§ 236.01 POSITION OF CHIEF OF POLICE ESTABLISHED.

There is hereby established the position of Chief of Police for the Village of Commercial Point which shall be classified as a part-time position within the Police Department of the Village of Commercial Point.

(Ord. 99-12, passed 11-1-1999; Am. Ord. 2007-03, passed 2-25-2007)

§ 236.02 SALARY.



The compensation for the position of full-time Chief of Police shall be as fixed by the Village Council.

(Ord. 3-67, passed 8-7-1967; Am. Ord. 2-8-70, passed 8-3-1970; Am. Ord. 5-71, passed 6-5-1971; Am. Ord. 99-12, passed 11-1-1999; Am. Ord. 2007-03, passed 2-25-2007; Am. Ord. 2007-34, passed 8-6-2007)

**§ 236.03 WAIVING THE REQUIREMENT THAT CHIEF OF POLICE BECOME A RESIDENT OF THE VILLAGE.**

(a) The Chief of Police need not be a resident of the Village of Commercial Point.

(b) Such requirement is hereby waived as permitted by Ohio R.C. § 737.15.

(Ord. 04-2, passed 4-5-2004)



§ 236.04 AUXILIARY POLICE OFFICERS.

(a) *Established.* There is hereby established within the Commercial Point Police Department an auxiliary police unit.

(b) *Governed by Ohio Revised Code.* The auxiliary police unit shall be governed in accordance with Ohio R.C. § 737.161, and shall operate in accordance with the provisions of the laws of the United States and the State of Ohio, and in accordance with the ordinances of the Village of Commercial Point.

(c) *Qualifications.* No person shall be appointed as a member of the auxiliary police unit unless such person has previously been awarded, or is in the process of obtaining, a certificate by the executive director of the Ohio police officer training council attesting to his or her satisfactory completion of an approved state, county, municipal or department of natural resources peace officer basic training program as provided in Ohio R.C. § 109.77.

(d) *Chief of Police duties.* The Chief of Police shall have exclusive control of the stationing and transferring of all auxiliary police officers and shall have control of the assignment, training, stationing and the direction of the work of such unit. Members of the auxiliary police unit who have obtained the certificate specified in division (c) above of this section shall have all police powers, but shall perform only such police duties as are assigned by the Chief of Police. All auxiliary members shall obey the chain of command of the Commercial Point Police Department and shall take orders from all full-time or part-time members thereof.



(e) *Mayor's duties.* The Mayor shall prescribe general rules and regulations for the organization, training, administration, control and conduct of the auxiliary police unit.

(f) *Services and compensation.* All services rendered and performed by members of the auxiliary police unit shall be on a voluntary basis. Members of the auxiliary police unit shall be paid one dollar (\$1.00) annually. Members of the unit shall not be eligible for any employee benefits, nor shall such members be eligible for membership in the Police Relief and Pension Fund under Ohio R.C. §§ 741.31 to 741.54 inclusive.

(g) *Compensation for Mayor's Court appearances.*

(1) The Council of the Village of Commercial Point hereby authorizes compensation to be made to auxiliary officers appearing in Mayor's Court at a flat fee of thirty-five dollars (\$35.00) per appearance.

(2) Compensation to auxiliary officers for appearances in Mayor's Court shall be retroactive to January 1, 2005.

(Ord. 4-92.2, passed 4-6-1992; Am. Ord. 2005-04, passed 1-17-2005)



CHAPTER 238  
Fire Department

Editor's Note: The Village does not have a Fire Department, but instead contracts with Scioto Township for fire protection.







CHAPTER 240

Miscellaneous Village Employees

240.01 Zoning inspector.	240.06 Utility complex superintendent.
240.02 Secretary.	240.07 Utility clerk.
240.03 Administrative assistant.	240.08 Street commissioner.
240.04 General maintenance employee.	240.09 Plant operator.
240.05 General laborer.	240.10 Plant superintendent.

