

CODIFIED ORDINANCES OF BALTIMORE

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Chap. 202.	Rules of Construction; Definitions; General Code Penalty.
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CHAPTER 202

Rules of Construction; Definitions; General Code Penalty

202.01	Designation; citation; headings.	202.05	Construction of section references.
202.02	General definitions.	202.06	General repealer; conflicts.
202.03	Rules of construction.	202.07	Separability.
202.04	Revivor; effect of re-enactment, amendment or repeal.	202.99	General Code penalty.

CROSS REFERENCES

See section histories for similar State law

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

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

Traffic Code penalties - see TRAF. Ch. 408

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

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

202.01 DESIGNATION; CITATION; HEADINGS.

This document consists of general and permanent legislation of the Village of Baltimore, Ohio, as revised, arranged, compiled, numbered, codified and printed herewith, consolidated into component codes, titles, chapters and sections, and shall be known, designated and cited as the Codified Ordinances of Baltimore, Ohio, for which designation the term “Codified Ordinances” or “Codified Ordinances of the Village” may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in this Code.

202.02 GENERAL DEFINITIONS.

As used in this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

- (b) "Another," when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.
- (c) "Bond" includes an undertaking.
- (d) "Child" includes child by adoption.
- (e) "Council" means the legislative authority of the Municipality.
- (f) "County" means Fairfield County, Ohio.
- (g) "Fire Chief" means the Chief of the Basil Joint Fire District.
- (h) "Imprisoned" shall have the same meaning as in Ohio R.C. 1.05.
- (i) "Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks, including the graphical subnetwork known as the world wide web.
- (j) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent, or employee.
- (k) "Land" or "real estate" includes rights and easements of incorporeal nature.
- (l) "Legislative authority" means the legislative authority of the Municipality.
- (m) "May" is permissive.
- (n) "Municipality" or "Village," means the Village of Baltimore, Ohio.
- (o) "OAC" refers to the Ohio Administrative Code.
- (p) "Oath" includes affirmation; and "swear" includes affirm.
- (q) "Ohio R.C.," "ORC" or "Revised Code" refers to the Ohio Revised Code.
- (r) "Owner," when applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of such property.
- (s) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association.
- (t) "Personal property" includes all property except real property.
- (u) "Plan of sewerage," "system of sewerage," "sewer," and "sewers" includes sewers, sewage disposal works and treatment plants, and sewage pumping stations, together with facilities and appurtenances necessary and proper therefor.
- (v) "Premises," as applied to property, includes land and buildings.
- (w) "Property" includes real, personal, mixed estates, and interests.
- (x) "Public authority" includes boards of education; the Municipal, County, State, or Federal government, its officers, or an agency thereof; or any duly authorized public official.
- (y) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.
- (z) "Real property" includes lands, tenements, and hereditaments.
- (aa) "Registered mail" includes certified mail; and "certified mail" includes registered mail.
- (bb) "Shall" is mandatory.
- (cc) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
- (dd) "State" means the State of Ohio.
- (ee) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts, and all other public thoroughfares within the Municipality.
- (ff) "Tenant" or "occupant," as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

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- (gg) “Undertaking” includes a bond.
- (hh) “Week” means seven consecutive days.
- (ii) “Whoever” includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.
- (jj) “Writing” includes printing.
- (kk) “Written” or in “writing” include any representation of words, letters, symbols, or figures; this provision does not affect any law relating to signatures.
- (ll) “Year” means twelve consecutive months.
(ORC 1.02, 1.05, 1.44, 1.59, 701.01)

202.03 RULES OF CONSTRUCTION.

(a) Common and Technical Use. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
(ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in this Code, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future tense.
(ORC 1.43)

(c) Computation of Time.

- (1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day that is not a Sunday or a legal holiday.
- (2) When a public office, in which an act required by law is to be performed, is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday.
- (3) “Legal holiday,” as used in divisions (c)(1) and (c)(2) of this section, means the following days:
 - A. The first day of January, known as New Year’s day;
 - B. The third Monday in January, known as Martin Luther King day;
 - C. The third Monday in February, known as Washington-Lincoln day;
 - D. The day designated in the “Act of June 28, 1968,” 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day;
 - E. The fourth day of July, known as Independence day;
 - F. The first Monday in September, known as Labor day;
 - G. The second Monday in October, known as Columbus day;
 - H. The eleventh day of November, known as Veteran’s day;
 - I. The fourth Thursday in November, known as Thanksgiving day;
 - J. The twenty-fifth day of December, known as Christmas day;

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- K. Any day appointed and recommended by the Governor of this State or the President of the United States as a holiday.
- (4) If any day designated in this section as a legal holiday falls on a Sunday, the next succeeding day is a legal holiday.
(ORC 1.14)
- (5) When an act is to take effect or become operative from and after a day named, no part of that day shall be included. If priority of legal rights depends upon the order of events on the same day, such priority shall be determined by the times in the day at which they respectively occurred.
(ORC 1.15)
- (6) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.
(ORC 1.45)

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

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

(ORC 1.57)

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

- (1) Affect the prior operation of the provision or any prior action taken thereunder.
- (2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.
- (3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.
- (4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the provision had not been repealed or amended.

