

CODIFIED ORDINANCES OF BEXLEY

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CODIFIED ORDINANCES OF BEXLEY
PART TWO - ADMINISTRATION CODE

TITLE TWO - General Provisions
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CHAPTER 202
Codified Ordinances

202.01	Designation; citation; headings.	202.05	Construction of section references.
202.02	General definitions.	202.06	Separability.
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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, as revised and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of Bexley, 1979, 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 otherwise expressly 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) "Council" means the legislative authority of the Municipality.
- (d) "County" means Franklin County, Ohio.
- (e) "Land" and "real estate" include rights and easements of an incorporeal nature. (ORC 701.01(F))
- (f) "Municipality" or "City" means the City of Bexley, Ohio.
- (g) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))
- (h) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association. (ORC 1.59(C))
- (i) "Property" includes real, personal, and mixed estates and interests. (ORC 701.01(E))
- (j) "Registered mail" includes certified mail and "certified mail" includes registered mail. (ORC 1.02(G))
- (k) "State" means the State of Ohio.
- (l) "Week" means seven consecutive days. (ORC 1.44)
- (m) "Whoever" includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private. (ORC 1.02(A))
- (n) "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))
- (o) "Year" means twelve consecutive months. (ORC 1.44)

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.

- (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 which is not Sunday or a legal holiday. (ORC 1.14)
- (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) When an act is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)

202.04 REVIVOR; EFFECT OF REENACTMENT, 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 reenactment, amendment, or repeal of a provision of the Codified Ordinances does not, except as provided in subsection (c) hereof:

- (1) Affect the prior operation of the provision or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal;
- (4) Affect any investigation, proceeding, or remedy in respect of any 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 reenactment 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) A reference to any portion of a provision of the Codified Ordinances applies to all reenactments or amendments thereof. (ORC 1.55)

(b) Wherever in a penalty section reference is made to a violation of a series of sections, or of subsections or other subdivisions of a section, such reference shall be

construed to mean a violation of any section, subsection or other such subdivision included in such reference.

(c) 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)

202.06 SEPARABILITY.

If any provisions 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, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

CHAPTER 204
Official Standards

EDITOR'S NOTE: 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

Powers of the Municipality - see CHTR. Art. I, §§1, 2
Application of State law to Municipality - see CHTR. Art. XIX, §75
State standard of time - see Ohio R.C. 1.04
State legal holidays - see Ohio R.C. 1.14, 5.20 et seq.

CHAPTER 206
Wards and Boundaries

206.01 Division of City into wards.

CROSS REFERENCES

All Councilmen elected at large - see CHTR. Art. IV, §19

Division of City into wards - see Ohio R.C. 731.06

Voting precincts - see Ohio R.C. 3501.18

Zoning district boundaries - see P. & Z. 1248.02

206.01 DIVISION OF CITY INTO WARDS.

(a) The City is hereby subdivided into four wards, for the sole purpose of establishing wards from which members of the county central committee of each major political party or organization shall be elected pursuant to Ohio Revised Code 3517.03, as shown on the map attached to and made part of Ordinance 37-96. Said wards are described by metes and bounds as follows:

WARD 1

Starting at the intersection of East Broad Street and Alum Creek and thence easterly along the centerline of East Broad Street to the centerline of Westland Avenue; thence southerly along the centerline of Westland Avenue to the centerline of Dale Avenue; thence easterly along the centerline of Dale Avenue to Parkview Avenue; thence southerly along the centerline of Parkview Avenue to Fair Avenue; thence easterly along the centerline of Fair Avenue to an alley between Cassady Road and Ardmore Road; thence northerly along the centerline of said alley between Cassady Road and Ardmore Road to the centerline of East Broad Street; thence westerly along the centerline of East Broad Street to the centerline of Stanbery Avenue; thence northerly along the centerline of Stanbery Avenue to the centerline of Clifton Avenue; thence easterly along the centerline and an air line extension of Clifton Avenue to the east lot line of the houses on the east side of Ashborne Road; thence northerly on said lot line to Denver Avenue; thence easterly along the centerline of Denver Avenue to the centerline of Drexel Avenue; thence northerly along the centerline of Drexel Avenue to the centerline of Maryland Avenue; thence easterly along the centerline of Maryland Avenue to the corporation line; thence northerly along the corporation line to the B&O Railroad; thence westerly along said railroad to Alum Creek; and thence southerly along Alum Creek to the centerline of East Broad Street to the point of beginning.

WARD 2

Starting at the intersection of Fair Avenue and Gould Road; thence northerly along the centerline of Gould Road to the corporation line; thence westerly along the corporation line to the west corporation line; thence southerly from said point to the centerline of Maryland Avenue; thence westerly along the centerline of Maryland Avenue to the centerline of Drexel Avenue; thence southerly along the centerline of Drexel Avenue to the centerline of Denver Avenue; thence easterly along the centerline of Denver Avenue to a point halfway between Ashbourne Road to the west and Cassady Road to the east; then southerly along said line to an air line extension of the centerline of Clifton Avenue; thence westerly on an air line extension of the centerline of Clifton Avenue to the centerline of Stanbery Avenue; thence southerly along the centerline of Stanbery Avenue to the centerline of East Broad Street; thence easterly on East Broad Street to the centerline of an alley to the east of Cassady Road and to the west of Ardmore Road; thence southerly along the centerline of said alley to the centerline of Powell Avenue; thence easterly along the centerline of Powell Avenue to the centerline of an alley to the east of Remington Road and to the west of Stanwood Road; thence southerly along the centerline of said alley to centerline of Fair Avenue; and thence easterly along the centerline of Fair Avenue to the centerline of Gould Road to the point of beginning.

WARD 3

Starting at the intersection of East Livingston Avenue and the east corporation line; thence northerly along said corporation line to the centerline of Fair Avenue; thence easterly along the centerline of Fair Avenue to the centerline of Roosevelt Avenue; thence southerly along the centerline of Roosevelt Avenue to the air line of the centerline of an alley to the north of Bryden Road and to the south of Bexley Park Road; thence westerly along said air line to the centerline of Cassady Road; thence southerly along the centerline of Cassady Road to the centerline of Bryden Road; thence westerly along the centerline of Bryden Road to the centerline of Dawson Avenue; thence southerly along the centerline of Dawson Avenue to the centerline of East Main Street; thence easterly along East Main Street to the centerline of Euclaire Avenue; thence southerly along the centerline of Euclaire Avenue to the centerline of East Livingston Avenue; thence easterly along East Livingston Avenue to the intersection of East Livingston Avenue and the east corporation line to point of beginning.

WARD 4

Starting at the intersection of Fair Avenue and Alum Creek; thence easterly along the centerline of Fair Avenue and continuing on an air line extension of said street to the centerline of said street; thence easterly along the centerline of Fair Avenue to a centerline midway between Ardmore Road to the east and Cassady Road to the west; thence northerly along said centerline to the centerline of Powell Road; thence easterly along the centerline of

Powell Road to the centerline of an alley to the west of Stanwood Road and to the east of Remington Road; thence southerly along an air line extension of said centerline to the centerline of Fair Avenue; thence easterly along the centerline of Fair Avenue to the centerline of Roosevelt Avenue; thence southerly along the centerline of Roosevelt Avenue to the air line extension of the centerline of an alley to the north of Brentwood Road and to the south of Fair Avenue; thence westerly along the centerline of said alley to the centerline of Cassady Road; thence southerly along the centerline of Cassady Road to the centerline of Bryden Road; thence westerly along the centerline of Bryden Road to the centerline of Dawson Avenue; thence southerly along the centerline of Dawson Avenue to the centerline of East Main Street; thence easterly along East Main Street to the centerline of Euclaire Avenue; thence southerly along Euclaire Avenue to the centerline of East Livingston Avenue; thence westerly along East Livingston Avenue to Alum Creek; and thence northerly along Alum Creek to the centerline of Fair Avenue to point of beginning.

(b) Ward 1 shall be comprised of precincts A, B, C, H and V; Ward 2 of precincts E, F, N, P, R and T; Ward 3 of precincts D, L, M, O and Q; and Ward 4 of precincts G, I, J, K, S and U, all as in existence on the effective date of this section and as delineated on the map attached to original Ordinance 37-96 as Exhibit A and incorporated herein by this reference. (Ord. 37-96. Passed 6-25-95.)

Rule 3. Opening Proceedings. The President of Council shall take the Chair at the hour provided for the convening of Council. He shall immediately call the members to order and direct the Clerk to call the roll. He shall then cause the journal of the preceding session to be read and disposed of unless otherwise ordered by Council. In the absence of the President, the Clerk shall call Council to order and call the roll. If a quorum is present Council shall appoint one of its members President Protempore for that meeting, or until the appearance of the President. If a quorum is not present, the members may by a majority of those present take a recess for a period not exceeding one hour, or may adjourn to a future date.

Rule 4. Quorum. Quorums shall be as provided in Section 22 of the City Charter.

Rule 5. Leaving Chamber. No member shall leave the Council Chamber while Council is in session without permission being granted by the Presiding Officer.

Rule 6. Privilege of Floor. No person except members of Council and City officials shall be permitted to speak or to take part in the proceedings of Council unless special permission therefor is granted by Council.

Rule 7. Presiding Officer. The Presiding Officer of Council shall preserve order and decorum. He may, in common with any member, call any member to order who violates any of these Rules, and he shall decide all questions of order subject to an appeal to Council by a member, on which appeal there shall be no debate, except that the member making such appeal may briefly state his reasons for the same. All questions are to be stated and put by the Presiding Officer, who shall declare all votes. (Ord. 5-34. Passed 2-13-34.)

Rule 8. Standing Committees. Standing committees shall be appointed by the President at the first regular meeting in January in each year, and the first named member of any committee shall be the Chairman. Such committees shall each consist of three members, shall serve for the period of one year and until their successors are appointed, and shall be as follows:

1. Zoning and Development;
2. Finance and Judiciary;
3. Parks and Forestry;
4. Safety, the duties of which shall relate to police, fire, health and buildings;
5. Service, the duties of which shall relate to streets, sidewalks, lights and such other matters as are not included within the duties of the other committees herein provided for; and
6. Water, Sewers and Drainage.

The meetings of all standing committees shall be held at City Hall, unless a majority of the members of such committees determine that a meeting should be held elsewhere. (Ord. 6-87. Passed 2-10-87; Ord. 75-04. Passed 11-9-04.)

Rule 9. Order of Business, Regular Meetings. The business at all regular meetings of Council shall be conducted in the following order:

1. Roll call;
2. Reading and disposal of the journal;
3. Petitions, memorials and communications;
4. Reading of pending ordinances and resolutions;

5. Introduction of ordinances and resolutions;
6. Reports of standing committees in the following order:
 - a. Engineering and Plats;
 - b. Finance and Judiciary;
 - c. Parks and Forestry;
 - d. Safety;
 - e. Service;
 - f. Water, Sewers and Drainage;
 - g. Reports of special committees;
 - h. Reports of City officials; and
 - i. Miscellaneous business.

Rule 10. Special Meetings; Order of Business. The business of all special meetings of Council shall be transacted in the following order:

1. Roll call;
2. The business for which such special meeting is called.

Rule 11. Suspension of Rule 9. After reading and disposing of the journal it shall be the duty of the Presiding Officer to proceed with the order of business, but he may at any time permit a member to introduce an ordinance, motion or resolution out of the regular order, provided there is no objection on the part of any member.

Rule 12. Voting. In case any member present declines to vote on any question pending, upon which a yea and nay vote is being taken, he shall, upon demand of any member, be obliged to record his vote unless excused by a two-thirds vote of Council.

Rule 13. Speaking. In all cases the member who first rises and addresses the Chair shall speak first, but when two or more members rise and address the Chair at the same time, the Presiding Officer shall name the member who is to speak first. No member shall speak longer than five minutes upon any subject without leave, and no member shall speak more than once on the same subject until every member desiring to speak on that subject has had an opportunity to do so. No member shall be allowed to speak except upon a motion, resolution, ordinance, report of a committee or other subject brought to the attention of Council in regular order.

Rule 14. Motions; When Debatable; Withdrawal. When a motion is made and seconded it shall be stated by the Presiding Officer before any debate is in order. Every such motion and all amendments thereto may be withdrawn by the mover at any time before decision, with the consent of the second, if a majority of the members present agree thereto.

Rule 15. Reduced to Writing. When required by any member, every motion or proposition except privileged questions shall be reduced to writing before action is taken thereon.

Rule 16. Adjournment. A motion to adjourn shall always be in order, unless Council is engaged in voting, but such motion being decided in the negative shall not be again entertained until some motion, call or order takes place.

Rule 17. Order of Precedence. When a question or proposition is before Council, or under debate, no motion shall be received except the following:

1. To adjourn;
2. Order of the day;
3. To lay on the table;
4. For the previous question;
5. To postpone to a day certain;
6. To commit;
7. To amend;
8. To postpone indefinitely.

The several motions aforesaid shall have precedence in the order in which they are above numbered.

Rule 18. To Take From the Table. A motion to take from the table shall be in order when that order of business is being transacted in which the matter to be taken up was laid upon the table, and such motion shall be decided without debate, except that the mover may be permitted to briefly state his reasons for the motion.

Rule 19. Reconsideration. Any member who voted with the prevailing side may move for a reconsideration of any action of Council, provided that such motion is made not later than the next regular meeting after such action was taken. A motion to reconsider shall not be made when a motion on some other subject is pending. When a motion to reconsider has been laid on the table, it shall not be subject to the provisions of Rule 17, but may be taken up and acted upon at any time. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action of Council as is required to pass or adopt the same.

Rule 20. Yeas and Nays; Demand For. Upon the demand of any member the yeas and nays shall be taken on the adoption of any resolution or any question or proposition submitted to Council, and in taking the yeas and nays the Clerk shall call the names of the members in alphabetical order and before announcing the result by the Presiding Officer the Clerk shall read the vote so taken upon the demand of any member.

Rule 21. Ordinances and Resolutions. Ordinances and resolutions may be offered by any member with his name endorsed thereon, and they shall be numbered consecutively during each year with the last two numerals in such year following such respective numbers, with a dash intervening.

The action of Council shall be by ordinance or resolution, but this shall not apply to the ordering of an election, or direction by Council to any board or officer to furnish Council with information as to the affairs of any department or office.

1. Each ordinance and resolution shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members.
2. Each ordinance or resolution shall be read on three different days, provided Council may dispense with this rule by a vote of at least three-fourths of its members.
3. The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
4. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all members of Council.
5. Action by Council not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.
(Ord. 5-34. Passed 2-13-34.)
6. An ordinance or resolution which is offered by a member under this Rule and then tabled without further action shall be deemed automatically withdrawn one year following its introduction; provided that the foregoing provision shall not apply to any matter which is tabled for removal and consideration by Council on a date specified in the motion to which lays such matter on the table.
(Ord. 75-04. Passed 11-9-04.)

Rule 22. Nondebatable Motions. The following motions are not debatable:

1. To adjourn;
2. To lay on the table;
3. To take from the table;
4. For the previous question.

Rule 23. Motion for the Previous Question. When the previous question is moved and seconded, it shall be put in these words: "Shall the main question now be put?" and, until decided, shall preclude all further debate and all amendments or motions, except one motion to adjourn and one motion to lay on the table, but no call shall be in order after the previous question has been sustained and before the main question has been put.

Rule 24. Violation of Rules. If any member, in speaking or otherwise, violates any of these Rules of Council, the Presiding Officer shall call him to order. If such member is called to order while speaking, he shall immediately take his seat unless permitted to explain. The question of order shall be decided without debate, and if the decision is in favor of the member called to order while speaking, he shall be at liberty to proceed with his speech without leave of Council.

Rule 25. Appeal. An appeal to Council from the decision of the Chair may be taken by any member if duly seconded, and the question shall be: "Shall the decision of the Chair be sustained?"

Rule 26. To Amend. Any proposed amendment or addition to these Rules of Council shall first be referred to the Judiciary Committee, which shall report thereon at the next regular meeting of Council.

Rule 27. Suspension of Rules. These Rules, or any of them, may be temporarily suspended at any meeting of Council by a concurrent vote of three-fourths of all the members elected, and the vote on such suspension, in such cases, shall be taken by yeas and nays and entered on the journal.

Rule 28. Robert's Rules. Questions of parliamentary procedure not covered by these Rules shall be governed by Robert's Rules of Order.
(Ord. 5-34. Passed 2-13-34.)

220.02 ACTING CLERK OF COUNCIL.

The Auditor is hereby authorized to appoint an Acting Clerk of Council, if desirable, for the purpose of performing the duties of the Clerk of Council in the Clerk of Council's absence or incapacity. The compensation of such Acting Clerk of Council shall be as determined by Council.

220.03 INCOMPATIBLE PUBLIC OFFICE.

Membership on the state or county central committee of any political party or organization is declared to be a public office incompatible with the position of member of Council, such active partisan activity being deemed detrimental to the promotion, protection and preservation of the nonpartisan form of government established by the Charter. No person who is a member of such a state or county central committee shall be qualified to be elected a member of Council, and any member of Council who, during his or her term, becomes a member of a state or county central committee shall cease to be qualified to serve as a member of Council and shall forthwith forfeit such office.
(Ord. 37-96. Passed 6-25-96.)

