CODIFIED ORDINANCES OF SHADYSIDE

PART ONE - ADMINISTRATIVE CODE

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CODIFIED ORDINANCES OF SHADYSIDE

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CHAPTER 101
Codified Ordinances

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CROSS REFERENCES
See sectional histories for similar State law
Codification in book form - see Ohio R.C. 731.23
Imprisonment until fine and costs are paid - see Ohio R.C. 1905.30, 2947.20
Ordinances and resolutions - see ADM, Ch. 123
Rules of construction for offenses and penalties - see GEN. OFF. 501.04
Statute of limitations on prosecutions - see GEN. OFF. 501.06

101.01 DESIGNATION; CITATION; HEADINGS.
(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Shadyside, Ohio, 1975, 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)
(b) All references to codes, titles, chapters and sections are to such components of
the Codified Ordinances unless otherwise specified. Any component code may be referred
to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited
by the designation "Section" followed by the number, such as "Section 101.01".

101.02 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.
   (ORC 1.02 (F))
(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.
    (ORC 1.02 (B))
(c) "Bond" includes an undertaking and "undertaking" includes a bond.
    (ORC 1.02 (D), (E))
(d) "Council" means the legislative authority of the Municipality.
(e) "County" means Belmont County, Ohio.
(f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or
    as a servant, agent or employee.
(g) "Land" or "real estate" includes rights and easements of an incorporeal nature.
    (ORC 701.01 (F))
(h) "Municipality", "City", or "Village" means the Municipality of Shadyside, Ohio.
(i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))
(j) "Owner", when applied to property, includes any part owner, joint owner or tenant
    in common of the whole or part of such property.
(k) "Person" includes an individual, corporation, business trust, estate, trust, partner-
    ship and association. (ORC 1.59(C))
(l) "Premises", as applied to property, includes land and buildings.
(m) "Property" means real and personal property. (ORC 1.59(F))
   "Personal property" includes all property except real.
   "Real property" includes lands, tenements and hereditaments.
(n) "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.
(o) "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.
(p) "Registered mail" includes certified mail and "certified mail" includes registered
    mail. (ORC 1.02(G))
(q) "Rule" includes regulation. (ORC 1.59(F))
(r) "Sidewalk" means that portion of the street between the curb line and the adjacent
    property line intended for the use of pedestrians.
(s) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))
(t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts
    and all other public thoroughfares within the Municipality.
(u) "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.
"Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (ORC 1.02(A))

"Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. 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.

(c) Calendar; Computation of Time.

1. Definitions.
   A. "Week" means seven consecutive days.
   B. "Year" means twelve consecutive months.

2. 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)

3. 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 which is not a Sunday or a legal holiday.

When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday. (ORC 1.14)

4. When legislation is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)

5. In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.
(d) **Authority.** When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) **Joint Authority.** All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) **Exceptions.** The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.
(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein. (ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance. (ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:
   (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
   (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
   (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
   (4) Affect any investigation, proceeding or remedy in respect of any 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 ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the ordinance as amended. (ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.
(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof. (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 an inclusive group of sections, such reference shall be construed to mean a violation of any section included in such reference.

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

101.06 CONFLICTING PROVISIONS.
(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) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
(2) 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)

101.07 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;
101.08 ADMINISTRATIVE CODE

(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)

101.08 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 the 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)

101.99 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, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one hundred dollars ($100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.
CHAPTER 103
Standards

103.01 Preservation of public records.

103.02 Datum plane for grades and levels.

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.

103.01 PRESERVATION OF PUBLIC RECORDS.
It shall be the duty of all elective and appointive officers or employees of the Municipality to keep an accurate record of their proceedings as such officers; to carefully preserve all official or other papers pertaining to their offices coming into their hands; to file, preserve and properly index the same, and to deliver all such papers and records to their successors in office. (Ord. 1. Passed 3-24-13.)

103.02 DATUM PLANE FOR GRADES AND LEVELS.
(a) The datum plane for the grades of the several streets and alleys of the Municipality is hereby established as follows: A bench mark on a bronze bolt set in concrete in a metal covered pit located at the northeast corner of the Municipal Building lot in the vicinity of the flag pole, which mark or datum plane elevation is 680, 653 feet above sea level.

(b) All grades hereafter established on any street or alley of the Municipality, shall conform to and be fixed with reference to the datum plane as established and fixed in subsection (a) hereof. (Ord. 663. Passed 6-25-62.)
CHAPTER 107
Open Meetings

107.01 Definitions.

107.02 Notice of regular and organizational meetings.

107.03 Notice of special meetings.

107.04 Notice to news media of special meetings.

107.05 Notification of discussion of specific types of public business.

107.06 General.

CROSS REFERENCES
Meetings of public bodies to be open - see Ohio R.C. 121.22
Disturbing a lawful meeting - see GEN. OFF. 509.04

107.01 DEFINITIONS.
As used in this chapter:
(a) "Clerk" means the Village Clerk.
(b) "Day" means calendar day.
(c) "Meeting" means any prearranged discussion of the public business of the municipal body by a majority of the members of the municipal body.
(d) "Municipal body" means each of the following:
   Council,
   Board of Trustees of Public Affairs,
   Planning Commission,
   Recreation Board,
   Board of Zoning Appeals,
and committees of the above municipal bodies comprised of members of such bodies if such committees are comprised of a majority of the members of the main municipal body, or are decision making committees.
(e) "Oral notification" means notification given orally either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone, at the telephone number of such person as shown on the records kept by the Clerk under the rules of this chapter.
(f) "Post" means to post in an area accessible to the public during the usual business hours at the office of the Clerk and at the following locations:

Municipal Building        Convenient Mart
Post Office              Suter's IGA
Union Savings Bank

A notice identifying the locations at which notifications will be posted pursuant to this chapter shall be published by the Clerk within ten calendar days after the adoption of this section.

(g) "Published" means published once in a newspaper having a general circulation in the Municipality, as defined in Ohio R.C. 7.12, except that no portion of such newspaper need be printed in the Municipality. If at the time of any such publication there is no such newspaper of general circulation, then such publication shall be in a newspaper then determined by the Clerk to have the largest circulation in the Municipality.

