CODIFIED ORDINANCES OF NORTHFIELD

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CHAPTER 202
Codified Ordinances

202.01 Designation; citation; headings.
202.02 General definitions.
202.03 Rules of construction.
202.04 Revivor; effect of re-enactment, amendment or repeal.
202.05 Construction of section references.
202.06 Conflicting provisions; conflicts of laws.
202.07 Determination of legislative intent.
202.08 Severability.
202.99 General penalty.

CROSS REFERENCES

See section histories for similar State law
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
Statute of limitations on prosecutions - see GEN. OFF. 606.06

202.01 DESIGNATION; CITATION; HEADINGS.

This volume consists of all ordinances and resolutions of a permanent and general nature of the Municipality, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and may be

designated as the Codified Ordinances of Northfield, Ohio, 1995, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.
(ORC 1.01)

202.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

(a) "And" may be read "or", and "or" may be read "and", if the sense requires it.

(b) "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.

(c) "Bond" includes an undertaking.

(d) "Child" includes child by adoption.

(e) "Council" means the legislative authority of the Municipality.

(f) "County" means Summit County, Ohio.

(g) "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.

(h) "Imprisoned" shall have the same meaning as in Ohio R.C. 1.05.

(i) "Internet" means 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.

(j) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent, or employee.

(k) "Land" or "real estate" includes rights and easements of incorporeal nature.

(l) "Legislative authority" means the legislative authority of the Municipality.

(m) "May" is permissive.

(n) "Municipality" or "Village," means the Village of Northfield, Ohio.

(o) "OAC" refers to the Ohio Administrative Code.

(p) "Oath" includes affirmation; and "swear" includes affirm.

(q) "Ohio R.C.," "ORC" or "Revised Code" refers to the Ohio Revised Code.

(r) "Owner," when applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.

(s) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association.

(t) "Personal property" includes all property except real property.

(u) "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.

(v) "Premises," as applied to property, includes land and buildings.

(w) "Property" includes real, personal, mixed estates, and interests.

(x) "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.

(y) "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.

(z) "Real property" includes lands, tenements, and hereditaments.

(aa) "Registered mail" includes certified mail; and "certified mail" includes registered mail.

(bb) "Shall" is mandatory.

(cc) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(dd) "State" means the State of Ohio.

(ee) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the Municipality.

(ff) "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.

(gg) "Undertaking" includes a bond.

(hh) "Week" means seven consecutive days.

(ii) "Whoever"includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

(jj) "Writing" includes printing.

(kk) "Written" or “in writing" include any representation of words, letters, symbols, or figures; this provision does not affect any law relating to signatures.

(ll) "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 the Codified Ordinances, 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.
(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;
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)

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

(a) The repeal of a repealing provision of the Codified Ordinances 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 a provision of the Codified Ordinances 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 with respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy with respect to any such 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 a provision of the Codified Ordinances, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.
(ORC 1.58)

202.05 CONSTRUCTION OF SECTION REFERENCES.

(a) 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.
(ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included.
(ORC 1.56)

(c) 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.

(d) References in these Codified Ordinances to action taken or authorized under designated sections of these Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by these Codified Ordinances.
(ORC 1.23)

202.06 CONFLICTING PROVISIONS; CONFLICTS OF LAWS.

(a) If there is a conflict between figures and words in expressing a number, the words govern.
(ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.
(ORC 1.51)

(c) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.

(d) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
(ORC 1.52)

202.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

(1) Compliance with the Constitutions of the State and of the United States is intended;
(2) The entire ordinance is intended to be effective;
(3) A just and reasonable result is intended;
(4) A result feasible of execution is intended.
(ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.
(ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council, may consider, among other matters:
(1) The object sought to be attained;
(2) The circumstances under which the ordinance was enacted;
(3) The legislative history;
(4) The common law or former legislative provisions, including laws upon the same or similar subjects;
(5) The consequences of a particular construction;
(6) The administrative construction of the ordinance.
(ORC 1.49)

202.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances 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 PENALTY.

Whenever, in the Codified Ordinances 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, the commission or performance of such act, or the failure to commit or perform such act, as required, shall, unless another penalty is provided, be deemed a minor misdemeanor and the offender shall be fined not more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

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 of Ohio.

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

CHAPTER 206
Wards and Boundaries

EDITOR'S NOTE: There are no sections in Chapter 206. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Wards - see CHTR. Art. V; Ohio R.C. 731.06
Voting precincts - see Ohio R.C. 3501.18

CHAPTER 208
Open Meetings

208.01 Public meetings.
208.02 Public notification.

208.03 Personal notification.

CROSS REFERENCES

Meetings of Council - see CHTR. 4.07 et seq.; 220.01, 220.02(c), 220.03

Open meetings - see Ohio R.C. 121.22

Disturbing lawful meetings - see GEN. OFF. 648.05

Meetings of the Planning Commission - see P. & Z. 1220.01

208.01 PUBLIC MEETINGS.

Unless otherwise provided in these Codified Ordinances, all meetings of Council, Council committees, commissions, boards and other similar public bodies of the Municipality, shall be held at the Village Hall.

All meetings of the described public bodies shall be open to the public, unless an executive session is expressly authorized under the applicable provisions of State law.
(Ord. 1993-21. Passed 5-12-93.)

208.02 PUBLIC NOTIFICATION.

(a) Regular Meetings. The time and place of all regular meetings of Council, Council committees, commissions, boards and other similar public bodies of the Municipality, shall be noted in a calendar of monthly meetings. This calendar shall be posted at the Village Hall.

(b) Special Meetings. Notification of any special meeting of Council, Council committees, commissions, boards and other similar public bodies, shall be made to any news media requesting such notification twenty-four hours prior to the time of such meeting. This notification shall include the time, place and purpose of the special meeting.

(c) Emergency Meetings. In the event of an emergency meeting, notice of such emergency meeting shall be communicated to the news media that have requested notification of the time, place and purpose of the emergency meeting.
(Ord. 1993-21. Passed 5-12-93.)

208.03 PERSONAL NOTIFICATION.

(a) Any person, organization or group of persons is entitled to mail notice of the calendar of monthly meetings. To obtain this notice, such persons are required to notify the Clerk of Council of such desire and shall deposit the sum of two hundred dollars ($200.00) per year in advance for such notices of the calendar of monthly meetings.

(b) Any requesting person, organization or group of persons shall receive advance notice of all meetings at which any specific type of public business will be discussed and/or acted upon. To obtain this notice, such persons are required to notify the Clerk of Council of such desire, notify the Clerk of Council of the specific type of public business in which they are interested and deposit the sum provided in subsection (a) hereof in advance for such notices.

(Ord. 1993-21. Passed 5-12-93.)

CHAPTER 210
Contracts

210.01 Policy and procedure for procurement of professional design services.

CROSS REFERENCES

Finance Department - see CHTR. Art. VI; ADM. Ch. 238
Contract award to lowest responsive and responsible bidder - see Ohio R.C. 9.312
Specific performance - see Ohio R.C. 733.57
Public contracts generally - see Ohio R.C. 735.05 et seq.
Participation in contracts of the Ohio Department of Administrative Services - see ADM. 238.04
Participation in contracts of the Ohio Department of Transportation - see ADM. 238.05
Unlawful interest in contracts - see GEN. OFF. 608.10

210.01 POLICY AND PROCEDURE FOR PROCUREMENT OF PROFESSIONAL DESIGN SERVICES.

(a) A policy for the selection of professional architects, engineers and surveyors, in order to provide professional design or construction management services to the Village, is hereby adopted, as set forth below.

(b) This policy does not apply to any project with an estimated professional design fee of less than twenty-five thousand dollars ($25,000) or to any project determined by Council to be an emergency requiring immediate action, including, but not limited to, any projects requiring multiple contracts let as a part of a program requiring a large number of professional design firms of the same type.

VILLAGE OF NORTHFIELD POLICY AND PROCEDURE FOR PROCUREMENT OF PROFESSIONAL DESIGN SERVICES

A. PREQUALIFICATION PROCEDURE:

The Village of Northfield, Ohio, through its Mayor, will request qualification statements from any interested professional architects, engineers and surveyors to provide professional design or construction management services. The request will be published in newspapers of general circulation as chosen by the Mayor and requests will be sent directly to firms that are known to have a direct interest in providing such services.

"Qualifications" means all of the following:

1. Competence of the professional designer or firm to perform the required professional design services as indicated by the technical training, education and experience of the firm's personnel, especially the technical training, education and experience of the employees within the firm who would be assigned to perform the services;

2. Ability of the firm in terms of its work load and the availability of qualified personnel, equipment and facilities to perform the required professional design services competently and expeditiously;

3. Past performance of the firm as reflected by the evaluations of the previous clients with respect to such factors as control of costs, quality of work and meeting of deadlines;

4. Past performance and current performance on previous Village of Northfield contracts; and

5. Any other similar factors deemed relevant by the Village of Northfield.

The qualification statements submitted by the professionals should contain information based upon the format set forth in Appendix A - "Qualifications-Based Selection Statement Criteria," which is set forth below. A firm that submits a statement that does not include all of the requested information will be deemed to be unqualified. The Village of Northfield may also ask any professional to supplement its statement if deemed necessary.

Qualification statements will be accepted at any time from any firm, as other firms become aware of this policy.

Professional design firms deemed prequalified by the Village of Northfield must submit an update of the statement annually in order to remain qualified.

B. PRE-DESIGN PHASE AND ANNOUNCEMENT:

The Village of Northfield, through its Mayor, will conduct a pre-design phase for all contracts available for professional design services for specific projects in order to determine the project scope of services and requirements, the project schedule, the conceptional schematic design, the project budget, and, if appropriate, soil boring and testing and other analysis. The Village Engineer and any other designee of the Mayor may be involved in the pre-design phase.

Upon completion of the pre-design phase, the project shall be announced as follows:

1. The announcement of the project requirements and scope of services shall be made in a uniform and consistent manner in advance of the time that the proposals are received.

2. The announcement shall include a description of the project, a statement of the specific professional design service required, and a description of the qualifications required for the project, and shall generally follow the format set forth in Appendix B - "Public Announcement," which is set forth below.

3. The announcement shall indicate how qualified professional design firms may submit a proposal or statement of qualifications in order to be considered for a contract to design the project.

4. The announcement shall be sent to either of the following:

a. Each professional design firm that has a current statement of qualifications on file and is qualified to perform the required, professional design services;

b. Architect, landscape architect, engineer and surveyor trade associations, the news media and any publications or other public media that the Mayor of the Village of Northfield considers appropriate.

C. SELECTION PROCESS:

For every professional design services contract, the statements of qualifications for professional design firms shall be reviewed and evaluated upon submission.

A committee convened and chaired by the Mayor shall review and evaluate the statement of qualifications using a pre-established project criteria, and, generally, following the evaluation form which is attached as Appendix C.

The committee shall issue a list of no fewer than three (3) firms rated qualified to perform the required services for the specific project. If fewer than three qualified firms are available, those firms shall be selected.

Upon selection, the Mayor shall send a request for letters of interest to the firms that have been selected. Any interested firm shall supply all of the requested information concerning the project by the date specified in the announcement or written request.

A scope clarification meeting may be conducted with the firms that are selected and that have declared an interest in the project. The discussions shall be designed to further explore the scope and nature of the services required, the various technical approaches the firms may take toward the project, unique project requirements, the project schedule, the conceptual schematic design, and the project budget. Depending upon the unique nature of the project, the meeting may include a physical site visit. Any questions must be resolved at this meeting and shared with all participants, precluding any further contact with the committee.

The firm selected may be asked to supplement its statement of qualifications with a technical proposal in accordance with the final scope of services and project requirements as may have been clarified at the scope clarification meeting. Each professional design firm requested to submit a technical proposal shall be informed of the date, time and location for such submittals.

The committee shall evaluate, select and rank all of the firms that were selected and that expressed interest in the project. The ranking shall set forth in order the firms most qualified to provide the required professional design services based upon their qualifications, technical proposals, if any, and the specific project.

If one firm is determined to be most qualified, the firm shall be asked to submit a lump sum fee proposal. If more than one firm is determined to be equally most qualified, then each firm shall be asked to submit a lump sum fee proposal. The firms may submit a revised technical proposal. The firm submitting the lowest fee proposal shall be determined to be the most qualified.

The Mayor and/or individuals designated by him or her shall negotiate a contract with the firm ranked most qualified to perform the required services at a compensation determined to be fair and reasonable to the Village of Northfield. The contract negotiations shall be directed toward:

1. Insuring that the professional design firm and the Village of Northfield have a mutual understanding of the essential requirements involved in providing the required services, including meeting the established total project budget;

2. Determining that the firm will make available the necessary personnel, equipment and facilities to perform the services within the required time;

3. Agreeing upon compensation which is fair and reasonable, taking into account the estimated value, scope, complexity and nature of the services.

Upon the failure to negotiate a contract agreeable to the Village of Northfield with the most qualified firm, negotiations shall commence with the second ranked firm, and so on until an agreeable contract has been reached.

The final contract with the professional design firm is conditioned upon approval being granted by Village Council.

APPENDIX A

QUALIFICATIONS-BASED SELECTION STATEMENT CRITERIA

1 - Provide a brief history for the firm. Please include information pertaining to major areas of expertise for the company.

2 - Provide resumes for key personnel for the firm.

3 - List clients and representative projects worked on in the last five (5) years. Please provide a brief description and relative size of each project.

4 - Provide a copy of a current ODOT technical prequalification letter. If your firm is not prequalified, that fact should be indicated in the statement.

5 - Provide information related to the insurance carried by the firm.

6 - Provide information related to the computer hardware and software utilized by your firm. Please indicate the size and numbers of workstations.

7 - Provide any further information which may be helpful for the Summit County Engineer's Office to determine the qualifications of your firm.

APPENDIX B

(Sample Announcement of Contract for Professional Design Services)

PUBLIC ANNOUNCEMENT

The (name of public authority) intends to contract for (engineering) (architectural) (surveying) services in connection with the (title or brief description of project). (Engineering) (Architectural) (Surveying) firms interested in being considered for a contract to provide the required services should reply with a statement of qualifications no later than (time) on (date). Statements received after this deadline will not be considered.

Statements of qualifications should include information regarding the firm's history, education and experience of owners and key technical personnel; the technical expertise of the firm's current staff; the firm's experience in designing similar projects; availability of staff; the firm's equipment and facilities; references; and any previous work performed for (name of public authority).

Statements of qualifications should be transmitted to: (Name, title, and address of representative of public authority).

As required by Ohio Revised Code §153.65.71, responding firms will be evaluated and ranked in order of their qualifications. Following this evaluation, the (name of public authority) will enter into contract negotiations with the most highly qualified firm.

The preliminary project description is as follows:

Name of Project:

Location

Description (e.g. building design, environmental impact statement, etc.)

(Cont.)

APPENDIX B (Cont.)

Total Project Budget (including studies, design, construction, etc.)

Source of Funding (e.g. bond issue, OPWC grant, etc.)