CHAPTER 222
Ordinances and Resolutions

222.01 Posting required.

CROSS REFERENCES

Enactment of ordinances - see CHTR, Art. IV, §25

Continuance of ordinances - see CHTR. Art. XIX, §74

Initiative and referendum - see CHTR. Art. XVI

222.01 POSTING REQUIRED.

All ordinances, resolutions, statements, orders, proclamations, notices and reports of the City which are required by law or ordinance to be published shall be published by posting copies thereof, for a period of not less than fifteen days after adoption on the bulletin board or in some other conspicuous place in the City Hall.

CHAPTER 223
Meetings

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| 223.01 | Definitions. | 223.04 | Actions to be taken in
open meeting. |
| 223.02 | Public meetings. | 223.05 | Notification of meetings. |
| 223.03 | Executive sessions. | | |

CROSS REFERENCES
Public meetings - see CHTR. Sec. 22

223.01 DEFINITIONS.

As used in this chapter:

- (a) "Public body" means Council, any committee of Council or any board or commission of the City established by the Charter or by Council.
- (b) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.
(Ord. 23-91. Passed 5-28-91.)

223.02 PUBLIC MEETINGS.

(a) Except as provided in Section 223.03, all meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public in order to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

(b) The minutes of a regular or special meeting of any such public body shall be promptly recorded and open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under Section 223.03.
(Ord. 23-91. Passed 5-28-91.)

223.03 EXECUTIVE SESSIONS.

The members of a public body may hold an executive session at any regular or special meeting only for one or more of the following purposes:

- (a) To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or the investigation of charges or complaints against a public employee or official;

- (b) To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest;
- (c) To confer with an attorney for the public body concerning matters involving the public body which are or may become the subject of litigation;
- (d) To prepare for, conduct or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
- (e) To consider matters required to be kept confidential by federal or state law; or
- (f) To consider security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.
(Ord. 23-91. Passed 5-28-91.)

223.04 ACTIONS TO BE TAKEN IN OPEN MEETING.

An ordinance, resolution, rule or formal action of any kind is invalid unless adopted in an open meeting of the public body.
(Ord. 23-91. Passed 5-28-91.)

223.05 NOTIFICATION OF MEETINGS.

Every public body shall establish a method whereby any person may obtain from such public body reasonable advance notification of the time and place of and, if known, the business to be conducted at any regularly scheduled or special meeting.
(Ord. 23-91. Passed 5-28-91.)

TITLE SIX - Administration

- Chap. 230. Mayor.
- Chap. 232. Auditor.
- Chap. 234. City Attorney.
- Chap. 236. City Engineer.
- Chap. 238. Department of Public Safety.
- Chap. 240. Police Department.
- Chap. 242. Fire Department.
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- Chap. 256. Recreation Department.
- Chap. 258. Custodians.
- Chap. 260. Civil Defense.
- Chap. 262. Employees Generally.
- Chap. 264. City Strategic Plan.

CHAPTER 230

Mayor

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| 230.01 Secretary; stenographer and clerks. | 230.02 Incompatible public office. |
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CROSS REFERENCES

- Mayor - see CHTR. Art. II
- Acting Mayor - see CHTR. Art. II, §11
- Mayor's Court - see CHTR. Art. III; ADM. Ch. 290
- Mayor's traffic control powers - see TRAF. 406.01 et seq.
- Mayor's emergency powers - see GEN. OFF. 648.09
- Authority of Mayor to condemn and remove trees and shrubs - see S.U. & P.S. 1026.11

230.01 SECRETARY; STENOGRAPHER AND CLERKS.

The Mayor may appoint a Secretary, who shall serve the Mayor, Auditor and the various administrative departments in the performance of their duties. Such appointment shall be at the pleasure of the Mayor and such person shall be compensated as provided by Council. The Mayor may also appoint additional stenographers or clerks to serve the above mentioned officers and departments.

(Ord. 6-36. Passed 1-29-36.)

230.02 INCOMPATIBLE PUBLIC OFFICE.

Membership on the state or county central committee of any political party or organization is declared to be a public office incompatible with the position of Mayor, such active partisan activity being deemed detrimental to the promotion, protection and preservation of the nonpartisan form of government established by the Charter. No person who is a member of such a state or county central committee shall be qualified to be elected Mayor. If the Mayor, during his or her term, becomes a member of a state or county central committee, he or she shall cease to be qualified to serve as Mayor and shall forthwith forfeit such office. (Ord. 37-96. Passed 6-25-96.)

CHAPTER 232
Auditor

<p>232.01 Deputy Auditor.</p> <p>232.02 Additional help for collection of delinquent taxes and assessments.</p> <p>232.03 Investment of surplus funds.</p> <p>232.04 Deposit of interest on inactive funds.</p>	<p>232.05 Treasury investment purchases and interest.</p> <p>232.06 Use of moneys deposited incident to improvements.</p> <p>232.07 Incompatible public office.</p> <p>232.08 Budget Stability Fund.</p>
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CROSS REFERENCES

Municipal tax levies and appropriations - see CHTR. Art. IV, §§26 et seq.

Limitations on expenditures - see CHTR. Art. IV, §28

Auditor - see CHTR. Art. V

Deposits - see CHTR. Art. V, §35

Board of Control - see CHTR. Art. X; ADM. Ch. 270

Bonds and evidences of indebtedness - see CHTR. Art. XIV

Contracts - see CHTR. Art. XV, Art. XIX, §4

232.01 DEPUTY AUDITOR.

The Auditor may appoint Deputy Auditors, in such number as Council determines, to assist in the performance of his or her duties and who, in the absence or disability of the Auditor, shall perform the duties of Auditor. Such appointment shall be for a term of one year and such person shall receive a salary as determined by Council and shall give bond in a sum determined by Council.

232.02 ADDITIONAL HELP FOR COLLECTION OF DELINQUENT TAXES AND ASSESSMENTS.

The Auditor is hereby authorized to employ the necessary help to collect information and serve notices upon persons delinquent in the payment of taxes and special assessments in order to facilitate the collection thereof.
(Ord. 21-35. Passed 7-9-35.)

232.03 INVESTMENT OF SURPLUS FUNDS.

Whenever there are moneys in the Treasury of the City 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 et seq. Investments so purchased shall be sold in accordance with Ohio R.C. 731.57.
(Ord. 36-67. Passed 12-12-67.)

232.04 DEPOSIT OF INTEREST ON INACTIVE FUNDS.

Net interest realized from inactive funds on deposit in any bank shall be paid to the General Fund. (Ord. 4-65. Passed 2-23-65.)

232.05 TREASURY INVESTMENT PURCHASES AND INTEREST.

Premiums and discounts on Treasury investment purchases shall be credited to or charged against interest and amortized over the period from purchase to the date of maturity of the security. Gains and losses in the sale of Treasury investment securities shall be credited to or paid from interest.

Net interest realized by the Treasury Investment Account shall be distributed quarterly, as follows: The interest earned on securities held by the Treasury Investment Account shall be paid to the General Fund.
(Ord. 37-67. Passed 12-12-67.)

232.06 USE OF MONEYS DEPOSITED INCIDENT TO IMPROVEMENTS.

Whenever any portion of the cost of any improvement has been reserved or retained by the City for a given time to indemnify and protect the City against any loss due to the lack of fulfillment of a contract or negligence on the part of the contractor, or to secure the keeping of such improvement in repair for a stated time, the sum so retained shall, upon the payment of the final estimate, be transferred to the Auditor to be held in the depository of such Auditor or invested by such Auditor in interest bearing bonds of the kind or kinds enumerated in Ohio R.C. 739.07 until such sum is disposed of as provided by the contract under which the same is so retained or reserved.

(Ord. 127. Passed 9-12-16.)

232.07 INCOMPATIBLE PUBLIC OFFICE.

Membership on the state or county central committee of any political party or organization is declared to be a public office incompatible with the position of Auditor, such active partisan activity being deemed detrimental to the promotion, protection and preservation of the nonpartisan form of government established by the Charter. No person who is a member of such a state or county central committee shall be qualified to be elected Auditor. If the Auditor, during his or her term, becomes a member of a state or county central committee, he or she shall cease to be qualified to serve as Auditor and shall forthwith forfeit such office.
(Ord. 37-96. Passed 6-25-96.)

232.08 BUDGET STABILITY FUND.

(a) There is hereby created in the City Treasury the Budget Stability Fund. Since the City's revenue sources are inherently unpredictable, it is the intent of Council to set aside and maintain an amount of money in the Budget Stability Fund as a contingency fund to be used to cover expenses of the City if actual revenues are lower than budgeted revenues and such difference cannot be offset by a reduction in expenses. Beginning in 1999, the Budget Stability Fund will be funded annually in an amount equal to the amount by which funds in the General Fund at December 31 of the prior year exceed six hundred thousand dollars (\$600,000). The balance in the Fund may be combined with the balance in the General Fund for purposes of cash management, provided that interest earned on the Budget Stability Fund shall be deposited in the General Fund.

(b) Not later than the thirty-first day of January each year beginning in 1999, the Auditor shall determine the balance in the General Fund on the preceding thirty-first day of December and shall transfer from the General Fund to the Budget Stability Fund the lesser of:

- (1) The amount by which the funds in the General Fund on such date exceed six hundred thousand dollars (\$600,000) or
- (2) The amount required to bring the balance in the Budget Stability Fund to one million dollars (\$1,000,000).

The Auditor shall advise Council of any transfers to the Budget Stability Fund from the General Fund.

(c) Upon the recommendations of the Auditor, Council may determine that a fiscal emergency exists requiring a transfer of all or a portion of the funds in the Budget Stability Fund to the General Fund to pay necessary expenses of the City, and upon such determination Council shall by ordinance authorize the transfer of such funds as shall be recommended by the Auditor from the Budget Stability Fund to the General Fund.

(Ord. 41-98. Passed 5-26-98.)

234.03 COMPENSATION.

(a) The salary of the City Attorney, as the same is established from time to time by Council, shall be compensation for all services rendered as attorney and counsel for the City and for all officers and departments thereof in matters relating to their official duties. Such salary is to be paid monthly, or at the discretion of the Auditor. Such City Attorney shall not be required to render service to the City, or to any official thereof, or to the Bexley School District, in any litigated matters for the salary and compensation aforesaid; should his or her services be required in any case wherein the City, or any official thereof, or the Bexley School District, is involved, or is about to be involved, in litigation, he or she shall receive for such services such sum as may be agreed upon by such City Attorney and Council.
(Ord. 5-51. Passed 1-9-51; Ord. 2-84. Passed 2-14-84.)

(b) In addition to his or her salary, and because the City does not maintain a separate office for the conduct of the official duties of the City Attorney, and because it is necessary for the City Attorney to perform such duties at his or her own expense, the City shall provide such books, supplies and clerical help as is deemed necessary to fulfill the functions of the office.

CHAPTER 236
City Engineer

EDITOR'S NOTE: The City contracts periodically for the services of an engineer or firm of engineers, designated the City Engineer. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

There are no sections in Chapter 236. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Engineer - see CHTR. Art. VIII
To approve plats - see Ohio R.C. 711.08
Inspection of streets as acceptance - see Ohio R. C. 711.091
General duties - see Ohio R.C. 735.32
Assistants - see Ohio R.C. 735.33
Power to regulate sewerage system and issue permits - see Ohio R.C. 3781.03
Registration as a professional engineer - see Ohio R.C. Ch. 4733
Authority of City Engineer for utility installations - see P. & Z. 1228.01

CHAPTER 238
Department of Public Safety

238.01 Establishment.

238.02 Composition.

CROSS REFERENCES

Appointment of Safety Director - see CHTR. Art. II, §7
Police and Fire Departments - see CHTR. Art. IX; ADM. Ch. 240, 242
Right of entry - see ADM. 262.04

238.01 ESTABLISHMENT.

A Department of Public Safety is hereby established in and for the City. The Department shall be under the direct charge of the Mayor and shall be organized as provided in this chapter. (Ord. 93-31. Passed 12-22-31.)

238.02 COMPOSITION.

The Department of Public Safety shall consist of the following sub-departments:

- (a) The Police Department;
- (b) The Fire Department;
- (c) The Building Department; and
- (d) The Health Department.

(Ord. 93-31. Passed 12-22-31.)

CHAPTER 240
Police Department

EDITOR'S NOTE: Resolution 3-71, passed February 9, 1971, authorized the City's participation in the Central Ohio Law Enforcement Council. Ordinance 26-82, passed May 25, 1982, authorized a Mutual Aid Compact with other Franklin County political subdivisions to provide more efficient police protection through mutual assistance and interchange of police personnel and equipment.

The City enters into Collective Bargaining Agreements, from time to time, with the Fraternal Order of Police, City Lodge No. 9, with respect to the bargaining unit consisting of all full-time regular policemen and policewomen in the rank of police officer. Copies of the latest relevant legislation and Agreement may be obtained, at cost, from the Clerk of Council.

240.01	Duties generally.	240.09	Effective dates of payroll increases for longevity. (Repealed)
240.02	Acting Chief of Police.	240.10	Disability compensation. (Repealed)
240.03	Contract for wrecking services.	240.11	Powers of police officers outside City.
240.04	School Safety Patrol.	240.12	Authority to dispose of bicycles.
240.05	Police Parking Control Officer.	240.99	Penalty.
240.06	Park Police.		
240.07	Mandatory retirement.		
240.08	Work week and work day.		

CROSS REFERENCES

Attendance of Police Chief in Mayor's Court - see CHTR. Art. II, §16

Police Department - see CHTR. Art. IX

Compliance with lawful order of police officer; fleeing - see TRAF. 404.01

Resisting arrest - see TRAF. 404.02; GEN. OFF. 606.16

Police may remove ignition key - see TRAF. 444.02

Disposition of property held by Police Department - see GEN. OFF. 606.24

240.01 DUTIES GENERALLY.

The duties of the Chief and other members of the Police Department shall be as prescribed by the City Charter, the statutes of the State and the ordinances of Council. They shall also serve notices and enforce the rules and regulations of the Board of Health and other boards, as directed by the Mayor, and shall maintain and keep in good condition all police vehicles, radios and other equipment used by the Department. They shall also perform such duties in connection with the Fire Department as may be required by the Mayor or the Chief of the Fire Department until otherwise provided by ordinance.
(Ord. 21-46. Passed 5-28-46.)

240.02 ACTING CHIEF OF POLICE.

(a) The office of Acting Chief of Police is hereby created, which position shall be exempt from the classified service. Such Acting Chief of Police shall have and exercise the powers and duties provided for the Chief of Police by the City Charter and the ordinances of the City, and by general laws of the State not in conflict with the City Charter, during the absence or incapacity of the Chief of Police, or in case of a vacancy in such office. Such appointment shall be by the Mayor and the term thereof shall be at the Mayor's pleasure, and if such appointment is made from the Police Department, the same being temporary, it shall not be deemed to be in the nature of a promotion and shall not affect the civil service status of the appointee.

(b) The salary of the Acting Chief of Police shall be determined by Council.
(Ord. 4-43. Passed 3-23-43.)

240.03 CONTRACT FOR WRECKING SERVICES.

The Mayor is hereby authorized to enter into a contract for the services of a wrecker and driver to assist the Police Department in enforcing the ordinances of the City.

240.04 SCHOOL SAFETY PATROL.

(a) A School Safety Patrol as may be organized under the direction of the Board of Education of the Bexley City School District for the purpose of assisting school children at street crossings is hereby authorized to operate on the public streets of the City by the stationing of its members at such street intersections as may be determined by such Board.

(b) Each member of such School Safety Patrol shall be not less than twelve years of age and, when on duty, shall be equipped with a badge designating membership in such Patrol, with a white belt of the style commonly known as a "Sam Brown Belt" and with a signal comprised of a red flag or banner attached to a pole not less than six feet in length and having the word "STOP" thereon in white letters not less than six inches in height, such pole and banner to be extended from the curb cross-wise of the street to designate the time when school children shall cross the street, and to be held parallel to the curb to warn such children against crossing such street. Any member of such Patrol who is placed at a street intersection where there is a traffic signal light shall conform his signals to those of such traffic signal light and shall not direct traffic contrary to such traffic signal light.
(Ord. 63-41. Passed 10-14-41.)

240.05 POLICE PARKING CONTROL OFFICER.

(EDITOR'S NOTE: Former subsection (a) hereof was repealed by Ordinance 49-90, passed May 22, 1990. See Section 262.02 for current legislation pertaining to uniform allowances.)

(b) The Police Parking Control Officer shall be under the direction of the Chief of Police and shall be subject to the rules and regulations prescribed by the Police Department. (Ord. 6-78. Passed 1-26-78; Ord. 3-86. Passed 7-8-86.)

240.06 PARK POLICE.

(a) There is hereby created within the Police Department the Park Police. The Mayor, jointly holding the position of Director of Public Safety, shall be the executive head of the Park Police and shall make all appointments and removals. The Mayor-Public Safety Director is hereby authorized to commission such Park Police as he may deem necessary and all such commissions shall be temporary and may be revoked at any time by the Mayor-Public Safety Director.

(b) The Chief of Police, with the approval of the Mayor-Public Safety Director, shall prescribe the rules and regulations, training, administration, control and conduct of the Park Police.

(c) The Chief of Police is hereby authorized to prescribe the uniform to be worn and the equipment to be used by members of the Park Police.

(d) A Park Policeman is hereby authorized to issue orders, either in person or by writing, or by means of visible or audible signals, for the purpose of controlling the use of City-owned or City-controlled parks.