(h) "Special meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular or special meeting to another time or day to consider items specifically stated on the original agenda of such regular or special meeting.

(i) "Written notification" means notification in writing mailed, telegraphed or delivered to the address of the person for whom such notification is intended as shown on the records kept by the Clerk under the rules of this chapter, or in any way delivered to such person. If mailed, such notification shall be mailed by first-class mail, deposited in a U.S. Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting. (Ord. 929. Passed 12-8-75.)

107.02 NOTICE OF REGULAR AND ORGANIZATIONAL MEETINGS.

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

(b) The Clerk shall post a statement of the time and place of any organizational meeting of a municipal body at least twenty-four hours before the time of such organizational meeting.

(c) Upon the adjournment of any regular or special meeting to another day, the Clerk shall promptly post notice of the time and place of such adjourned meeting.
(Ord. 929. Passed 12-8-75.)
107.03 NOTICE OF SPECIAL MEETINGS.
(a) Except in the case of a special meeting referred to in Section 107.04(d) the Clerk shall, no later than twelve hours before the time of a special meeting of a municipal body, post a statement of the time, place and purposes of such special meeting.

(b) The statement under this section and the notifications under Section 107.04 shall state such specific or general purpose or purposes then known to the Clerk to be intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before such municipal body at such meeting may be considered and acted upon.
(Ord. 929. Passed 12-8-75.)

107.04 NOTICE TO NEWS MEDIA OF SPECIAL MEETINGS.
(a) Any news medium organization that desires to be given advance notification of special meetings of a municipal body shall file with the Clerk a written request therefor on a standard form to be provided by the Clerk.

Except in the event of an emergency requiring immediate official action as referred to in subsection (d) hereof, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with subsection (b) hereof.

(b) News media requests for such advance notification of special meetings shall specify the municipal body that is the subject of such request; the name of the medium; the name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered; the names, addresses and telephone numbers, including addresses and telephone numbers at which notifications may be given either during or outside of business hours, of at least two persons to either one of whom oral notifications to the medium may be given; and at least one telephone number which the request identifies as being manned, and which can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective for six months from the date of filing with the Clerk or until the Clerk receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the Municipality, the municipal body that is the subject of such request, and the Clerk.
(c) The Clerk shall give such oral notification or written notification or both, as the Clerk determines, to the news media that have requested such advance notification in accordance with subsection (b) hereof, of the time, place and purposes of each special meeting, at least twenty-four hours prior to the time of such special meeting.

(d) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such persons or the Clerk on their behalf, shall immediately give oral notification or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such special meeting to such news media that have requested such advance notification in accordance with subsection (b) hereof. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action. (Ord. 929, Passed 12-8-75.)

107.05 NOTIFICATION OF DISCUSSION OF SPECIFIC TYPES OF PUBLIC BUSINESS.

Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed.

Such person may file a written request with the Clerk specifying the person's name, and the address (es) and telephone number(s) at or through which the person can be reached during and outside of business hours; the specific type of public business the discussion of which the person is requesting advance notification; the municipal body that is the subject of such request; and the number of calendar months, not to exceed three, which the request covers. Such request may be cancelled by request from such person to the Clerk. Each such written request shall be accompanied by stamped self-addressed envelopes sufficient in number to cover the number of regular meetings during the time period covered by the request and an estimated number of five special meetings. The Clerk shall notify in writing the requesting person when the supply of envelopes is running out, and if the person desires notification after such supply has run out such person must deliver to the Clerk an additional reasonable number of stamped, self-addressed envelopes as a condition to receiving further notifications.

Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the Municipality, the municipal body that is the subject of such request and the Clerk.

The contents of written notification under this section may be a copy of the agenda of the meeting. Written notification under this section may be accomplished by giving advance written notification, by copies of the agenda of all meetings of the municipal body that is the subject of such request. (Ord. 929, Passed 12-8-75.)
107.06 GENERAL.

(a) Any person may visit or telephone the office of the Clerk during that office's regular office hours to determine, based on information available at that office; the time and place of regular meetings; the time, place and purposes of any then known special meetings; and whether the available agenda of any such future meetings states that any specific type of public business, identified by such person, is to be discussed at such meeting.

(b) Any notification provided herein to be given by the Clerk may be given by any person acting in behalf of or under the authority of the Clerk.

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

(d) The Clerk shall maintain a record of the date and manner, and time if pertinent under this chapter, of all actions taken with regard to notices and notifications under Sections 107.03 to 107.05, and shall retain copies of proofs of publication of any notifications or notices published thereunder.

(e) To better insure compliance with this chapter as to notice and notification, it shall be the responsibility of the chairman or secretary of a municipal body other than Council, or the person or persons calling the meetings, to timely advise the Clerk of future meetings, and the subject matters to be discussed thereat, of such municipal body.  (Ord. 929. Passed 12-8-75.)
TITLE THREE - Legislative
Chap. 121. Council,
Chap. 123. Ordinances and Resolutions.

CHAPTER 121
Council

EDITOR'S NOTE: There are no sections in Chapter 121. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Adoption of ordinances and resolutions - see Ohio R.C. 715.03, 737.17
General powers - see Ohio R.C. 715.03, 731.47
To establish sewerage rates - see Ohio R.C. 729.49
Composition - see Ohio R.C. 731.09
Qualifications - see Ohio R.C. 731.12, 731.44
President pro tempore - see Ohio R.C. 731.10 et seq., 733.25
Powers as to salaries and bonds - see Ohio R.C. 731.13, 731.49 et seq.
Vacancy - see Ohio R.C. 731.43
Quorum - see Ohio R.C. 731.44
Misconduct - see Ohio R.C. 733.72 et seq.
Contract interest - see GEN. OFF. 525.10
Council to review building permit applications - see BLDG. Ch. 1325
CHAPTER 123
Ordinances and Resolutions

123.01 Publication by posting.

CROSS REFERENCES
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
Adoption of technical codes - see Ohio R. C. 731.231
Certification as to publication - see Ohio R. C. 731.24 et seq.
Posting - see Ohio R. C. 731.25
Initiative and referendum - see Ohio R. C. 731.28 et seq.
Emergency measures - see Ohio R. C. 731.30
As evidence - see Ohio R. C. 731.42

123.01 PUBLICATION BY POSTING.
(a) Council hereby declares the following five places to be the five most public places in the Municipality:
(1) The Municipal Building
    East 39th Street
(2) The United States Post Office
    40th & Lincoln Avenue
(3) Suter's I.G.A. Food Market
    4700 Central Avenue
(4) Union Savings Bank
    40th & Central Avenue
(5) Convenient Food Mart Stores
    4115 Central Avenue

(b) Ordinances, resolutions, statements, orders, proclamations, notices and reports shall be posted at the locations designated in subsection (a) hereof for a period of not less than fifteen days prior to the same's taking effect.