Project Schedule

Anticipated dates for design startup/completion /

Anticipated dates for construction startup/completion /

Special Requirements or Restrictions

APPENDIX C

(Sample Evaluation Form for Statements of Qualifications)

Name of Project

Name of Design Firm

Name of Evaluator

Criteria
Rating*

Weight**

Score

1. FIRM & INDIVIDUAL QUALIFICATIONS

Firm's number of years in business

x
(0-5)
=

Firm's background & experience on similar projects

x
(0-5)
=

Experience of firm's current personnel on similar projects

x
(0-5)

=

2. PROXIMITY TO PROJECT SITE

x
(0-5)
=

3. CAPACITY TO PERFORM WORK

Availability to meet schedule

x
(0-5)
=

Firm's equipment & facilities

x
(0-5)
=

4. REFERENCES

Quality of design

x
(0-5)
=

Technical innovation

x
(0-5)
=

Meeting schedules & deadlines

x
(0-5)
=

Controlling costs/meeting budgets

x
(0-5)
=

Communication/cooperation

x
(0-5)
=

5. PAST PERFORMANCE FOR THIS PUBLIC AUTHORITY

x
(0-5)
=

Total Score =

* 1 = Poor, 2 = Fair, 3 = Good, 4 = Excellent, 5 = Superior

** These weighting factors should be adjusted for each project, according to the needs and priorities of the public authority.

(Res. 1996-33. Passed 7-10-96.)

TITLE FOUR - Legislation

Chap. 220. Council.
Chap. 222. Ordinances and Resolutions.

CHAPTER 220
Council

220.01 Meetings.
220.02 Rules of procedure.
220.03 Supervisory personnel required at Council meetings.
220.04 Expense stipend.
220.05 Second President Pro-tem of Council.

CROSS REFERENCES
Council generally - see CHTR. Art. IV
Salary, compensation and bonds - see CHTR. 4.12, 18.05
Vacancy - see CHTR. 4.13, 18.06
Redistricting wards - see CHTR. 5.02
Nominations and elections - see CHTR. Art. XV
Recall - see CHTR. 16.02
Conflicts of interest - see CHTR. 18.07; GEN. OFF. 608.10
Residency - see CHTR. 18.09
Traffic control powers - see TRAF. 406.07

220.01 MEETINGS.

The regular meetings of Council shall be held on the second and fourth Wednesdays of each month at 7:30 p.m. at the Village Hall.
(Ord. 1981-136. Passed 12-9-81.)

220.02 RULES OF PROCEDURE.

The following are hereby declared to be the Rules of Procedure for Council meetings:

(a) Order of Business. The order of business of Council meetings shall be as follows:

(1) Call to order.

(2) Roll call.

(3) Reading of minutes or approval of previously written minutes.

(4) Finance Director's report, or acceptance of previously prepared reports.

* (5) Reports of Municipal officers, including correspondence, announcements, requests or any other matter to be brought before Council:

A. Mayor;

B. Finance Director;

C. Engineer;

D. Solicitor;

E. Department Heads:

1. Police Chief;
2. Fire Chief;
3. Service Department Superintendent;
4. Building Inspector;
5. Other.

* (6) Reports of Municipal boards and commissions:

A. Planning Commission;

B. Civil Service Commission;

C. Other.

* (7) Reports of standing committees:

A. Finance;

B. Roads and Public Works;

C. Health and Welfare;

D. Buildings and Grounds;

E. Wages and Working Conditions;

F. Fire and Safety.

* (8) Reports of special committees.

(9) Presentation of petitions, memorials and remonstrances.

(10) Introduction and consideration of ordinances and resolutions, other than those covered in paragraphs (a)(5) and (a)(8) hereof.

(11) Presentation of claims and authorization of warrants to be issued.

(12) Unfinished business.

(13) New business.

(14) Announcements.

(15) Adjournment.

*In order shall be any Council action pursuant to such reports, including introduction and consideration of appropriate ordinances and resolutions.

(Ord. 1989-14. Passed 1-11-89.)

(b) Rules of Council. Rules of Council shall be as follows:

(1) Copies of legislation to be proposed for passage under suspension of the three-reading rule, or as an emergency, shall be in Councilmembers' boxes by 5:00 p.m. on the day prior to the meeting.

(Ord. 1970-80. Passed 10-28-70.)

(2) An agenda for the meeting, including proposed legislation, shall be prepared by the Clerk of Council and delivered to the Director of Law no later than 5:00 p.m. of the third business day prior to the meeting.

(Ord. 1989-14. Passed 1-11-89.)

(3) Discussion from the audience will be in order during consideration of legislation proposed for passage under suspension of the three-reading rule or as an emergency. The Chairman shall have the right to limit such discussion.

(4) Discussion from the audience under subsection (a)(9) of the Order of Business shall be limited to five minutes for each person addressing the meeting, unless additional time has been requested of and approved by the Chairman prior to the meeting. Rulings of the Chairman on such prior requests for additional time are subject to appeal to Council. After a reasonable time has been provided for such discussion, the Chairman may establish an overall time limit or may suspend further discussion to allow Council to proceed to subsequent items of business.

(5) The Mayor shall appoint a parliamentarian, subject to approval of two-thirds of all members elected or appointed to Council.

(6) Any deviation from any of these Rules of Procedure will require a three-fourths vote of all members elected or appointed to Council for suspension of these rules.

(c) Conduct of Meetings. Conduct of all meetings shall be in accordance with the following rules of order:

(1) Before any subject is open to discussion, it is necessary that:

A. First, a motion be made by a member, who has obtained the floor;

B. Second, that the motion be seconded by another member;

C. Third, that the motion be stated by the Chairperson, as recorded by the Clerk.

Before the question is stated by the Chair, any member can obtain the floor for informal consultation or to suggest modification of the wording. The Chairperson should see that this does not run into actual

discussion of the question. The mover may accept such modification or may withdraw the motion without consent of the second. But once the motion has been stated by the Chair, wording can be modified only by a motion to amend. Introduction of any ordinance for first reading shall open such ordinance to discussion, even though no formal motion accompanies it. Such ordinance shall be subject to amendment and/or referral to committee, and other general rules of discussion shall apply as otherwise provided in these rules. If, after a reasonable length of time for discussion on such ordinance, no motions relating to it are offered, the Chairperson may suspend such discussion to second or third reading at a subsequent meeting, and move to the next item of business.

When it is known that a specific subject must be acted upon, the Chairperson may permit discussion on the subject prior to any formal motion. Such discussion shall be subject to other general rules as herein provided. At any time during such discussion, the Chairperson, or any member of Council, may ask for a motion. Once such a request is made, there can be no further discussion until a motion has been properly made, seconded and stated.

(2) Before any member can offer a motion, or make any remarks in debate or discussion, he or she must first obtain the floor by requesting "Mr. or Ms. Chairperson". The Chair will then recognize the member by name. If more than one member seeks recognition at the same time, priority shall be as follows:

A. If a motion is on the floor, the member who made the motion has preference if he or she has not already spoken on the question, except that if the motion is to accept a committee report or recommendation, the member who made the report or recommendation has preference, regardless of who made the motion. On any other motion, including a motion to adopt an ordinance or resolution, the mover for adoption has preference if he or she has not previously spoken on the question.

B. A member who has not spoken on the question under discussion has preference over one who has already spoken on the question.

C. As much as possible, the floor should alternate between supporters and opponents of a proposal. The Chairperson, when he or she knows which side of a question is taken by claimants to the floor, and when neither paragraph (c)(2)A. or B. hereof applies, should give preference to the member opposed to the last speaker.

D. If no motion is on the floor, or if none of the above conditions applies, then the judgment of the Chairperson on who first requested the floor shall prevail.

(3) A motion is a proposal that Council take certain action, or express itself as holding certain views. A motion is made by a member obtaining the floor and saying "I move that. . . " and stating the action he or she proposes to have taken. Examples: "I move that Ordinance No. 1970-46 be adopted"; "I move that Resolution No. 1970-35 be adopted"; (If such a motion is already on the floor) "I move that Ordinance No. 1970-28 be amended by deleting the words: Or his designated representative"; or "I move that Ordinance No. 1970-52 be referred to the Playground Committee". A motion which is long or involved should be written out, preferably in the form of a resolution.

(4) Every motion should be seconded. This prevents time being consumed considering a question that only one person favors. When members are slow in seconding a motion, the Chair should ask "Is there a second?"

(5) When a motion has been made and seconded, the Chairperson, unless he or she rules it out of order, should state the question. At this point, the Clerk of Council should be allowed sufficient time to record the mover, the seconder and the exact wording of the motion with any modifications agreed upon as outlined in paragraph (c)(1) hereof. Example: "It is moved and seconded that Ordinance No. 1970-55 be adopted"; "It is moved and seconded that Council approve the use of the Town Hall lawn for the Ladies Aid Social June 30th". Only after the question is recorded by the Clerk and stated by the Chairperson is a question open for discussion. Once it has been so stated, it belongs to Council; it can be withdrawn only if there is no objection or if a majority vote permits; it can be changed only by a motion to amend.

(6) Discussion must be limited to the immediately pending question, as stated by the Chairperson. Members should confine their remarks to the points of question and avoid personalities. Speakers should address their remarks to the Chairperson at all times. When the discussion appears to the Chairperson to be finished, he or she should ask "Are you ready for the question?" If, after a reasonable pause, no one asks for the floor, the Chairperson assumes that no member wishes to speak further, and shall instruct the Clerk of Council to call the roll for a vote.

(7) Secondary motions are those which may be offered while a motion is already on the floor.

A. A motion to amend a pending motion may be offered during discussion on the motion. Amendment can be proposed by deleting words from the main motion, by adding or inserting words to the main motion or by substituting different words for what is in the main motion. A motion to amend must be discussed and voted upon before discussion returns to the main motion, or before

another amendment is considered. A motion to amend a pending amendment is not in order; a member may state what he or she will propose if the pending amendment is voted down. An amendment is not in order if:

1. It is not directly related to the question to be amended;
2. It reverses the meaning of the original question;
3. It strikes out or inserts words which would leave no rational proposition before Council;
4. It is frivolous or absurd; or
5. It introduces an independent new question.

B. A motion to refer a question to committee may be offered during discussion on a main motion or its amendments. Referral to committee includes the main motion and any pending amendments. If the motion to refer to committee is adopted, there can be no further discussion or action on the question, pending report of the committee at a future meeting.

C. A motion to call for a vote may be offered during discussion on a main motion, its amendments or a motion to refer a question to a committee. The purpose of this motion is to cut off discussion and get an immediate vote. It requires a two-thirds vote of the full Council (four members) to be adopted, thus ending discussion of a question.

A motion to call for a vote is not debatable. Once it has been moved, seconded and stated by the Chair, it must be voted on immediately, unless a motion to table is offered as explained further in paragraph (c)(7)D. below. A motion to call for a vote can be offered in two forms:

1. Unqualified. "I move to vote on the question". This applies only to the immediately pending question, main motion, amendment or referral to committee.

2. Qualified. To include any or all of a pending series of motions: "I move to vote on the question of referral to committee and on the amendment, etc. " This can also include the main motion. If passed, the vote must proceed without further discussion on each of the pending motions specified.

If a call for a vote fails to get a two-thirds vote, discussion continues as if the motion had not been made.

D. A motion to table may be offered during discussion on a motion, on amendments or on referrals to committee. Also, if a call for a vote has been moved, before such a call is voted upon, a motion

to table may be offered, postponing further discussion without forcing an immediate decision. A motion to table may also be offered following approval of a call for a vote, prior to the final vote on any series of motions covered by the call for a vote. A motion to table includes the main motion and any pending amendments. A motion to table is not debatable. Once it has been made and seconded, the question must be stated and a vote taken immediately. A motion to table may be offered in two forms:

1. To table to a specified future meeting. If a matter is so tabled to a specified future meeting, consideration automatically resumes as first priority under Unfinished Business.

2. To table indefinitely. If a matter is tabled indefinitely, a separate motion is required to continue discussion or to take a vote. This cannot be done later in the same meeting, but must be at a future meeting.

If a call for a vote has been moved or adopted on a matter which is then tabled before a final vote is taken, the call for a vote will no longer apply if the matter comes up at a future meeting. In such a case, the matter will then be open for discussion.

E. A motion to adjourn is in order at any time, except:

1. When repeated without intervening business or discussion;
2. When made while another member is speaking;
3. When a call for a vote has been moved or adopted;
4. While a vote is being taken.

The Chairperson cannot summarily adjourn the meeting. Regular adjournment must be authorized by a motion of Council. In the case of regular adjournment, the meeting is ended and no further action can be taken.

Sometimes it is not possible for Council to complete all its business within the available time at a given meeting. In such a case, it is proper to move to adjourn to a definite time. When Council reconvenes at the appointed time, it takes up the business where it left off at its former meeting, provided a quorum is present. An adjourned meeting is merely a continuation of the meeting which was adjourned.

(8) A member may raise a point of order whenever he or she has a question or objection regarding the application of any of these Rules of Procedure. A point of order:

A. Can be raised at any time, even when another member has the floor (this is the only time it is proper to interrupt another member who is speaking);

B. Need not be seconded;

C. Is not debatable, but must be ruled upon by the Chairperson immediately;

D. Has immediate priority over any other business.

(9) A Ruling of the Chairperson on any point of order may be appealed to Council. However, such an appeal:

A. Must be seconded, and if there is no second, the ruling of the Chairperson stands;

B. Is debatable;

C. Must be voted upon immediately, following any discussion;

D. Requires a majority of Councilmembers present to be sustained.

(10) Duties of the Chairperson shall be:

A. To conduct all meetings in an orderly manner in accordance with these Rules of Procedure;

B. To rule on all points of order in the application of these Rules of Procedure, with the advice of the parliamentarian;

C. To expedite the business of Council, with full and impartial consideration of the individual rights of every member of Council and the courtesy due every citizen.

The Chairperson shall have the right to participate in the discussions of Council, provided:

A. He or she has permission from the maker of the pending motion on the floor to address Council on the question at hand; and

B. Such participation is in accordance with all rules of order.

(11) Robert's Rules of Order, Revised Edition, shall govern the conduct of meetings in all situations not covered by these rules.

(d) Council Minutes.

(1) Minutes of the Council meetings should include the exact time, date and place of the meetings, the name of the presiding officer, the names of Councilmembers present and the names of other officers present.

(2) Minutes should be a complete and objective account of what happened at the meeting and become a permanent record which may be referred to in the future concerning all business discussed and all action taken.

(3) Actual discussion of each member need not be summarized, but every main motion, whether adopted or rejected, should be recorded along with the name of its maker and the vote taken of each member or other action taken on it.

(Ord. 1970-80. Passed 10-28-70.)

220.03 SUPERVISORY PERSONNEL REQUIRED AT COUNCIL MEETINGS.

The Service Department Superintendent, Chief of Police and Fire Chief are hereby directed to attend the first Council meeting each month in order to provide Council with requisite information concerning matters that affect their respective departments. They shall attend such meeting for the requisite length of time necessary to complete their departmental business.
(Ord. 1978-101. Passed 11-8-78.)

220.04 EXPENSE STIPEND.

(a) Each Councilmember shall receive an expense stipend of one hundred dollars ($100.00) per month. The President Pro Tem of Council shall receive an additional fifty dollars ($50.00) per month for a total monthly stipend amount of one hundred fifty dollars ($150.00).

(b) The aforementioned expense payments shall be made on a monthly basis on a date which is determined to be convenient by the Finance Director or the Finance Department.
(Ord. 1994-73. Passed 12-14-94; Ord. 2002-89. Passed 12-20-02.)

220.05 SECOND PRESIDENT PRO-TEM OF COUNCIL.

Council is hereby authorized to elect from its membership a second President Pro-tem of Council. During such period when the Mayor and the first President Pro-tem of Council are both absent from the Municipality, or are otherwise not accessible, or are temporarily unable for any cause to perform their duties, the second President Pro-tem shall be authorized to perform the duties of the Mayor in the place of the first President Pro-tem, as provided for in Charter Section 3.04. The second President Pro-tem, neither by virtue of holding such office nor in performing the duties of Acting Mayor, as provided in this section, shall be deprived of his or her power and rights or be relieved of any of his or her duties or obligations as a member of Council, including the right to vote on legislation.
(Ord. 1996-25. Passed 5-8-96.)