(e) No person shall refuse or fail to comply with any lawful order, signal or direction of an officer of the Park Police. No person shall resist, hinder, obstruct or abuse any officer of the Park Police attempting to arrest offenders under any law applicable on or about City-owned or City-controlled parks.

(f) Officers of the Park Police shall only have police power to enforce City ordinances and State law within City-owned or City-controlled parks during assigned duty hours. The Park Police shall obey the chain of command of the Police Department.

(g) Members of the Park Police are not eligible for membership in the Police Relief and Pension Fund under Ohio R. C. 741.31 to 741.54, inclusive. Compensation shall be regulated by the City salary schedule authorized by Council. (Ord. 15-77. Passed 4-12-77.)

240.07 MANDATORY RETIREMENT.

Effective July 1, 1969, no member of the Police Department shall continue in such service after attaining the age of sixty-five years. Each member shall, upon attaining such age, be retired with such pension rights as may be provided by law and the rules of the Police Pension Fund. If the Mayor believes it to be in the interest of the City to retain any such member in such service after attaining the age of sixty-five years, he may do so for such a period or periods as he may from time to time determine, but not beyond the date when such member attains the age of sixty-six years. (Ord. 47-68. Passed 12-17-68.)

240.08 WORK WEEK AND WORK DAY.

(a) On and after the effective date of this section (Ordinance 40A-50, passed November 7, 1950) no regular member of the Police Department shall work more than forty hours in any one week. The schedule of work of such Department shall be so arranged that regular members thereof shall not be required to work more than eight consecutive hours in a twenty-four hour period and so that not more than forty hours shall be worked within five consecutive twenty-four hour periods, at a scale of wages not less than those received as of January 1, 1950.

(b) The requirements of subsection (a) hereof shall not apply during periods of extraordinary emergency caused by fire, flood or similar extraordinary emergency conditions. In cases of sickness or death, or other necessary occasion, the Chief of Police may permit the exchange of working hours between officers and regular members of the Department.

(c) Nothing contained in this section shall affect the provisions of any other ordinance granting vacations, rates of pay or leaves of absence.

(d) No provision of any other ordinance shall be construed as authorizing any action inconsistent with the provisions of subsection (a) hereof.
(Ord. 40A-50. Passed 11-7-50.)

240.09 EFFECTIVE DATES OF PAYROLL INCREASES FOR LONGEVITY.

(REPEALED)

(EDITOR'S NOTE: Section 240.09 was repealed by implication by Ordinance 2-84, passed February 14, 1984. The subject of longevity compensation, because it is an employee benefit, and therefore subject to frequent change, is not codified. See the editor's note in Chapter 262.)

240.10 DISABILITY COMPENSATION. (REPEALED)

(EDITOR'S NOTE: Section 240.10 was repealed by implication by Ordinance 22-81, passed July 14, 1981. The subject of disability compensation, because it is an employee benefit, and therefore subject to frequent change, is not codified. See the editor's note in Chapter 262.)

240.11 POWERS OF POLICE OFFICERS OUTSIDE CITY.

City police officers shall exercise all police powers conferred upon them by the City Charter, the statutes of the State and the ordinances of Council on lands outside the territorial limits of the City which are subject to the General Offenses Code pursuant to Section 606.055(c). (Ord. 34-98. Passed 5-12-98.)

240.12 AUTHORITY TO DISPOSE OF BICYCLES.

The Bexley Police Department is hereby authorized to dispose of bicycles, that have been unclaimed for more than ninety days, by contributing them to one or more nonprofit organizations as specified in Ohio R.C. 737.32.
(Ord. 62-05. Passed 7-12-05.)

240.99 PENALTY.

Whoever fails to comply with a lawful order of a Park Policeman or violates any of the provisions of Section 240.06 is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00).
(Ord. 15-77. Passed 4-12-77.)

CHAPTER 242
Fire Department

EDITOR'S NOTE: The City of Bexley contracts with the City of Columbus and other municipalities for fire protection services. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

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

Fire Department - see CHTR. Art. IX
Volunteer Firemen's Dependents Fund - see Ohio R.C. Ch. 146
Fire protection contracts - see Ohio R.C. 307.05, 505.44, 717.02
Firemen's Pension and Disability Fund - see Ohio R.C. Ch. 742
Parking near fire - see TRAF. 432.25
Driving over fire hose - see TRAF. 432.26
False alarms - see GEN. OFF. 648.08
Right of entry - see ADM. 262.04

Accessory structures which include, roofing, siding or window replacement; \$40.00 each;

Stoops (4 ft. x 6 ft. or less) shall be \$30.00;

Commercial - \$160.00; 2 or more, \$120.00 each.

- G. Garages, carports and accessory structures more than one hundred square feet, used in connection with a house or an apartment unit, the fee shall be \$125.00 for a single garage or carport, plus \$25.00 for each additional space.

(2) Plumbing permits:

Residential permits, there shall be a fee of \$50.00 for the first fixture or opening plus \$10.00 for each additional opening or fixture;

Commercial permits, there shall be a fee of \$60.00 for the first fixture or opening plus \$12.00 for each additional opening or fixture.

(3) Electrical permits:

The basic fee for an electrical permit shall be \$6.00 plus the following:

Outlets, fixtures, receptacles or switches shall be \$.60 each;

Appliances shall be \$4.00 each;

Service, per ampere, shall be \$.12 plus a base fee of \$50.00.

The minimum fee shall be \$60.00.

Temporary electrical permit shall be \$60.00.

Low voltage commercial permit shall be \$80.00 plus \$.06 per square ft.

(4) HVAC permits:

For residential permits, there shall be a fee of \$75.00 per unit. The fee for commercial per address shall be based on the total installed btu/hour according to the following chart:

<u>BTU/HR INPUT</u>	<u>WATTS</u>	<u>FEE</u>
0 - 5000	0 - 1500	\$75.00
5,001 - 100,000	1,501 - 29,300	\$85.00
100,001 - 200,000	29,301 - 58,600	\$95.00
200,001 - 300,000	58,601 - 87,900	\$105.00
OVER 300,000	OVER 87,900	\$125.00

Add \$25.00 for each 100,000 btu/hr. input or fraction thereof.

(5) Plan review fees:

Residential shall be \$30.00 per floor or parts thereof or actual costs incurred by the City. Commercial shall be the actual costs incurred by the City. When plan review is completed, but a building permit is not issued and not paid for, the fee shall be the Building Department deposit (\$50.00), or the actual costs incurred by the City for plan review.

Courier fees shall be the actual cost for each delivery.

(6) Other registrations and permits. The following fees shall apply for registrations and other permits:

- A. Plumber's registration - \$100.00 for each calendar year;
- B. All contractor's registration - \$100.00 for each calendar year;
- C. Electrician's registration - \$100.00 for each calendar year;
- D. Excavator registration - \$100.00 for each calendar year;
- E. HV/AC contractor's registration - \$100.00 for each calendar year;
- F. Driveway, approach, public sidewalk, curb outlet boring and excavation permit - \$55.00 each day (Clay tile \$1.00);

- G. Sewer permit - Private property - \$55.00, Right of way - \$100.00, if City main exposed - \$200.00, plus \$1,000.00 min. cash clean-up bond;
- H. Ventilation permit - \$25.00 each;
- I. Demolition permit - residential home - \$200.00, garage, \$75.00, Commercial - \$300.00; each permit application to be accompanied by a minimum \$300.00 cash clean-up bond;
- J. Sign permit - \$85.00;
- K. Swimming pool permit - residential - \$80.00, commercial - \$175.00;
- L. Fence permit - \$60.00 each;
- M. Foundation start - Residential - \$100.00, Commercial - \$200.00;
- N. Tent permit - \$175.00 per structure > 200 sq. ft. public use only;
- O. Building fee deposit - residential - \$50.00, Commercial - \$100.00;
- P. Certificate of occupancy - residential - \$50.00, commercial - \$100.00;
- Q. Change of use permit - \$225.00;
- R. Fire sprinkler or hood suppression permit - Residential - \$50.00, Commercial (per address) - \$125.00 + \$3.00 per head;
- S. Hood permit - \$175.00 each;
- T. Generators - residential - \$60.00, Commercial - \$120.00;
- U. Fire place permit - residential - \$60.00 each, Commercial - \$80.00 each;
- V. Gas piping permit - residential - \$60.00, commercial - \$125.00;
- W. Alarm permit - commercial - \$125.00 + \$2.00 per device;
- X. Antenna tower or satellite dish permit (per unit) - residential - \$60.00, commercial - \$175.00;
- Y. Resubmittal fee (Architectural Review, Planning Commission, Main Street Redevelopment, Permit plans) - \$30.00;
- Z. Street Opening Permit - \$150.00 plus \$1,000.00 min. cash clean-up bond;
- AA. Temporary banner permit - \$40.00 for a maximum of one month per year;
- BB. Building Appeals - Residential - \$75.00, Commercial - actual costs;
- CC. Conditional Occupancy - Residential - \$60.00/ Commercial - \$150.00 (plus escrow - see schedule);
- DD. Conditional Occupancy escrow fee schedule:
- | | |
|---|---------------|
| No stand of grass or erosion control | \$200.00 min. |
| No sidewalk | \$200.00 min. |
| No driveway | \$300.00 min. |
| Final grade incomplete | \$300.00 min. |
| Gutter/downspouts conductors incomplete | \$200.00 min. |
| Architectural conditions incomplete | \$200.00 min. |

- EE. Zoning permits:
1. Residential additions/accessory structures - \$30.00 each;
 2. New residential one family - \$50.00 each;
 3. New residential two family - \$60.00 each;
 4. New residential three family - \$70.00 each;
 5. Commercial additions/accessory structures - \$80.00 each;
 6. New commercial - \$150.00 each;
- (7) The above fees for permits and registrations shall be tripled if any work has been commenced before a permit has been filed with the Building Department. Such triple fee shall not apply to any emergency or urgently necessary work if a permit for such work is obtained as provided.
- (8) The fees shown in the foregoing schedule shall be in lieu of the fees heretofore fixed by any ordinance for the issuing of such respective registrations or permits.
- (9) The cash clean-up bond provided for hereof shall be held by the City until the project, including site restoration in accordance with approved plans, has been satisfactorily completed, inspected and approved by the Building Department, at which time, it will be refunded in full to the contractor. However, if a condition exists, as a result of the demolition or site restoration, where the site, neighboring property or any public right of way is littered with debris, building materials, mud, dirt or any other matter that is deemed to be a nuisance, or the work is not completed in accordance with the approved plans, the Building Department shall give the contractor written notice to clean up the site, neighboring property, or public right of way, or complete the project in accordance with the approved plans. If the contractor fails or refuses to comply within twenty-four hours after receipt of such notice, the Building Department shall have the work done and the cost of such work shall be withheld from the cash clean-up bond. This section does not limit the right of the City to collect damages for any other injury that may be incurred.
- (10) Re-inspection fees may be charged whenever an additional inspection is necessary due to: faulty or incomplete construction; improper address; locked premises; or any other reason beyond the control of the Building Department. The re-inspection fee per trip shall be \$75.00 payable in advance.
- (11) Special inspections requested for off duty hours will be charged at a rate of ninety-five dollars (\$95.00) per hour, minimum two (2) hours. Special electrical inspections shall be \$95.00.
(Ord. 134-05. Passed 1-10-06.)

244.02 FEES; INDEPENDENT ARCHITECTS AND PLANNERS.

(1) The fees to be paid when applications are filed for hearings before City Council, the City Planning Commission, the Board of Zoning Appeals and the Main Street Redevelopment Commission shall be as follows:

A.	Requests for amendment to previously approved PUR or PUC plans	\$200.00
B.	Split of lot or existing parcel	200.00
C.	Replatting or new plat	200.00

- D. Zoning variance: A fee shall be charged when an application is filed for a variance as follows:
- | | |
|----------------------------------|---------|
| Single family | \$50.00 |
| All others | 70.00 |
| Fence variance or special permit | 40.00 |
- E. Rezoning: A fee shall be charged when an application is filed for rezoning, as follows:
- | | |
|---------------------------------|--------|
| First acre or any part thereof | 200.00 |
| Each additional acre or portion | 50.00 |
- F. Residential architectural review fee:
- A. Minor alterations - Architectural consultant only.
Initial application: \$30.00.
- B. Board review: \$70.00 for valuations of up to \$10,000
\$5.00 for each additional \$10,000 with a cap of \$500.00.
- G. Application fees for exterior signage shall be same as environmental review application fees below.
- H. Environmental review application fees based on the valuation of the project as follows:

Cost of Project

\$0 - \$10,000	\$ 75.00
\$10,001 - \$50,000	150.00
\$50,001 - \$100,000	200.00
\$100,001 - \$500,000	300.00
\$500,001 - \$1,000,000	700.00
Over \$1,000,000	1,000.00

Artistic improvements such as sculpture, murals and mobiles shall be exempt from an application fee. However, prior to the installation of artistic improvements, an application shall be filed for review and approval by the Planning Commission or the Main Street Redevelopment Commission.

(2) If City Council, the Planning Commission or the Board of Zoning Appeals or the Main Street Redevelopment Commission decides it needs the services of an independent architect or planner to assist it, it shall designate the person to be consulted and the cost thereof shall be paid by the applicant in addition to the above filing fees.
(Ord. 134-05. Passed 1-10-06.)

CHAPTER 246
Health Department

EDITOR'S NOTE: There are no sections in Chapter 246.
This chapter has been established to provide a place for cross
references and any future legislation.

CROSS REFERENCES

Board of Health - see CHTR. Art. XI; ADM. Ch. 272
Health districts - see Ohio R.C. Ch. 3709
Safety, sanitation and health - see GEN. OFF. Ch. 660
Food establishments and handlers - see B.R. & T. Ch. 820
Right of entry - see ADM. 262.04

CHAPTER 248
Department of Public Service

- 248.01 Establishment.
248.02 Composition.
- 248.03 Employee Awards Program.

CROSS REFERENCES

Appointment of Service Director - see CHTR. Art. II, §7
 Streets, Sewers and Sidewalks Department - see ADM. Ch. 250
 Parks and Public Grounds Department - see ADM. Ch. 252
 Water Department - see ADM. Ch. 254
 Recreation Department - see ADM. Ch. 256
 Right of entry - see ADM. 262.04

248.01 ESTABLISHMENT.

A Department of Public Service is hereby established in and for the City. The Department shall be under the direct charge of the Mayor and shall be organized as provided in this chapter. (Ord. 93-31. Passed 12-22-31.)

248.02 COMPOSITION.

The Department of Public Service shall consist of the following sub-departments:

- (a) The Streets, Sewers and Sidewalks Department;
- (b) The Parks and Public Grounds Department;
- (c) The Water Department; and
(Ord. 93-31. Passed 12-22-31.)
- (d) The Recreation Department.

248.03 EMPLOYEE AWARDS PROGRAM.

(a) An Employee Awards Program is hereby established in the name of James "Ed" Messer to recognize outstanding service by employees of the Department of Public Service to the residents of the City.

(b) The Employee Awards Program shall consist of a monthly award of a letter of recognition and a twenty-five dollar (\$25.00) cash bonus to an employee nominated by a Service Department supervisor for outstanding service during the previous work month. Final selection will be made by the Mayor based on the written nomination. An Annual Award Winner will be selected by the Mayor in January of each year from the previous monthly award winners. The annual award for outstanding service shall consist of a trophy and a two hundred dollar (\$200.00) cash bonus.

(c) The criteria for the James "Ed" Messer Award for Outstanding Public Service shall be based on service over and above performance standards. Such criteria can include cost-saving suggestions, service during times of emergency or significant work performance over an extended period of time. Where outstanding criteria have not been met, there shall be no award winner. (Ord. 28-85. Passed 7-9-85.)

CHAPTER 250
Streets, Sewers and Sidewalks Department

250.01 Assistant Service Director.	250.04 Residential quarters for Superintendent of Streets and Service.
250.02 Authority to employ laborers, etc.	
250.03 Street Maintenance Foreman.	

CROSS REFERENCES

Establishment - see ADM. 248.02
 Street and sidewalk areas - see S.U. & P.S. Title Two
 Sidewalks - see S.U. & P.S. Ch. 1022
 Sewers - see S.U. & P.S. Ch. 1044
 Duties of Assistant Service Director re sewers - see S.U. & P.S. 1044.05
 Employee Awards Program - see ADM. 248.03
 Right of entry - see ADM. 262.04

250.01 ASSISTANT SERVICE DIRECTOR.

An Assistant Service Director shall be appointed by the Mayor and confirmed by Council until his successor is appointed. He shall supervise the improvement and repair of streets, avenues, alleys, landings, market houses, bridges, viaducts, sidewalks, sewers, drains, ditches, culverts, streams and watercourses. He shall also supervise sewage disposal, garbage and refuse collection and the lighting, sprinkling and cleaning of all public places, and he shall have the custody and care of all tools, implements and trucks used in connection with his duties. He shall perform such other duties consistent with the nature of his office as Council may require. He shall have such assistants and may employ such labor as may be authorized by ordinance.

250.02 AUTHORITY TO EMPLOY LABORERS, ETC.

(a) Subject to the limitations prescribed by the City Charter, the Assistant Service Director shall have the right to employ such laborers or other employees as may from time to time be necessary in the conduct of the affairs of the Streets, Sewers and Sidewalks Department.

(b) All bills for labor shall be approved by the Mayor and shall be paid from the appropriation for the Streets, Sewers and Sidewalks Department.