(c) The Village Clerk shall make a certificate as to such posting, stating the times when and the places where the posting was done, in the manner provided in Ohio R.C. 731.24 and such certificate shall be prima-facie evidence that the copies were posted as required by law. (Ord. 853. Passed 6-25-73.)
TITILE FIVE - Administrative
Chap. 131. Mayor.
Chap. 133. Solicitor.
Chap. 135. Village Fiscal Officer.
Chap. 137. Treasurer.
Chap. 141. Police Department.
Chap. 143. Fire Department.
Chap. 145. Board of Trustees of Public Affairs.
Chap. 147. Street Commissioner.
Chap. 149. Municipal Engineer.
Chap. 153. Recreation Board.
Chap. 155. Board of Health.

CHAPTER 131
Mayor

EDITOR'S NOTE: There are no sections in Chapter 131. This chapter has been established to provide a place for cross references and future legislation.

CROSS REFERENCES
Removal from office - see Ohio R.C. 3.07 et seq.
Acting mayor - see Ohio R.C. 731.10 et seq., 733.25
Election, term, qualifications and powers - see Ohio R.C. 733.24
To be Council president - see Ohio R.C. 733.24
Vacancy in office - see Ohio R.C. 733.25
General duties - see Ohio R.C. 733.30 et seq.
Power to fill vacancies - see Ohio R.C. 733.31
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.
Disposition of fines and other moneys - see Ohio R.C. 733.40
To appoint and remove auxiliary police officers - see Ohio R.C. 737.161
CHAPTER 133
Solicitor

EDITOR’S NOTE: There are no sections in Chapter 133. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Legal counsel - see Ohio R.C. 733.48
Preparation of bonds - see Ohio R.C. 733.70
CHAPTER 135
Village Fiscal Officer

EDITOR'S NOTE: References within the Codified
Ordinances to the Clerk of Council should be construed to refer
to the Village Fiscal Officer since one of the duties of the Village
Fiscal Officer is to act as Clerk of Council.

135.01 Investment of funds.
135.02 Federal General Revenue Sharing
Trust Fund.
135.03 Village Fiscal Officer.
135.04 Investment and depository policy.

CROSS REFERENCES
Auditing accounts - see Ohio R.C. 733.12 et seq.
Election and term - see Ohio R.C. 733.26
Powers and duties - see Ohio R.C. 733.27
Books and accounts - see Ohio R.C. 733.28

135.01 INVESTMENT OF FUNDS.
Whenever there are moneys in the treasury of the Municipality, which will not be
required to be used for a period of six months or more, such moneys may, in lieu of being
deposited in a bank or banks, be invested in accordance with the provisions of Ohio R.C.
731.56, 731.57, 731.58 and 731.59. Investments so purchased shall be sold in accordance
with Ohio R.C. 731.57.
All income, including any gain on the sale or exchange of such securities, shall be
credited to the particular fund from which the investment was originally made.
(Ord. 650. Passed 8-14-61.)

135.02 FEDERAL GENERAL REVENUE SHARING TRUST FUND.
There is hereby established a special fund to be known as the Federal General Revenue
Sharing Trust Fund under the provisions of Ohio R.C. 5705.12.
All moneys paid to the Municipality under the State and Local Fiscal Assistance Act of
1972 shall be credited to such fund and expended in accordance with the terms and provisions
of that Federal Act. (Ord. 831. Passed 11-27-72.)

135.03 VILLAGE FISCAL OFFICER.
(a) The elected office of Village Clerk-Treasurer is hereby abolished and the new
appointed office of Village Fiscal Officer is hereby established pursuant to Ohio R.C. 733.262.

(b) The Village Fiscal Officer appointed under this section shall perform the duties
provided by law for the Village Clerk, Treasurer, and Clerk-Treasurer, and any other duties
consistent with the nature of the office that are provided by Village ordinance.

2012 Replacement
(c) The Village Fiscal Officer shall be appointed by the Mayor, but the appointment does not become effective until it is approved by a majority vote of the Village Council. The Village Fiscal Officer need not be an elector of the Village or reside in the Village at the time of appointment, nor does the Fiscal Officer need to become a resident of the Village.

(d) The Village Fiscal Officer shall be removed without cause either by the Mayor with consent of the majority of the members of the Village Council or by a three-fourths vote of the Village Council with or without the consent of the Mayor.

(e) The Village Fiscal Officer shall be compensated at an annual salary of nine thousand six hundred dollars ($9,600) to be paid on a monthly basis.

(Ord. 1640. Passed 12-3-10.)

135.04 INVESTMENT AND DEPOSITORY POLICY.
Council hereby adopts the Village of Shadyside Investment and Depository Policy as set forth in Exhibit A attached to original Ordinance 1517 and incorporated herein by reference.