CHAPTER 222
Ordinances and Resolutions

222.01 Posting places.
222.02 Microfilming documents.
222.03 Photocopies.

CROSS REFERENCES

Effective date - see CHTR. 4.11
Initiative and referendum - see CHTR. 16.01
Petitions - see CHTR. 16.03
Newspaper publication - see Ohio R.C. 7.12, 701.04, 731.21 et seq.
Adoption and style - see Ohio R.C. 715.03, 731.17 et seq.
Subject and amendment - see Ohio R.C. 731.19
Authentication- see Ohio R.C. 731.20
Publication in book form - see Ohio R.C. 731.23
Adoption of technical codes - see Ohio R.C. 731.231
Certification as to publication - see Ohio R.C. 731.24 et seq.
Emergency measures - see Ohio R.C. 731.30
As evidence - see Ohio R.C. 731.42

222.01 POSTING PLACES.

As required by Ohio R.C. 731.25, since no newspaper is printed in the Municipality, Council has determined that the following are the most public places for the purpose of posting in five different places all ordinances, resolutions, statements, orders, proclamations, notices and reports required by law or ordinance to be published:

(a) Savon Drug Store, 10468 Northfield Rd., Northfield, Ohio;
(b) North Tire, 10256 Northfield Rd., Northfield, Ohio;
(c) Village of Northfield, Town Hall, 10455 Northfield Rd., Northfield, Ohio;
(d) Pick-N-Pay Supermarkets, Inc., 10211 Northfield Rd., Northfield, Ohio;
(e) Gray-Rexall Drug Store, 10333 Northfield Rd., Northfield, Ohio.

222.02 MICROFILMING DOCUMENTS.

(a) Council hereby approves the microfilming of various documents of the Municipality.

(b) Before the Administrative Clerk, the Clerk of the Mayor's Court and the Chief of Police send Municipal documents for microfilming, they shall obtain the approval of Council. (Ord. 1985-72. Passed 12-18-85.)

222.03 PHOTOCOPIES.

(a) There is hereby provided a fee of one dollar ($1.00) for the first page of all certified photocopies of public records and documents of the Municipality, plus five cents (5¢) per additional page thereof, and a fee of five cents (5¢) per page for all other photocopies of public records and documents of the Municipality.
(Ord. 1995-5. Passed 1-11-95. Ord. 2006-29, Passed 7-12-06.)

(b) All fees collected under this section shall be paid to the Administrative Clerk. (Res. 1960-85. Passed 9-27-60.)

TITLE SIX - Administration

Chap. 230. Mayor.
Chap. 232. Administrative Clerk.
Chap. 234. Municipal Engineer.
Chap. 238. Finance Department.
Chap. 240. Law Department.
Chap. 242. Public Safety Department.
Chap. 244. Police Department.
Chap. 246. Fire Department.
Chap. 248. Public Service Department.
Chap. 250. Building and Zoning Department.
Chap. 258. Employees Generally.

CHAPTER 230
Mayor

230.01 Monthly financial statement to Council.

230.02 Expense stipend.
230.03 Animal Warden.

CROSS REFERENCES
Mayor generally - see CHTR. Art. III
Nominations and elections - see CHTR. Art. XV
Recall - see CHTR. 16.02
Bond - see CHTR. 18.05; ADM. 258.01
Acting Mayor - see Ohio R.C. 731.10 et seq., 733.25
Reports to Council - see Ohio R.C. 733.32, 733.41
Protest of excessive expenditures - see Ohio R.C. 733.33
Charges against delinquent officers - see Ohio R.C. 733.34 et seq.
To appoint and remove auxiliary police officers - see Ohio R.C. 737.161
Authority re subdivision regulations - see P. & Z. 1242.01

230.01 MONTHLY FINANCIAL STATEMENT TO COUNCIL.

The Mayor is hereby directed to prepare and submit to all Councilmembers once a month a detailed breakdown of the income and general expenses incurred on behalf of the Municipality for that period.
(Ord. 1977-105. Passed 9-28-77.)

230.02 EXPENSE STIPEND.

(a) The Mayor shall receive an expense stipend of two hundred dollars ($200.00) per month.

(b) The aforementioned expense payments shall be made on a monthly basis on a date which is determined to be convenient by the Finance Director or the Finance Department.
(Ord. 1994-73. Passed 12-14-94; Ord. 2002-89. Passed 12-20-02.)

230.03 ANIMAL WARDEN.

The Mayor is hereby authorized to contract for the services of an Animal Warden, with the approval of a majority of Council.

CHAPTER 232
Administrative Clerk

232.01 Establishment of position; authority of Mayor; duties.

232.02 Petty cash fund.

CROSS REFERENCES

Clerk of Council - see CHTR. 4.05
Finance Director - see CHTR. 6.01 et seq.
Clerk of Court - see ADM. 290.04

232.01 ESTABLISHMENT OF POSITION; AUTHORITY OF MAYOR; DUTIES.

(a) The full-time position of Administrative Clerk for the Municipality is hereby established.

(b) The Mayor is hereby authorized to hire, supervise and terminate the Administrative Clerk with the approval of Council.

(c) The Administrative Clerk shall be responsible for aiding in the accomplishment of the day-to-day operations of the Municipality and shall perform necessary and proper work, such as: taking dictation, typing, answering telephones, filing, operating various and sundry pieces of office equipment, and doing other necessary and proper work as may be required by all elected and appointed officials, employees, members of boards and commissions and heads of departments of the Municipality.
(Ord. 1976-153. Passed 1-12-77; Ord. 1977-94. Passed 9-14-77.)

232.02 PETTY CASH FUND.

(a) Council hereby establishes a petty cash fund with the Administrative Clerk in the amount of one hundred dollars ($100.00), to conduct such office.

(b) The Finance Director is hereby directed to provide the Administrative Clerk with the funds provided for in subsection (a) hereof.
(Ord. 1985-33. Passed 5-8-85.)

CHAPTER 234
Municipal Engineer

EDITOR'S NOTE: The Municipality contracts for the services of an engineer, or firm of engineers, designated the Municipal Engineer. Copies of the latest relevant legislation may be obtained, at cost, from the Administrative Clerk.

There are no sections in Chapter 234. This chapter has been established to provide a place for cross-references and any future legislation.

CROSS REFERENCES

Municipal Engineer generally - see CHTR. Art. XIII
Professional engineers and professional surveyors - see Ohio R.C. Ch. 4733

CHAPTER 238
Finance Department

238.01 Treasury Investment Board and account.
238.02 Treasury investment interest distribution.
238.03 Capital equipment inventory.
238.04 Participation in contracts of the Ohio Department of Administrative Services.
238.05 Participation in contracts of the Ohio Department of Transportation.
238.06 Fee for verification or identification of assessments.

238.07 Payment of claims.
238.075 Payment and reimbursement of sales tax by Finance Director.
238.08 Declarations of intent re reimbursements from note and bond proceeds of temporary advances made for capital expenditures.
238.09 Monthly list of expenditures and bank statements.
238.10 Reimbursement of expenses of incarceration.
238.11 Trust account for unclaimed funds.
238.12 Investment Policy.

CROSS REFERENCES
Finance Director - see CHTR. 6.01 et seq.
Finances and taxation - see CHTR. 14.01
Loss of funds; release of liability - see Ohio R.C. 131.18 et seq.
Uniform Depository Act - see Ohio R.C. Ch. 135
Accounts - see Ohio R.C. 733.43, 733.45 et seq.
Annual report to Council - see Ohio R.C. 733.45
Contracts generally - see ADM. Ch. 210
Authority of Finance Director re subdivision regulations - see P. & Z. 1242.01

238.01 TREASURY INVESTMENT BOARD AND ACCOUNT.

(a) There is hereby established a Treasury Investment Board which shall be comprised of the Mayor, the Director of Law, the Finance Director and Council to invest any moneys in the Treasury which shall not be required to be used for a period of six months or more, in securities as provided under Ohio R.C. 731.56. The Finance Director shall provide the Mayor, the Director

of Law and Council with a statement of moneys in the Treasury or in the process of collection, and a schedule showing the probable financial requirements of the Municipality for a period of not less than six months, together with a recommendation as to whether any moneys in the Treasury shall be invested. The Mayor, the Finance Director, the Director of Law and Council may then order such investments as they deem advisable under Ohio R.C. 731.57.

(b) The Finance Director is hereby required to maintain a Treasury Investment Account in which he or she is to enter all transactions regarding such investments in compliance with Ohio R.C. 731.58. All securities shall be placed in the custody of a member of the Federal Reserve Banking System or in a safe deposit box belonging to a regular depository of the Municipality. If the securities are kept in a safe deposit box, it may be opened only in the presence of the Mayor, the Law Director and the Finance Director, and only upon a warrant or order of the Finance Director. When the securities are so held for a Municipality, the Mayor, along with the two officers, shall be bonded. If the securities are deposited with a member of the Federal Reserve Banking System, such securities may be withdrawn or sold only upon order of the Mayor, the Director of Law and the Finance Director.
(Ord. 1982-14. Passed 1-13-82.)

238.02 TREASURY INVESTMENT INTEREST DISTRIBUTION.

The net interest earned from Treasury investments on principals invested from a motor vehicle license tax fund shall be credited to that fund and not to the General Fund. All other net interest earned from Treasury investments shall be distributed to the General Fund, except that where part of the money so invested is taken from a General Revenue Sharing Fund or funds derived from the sale of bonds, notes or certificates of indebtedness, the interest so earned by such investments should be paid into the sinking fund or bond retirement fund of the Municipality.
(Ord. 1988-62. Passed 7-26-88.)

238.03 CAPITAL EQUIPMENT INVENTORY.

The Finance Director is hereby directed to compile an inventory of all capital equipment, which exceeds the sum of seven hundred fifty dollars ($750.00) per item, owned by the Municipality. Such inventory shall be maintained for each department within the Municipality.
(Ord. 1984-106. Passed 12-12-84.)

238.04 PARTICIPATION IN CONTRACTS OF THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES.

(a) The Mayor hereby requests authority, in the name of the Municipality, to participate in State contracts which the Department of Administrative Services, Office of State Purchasing, has entered into for the purchase of supplies, services, equipment and certain materials pursuant to Ohio R.C. 125.04.

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(b) For contracts in the program for which the Mayor has authorization to participate, and with legislative approval where required by law, the Mayor is hereby authorized to agree, in the name of the Municipality, to be bound by all contract terms and conditions as the Department of Administrative Services, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department incurs as a result of the Municipality's participation in a contract. Further, the Mayor, on behalf of the Municipality, does hereby agree to be bound by all such terms and conditions of such contract.

(c) The Mayor and Finance Director are hereby authorized to agree, in the name of the Municipality, to directly pay the vendor, under each such State contract in which the Municipality participates, for items received pursuant to the contract, and the Mayor and Finance Director do hereby agree to directly pay the vendor.
(Ord. 1987-28. Passed 4-8-87.)

238.05 PARTICIPATION IN CONTRACTS OF THE OHIO DEPARTMENT OF TRANSPORTATION.

(a) The Mayor is hereby authorized to request authority, in the name of the Municipality, to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies or other articles which said Department has entered into pursuant to Ohio R.C. 5513.01(B).

(b) The Mayor is hereby authorized to agree, in the name of the Municipality, to be bound by all terms and conditions as the Director of Transportation prescribes.

(c) The Mayor is hereby authorized to agree, in the name of the Municipality, to directly pay the vendor, under each such contract of the Ohio Department of Transportation in which the Municipality participates, for items it receives pursuant to the contract.

(d) The Municipality agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in the contract pursuant to Ohio R.C. Section 5513.01(B).
(Res. 1999-45. Passed 7-28-99.)

238.06 FEE FOR VERIFICATION OR IDENTIFICATION OF ASSESSMENTS.

The Municipality shall charge the sum of ten dollars ($10.00) for each request for research to verify or identify assessments upon real property within the Municipality. Such fee shall be charged by the Finance Director and shall be deposited into the General Fund.

238.07 PAYMENT OF CLAIMS.

(a) The Finance Director is hereby required to submit a report listing all claims submitted to him or her and which he or she desires to pay, indicating the respective funds, the purpose, the check number and the total amount, as well as the person to whom the check will be made payable.

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(b) The Finance Director will make payment on the items referred to in subsection (a) hereof only after the majority of Council have authorized, by motion, said payments. Any exceptions or items indicated by Council not to be paid shall not be paid by the Finance Director. Notwithstanding the above, as long as the funds to make such payments are available, the Finance Director is authorized to pay the Village's monthly utility bills, employee health insurance and liability insurance invoices, and other regularly scheduled installment payments on contracts previously authorized by Council prior to the approval of the monthly expenditure resolution.

(c) The Finance Director will submit the report of claims to be paid in sufficient amount of time for Council to review and authorize payment. The Finance Director will not be limited as to the number of times an item can be included in a report, nor shall the Finance Director be limited as to the number of times per month that such reports will be submitted. Council may consider such reports, and authorization of payments, at any regular or special meeting.
(Res. 1991-26. Passed 2-27-91; Ord. 2000-33. Passed 3-22-00.)

238.075 PAYMENT AND REIMBURSEMENT OF SALES TAX BY FINANCE DIRECTOR.

The Finance Director is authorized to pay bills and reimburse employees and departments for the full amount of approved expenses, including the sales tax, in situations in which, in the Finance Director's reasonable discretion, it is impractical to purchase the item on a tax exempt basis.
(Ord. 2003-16. Passed 3-26-03.)

238.08 DECLARATIONS OF INTENT RE REIMBURSEMENTS FROM NOTE AND BOND PROCEEDS OF TEMPORARY ADVANCES MADE FOR CAPITAL EXPENDITURES.

(a) Definitions. As used in this section:

(1) "Authorized officer" means the Finance Director or any person designated for the purpose by the Mayor.

(2) "Bonds" means and includes bonds, notes, certificates and other obligations included in the meaning of "bonds" under Section 150 of the Internal Revenue Code of 1986, as amended.

(3) "Declaration of official intent" means a declaration of intent, in the manner contemplated in the Reimbursement Regulations, that expenditures are reasonably expected to be reimbursed from the proceeds of reimbursement bonds to be issued after the expenditure is paid.

(4) "Public record" has the same meaning given that term in Ohio R.C. 149.43.

(5) "Reimbursement" and "reimburse" mean the restoration to the issuer or conduit borrower of money temporarily advanced from its other funds and spent for capital expenditures (including any issuance costs)

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before the issuance of the reimbursement bonds. "Reimbursement" and "reimburse" do not include the refunding or retiring of bonds previously issued and sold to, or borrowings from, unrelated entities (entities not in the same "controlled group," within the meaning of the Reimbursement Regulations).

(6) "Reimbursement bonds" means any issue of bonds all or part of the proceeds of which are to be used for reimbursement of capital expenditures paid before issuance of the bonds.

(7) "Reimbursement Regulations" means Treasury Regulations Section 1.103-18 and any amendments thereto or superseding regulations, whether in proposed, temporary or final form, as at the time applicable, prescribing conditions under which the proceeds of reimbursement bonds, when allocated or applied to a reimbursement, will be treated as "spent" for all or any purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended.