250.03 STREET MAINTENANCE FOREMAN.

(a) There is hereby created in the Department of Public Service the position of Street Maintenance Foreman to perform generally the former duties and responsibilities of the Assistant Superintendent of Service which include, but are not limited to, directing the various work crews of the Department as assigned to him and performing semiskilled laboring tasks in connection with street and sewer construction, maintenance and repair.

(b) A job description for this position shall be prepared by the Department for submission and adoption by the Civil Service Commission.
(Ord. 13-79. Passed 5-8-79.)

**250.04 RESIDENTIAL QUARTERS FOR SUPERINTENDENT OF
STREETS AND SERVICE.**

The Superintendent of Streets and Service may reside in quarters in the Jeffrey Mansion, at the expense of the City. (Ord. 2-84. Passed 2-14-84.)

CHAPTER 252
Parks and Public Grounds Department

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| 252.01 Superintendent of Parks | 252.03 Residential quarters for Parks Supervisor. |
| 252.02 Authority to employ laborers, etc. | |

CROSS REFERENCES

- Establishment - see ADM. 248.02
 Street and sidewalk areas - see S.U. & P.S. Title Two
 Responsibility of Superintendent of Parks re trees and shrubs -
 see S.U. & P.S. 1026.10
 Parks - see S.U. & P.S. Ch. 1062
 Open Space District (OS) - see P. & Z. 1244.13, 1252.03(l)
 Employee Awards Program - see ADM. 248.03

252.01 SUPERINTENDENT OF PARKS.

(a) A Superintendent of Parks shall be appointed by the Mayor and confirmed by Council for a term of one year and until his successor is appointed. He shall have the care and management of all public parks, park entrances, parkways, childrens' playgrounds, public baths and stations for public comfort located in such parks, and of trees and shrubs on public rights of way. He shall also have supervision of the cutting of weeds on public ways and unimproved lots and shall be responsible for the care and maintenance of all tools, implements and trucks used in his Department. He shall have such assistants and may employ such labor as may be authorized by ordinance. (Ord. 1-38. Passed 1-3-38.)

(b) The compensation of the Superintendent of Parks shall be payable out of the General Fund and shall be determined by the Mayor within a range determined by Council, and such Superintendent shall be paid every two weeks. (Ord. 30-70. Passed 9-8-70.)

252.02 AUTHORITY TO EMPLOY LABORERS, ETC.

(a) Subject to the limitations prescribed by the City Charter, the Superintendent of Parks shall have the right to employ such laborers or other employees as may from time to time be necessary in the conduct of the affairs of the Parks and Public Grounds Department.

(b) All bills for labor shall be approved by the Mayor and shall be paid from the appropriation for the Parks and Public Grounds Department. (Ord. 27-37. Passed 7-27-37.)

252.03 RESIDENTIAL QUARTERS FOR PARKS SUPERVISOR.

The Parks Supervisor may live on the Jeffrey grounds in quarters assigned to him or her at the expense of the City. (Ord. 2-84. Passed 2-14-84.)

CHAPTER 254
Water Department

- 254.01 Superintendent of Water
Lines and Service.
254.02 Authority to employ
laborers, etc.

CROSS REFERENCES

- Establishment - see ADM. 248.02
Employee Awards Program - see ADM. 248.03
Right of entry - see ADM. 262.04
Water pollution - see GEN. OFF. 660.04; P. & Z. 1260.24
Water - see S.U. & P. S. Ch. 1042
Flood damage prevention - see B. & H. Ch. 1444

254.01 SUPERINTENDENT OF WATER LINES AND SERVICE.

(a) The position of Superintendent of Water Lines and Service is hereby created as of October 1, 1970, the duties, responsibility and authority of which position shall be determined and designated by the Mayor and be subject to amendment by the Mayor whenever he deems it necessary.

(b) The compensation of the Superintendent of Water Lines and Service shall be payable fifty percent out of the Water Fund and fifty percent out of the Sewer Fund and shall be determined by the Mayor within a range determined by Council, and such Superintendent shall be paid every two weeks. (Ord. 30-70. Passed 9-8-70.)

254.02 AUTHORITY TO EMPLOY LABORERS, ETC.

(a) Subject to the limitations prescribed by the City Charter, the Superintendent of Water Lines and Service shall have the right to employ such laborers or other employees as may from time to time be necessary in the conduct of the affairs of the Water Department.

(b) All bills for labor shall be approved by the Mayor and shall be paid from the appropriation for the Water Department.
(Ord. 27-37. Passed 7 - 27-37.)

CHAPTER 256
Recreation Department

EDITOR'S NOTE: There are no sections in Chapter 256.
This chapter has been established to provide a place for cross
references and any future legislation.

CROSS REFERENCES

Establishment - see ADM. 248.02
Land appropriation for parks - see Ohio R.C. 715.21, 719.01
Parks and playgrounds - see Ohio R.C. Ch. 755
Recreation Board - see Ohio R.C. 755.13 et seq.; ADM. Ch. 282
Employee Awards Program - see ADM. 248.03
Bexley Teen Center - see ADM. 282.09

CHAPTER 258
Custodians

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| 258.01 Custodian and assistant custodian for Robert H. Jeffrey grounds. | 258.02 Custodian of the Municipal Building. |
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CROSS REFERENCES

Parking prohibited on Municipal Building grounds - see TRAF. 452.12
Dogs on Jeffrey Park property - see GEN. OFF. 618.15
Jeffrey Mansion Grounds and Commonwealth Park; Recreation Director;
employees - see ADM. 282.05

**258.01 CUSTODIAN AND ASSISTANT CUSTODIAN FOR
ROBERT H. JEFFREY GROUNDS.**

The positions of custodian and assistant custodian of the grounds recently conveyed to the City by Robert H. Jeffrey are hereby created, which positions shall be exempt from the classified service. Such custodian and assistant custodian shall be appointed by the Mayor and confirmed by Council to serve during the pleasure of the Mayor. The salary of such custodian and assistant custodian shall be as determined by Council. In addition, the custodian shall have the use and occupancy of the tenant house now on such premises. The custodian shall have the custody and care of such grounds and the buildings thereon and the care of the grass, trees and shrubbery and shall perform such other duties in connection with such premises and in the enforcement of regulations governing the use thereof as the Mayor may direct. The assistant custodian shall assist the custodian in the performance of the above duties.
(Ord. 27-42. Passed 4-28-42.)

258.02 CUSTODIAN OF THE MUNICIPAL BUILDING.

(a) The position of custodian of the Municipal Building is hereby created, which position shall be exempt from the classified service. Such custodian shall be appointed by the Mayor and confirmed by Council for a term of one year.

(b) It shall be the duty of the custodian to keep the Municipal Building clean and free from debris and dirt and to perform all duties usually performed by janitors, all to the satisfaction of the Mayor, and such custodian may be removed by the Mayor for cause.

(c) The compensation of the custodian shall be determined by Council.
(Ord. 18-52. Passed 3-11-52.)

CHAPTER 260
Civil Defense

EDITOR'S NOTE: Ordinance 47-84, passed September 25, 1984, authorized the City's participation in a County-wide Emergency Management Agency (to replace the Disaster Services Agency) to coordinate emergency management activities within the County.

There are no sections in Chapter 260. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Civil defense - see Ohio R. C. 5915.01 et seq.
Riot - see GEN. OFF. 648.01
Misconduct at an emergency - see GEN. OFF. 648.06
Inducing panic - see GEN. OFF. 648.07
Making false alarms - see GEN. OFF. 648.08
Mayor's emergency powers - see GEN. OFF. 648.09

CHAPTER 262
Employees Generally

EDITOR'S NOTE: Because of the frequency of change, provisions relating to compensation are not codified. Copies of the latest relevant legislation may be obtained from the Clerk of Council.

262.01	Bonds.	262.04	Right of entry; hold harmless agreements.
262.02	Benefits and certain terms and conditions of employment.	262.05	Flexible spending account benefits.
262.03	Ohio Employees Deferred Compensation Program.	262.06	Unskilled labor positions.

CROSS REFERENCES

Appointment of officers - see CHTR. Art. II, Secs. 7, 8
 Removal of officers - see CHTR. Art. II, Sec. 9
 Officers and employees of Council - see CHTR. Art. IV, Sec. 23
 Bonds of officers and employees - see CHTR. Art. IV, Sec. 30
 Compensation of officers and employees - see CHTR. Art. IV, Secs. 31, 32
 Civil Service Commission - see CHTR. Art. XII; ADM. Ch. 274
 Conflict of interest - see CHTR. Art. XV, Sec. 60; GEN. OFF. 606.17
 Nominations and elections - see CHTR. Art. XVIII
 Oath of office - see CHTR. Art. XIX, Sec. 73
 Employee Awards Program - see ADM. 248.03

262.01 BONDS.

(a) The bond given by all employees except the police and the Auditor-Treasurer shall be a blanket position bond in the amount of ten thousand dollars (\$10,000), the company furnishing the same to be subject to the approval of the Mayor and Council.

(b) The bond of the Auditor-Treasurer shall be ten thousand dollars (\$10,000) and that the company furnishing the same shall be subject to the approval of Council, which bond shall protect the City with regard to his faithful performance of duty as well as dishonest acts. (Ord. 46-68. Passed 11-26-68.)

262.02 BENEFITS AND CERTAIN TERMS AND CONDITIONS OF EMPLOYMENT.

(a) Classification of Employees. For purposes of this section, elected and appointed officials and all employees who are not members of a bargaining unit governed by a collective bargaining agreement are classified as follows:

- (1) Schedule I Full-time salaried and hourly employees;
- (2) Schedule II Elected and appointed officials; and
- (3) Schedule III Part-time, temporary and seasonal employees.

(b) Definitions. As used in this section: (Ord. 25-98. Passed 3-16-98.)

- (1) "Exempt employee" means the Police Chief, Police Captain, Service Director, Finance Director, Director of Recreation, Recreation Supervisors, Director of Development, Director of Technology, Director of Building Services and any other employee who is determined by virtue of his or her duties and responsibilities to be exempt from the provisions of the Federal Fair Labor Standards Act. (Ord. 21-02. Passed 3-26-02.)
- (2) "Full-time employee" means a salaried or hourly employee whose regular hours of work equal or exceed the regular work hours set forth in subsection (c)(11) hereof.
- (3) "Non-exempt employee" means any employee of the City who is not an exempt employee.
- (4) "Part-time employee" means an employee whose regular hours of work are less than the regular work hours set forth in subsection (c)(11) hereof. (Ord. 25-98. Passed 3-16-98.)
- (5) "Seasonal employee" means an employee who works a certain regular season or period of the year performing some work limited to that season or period of the year. Seasonal appointments will be made for a period not to exceed seven (7) months in the Recreation and Parks Department and nine (9) months in the Service Department. Seasonal employees will be given beginning and ending employment dates at the time of hire. Seasonal employees cannot be hired into other positions within the City unless they resign their seasonal appointment. "Summer only" maintenance employees including student help are not classified as seasonal employees. (Ord. 82-02. Passed 10-8-02.)
- (6) "Temporary employee" means an employee whose work period is for a limited period of time, as fixed by the appointing authority, and not to exceed six months. A temporary employee may not be rehired in a temporary or seasonal capacity following the end of the term of temporary employment.
- (7) "Casual employee" means an employee who works an irregular schedule of hours, on an as needed basis, not to exceed 500 hours in a calendar year.
- (8) "Unskilled labor position" means a position of employment designated as an unskilled labor position by ordinance of the City Council of Bexley, for which there are minimal or no experience or educational requirements, or which primarily involve responsibilities for leading or supervising City-sponsored recreational or educational activities. (Ord. 49-02. Passed 7-9-02.)

(c) Schedule I - Full-Time Salaried and Hourly Employees. The benefits and terms and conditions of employment for Schedule I employees shall be as follows: (Ord. 25-98. Passed 3-16-98.)

- (1) Bereavement leave. In the event of the death of an employee's mother, father, sister, brother, current spouse, child, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current step child, current daughter-in-law, current son-in-law, current stepmother, current stepfather, grandmother, grandfather, current grandmother-in-law, current grandfather-in-law, legal guardian or other person who stands in the place of a parent or for whom the employee stands in loco parentis, the employee shall be granted three working days off as sick leave with regular pay to attend the funeral or to attend to any other necessary business. If the funeral occurs outside of the State of Ohio, the employee may be granted sick leave usage for a maximum of five working days if he or she actually attends the funeral. Additional days of sick leave or leave without pay may be approved by the Mayor on a case-by-case basis.
(Ord. 12-03. Passed 3-11-03.)
- (2) Clothing allowance.
- A. Police Chief and Police Captain. The Police Chief and Police Captain are hereby authorized and empowered to purchase various articles of clothing to be worn as part of his or her official uniform as prescribed by the Mayor, not exceeding the sum of one thousand dollars (\$1,000) per calendar year.
(Ord. 25-98. Passed 3-16-98.)
- B. Other Schedule I Employees. The Street Maintenance Supervisor, Grounds Maintenance Supervisors, Superintendent of Maintenance and Assistant Street Maintenance Supervisor will receive a clothing allowance of three hundred fifty dollars (\$350.00) per calendar year, and all other hourly employees will receive a clothing allowance as provided in the current collective bargaining agreement between the City and such hourly employees. The yearly clothing allowance provided in this subsection is intended to be used for the purchase of boots, gloves, parkas, hats and other clothing required in connection with the employee's job and which must be provided by him or her. (Ord. 108-00. Passed 1-23-01.)
- C. Invoices. Payment of or reimbursement for the purchase of clothing pursuant to Subsections A and B shall be made only upon the submission of invoices for all such purchases to the City.
- (3) Holidays.
- A. Police Chief and Captain. Holidays for the Police Chief and Police Captain will be as follows:
New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day
- Exempt employees shall not be entitled to holiday pay.

- B. All other Schedule I employees. Holidays for all other Schedule I employees will be as follows:
- New Year's Day
 - Martin Luther King Day
 - Presidents Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Thanksgiving Day
 - Friday following Thanksgiving Day
 - Christmas Day
1. Unless otherwise directed by the Mayor, an employee subject to this subsection will not work on a scheduled holiday.
 2. Non-exempt employees subject to this subsection who are required to work on a holiday will receive double-time for hours worked, and exempt employees shall not be entitled to overtime pay for holidays worked by them. The extra pay will be included in the regular payroll in which the holiday occurs. Any person absent the working day before or after a holiday, without prior approval, shall not be paid for that holiday.
- (4) Injury leave.
- A. All Schedule I employees may be allowed injury leave for service-connected injuries with pay not to exceed 60 total work days (120 total work days in the case of the Police Chief and the Police Captain) in a calendar year. Said injury leave shall not be cumulative from year to year, shall be charged at the rate of one hour for each work hour absent and may be extended by City Council in its discretion on such terms as it shall establish in a particular case.

- B. Injury leave may be granted upon the recommendation of the department head and the approval of the Mayor only for injuries determined by a licensed physician (and/or in consultation with a City-designated physician at the discretion of the Mayor) to have so disabled the employee that he or she cannot perform the duties of his or her position. The physician shall submit a written statement to the City providing information regarding the duration of the injury or disability, the cause of such injury or disability, and the employee's ability to perform his or her assigned duties.
- C. If injury leave is granted by the Mayor, a written report explaining approval of injury leave shall be filed with the Auditor. Once injury leave has been initially granted by the Mayor, extensions thereof may be granted as Council directs.
- D. In the case of the Police Chief and the Police Captain, all heart and respiratory diseases will be considered job-related for purposes of this section.
- E. Injury leave with pay shall not be granted, when, by nature of the injury or disability, an employee is entitled to wage benefits under the Workers' Compensation Laws of the State, until, and only if, an agreement is signed by the employee and the City, whereby the employee agrees to reimburse the City for any wage or salary benefits received by him or her as a claimant from the Department of Workers' Compensation for the time period for which injury pay is awarded.
- F. All such unreimbursed-reimbursed injury pay compensation shall be charged against the allowable annual injury leave up to the maximum number of hours specified in subsection A, or extensions thereof by Council, by dividing the total unreimbursed injury pay by the employee's regular hourly rate of pay. Should the employee use the maximum allowable injury leave within a calendar year, and still be unable to return to work, such employee may, with the approval of his or her department head and the Mayor, utilize any accrued sick leave to compensate for the difference between the workers' compensation benefits and his full City pay by making the same computation to determine hours utilized.
- G. The provisions of this subsection dealing with injury leave are separate and distinct from the provisions relating to the accumulation and usage of sick leave in subsection (c)(12).