(Ord. 1517. Passed 4-11-05.)
CHAPTER 137
Treasurer

EDITOR'S NOTE: There are no sections in Chapter 137. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Loss of funds - see Ohio R. C. 131.18 et seq.
Uniform Depository Act - see Ohio R. C. Ch. 135
Election and term - see Ohio R. C. 733.42
Accounts - see Ohio R. C. 733.43, 733.45 et seq.
Powers and duties - see Ohio R. C. 733.44
Annual report to Council - see Ohio R. C. 733.45
CHAPTER 141  
Police Department  

141.01 Composition.  
141.02 Emergency appointments.  
141.03 Work week.  
141.04 Uniform allowance.  

CROSS REFERENCES  
Distribution of obscenity statutes by Attorney General - see Ohio R.C. 109.40  
Assistance of State Criminal Bureau - see Ohio R.C. 109.51 et seq.  
Forwarding fingerprints and other data to State Criminal Bureau - see  
Ohio R.C. 109.58 et seq.  
Peace Officer training certificate required for permanent employment - see  
Ohio R.C. 109.77  
Police protection contracts - see Ohio R.C. 505.441, 737.04  
Composition - see Ohio R.C. 715.05, 737.16  
General powers and duties - see Ohio R.C. 737.11, 737.18  
Appointment of marshal - see Ohio R.C. 737.15  
Auxiliary police unit - see Ohio R.C. 737.161  
Powers and duties of marshal - see Ohio R.C. 737.161, 737.19  
Probationary period; final appointment - see Ohio R.C. 737.17  
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  
Impersonating an officer - see GEN. OFF. 525.03, 545.16  
Failure to aid a law enforcement officer - see GEN. OFF. 525.06  
Soliciting or receiving improper compensation - see GEN. OFF. 525.11  
Derecognition of duty - see GEN. OFF. 525.12  
Chief to act as Building Code Administrator - see BLDG. 1321.03  

141.01 COMPOSITION.  
(a) The Police Department of the Municipality shall consist of:  
One Chief of Police;  
One Assistant Chief of Police;  
Three regular full-time patrolmen;  
Extra (substitute) patrolmen; as many persons as deemed necessary by the  
Mayor but not exceeding a total of eight persons;  
Four deskmen;  
Two substitute deskmen;  
Extra (substitute) deskmen; as many persons as deemed necessary by the Mayor  
but not exceeding a total of eight persons;  
Two school patrolmen.
(b) The composition of the Police Department may include such other officers and personnel, or be changed, as Council from time to time may provide for by ordinance. (Ord. 1301. Passed 9-27-93.)

141.02 EMERGENCY APPOINTMENTS.
In the event of an emergency the Mayor shall appoint such special policemen as may be required under the circumstances. Such special policemen shall serve only during the period of emergency for which they were appointed and shall be compensated for the time actually served. (Ord. 525. Passed 2-23-53.)

141.03 WORK WEEK.
A week's work for each full-time policeman shall consist of forty hours. (Ord. 806. Passed 2-8-71.)

141.04 UNIFORM ALLOWANCE.
In addition to the salaries paid, an annual clothing allowance of four hundred dollars ($400.00) shall be paid in two equal payments semi-annually to the Chief of Police, the Assistant Chief and the regular patrolmen in the Police Department.

An annual clothing allowance of two hundred dollars ($200.00) shall be paid in two equal payments semi-annually to the extra patrolmen and the deskmen at the Police Department.

New members of the Police Department shall be eligible for one hundred dollars ($100.00) of their respective clothing allowance upon commencement of their employment with the Department and they shall be eligible for the balance of their respective clothing allowance after six months of continuance employment with the Department. (Ord. 1513. Passed 4-11-05.)
CHAPTER 143
Fire Department

143.01 Composition.
143.02 Fire Chief; appointments.
143.03 Duties of the Chief.
143.04 General duties of members; failure to obey.
143.05 Emergency medical rescue services; user fees.
143.06 Paramedic assist charge.

CROSS REFERENCES
Volunteer Firemen's Dependents Fund - see Ohio R.C. 146
Fire protection contracts - see Ohio R.C. 307.05, 505.44, 9.60
Schooling, buildings and equipment - see Ohio R.C. 715.05, 737.23 et seq.
Composition - see Ohio R.C. 715.05, 737.21 et seq.
Removal of fire chief and firemen - 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
Appointment of fire chief and firemen - see Ohio R.C. 737.22
Gas masks for firemen; requirements - see Ohio R.C. 3737.31
Chief to issue fireworks permits - see Ohio R.C. 3743.33; GEN. OFF. 549.09

143.01 COMPOSITION.
The Fire Department of the Municipality shall consist of a Fire Chief, an Assistant Fire Chief and such other officers, firemen and employees as Council may deem necessary and provide for by ordinance. The total membership of the Fire Department shall not exceed fifty persons. (Ord. 958. Passed 1-10-77.)

143.02 FIRE CHIEF; APPOINTMENTS.
The Fire Chief shall be a resident of the Municipality and shall be appointed along with the other members of the Fire Department by the Mayor with the advice and consent of Council.

143.03 DUTIES OF THE CHIEF.
(a) The Chief of the Fire Department shall, as of January 1 and July 1 of each year, furnish to Council and the Village Clerk certified copies of the roster of membership in the Volunteer Fire Department and from time to time shall submit to Council and the Clerk any changes occurring in the personnel of the department.
At no time shall the total number of members so certified exceed the number authorized by ordinance respecting the organization of the Department.
(Ord. 534. Passed 8-20-53.)

(b) The Chief shall furnish to the Mayor an alphabetical list of the names and members of the Department, and report all changes therein, and furnish such other information as the Mayor may, from time to time, require.

(c) It shall be the duty of the Chief, in addition to the duties conferred upon him by statute, to inspect all buildings from time to time and cause to be removed all defective stovepipes, flues and combustible materials; and to give notice to owners of defective or dangerous walls or other conditions of, in or about buildings or structures which are, or may become dangerous to life or property and cause such nuisances to be abated. He may, if necessary at fires, call upon bystanders to assist in the extinguishing of fires or the protection of goods.

(d) It shall be the duty of the Chief to attend all fires.
(Ord. 256. Passed 11-23-31.)

143.04 GENERAL DUTIES OF MEMBERS; FAILURE TO OBEY.
(a) It shall be the duty of all firemen to be present at all fires with their fire apparatus, except as otherwise provided by the rules of the Department, and to respond to all calls upon the Department with promptness and alacrity; to keep in good condition all fire apparatus, and otherwise to obey all regulations of the Department, and all orders of superior officers.

(b) Any member of the Department who fails to obey the rules and regulations of the Department, or the orders of his superior officer, may be suspended or removed by the Chief. (Ord. 256. Passed 11-23-31.)