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

(ORC 1.58)

202.05 CONSTRUCTION OF SECTION REFERENCES.

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

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

(ORC 1.23)

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

(ORC 1.55)

202.06 GENERAL REPEALER; CONFLICTS.

(a) All ordinances, resolutions, rules and regulations of the Municipality, and all parts of the same, enacted prior to the date of the adoption of this Code and inconsistent or in conflict with any of the provisions of such Code, are hereby repealed, save and except any ordinance, resolution, rule or regulation, or part of the same, expressly excepted from repeal by the ordinance that adopts this Code. No ordinance, resolution, rule or regulation, or part of the same, of the Municipality, that is not inconsistent or in conflict with any of the provisions of this Code and/or that can be reasonably interpreted to be compatible with the provisions of this Code, shall be deemed to be repealed by the adoption of this Code. Such ordinances, resolutions, rules and regulations, and all parts of the same, shall continue to be viable and enforceable by the Municipality.

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

202.07 SEPARABILITY.

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

(ORC 1.50)

202.99 GENERAL CODE PENALTY.

(a) Whenever, in this Code or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision is guilty of a minor misdemeanor and shall be fined not more than \$100 for each offense. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

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

CHAPTER 204
Funds and Revenue

204.01 Alternative apportionment of local funds.

204.02 Drug Education and Enforcement Fund.

204.03 Acceptance of property in accordance with the Comprehensive Drug Penalty Act.

204.04 Acceptance of cash from mandatory

204.05 Acceptance of property in accordance

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204.06 Creation of FEMA Fund.

CROSS REFERENCES

Investment and depository policy - ADM. Ch. 206

204.01 ALTERNATIVE APPORTIONMENT OF LOCAL FUNDS.

The Village Council hereby adopts the alternative meaning, pursuant to Sub. H.B. No. 185, that the term “legislative authority of the city, located wholly or partially in the county, with the greatest population,” shall mean, for the purposes of the alternative method of apportionment of the undivided local government fund and undivided local government revenue assist funds, the legislative authority for the city, located wholly or partially in the county, with the greatest population, whether that population resides in Fairfield County or not.

(Res. 99-35. Passed 8-9-99.)

204.02 DRUG EDUCATION AND ENFORCEMENT FUND.

The Drug Education and Enforcement Fund is hereby created. This fund shall receive the Village’s share of proceeds from Lancaster Municipal Court which arise from multiple time O.M.V.I. convictions. This fund shall also receive property relinquished in accordance with the Contraband Seizure Forfeiture Act (Ohio R.C. 2933.43) and cash from mandatory drug fines imposed on convicted drug offenders per Ohio R.C. 2925.03.

(Res. 91-27. Passed 7-22-91.)

204.03 ACCEPTANCE OF PROPERTY IN ACCORDANCE WITH THE COMPREHENSIVE DRUG PENALTY ACT.

(a) The Mayor is authorized and directed to accept cash and other tangible property from the United States government in accordance with the Comprehensive Drug Penalty Act of 1984; however, any acceptance of real estate by the Mayor shall be subject to approval by ordinance of Village Council.

(b) The Mayor is directed to place all cash received into a special fund with the Clerk-Treasurer to be used solely for law enforcement purposes.

(Ord. 88-32. Passed 10-10-88.)

204.04 ACCEPTANCE OF CASH FROM MANDATORY DRUG FINES.

(a) The Mayor is authorized and directed to accept cash from the mandatory drug fines imposed on convicted drug offenders in accordance with the provisions of Ohio R.C. 2925.03(J) and (K).

(b) The Mayor is directed to place all cash received into a special law enforcement mandatory drug fine fund with the Clerk-Treasurer to be used solely for police law enforcement efforts pertaining to drug offenses.

(Ord. 88-30. Passed 10-10-88.)

204.05 ACCEPTANCE OF PROPERTY IN ACCORDANCE WITH THE CONTRABAND SEIZURE FORFEITURE ACT.

(a) The Mayor is authorized and directed to accept cash, vehicles, and other property in accordance with the Contraband Seizure Forfeiture Act, Ohio R.C. 2933.43; however, any acceptance of real estate by the Mayor shall be subject to approval by ordinance of City Council.

(b) The Mayor is authorized and directed to place all cash received in a special law enforcement trust fund with the Clerk-Treasurer to be used solely for police law enforcement purposes.

(b) All vehicles and property shall be assetted and brass tagged to the Police Department, to be used solely for law enforcement purposes, or sold and the proceeds from the sale deposited in the special law enforcement trust fund, as directed by the Chief of Police.

(Ord. 88-31. Passed 10-10-88.)

204.06 CREATION OF FEMA FUND.

A FEMA Fund is established in order to deposit monies received under the Public Assistance Grant program in order to ensure the accurate completion of fiscal year audits. A copy of the memorandum from the Ohio Department of Public Safety delineating the recommended procedures shall be attached to Ordinance 2008-22.

(Ord. 2008-22. Passed 6-23-08.)

CHAPTER 206
Investment And Depository Policy

206.01	Policy.	206.06	Authorized instruments.
206.02	Scope.	206.07	Investment parameters.
206.03	Objectives.	206.08	Pooling of funds.
206.04	Standards of care.	206.09	Performance standards.
206.05	Safekeeping and custody.	206.10	Adoption.

CROSS REFERENCES

Funds and revenue - ADM. Ch. 204

206.01 POLICY.

It is the policy of the Village to invest public funds in a manner which will provide maximum security with the highest investment return while meeting the daily cash flow demands of the Village and conforming to applicable state and local statutes governing the investment of public funds.

(Ord. 96-37. Passed 12-9-96.)

206.02 SCOPE.

This policy applies to all financial assets of the Village. These funds are accounted for in the Village's Comprehensive Annual Financial Report, and includes all funds of the reporting entity.