- (5) Insurance. The City shall contract with one or more entities authorized to do business in this State to provide the following insurance benefits to all Schedule 1 employees. (Ord. 25-98. Passed 3-16-98.)
- A. Life. A policy of group life insurance in the amount of \$50,000 per employee shall be fixed by this ordinance covering all employees at no cost to the employee; and
- B. Health. A contract or contracts providing group health, hospital, surgical, major medical, dental and vision insurance with such benefits as shall be fixed annually by contract covering all employees. The City shall offer employees group health insurance coverage under a preferred provider plan (“PPO”) which provides benefits presented to and approved by this Council, with the City paying ninety-two percent (92%) and each covered employee paying eight percent (8%) of the premium cost of the PPO. Any co-payment shall be paid by each covered employee by automatic payroll deduction. Dental and vision insurance shall be provided at no cost to the employee. (Ord. 108-00. Passed 1-23-01.)
- (6) Jury duty. The City shall grant full pay where an employee is summoned for any jury duty or subpoenaed as a witness by any court or other adjudicatory body. All compensation for such duty must be reimbursed to the City unless such duty is performed totally outside of normal working hours. It is not proper to pay employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce court proceedings, custody, appearing as directed with juveniles, etc. These absences would be leave without pay or vacation time at the discretion of the employee. An employee shall request prior approval for court leave, in order for such leave to be granted. (Ord. 25-98. Passed 3-16-98.)
- (7) Longevity pay.
- A. Each Schedule I employee, other than the Police Chief and Police Captain who shall be entitled to the longevity pay provided, from time to time, in the collective bargaining agreement governing uniformed members of the Bexley Police Department, shall be entitled to longevity pay effective on his or her anniversary date, which is the date he or she started working for the City. Such longevity pay shall be paid annually and will be included in the next regular pay check following his or her anniversary date and shall be based upon years of continuous employment as follows:
1. From and after January 1, 2007:

Beginning 5th year	\$700.00
Beginning 10th year	\$850.00
Beginning 15th year	\$1,000.00
Beginning 20th year	\$1,150.00

2. From and after January 1, 2008:
- | | |
|---------------------|------------|
| Beginning 5th year | \$750.00 |
| Beginning 10th year | \$900.00 |
| Beginning 15th year | \$1,050.00 |
| Beginning 20th year | \$1,300.00 |
- B. Upon retirement, either voluntarily or by disability, or upon death, longevity pay shall be prorated from the employee's most recent anniversary date to the date on which the separation occurs. In the event of an employee's death, the payment shall be made to the employee's spouse or secondarily to his or her estate.
(Ord. 4-07. Passed 2-27-07.)
- (8) Military leave.
- A. Employees who are members of the Ohio National Guard, the Ohio Defense Corps, the State and Federal Militia or members of other reserve components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duties for periods not to exceed a total of thirty-one calendar days in one calendar year.
- B. Employees are required to submit to the City an order or statement from the appropriate military commander as evidence of such duty. There is not a requirement that the service be in one continuous period of time. The maximum number of hours for which payment will be made in any one calendar year under this provision is 176 hours. Employees who are members of those components listed in paragraph A. above will be granted emergency leave for mob, riot, flood, civil defense or similar duties when so ordered by the Governor to assist civil authorities. Such emergency leave will be without pay if it exceeds authorized military leave for the year (thirty-one days). The leave will cover the official period of the emergency.
- (9) Overtime.
- A. Exempt employees. Exempt employees shall not be entitled to receive additional compensation for hours worked in excess of the regular work period set forth in subsection (c)(11) hereof.
- B. Non-exempt employees. Non-exempt employees who work in excess of forty hours per regular work period as set forth in subsection (c)(11) hereof shall be compensated at the rate of one and one-half times the employee's straight time hourly rate of pay. The Superintendent of Maintenance, the Service Superintendent, the Grounds Maintenance Supervisor, Assistant Service Supervisor and all hourly employees, when called into work for emergency reasons, will be paid time and one-half for a minimum of two hours regardless of the hours actually worked. No employee shall be paid for overtime work which has not been authorized by his or her supervisor. For purposes of calculating overtime, hours worked shall include any approved leave, including holidays, vacation, personal days, and injury, military and sick leave.

1. Court pay. Non-exempt employees will be paid in the case of Bexley Mayor's Court appearances in his or her official capacity as a witness for, or otherwise on behalf of, the City, a minimum of two hours overtime, and in the case of all appearances before other courts a minimum of three hours overtime will be paid provided that such appearances in his or her official capacity as a witness for, or otherwise on behalf of, the City occur during an employee's off duty hours.
 2. Training. Non-exempt employees who work overtime resulting from attendance at a regularly scheduled training or educational school, class or clinic, overtime will be calculated at one and one-half times the number of hours actually worked in training.
(Ord. 25-98. Passed 3-16-98.)
 3. Compensatory time. An employee may accumulate and maintain up to twenty-four (24) hours of compensatory time. The employee must notify the City each pay period to indicate that they want this earned overtime to be accumulated as compensatory time. Compensatory time off requests must be made in advance and are subject to supervisory approval. Compensatory time may be carried over up until January 31st of the succeeding year adjusted to the rate of pay in effect in the preceding year.
(Ord. 40-04. Passed 6-22-04.)
- (10) Personal days. Each Schedule I employee shall be entitled to three personal days, except the Police Chief and Police Captain who will receive five personal days, to be taken during the calendar year at the discretion of the employee and upon approval by the department head, or, in the case of a department head, the Mayor. During an employee's first calendar year, personal days shall be accrued based on the number of months of continuous service with the City as follows: one personal day after one month's service; one personal day after six months service; one personal day after eight months service. Thereafter, personal days for an employee shall accrue as of January 1, of each year. Personal days are non-cumulative and are not considered sick days or holidays, and therefore, are not subject to the employee receiving pay in lieu of the days off.
- (11) Regular work period and hours of work. The regular work period for salaried employees shall consist of five consecutive workdays and two consecutive days off; provided that the Director of Recreation may, with the approval of the Mayor, establish a different schedule of workdays, work hours and days off for Recreation Supervisors and Recreation Activities Leaders. The regular hours of work for salaried employees shall be eight hours per day, except that the regular workday for office personnel shall be seven and one-half hours. The regular work period for hourly employees shall be from 12:01 a.m. Thursday to 12:00 Midnight Wednesday and shall include five workdays and two consecutive days off. The regular hours of work for hourly employees shall be eight hours per day. The Mayor may, when he determines such change to be necessary, amend the regular work period and work hours for any employee.

(12) Sick leave.

- A. Sick leave accrual. For each completed eighty hours in active pay status (including, but not limited to, vacation, sick and personal leave), an employee shall earn 4.616 hours of sick leave. The amount of sick leave time which may be accrued is 1,920 hours. All hours of sick leave accrued in excess of 1,920 hours shall annually be converted into a cash payment on the basis of one hour of pay for each hour of unused sick leave which shall be made to an employee as soon as practicable after the close of each calendar year. Sick leave shall accrue and be recorded at the employee's base rate of pay in effect during the pay period when the sick leave is earned. Each time an employee is approved to use or convert sick leave, the sick leave available which accrued at the lowest base rate of pay shall be credited first.
- B. Use of sick leave. An employee may request sick leave for the following reasons:
1. Illness or injury of the employee or a member of his or her immediate family.
 2. Exposure of the employee or a member of his or her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.
 3. Death of a member of an employee's immediate family.
 4. Necessary medical, dental or optical examinations or treatment of the employee or his or her immediate family.
 5. Pregnancy, childbirth and/or related medical conditions of employee or a member of his or her immediate family.
- For purposes of this subsection, the "immediate family" is defined as only: mother, father, brother, sister, child, current spouse, grandparent, grandchild, current mother-in-law, current father-in-law, current sister-in-law, current brother-in-law, current daughter-in-law, current son-in-law, legal guardian or other person who stands in the place of a parent, or for whom the employee stands in loco parentis.
- C. Sick leave approval. An employee requesting sick leave shall inform the radio dispatcher on duty of the fact and reason for such request at least one hour (two hours in the case of the Police Sergeants) prior to his or her scheduled starting time. Failure to do so may result in denial of sick leave for the period of absence unless the employee provides to the department head a written explanation for noncompliance which the department head reasonably determines to be acceptable. The employee may be required to submit to a medical examination if the City suspects sick leave abuse.

The City may require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician or practitioner may be required to justify the use of sick leave. Falsification of illness information given verbally, by written, signed statement, by a physician's or practitioner's certificate or by any other means shall be grounds for disciplinary action including dismissal.

- D. Termination of service. When a full-time employee terminates service, he or she also will receive one hour of pay for each eight hours of unused sick leave to his or her credit for total unused sick leave up to and including 320 hours and one hour of pay for each four hours of unused sick leave in excess of 320 hours up to and including 1,920 hours. The payment shall be calculated in accordance with subsection A and shall constitute payment in full of all sick leave credit accrued but unused by the employee. No payment will be made to any employee, for any unused sick leave, unless it is in excess of 232 hours. When termination of service results from the death of the employee, all unused sick leave to his or her credit shall be paid at the rate set forth above, in a lump sum to his or her surviving spouse or, if there is no spouse, to his or her estate. If the Police Chief or the Police Captain is killed in the line of duty, all unused sick leave to his or her credit shall be paid on the basis of one hour of pay for each hour of unused sick leave at the rate in effect at the time of his or her death in a lump sum to his or her surviving spouse or, if there is no spouse, to his or her estate.

- (13) Tuition reimbursement program.
- A. Participation. All employees are eligible to participate in a tuition reimbursement program. Participation shall be voluntary and available only for job-related, self-development courses taken during non-working hours. All course work must be taken in accordance with a planned program approved in advance by the employee's department head.
(Ord. 25-98. Passed 3-16-98.)
- B. Reimbursement. For approved courses, an employee shall be reimbursed one hundred percent (100%) of the tuition expense and expenses incurred for required textbooks, to a maximum of three thousand dollars (\$3,000) during each calendar year, provided that the employee satisfactorily completes the approved course by attaining a grade C or better, or an equivalent. No reimbursement is available for any other expense related to course attendance. Reimbursements shall be made to an employee upon submission of official transcripts, tuition statements and receipts for textbooks.
(Ord. 108-00. Passed 1-23-01.)
- C. Tuition Reimbursement Repayment. If an employee, within two years of receipt of tuition reimbursement, leaves City employment for any reason other than to commence regular or disability retirement, the employee shall repay the City any and all tuition reimbursement received during the two-year period prior to leaving City employment.
- (14) Vacations.
- A. Grant.
1. Police Chief and Police Captain. Vacation with pay will be granted to the Police Chief and the Police Captain on the anniversary date of hire based upon years of continuous employment with the City, unless otherwise required by City ordinance or law, as follows:
End of years 1 through 3rd year = 10 workdays
Beginning of year 4 through 7th year = 12 workdays
Beginning of year 8 through 11th year = 16 workdays
Beginning of year 12 through 14th year = 17 workdays
Beginning of year 15 through 17th year = 21 workdays
Beginning of year 18 through 21st year = 22 workdays
Beginning of year 22 through termination = 26 workdays
 2. All other Schedule I employees. Vacation with pay will be granted to all other Schedule I employees on the anniversary date of hire based upon years of continuous employment with the City, unless otherwise required by City ordinance or law, as follows:
End of years 1 through 3rd year = 10 workdays
Beginning of year 4 through 7th year = 12 workdays
Beginning of year 8 through 11th year = 16 workdays
Beginning of year 12 through 14th year = 17 workdays
Beginning of year 15 through 17th year = 21 workdays
Beginning of year 18 through 21st year = 22 workdays
Beginning of year 22 through termination = 26 workdays

- B. Accrual and Carry Over. Subject to the approval of the department head or, in the case of a department head, the Mayor or Auditor, as appropriate, accrued vacation may be scheduled to be taken in two-hour increments by Schedule I employees. Each employee shall be required to schedule a full vacation during every anniversary year. It shall be the City's general policy that every employee shall use his or her vacation by the employee's anniversary date of each calendar year, and no payment shall be made in lieu of unused vacation. Payment for accrued vacation in lieu of use of vacation will only be authorized in unusual circumstances. Vacation leave may accrue to an employee in an amount equal to the accrual of one year's vacation at an employee's current accrual rate. If an employee, with the approval of his or her department head, or in the case of a department head, the Mayor or Auditor as appropriate, is not able to use his or her vacation prior to his or her next anniversary date, the hours unused will automatically be converted into paid compensation at the rate of pay in effect in the pay period immediately preceding the anniversary date, and will be included in the first paycheck immediately following the employee's anniversary date. Notwithstanding the foregoing, a maximum of five days of vacation time may be carried over from year to year upon the written request of an employee to his or her department head, or in the case of a department head, the Mayor or Auditor as appropriate.
- C. Termination of employment. An employee who is separated from City service through removal, resignation, retirement or a layoff and who has unused vacation leave to his or her credit, shall be paid in a lump sum for such unused vacation leave to his or her credit at the time of separation. When an employee dies, any unused vacation leave to his or her credit shall be paid in a lump sum to the surviving spouse or, if there is no spouse, the estate of the deceased employee.
(Ord. 25-98. Passed 3-16-98.)
- D. Credit for prior service. Newly hired employees will be granted service credit for vacation accrual pursuant to their prior public employment with another municipality within the State of Ohio. Newly hired employees are not eligible for vacation during their first year of City employment, provided that the Mayor may grant vacation during the first year of City employment for management positions on a case-by-case basis.
(Ord. 21-02. Passed 3-26-02.)
- (15) Compensation. Employees will be paid the salary, wages or other compensation provided for in the annual pay ordinance enacted by Council. All salaried employees will be paid twenty-six times per year, beginning January 1 of each year. All hourly personnel will be paid fifty-two times per year beginning January 1 of each year.
(Ord. 25-98. Passed 3-16-98.)

- (16) Wellness payment.
- A. Police Chief and Police Captain. If the Police Chief and the Police Captain do not request and are not granted sick leave, except bereavement leave pursuant to subsection (c)(1) hereof, during each three calendar months of continuous service, he or she shall, in addition to the accumulation of the sick leave, have the option of receiving one (1) day's pay or one (1) day off with pay, up to a maximum of two (2) days per calendar year. If the bonus option is elected, the bonus shall be paid as soon as practicable after it is earned and shall be in addition to all other pay and allowances. Vacation, personal days or injury leave may not be used in lieu of sick leave to qualify for the wellness payment.
- B. All Other Schedule I Employees. All other Schedule I employees who do not request and are not granted sick leave, except bereavement leave pursuant to subsection (c)(1) hereof, during each three calendar months of continuous service, he or she shall, in addition to the accumulation of the sick leave, have the option of receiving one (1) day's pay or one (1) day off with pay, up to a maximum of three (3) days per calendar year. If the day off option is elected, the day off must be taken in the quarter immediately following the quarter in which it is earned, or it will be lost. If the bonus option is elected, the bonus shall be paid as soon as practicable after it is earned and shall be in addition to all other pay and allowances. Vacation, personal days or injury leave may not be used in lieu of sick leave to qualify for the wellness payment. (Ord. 21-02. Passed 3-26-02.)
- (17) Fitness Incentive for Police Chief and Police Captain. The Police Chief and Police Captain are entitled to the following fitness incentive provided they meet the 65th percentile physical fitness level of the Cooper Aerobics Standards. If the 65th percentile standard is attained at least once during each calendar year, the Police Chief and Police Captain shall be awarded an incentive payment of two hundred dollars (\$200.00) payable during the first pay period of December of that year, or they may elect in lieu of such payment to take off one day as the schedule permits and as approved by their respective supervisors. If the Police Chief or Police Captain successfully meets the 65th percentile standard a second time during the same calendar year, they may elect to take off one additional day as the schedule permits and as approved by their respective supervisors.(Ord. 108-00. Passed 1-23-01.)

- (18) Assistant Service Superintendent. When the Assistant Service Superintendent is required to accept responsibilities and carry out the duties of the Service Superintendent for a period of eight (8) consecutive work hours or more, he or she shall be paid at the rate of that position or classification while doing so. (Ord. 21-02. Passed 3-26-02.)
- (19) Option to decline group health insurance coverage.
- A. On the effective date of this subdivision, employees who are able to obtain health insurance coverage through a spouse or other source may choose to decline or reduce coverage under the City's group health insurance plan. An eligible employee who declines coverage in its entirety shall be entitled to receive an annual payment from the City as follows: family coverage - \$2,500.00, employee/spouse coverage - \$2,000.00, employee/children coverage - \$2,000.00, and employee only coverage - \$1,500.00. An eligible employee who elects to reduce coverage shall be entitled to receive an annual payment as follows: family coverage reduced to employee coverage only - \$2,000.00, employee/spouse coverage reduced to employee only - \$1,400.00, and employee/children coverage reduced to employee only coverage - \$1,400.00. Payments under this subdivision will be made in two installments. The first installment equal to 50% of the annual payment will be paid:
1. Within 60 calendar days of receipt of a completed cash incentive alternative form for such year or
 2. As to an employee who elected to decline or reduce coverage for the year 2005 prior to the effective date hereof, within 60 calendar days of the effective date, and the second installment for the remaining 50% will be paid by December of such year.
- The cash incentive payment shall be prorated based on the number of months as to which the employee has declined or reduced coverage from and after January 1, 2005. (Ord. 23-05. Passed 5-10-05.)

- B. In order to be eligible to exercise this option, an employee must provide the City with a completed, signed waiver-form indicating that the employee has voluntarily chosen to decline the City-supplied group health insurance (single and family coverage) and that the employee has an alternative source of health insurance coverage. The City will provide employees with a form for this purpose. An eligible employee wishing to exercise the option to receive cash in-lieu-of group health insurance coverage must submit a request to do so, together with the completed waiver-form during the annual enrollment period. Employees who fail to meet these requirements must wait until the next enrollment period to exercise the cash in-lieu-of group health insurance coverage option.
- C. Employees who have opted out of the City-supplied group health insurance coverage under this provision may later decide to obtain coverage under the City's group health insurance plan by submitting a completed, signed form to the City during the next annual enrollment period. The City will provide employees with an application form for this purpose. Employees who apply for City-supplied group health insurance coverage during the annual open enrollment period are not subject to pre-existing condition limitations.
- D. Employees who have opted out of City-supplied group health insurance coverage and who lose their alternative source of group health insurance coverage may apply to the City to join or rejoin the City-supplied group health insurance plan at times other than the annual enrollment period. In such instances, the City reserves the right to require the employee to provide proof of the loss of alternative insurance coverage and to repay, on a pro rata basis, any cash the City previously paid to the employee for periods in which the employee will participate in the City-provided coverage. An eligible employee who joins or rejoins the City-supplied group health insurance plan under this subsection D. will receive insurance coverage (subject to all limitations and conditions that apply to such coverage) under the plan commencing at the beginning of the month following:
1. Loss of coverage, or
 2. The date of the application for coverage under the City-supplied group health insurance coverage due to loss of coverage; whichever occurs later.
- Employees who obtain City-supplied group health insurance coverage after the loss of an alternative source of coverage are not subject to pre-existing condition limitations.