143.05 EMERGENCY MEDICAL RESCUE SERVICES; USER FEES.
(a) The Shady Side Village Fire Department (hereinafter referred to as “the Village”) shall initiate an amended user fee for delivery of emergency medical rescue services rendered by the Village. The rate of the user fee shall be that as established in subsection (b) hereof; however, the Village will only collect the maximum amount allowed by law and/or contract. The user fees as established shall take effect at 12:01 a.m. on February 9, 2010.

(b) It is hereby authorized and approved as reasonable and necessary, the following rates for emergency medical services when services are rendered by the Village, to any persons, as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Base Rate Per Person (user fee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Life Support</td>
<td>$440.00</td>
</tr>
<tr>
<td>Advanced Life Support</td>
<td>550.00</td>
</tr>
<tr>
<td>Specialty Care Transport</td>
<td>350.00</td>
</tr>
<tr>
<td>Mileage</td>
<td>9.00 per mile</td>
</tr>
<tr>
<td>Emergency Response Call</td>
<td>50.00</td>
</tr>
<tr>
<td>Extra Attendant</td>
<td>50.00</td>
</tr>
<tr>
<td>Rescue &amp; Extrication</td>
<td>100.00 per hour</td>
</tr>
<tr>
<td>Response/Auto Fire</td>
<td>300.00</td>
</tr>
<tr>
<td>Rescue Engine Service</td>
<td>100.00 per hour</td>
</tr>
</tbody>
</table>

2012 Replacement
(c) The Mayor and Clerk-Treasurer are authorized and directed to contract with a billing and collection agency, as appropriate, subject to approval by motion of Council, for collection of user fees as a result of emergency medical services being provided by the Village. (Ord. 1615. Passed 2-8-10.)

143.06 PARAMEDIC ASSIST CHARGE.
(a) The Shadyside Village Fire Department (hereinafter referred to as "the Village") shall enact a paramedic assist charge for emergency medical rescue services rendered by the Village to other fire and emergency squads, organizations or other entities providing or requesting emergency medical rescue assistance. The rate of the paramedic assist charge shall be $165.00; however, the Village will only collect the maximum amount allowed by law and/or contract. The paramedic assist charge as established shall take effect at 12:01 a.m. on March 11, 2008.

(b) The Mayor and Clerk-Treasurer are authorized and directed to contract with a billing and collection agency, as appropriate, subject to approval by motion of Council, for collection of paramedic assist charges as a result of emergency medical services being provided by the Village. (Ord. 1580. Passed 3-10-08.)
CHAPTER 145
Board of Trustees of Public Affairs

145.01 Established; powers and duties.

CROSS REFERENCES
Composition - see Ohio R.C. 735.28
Powers and duties - see Ohio R.C. 735.29
Management and control of sewerage system - see
Ohio R.C. 729.50 et seq.

145.01 ESTABLISHED; POWERS AND DUTIES.
There is hereby established a Board of Trustees of Public Affairs consisting of those members and having such powers and duties as provided by State law.
CHAPTER 147
Street Commissioner

EDITOR'S NOTE: There are no sections in Chapter 147. This chapter has been established to provide a place for cross references and future legislation. References within the Codified Ordinances to the Street Superintendent should now be construed to refer to the Street Commissioner.

CROSS REFERENCES
Appointment - see Ohio R.C. 735.31
Duties - see Ohio R.C. 735.32
Assistants - see Ohio R.C. 735.33
CHAPTER 149
Municipal Engineer

EDITOR'S NOTE: The Municipality contracts periodically for services of an engineer or firm of engineers. Details of duties and compensation are contained in such contracts. Interested persons may obtain information or copies of relevant legislation from the Village Clerk.

There are no sections in Chapter 149. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
To approve plats; inspection of streets and acceptance – see 
Ohio R.C. 711.08, 711.091
To devise and form plan of sewerage – see Ohio R.C. 729.31 et seq.
Civil engineer – see Ohio R.C. 733.80
General duties – see Ohio R.C. 735.32
Assistants – see Ohio R.C. 735.33
Registration as a professional engineer – see Ohio R.C. Ch. 4733
CHAPTER 151
Records Commission

151.01 Establishment.

CROSS REFERENCES
Photostat or microfilm recording - see Ohio R.C. 9.01
Records Commission - see Ohio R.C. 149.39

151.01 ESTABLISHMENT.
There is hereby created a Records Commission composed of the Mayor or his
appointed representative, as chairman, the Village Clerk, the Solicitor and a resident
appointed by the Mayor. The Commission shall appoint a secretary, who may or may
not be a member of the Commission and who shall serve at the pleasure of the Commission.
The Commission may employ an archivist to serve under its direction. The Commission
shall meet at least once every six months and upon call of the chairman.

The functions of the Commission shall be to provide rules for retention and disposal
of records of the Municipality and to review records disposal lists submitted by municipal
offices. The disposal lists shall contain those records which have been microfilmed or no
longer have administrative, legal or fiscal value to the Municipality or to its residents.
Such records may be disposed of by the Commission pursuant to the procedure outlined
in this section.

When municipal records have been approved for disposal, a list of such records shall
be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of the
State. If the Bureau disapproves of the action by the Commission in whole or in part, it
shall so inform the Commission within a period of sixty days and these records shall not
be destroyed. Before public records are otherwise disposed of, the Ohio historical
society shall be informed and given the opportunity for a period of sixty days to select
for its custody or disposal such public records as it considers to be of continuing historical
value.
CHAPTER 153
Recreation Board

153.01 Recreation Board established. 153.03 Powers and duties.
153.02 Membership and term; compensa-

153.04 Park and Recreation Director.

sation; vacancies.

CROSS REFERENCES
Bonds for recreational facilities - see Ohio R.C. 133.032, 755.17
Power to construct recreation centers - see Ohio R.C. 717.01
Authority to establish - see Ohio R.C. 755.13
Composition; terms; vacancy - see Ohio R.C. 755.14
Organization; rules and regulations - see Ohio R.C. 755.15
Tax levy - see Ohio R.C. 5705.19(H)

153.01 RECREATION BOARD ESTABLISHED.
There is hereby established under authority of Ohio R.C. 755.12 et seq., a Recreation Board for the purpose of maintaining and operating playgrounds, gymnasiums, swimming pools and other recreation centers.
(Ord. 460. Passed 3-8-48.)