(Ord. 96-37. Passed 12-9-96.)

206.03 OBJECTIVES.

The primary objectives, in priority order, of the Village's investment activities shall be:

- (a) Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
 - (1) Credit risk. Credit risk is the risk of loss due to the failure of the security issuer or bearer. Credit risk may be mitigated by:
 - A. Limiting investments to the safest types of securities where there is certainty of receiving full par value plus accrued interest, at the securities' legal final maturity.
 - B. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business; and
 - C. Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
 - (2) Interest rate risk. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. The Village will mitigate interest rate risk by:

- A. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity; and
 - B. By investing operating funds primarily in short-term securities.
- (b) Liquidity. The Village's investment portfolio will remain sufficiently liquid to enable the Village to meet operating requirements which might be reasonably anticipated.
- (c) Return on Investment. The Village's investment portfolio shall be designed with the objective of maximizing the rate of return throughout budgetary and economic cycles, taking into account the investment risks and liquidity constraints. The Village's investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.
- (Ord. 96-37. Passed 12-9-96.)

206.04 STANDARDS OF CARE.

(a) Prudence.

- (1) Investments shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- (2) The standard of prudence to be used by investments officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

(b) Delegation of Authority. Management responsibility for the investment program is hereby delegated to the Clerk-Treasurer. The Clerk-Treasurer shall establish written procedures for the operation of the investment program consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Clerk-Treasurer. The Clerk-Treasurer shall be responsible for all transactions undertaken and shall establish a system of internal controls to regulate the activities of subordinate officials.

(c) Ethics and Conflicts of Interest. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the Administrator any material financial interests in financial institutions with which they conduct business. They shall further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Village.

(Ord. 96-37. Passed 12-9-96.)

206.05 SAFEKEEPING AND CUSTODY.(a) Authorized Financial Dealers and Institutions.

- (1) The Clerk-Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness (a minimum capital requirement of \$10,000,000 and at least five years of operation) who are authorized to provide investment services to the Village. These may include "primary" dealers or regional dealers that qualify under Security & Exchange Commission Rule 15C3-1 (uniform net capital) and that are registered with the Ohio Department of Commerce to do business in the State of Ohio.
- (2) All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:
 - A. Audited financial statements;
 - B. Proof of National Association of Securities Dealers (NASD) certification;
 - C. Proof of state registration;
 - D. Certificate of having read the entity's investment policy.
- (3) Periodic reviews of the financial condition and registration will be conducted by the Clerk-Treasurer. Financial institutions and broker/dealers designated as depositories will be approved by Village Council through ordinance.

(b) Internal Controls.

- (1) The Clerk-Treasurer is responsible for establishing and maintaining an internal control structure designed to reasonably ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and, the valuation of costs and benefits requires estimates and judgments by management.
- (2) The Clerk-Treasurer shall establish a process for annual independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.
(Ord. 96-37. Passed 12-9-96.)

206.06 AUTHORIZED INSTRUMENTS.(a) Investment Types. The following investments will be permitted by this policy:

- (1) United States and Federal agency and instrumentality obligations.
 - A. United States Treasury bills, notes, bonds, or any other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States.
 - B. Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the Federal National Mortgage Association, Federal Home Loan Bank, Federal Farm Credit Bank, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, and Student Loan Market Association.

- C. All federal agency or instrumentality securities must be direct issuances of the federal agency or instrumentality. Investments in derivatives and in stripped principal or interest principal or interest obligations of eligible obligations are strictly prohibited.
- (2) Non-negotiable interest bearing time certificates of deposit and savings accounts. Non-negotiable interest bearing time certificates of deposits and savings accounts in banks organized under the laws of this State, national banks organized under the laws of the United States, doing business and situated in this State, savings and loan associations located in this State and organized under Federal law and under Federal supervision, provided that any such deposits and savings accounts are secured by collateral as prescribed herein.
 - (3) Negotiable interest bearing time certificates of deposit. Negotiable interest bearing time certificates of deposit issued by institutions, provided that any such deposits are secured by collateral as prescribed herein.
 - (4) Bankers acceptances. Bankers acceptances which are eligible for purchase by the Federal Reserve System.
 - (5) Repurchase agreements. Repurchase agreements of a bank or savings and loan association organized under the laws of the United States or any State thereof provided a master repurchase agreement is signed.
 - (6) Commercial paper/corporate bonds.
 - A. Commercial notes of any United States company provided that such notes are rated "prime" (P-1) by Moody's Investors Service and (A-1) by Standard and Poor's.
 - B. Collateralized commercial paper. Medium term corporate notes rated "prime" (P-1) by Moody's Investors Service and (A-1) by Standard and Poor's.
 - (7) Money market funds. Money market funds whose portfolios consist of the foregoing ((1)-(6)).
 - (8) Now accounts. Now Accounts, Super Now Accounts or any other similar account authorized by the Federal Reserve's Depository Institution's Deregulation Committee.
 - (9) State Treasury Asset Reserve of Ohio (STAR Ohio). STAR Ohio is an investment pool managed by the Ohio Treasurer of State, offered to subdivisions of the State as defined in Ohio R.C. 135.45(E)(2).
- (b) Collateralization.
- (1) Collateralization will be required on two types of investments: Certificates of Deposits and Repurchase Agreements. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 110% of the deposit.
 - (2) Collateral may be through a single pool of securities pledged toward all deposits of public funds held by the depository. Collateral shall be held by an independent third party. Each financial institution with which the Village has Certificates of Deposits and/or Repurchase Agreements shall provide a detailed quarterly statement of all securities pledged to the pool.
 - (3) The right of collateral substitution is granted.
(Ord. 96-37. Passed 12-9-96.)