- E. An employee who separates from City employment, voluntarily or involuntarily, must repay to the City on a pro-rata basis cash received in lieu of insurance coverage corresponding to the period of time following the employee's separation date. The City will automatically withhold this sum from the employee's final paycheck. An employee's obligation to repay this sum is not extinguished in the event that his or her final paycheck is not large enough to completely repay the amount owed to the City.
- F. This section involves group health insurance coverage only and in no way affects employees' eligibility for City-supplied vision, dental or life insurance coverage, if any.
(Ord. 79-02. Passed 10-22-02.)

(20) Purchase of Service Handgun by Retiring Police Chief or Police Captain.

A Police Chief or Police Captain who honorably retires from active duty may purchase his/her service handgun from the City and shall be entitled to receive a badge signifying the member's retired status. The cost of the service handgun shall be one dollar (\$1.00).

- A. If the Police Chief or Police Captain is marked-off for a stress-related or psychological condition at the time of his/her retirement, he/she will not receive his/her service handgun and/or badge, unless he/she provides the Mayor with a statement within ninety (90) days of retirement from a psychiatrist or licensed psychologist that the Police Chief or Police Captain is competent to receive his/her service handgun and/or badge. If such a statement is provided to the Mayor within ninety (90) days of retirement, the member shall be given the opportunity to purchase his/her service handgun and/or shall receive his/her badge.
- B. In the event that a Police Chief or Police Captain retires in a dishonorable status due to a pending administrative or criminal investigation, the member's badge and gun will not be released. However, at the conclusion of said investigation, the Mayor will make a final determination as to whether the badge and gun will be permanently withheld.
(Ord. 35-07. Passed 5-8-07.)

(d) Elected and appointed officials. The benefits and terms and conditions of employment for Schedule II employees shall be as follows:
(Ord. 25-98. Passed 3-16-98.)

- (1) Elected officials. All elected officials shall be eligible to participate in the City's group life, health, dental and vision insurance programs at the same benefit levels and coverage and on the same terms that such coverages are provided to Schedule I employees and such other insurance benefits, if any, as shall be mandated by state law; provided, however, that:
 - A. The co-payment of any member of Council who elects to receive all or a portion of his or her compensation in the form of insurance benefits shall be determined in accordance with Section 32, as amended, of the City Charter or any ordinance fixing the compensation of members of Council elected to terms beginning on or after January 1, 2004, adopted pursuant to Section 32, and
 - B. The City shall pay eighty percent (80%) and the Auditor shall pay twenty percent (20%) of the premium cost of the PPO, if the Auditor elects to participate in the City's group health insurance program. Any co-payment shall be invoiced and paid quarterly.
- (2) City Attorney. The City Attorney shall be eligible to participate in the City's group insurance programs at the same benefit levels and coverage and on the same terms as the Auditor under subsection (d)(1) hereof. Compensation of the City Attorney shall be provided by a separate ordinance. (Ord. 79-02. Passed 10-22-02.)

(e) Schedule III - Part-Time, Temporary and Seasonal Employees. The benefits and terms and conditions of employment for Schedule III employees shall be as follows:

- (1) Holiday pay. Schedule III employees who work the last working day before and the first working day after a sanctioned holiday, listing under subsection (c)(3) hereof, shall be paid for the holiday.

- (2) Insurance. Schedule III employees shall be entitled only to those insurance benefits mandated by State law, including, without limitation, Workers' Compensation benefits.
- (3) Overtime. Schedule III employees who work in excess of 40 hours per regular work period as set forth for hourly employees in subsection (c)(11) shall be compensated at the rate of one and one-half times the employee's straight time hourly rate of pay.
- (4) Pay schedule. Schedule III employees will be paid on a weekly basis.
- (5) Wages. Wages shall be as provided by the annual pay ordinance.

(f) Uniform Personnel Reporting and Recordkeeping System. The Auditor shall establish a uniform reporting and recordkeeping system for all City employees, including, without limitation, procedures and forms for recording hours worked and for requesting and approving pay for overtime, vacations, holidays, sick leave, injury leave and personal days. (Ord. 25-98. Passed 3-16-98.)

262.03 OHIO EMPLOYEES DEFERRED COMPENSATION PROGRAM.

(a) Council hereby adopts the Ohio Public Employees Deferred Compensation Program and extends to all eligible employees the opportunity to join the Program.

(b) The Mayor is hereby authorized to execute, with the concurrence of Council, an agreement with the Ohio Public Employees Deferred Compensation Board on terms and conditions which the Mayor determines are in the best interest of the City, which agreement shall authorize the Board to offer the Program to all eligible employees of the City and thereafter to administer the Program on behalf of such employees. (Res. 6-76. Passed 7-27-76.)

262.04 RIGHT OF ENTRY; HOLD HARMLESS AGREEMENTS.

(a) The administrative officers of the City are hereby authorized to direct employees, servants, agents and independent contractors of the City to enter upon the premises of private property owners to perform services and duties to protect the health, safety and welfare of the residents of the City in accordance with the laws of the City and the State.

(b) When necessary, desirable or appropriate to facilitate the performance of the services and duties specified in subsection (a) hereof, the Mayor and Auditor are hereby authorized and directed to execute hold harmless agreements, in form and substance approved by the City Solicitor, with property owners. (Ord. 30-85. Passed 6-11-85.)

262.05 FLEXIBLE SPENDING ACCOUNT BENEFITS.

The Codified Ordinances are hereby amended by the addition of certain options under a City sponsored flexible spending account plan ("flex 125 plan") as follows:

- (a) Existing Benefit. Employee health insurance contributions are tax sheltered via the flex 125 plan.
- (b) Newly Available Options.
 - (1) Medical Savings Account. This section will permit employees to pay for medical expenses not covered by their insurance coverages with "before tax" dollars (i.e. co-pays, orthodontia expenses, pharmaceutical and chiropractic costs, etc.).

- (2) Dependent Children. This section will permit employees to pay for dependent childcare with “before tax” dollars. The only requirement is that the provider be a registered provider and deduct taxes from their employees or pay taxes as a sole provider.
- (c) Cost of Additional Flex 125 Plan Benefits. The cost for these additional options is estimated at \$7.75 per month for each participating employee. Participation is voluntary and the City need only pay the monthly fee for any employee who elects to participate.
(Ord. 30-01. Passed 5-22-01.)

262.06 UNSKILLED LABOR POSITIONS.

The unskilled labor employee positions of the City in the unclassified civil service shall be as follows:

Camp Director
Camp Counselor
Camp Supervisor
Playground Leader
Playground Supervisor
Sports Instructor
Sports Supervisor
Baseball Instructor
Softball Instructor
Basketball Instructor
Football Instructor
Baseball Supervisor
Softball Supervisor
Basketball Supervisor
Tennis Instructor
Tennis Supervisor
Preschool Teacher
Office Aide
Seasonal Grounds Maintenance Worker
Intern
Pool Manager
Asst. Pool Manager
Lifeguard
Swim Instructor
Swim Lesson Director
Jr. Varsity Swim Team Coach
Varsity Swim Team Coach
Asst. Jr. Varsity Swim Team Coach
Asst. Varsity Swim Team Coach
Diving Coach
Seasonal Maintenance Worker
Seasonal Street Worker
(Ord. 49-02. Passed 7-9-02.)

CHAPTER 264
City Strategic Plan

- 264.01 Preparation and submission of plan.
264.02 Review and adoption of plan.
- 264.03 Annual report; update of plan.

264.01 PREPARATION AND SUBMISSION OF PLAN.

The Mayor shall cause to be prepared and submitted to Council at or before its first meeting in June 2000 a strategic plan for the City, which shall include, but not be limited to, issues of residential and commercial development, infrastructure, finances, safety and community quality of life. (Ord. 19-00. Passed 4-11-00.)

264.02 REVIEW AND ADOPTION OF PLAN.

Following appropriate public comment and discussion, Council shall adopt a City strategic plan based upon the plan submitted by the Mayor, together with such changes as it shall deem necessary, desirable or appropriate. (Ord. 19-00. Passed 4-11-00.)

264.03 ANNUAL REPORT; UPDATE OF PLAN.

The Mayor shall annually issue a report of the progress made in achieving the goals and objectives of the strategic plan. The strategic plan shall be updated as needed by the Mayor and such updates shall be submitted to Council for review, public comment and adoption. (Ord. 19-00. Passed 4-11-00.)

TITLE EIGHT - Boards and Commissions

- Chap. 270. Board of Control.
- Chap. 271. Records Commission.
- Chap. 272. Board of Health.
- Chap. 274. Civil Service Commission.
- Chap. 276. City Planning Commission.
- Chap. 278. Board of Zoning Appeals.
- Chap. 280. Bexley Historical Society.
- Chap. 282. Recreation Board.
- Chap. 284. Technology Commission.
- Chap. 286. Main Street Redevelopment Commission.
- Chap. 288. Tree and Public Gardens Commission.
- Chap. 290. Jeffrey Mansion Commission.

CHAPTER 270
Board of Control

EDITOR'S NOTE: There are no sections in Chapter 270. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Board of Control - see CHTR. Art. X
- Treasury investment purchases and interest - see ADM. 232.05
- Having an unlawful interest in a public contract - see GEN. OFF.
606.17

CHAPTER 271
Records Commission

271.01 Duties.

271.02 Membership.

CROSS REFERENCES
Records commission - see Ohio R.C. 149.39

271.01 DUTIES.

There is hereby created in and for the City a Records Commission which shall possess all the powers and be subject to all of the duties of a City records commission under Ohio R.C. 149.39.

(Ord. 59-93. Passed 11-23-93.)

271.02 MEMBERSHIP.

The Records Commission shall be composed of the Mayor or a representative appointed by the Mayor, as chairman, the City Auditor, the City Attorney, and a citizen appointed by the Mayor. The citizen member shall serve for a term of three years or until his or her successor is appointed. Members shall serve without pay. 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.

(Ord. 39-02. Passed 5-28-02.)

CHAPTER 272
Board of Health

<p>272.01 Meetings. 272.02 Officers. 272.03 Minutes, agendas and reports. 272.04 Reporting notifiable diseases and positive laboratory tests. 272.05 Orders and regulations. 272.06 Complaints; hearing and decision. 272.07 Appeals. 272.08 Variances.</p>	<p>272.09 License or permit suspension or revocation; reinstatement; appeal. 272.10 License or permit transfer. 272.11 Employees; compensation. 272.12 Duties; food service operations. 272.13 Enforcement; inspection. 272.99 Penalty; injunctions.</p>
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CROSS REFERENCES

Orders and regulations - see Ohio R.C. 3707.48, 3709.20
Establishment, composition and term - see Ohio R.C. 3709.05
President pro tempore; meetings - see Ohio R.C. 3709.12, 121.22
Appointments - see Ohio R.C. 3709.14, 3709.15
Records - see Ohio R.C. 3709.19, 149.43
Orders and regulations - see Ohio R.C. 3707.48, 3709.20
Emergencies - see Ohio R.C. 3709.20, 3709.99
Penalties - see Ohio R.C. 3707.99(C), 3709.99
Prosecution and legal action - see Ohio R.C. 3707.02, 3709.221, 3709.99
Board of Health - see CHTR. Art. XI
Right of entry - see ADM. 262.04
Animal nuisances - see GEN. OFF. 618.13
Safety, sanitation and health - see GEN. OFF. Ch. 660
Violations of orders - see GEN. OFF. 660.15
Food establishments and handlers - see B.R. & T. Ch. 820
Sewers - see S.U. & P.S. Ch. 1044
Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

272.01 MEETINGS.

(a) The Board shall hold a regular meeting each month, except when a special meeting or a change is agreed upon by a majority of Board members.

(b) If it is necessary, because of a holiday or inability to constitute a quorum on the date provided to hold a regular monthly meeting on some date other than as provided in subsection (a) hereof, the alternate date so established shall be communicated in advance to all news media requesting such communication.

(c) The Board shall not hold a special meeting unless it gives at least twenty-four hours advance notice of the time, place and purpose of such special meeting to the news media that have requested such notification, except in an emergency requiring immediate official action, in which case the time, place and purpose of such emergency meeting shall be immediately communicated to all news media requesting such notification.

(d) In accordance with Ohio R.C. 121.22, the Board shall take official action and shall conduct all deliberations upon official business only in open meetings, unless the subject matter is specifically excepted by law.

(e) A majority of the Board shall constitute a quorum. The majority vote of all members shall be required on all matters. The motion shall fail if a majority vote of all members is not obtained.

(f) The Board rules and regulations may be amended from time to time by a majority vote of the entire membership of the Board.

(g) The Board may hold a policy meeting in conjunction with its regular meeting or at another time as it agrees upon or as is initiated by the President Pro Tempore.

(h) No person shall smoke while any Board meeting is in session.

272.02 OFFICERS.

(a) A President Pro Tempore and a Vice-President Pro Tempore shall be elected by the Board at its first regular meeting in February of each year. Each shall hold office for one year and until the successor is elected and qualified.

(b) If the offices of President Pro Tempore or Vice-President Pro Tempore become vacant, the Board shall elect a successor from its membership within two months. The Board may elect an interim officer at its next regular meeting. The President Pro Tempore and Vice-President Pro Tempore shall be entitled to vote on the Board. (A.O.)

(c) The Board shall appoint a Health Commissioner who shall serve as the Secretary of the Board; provided, however, that notwithstanding the foregoing, the City may contract for all public health services, including the services of a health commissioner, with the board of health of another jurisdiction. In the event that the City contracts for public health services, the Board shall not appoint a Health Commissioner and the duties of Health Commissioner and Secretary of the Board shall be performed by the contracting entity and its designated officials. In the event that the City shall contract with the board of health of another jurisdiction to provide all public health services of the City, for purposes of this chapter "Health Commissioner" shall mean the contracting entity and its designated officials. (Ord. 50-07. Passed 6-12-07.)

272.03 MINUTES, AGENDAS AND REPORTS.

(a) Minutes. Minutes of meetings of the Board are public record as defined in Ohio R.C. 149.43, except for matters discussed in executive session or those excluded by law. Minutes of executive sessions need only reflect the general subject matter of discussion. The cost of furnishing minutes considered as public records shall be set by the Health Commissioner based on costs of labor and materials. The Health Commissioner shall keep a record of the recipient, date received and date of any set of minutes distributed. The public may inspect minutes at all reasonable times.

(b) Agendas. The Board may provide for the preparation and distribution of agendas to visitors at meetings.

(c) Reports and Records. Copies of reports and records of the Board or the Health Department shall be furnished any person upon request if such are public records as defined in Bexley City Code unless excluded by law. Costs shall be set by the Health Commissioner based on costs of labor and materials. Initially, all records pertaining to the identification of a complainant shall be kept separate and confidential from the public record of inspection and notice of violation in regard to any business building, multiple dwelling, structure or premise. All other information regarding inspections and notices of violations pertaining to any structure or premises shall be considered a public record and available on request. After a citation is issued and a hearing date is set, the identity of the complainant shall be disclosed to the accused and his legal counsel if the complainant is the person who executes an affidavit for issuance of the citation.

272.04 REPORTING NOTIFIABLE DISEASES AND POSITIVE LABORATORY TESTS.

(a) No attending physician or other person required by law shall fail to report a notifiable disease as required and in accordance with Ohio R.C. 3707.06 and Ohio Administrative Code Chapter 3701-3.

(b) No attending physician or person in charge of a laboratory shall fail to report a positive laboratory test result for any class A disease as required and in accordance with Ohio Administrative Code 3701-3-26.

272.05 ORDERS AND REGULATIONS.

(a) Pursuant to Ohio R.C. 3709.20, the Board may make such orders and regulations as are necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. The Board may also make orders and regulations pursuant to Ohio R.C. 3707.48 to enforce Ohio R.C. Chapter 3707.

(b) All orders and regulations not for the government of the Board, but intended for the general public, shall be adopted, recorded and certified as are ordinances of the City and the record thereof shall be given in all courts the same effect as is given such ordinances. In cases of emergency caused by epidemics of contagious or infectious diseases, or conditions or events endangering the public health, the Board may declare such orders and regulations to be emergency measures, and such orders and regulations shall become effective immediately without such advertising, recording and certifying.

272.06 COMPLAINTS; HEARING AND DECISION.

(a) Complaints may be presented to the Board by any person having knowledge of actions by a person which may be violations of Ohio statutes, the Ohio Administrative Code, Bexley Codified Ordinances, and Board regulations and orders. Complaints may also be made by the Health Commissioner.

(b) The Health Commissioner or his representative shall investigate such complaints and present them to the Board. If the Board finds that there are reasonable grounds to believe that a violation has occurred, a written notice of the nature of the violation and the time and date of a hearing on the allegation(s) shall be delivered, either personally or by certified mail to the accused or to his legal counsel.