(b) General Authority. Each authorized officer is authorized to prepare, sign and include in the public records, declarations of official intent with respect to capital expenditures (including any costs of issuance of the reimbursement bonds) to be made from money temporarily available and which are reasonably expected to be reimbursed (in accordance with applicable authorizations, policies and practices) from the proceeds of reimbursement bonds, to make appropriate reimbursement and timely allocations from the proceeds of the reimbursement bonds to reimburse such prior capital expenditures, and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations to satisfy the requirements for proceeds used for reimbursement to be treated as "spent" for purposes of Sections 103 and 141 to 150 of the Internal Revenue Code of 1986, as amended.

(c) Filing of Declarations. Each declaration of official intent shall be filed in the office of the Finance Director and treated as a public record and made available for reasonable public inspection not later than thirty days after the date of the declaration of official intent, and shall be available for reasonable public inspection continuously during normal business hours on every business day to and including the date of issuance of the reimbursement bonds.

(Ord. 1992-23. Passed 6-24-92.)

238.09 MONTHLY LIST OF EXPENDITURES AND BANK STATEMENTS.

(a) The Finance Director shall furnish a list each month to the Council office of all expenditures (excluding payroll) that exceed two hundred dollars ($200.00), which sums have been paid from the General Fund. Such list shall show to whom such moneys were paid, the amount of the item or service and the total amount expended.

(b) The Finance Director shall furnish each month to the President of Council and the Chairperson of the Finance Committee of Council all bank statements, including, but not limited to, all statements from each bank account, payroll account and savings account.
(Ord. 1991-47. Passed 7-10-91.)

238.10 REIMBURSEMENT OF EXPENSES OF INCARCERATION.

(a) Any person convicted of an offense against the Municipality, other than a minor misdemeanor, and who is thereafter confined in a workhouse, prison, station house, county jail or other detention facility, shall reimburse the Municipality for its expenses incurred by reason of said confinement, including, but not limited to, expenses relating to the provision of food, clothing and shelter. The amount of reimbursement shall be determined by a court of competent jurisdiction in an amount and in the manner provided by law.

(b) The Director of Law is hereby authorized to institute an appropriate civil action in the name of the Municipality in a court of competent jurisdiction to recover from the convict the reimbursement for the expenses of his or her confinement in a workhouse, prison, station house, county jail or other detention facility, as may be determined by the court in the manner provided by law.

(c) All amounts recovered for reimbursement of expenses of confinement shall be paid into the General Fund of the Municipality.
(Ord. 1994-4. Passed 2-9-94.)

238.11 TRUST ACCOUNT FOR UNCLAIMED FUNDS.

The Finance Director is hereby authorized to establish a trust account for unclaimed funds held by the Village.
(Res. 1997-10. Passed 2-26-97.)

238.12 INVESTMENT POLICY.

(a) Purpose. It is the policy of the Village to invest public funds in a manner that will provide the highest investment return with maximum security, safety and preservation of principal while meeting the daily cash flow needs of the Village and conforming to applicable laws governing the investment of public funds by an Ohio municipality. The Director of Finance is the investment officer of the Village, charged with the responsibility for the purchase and sale of investments and the implementation of and compliance with this investment policy.

(b) Scope. This investment policy applies to all financial assets of the Village, including State and Federal funds held by it, other than funds held and invested

pursuant to the express terms of a trust agreement. The Director of Finance is to routinely monitor the contents of the Village's investment portfolio, the available markets and relative value of competing investments and to adjust the portfolio accordingly.

(c) Objectives. The primary objectives, in priority order, of the Village's investment activities are:

(1) Safety. Safety of principal is the foremost objective of the investment program. Village investments should be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

(2) Liquidity. The Village's investment portfolio should remain sufficiently liquid to enable it to meet all operating requirements which might be reasonably anticipated.

(3) Return on Investment. The Village's investment portfolio should be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account this investment policy and the cash flow characteristics of the portfolio.

(d) Prudence.

(1) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(2) The standard of prudence to be used by the Director of Finance shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. Acting in accordance with this investment policy and exercising due diligence shall relieve the Director of Finance of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported to the Council in a timely fashion and appropriate action is taken to control adverse developments.

(e) Authorized Dealers and Financial Institutions.

(1) The Director of Finance will maintain a list of financial institutions and approved securities broker/dealers, selected on the basis of creditworthiness, who are authorized to provide investment services and who qualify under Ohio R.C. 135.14(M)(1). These may include

"primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15c3-1 and are registered with the Ohio Department of Commerce to do business in the State.

(2) All financial institutions and broker/dealers who desire to become qualified suppliers of investment transactions to the Village must provide to the Director of Finance all of the following:

A. Audited annual financial statements;

B. Proof of good standing with the Comptroller of Currency or with State banking regulators or National Association of Securities Dealers certification;

C. Proof of Ohio registration; and

D. Biographical and regulatory information on the persons who are the primary contacts with the Village.

(3) All financial institutions, broker/dealers, and other entities who desire to conduct investment business (advice, recommendations or transactions) with the Village must sign a copy of this investment policy, acknowledging that they have read it, understand it, and in the case of those initiating transactions, that they agree to abide by its contents.

(f) Authorized Investments. The Village is authorized by statute to invest in the following types of securities:

(1) United States Treasury bills, notes, bonds or any other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States (not including "stripped" principal or interest obligations).

(2) Bonds, notes, debentures, or other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the Federal Nation Mortgage Association, Federal Home Loan Bank, Federal Farm Credit Bank, Federal Home Loan Mortgage Corporation, Government Nation Mortgage Association, and Student Loan Marketing Association. All such securities must be direct issuances of Federal government agencies or instrumentalities.

(3) Interim deposits in duly authorized depositories of the Village, provided those deposits are properly insured or collateralized as required by law.

(4) Bonds and other obligations of the State of Ohio.

(5) No-load money market mutual funds consisting exclusively of securities described in divisions (f)(1) and (f)(2) of this section and repurchase agreements secured by such obligations, provided all such investments under this division (f)(5) shall be made with a bank or savings and loan association eligible to be a depository for public funds of Ohio

subdivisions and provided further that any such fund meets the requirements of Ohio R.C. Chapter 135 (including that such fund not include any investment in a "derivative").

(6) Ohio Subdivision's Fund (STAROhio).

(7) Overnight or term (not exceeding 30 days) repurchase agreements meeting the requirements of Ohio R.C. 135.14(E), with one of the following:

A. A bank or savings and loan association eligible to be a depository of public funds of Ohio subdivisions; or

B. A member of the National Association of Securities Dealers.

(g) Maximum Maturities. To the extent possible, the Village will attempt to match its investments with anticipated cash flow requirements. No investment shall be made unless the Director of Finance, at the time of making the investment, reasonably expects it can be held to its maturity. Unless matched to a specific obligation or debt of the Village, the Village will not directly invest in securities listed in divisions (f)(1) - (f)(5) of this section maturing more than five years from the date of settlement if such securities bear interest at a fixed rate and will not directly invest in such securities maturing more than two years from the date of settlement if they bear interest at a variable rate.

(h) Safekeeping and Custody. All securities transactions, including securities acquired subject to repurchase agreements, entered into by the Village will be conducted on a delivery versus payment basis. Purchased securities shall be held on behalf of the Village by a custodian, designated by the Director of Finance, that is a Federal Reserve Bank or other "qualified trustee" within the meaning of Ohio R.C. 135.18(I), and the safekeeping of those securities for the benefit of the Village shall be evidenced by safekeeping receipts. Purchased securities may be released by the Village only upon verification that the principal and interest, or proceeds of their sale, have been credited to the Village's account.

(i) Prohibited Investment Practices. In addition to any other prohibitions in the Ohio Revised Code, the Village will not take any of the following actions:

(1) Contract to sell securities that have not yet been acquire on the speculation that prices will decline;

(2) Make any investment in "derivatives" as defined in Ohio R.C. 135.14(C);

(3) Invest in a fund established by another public body for the purpose of investing public money in other subdivisions except either:

A. STAROhio; or

B. A fund created solely for the purpose of acquiring, constructing, owing, leasing or operating municipal utilities as authorized under Ohio R.C. 715.02 or Article XVIII, Section 4 of the Ohio Constitution;

(4) Enter into reverse repurchase agreements;

(5) Leverage current investments as collateral to purchase other assets; or

(6) Invest in stripped principal or interest obligations of otherwise eligible obligations.

(j) Internal Controls. The Director of Finance shall develop and maintain procedures for the operation of the Village's investment program in accordance with this investment policy. These procedures shall be designed to prevent loss of the Village's funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions.

(k) Records and Reporting.

(1) The Director of Finance shall maintain a current inventory of all investments, including:

A. Description of each security;

B. Cost;

C. Par value;

D. Dates (beginning, settlement, and maturity);

E. Rates; and

F. Seller.

(2) The Director of Finance shall also prepare and distribute to Council quarterly (or more frequently if requested by Council) a list of all investments and a report on investment activity and returns.

(l) Education. The Director of Finance may, and is authorized to, participate in any beginning and/or continuing education training programs sponsored by the State Treasury or the State Auditor in which the Director of Finance is required to participate pursuant to Ohio R.C. 117.44 and 135.22. Through participation in those programs, the Director of Finance will develop and maintain an enhanced background and working knowledge in investment, cash management, and ethics.

(m) Ethics and Conflict of Interest. Persons involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of this investment program or that could impair their ability to make impartial investment decisions. Employees and investment consultants shall disclose to the Village any material financial interest in financial institutions that conduct business within the Village and any large personal financial or investment positions

that could be related to, or affected by, the performance of the Village's portfolio. All employees, officers, and investment consultants to the Village shall subordinate their personal investment transactions to those of the Village, particularly with regard to the timing of purchases and sales.

The above supplements the applicable provisions of the Ohio ethics laws.

(n) Non-Binding Arbitration. The Director of Finance may enter into written investment or deposit agreements that include a provision under which the parties agree to submit to non-binding arbitration, but not binding arbitration, to settle any controversy that may arise out of that agreement, so long as such provision meets the requirements of the Ohio Revised Code and is specifically approved by Council.

(o) Investment Policy Revision. This investment policy is to be reviewed on an annual basis by Council or a committee designated by Council. Any modifications to this policy must be approved by Council.

(Ord. 2000-92. Passed 8-23-00.)

CHAPTER 240
Law Department

240.01 Duties of Director of Law combined with those of Prosecutor; compensation.

CROSS REFERENCES

Law Department - see CHTR. Art. IX
Duties as to annexation to municipalities - see Ohio R.C. 709.14
Duties as to unlawful sale of lots - see Ohio R.C. 711.13
Duties as to delinquent special assessments - see Ohio R.C. 727.30
Duties as to injunctions - see Ohio R.C. 733.56
Duties as to mandamus actions - see Ohio R.C. 733.58

240.01 DUTIES OF DIRECTOR OF LAW COMBINED WITH THOSE OF PROSECUTOR; COMPENSATION.

(a) The duties of the Prosecutor and the Director of Law are hereby combined, and the Director of Law shall be responsible for any and all legal matters in which the Municipality is prosecuting, appealing, defending or bringing action. The Director of Law is hereby given authority to secure additional legal services in any of the aforesaid actions, if he or she deems it necessary, without additional cost to the Municipality. Under special circumstances as requested by the Director of Law, however, Council may authorize the retaining of co-counsel and fix compensation therefor.

(b) The Director of Law shall be entitled to additional compensation for the duties of Prosecutor at a rate to be determined by Council from time to time for the time spent in the preparation of a trial, and for the time spent on investigation of the matter or matters involved. He or she shall also be reimbursed for any out-of-pocket expenses that may be involved in any cause of action. The necessary expenses incurred in the performance of duties as Prosecutor shall be paid by the Municipality, when approved by Council.

(c) For counsel to and conferences with any of the officers of the Municipality, for legal advice to the Municipality and its officers, for drafting all ordinary legislation and for attending regular Council meetings, the Director of Law shall be paid at a rate to be determined from time to time by Council.

(d) For drafting of all special legislation for Municipal improvements to be paid for by issuance and sale of notes and bonds, or by either general or special assessments, including refunding bonds, for supervising preparation of transcripts in the issuance and sale or exchange of notes and bonds, and in the issuance of refunding bonds, for preparing zoning legislation, building legislation, criminal legislation, traffic legislation and platting rules and regulations, for agreements and contracts with owners of public utilities, negotiations thereof and legislation therefor, for services rendered in the settlement and/or adjustment of actions for or against the Municipality in court, for appearing before any commission or board, for attending Planning Commission meetings or other board, commission or committee meetings, for preparation of the notices therefor, and for any and all other services not specifically provided herein, the Director of Law shall be paid at a rate to be determined from time to time by Council.

(e) The necessary expenses incurred in the performance of his or her duties as the legal counsel shall be paid by the Municipality when approved by Council.

CHAPTER 242
Public Safety Department

EDITOR'S NOTE: There are no sections in Chapter 242. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Public Safety Department - see CHTR. Art. VIII
Police Department - see ADM. Ch. 244
Fire Department - see ADM. Ch. 246

CHAPTER 244
Police Department

244.01 Establishment.
244.02 Composition; appointments.
244.03 Qualifications.
244.04 Rules and regulations.
244.05 Grievance procedure.
244.06 Uniforms and uniform allowances.
244.07 Bulletproof vest required.
244.08 Safety Director's control.
244.09 Appointments; probation.
244.10 Petty cash fund.
244.11 Marking police vehicles.
244.12 Police matron.
244.13 Full-time policemen to become proficient at operating breathalyzer.
244.14 Special policemen.
244.15 Auxiliary police officers.

244.16 Minimum hours for special and part-time police officers; conditions of employment.
244.17 School crossing guards.
244.18 Carrying pistol on or off duty; requirements.
244.19 Standard departmentally issued weapon; requirements.
244.195 Officers on leave to turn in weapon.
244.20 Fee for car releases.
244.21 Selection and use of towing companies.
244.22 Deposit for bad check warrants.
244.23 Storage fee for impounded vehicles.
244.24 Sale or donation of unclaimed property.

CROSS REFERENCES
Police Department - see CHTR. 8.03
Promotions - see CHTR. 11.05
Police protection contracts - see Ohio R.C. 505.441, 737.04
General powers and duties - see Ohio R.C. 737.11, 737.18
Auxiliary police unit - see Ohio R.C. 737.161
Powers and duties of marshal - see Ohio R.C. 737.161, 737.19
Removal and appeal - see Ohio R.C. 737.171
Recovered property and disposition - see Ohio R.C. 737.29 et seq.
Police and Firemen's Disability and Pension Fund - see Ohio R.C. Ch. 742
Police officer may arrest on view - see Ohio R.C. 2935.03, 2935.05, 2935.07
Civil service examination fee - see ADM. 284.03
Disposition of property held by Police Department - see GEN. OFF. 608.16
Armed security guards - see B.R. & T. Ch. 806

244.01 ESTABLISHMENT.

There is hereby established a Police Department in and for the Municipality.
(Ord. 1962-28. Passed 4-9-62.)

244.02 COMPOSITION; APPOINTMENTS.

The Police Department shall consist of one Marshall, who shall be designated the Chief of Police, such number of Sergeants and full-time and part-time patrol officers as deemed necessary by Council. All of such personnel shall be appointed by the Public Safety Director, subject to confirmation of Council. Each member of the police force, as designated above, shall continue in office until mandatory retirement, voluntary termination, suspension or removal therefrom for cause in the manner provided by Ohio law, the Charter and Ordinances of the Municipality, and any applicable collective bargaining agreement.
(Ord. 1998-48. Passed 7-22-98; Ord. 2000-28. Passed 3-22-00; Ord. 2004-16. Passed 2-25-04; Ord. 2005-72. Passed 12-28-05.)