*CROSS REFERENCES*

Public Employee's Retirement System - see Ohio R.C. Ch. 145

Strikes by public employees - see Ohio R.C. Ch. 4117

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§ 240.01 ZONING INSPECTOR.

(a) The position of village zoning inspector is hereby created for the Village of Commercial Point.

(b) The village zoning inspector of Commercial Point shall be classified as a part-time position and shall be compensated at a rate of ninety two dollars and thirty one cents (\$92.31) every two weeks plus an additional payment of money for every zoning permit issued as outlined in the village zoning inspector Additional Payment Schedule located in division (f) below.



(c) The pay period for the position of the village Zoning inspector shall begin at 12:01 a.m. on Saturday and continue for 14 consecutive days, ending on Friday at midnight of the 14th day. All time reports must be submitted before the end of tour on the last day of the pay period. The compensation check shall be available by 9:00 a.m. at the Village Municipal office on the Friday following the pay period. If the Friday following the pay period is a holiday, the compensation check shall be available by 9:00 a.m. on the preceding Thursday at the Village Municipal office.

(d) Monies for the compensation for the village zoning inspector shall be paid from the general fund, account number 1000-410-190-0000.

(e) The village zoning inspector shall report directly to the Village Mayor.

(f) Additional payment schedule.



Commercial Point - Administration Code

<i>Additional Payment Schedule</i>	
<i>Permit</i>	<i>Payment (in dollars)</i>
Single Family Residence	\$25.00
Modular Home	25.00
Twin Single	25.00
Apartment Building (per unit)	25.00
Multi-Family/Townhouse (per unit)	25.00
Garages and Carports (up to and including 480 square feet)	10.00
Garages and Carports (over 480 square feet)	15.00
Buildings - Permanent or Movable (up to and including 480 square feet)	10.00
Buildings - Permanent or Movable (over 480 square feet)	15.00
New Construction - Commercial/Industrial	25.00
Converting Single Family Residence to Two or more Residences	25.00
Remodeling or Structure Change - R1/R2	25.00
Remodeling or Structure Change - Commercial/Industrial	25.00
Demolition (over 480 Square Feet)	10.00
Temporary Mobile Home (six months maximum)	10.00
Deck/Patios	10.00
Fence	10.00
Swimming Pools - Above and Below Ground (over 2,500 gallon)	10.00



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<i>Additional Payment Schedule</i>	
<i>Permit</i>	<i>Payment (in dollars)</i>
Signs Requiring Permits	15.00

(Ord. 05-10, passed 4-4-2005; Am. Ord. 2007-6, passed 2-25-2007; Am. Ord. 2007-33, passed 8-6-2007)

§ 240.02 SECRETARY.

(a) There is hereby formally created the position of secretary to the Village of Commercial Point who shall be compensated at a rate as determined by the Village Council, with the compensation to be paid weekly.



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Fire Department

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(b) That Council hereby reaffirms the previous action of Council taken November of 1999 to employ a secretary for the village, which action was not formally adopted by ordinance.

(Ord. 2-1-69, passed 2-3-1969; Am. Ord. 00-5, passed 11- -2005)

§ 240.03 ADMINISTRATIVE ASSISTANT.

(a) (1) The administrative assistant of the village shall be compensated at a rate as determined by the Village Council.

(2) The rate shall be based on a maximum of 30 hours per week.

(b) Compensation for the administrative assistant shall be paid bi-weekly.

(c) Monies for the compensation for the administrative assistant shall be paid from the general fund, account number 1000-110-162-0000.

(d) The Administrative Assistant of the Village of Commercial Point shall be classified as a part-time position within the Mayor's office staff.

(Ord. 04-5, passed 5-3-2004; Am. Ord. 04-32, passed 12-20-2004; Am. Ord. 2006-19, passed 3-3-2007)

§ 240.04 GENERAL MAINTENANCE EMPLOYEE.

(a) *Full-time general maintenance employee.*



(1) The position of general maintenance employee of the Village of Commercial Point is established.