(c) A public hearing shall be held, and all relevant evidence presented.

(d) The Health Commissioner or his representative shall have the burden of going forward with the presentation of evidence. All parties shall have the right to appear and be heard in person, or by legal counsel, to present their case. All parties shall have the right to:

- (1) Offer and examine witnesses and present evidence in support of their case; and
- (2) Cross examine adverse witnesses; and
- (3) Proffer evidence into the record if its admission has been denied.

(e) Testimony shall be given under oath, by deposition, written interrogations and/or upon written or oral stipulation. The following oath shall be given by the Board President Pro Tempore to all persons who give evidence in the case before the Board, including staff and persons appearing as alleged violators:

"Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?"

(f) The Board shall rule on all matters of evidence. In so doing, the Board is not strictly bound by the rules of evidence. The Board may set time limitations for each witness at any point in the proceedings. The Board may set time limitations for each side in the presentation of evidence. A record of proceedings in the form of a transcript shall be kept for not less than thirty days from the date of its final decision. Parties seeking a stenographic record shall acquire such stenographic record at their own expense.

(g) Any hearing may be continued by the Board, either on their own motion or at the request of either party.

(h) The standard of proof for a finding that a violation has occurred shall be the preponderance of the evidence.

(i) At the conclusion of the presentation of the case the President Pro Tempore may either take the matter under consideration by the Board, or may move for an immediate decision.

(j) The decision of the Board shall be in writing and shall become effective three days after receipt of certified mail by the accused or his legal counsel, unless otherwise stated in the Board decision.

(k) In any hearing conducted by the Board, the Board may appoint a referee or examiner to conduct the hearing. In a hearing conducted by the Board at least one member of the Board shall be present.

The referee or examiner appointed to conduct the hearing shall have the same powers and authority in conducting the hearing as is granted to the Board. The referee or examiner shall have been admitted to the practice of law in the State and be possessed of such additional qualifications as the Board may require. The referee or examiner shall submit to the Board a written report setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the Board. A copy of such written report and recommendation of the referee or examiner shall, within five days of the date of filing thereof, be served upon the party or his attorney or other representative of record, by certified mail. The party may, within ten days of receipt of the copy of the written report or recommendation, file with the Board written objections to the report and recommendation, which objections shall be considered by the Board before approving, modifying, or disapproving the recommendation. The Board may grant extensions of time to the party within which to file such objections .

No recommendations of the referee or examiner shall be approved, modified or disapproved by the Board until ten days after the service of the report and recommendation as provided in this section. The Board may order additional testimony to be taken or permit the introduction of further documentary evidence. No recommendation shall be final until approved by a quorum of the entire Board as indicated by an order on its record of proceedings.

272.07 APPEALS.

(a) All parties shall have the right to appeal an order or notice by the Health Commissioner or his authorized representative within fifteen days of the receipt of such order or notice. Late requests may be considered by the Board on an individual basis, but shall not prejudice or otherwise deter pending criminal or civil proceedings which have been initiated during the late period.

(b) The appeal request shall be considered at the first regular meeting of the Board and, if accepted, the public hearing shall be placed on the agenda for the next regularly scheduled meeting unless the Board grants an extension for good cause shown.

(c) The appeal hearing procedure shall be the same as provided relative to a complaint hearing.

(d) The Board, by majority vote, may approve, modify or disapprove the order or notice by written decision which shall become effective three days after receipt by certified mail by the appellant and/or legal counsel, unless otherwise stated in the Board decision.

272.08 VARIANCES.

The Board may grant a variance in a specific case and from a specific provision of any regulation, order or notice to appropriate conditions and provided the Board makes specific findings of fact based on evidence relating to the following:

- (a) That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any regulation, order or notice; and
- (b) That the effect of the application of the provisions would be arbitrary in the specific case; and
- (c) That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect and
- (d) That such variance is in harmony with the general purpose and intent of the Board in securing the public health, safety and general welfare.

**272.09 LICENSE OR PERMIT SUSPENSION OR REVOCATION;
REINSTATEMENT; APPEAL.**

(a) Except as otherwise provided by law, the Board may suspend or revoke any license or permit issued by it, either temporarily or permanently, for failure to comply with any lawful requirement, regulation or order. The Board shall notify the licensee or permittee of the specific violations and shall afford a reasonable time and opportunity to correct or abate the same. If such notice is not complied with, then the Board may suspend or revoke such license or permit. Before any such suspension or revocation of a license or permit is made, the Board shall give written notice to the licensee or permittee that suspension or revocation is contemplated and the reasons therefore. Such notice shall set a time for hearing before the Board and may be sent by certified mail to the licensee or permittee. The hearing shall be conducted and a decision made in accordance with the procedure set forth for a complaint hearing in Section 272.06.

(b) Reinstatement of any permit or license which has been suspended or revoked shall be on such terms and conditions as the Board imposes and only after it is satisfied that all noncompliance or violations of law or orders and regulations of the Board or any other lawful requirement have been completely satisfied or remedied.

(c) Whoever has been refused the issuance or transfer of a license or permit or whose license has been suspended or revoked shall have the right to an appeal as provided in Ohio R.C. Chapter 2506.

272.10 LICENSE OR PERMIT TRANSFER.

Except as otherwise provided by law, the Board may transfer any license or permit issued by it provided the person, licensee or permittee applies for such transfer with the Board and complies with all lawful requirements imposed at the time of the initial license or permit issuance. The Board may impose a license or permit fee for the balance of the unexpired term remaining on the issued license or permit. This section does not apply where other laws preclude a transfer to another person or location or provide specifically for other transfer procedures.

272.11 EMPLOYEES; COMPENSATION.

The Board of Health shall appoint such employees as it may determine and shall fix their compensation within the appropriation provided by Council.
(Ord. 93-31. Passed 12-22-31.)

272.12 DUTIES; FOOD SERVICE OPERATIONS.

(a) The Board of Health shall have the duties of a board of health as authorized by Ohio R.C. 3709.05, which shall include the term "licensor," as defined in Ohio R.C. 3732.01(B).

(b) The Board shall perform all duties of the "licensor" required by Ohio R.C. 3732.01 et seq. (Food Service Operations), which shall include the certification of compliance by applicants with Ohio R.C. 3732.02 to 3732.08, and the rules made under such sections, and the regular inspection of food service operations within the City, as well as all other duties prescribed by law.
(Ord. 36-86. Passed 6-24-86.)

272.13 ENFORCEMENT; INSPECTION.

(a) Enforcement. The Health Commissioner shall have the power and duty to enforce the provisions of this Health Code. He may delegate this authority to his duly authorized representative.

(b) Inspection.

- (1) The Health Commissioner in enforcing the provisions of this Health Code is hereby authorized and directed to make inspections pursuant to procedures established by the Board; or in response to a complaint that an alleged violation of the provisions of this Health Code or of applicable rules or orders pursuant thereto may exist; or when the Health Commissioner or his representative have valid reason to believe a violation of this Health Code or any rules and orders pursuant thereto has been or is being committed.
- (2) In situations where no public health law or permit exists, the Health Commissioner may establish a policy by issuing a memorandum of agreement for those specific situations. This memorandum shall define the specific criteria to be agreed upon and it shall be signed by the applicant or permittee and the Health Commissioner. Failure to comply with the intent of the memorandum shall constitute a violation of this Health Code.
- (3) The Health Commissioner is hereby authorized to enter upon and inspect all business buildings, multiple dwellings, dwellings, dwelling units or premises at any reasonable time subject to the provisions of this Health Code for the purpose of determining whether there is compliance with its provisions. Upon presentation of proper credentials, the Health Commissioner or his

representative may, where permission is granted, enter at reasonable times any building, multiple dwelling, structure or premises in the City of Bexley to perform any duty imposed on him by this Health Code. If any owner, occupant or other person in charge of a building or premises subject to the provisions of this Health Code, fails or refuses to permit free access and entry to the business building, multiple dwelling, dwelling, structure or premises under his control or any part thereof, the Health Commissioner may apply to a judge of a court of record, pursuant to Ohio R.C. 2933.21(F) for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided in Ohio R.C. 2933.22.

- (4) All records pertaining to the identification of a complainant shall be kept separate and confidential from the public record of inspections and notices of violations pertaining to any structure shall be public records and available on request. The Health Commissioner may establish a reasonable fee for the purpose of defraying the cost of preparing a report and duplicating such report.
- (5) The Health Commissioner shall keep confidential all evidence which is discovered or obtained in the course of an inspection made pursuant to this section and such evidence shall be considered privileged unless determined otherwise pursuant to law. The Health Commissioner may obtain samples of evidence during inspections for the purpose of presenting this evidence in court.

(c) Notice of Violation. Whenever the Health Commissioner determines that any business building, multiple dwelling, dwelling, dwelling unit or any premises, fails to meet the requirements set forth in Ohio statutes, the Ohio Administrative Code, Bexley ordinances, or this Health Code, the Health Commissioner or his representative may issue a notice setting forth the alleged failures and advising the owner, occupant, operator or agency that such failures must be corrected. This notice shall:

- (1) Be in writing and shall be served on the person from whom action, forbearance or compliance is required, except such order may be oral if the Health Commissioner finds an emergency endangering the public health requiring immediate corrective action.
- (2) Set forth the alleged violation of law or of applicable orders issued pursuant thereto.
- (3) Describe the business building, multiple dwelling, dwelling, dwelling unit or premises where the violations are alleged to exist or to have been committed. Such written notice shall specify an appropriate or acceptable method of correction.

- (4) Be served by personal service, residence service or by certified mail. If service by the above cannot be made, such notice may be served by posting notice in a conspicuous place in or about the premises.
- (5) Specify a specific date of correction of any violation alleged.

At the end of the period of time allowed for the correction of any violation alleged, the Health Commissioner shall reinspect the conditions and violations described in the notice.

(d) Retention of Potential Health Hazards and Condemnation. When any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind, in the opinion of the Health Commissioner may be a health hazard, the Health Commissioner shall affix a tag or label bearing the words, "Bexley Board of Health - Retained", and no person shall use, sell or dispose of, in any manner, that structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article until, after further examination is made thereof and the tag or label is removed by the Health Commissioner. The Health Commissioner may seize and hold the thing so tagged or labeled in any place so designed by him. No person except the Health Commissioner shall remove the tag or label. When the tag or label is affixed to any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article, the Health Commissioner shall give, if possible, the owner, occupant, operator or agency thereof an order stating that the thing so tagged or labeled shall not be used in any manner and shall not be moved until the tag or label is removed by the Health Commissioner.

The Health Commissioner shall forbid the use of, condemn and dispose of as he deems necessary, any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind which, in his opinion, is a health hazard.

Any person to whom such an order is directed or from whom any action, forbearance or compliance is in any way required shall comply with such order within such period of time as the Health Commissioner may prescribe therein.

(e) Administrative Appeal Hearing; Appeal To Board. Any person who is aggrieved by an order directing or requiring any action, forbearance, or compliance may, prior to taking an appeal to the Board of Health, request and receive a prompt hearing before the Health Commissioner or any representative specifically designated by him, provided that such request for administrative hearing is made in writing within five days from receipt of such order. If the Health Commissioner holds an administrative hearing for reconsideration of the notice or order, the Health Commissioner shall prepare a summary of the hearing and shall state the decision reached. Such summary and statement shall become part of the public record.

Any person who is aggrieved by an order directing or requiring any action, forbearance, or compliance from him may appeal to the Board of Health in accordance with the procedures prescribed by the Board. This appeal shall be filed with the Board within fifteen days of the receipt of such order.

(f) Emergencies. Whenever, in the judgment of the Health Commissioner, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without a hearing or appeal, directing or requiring the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency condition. If circumstances warrant, The Health Commissioner may act to correct or abate the emergency condition.

If necessary to protect the public health and safety or the health and safety of any person, the Health Commissioner shall order that the premises be vacated forthwith and not be reoccupied until compliance with the order is achieved.

In cases where it reasonably appears that there is imminent danger to the public health and safety of any person unless the emergency condition is immediately corrected by the owner, the Health Commissioner may cause the immediate repair of such emergency condition. The Health Commissioner shall further cause the costs of such emergency repair to be charged against the land on which the emergency exists as a municipal lien or to be recovered in a civil suit against the owner.

The owner, occupant, operator or agent shall be granted a hearing before the Board of Health on the matter upon his request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

272.99 PENALTY; INJUNCTIONS.

(a) Whoever violates Ohio R.C. 3707.48 or any order or regulation made in pursuance thereof is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02 of the General Offenses Code. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) Whoever violates Ohio R.C. 3709.20 or 3709.22 or any order or regulation of the Board adopted in pursuance of such sections, or interferes with the execution of such an order or regulation by a member of the Board or person authorized by the Board, shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than ninety days or both. No person shall be imprisoned for the first offense, and the prosecution shall always be for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a subsequent offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Except in case of an emergency endangering the public health caused by an epidemic, an infectious or a communicable disease, or a disaster emergency condition or event, no prosecution for violation of any regulation or order adopted pursuant to 3709.20 or 3709.22 shall take place until twenty days after the Board has notified the person subject to such regulation or order of the specific violation alleged. Any person notified by the Board of a violation of any such regulation or order may file an action for declaratory judgment pursuant to Ohio R.C. 2721.01 to 2721.15, inclusive, to have determined whether such regulation or order is unreasonable or unlawful. No such prosecution shall be commenced when, within such twenty-day period, the violation has been corrected. No such prosecution shall be commenced until such a declaratory judgment has been given.

(c) When an order of the Board made pursuant to Ohio R.C. 3707.01 or 3709.20 is not complied with in whole or in part, the Board may petition the court of common pleas for injunctive or other appropriate relief requiring all persons to whom such order of the Board is directed to comply with such order.

(d) A corporation shall, for any violation, obstruction, interference, or omission mentioned in Ohio R.C. 3707.48, forfeit and pay to the City a sum not to exceed three hundred dollars (\$300.00), to be collected in a civil action brought in the name of the Board. No proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the amount by reference to all the facts, culpatory, exculpatory, or extenuating, adduced upon the trial.

CHAPTER 274
Civil Service Commission

274.01 Jurisdiction.

CROSS REFERENCES

Civil service - Ohio Const. Art. XV, Sec. 10
 Mayor's appointments - see CHTR. Art. II, Secs. 7, 8
 Removal of officers by Mayor - see CHTR. Art. II, Sec. 9
 Civil Service Commission - see CHTR. Art. XII
 Civil Service Law - see Ohio R.C. Ch. 124
 Application to police and fire personnel - see Ohio
 R.C. 737.051, 737.10, 737.11
 Employees generally - see ADM. Ch. 262

274.01 JURISDICTION.

- (a) The language of the Charter provisions relating to civil service (Sections 50-55, Bexley Charter) indicate an intention to limit the application of those provisions and the jurisdiction of the Commission which they establish solely to municipal employees of the City.
- (b) It is the intention of this Council, pursuant to the power granted by such Charter to, and by this section it does hereby limit the jurisdiction of the Civil Service Commission of the City to municipal employees and officers of the City and to no one else.
- (c) This section is passed under the authority of the Charter, is in conflict with the general laws of the State governing civil service in cities and shall control.
 (Ord. 32-90. Passed 5-8-90.)

CHAPTER 276
City Planning Commission

EDITORS' NOTE: Provisions relating to the City Planning Commission are codified in Chapter 1220 of Part Twelve - the Planning and Zoning Code.

CHAPTER 278
Board of Zoning Appeals

EDITOR'S NOTE: Provisions relating to the Board of Zoning Appeals are codified in Sections 1264.12 et seq. of Part Twelve - the Planning and Zoning Code.

CHAPTER 280
Bexley Historical Society

280.01 Functions.

280.02 Right to withdraw grant.

CROSS REFERENCES

Power of County Commissioners to make allowances to historical associations - see Ohio R.C. 307.23 et seq.

County Commissioners may permit use of County building by historical associations - see Ohio R.C. 345.17

Appropriation of property by State - see Ohio R.C. 1743.07

280.01 FUNCTIONS.

The group now in existence and known as the Bexley History Committee is hereby granted the exclusive use of the name Bexley Historical Society and it hereby is designated and recognized as the official historical society for the City so long as it continues to be an active organization and conducts public meetings in the City at least once each year for the election of trustees, at which meeting each Bexley Historical Society member who is present shall have one vote, and such Bexley Historical Society shall be the custodian of and official group responsible for collecting, documenting and preserving such Bexley historical memorabilia as it may deem interesting or desirable.

(Res. 2-74. Passed 2-26-74.)

280.02 RIGHT TO WITHDRAW GRANT.

Council reserves the right to further qualify or withdraw the grant given in Section 280.01 at any time in the future.

(Res. 2-74. Passed 2-26-74.)

CHAPTER 282
Recreation Board

282.01	Authority of Board.	282.06	Finances.
282.02	Membership; compensation; vacancies.	282.07	Reports.
282.03	Officers; rules and regulations.	282.08	Petty cash fund.
282.04	Functions of Board.		
282.05	Jeffrey Mansion grounds and Commonwealth Park; Recreation Director; employees.		