244.03 QUALIFICATIONS.

To be eligible to receive an original appointment to the Police Department as a policeman, policewoman or Chief of Police, the person applying shall be required to have the following qualifications:

(a) Have the requisite mental and physical capacity to meet the job requirements;
(b) Have twenty-twenty vision, unaided or corrected by eyeglasses;
(c) Be a high school graduate;
(d) Be at least twenty-one years of age; and
(e) Have a minimum of 550 hours of basic police training.

(Ord. 1982-110. Passed 8-25-82; Ord. 2001-77. Passed 10-10-01.)

244.04 RULES AND REGULATIONS ADOPTED.

There is hereby established and adopted Rules and Regulations and Policies and Procedures for the operation of the Police Department. The Rules and Regulations are attached to original Ordinance 1994-70 and are incorporated herein by reference as if fully set forth herein. Such Rules and Regulations and Policies and Procedures may be amended from time to time by the Police Chief as Department needs require.
(Ord. 1994-70. Passed 11-9-94; Ord. 2005-14. Passed 3-9-05.)

244.05 GRIEVANCE PROCEDURE.

Whenever two or more full-time members of the Police Department deliver a written request to the Chairperson of the Fire and Safety Committee of Council, desiring a meeting with the Committee, the Chairperson shall call his or her committee together for a meeting with the members of the Police Department within ten days of the delivery of such request.

The purpose of this requirement is to furnish an opportunity for any members of the Police Department to air their grievances with the Committee so that steps may be investigated and/or taken to resolve the same if such action is warranted in the opinion of the Committee.

(Ord. 1966-91. Passed 9-12-66.)

244.06 UNIFORMS AND UNIFORM ALLOWANCES.

(a) Full-Time Officers Not Covered by the Collective Bargaining Agreement.

(1) The uniform allowance for any full-time police officers not covered by the Collective Bargaining Agreement shall be the same as received by regular full-time police officers pursuant to the Collective Bargaining Agreement.

(2) The uniform allowance shall be made by purchase order authorization.

(3) The uniform allowance for full-time police officers is given on a calendar year basis only, and there shall be no vesting or carryover from one year to another of any unused portion of such allowance.

(b) Special Officers. No uniform allowance shall be provided for special police officers.

(Ord. 1997-43. Passed 6-25-97; Ord. 2002-34. Passed 5-22-02.)

244.07 BULLETPROOF VEST REQUIRED.

All full-time police officers shall be required to wear bulletproof vests provided by the Municipality at all times while on duty. If part-time police officers use all or a portion of their annual uniform allowance to purchase a bulletproof vest, such part-time officers are also required to wear their vest at all times while on duty. Failure to do so will render such officer subject to disciplinary action by the Chief of Police and/or the Director of Public Safety.

(Ord. 1994-59. Passed 10-26-94.)

244.08 SAFETY DIRECTOR'S CONTROL.

The Police Department shall be at all times under control of the Director of Public Safety. Members of the Department shall have all powers and perform all duties provided by law for police officers of municipalities within the State and shall exercise such powers and duties in such manner as the Director directs.
(Ord. 1962-28. Passed 4-9-62.)

244.09 APPOINTMENTS; PROBATION.

Appointments and probationary periods shall be as provided in Charter Section 11.04 and this chapter.

244.10 PETTY CASH FUND.

(a) There is hereby established a petty cash fund for the Police Department in the amount of one hundred dollars ($100.00). The Chief of Police shall be responsible jointly with the Finance Director in administering and accounting for such fund.

(b) The Finance Director is hereby authorized to disburse the sum of one hundred dollars ($100.00) from the General Fund of the Municipality to set up the petty cash fund and to administer the same in conformity with this section.
(Ord. 1976-67. Passed 5-12-76.)

244.11 MARKING POLICE VEHICLES.

The Police Department is hereby permitted to have one unmarked police vehicle, at the discretion of the Mayor and Police Chief. Such unmarked vehicle shall not be used for the exclusive or main purpose of enforcing the motor vehicle or traffic laws of this Municipality. All other police vehicles shall be uniformly marked with a blue and red light bar on the roof, a Village shield on each front door, and the word "police" over each front fender cutout.
(Ord. 1983-25. Passed 3-9-83.)

244.12 POLICE MATRON.

(a) The position of matron is hereby established as a part-time position in the Police Department, such matron to be appointed by Council.
(Ord. 1991-52. Passed 7-10-91.)

(b) The duty of the matron is to provide custodial services to the Police Department in supervising women who have been arrested or are being detained in the Police Department or who are being transported to County Jail or some other institution for detention or incarceration.
(Ord. 1975-55. Passed 6-25-75.)

(c) Police matrons shall have a probationary period of one year.

(d) When an employee who is on duty in another position must respond to a call as a matron, the applicable rate of pay will be the greater of the matron rate or the regular rate of pay of the employee.
(Ord. 1990-44. Passed 5-9-90.)

(e) Police matrons in the employ of the Municipality shall be required to respond to duty in a matron's uniform.
(Res. 1991-50. Passed 7-10-91.)

(f) Council shall determine the number of matrons to be employed by the Municipality.

244.13 FULL-TIME POLICEMEN TO BECOME PROFICIENT AT OPERATING BREATHALYZER.

All full-time policemen employed in the Police Department are hereby required to become proficient, within one year after full-time employment, in operating a breathalyzer by passing a basic operator's examination administered by the State Health Department.
(Ord. 1983-27. Passed 3-9-83.)

244.14 SPECIAL POLICEMEN.

(a) There is hereby established a special category of policemen in the Police Department who shall be appointed by the Mayor, subject to confirmation of Council, but who shall serve at the pleasure of the Mayor and without pay.

(b) Special policemen shall be provided the following items:

(1) A badge and shoulder patch; and

(2) Automobile liability and collision insurance, which coverage shall be provided by the Municipality.

(c) The duties of special policemen shall be as follows:

(1) To assist policemen within the Municipality by observing and communicating the need for police action;

(2) To assist in directing traffic and controlling crowds at parades, special events, restaurants, schools and other similar places;

(3) To assist in providing prisoner security and dispatching duties; and

(4) To assist in the enforcement of Federal and State laws and the ordinances of the Municipality where nonhazardous conditions prevail, under such general rules and regulations as the Director of Public Safety prescribes.

(d) Special policemen shall provide their own equipment and uniform, in accordance with the Rules and Regulations of the Police Department, at their own expense. (Ord. 1984-77. Passed 8-22-84.)

244.15 AUXILIARY POLICE OFFICERS.

(a) There is hereby established the category of auxiliary police officer within the Police Department. Auxiliary police officers shall be appointed by the Mayor, subject to the confirmation of Council. The purpose of creating this category is to provide persons who desire and who are eligible to be appointed to the Department on a full-time or part-time basis with the training and experience necessary to permit them to be appointed to such positions. Auxiliary police officers shall serve without pay, unless payment for particular hours served is authorized by the Mayor.

(b) Auxiliary police officers shall not serve in the capacity of auxiliary police officer for a period of longer than ninety days, but during said ninety-day period, auxiliary police officers shall serve as probationary employees who may be removed by the Mayor at any time pursuant to Charter Section 11.04 in the event their performance is unsatisfactory.

(c) The duties of auxiliary police officers shall be as follows:

(1) To receive the training necessary for such officers to serve as full-time or part-time members of the Police Department.

(2) To assist police officers within the Municipality by observing and communicating the need for police action;

(3) To assist in directing traffic and controlling crowds at parades, special events, restaurants, schools and other similar places;

(4) To assist in providing prisoner security and dispatching duties;

(5) To assist in the enforcement of Federal and State laws and the ordinances of the Municipality where non-hazardous conditions prevail, under such rules and regulations as the Chief of Police and the Mayor prescribe;

(6) To drive police cruisers; and

(7) To make and effect arrests.

(d) Auxiliary police officers shall be armed and State certified.

(Ord. 1997-52. Passed 8-26-97.)

244.16 MINIMUM HOURS FOR SPECIAL AND PART-TIME POLICE OFFICERS; CONDITIONS OF EMPLOYMENT.

(a) The minimum number of hours of work per month required of special police personnel shall be sixteen hours per month.

(b) The minimum number of hours of work per month required of part-time police personnel shall be twenty-four hours per month.

(c) The employment of all special and part-time police personnel is conditional upon fulfilling the required minimum hours of work per month pursuant to this section. Should said personnel fail to work the required minimum number of hours as set forth herein, said personnel shall be removed from employment effective immediately, and said personnel shall return all property owned by the Municipality to the Chief of Police immediately.

(d) The employment of any special or part-time police personnel is further conditioned upon the provision of insurance coverage for said personnel. Should said personnel be uninsurable for any reason, said personnel shall be removed from employment effective immediately, and said personnel shall return all property owned by the Municipality to the Chief of Police immediately.

(Ord. 1997-48. Passed 6-25-98.)

244.17 SCHOOL CROSSING GUARDS.

The position of school crossing guard is hereby established. The compensation for said position shall be as determined by Council. The school crossing guard shall serve at the pleasure of the Mayor and Council and shall work during the school year only, as directed by the Chief of Police or his or her designee.

(Ord. 1991-70. Passed 8-28-91.)

244.18 CARRYING PISTOL ON OR OFF DUTY; REQUIREMENTS.

Police officers of the Municipality are hereby authorized to carry a semiautomatic pistol on or off duty, providing they meet all of the following requirements. They shall:

(a) Attend and pass all mandatory schooling and qualification classes as required by the Ohio Peace Officers Training Council;

(b) Qualify once per year in accordance with the rules and regulations set forth by the Ohio Peace Officers Training Council;

(c) Carry only that ammunition authorized by the Chief of Police;

(d) Not carry the semiautomatic pistol on or off duty if they did not qualify with it with the Firearms Officer;

(e) Pass the proficiency test;

(f) Continue to maintain their weaponry qualification of their departmental issued weapon;

(g) Be able to assemble and disassemble the semiautomatic pistol within two minutes;

(h) Have the approval of the Firearms Officer to use the specific semiautomatic pistol if the brand name is other than Colt, Smith and Wesson, Detonis, Browning, Beretta, Walther or Sigarms. The finish is optional.

(i) Use a semiautomatic pistol with rubber or factory grips. The single action semiautomatic pistol shall have a thumb release and a hammer strap over the hammer. The Colt (cock and lock) single action semiautomatic pistol shall have a thumb release and a hammer strap under the hammer. The leather pouch shall hold magazine clips. No police officer shall use a cross draw holster on or off duty.

(j) Personally bear all expenses relating to the carrying of this optional weapon; and

(k) Provide the Police Department with the serial number, make and model of the semiautomatic pistol.

(Ord. 1986-58. Passed 8-13-86; Ord. 2000-44. Passed 5-10-00.)

244.19 STANDARD DEPARTMENTALLY ISSUED WEAPON; REQUIREMENTS.

(a) The standard departmentally-issued weapon for police officers of the Municipality shall be the Baretta 40 cal. 96F automatic pistol. The Baretta 92F 9mm 40 cal. 96F automatic pistol shall be issued to police officers meeting the requirements set forth in division (c) of this section.

(b) Police officers who may not carry the Baretta 40 cal. 96F automatic pistol because they do not meet the requirements set forth in division (c) of this section must obtain the written permission of the Chief of Police to carry an alternative weapon until they qualify under division (c) of this section. The Chief of Police shall specify with

particularity the model and brand name of the weapon to be used in place of the Baretta 40 cal. 96F automatic pistol and the duration of such use. As a condition of being permitted to use the alternative weapon, the officer must be qualified with the weapon by a certified firearms instructor pursuant to the State guidelines. Police officers requesting written permission to use an alternative weapon until they qualify under division (c) of this section to carry the Baretta 40 cal. 96F automatic pistol shall personally bear all expenses relating to the use of the alternative weapon.

(c) Police officers must be qualified by a certified firearms instructor pursuant to the State guidelines in order to carry the Baretta 40 cal. 96F automatic pistol.
(Ord. 1989-117. Passed 10-11-89; Ord. 2000-44. Passed 5-10-00; Ord. 2001-76. Passed 10-10-01.)

244.195 OFFICERS ON LEAVE TO TURN IN WEAPON.

Any employee of the Police Department taking any type of leave of absence or sick leave beyond a period of 30 days shall be required to turn any departmentally issued weapon in to the Chief of Police or his or her designee for safekeeping and maintenance purposes for the period the employee is on leave.
(Ord. 2001-76. Passed 10-10-01.)

244.20 FEE FOR CAR RELEASES.

There shall be a ten dollar ($10.00) charge for all car releases issued in connection with vehicles towed by the Police Department.
(Ord. 1993-50. Passed 9-22-93.)

244.21 SELECTION AND USE OF TOWING COMPANIES.

The Police Department is hereby limited to selecting and utilizing two regular towing companies to perform towing services for the Police Department.
(Res. 1994-8. Passed 1-26-94.)

244.22 DEPOSIT FOR BAD CHECK WARRANTS.

All businesses, corporations and partnerships wishing to sign out warrants for the arrest or apprehension of individuals writing checks on bad accounts or with nonsufficient funds shall be required to post a forty-one dollar ($41.00) deposit against court costs relevant to such cases. Said forty-one dollar ($41.00) deposit will be returned to the entity upon a finding of guilty against the individuals and payment of the court costs by the defendant. In the event that the cases are terminated or dropped, or a not guilty verdict is rendered, or costs or fines are not paid by the defendant, said thirty-five dollar ($35.00) deposit shall be forfeited to the Municipality.

244.23 STORAGE FEE FOR IMPOUNDED VEHICLES.

There shall be a four dollar ($4.00) per day storage charge for all vehicles which are impounded and stored at lots owned or controlled by the Municipality. Such fees shall be payable prior to the release of any such vehicle to the owner thereof or an authorized representative of the owner.
(Ord. 1997-72. Passed 11-12-97.)

244.24 SALE OR DONATION OF UNCLAIMED PROPERTY.

(a) Except as otherwise provided in this section and unless the property involved is required to be disposed of in another manner pursuant to the Ohio Revised Code, property that is unclaimed for 90 days or more shall be sold by the Chief of Police or a licensed auctioneer at public auction, after notice of the sale has been provided by publication once per week for three consecutive weeks in a newspaper of general circulation in the County. The proceeds of the sale shall be paid to the Finance Director and shall be credited to the general fund.

(b) In addition to the above, and if the property involved is not required to be disposed of in another manner pursuant to the Ohio Revised Code, the Chief of Police may contribute property that is unclaimed for 90 days or more to one or more public agencies or to one or more nonprofit organizations, no part of the net income of which inures to the benefit of any private shareholder or individual.
(Ord. 2000-51. Passed 4-26-00.)

CHAPTER 246
Fire Department

EDITOR'S NOTE: Resolution 1951-10, passed February 7, 1951, approved the constitution and Bylaws of the Volunteer Fire Department, pertaining to organization, personnel, functions and the general welfare thereof.

246.01 Establishment.
246.02 Composition.
246.03 Appointments; probation; physical examination.
246.04 Qualifications.
246.05 Petty cash fund.
246.06 Authority of rescue squad re burn patients and Akron Childrens Hospital.
246.065 Ambulance emergency squad service.
246.07 Fire investigations.
246.08 Compensation.
246.09 Uniform allowance.