(2) A. The general maintenance employee of the village be compensated at a rate as determined by the Village Council.

B. Compensation is to be based on a 40 hour week and paid bi-weekly.

(b) *Part-time maintenance position.*

(1) There is hereby established a maintenance position for the Village of Commercial Point which shall be a part-time position.

(2) The compensation for the position of part-time maintenance position shall be as established by the Village Council.

(Ord. 00-6, passed 1-8-2001; Am. Ord. 04-15, passed 8-2-2004)

#### § 240.05 GENERAL LABORER.

(a) The position of general laborer of the Village of Commercial Point is established.



(b) The general laborer of the village shall be compensated at the rate as determined by the Village Council.

(c) Compensation is to be based on a 40 hour week and paid bi-weekly.  
(Ord. 04-12, passed 7-6-2004)

**§ 240.06 UTILITY COMPLEX SUPERINTENDENT.**

(a) The position of utility complex superintendent of the Village of Commercial Point is established.

(b) (1) The Utility Complex Superintendent of the Village be compensated at the annual rate not less than thirty-five thousand dollars (\$35,000.00) and not to exceed fifty thousand dollars (\$50,000.00)

(2) The rate is based on a 40 hour week and the compensation to be paid bi-weekly.  
(Ord. 04-14, passed 8-2-2004)

**§ 240.07 UTILITY CLERK.**

(a) There is hereby created a part-time position of utility clerk within the Utility Department of the Village of Commercial Point who shall be responsible for the reading of all water meters within the village, the billing of all water and sewerage charges and such other duties as may be established by policy.



(b) The utility clerk of the village shall be compensated at a rate of not less than nine dollars (\$9.00) per hour and not to exceed ten dollars and 61 cents (\$10.61) per hour. The rate shall be based on a maximum of 100 hours per month and the compensation shall be paid monthly. (Ord. 96.18, passed 12-2-1996; Am. Ord. 04-21, passed 11-1-2004; Am. Ord. 2006-25, passed 2-5-2007)

**§ 240.08 STREET COMMISSIONER.**

(a) The Village Council does hereby employ a street commissioner.

(b) The duties to be performed by the street commissioner shall be such as are designated by law, the Mayor and Village Council.

(c) The compensation for the position of street commissioner shall be as established by the Village Council.

(Ord. 1-12-69, passed 12-1-1969; Am. Ord. 5-70, passed 5-4-1970)

**§ 240.09 PLANT OPERATOR.**

(a) There is hereby established the position of plant operator for the Village of Commercial Point. This position shall be classified as a full time position within the Utility Department.



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(b) The plant operator shall be compensated at the rate established by Village Council.

(c) Compensation shall be paid bi-weekly.

(Ord. 2007-04, passed 2-5-2007)

**§ 240.10 PLANT SUPERINTENDENT.**

(a) There is hereby established the position of plant superintendent for the Village of Commercial Point. This position shall be classified as a full time position within the Utility Department.

(b) The plant superintendent shall be compensated at the rate established by Village Council.

(c) Compensation shall be paid bi-weekly.

(Ord. 2007-04, passed 2-5-2007)





CHAPTER 242  
Employee Guidelines

242.01 Village of Commercial Point  
Employee guidelines adopted by  
reference.

*CROSS REFERENCES*

Welfare - see Ohio Const., Art. II, § 34

Workers' compensation - see Ohio Const., Art. II, § 35; Ohio R.C. Ch. 4123

Wages and hours on public works - see Ohio Const., Art. II, § 37; Ohio R.C. Ch. 4115

Blanket bonds - see Ohio R.C. 3.06

Deductions for dues and savings - see Ohio R.C. 9.41, 9.43

Expenses for attendance at conference or convention - see Ohio R.C. 733.79

Strikes by public employees - see Ohio R.C. 4117.15

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§ 242.01 VILLAGE OF COMMERCIAL POINT EMPLOYEE GUIDELINES ADOPTED BY  
REFERENCE.