206.07 INVESTMENT PARAMETERS.

(a) Diversification. The Village of Baltimore will diversify its investments by security type and institution. With the exception of U.S. Treasury securities and authorized pools, no more than 50% of the Village of Baltimore's total investment portfolio will be invested in a single security type or with a single financial institution.

(b) Competitive Bidding.

- (1) The purpose of competitive bidding is to strengthen the investment program in terms of level and consistency of performance. All sales of securities will be bid competitively and, to the extent practical, all investments will be placed with vendors yielding the highest returns to the Village. The right is reserved to reject the bid yielding the highest return of interest on any investment if inconsistent with the Village's investment strategy, i.e., maturity, risk, liquidity, etc.
- (2) Price and rate quotations on all trades may be obtained from sources within and outside the Village. In the case of the sale of securities or the purchase of securities where all other factors are considered by the Village Treasurer to be equal, placement will be made in favor of the banking institution situated within the Village if two bids or more are the same.
- (3) As stated in this policy, the Village will competitively bid and invest part of all of its surplus or excess funds outside the designated central depository bank. However, this practice will not limit the central depository bank from competitively bidding on the Village's investment business as would any other financial institution.

(c) Maximum Maturities. To the extent possible, the Village will attempt to match its investments with anticipated cash flow requirements. All investments will mature within two years from the date of settlement.

(Ord. 96-37. Passed 12-9-96.)

206.08 POOLING OF FUNDS.

The Clerk-Treasurer is authorized to pool cash balances from the several different funds of the Village for investment purposes. Interest on these investments will be credited to the fund proportionate to the amount invested.

(Ord. 96-37. Passed 12-9-96.)

206.09 PERFORMANCE STANDARDS.

(a) The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The Village employs a passive investment strategy recognizing safety and liquidity as higher objectives than return. Portfolio performance will be monitored by reviewing the average Fed Funds rate.

(b) The Clerk-Treasurer will be responsible for providing regular reports to Village Council about the Village's investment activities. The report should include at least the details of the Village's portfolio by institution and instruments.

(Ord. 96-37. Passed 12-9-96.)

206.10 ADOPTION.

The Village's investment policy shall be adopted by ordinance and modifications must be approved by Village Council.
(Ord. 96-37. Passed 12-9-96.)

CHAPTER 208
Purchasing/Credit Card/Depository Policy

208.01	Purpose.	208.04	Procedure.
208.02	Policy.	208.05	Purchase by credit card.
208.03	Depository policy.	208.06	Inventory.

208.01 PURPOSE.

This policy provides the requirements related to all orders and purchases for all departments of the Village, all purchases by credit card, and all deposits of revenue and other monies received by the Village.

(Ord. 2004-60. Passed 10-25-04.)

208.02 POLICY.

(a) All purchases of materials and services must be approved in advance of purchase. Purchases made without approval will not be honored, and disciplinary action may be taken against any employee making unauthorized purchases.

(b) Purchases requested by Village Council committees must be initiated by the committee chairperson through the Village Administrator. Purchases initiated by Village boards, commissions or committees may be presented by their chairperson or staff advisor through the Village Administrator.

(c) Those purchases not requiring prior purchase order approval include:

- (1) Village utility bills;
- (2) Village payroll;
- (3) Village benefits.

(d) Authorization of purchases should be in writing to the Village Administrator, except for emergency requests, in accordance with the guidelines contained herein. Verbal requests may be granted by the Village Administrator, or designee, for emergency requests or on routine purchases of materials or services as part of essential inventory covered by a pre-approved blanket purchase order. Emergency purchases may be requested when a declared emergency exists or when the Village Administrator determines that an emergency resulting in a threat to life, health or property is imminent. Emergency purchases may not be made without a corresponding purchase order as a means of avoiding proper purchasing channels. All emergency purchases must be approved by the Village Administrator, or designee.

(e) Following the Ohio Revised Code, the Village Administrator is authorized to approve expenditures up to twenty-five thousand dollars (\$25,000.00) if the expenditure is included within the current appropriations. When an expenditure exceeds twenty-five thousand dollars (\$25,000.00) or is not included in the current appropriations, the expenditure must first be authorized and directed by ordinance of Village Council.

(Ord. 2004-60. Passed 10-25-04.)

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208.03 DEPOSITORY POLICY.

(a) Ohio R.C. 9.38 states that if the total amount of the public monies so received does not exceed one thousand dollars (\$1,000.00), the authorized Village representative shall deposit the monies on the business day next following the day of receipt. The Village will follow this policy.

(b) In the event of a Village-defined emergency, the deposit must be made within three business days next following the day of receipt, for making such deposits, and the deposit must be safeguarded until such time as the monies are deposited.

(Ord. 2004-60. Passed 10-25-04.)

208.04 PROCEDURE.

(a) Purchase orders will be used to secure the Village's purchase obligation to the vendor. The issuance of an approved purchase order will be the last step of the purchasing procedure, after a proposed purchase has been justified, priced and properly authorized.