CROSS REFERENCES

Land appropriation for parks - see Ohio R.C. 715.21, 719.01
Parks and playgrounds - see Ohio R.C. Ch. 755
Recreation Board - see Ohio R.C. 755.13 et seq.
Recreation Department - see ADM. Ch. 256
Parks - see S.U. & P.S. Ch. 1062

282.01 AUTHORITY OF BOARD.

Pursuant to Ohio R. C. 755.14, it is hereby determined that the power to equip, operate and maintain playgrounds, playfields, gymnasiums, public baths, swimming pools and recreation centers shall be exercised in the City by a Recreation Board.
(Ord. 14-44. Passed 5-8-44.)

282.02 MEMBERSHIP; COMPENSATION; VACANCIES.

There is hereby established in and for the City a Recreation Board which shall possess all the powers and be subject to all the responsibilities of the respective City authorities under Ohio R.C. 755.12 et seq. The Board shall be appointed by the Mayor and shall consist of six members, one of whom shall be a member of the Board of Education of the Bexley City School District. Such members shall serve for terms of three years or until their successors are appointed so that the terms of two members shall expire annually. Members shall serve without pay. Vacancies in the Board occurring otherwise than by expiration of a term shall be for the unexpired term and shall be filled by appointment of the Mayor.
(Ord. 25-02. Passed 4-9-02.)

282.03 OFFICERS; RULES AND REGULATIONS.

Immediately after its appointment, the Recreation Board shall meet and organize by electing one of its members Chairman. It shall also elect a Secretary, who may or may not be a member of the Board. It shall also elect such other officers as may be necessary. All officers shall serve for a period of one year. The Board shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the City, and of all business within its jurisdiction. (Ord. 14-44. Passed 5-8-44.)

282.04 FUNCTIONS OF BOARD.

The Recreation Board shall equip, operate, supervise and maintain public playgrounds, playfields, gymnasiums, baths, swimming pools, indoor and outdoor recreation centers and facilities owned or controlled by the City or by the Board of Education of the Bexley City School District which may be designated by such Board of Education if such Board of Education joins with the City in a recreational program as provided in Ohio R.C. 755.16. The Board shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. It may conduct such activities on properties under its own control, on public properties with the consent of the authorities thereof and on private property with the consent of the owners thereof. (Ord. 14-44. Passed 5-8-44.)

**282.05 JEFFREY MANSION GROUNDS AND COMMONWEALTH PARK;
RECREATION DIRECTOR; EMPLOYEES.**

The Recreation Board shall also have jurisdiction and control of the grounds located at the Jeffrey Mansion, the grounds known as Commonwealth Park and any property leased by the City for use by the Board, and the Board shall have the power to employ a Recreation Director, who is properly trained for the work, and such playleaders, supervisors, superintendents or other officers or employees as it may deem proper. (Ord. 7-87. Passed 2-10-87.)

282.06 FINANCES.

The Recreation Board shall, before the first day of June in each year, submit to the Mayor an estimate of contemplated revenue and expenditures for the ensuing fiscal year, which may be approved in whole or in part by Council and included in the budget. The Board shall operate within the budget as so approved and the expenses thereof shall be payable from the Treasury of the City and of the School District if it joins with the City in the recreational program. The Board may also solicit and receive gifts or bequests of money or other personal property for use in providing adequate public recreation service to the City. (Ord. 14-44. Passed 5-8-44.)

282.07 REPORTS.

The Recreation Board shall make an annual report to Council showing its operations and expenditures and shall make such other reports from time to time as may be requested by Council. (Ord. 14-44. Passed 5-8-44.)

282.08 PETTY CASH FUND.

(a) The Auditor is hereby authorized and directed to establish a petty cash fund of two hundred dollars (\$200.00) for the use of the Recreation Director in paying small bills of the Recreation Department. (Ord. 7-69. Passed 2-25-69.)

(b) The responsibility of safeguarding and properly disbursing the money in such petty cash fund is hereby placed on the Recreation Director.

CHAPTER 284
Technology Commission

- 284.01 Establishment and membership. 284.03 Duties and functions.
284.02 Organization.

CROSS REFERENCES
Public meetings - see ADM. Ch. 223

284.01 ESTABLISHMENT AND MEMBERSHIP.

- (a) There is established in and for the City a Technology Commission consisting of:
- (1) Five voting members, called "BTC officers", appointed by the Mayor, subject to confirmation by Council, in accordance with Section 8(f) of the City Charter.
 - (2) Up to a maximum of twelve non-voting members, called "BTC members", recommended by the BTC officers to assist in the study of technology issues, represent community organizations with an interest in technology and assist in the implementation of technology projects affecting the City. BTC members shall be appointed by the Mayor, subject to confirmation by Council, and
 - (3) Two ex-officio members - the City Council Service Committee chairperson and the Director of Technology.

To the extent practicable, BTC officers and BTC members shall possess expertise in the area of cable, networking, telephone, computer and/or other relevant technologies.

(b) BTC officers shall serve for a term of three years. Initially, one officer shall be appointed for a term of one year; two officers shall be appointed for a term of two years; and two officers shall be appointed for a term of three years. BTC officers may serve successive terms.

(c) BTC members shall serve a one-year term and may serve successive terms.

(d) The majority of BTC officers shall be residents of the City.
(Ord. 36-02. Passed 5-14-02.)

284.02 ORGANIZATION.

(a) The BTC officers shall select one BTC officer as Chairperson and one BTC officer as Vice Chairperson. The Chairperson and Vice Chairperson shall each serve for a one year term and may serve successive terms as such.

(b) All Commission members, both BTC officers and BTC members, shall serve without compensation. Vacancies caused by death, resignation, removal or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(c) The Commission shall meet regularly at such time and place as it shall decide and shall meet at such special meetings as shall be called by the Chairperson or Vice Chairperson after twenty-four hours notice to each member. The Commission may appoint committees comprised of not less than three members, at least one of whom is a BTC officer, to consider specific issues. All meetings shall be open to the general public, except as provided by Chapter 223.

(d) The Commission shall adopt rules to govern the conduct of its business.

(e) The Mayor shall designate City employee(s) or other person(s) to provide the Commission administrative assistance.

(f) The Commission shall periodically report its findings and activities to Council and the public. (Ord. 53-98. Passed 9-8-98.)

284.03 DUTIES AND FUNCTIONS.

The Commission shall:

- (a) Investigate present and emerging forms of technology, evaluate their usefulness to City government and the community and recommend appropriate action to Council.
- (b) Develop a comprehensive technology plan that assists City officials and other public officials to evaluate, acquire and utilize existing and future technologies to improve public services and otherwise further community interests. Such plan shall include:
 - (1) The establishment of short-term and long-term needs and goals of City government and the community,
 - (2) The identification of the most appropriate technology to meet such needs and goals, and
 - (3) The recommendation of specific action steps to implement that technology plan.
- (c) Review cable television service and make recommendations thereon to Council.
- (d) Adopt and administer regulations with respect to basic cable service consistent with regulations adopted by the Federal Communications Commission (the "FCC"), review and investigate complaints of subscribers to cable television service and hold hearings thereon, and file complaints with the FCC on behalf of cable subscribers in accordance with regulations adopted by the FCC.
- (e) Consider and advise Council upon request on technology issues within the Community's jurisdiction.
(Ord. 66-96. Passed 11-12-96.)

CHAPTER 286
Main Street Redevelopment Commission

286.01 Establishment and membership. 286.03 Purpose.
286.02 Organization.

CROSS REFERENCES
Public meetings - see ADM. Ch. 223

286.01 ESTABLISHMENT AND MEMBERSHIP.

(a) There is hereby established in and for the City a Main Street Redevelopment Commission consisting of nine voting members, appointed by the Mayor, subject to confirmation by Council, in accordance with Section 8(f) of the City Charter. In addition, the Chairman of the Engineering and Plats Committee of Council shall be an ex officio, non-voting member of the Commission. In appointing voting members, consideration shall be given to including at least one member who has experience in each of the following disciplines: a developer or realtor with experience in the development, sale and management of commercial properties; an architect or landscape architect with experience in commercial projects, including renovation or historic rehabilitation; and a city planner or lawyer with land use experience.

(b) Voting members shall serve for a term of three years. Initially, three voting members shall be appointed for a term of one year, three members shall be appointed for a term of two years and three members shall be appointed for a term of three years. Voting members may serve successive terms.

(c) All voting members shall be residents of the City.
(Ord. 5-00. Passed 1-11-00.)

(d) In addition to the nine regular voting members, there shall be up to three alternate voting members of the Commission appointed by the Mayor and approved by the Council. The alternate members shall be appointed from the ranks of former members of the Commission or the Planning Commission and shall serve for a term of three years. The alternate members shall serve only during the absence of a regular voting member.
(Ord. 54-05. Passed 7-12-05.)

286.02 ORGANIZATION.

(a) The Commission shall select one of its voting members as chairperson and one of its voting members as vice chairperson. The chairperson and vice chairperson shall serve for one year terms and may serve successive terms as such.

(b) All Commission members shall serve without compensation. Vacancies caused by death, resignation, removal or otherwise shall be filled for the unexpired term in the same manner as original appointments are made.

(c) The Commission shall meet regularly at such time and place as it shall decide and shall meet at such special meetings as shall be called by the chairperson or vice chairperson after twenty-four hours' notice to each member. The Commission may appoint committees comprised of not less than three voting members to consider specific issues. All meetings shall be open to the general public, except as provided by Chapter 223.

(d) The Commission shall adopt rules to govern the conduct of its business.

(e) The Mayor shall designate City employee(s) or other person(s) to provide the Commission administrative assistance.

(f) The Commission shall periodically report its findings and activities to Council and the public. (Ord. 5-00. Passed 1-11-00.)

286.03 PURPOSE.

The purpose for which the Commission is formed shall be to assist the City in the revitalization and betterment of Main Street and its environs, from the bridge over Alum Creek on the west to Gould Road on the east, by advising the City regarding, and initiating or reviewing and commenting on public and private proposals with respect to, the development and improvement thereof, by facilitating the implementation of such proposals by all means legally available with respect to both public and privately owned lands and by exercising all powers of the Planning Commission or the Board of Zoning Appeals with respect to the Main Street District. (Ord. 28-98. Passed 5-26-98.)

CHAPTER 288
Tree and Public Gardens Commission

288.01 Establishment and membership. 288.03 Duties and functions.
288.02 Organization.

CROSS REFERENCES

Destruction of trees and shrubs - see GEN. OFF. 642.06
Trees and shrubs - see S.U. & P.S. Ch. 1026

288.01 ESTABLISHMENT AND MEMBERSHIP.

(a) There is established in and for the City a Tree and Public Gardens Commission consisting of nine voting members, appointed by the Mayor, subject to confirmation by Council, in accordance with Section 8(f) of the City Charter. To the extent practicable, voting members shall possess expertise in the areas of arboriculture, landscape architecture, horticulture, urban planning and redevelopment or related areas. Ex-officio members of the Commission shall be the Service Director who shall represent the Mayor; the Grounds Maintenance Superintendent, who shall provide expert advice and administrative assistance regarding matters before the Commission; and the Chairman of the Parks and Forestry Committee of Council who shall represent Council.

(b) Voting members shall serve for a term of three years. Initially, three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed for a term of three years.
(Ord. 87-98. Passed 10-27-98.)

288.02 ORGANIZATION.

(a) The Commission shall select one voting member as chairperson and one voting member as vice chairperson. The chairperson and vice chairperson shall each serve for a one year term and may serve successive terms as such.

(b) All Commission members shall serve without compensation. Vacancies caused by death, resignation, removal or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(c) The Commission shall meet regularly at such time and place as it shall decide and shall meet at such special meetings as shall be called by the chairperson or vice chairperson after twenty-four hours' notice to each member. The Commission may appoint committees comprised of not less than three members to consider specific issues. All meetings shall be open to the general public, except as provided by Chapter 223.

(d) The Commission shall adopt rules to govern the conduct of its business and shall keep minutes of its proceedings.

(e) The Commission shall periodically report its findings and activities to Council and the public. (Ord. 87-98. Passed 10-27-98.)

288.03 DUTIES AND FUNCTIONS.

For those lands under the jurisdiction of the City Parks Department, the Commission shall:

- (a) Study the problems and determine the needs of the City relative to a municipal tree and public garden care and planting program, develop a written plan for such municipal care and planting program and make recommendations from time to time to Council as to legislation concerning the tree and public garden program and activities for the Municipality.
- (b) Establish the recommended species and varieties of trees and major landscaping to be planted in the tree lawns and in public gardens.
- (c) Disseminate news and information regarding the selection, planting and maintenance of trees and public gardens within the corporate limits, whether the same be on private or public property.
- (d) When requested by the Mayor or Council, consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
(Ord. 87-98. Passed 10-27-98.)

CHAPTER 290
Jeffrey Mansion Commission

- 290.01 Establishment and membership. 290.03 Duties and functions.
290.02 Organization.

290.01 ESTABLISHMENT AND MEMBERSHIP.

(a) There is established in and for the City a Jeffrey Mansion Commission consisting of eleven (11) voting members, appointed by the Mayor, subject to confirmation by Council, in accordance with Section 8(f) of the City Charter. The voting members shall include two (2) persons nominated by Council who may be members of Council, one (1) person nominated by the Recreation Board, who may be a member of the Board, two (2) persons nominated by the Bexley Heritage Fund, one (1) person nominated by the Bexley Historical Society and five (5) persons selected by the Mayor. At least eight (8) of the voting members shall be electors of the City, and all of the voting members shall be present or former electors of the City. The Mayor, or a designee of the Mayor, the Chair of the Parks and Forestry Committee of Council, and the Recreation Director shall be ex officio members who may attend and participate, but shall not vote, at meetings of the Commission. (Ord. 83-06. Passed 11-14-06.)

(b) Voting members shall serve a term commencing with the effective date of their appointment and ending on December 31, 2007 unless extended by ordinance of Council.

(c) The Commission shall expire on December 31, 2007, unless extended by ordinance of Council. (Ord. 85-07. Passed 9-25-07.)

290.02 ORGANIZATION.

(a) The Commission shall select one voting members as chairperson and one voting member as vice chairperson.

(b) All Commission members shall serve without compensation. Vacancies caused by death, resignation, removal or otherwise, shall be filled for the unexpired term in the same manner as the original appointment.

(c) The Commission shall meet regularly at such time and place as it shall decide and shall meet at such special meetings as shall be called by the chairperson or vice chairperson after twenty-four hours notice to each member. The Commission may appoint committees comprised of not less than three (3) members to consider specific issues and an unlimited number of ex-officio members who may attend and participate, but shall not vote, at meetings of such committee. All meetings of the Commission and its committees shall be open to the general public, except as provided by Chapter 223.

(d) The Commission and its committees shall keep minutes of their proceedings.
(Ord. 83-06. Passed 11-14-06.)

290.03 DUTIES AND FUNCTIONS.

(a) The Commission shall:

- (1) Prepare a definitive programmatic, operational and financial plan (the "Plan") for restoration and expansion of Jeffrey Mansion, including, and as the Commission deems necessary or appropriate, the grounds comprising Jeffrey Park, as a multi-purpose community center for recreational, educational and social uses as contemplated by the Bexley Heritage Fund Report presented at the October 10, 2006, regular meeting of Council.
- (2) Prepare and submit to Council for its prior approval a budget, reflecting a combination of public and private funding, for development of the Plan and inclusion in appropriations for the calendar year 2007.
- (3) Solicit and receive gifts and contribution in the name of the City to fund the Commission and the Plan.
- (4) Select and retain one or more consultants, in accordance with applicable law, to assist the Commission in developing the Plan.
- (5) Submit the Plan to Council on or before December 31, 2007, unless extended by ordinance of Council.
(Ord. 85-07. Passed 9-25-07.)

(b) Notwithstanding any provision of this chapter which is or may be deemed to the contrary, the sole jurisdiction and control of Jeffrey Mansion shall continue in the Recreation Board pursuant to Section 282.05 of the Administrative Code.
(Ord. 83-06. Passed 11-14-06.)

TITLE TEN - Judiciary
Chap. 291. Mayor's Court.

CHAPTER 291
Mayor's Court

EDITOR'S NOTE: Ohio R.C. 1905.01 provides that the Mayor of Bexley has jurisdiction to hear and determine any prosecution for the violation of a Bexley ordinance, and has jurisdiction in all criminal causes involving moving traffic violations occurring on State highways located within the corporate limits of Bexley, subject to the limitations of Ohio R. C. 2937.08 and 2938.04. In keeping his 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 unless the accused, by writing subscribed by him, 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 Franklin County (the Columbus 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 demands a jury trial. But 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 right to jury trial in writing, a mayor may try the case only 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.

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 Bexley 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 or revoke the operator's or chauffeur'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 (DWI), in accordance with Ohio R.C. 4507.16(B).

291.01 Advisor and probation control officer.

CROSS REFERENCES

Mayor - see CHTR. Art. II; ADM. Ch. 230

Mayor's Court- see CHTR. Art. III

Mayor's Court jurisdiction - see Ohio R. C. 1905.01 et seq.

Contempt of court - see Ohio R. C. 1905.28, 1907.171 et seq., 2935.11

Peace and search warrants - 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

291.01 ADVISOR AND PROBATION CONTROL OFFICER.

(a) The Mayor is hereby authorized to appoint an advisor and probation control officer for alcohol related cases arising in the Mayor's Court.

(b) The fee for services furnished shall not exceed one hundred dollars (\$100.00) for each case.

(c) Council has determined that these services require a person with specialized skill, knowledge and training. (Ord. 24-76. Passed 4-13-76.)