Council hereby ratifies and affirms its prior adoption of the Village of Commercial Point Employee Guidelines, a copy of which is on file in the office of the Fiscal Officer and incorporated herein by reference.



(Ord. 2006-05, passed 3-6-2006; Am. Ord. 2008-04, passed 2-4-2008)





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**TITLE EIGHT - Judiciary**

Chap. 260. Magistrate.

Chap. 262. Clerk of Mayor's Court.

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**CHAPTER 260**

**Magistrate**

260.01 Mayor authorized to enter into  
contract for employment.

260.02 Compensation for magistrate.

***CROSS REFERENCES***

Release of Court Clerk's liability for loss of funds - see Ohio R.C. 131.18 et seq.

Municipal Court - see Ohio R.C. Ch. 1901

Bond for Court Clerk required - see Ohio R.C. 1901.31(D)

Notification to Director of liquor law convictions - see Ohio R.C. 4301.991

Record of traffic violations - see Ohio R.C. 4513.37

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**§ 260.01 MAYOR AUTHORIZED TO ENTER INTO CONTRACT FOR EMPLOYMENT.**

Pursuant to Ohio R.C. § 1905.05, the Mayor of the Village of Commercial Point is authorized to employ a magistrate to hear and determine prosecutions and criminal causes in the Mayor's Court for the Village of Commercial Point.

(Ord. 03-3, passed 3-3-2003)

**§ 260.02 COMPENSATION FOR MAGISTRATE.**



The compensation to be received by the magistrate of the Mayor's Court for the Village of Commercial Point shall be the sum of one hundred dollars (\$100.00) per Mayor's Court session for an annual salary not to exceed two thousand four hundred dollars (\$2,400.00) per year which shall be payable monthly upon receipt of appropriate itemized statements for these services. (Ord. 03-3, passed 3-3-2003)





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**CHAPTER 262**

**Clerk of Mayor's Court**

262.01 Established.

262.02 Compensation.

***CROSS REFERENCES***

Release of Court Clerk's liability for loss of funds - see Ohio R.C. 131.18 et seq.

Municipal Court - see Ohio R.C. Ch. 1901

Bond for Court Clerk required - see Ohio R.C. 1901.31(D)

Notification to Director of liquor law convictions - see Ohio R.C. 4301.991

Record of traffic violations - see Ohio R.C. 4513.37

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**§ 262.01 ESTABLISHED.**

The position of Clerk of Mayor's Court of the Village of Commercial Point is established.  
(Ord. 04-11, passed 4-5-2004)

**§ 262.02 COMPENSATION.**

The Clerk of Mayor's Court of the Village be compensated at the rate of fifty dollars (\$50.00) per month and with the compensation to be paid quarterly.  
(Ord. 04-11, passed 4-5-2004)







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TITLE TEN - Finances

Chap. 280. Federal General Revenue Sharing Trust Fund.

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CHAPTER 280:

Federal General Revenue Sharing Trust Fund

280.01 Established.

280.03 Permission to create Fund.

280.02 Monies received.

*CROSS REFERENCES*

Contracts and purchasing - see ADM. Ch. 208

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§ 280.01 ESTABLISHED.

There shall be and is hereby created and established a Federal General Revenue Sharing Trust Fund.

(Ord. 12-72, passed - -1972)

§ 280.02 MONIES RECEIVED.

The Fund shall be used to receive federal revenue sharing monies received by the village under § 123A (1) of the State and Local Fiscal Assistance Act of 1972, being 31 U.S.C. §§ 1221 *et seq.*

(Ord. 12-72, passed - -1972)

§ 280.03 PERMISSION TO CREATE FUND.



The Fund above mentioned is created by the Village Council after permission to establish the fund was obtained from the Bureau of Inspection and Supervision of Public Offices on November 6, 1972, by virtue of authority set forth in Ohio R.C. § 5705.12.

(Ord. 12-72, passed - -1972)