CROSS REFERENCES

Fire Department - see CHTR. 8.04
Volunteer Firemen's Dependents Fund - see Ohio R.C. Ch. 146
Fire protection contracts - see Ohio R.C. 307.05, 505.44, 717.02
Schooling, buildings and equipment - see Ohio R.C. 715.05, 737.23 et seq.
Removal of fire chief and fire-fighters - see Ohio R.C. 733.35 et seq., 737.22
General duties - see Ohio R.C. 737.11
Regulations and hours - see Ohio R.C. 737.21
Fireworks - see GEN. OFF. 678.10

246.01 ESTABLISHMENT.

There is hereby created a Fire Department in and for the Municipality. (Ord. 1976-110. Passed 8-11-76.)

246.02 COMPOSITION.

The Fire Department shall consist of forty volunteer fire-fighters who shall be designated as follows: one Fire Chief, one Assistant Chief, one Fire Prevention Officer, two Captains, four Lieutenants, one EMS Coordinator, one Training Officer, one Secretary and twenty-eight other volunteer fire-fighters. Fire safety inspectors may be appointed from the ranks of the volunteer fire-fighters, as needed.
(Ord. 1993-41. Passed 8-11-93.)

246.03 APPOINTMENTS; PROBATION; PHYSICAL EXAMINATION.

The Mayor is hereby authorized to appoint volunteer fire-fighters with the advice and consent of Council, for a probationary period of one year, and no appointment shall be finally made until the appointee has satisfactorily served his or her probationary period. At the end of the probationary period, the Mayor may, with the concurrence of Council, remove or finally appoint the employee.
(Ord. 1993-55. Passed 10-13-93.)

No person shall receive an appointment under subsection (a) hereof unless he or she has, not more than sixty days prior to receiving such appointment, passed a physical examination, given by a licensed physician, showing that he or she meets the physical requirements necessary to perform the duties of the position to which he or she is to be appointed as established by Council. Prior to making any such appointment, a copy of the report or findings of the licensed physician shall be filed with the Police and Firemen's Disability and Pension Fund. The professional fee for such physical examination shall be paid by the Municipality.
(Ord. 1978-11. Passed 1-25-78.)

246.04 QUALIFICATIONS.

To be eligible to receive an original appointment to the Fire Department as a fire-fighter, the person applying shall be required to have the following qualifications:

Have the requisite mental and physical capacity to meet the job requirements;
Have twenty-twenty vision, unaided or corrected by eyeglasses;
Be a high school graduate; and
Be at least eighteen years of age.
(Ord. 1976-110. Passed 8-11-76.)

246.05 PETTY CASH FUND.

There is hereby established a petty cash fund in the amount of one hundred dollars ($100. 00) to be used by Fire Department personnel, subject to the control of the Fire Chief and Finance Director. Such fund shall be kept in the Fire Department cash box under the control and custody of the Fire Chief.
(Ord. 1977-15. Passed 1-12-77.)

There is hereby appropriated the sum of one hundred dollars ($100.00) to establish such petty cash fund.
(Ord. 1976-135. Passed 10-13-76.)

246.06 AUTHORITY OF RESCUE SQUAD RE BURN PATIENTS AND AKRON CHILDRENS HOSPITAL.

Council hereby authorizes the Fire Department rescue squad to deliver burn patients to the Childrens Hospital, Akron, Ohio, and to bring them back.
(Ord. 1977-89. Passed 8-24-77.)

246.065 AMBULANCE EMERGENCY SQUAD SERVICE.

(a) The Village provides ambulance emergency squad services at the rates set forth in the Equipment and Supplies Fee Schedule established by the Summit County Fire Chief's Association, as amended from time to time. If the user has insurance, the Village will accept as full payment the usual and customary rates as allowed by the particular insurance company for the services provided.

(b) The Director of Finance is hereby directed to collect all such sums and deposit the same into the general Fire Department account. Monies received as reimbursement for ambulance emergency squad service shall be used for Department capital expenditures.
(Ord. 1996-77. Passed 12-11-96; Ord. 2000-19. Passed 2-9-00; Ord. 2008-15. Passed 2-13-08.)

246.07 FIRE INVESTIGATIONS.

The Fire Chief, Fire Prevention Officer, Captain, Line Lieutenants and Fire Prevention Officer of the Fire Department are hereby authorized and required to be present at all fires, investigate the cause thereof, examine witnesses, compel the attendance of witnesses and the production of books and papers, and to do and perform all other acts necessary to the effective discharge of such duties.

Such officers may administer oaths, make arrests and enter, for the purpose of examination, any building which contained a fire. Such officers shall report their proceedings and findings to Council at such times as are required.
(Ord. 1986-80. Passed 4-22-87.)

246.08 COMPENSATION.

Rates of compensation for officers and other members of the Fire Department shall be determined by Council.

Time and one-half shall be paid for hours worked in excess of 240 hours in a twenty-eight day work period.

All members of the Fire Department shall be entitled to fire drill and fire call pay, including the officers.

The time cards of the fire-fighters must first be approved by the Fire Chief before the Finance Director shall be permitted to make any payment to any member of the Department.
(Ord. 1993-42. Passed 8-11-93; Ord. 2001-18. Passed 2-14-01.)

246.09 UNIFORM ALLOWANCE.

(a) All active members of the Fire Department shall receive an annual uniform allowance in the amount of three hundred dollars ($300.00).

(b) All purchases made pursuant to the uniform allowance shall be made by purchase order authorization.

(c) The uniform allowance is provided on a calendar year basis only, and there shall be no vesting or carryover from one year to another of any unused portion of such allowance.

(d) The Fire Chief shall be responsible for keeping a running balance of what portion of their annual uniform allowance each Department member has used and has left.
(Ord. 2008-12. Passed 1-23-08.)

CHAPTER 248
Public Service Department

EDITOR'S NOTE: Resolution 1990-105, passed December 12, 1990, adopted the District 8, Issue 2, Affirmative Action Plan for Accomplishing Minority Business Enterprise Participation. Copies of this resolution and of the Plan may be obtained, at cost, from the Administrative Clerk.

248.01 Establishment; composition; Superintendent.
248.02 Assistant Superintendent.

248.03 Advanced Maintenance Person.
248.04 Maintenance person.

CROSS REFERENCES
Public Service Department - see CHTR. Art. VII
Streets generally - see S.U. & P.S. Ch. 1020
Excavations in public ways - see S.U. & P.S. Ch. 1022
Water - see S.U. & P.S. Ch. 1040
Sewers - see S.U. & P.S. Ch. 1042

248.01 ESTABLISHMENT; COMPOSITION; SUPERINTENDENT.

(a) The Sewer Department and the Service Department are hereby merged into a single department which shall hereafter be known as the Department of Public Service.

(b) There is hereby established the position of Superintendent of the Service Department within the Department of Public Service. Such position shall be appointed by the Mayor, subject to the confirmation of a two-thirds vote of those members elected to Council. The Superintendent of the Service Department shall also serve as the Superintendent of Sewer Services and as the Building and Zoning Inspector. Pursuant to Section 7.01 of the Charter, the Superintendent of the Service Department shall serve at the pleasure of the Mayor.

(c) The Superintendent of the Service Department shall report to the Mayor on matters concerning the Service Department and sewer service and building and zoning matters.

(d) The employees of the Service Department may be utilized for either sewer service or Service Department work, as required, and shall be under the authority of the Superintendent while performing such work.

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(e) The Service Department shall consist of a Superintendent, one Assistant Superintendent, one Advanced Maintenance Person, and such number of Maintenance Persons as deemed advisable by Council.
(Ord. 1996-27. Passed 6-12-96; Ord. 2002-35. Passed 5-22-02.)

248.02 ASSISTANT SUPERINTENDENT.

There is hereby established the position of Assistant Superintendent of the Service Department. Such Assistant Superintendent shall assist the Superintendent in the operation of the Department and supervise other employees of the Department in the performance of their duties under the direction of the Superintendent. The specific tasks to be performed by the Assistant Superintendent shall be established by the Superintendent and the Mayor. Persons shall be appointed to this position by the Mayor with the approval of a majority of those members elected to Council.
(Ord. 2002-35. Passed 5-22-02.)

248.03 ADVANCED MAINTENANCE PERSON.

There is hereby established the position of Advanced Maintenance Person. Such Advanced Maintenance Person shall serve in the rank below that of the Assistant Superintendent and supervise the Maintenance Persons during periods in which the Assistant Superintendent is temporarily absent or is performing other Department tasks on behalf of the Village. The specific tasks to be performed by the Advanced Maintenance Person shall be established by the Superintendent, Assistant Superintendent and Mayor. Persons shall be appointed to this position by the Mayor with the approval of a majority of those members elected to Council.
(Ord. 2002-35. Passed 5-22-02.)

248.04 MAINTENANCE PERSON.

There is hereby established the position of Maintenance Person. The duties of such position shall be ßÑ9-99; Ord. 2000-30. Passed 3-22-00; Ord. 2001-13. Passed 2-14-01; Ord. 2002-33. Passed 5-22-02.)

CHAPTER 258
Employees Generally

258.01 Bonds.
258.02 Sick leave.
258.03 Vacation and allowed personal absence.
258.04 Holidays for full-time employees.
258.05 Overtime.
258.06 Bereavement pay.
258.07 Hospitalization and medical benefits.
258.075 Payments to employees that decline health insurance coverage.
258.08 Longevity pay.
258.09 Travel and mileage reimbursements and allowances.
258.10 Deferred compensation plan offered.
258.11 Pre-employment physical examination.
258.12 Biweekly payroll period.
258.13 Time clock.
258.14 Working hours; breaks; call-out time; overtime; compensatory time off.
258.15 Overtime and compensatory time policy.
258.16 Compensation for witness duty.
258.17 Residency requirements. (Repealed)
258.18 Residency requirements prohibited; exceptions.

CROSS REFERENCES

Probationary - see CHTR. 11.04; ADM. 244.09
Obstructing - see GEN. OFF. 608.06, 618.09
Soliciting improper compensation - see GEN. OFF. 608.11
Dereliction of duty - see GEN. OFF. 608.12
Impersonating - see GEN. OFF. 608.14, 672.17

258.01 BONDS.

(a) The Mayor and President Pro-tem of Council each provide a variety of duties in the Municipality, including the discharge of duties relating to the Mayor's Court. Each is responsible for moneys received from fines and court costs in the Court, and each shall honestly and faithfully discharge and perform all the obligations of their respective offices, preside at Mayor's Court and collect fines and costs. Each shall be bonded in the amount of three thousand dollars ($3,000) with a surety who shall be firmly bound to the Municipality for such amount.

The Finance Director is hereby authorized and directed to pay the premium costs on the aforementioned bonds.

(b) The surety bond of the Finance Director is hereby determined to be two thousand dollars ($2,000).

(c) The surety bond of all other officials and employees of the Municipality is hereby determined to be one thousand dollars ($1,000).

(d) A blanket bond shall be issued to cover all officials and employees other than the Mayor and Finance Director.

(e) The bonds designated herein shall commence on January 1 and end of December 31. The Mayor and Finance Director are hereby authorized to accept such bonds and to acknowledge their endorsement thereon consistent with the laws of the State.
(Ord. 1985-65. Passed 8-25-85.)

258.02 SICK LEAVE.

(a) All full-time employees, whether paid on an hourly basis or on an annual salary basis, shall be entitled to sick leave for absence due to illness, injury or exposure to contagious disease which could be communicated to other employees, or to illness or death in the employee's immediate family, with pay.

(b) Such sick leave shall be allowed at the rate of ten hours per month of full-time employment, with a maximum accumulation allowed of 960 hours for any such employee.

(c) The head of the department which employs such employee, or the mayor, must approve such sick leave in writing. Requests made by department heads must be approved by the Mayor.

(d) For any sick leave request for leave for a duration of more than one day, the Municipality may request the employee to provide a written verification of the illness from a physician. For sick leave requests in which the employee is unable to report for duty for a period of greater than one calendar week, the Municipality may request the employee to submit to an examination by a physician chosen by the Municipality in order to verify the illness. Any fee for such an examination by a physician chosen by the Municipality and any report necessitated thereby shall be paid for by the Municipality.

(e) Upon retirement by an employee (excluding voluntary and involuntary termination), or upon the death of an employee, the employee and/or his or her estate shall be paid for any unused sick leave, up to a maximum of 960 hours, at the employee's hourly wage rate at the time of the employee's retirement or death. No employee can qualify for

this benefit at the time of his or her retirement unless he or she also qualifies for retirement under an existing and valid retirement plan with the Public Employees Retirement System or the Police and Fire Pension and Disability Fund.
(Ord. 1985-65. Passed 8-25-85; Ord. 1998-26. Passed 3-25-98; Ord. 2000-30. Passed 3-22-00.)

258.03 VACATION AND ALLOWED PERSONAL ABSENCE.

(a) Vacation Schedule. All employees who are classified full-time shall be entitled to a vacation as provided in this section. "Full-time employee" means an employee who regularly works no less than 40 hours per week.

(1) 80 hours vacation for employment service of one through four years;
(2) 120 hours vacation for employment service of five through seven years;
(3) 120 hours vacation, plus three personal absence days, for employment service of eight through 12 years;
(4) 160 hours vacation, plus three personal allowance absence days, for employment service of 13 through 14 years;
(5) 160 hours vacation, plus four personal absence allowance days, for employment service of 15 through 24 years;
(6) 200 hours of vacation, plus four personal absence allowance days, for employment service of 25 years or more.

(b) To qualify for an excused absence each employee must obtain an excuse in writing from the head of his or her department, or from the Mayor, in the case of requests made by department heads. Failure to obtain such excuse shall affect his or her vacation schedule entitlement.

(c) (1) All vacation and personal allowance times shall be taken by December 31 of the year in which they are earned; otherwise such times shall lapse and no money shall be paid for any unused vacation and/or personal allowance times not taken.

(2) Should the employee be prevented from taking his or her scheduled vacation and/or personal allowance times during the month of December, due to an emergency scheduling of work by the department head as approved by the Mayor, the employee shall be paid or given time off, whichever he or she elects, during the first quarter of the next succeeding calendar year.
(Ord. 1975-77. Passed 8-27-75; Ord. 1984-101. Passed 11-28-84; Ord 1999-34. Passed 6-9-99; Ord. 2000-30. Passed 3-22-00; Ord. 2001-13. Passed 2-14-01; Ord. 2002-33. Passed 5-22-02; Ord. 2008-67. Passed 12-10-08.)

258.04 HOLIDAYS FOR FULL-TIME EMPLOYEES.

(a) All employees who are classified as full-time, which are those employees who regularly work no less than forty hours per week, shall receive eight hours pay, at their last preceding wage rate, for each of the holidays listed below occurring during their employment. Such full-time employees shall have had at least six months of full-time service prior to the month when such holiday occurs. Such employees shall not be required to work on any such holiday, except in the case of an emergency and/or need as determined by the head of the department and/or the Mayor, and in such a case such employees shall receive pay for all hours worked in addition to the holiday pay. To be entitled to such holiday pay, such employees shall be present and working their regularly scheduled hours on the work day preceding and the next day following such holiday, unless they are on vacation leave previously approved by the Mayor.

(b) All full-time employees, with the exception of safety force employees, shall be paid holiday pay during that pay period in which the holiday falls. Holidays shall not accumulate for use at a later date. Full-time safety force employees shall take all holiday days to which they are entitled no later than the end of the quarter after the quarter in which the designated holiday falls within the calendar year. Notwithstanding the above, for holidays that fall within the last quarter of the calendar year, safety-force employees shall take those holiday days prior to the end of the calendar year in which the holiday falls.

(c) Holidays are as follows:

(1) All but police. New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day and the employee's birthday.

(2) Police Department. New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, General Election Day, Thanksgiving Day, Christmas Day and the employee's own birthday.