153.02 MEMBERSHIP AND TERM; COMPENSATION; VACANCIES.
(a) The Recreation Board shall consist of five persons, two of whom shall be members of the Board of Education of the local school district or members appointed by the Board of Education. The other members of the Recreation Board shall be appointed by the Mayor with the consent of Council. All members of the Recreation Board shall be residents of the Municipality and shall serve for terms of five years, except that the members first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter.

(b) All members of the Board shall serve without pay or compensation.

(c) Vacancies on the Board, occurring otherwise than by expiration of a term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

153.03 POWERS AND DUTIES.
The Recreation Board shall be organized and shall have all the powers, duties and responsibilities respecting the equipping, operating and maintaining of playgrounds, gymnasiums, swimming pools and other recreation centers as provided under Ohio R.C. 755.12 to 755.18 inclusive. (Ord. 460. Passed 3-8-48.)
153.04 PARK AND RECREATION DIRECTOR.
The Recreation Board is hereby authorized to hire a Park and Recreation Director.
(Ord. 881. Passed 4-22-74.)
CHAPTER 155
Board of Health

EDITOR'S NOTE: The Municipality is a member of the Belmont County General Health District.
There are no sections in Chapter 155. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Power to provide for public health - see Ohio R.C. 715.37
Power to abate nuisances - see Ohio R.C. 715.44
Rabies quarantine - see Ohio R.C. 955.26
Powers and nuisances - see Ohio R.C. 3707.01 et seq., 3709.36
Quarantine and communicable diseases - see Ohio R.C. 3707.04 et seq.
Inspection of food and food products - see Ohio R.C. 3707.33 et seq.
Composition, term, vacancies and quorum - see Ohio R.C. 3709.02 et seq.
Union with City or other general health districts - see Ohio R.C. 3709.07, 3709.10
Contracts with other cities or general health district to furnish services - see Ohio R.C. 3709.08
Organization; appointment of Health Commissioner; duties - see Ohio R.C. 3709.11
Record of proceedings and diseases - see Ohio R.C. 3709.19
Orders, regulations and emergency measures - see Ohio R.C. 3709.21
General duties - see Ohio R.C. 3709.22 et seq., 3709.36
CHAPTER 157
Community Improvement Corporation

157.01 Designation of agency for development.

157.02 Services to be performed.

CROSS REFERENCES
Industrial and Economic Development - see Ohio R.C. Ch. 761
Community Improvement Corporations - see Ohio R.C. Ch. 1724
Community Redevelopment Corporations - see Ohio R.C. Ch. 1728

157.01 DESIGNATION OF AGENCY FOR DEVELOPMENT.
The Community Improvement Corporation of Belmont County, Ohio, is hereby designated as the agent of Shadyside, Ohio, for the industrial, economic, civic, commercial, distribution and research development of the Municipality.
(Res. 419. Passed 11-26-73.)

157.02 SERVICES TO BE PERFORMED.
The following offer of the Municipality to the Corporation shall become the agreement contemplated by the Act, when endorsed by authorized officers of the corporation and two executed counterpart copies are filed with the Village Clerk:

OFFER OF THE MUNICIPALITY OF SHADYSIDE, OHIO TO THE COMMUNITY IMPROVEMENT CORPORATION OF BELMONT COUNTY, OHIO.

The Community Improvement Corporation of Belmont County, Ohio, (hereinafter called the Corporation) shall provide services to Shadyside, Ohio, (hereinafter called the Municipality, including any one or more of the following:

The Corporation shall prepare a plan for the Municipality of industrial, economic, civic, commercial, distribution and research development, and such plan shall provide therein the extent to which the Corporation shall participate as the agency of the Municipality in carrying out such a plan. Such plan shall be confirmed by the Municipality. The Corporation may incur debt, mortgage obligations for the purpose of acquiring, constructing, improving and equipping buildings, structures and other properties, and acquiring sites therefor, for lease or sale by the Corporation in order to carry out its participation in such plan. Any such debt shall be solely that of the Corporation and shall not be secured by the pledge of any moneys received or to be received from any political subdivision.

Actions taken under this section shall be in accordance with any applicable planning and zoning regulations.
This offer may be amended or supplemented from time to time by the parties thereto. The Corporation shall promote and encourage the establishment and growth in the Municipality of industrial, economic, civic, commercial, distribution and research facilities.

Offer accepted by the Community Improvement Corporation of Belmont County, Ohio, by Resolution No.____________ Dated December 5, 1973

/s/ John Laslo
President

(Res. 419. Passed 11-25-73.)
CHAPTER 159
General Employment Provisions

159.01 Bonds.
159.02 Residency requirement.
159.03 Vacations.
159.04 Holidays.
159.05 Sick leave.
159.06 Overtime; exceptions.
159.07 Hospitalization insurance.
159.08 Water and sewage facilities employee classification.
159.09 Recreation facilities use.
159.10 Sexual harassment policy.
159.11 Bereavement pay.

CROSS REFERENCES
Welfare - see Ohio Const., Art. II, Sec. 34
Workers' compensation - see Ohio Const., Art. II, Sec. 35; Ohio R.C. Ch. 4123
Wages and hours on public works - see Ohio Const., Art. II, Sec. 37; Ohio R.C. Ch. 4115
Deductions for dues and savings - see Ohio R.C. 9.41, 9.43
Deductions for municipal income tax - see Ohio R.C. 9.42
Vacation credit - see Ohio R.C. 9.44
Public Employees Retirement System - see Ohio R.C. Ch. 145
Expenses for attendance at conference or convention - see Ohio R.C. 733.79
Strikes by public employees - see Ohio R.C. Ch. 4117

159.01 BONDS.
(a) The bond for the Mayor shall be in an amount of not less than two thousand dollars ($2,000).

(b) The bond for the Treasurer shall be in an amount of not less than two thousand dollars ($2,000).

(c) The bond for the Clerk shall be in an amount of not less than two thousand dollars ($2,000).