(b) Purchase orders are to be executed under the following conditions:

- (1) All purchase orders are prepared and approved by the Village Administrator, or designee, which acts as Purchasing Agent for the Village;
- (2) Purchase orders will be drawn only against those accounts having sufficient funds available for payment of the obligations;
- (3) Purchase orders must be complete and have an executed Clerk-Treasurer's certificate to be valid;
- (4) Purchase orders for utilities, payroll or employee benefits will not be necessary;
- (5) Blanket purchase orders will only be valid for a maximum of three months;
- (6) Any purchase for a capital expenditure which exceeds twenty-five thousand dollars (\$25,000.00) must follow Ohio R.C. 731.141.

(Ord. 2004-60. Passed 10-25-04.)

208.05 PURCHASE BY CREDIT CARD.

(a) Credit cards may be used for such accounts as determined by the Village Administrator and Clerk-Treasurer. Only those employees authorized by the Village Administrator, or designee, will be permitted to use the credit card for an authorized purchase.

(b) At no time may any Village employee, appointed official, or elected official use a Village credit card for a personal purchase.

(Ord. 2004-60. Passed 10-25-04.)

208.06 INVENTORY.

Inventories will be maintained and used as a means to justify new purchases and re-purchases.

Two types of inventories are required:

- (a) Comprehensive inventory for each division showing all supplies, materials, equipment, vehicles, etc. will be prepared and submitted to the Village Administrator by all department heads at the beginning of each calendar year. The comprehensive inventory should be as complete as

possible, including serial numbers and model number of vehicles and equipment and locations where they may be found. The comprehensive inventory will be a purchasing tool as well as a means of valuing and insuring Village equipment.

- (b) Re-purchase inventory for each division, showing quantities of consumable goods vital to the operation and maintenance of the department which must be regularly replenished. Examples might include water treatment chemicals, lab supplies, gasoline or heating fuel, paper goods, etc. A re-purchase inventory will be conducted quarterly. The re-purchase inventory will show quantities of essential goods on hand, as well as noting those supplies that need to be replenished.
(Ord. 2004-60. Passed 10-25-04.)

CHAPTER 210
Disaster Recovery Policy

210.01 Purpose.

210.02 Policy.

210.01 PURPOSE.

(a) The purpose of this policy is to ensure that the Village's information technology (IT) services are protected against service interruptions, including large-scale disasters, by the development and implementation of a disaster recover plan.

(b) This policy demonstrates the Village's ability to continue to provide mission-critical, IT-dependent services during recovery from a business interruption or service outage. For purposes of this policy, "disaster recovery/business resumption planning" includes, but is not limited to, the documentation, plans, policies and procedures that are required to restore normal operation to the Village if impacted by man-made or natural outages or disasters.

(c) The three principal goals of disaster recovery/business resumption planning are to:

- (1) Save data.
 - (2) Save hardware, software, and facilities.
 - (3) Resume critical processes and restore data.
- (Ord. 2004-59. Passed 10-25-04.)

210.02 POLICY.

(a) The Clerk-Treasurer will back up all computer programs and activities for the municipal offices bi-weekly.

(b) The Clerk-Treasurer will maintain a current back-up of all computer programs and activities for the municipal offices off-site from the municipal office monthly.

(c) Should service be interrupted, Governmental Systems has provided the Village with written authorization to use their computers and software programs physically located at their Columbus, Ohio office.

(d) The Clerk-Treasurer will test the accurateness of the back-up disc routinely.

(e) In the event of a drastic situation where the Village cannot use its computers, Governmental Systems will allow the use of its software programs by the Village at the Columbus, Ohio office of Governmental Systems.

(Ord. 2004-59. Passed 10-25-04.)

CHAPTER 212
Identity Theft Prevention Program (ITPP)

212.01	Findings.	212.06	Credit card transactions.
212.02	Red flags.	212.07	Suspicious transactions.
212.03	Proof of ownership.	212.08	Notification of law enforcement.
212.04	Confidentiality of applications and account information.	212.09	Third party service providers.
212.05	Access to utility account information.	212.10	Compliance Officer and training.
		212.11	Annual report.

212.01 FINDINGS.

The Federal Trade Commission (FTC) requires every utility to implement an Identity Theft Prevention Program (ITPP). The FTC requirements and regulation is necessary because of Section 114 of the Fair and Accurate Credit Transactions Act (FACT ACT). The FTC has set for the ITPP requirement in 16 C. F. R. Section 681.2. Identity theft is defined as a fraud committed or attempted using identifying information of another person without authority. The Village of Baltimore adopts the program set forth in this chapter in order to comply with FTC rules and regulations. In drafting its ITPP, the Village has considered: the methods it provides to open its accounts; the methods it provides to access its accounts; and its previous experiences with identity theft. Based on these considerations, the Village Council hereby determines that the Village is a low to moderate risk entity and as a result develops and implements the streamlined ITPP set forth in this chapter. Further, the Village determines that the only covered accounts offered by the Village are those under its utilities. (Ord. 2009-49. Passed 10-12-09.)

212.02 RED FLAGS.

The FTC regulations identify numerous red flags that must be considered in adopting an ITPP. The FTC has defined a red flag as a pattern, practice, or specific activity that indicates the possible existence of identity theft. The Village identifies the following red flags from examples provided in the regulations of the FTC:

- (a) Notifications from Consumer Reporting Agencies. The Village does not request, receive, obtain or maintain information about its utility customers from any Consumer Reporting Agency.
- (b) Suspicious Documents. Possible red flags include:
 - (1) Presentation of documents appearing to be altered or forged;
 - (2) Presentation of photographs or physical descriptions that are not consistent with the appearance of the applicant or customer;
 - (3) Presentation of other documentation that is not consistent with the information provided when the account was opened or existing customer information;
 - (4) Presentation of information that is not consistent with the account application; or
 - (5) Presentation of an application that appears to have been altered, forged, destroyed and reassembled.