(Ord. 1997-71. Passed 12-10-97; Ord. 1999-34. Passed 6-9-99; Ord. 2000-30. Passed 3-22-00; Ord. 2001-20. Passed 2-14-01; Ord. 2001-40. Passed 5-23-01. Ord. 2006-67. Passed 12-28-06)

258.05 OVERTIME.

(a) All employees, excluding fire-fighters, police officers and exempt persons of the Municipality, shall be paid overtime pay for all hours worked in excess of forty hours per week. Such employees shall receive such compensation at a rate equivalent to one and one-half times their regular hourly rate.

(b) All police officers shall be scheduled to work a period of fourteen consecutive days as a tour of duty, and if their aggregate hours exceed eighty, they shall receive overtime compensation at a rate equivalent to one and one-half times their regular hourly rate.

(c) All fire-fighters shall be scheduled to work a period of twenty-eight consecutive days as a tour of duty, and if their aggregate exceed 212 hours, they shall receive overtime compensation at a rate equivalent to one and one-half times their regular hourly rate.

(d) In calculating overtime pay, hours not worked because of sick leave, vacation and holidays shall be included in determining the regular forty-hour week, the fourteen consecutive days tour of duty aggregate of eighty hours, or the twenty-eight consecutive days tour of duty aggregate of 212 hours, whichever is applicable, as if worked.
(Ord. 1987-59. Passed 7-22-87.)

258.06 BEREAVEMENT PAY.

(a) All full-time employees of the Municipality shall be entitled to bereavement pay for time off of up to three regular working days when death occurs in their immediate family. On his or her request, an employee will be excused after making written application therefor to his or her immediate supervisor. He or she shall be paid

for time off only during the period commencing with the date of death and ending with the second calendar day after the day of the funeral, provided that he or she attends the funeral. Under no circumstances shall an employee be paid bereavement pay for more than three days for time off for each bereavement.

(b) The employee shall receive bereavement pay for each day that he or she is absent from his or her forty-four work shift week, up to a maximum of three full working days on which the employee is absent during the period established in subsection (a) hereof.

(c) An employee who returns to work on or after the day of the funeral will not be eligible for bereavement pay for any subsequent absence in connection with that bereavement.

(d) Payment shall be made at the employee's straight time hourly rate.

(e) For the purposes of this section, "immediate family" means an employee's spouse, parent, child, mother-in-law, father-in-law, sister or brother.
(Ord. 1975-79. Passed 8-27-75.)

258.07 HOSPITALIZATION AND MEDICAL BENEFITS.

(a) Charges for hospitalization and health care benefits for all full-time employees of the Municipality shall be paid by the Municipality, except in such cases where a waiver of such benefits is signed.

(b) For purposes of this section only, "a full-time employee" means an employee who regularly works no less than 25 hours per week, as directed by Ohio R.C. 3924.01(G). A temporary or substitute employee, or a seasonal employee who works only part of the calendar year, shall not be considered a full-time employee for the purposes of this section.
(Ord. 2000-53. Passed 5-10-00.)

258.075 PAYMENTS TO EMPLOYEES THAT DECLINE HEALTH INSURANCE COVERAGE.

Employees that completely decline to participate in one of the Village's health insurance plans despite being eligible to do so, are entitled to receive one-half of the cost of the employee's premium that would otherwise be paid by the Village. Payment will be made to such employees at or near the time the Village regularly pays its health insurance premiums.
(Ord. 2004-68. Passed 11-22-04.)

258.08 LONGEVITY PAY.

(a) A longevity pay premium is hereby established for all full-time employees of the Municipality so that the employees shall have an incentive for remaining in such employment.

(b) The following are the eligibility requirements for such longevity pay premium:

(1) All full-time employees who regularly work all of the working hours required by the Municipality as normal working hours for such employees.

(2) The anniversary date of the last continuous employment in such Municipal work shall be the date used in determining eligibility for premium pay.

(3) All service, regardless of the departments involved, rendered for or on behalf of the Municipality shall be used in arriving at the eligibility.

(4) The employee must have a minimum of five years of continuous full-time service to be eligible.

(c) The longevity pay premiums are as follows:

Minimum of five years continuous service	$ 250.00
Each year after five years, per year additional	75.00
Maximum, after twenty years continuous service	1,375.00

(d) In no event will the longevity pay premium of any employee exceed ten percent of his or her annual rate of compensation. The anniversary date shall be used for determining the rate of premium. It is expressly intended that the longevity pay premium will be added to the current rate of compensation of such employee, as provided by ordinance, to arrive at the total gross pay of the employee. Any interruption in the service of an employee, except for allowed vacation, holidays, sick leave, disciplinary suspension and/or an authorized leave of absence, shall be deemed a termination of such employee's tenure in office for the purpose of determining his or her eligibility for longevity pay.

(Ord. 1994-75. Passed 12-14-94; Ord. 2000-84. Passed 8-9-00; Ord. 2005-65. Passed 12-14-05.)

258.09 TRAVEL AND MILEAGE REIMBURSEMENTS AND ALLOWANCES.

In order to be eligible to be reimbursed for Municipality related travel or mileage, such travel must be specifically authorized in writing by the employee's department head or the Mayor in the event the employee seeking reimbursement is a department head. In the case of elected or appointed officials, such travel must be authorized by the Chairperson of the Council Finance Committee or Council as a whole. When an employee or official is authorized to travel on official Municipal business, the Municipality shall provide for mileage reimbursement and related expenses, as follows:

(a) Mileage Allowance. All employees of the Municipality who are authorized to travel on official business shall be compensated in an amount equal to the current amount permitted to be deducted by the Internal Revenue Service for such use. Such compensation will not be afforded to an employee or official when he or she utilizes a vehicle owned by the Municipality.

(b) Daily Travel Allowance; Per Diem. An employee or official who is authorized to travel on official business shall be reimbursed for receipts presented for meals, including tips to restaurant employees in an amount not to exceed 15% of the bill, pursuant to the federal standard meal allowance currently in effect as of January 1 of each year. Reimbursement shall also be made for sales tax on meals purchased in restaurants and receipts for incidental transportation related expenses, including tips to cab drivers in an amount not to exceed 15% of the bill. All other travel-related expenses paid for by the employee or official (e.g. airfare, accommodations, etc.) shall be approved prior to the trip, if possible, and be reimbursable in accordance with this section with a valid receipt.

(c) Procedures for Reimbursement. Reimbursement shall be made upon submission of an expense reimbursement request form along with any and all appropriate receipts to the Director of Finance. The Director of Finance is hereby authorized to establish reasonable additional measures for reimbursement related to this section that he or she deems necessary.

(Ord. 1999-26. Passed 4-28-99; Ord. 2005-04. Passed 1-26-05.)

258.10 DEFERRED COMPENSATION PLAN OFFERED.

The Aetna Variable Annuity Life Insurance Company is hereby authorized to solicit the employees and elected officials of the Municipality to enter into a deferred compensation plan.

The Finance Director is hereby authorized to make payroll deductions for each employee and elected official who enters into such deferred compensation plan. Such payroll deductions are not to be considered as income paid to such employees and officials, nor shall social security payments be made on the deductions.

The Finance Director is hereby authorized to pay to Aetna Variable Annuity Life Insurance Company the amounts withheld for the deferred compensation plan.

All Municipal employees are hereby declared eligible to participate in the plan, and new employees are hereby declared eligible to participate in the plan, and new employees are hereby declared eligible to participate in the plan on the first day of the

month following thirty days of continuous employment. All elected officials are hereby eligible to participate from the first day of their terms of office.

This section is not to be construed as a recommendation for such deferred compensation plan, or any other similar plan, inasmuch as there is no obligation on the part of the employees and elected officials to participate in such a plan. Participation in such a plan is a matter left entirely to the discretion of the employees and elected officials of the Municipality.

(Ord. 1973-74. Passed 8-22-73.)

258.11 PRE-EMPLOYMENT PHYSICAL EXAMINATION.

(a) Before any person, other than an elected official, can become an employee of the Municipality, he or she must submit to a physical examination to be made by a physician selected by the Mayor. The fee for such examination shall be paid by the Municipality.

(b) If the examining physician requires X-rays or other additional examinations or tests, these additional examinations or tests shall be at the expense of the applicant.

(Ord. 1963-135. Passed 9-10-63.)

258.12 BIWEEKLY PAYROLL PERIOD.

All full-time and part-time employees, the Mayor and Finance Director, but excluding the Law Director and elected officials, shall be paid on a biweekly basis, which shall consist of twenty-six payroll periods per calendar year.

(Ord. 1977-36. Passed 3-23-77; Ord. 2001-18. Passed 2-14-01.)

258.13 TIME CLOCK.

(a) All employees, including department heads, are hereby ordered and instructed to use the time clock and the time cards provided for an accurate record of their service to the Municipality.

(Ord. 1978-100. Passed 11-8-78.)

(b) Each employee, as set forth in subsection (a) hereof, shall make all records and notations as to his or her time upon the time card. The time cards shall be punched in at the starting time and punched out at the quitting time, not written in and out, except in cases of time clock failure, in which event starting time and quitting time entries shall be written in and approved by the employee's supervisor. It shall be

cause for immediate dismissal for any employee to mark his or her time card, or to authorize any other person to punch in or mark his or her time card, to have any employee punch or mark the time card of any other employee.
(Ord. 1976-118. Passed 8-25-76.)

(c) The Finance Director is hereby authorized and directed to make monthly audits of all time cards and to report to Council any case involving the misuse of time cards and/or equipment, as well as gross cases of tardiness, absence or other violations of good employee-employer relationships.
(Ord. 1962-36. Passed 6-18-62.)

(d) Each employee punching in more than six minutes late each quarter hour shall be docked fifteen minutes for that quarter hour and each succeeding quarter hour that he or she is late.
(Ord. 1976-118. Passed 8-25-76.)

(e) Each employee shall punch out at the end of the shift ordinarily assigned to him or her. No punch-out time beyond the employee's regular shift end shall be used in paying the employee extra pay unless such time and extra pay calculations have been authorized and approved in writing either by the employee's supervisor or the Mayor.

Should the employee punch out before the end of his or her shift, the employee's pay calculations shall be based upon that punch-out time.
(Ord. 1978-65. Passed 8-9-78.)

(f) All employees who are required to punch in and out on the time clock shall keep their time cards in the slots next to the time clock. Any employee who does not comply with this requirement shall be subject to a suspension from his or her employment with the Municipality of up to three days.
(Ord. 1990-109. Passed 12-19-90.)

(g) All such time cards shall remain in the slots next to the time clock and no such time card shall be removed from the Village Hall. Employees may not remove time cards from their location. Copies of time cards may only be received by making a formal public records request to the Finance Department.
(Ord. 1999-23. Passed 3-24-99.)

(h) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars ($250.00) or imprisoned not more than thirty days, or both, in addition to any other penalty or remedy provided for in this section.

258.14 WORKING HOURS; BREAKS; CALL-OUT TIME; OVERTIME; COMPENSATORY TIME OFF.

(a) All full-time employees of the Municipality, except members of the Police Department, shall have the following working hours:

(1) 7:00 a.m. to 3:30 p.m.; or

(2) 8:00 a.m. to 4:30 p.m., as assigned by the employee's supervisor.

(b) Each employee shall have an unpaid one-half hour lunch, which is to commence four hours after starting time.

(c) Each employee shall be allowed two personal breaks per day, not to exceed fifteen minutes each. One break is to be taken in the morning, and one break is to be taken in the afternoon.

(d) All overtime shall be approved by the supervisor or the Mayor.

(e) In the case of an emergency, the supervisor shall determine the employee's starting time, lunch, break, personal break and overtime. During such emergency, each employee called-out by his or her supervisor for such emergency shall receive a minimum of two hours for such call-out time.

(f) Any employee who works overtime for the Municipality shall have the option of either:

(1) Being paid for such overtime at his or her regular pay; or

(2) Taking compensatory time-off within the calendar quarter in which the overtime was earned, or the calendar quarter directly following the calendar quarter in which the overtime was earned, subject to obtaining prior written approval from the appropriate department head.

Any compensatory time-off not taken within the quarter in which it was earned shall be paid to the employee at his or her regular rate of pay, at the beginning of the next subsequent quarter.

(Ord. 1976.119. Passed 8-25-76; Ord. 1984-58. Passed 7-11-84; Ord. 2000-49. Passed 5-10-00.)

258.15 OVERTIME AND COMPENSATORY TIME POLICY.

It shall not be the policy of the Municipality to allow any nonexempt employees to accumulate hours of service without being compensated for extra hours. Overtime pay shall be paid to all employees in accordance with the provisions of this chapter.

(Ord. 1985-65. Passed 8-25-85.)

258.16 COMPENSATION FOR WITNESS DUTY.

(a) All full-time employees, part-time employees and appointed officials of the Municipality, who are subpoenaed to testify in any court case on behalf of the Municipality, as required by the Law Director or his or her agent, shall be compensated by the Municipality for all lost wages and salary.

(b) Should any person designated in subsection (a) hereof receive any wage, salary or witness fee while testifying on behalf of the Municipality, such moneys shall be applied toward reducing that person's lost wage or salary.
(Ord. 1987-11. Passed 3-25-87.)

258.17 RESIDENCY REQUIREMENTS. (REPEALED)

(EDITOR'S NOTE: Section 258.17 was repealed by Resolution 2000-16, passed February 23, 2000.)

258.18 RESIDENCY REQUIREMENTS PROHIBITED; EXCEPTIONS.

(a) As used in this section:
  (1) "Political subdivision" has the same meaning as in Ohio R.C. 2743.01.
  (2) "Volunteer" means a person who is not paid for service or who is employed on less than a permanent full-time basis.

(b) Except as otherwise provided in division (c) of this section, no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the State.

(c) (1) Division (b) of this section does not apply to a volunteer.
  (2) To ensure adequate response times by certain employees of political subdivisions to emergencies or disasters while ensuring that those employees generally are free to reside throughout the State, the electors of any political subdivision may file an initiative petition to submit a local law to the electorate, or the Legislative Authority may adopt an ordinance or resolution, that requires any individual employed by that political subdivision, as a condition of employment, to reside either in the county where the political subdivision is located or in any adjacent county in this State. For purposes of this section, an initiative petition shall be filed and considered as provided in Ohio R.C. 731.28 and 731.31, except that the Fiscal Officer of the political subdivision shall take the actions prescribed for the Auditor or Clerk if the political subdivision has no Auditor or Clerk, and except that references to a municipal corporation shall be considered to be references to the applicable political subdivision.

(d) Except as otherwise provided in division (c), employees of political subdivisions of this State have the right to reside any place they desire.
(ORC 9.481)

TITLE EIGHT - Boards and Commissions

Chap. 280. Planning Commission.
Chap. 282. Recreation Board.
Chap. 284. Civil Service Commission.
Chap. 286. Municipal Records Commission.

CHAPTER 280
Planning Commission

EDITOR'S NOTE: Provisions relating to the Planning Commission are codified in Chapter 1220 of the Planning and Zoning Code.

CHAPTER 282
Recreation Board

282.01 Establishment; membership; compensation.282.02 Authority; powers.

CROSS REFERENCES

Recreation Board - see CHTR. Art. XII
Multipurpose senior centers - see Ohio R.C. 173.11, 173.12
Municipal recreation centers - see Ohio R.C. 717.01
School recreational activities - see Ohio R.C. 3313.57 et seq.
Playgrounds - see S.U. & P.S. Ch. 1064

282.0 ESTABLISHMENT; MEMBERSHIP; COMPENSATION.

A Recreation Board is hereby established in and for the Municipality. It shall consist of five electors of the Municipality not holding any other Municipal office. Such electors shall be appointed by the Mayor and confirmed by a two-thirds vote of Council. The terms of office shall be five years, except that beginning on January 2, 1982, one member shall be appointed for a one-year term; one member shall be appointed for a two-year term; one member shall be appointed for a three-year term; one member shall be appointed for a four-year term; and one member shall be appointed for a five-year term. All members shall serve without compensation.
(Ord. 1982-13. Passed 1-13-82.)