(d) The bond for the Chief of Police shall be in an amount of not less than two thousand dollars ($2,000). (Ord. 1119. Passed 12-18-85.)

159.02 RESIDENCY REQUIREMENT.
All applicants for employment within the Municipality shall have established residence within the Municipality.

In those instances where there are no qualified residents who have made application for such employment, nonresidents may make application for such employment and, upon qualification be given employment within the Municipality. (Ord. 826. Passed 7-24-72.)

2009 Replacement
159.03 VACATIONS.

(a) All regular full-time employees of the Municipality shall be entitled to two weeks vacation, with pay, during each calendar year after they have been regularly employed by the Municipality for a period of twelve months.

(b) All regular full-time employees of the Municipality shall be entitled to three weeks vacation, with pay, during each calendar year after they have been regularly employed by the Municipality for a period of ten years.

(c) All regular full-time employees of the Municipality shall be entitled to four weeks vacation, with pay, during each calendar year after they have been regularly employed by the Municipality for a period of fifteen years.

(d) Department heads shall determine the periods available for vacations and shall assign a period to each employee entitled to such vacation.

(e) Vacation to which a regular full-time employee is entitled during any calendar year shall be taken during that calendar year. Regular full-time employees may not carry over vacation days into the next calendar year. Any vacation days that are not used shall be deemed waived by the employee.

(f) Regular full-time employees shall not be entitled to receive cash in lieu of vacation time.

(g) For the purposes of this section, a “regular full-time employee” means one who is employed on a permanent, as opposed to a seasonal or temporary basis and is regularly scheduled to work forty hours per week. For the purposes of this section “regular full-time employees” shall also include the Police Chief, Street Commissioner and the Superintendent of the Water and Sewage Departments.

(h) Vacation entitlement for any calendar year is determined as of December 31 of the previous year except for regular full-time employees employed by the Municipality for less than twelve months.

(Ord. 1516. Passed 4-11-05.)

159.04 HOLIDAYS.

(a) Regular full-time employees of the Municipality shall be granted time off, with full compensation, for the following nine holidays:

- New Year’s Day
- Martin Luther King Day
- Good Friday
- Memorial Day
- July Fourth
- Labor Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

(b) When a holiday occurs on a Saturday, it will be observed on the previous Friday; and when the holiday occurs on a Sunday, it will be observed on the subsequent Monday.
(c) When the holiday occurs during an employee’s vacation period, his vacation period shall be extended by one day.

(d) All full-time employees of the Municipality shall be entitled to four paid absence days per calendar year. In the event that the number of full-time employees who apply for a specific day are more than can be accommodated, each department head shall grant the paid absence days to the employee or employees in the order of their application for such paid absence day for the current year.

(e) The provisions of this section are to apply so as not to affect the health and safety of the Municipality and in those instances where the health and safety of the Municipality may be affected, the department head may use his discretion as to the assignment of the day off. (Ord. 1237. Passed 2-26-90.)

159.05 SICK LEAVE.

(a) All regular full-time employees of the Municipality, after completing one year of such regular full-time employment, shall thereafter be entitled for each completed eight hours of service, to sick leave of four and six-tenths hours with pay. Sick leave shall be computed only upon actual hours worked except that it shall not be computed upon hours worked in excess of eight in any one work day, forty in any one work-week or eighty in any one pay period. Employees may use sick leave, upon approval of the responsible administrative officer of the employing unit, for absence due to illness, injury or exposure to contagious disease which could be communicated to other employees.

(b) Unused sick leave shall be cumulative up to 120 days.

(c) The Village Clerk shall require the employee to furnish a satisfactory affidavit, or a certificate from a licensed physician that his absence from work was caused by illness or any of the causes mentioned in subsection (a) hereof.

(d) For the purposes of this section a “regular full-time employee” is one who is employed on a permanent, as opposed to a seasonal or temporary basis and is regularly scheduled to work forty hours per week.

(e) Regular full-time employees with ten or more years of actual service with the Municipality shall be entitled to receive upon retirement one-third of their accumulated sick leave up to a maximum payment for thirty days of such accumulation. The accumulated sick leave shall be paid in one or more payments at the discretion of the Clerk and payment shall be based on the employee’s rate at the time of retirement. (Ord. 1515. Passed 4-11-05.)
159.06 OVERTIME; EXCEPTIONS.
All of the Municipality's hourly employees and nonelected salaried employees, except
the Police Chief, the Superintendent of Water Works and the Street Commissioner, shall be
compensated at the rate of one and one-half times their respective straight time hourly rates for
all hours worked in excess of forty hours in any one scheduled work-week.
(Ord. 1568. Passed 8-13-07.)

159.07 HOSPITALIZATION INSURANCE.
(a) The Fiscal Officer is hereby authorized and directed to pay the following
amount toward the hospitalization insurance costs for all regular full-time employees and their
families:

<table>
<thead>
<tr>
<th></th>
<th>Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$342.57</td>
</tr>
<tr>
<td>Employee/child</td>
<td>631.62</td>
</tr>
<tr>
<td>Employee/children</td>
<td>631.62</td>
</tr>
<tr>
<td>Employee/spouse</td>
<td>788.65</td>
</tr>
<tr>
<td>Family</td>
<td>1,116.96</td>
</tr>
</tbody>
</table>

The municipal employees shall continue to be obligated to pay the difference between
the cost of the hospitalization plan selected and the municipal contribution, and all rate
increases in the hospitalization plan after the effective date of this section.

(b) For the purposes of this section, a "regular full-time employee" means one who
is employed on a permanent basis, as opposed to a seasonal or temporary basis and is regularly
scheduled to work forty hours per week. For the purposes of this section, "regular full-time
employees" shall also include the Police Chief, Street Commissioner, and the Superintendent
of the Water and Sewage Departments.

(c) Any elected or appointed municipal official, at his option and expense, may
participate in such insurance program provided he makes suitable arrangements for payment of
the premiums.