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- (c) Suspicious Personal Identifying Information. Possible red flags include:
- (1) Personal identifying information is being provided by the customer that is not consistent with other personal identifying information provided by the customer or is not consistent with the customer's account application;
 - (2) Personal identifying information is associated with known fraudulent activity;
 - (3) The Social Security number (if required or obtained) is the same as that submitted by another customer;
 - (4) The telephone number or address is the same as that submitted by another customer;
 - (5) The applicant failed to provide all personal identifying information requested on the application; or
 - (6) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- (d) Unusual Use of or Suspicious Activity Related to an Account. Possible red flags include:
- (1) A change of address for an account followed by a request to change the account holder's name;
 - (2) A change of address for an account followed by a request to add new or additional authorized users or representatives;
 - (3) An account is not being used in a way that is consistent with prior use (such as late or no payments when the account has been timely in the past);
 - (4) A new account issued in a manner commonly associated with known patterns of fraudulent activity (such as customer fails to make the first payment or makes the first payment but no subsequent payments);
 - (5) Mail sent to the account holder is repeatedly returned as undeliverable;
 - (6) The Village receives notice that a customer is not receiving his statements; or
 - (7) The Village receives notice of unauthorized activity on the account.
- (e) Notice Regarding Possible Identity Theft. Possible red flags include:
- (1) Notice from a customer, an identity theft victim, law enforcement personnel, or other reliable sources regarding possible identity theft or phishing related to utility accounts. (Ord. 2009-49. Passed 10-12-09.)

212.03 PROOF OF OWNERSHIP.

Before changing a name and address of an existing utility account, the Village requires proof of property ownership such as documentation from escrows, copy of a real estate contract or deed of trust. (Ord. 2009-49. Passed 10-12-09.)

212.04 CONFIDENTIALITY OF APPLICATIONS AND ACCOUNT INFORMATION.

All personal information, personal identifying information, account applications and account information collected and maintained by the Village shall be a confidential record of the Village and shall not be subject to disclosure unless otherwise required by State or Federal law. Additionally, any employee with access to utility customers' personal information, account applications, or account information shall be required to execute and abide by a confidentiality and non-disclosure statement of the Village.

(Ord. 2009-49. Passed 10-12-09.)

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212.05 ACCESS TO UTILITY ACCOUNT INFORMATION.

(a) Access to utility account information shall be limited to employees that provide customer service and technical support to the Village's utilities. Any computer that has access to utility customer account or personal identifying information shall be password protected and all computer screens shall lock after no more than fifteen minutes of inactivity.

(b) All paper and non-electronic based utility account or customer personal identifying information shall be stored and maintained in a locked room or cabinet and access shall only be granted by the Compliance Officer or his or her designee.
(Ord. 2009-49. Passed 10-12-09.)

212.06 CREDIT CARD TRANSACTIONS.

All internet or telephone credit card payments shall only be processed through a third party service provider which certifies that it has an identity theft prevention program operating and in place. Credit card payments accepted in person shall require a reasonable connection between the person or entity billed for the utility services and the credit card owner.
(Ord. 2009-49. Passed 10-12-09.)

212.07 SUSPICIOUS TRANSACTIONS.

Suspicious transactions include but are not limited to the presentation of incomplete applications for service; unsigned applications for service; payment by someone other than the person named on the utility account; presentation of inconsistent signatures, addresses or identification. Suspicious transactions shall not be processed and shall be immediately referred to the Compliance Officer or his or her designee.
(Ord. 2009-49. Passed 10-12-09.)

212.08 NOTIFICATION OF LAW ENFORCEMENT.

The Compliance Officer or his or her designee shall use his or her discretion on whether to report suspicious transactions to the Police Department or other appropriate law enforcement agency.
(Ord. 2009-49. Passed 10-12-09.)

212.09 THIRD PARTY SERVICE PROVIDERS.

All transactions processed through a third party service provider shall be permitted only if the service provider certifies that it has complied with the FTC regulations and has in place a consumer identity theft prevention program.
(Ord. 2009-49. Passed 10-12-09.)

212.10 COMPLIANCE OFFICER AND TRAINING.

The Compliance Officer for this ITPP shall be the Village Fiscal Officer or his or her designee. The Compliance Officer shall conduct training of all the Village employees that transact business with customers of the Village's utilities. The Compliance Officer shall periodically review this program and recommend any necessary updates to Village Council.
(Ord. 2009-49. Passed 10-12-09.)

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212.11 ANNUAL REPORT.

An annual report, as required by the FTC regulations, shall be provided by the Compliance Officer to the Mayor and Council. The contents of the annual report shall address and/or evaluate, at a minimum, the following:

- (a) The effectiveness of the policies and procedures of the Village in addressing the risk of identity theft in connection with the opening of utility accounts with respect to access to existing utility accounts;
- (b) Service provider arrangements;
- (c) Incidents involving identity theft with utility accounts and the Village's response thereto;
- (d) Changes in methods of identity theft and the prevention of identity theft; and
- (e) Recommendations for changes to the Village's ITTP.

(Ord. 2009-49. Passed 10-12-09.)

TITLE FOUR - Legislation
Chap. 220. Council.