282.0 AUTHORITY; POWERS.

The Recreation Board is hereby authorized to supervise and maintain playgrounds, play fields, gymnasiums, swimming pools and all other indoor or outdoor recreation facilities within the Municipality. In addition, the Board shall possess all powers and be subject to all the responsibilities set forth in Ohio R.C. 755.12 through 755.181.
(Ord. 1982-13. Passed 1-13-82.)

CHAPTER 284
Civil Service Commission

284.01 Secretary.
284.02 Petty cash fund.284.03 Police examination fee.

CROSS REFERENCES

Civil Service Commission - see CHTR. Art. XI
Probationary employees - see CHTR. 11.04; ADM. 244.09
Civil service - see Ohio R.C. Ch. 124
Officers and employees generally - see ADM. Ch. 258

284.0 SECRETARY.

The position of Secretary of the Civil Service Commission is hereby established in conformity with Charter Section 11.01.

The position of Secretary of the Civil Service Commission shall be part-time and shall be filled by appointment of the Civil Service Commission with the concurrence of the Mayor.
(Ord. 1982-101. Passed 7-14-82.)

284.0 PETTY CASH FUND.

There is hereby established a petty cash fund in the amount of fifty dollars ($50.00) for the Civil Service Commission. The Finance Director is hereby required to audit such fund from time to time.
(Ord. 1982-120. Passed 8-11-82.)

284.0 POLICE EXAMINATION FEE.

A fee of fifteen dollars ($15.00) shall be paid to the Municipality by each applicant who takes the Civil Service Commission examination for police entrance or promotion.
(Ord. 1984-111. Passed 12-19-84.)

CHAPTER 286
Municipal Records Commission

286.01 Establishment; membership; meetings.
286.02 Functions.

286.03 Notice to State Auditor and Ohio Historical Society.

CROSS REFERENCES

Photostat, microfilm or other recordings - see Ohio R.C. 9.01
Keeping of public records for P.E.R.S. - see Ohio R.C. 145.18
Destruction of records - see Ohio R.C. 149.11, 149.35, 149.351, 149.37
Records and archives defined - see Ohio R.C. 149.40
Availability of records - see Ohio R.C. 149.352
Tampering with records - see GEN. OFF. 672.15

286.01 ESTABLISHMENT; MEMBERSHIP; MEETINGS.

There is hereby established in and for the Village a Municipal Records Commission consisting of the Mayor, as Chairperson, the Finance Director, the Director of Law, a member of Council, and a citizen appointed by the Mayor. The Clerk of Council shall serve as the Secretary of the Commission. The Commission shall meet at least once every six months and upon the call of the Chairperson.
(Ord. 2000-87. Passed 9-13-00.)

286.02 FUNCTIONS.

The functions of the Municipal Records Commission shall be to provide rules for the retention and disposal of records of the Municipality, review applications for one-time record disposal, and prepare schedules for record retention and dispositions for the Municipality's departments and offices. Records may be disposed of by the Commission pursuant to the procedure outlined in Ohio R.C. 149.39. The Commission may, at any time, review any schedule it has previously approved, and for good cause shown, may revise that schedule.
(Ord. 2000-87. Passed 9-13-00.)

286.03 NOTICE TO STATE AUDITOR AND OHIO HISTORICAL SOCIETY.

When records have been approved for disposal, a list of such records shall be sent to the Auditor of State. If the Auditor disapproves of the action by the Municipal Records Commission, in whole or in part, the Auditor shall so inform the Commission within a period of 60 days, and in that event, the record shall not be destroyed. 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 to be of continuing historical value.

(Ord. 2000-87. Passed 9-13-00.)

CHAPTER 290
Mayor's Court

EDITOR'S NOTE: Ohio R.C. 1905.01 provides that the Mayor of Northfield has jurisdiction to hear and determine any prosecution for the violation of a Northfield ordinance, and has jurisdiction in all criminal causes involving moving traffic violations occurring on State highways located within the corporate limits of Northfield, subject to the limitations of Ohio R.C. 2937.08 and 2938.04. In keeping his or her docket and file, the Mayor shall be governed by the laws pertaining to county courts.

Ohio R.C. 2937.08 provides that if the court in which a defendant is charged with an offense is not a court of record (the Mayor's Court), and the charge is such that a right to a jury trial exists, such matter shall not be tried before him or her unless the accused, by writing subscribed by him or her, waives a jury and consents to be tried by the magistrate. If the defendant, in such event, does not waive his or her right to a jury trial, then the magistrate shall require the accused to enter into a recognizance to appear before a court of record in Summit County (the Cuyahoga Falls Municipal Court) and the magistrate shall thereupon certify all papers filed, together with a transcript of proceedings and accrued costs to date, and such recognizance, if given, to the court of record. However, Rule 23 (A) of the Ohio Rules of Criminal Procedure provides that in petty offense cases, where there is a right to jury trial, the defendant shall be tried by the court unless he or she demands a jury trial. The jurisdiction of a Mayor's Court, in such cases, is further limited by Rule 9 of the Ohio Traffic Rules, which provides that if a jury demand is not made pursuant to Criminal Rule 23, and the defendant waives his or her right to a jury trial in writing, a Mayor may try the case only if (1) his or her compensation as a judge is not directly dependent upon criminal case convictions, or (2) he or she is not the chief executive and administrative officer of the Municipality and as such responsible for the financial condition of the Municipality. Guilty and no contest pleas may be taken by any Mayor.

Ohio R.C. 1901.24 and 2938.04 provide that the right to trial by jury shall be claimed by making demand in writing therefor and filing the same with the clerk of the court of record not less than three days prior to the date set for trial or on or before the day following receipt of notice of the date set for trial, whichever is later. However, Rule 23(A) of the Ohio Rules of Criminal Procedure, which presumptively supersedes Ohio R.C. 2938.04, provides that right to trial by jury shall be claimed by making demand in writing therefor and filing the same with the clerk of court not less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to claim a jury trial as provided herein is a complete waiver of the right thereto. Ohio R.C. 2938.04 provides, further, that a jury trial may not be had in courts not of record, but failure to waive a jury in writing where the right to a jury trial may be asserted shall require the magistrate to certify such case to a court of record as provided in Ohio R.C. 2937.08.

Ohio R.C. 2945.17 provides that an accused has a right to be tried by a jury at any trial in any court for the violation of any Ohio statute or of any Northfield ordinance, except in cases in which the penalty involved does not exceed a fine of one hundred dollars ($100.00).

The Supreme Court of Ohio, on December 4, 1967, promulgated "Rules of Practice and Procedure in Traffic Cases For All Courts Inferior to Common Pleas," the adoption of which became mandatory prior to March 2, 1969. Amended Rules, referred to as the Ohio Traffic Rules, became effective on January 1, 1975.

Effective October 20, 1987, Mayors of Mayor's Courts were authorized to suspend the operator's commercial driver's license or permit or nonresident operating privilege of any person who is convicted of or pleads guilty to a violation of Ohio R.C. 4511.19 or Section 434.01 of the Traffic Code (OVI), in accordance with Ohio R.C. 4507.16(B).

290.01 Court costs.
290.02 Charge for dishonored checks.
290.03 Fee for issuance of warrants.
290.04 Court Clerk.
290.05 Petty cash fund.
290.06 Probation department; probation officer.
290.07 Workers' compensation coverage for supervised community service work.
290.08 Contempt of Court.
290.09 Magistrate's compensation.
290.10 Charge for issuance of summonses and granting of continuances.
290.11 Charge for issuance of occupational driving privilege permits.
290.12 Charge for rescission of license forfeitures.

CROSS REFERENCES

Mayor's Court jurisdiction - see Ohio R.C. 1905.01 et seq.
Mayor's powers and duties - see Ohio R.C. 1905.20 et seq.
Contempt of court - see Ohio R.C. 1905.28, 1907.171 et seq., 2935.11
Peace and search warrant - see Ohio R.C. Ch. 2933
Detection and arrest - see Ohio R.C. Ch. 2935
Preliminary examination; bail - see Ohio R.C. Ch. 2937
Trial - see Ohio R.C. Ch. 2938
Notification to Director of liquor law convictions - see Ohio R.C. 4301.991
Record of traffic violations - see Ohio R.C. 4513.37
Mayor - see ADM. Ch. 230
Suspension of driver's license - see TRAF. 408.03; GEN. OFF. 698.07
Using sham legal process - see GEN. OFF. 608.145

290.01 COURT COSTS.

(a) Court costs for all waiverable fines in the Municipality shall be seventy-four dollars ($74.00) for each fine waived per defendant. The Clerk of the Mayor's Court shall collect the same at the time the waiver is paid.

(b) Court costs for all nonwaiverable fines in the Municipality shall be seventy-four dollars ($74.00) for each charge of a violation of an ordinance of the Municipality. The Clerk of the Mayor's Court is hereby authorized to collect the same and charge the defendant accordingly.

(c) The Mayor shall have the discretion to waive all or part of the court costs set forth in this section.

(Ord. 2000-38. Passed 4-12-00; Ord. 2007-48. Passed 9-12-07.)

290.02 CHARGE FOR DISHONORED CHECKS.

The Mayor's Court shall charge a defendant twenty-five dollars ($25.00) for each check paid to the Mayor's Court by such defendant or on his or her behalf which is returned on account of insufficient funds.

(Ord. 1991-49. Passed 7-10-91; Ord. 2007-48. Passed 9-12-07.)

290.03 FEE FOR ISSUANCE OF WARRANTS.

The fee for all warrants issued by the Municipality shall be one hundred forty dollars ($140.00), and the same shall be taxed as court costs in connection with the case for which the warrant is issued.

(Ord. 1993-51. Passed 9-22-93; Ord. 1993-56. Passed 10-13-93; Ord. 2007-48. Passed 9-12-07.)

290.04 COURT CLERK.

(a) The position of Clerk of Court is hereby established.

(b) The position of Clerk of Court shall be full-time. For the purpose of this section, the term "full-time" means not less than thirty-two hours per week.

(c) The position of Clerk of Court shall be filled by appointment of the Mayor with the concurrence of Council.

(Ord. 1989-74. Passed 7-12-89; Ord. 2006-35. Passed 7-26-06; Ord. 2007-48. Passed 9-12-07.)

290.05 PETTY CASH FUND.

There is hereby established a petty cash fund for the Clerk of Court in the amount of three hundred dollars ($300.00).

(Ord. 1981-138. Passed 12-30-81; Ord. 2007-48. Passed 9-12-07; Ord. 2008-27. Passed 5-14-08.)

290.06 PROBATION DEPARTMENT; PROBATION OFFICER.

(a) There is hereby established a Department of Probation which shall consist of a Probation Officer appointed by the Mayor, subject to confirmation by Council. The Probation Officer shall be in the unclassified service of the Municipality. He or she shall serve without pay, but shall receive necessary and reasonable traveling and other expenses incurred in the performance of his or her duties.

(b) The Probation Department shall be responsible for the investigation and supervision of the probation of any person who has been placed under its control by order of the Mayor's Court. The Court shall exercise supervision over the Department by adopting rules and regulations which shall be observed and enforced by the Probation Officer in the exercise of his or her authority.

(c) In addition, the Department shall:

(1) Furnish to each person on probation, under its supervision or in its custody, a written statement of the conditions of probation and instruct him or her regarding the same;

(2) Keep informed concerning the conduct and condition of each person in its custody or under its supervision;

(3) Use all suitable methods to aid and encourage such persons to bring about improvement in their conduct and condition; and

(4) Keep records of the work of the Department.

(Ord. 1983-43. Passed 3-23-83.)

290.07 WORKERS' COMPENSATION COVERAGE FOR SUPERVISED COMMUNITY SERVICE WORK.

The Mayor and Finance Director are hereby authorized to enter into a contract with the Industrial Commission of Ohio and the Bureau of Workers' Compensation to create workers' compensation coverage for supervised community service work for individuals referred for such program by the Mayor's Court, in conformity with Ohio R.C. 2951.02.
(Ord. 1983-51. Passed 4-13-83.)

290.08 CONTEMPT OF COURT.

(a) No person shall commit any of the following acts, each of which shall be deemed a contempt of the Mayor's Court:

(1) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment or command of the Mayor's Court or an officer;

(2) Misbehavior of an officer of the court in the performance of his or her official duties, or in his or her official transactions;

(3) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;

(4) The rescue or attempted rescue of a person or of property in the custody of an officer by virtue of an order or process of the Mayor's Court held by him or her;

(5) A failure upon the part of a person recognized to appear as a witness in the Mayor's Court or to appear in compliance with the terms of his or her recognizance.

(b) In all contempt proceedings, the Court shall conduct a hearing. At the hearing, the Court shall investigate the charges and hear any answer or testimony that the accused makes or offers and shall determine whether the accused is guilty of the contempt charge. If the accused is found guilty, the court may impose any of the following penalties:

(1) For a first offense, a fine of not more than two hundred dollars ($200.00), a definite term of imprisonment of not more than thirty days in jail, or both;

(2) For a second offense, a fine of not more than five hundred dollars ($500.00), a definite term of imprisonment of not more than sixty days in jail, or both;

(3) For a third or subsequent offense, a fine of not more than one thousand dollars ($1,000), a definite term of imprisonment of not more than ninety days in jail, or both.

(Ord. 1989-53. Passed 6-28-89.)

290.09 MAGISTRATE'S COMPENSATION.

The Magistrate for the Mayor's Court shall receive four hundred dollars ($400.00) per month as his or her compensation for presiding over the Court as Magistrate. Substitute Magistrates may be paid one hundred fifty dollars ($150.00) per court session at the discretion of the Mayor.

(Ord. 1999-87. Passed 12-8-99; Ord. 2000-10. Passed 1-12-00; Ord. 2000-125. Passed 12-18-00; Ord. 2005-26. Passed 5-11-05. Ord. 2006-06. Passed 2-8-06. Ord 2006-48. Passed 10-25-06. Ord. 2006-58. Passed 11-29-06)

290.10 CHARGE FOR ISSUANCE OF SUMMONSES AND GRANTING OF CONTINUANCES.

The Mayor's Court shall charge a defendant five dollars ($5.00) for each summons issued or continuance granted by the Court, and the same shall be taxed as court costs in connection with the case for which the summons is issued or the continuance is granted.

(Ord. 1996-7. Passed 2-28-96.)

290.11 CHARGE FOR ISSUANCE OF OCCUPATIONAL DRIVING PRIVILEGE PERMITS.

The Mayor's Court shall charge a defendant five dollars ($5.00) for the issuance of a permit for occupational driving privileges.

(Ord. 1996-7. Passed 2-28-96.)

290.12 CHARGE FOR RESCISSION OF LICENSE FORFEITURES.

The Mayor's Court shall charge a defendant fifteen dollars ($15.00) for the execution of the necessary paperwork to rescind license forfeitures for a Mayor's Court defendant who has failed to appear at his or her assigned court date or dates, and the same shall be taxed as court costs in connection with the case for which the rescissions are issued.

(Ord. 1996-8. Passed 2-28-96; Ord. 2008-27. Passed 5-14-08.)