(d) Council is hereby authorized and directed to enter into such contract with a
suitable and satisfactory insurance company to insure such employees.
(Ord. 1661. Passed 6-11-12.)
159.08 WATER AND SEWAGE FACILITIES EMPLOYEE CLASSIFICATION.
Employees of the Municipality employed in the operation of the water and sewage facilities are hereby classified as follows:

(a) Class I Operator. Shall be a person who is the holder of a Class I operator’s license in either water treatment or sewage disposal treatment as issued under authority of the Department of Health of the State of Ohio.

(b) Class II Operator. Shall be a person who is the holder of a Class II operator’s license in either water treatment or sewage treatment as issued under authority of the Department of Health of the State of Ohio.

(c) Assistant Superintendent. Shall be a person who is the holder of a Class II operator’s license in either water or sewage treatment as issued by the Health Department of the State of Ohio, and in addition thereto is the holder of at least a Class I operator’s license in the treatment process other than that in which he holds his Class II license.

(d) Superintendent. Shall be the person now employed as Superintendent of the Water and Sewage Departments of the Municipality and thereafter shall be a person who holds the necessary license required by the Department of Health of the State of Ohio to qualify such person as Superintendent of the Water and Sewage Departments.

(Ord. 772. Passed 12-30-68.)

159.09 RECREATION FACILITIES USE.
(a) All regular full-time employees of the Municipality and their immediate families shall be entitled to free use of the Municipal swimming pool subject to rules and regulations established by the Recreation Board.

(b) A regular full-time employee, as used in this section, is any employee who is regularly scheduled to work more than twenty hours per week.

(c) Immediate family, as used in this section, shall be limited to an employee’s wife, husband and minor children.

(Ord. 1044. Passed 6-14-82.)

159.10 SEXUAL HARASSMENT POLICY.
Council hereby adopts a policy and procedures for allegations of sexual harassment as set forth in Exhibit A attached to original Ordinance 1383 and incorporated herein by reference. (Ord. 1383. Passed 2-23-98.)

159.11 BEREAVEMENT PAY.
(a) All regular full-time employees of the Municipality, after completing one year of such regular full-time employment, shall thereafter be entitled to paid leave, not to exceed three days, for absence due to a death in the employee’s immediate family. “Immediate family” shall be limited to the following relationships: wife, husband, mother, father, brother, sister, children, mother-in-law or father-in-law.

(b) For the purposes of this section, a “regular full-time employee” is one who is employed on a permanent, as opposed to a seasonal or temporary, basis and is regularly scheduled to work forty hours per week. (Ord. 1514. Passed 4-11-05.)
CHAPTER 171
Mayor's Court

EDITOR'S NOTE: The Mayor has jurisdiction to hear and determine any prosecution for the violation of a Municipal ordinance, and has jurisdiction in all criminal causes involving moving traffic violations occurring on State highways located within the corporate limits, subject to the right of the defendant to trial by jury and before an impartial magistrate.

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 Municipal ordinance, except in cases in which the penalty involved does not exceed a fine of one hundred dollars ($100.00). Ohio R.C. 2937.08 and Criminal Rule 23(A) provide 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 and shall be transferred to a court of record in the County if the defendant:

(a) Does not waive his right to trial by jury in a serious offense case for which the penalty established by law includes confinement for more than six months, or

(b) Demands a jury trial in a petty offense case in which the penalty prescribed is a fine greater than one hundred dollars ($100.00) and/or imprisonment for not more than six months. "Such demand must be in writing and filed 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 demand a jury trial as provided in this subdivision is a complete waiver of the right thereto."

In Ward v. Village of Monroeville, Ohio, 93 S. Ct. 80 (1972), the United States Supreme Court held that where the mayor before whom the defendant was compelled to stand trial was responsible for municipal finances and the mayor's court provided a substantial portion of municipal revenues, defendant was denied a trial before a disinterested and impartial magistrate as guaranteed by the due process clause of the United States Constitution.
The Supreme Court of Ohio has adopted the "Ohio Traffic Rules" which prescribe the procedure to be followed in the Mayor's Court in traffic cases. Rule 9(A) thereof states the jury demand shall be made pursuant to Criminal Rule 23 referred to above. Rule 9(B) sets forth the conditions under which the Mayor may hear a traffic case incorporating therein the holding in Ward v. Village of Monroeville as further interpreted in State, ex rel. Brockman v. Procter, 35 Ohio St. 2d 79 (1973): "Where, in a mayor's court, a defendant is entitled to a jury trial and a jury demand is made pursuant to Criminal Rule 23, the Mayor shall transfer the case pursuant to subdivision (C). If a jury demand is not made pursuant to Criminal Rule 23, and (or?) the defendant waives his right to jury trial in writing, a mayor may try the case if (1) his compensation as a judge is not directly dependent upon criminal case convictions, or (2) he 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 including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who as chief executive and administrative officer of the municipality are responsible for the financial condition of the municipality."

The procedure for transferring a case to a court of record is set forth in Rule 9(C): "Where a transfer is required, the mayor's court shall make a written order directing the defendant to appear at the transferee court, continuing the same bail, if any, and making appearance before the transferee court a condition of bail, if any. Upon transfer, the mayor's court shall transmit to the clerk of the transferee court the ticket and all other papers in the case, and any bail taken in the case. Upon receipt of such papers the clerk of the transferee court shall set the case for trial and shall notify the defendant by ordinary mail of his trial date."

Rule 13 provides that a court shall establish a traffic violation bureau and specifies certain restrictions as to the designated offenses and schedule of fines to be accepted as waiver payment in lieu of court appearance.

CROSS REFERENCES
Disposition of fines and costs - see Ohio R.C. 733.40
Mayor's powers and duties - see Ohio R.C. 1905.20 et seq.
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
CHAPTER 181
Motor Vehicle License Tax

181.01 Levy.

181.01 LEVY.
Council, in accord with the provisions of Ohio R.C. 4504.172 does hereby levy a municipal motor vehicle license tax in the amount of five dollars ($5.00) per motor vehicle on all vehicles registered within the municipal corporation of the Village, to be collected in the manner provided by Ohio Revised Code, to be paid into the Treasury of the Village as provided by law and to be expended by the Village only for those purposes described in Ohio R.C. 4504.172. (Ord. 1385. Passed 4-27-98.)