CHAPTER 220
Council

220.01 Meetings.

220.02 Rules of Council.

CROSS REFERENCES

Traffic control powers - see TRAF. 406.07

220.01 MEETINGS.

The regular meeting dates for the Baltimore Village Council are the second and fourth Mondays of each month.

(Ord. 84-17. Passed 4-2-84.)

220.02 RULES OF COUNCIL.

(a) Definitions.

- (1) "Majority" means four members of Council which shall constitute a majority for the normal transaction of business.
- (2) "Quorum" means a quorum at any meeting of Council which shall consist of a majority of members of Council.
- (3) "Three-fourths majority" means five members of Council.
- (4) "Two-thirds majority" means four members of Council.

(b) Committees.

- (1) Standing committees. Standing committees shall address all matters that include both the standing committee's assignments and financial matters. This provision avoids the need to take agenda items to both a standing committee and then to Finance Committee for consideration. Matters which could be addressed by more than one committee shall be assigned by the Village Administrator in relation to the specific nature of the committee (example: matters involving "buildings" can be addressed by both the Service Committee and the Safety Committee; depending on the nature of the matter at hand, the Safety Committee could deal with safety issues of a building, whereas the Service Committee could deal with the property itself). Council shall have the following standing committees with the responsibilities as shown:

- A. Finance Committee. Review, investigate and recommend Council action in all fiscal matters before Council; including budgets, appropriations, taxes, assessments, contracts, employee wages and relations, expenditures and general monetary policy and other special assignments.

- B. Service Committee. Review, investigate and recommend Council action in matters of public utilities, streets, storm sewers, sanitary sewers, recreational facilities, zoning, planning subdivision regulations, annex, beautification and public park lands, buildings, and other special assignments.
 - C. Safety Committee. Review, investigate and recommend Council action in all matters of the safety of public buildings, municipal swimming pool, traffic safety, police protection, fire protection, health, civil defense, building codes and inspection, and other special assignments.
 - D. Rules Committee. Review, investigate and recommend Council action on all matters related to employee relations, policies and procedures. Any legislation to amend the Rules of Council shall be referred to the Rules Committee where it shall be considered immediately, taking precedence over any other business before the committee, and the committee shall make a report on the legislation to amend at the next regular session of Council following its introduction. The Rules Committee perform an annual review of the standing Rules of Council. The Rules Committee's authority shall include, but not be limited to, reviewing, investigating and recommending Council action in areas involving eligibility for Village Boards and Committees, and conflicts of interest, as defined by ordinance and the Ohio Revised Code.
- (2) Special committees. The Presiding Officer may from time to time appoint special committees for limited purposes, subject to the approval of the majority of Council. The statement of purpose for all special committees shall contain a section setting forth the length of time required to complete their special purpose.
 - (3) Composition of committees. Standing and special committees shall consist of not less than three members of Council, appointed by the Presiding Officer and approved by a majority vote of Council. The Presiding Officer shall also appoint a committee chairperson for each committee. The Finance Committee shall be composed of the chairperson of such committee who has been appointed by the presiding officer and the chairperson of the Service Committee and the chairperson of the Safety Committee in order to promote continuity of purpose and aims among the committees: Service, Safety, Finance, and Rules. The Mayor shall be an ex-officio member of all committees and shall have a vote only in the case of a tie vote by committee members. The Fiscal Officer shall be a non-voting member of the Finance Committee. The Village Administrator shall be a non-voting member of each committee.
 - (4) Duties of committee chairperson. The chairperson shall:
 - A. Appoint a vice-chairperson to serve in the chairperson's absence.
 - B. Receive from the Village Administrator all items for consideration by the committee. With the assistance of the Village Administrator prepare an agenda for each committee meeting.
 - C. Assign each new piece of legislation which is to be considered by a committee, to members of the committee who shall be the "sponsor" of the legislation. The sponsor shall present an overview of the proposed legislation at the first reading..
 - D. Be responsible for the delivery, not less than two days before the next scheduled meeting, of the agenda to all elected officials and members of the administration.

- E. Provide copies of whatever supporting material is available, that is germane to the discussion of items on the agenda. If supporting material is unchanged between meetings it need be provided only upon its first availability. Whenever possible, supporting material shall be delivered with the agenda.
 - F. Be responsible for maintaining an up to date status of all legislation directed to the committee until such time as legislation has received final approval or disapproval of Council or is declared null and void.
 - G. Maintain the status of legislation by inclusion of all active legislation as agenda discussion items for every committee meeting without exception. Should a piece of legislation become inactive whether tabled, held in committee, or withdrawn by an applicant, such information will be noted on the committee agenda following the discussion items including the reason for inactivity.
 - H. When having been directed by the Presiding Officer of Council to conduct a study or survey, assure that the subject matter is continued on the agenda as an active discussion item until such time as the committee report or resultant proposed legislation has been presented to Council.
 - I. If desired, appoint as many citizen advisory members as may be necessary, however, no citizen advisory members shall vote on the recommendations of the committee but may concur in either the majority or minority reports.
 - J. Assist the Fiscal Officer in the preparation of committee meeting minutes and assure their delivery to all elected office holders and administration.
- (5) Committee meetings.
- A. An annual, organizational meeting shall be held by all committees as soon as practical after January 1 of each year. Matters of the appointment of a committee chairperson and vice-chairperson shall be addressed, in accordance with divisions (b)(3) and (b)(4) herein.
 - B. Baltimore Council committee meetings shall generally be held in the Town Hall. Meetings of all committees of Council shall be public meetings and whenever possible shall be held in public buildings, however, each committee by a majority of its voting members may elect to hold meetings wherever it deems necessary to properly further its assigned purpose. All committee meetings will be called by the chairperson of such committee or by two voting members giving notice of the date, time and place to all members of the committee, Mayor, Village Administrator, Council members, and Fiscal Officer. The Fiscal Officer shall notify all members of Council of all committee meetings. Any member of Council shall have the right to sit with any committee, present information, take part in any discussion, and question witnesses, however members of Council shall have a vote only when regularly assigned to such committee. Each committee may adopt its own rules of order, however in the absence of such rules, the parliamentary procedure set forth in Robert's Rules of Order, newly revised, shall prevail.
 - C. Since there are four major committees with the Mayor as ex-officio and the Village Administrator as a non-voting member, a paradox has been established by having these committees meeting at the same time. Every committee excluding the Rules Committee shall have at least one monthly meeting. No regular committee meeting shall be held on regularly scheduled Council meeting dates. This prohibition may be

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temporarily suspended by an affirmative vote of a majority of the members of Council. It is suggested as follows: The chairperson of each committee, except the chairperson of the Rules Committee, shall establish a regular monthly meeting time and date so as to not have any conflicting times and dates for the meetings of each committee. The Fiscal Officer shall post these meeting times and dates. The committee meetings are regularly scheduled meetings of Council members.

- (6) Mandatory referral. All ordinances and resolutions shall be referred to an appropriate committee for review and recommendations prior to final action by Council. This provision may be suspended with respect to resolutions and ordinances by an affirmative vote of a two-thirds majority of Council. Ordinances accepting deeds of easement and right-of-ways are excepted from mandatory referral.
- (c) Agenda.
- (1) Form. Before an ordinance or resolution is adopted, it shall be prepared by the Solicitor to insure it is correct as to form and legality of purpose.
 - (2) Preparation. The agenda for all meetings of Council shall be prepared by the Fiscal Officer under the guidance of the Mayor with the assistance of the Village Administrator. No item requiring action may be placed on the agenda later than 4:00 PM on the Thursday before a regular meeting and not less than 24 hours prior to the time of a special meeting. The agenda shall indicate the name of the sponsor of any ordinance or resolution which will be presented to Council.
 - (3) Delivery. It shall be the responsibility of the Fiscal Officer to be assured that the agenda is delivered to all members of Council, Mayor, and Administration mailboxes in the Council roan by noon on the Friday before a regular meeting and not less than 24 hours prior to the time of the special meeting.
 - (4) Changes. Any change to the published agenda shall not be made other than by a majority vote in Council on the motion to amend which shall not be debatable except for a brief statement of necessity by the maker of the motion. Such a motion shall require no second.
 - (5) Order of business. The agenda shall reflect the following order of business. It is noted that this section is directory in nature and is not mandatory and is subject to the discretion of the presiding officer.
 - Oral or silent prayer
 - Pledge of Allegiance
 - Roll Call
 - Approval of agenda
 - Village Administrator Report
 - Community comments and requests (to be limited to five minutes per recognized speaker and 30 minutes total time for the agenda item)
 - Reports: (presented by chairpersons and attached to agenda)
 - Standing and/or Special Committees
 - Fire Board
 - Planning Commission
 - Solicitor
 - Mayor

Fiscal Officer

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Motions

Procedural readings: First readings

Second readings

Legislative Action: Third readings

Old Business

New Business

Adjournment.

- (6) Suspension. Any provision of this section except as noted in division (4) hereof, may be suspended by an affirmative vote of a three-fourths majority of Council.
- (7) Minutes. The Fiscal Officer shall prepare and distribute minutes within four days following meetings.

(d) Schedule.

- (1) Schedule of Council affairs. Council shall maintain a schedule of Council affairs including therein the times, dates and places of all regularly scheduled meetings of Council, special meetings as they become necessary, regular meetings and public hearings of standing committees, and whenever practicable, meetings of special committees. The schedule shall also list the number and title of ordinances and resolutions set down for committee action and the date scheduled for the committee report.
- (2) Responsibility. The Clerk of Council shall prepare, maintain and revise schedule of Council affairs under the direction of the Mayor and President of Council. An up-to-date copy of the schedule shall be available to the general public at all times in the office of the Clerk of Council.
- (3) Meeting locations. Baltimore Council meetings shall generally be held in the Council Chambers of the Town Hall. Meetings of Council shall be public meetings and whenever possible shall be held in public buildings; however, Council, by a majority of its voting members, may elect to hold meetings wherever it deems necessary to properly further its assigned purpose.

(e) Rules Governing Deliberations. All deliberations of Council shall be governed by the Constitution of the United States, the Constitution of the State of Ohio, the Ohio Revised Code, duly enacted ordinances and resolutions of the Municipality, the Rules of Council as contained herein, and in those areas of parliamentary procedure not specifically set forth in the foregoing documents by Robert's Rules of Order, newly revised.

(f) Legislation.

- (1) Ordinances. The term "ordinance" refers to the type of action by Council which is of a general or permanent nature, creates a right, grants a franchise or involves the expenditure of money, the levying of a tax, or authorizes the purchase, lease, sale or transfer of property. Ordinances shall be presented to Council in writing and shall have the name of the sponsors. Ordinances shall not be placed on the agenda unless submitted by a member of Council or the Mayor following committee review.
- (2) Resolutions. The term "resolution" is used in connection with the action of Council in passing legislation generally referred to a declaration of intent or purpose, the authorization of some temporary act or administrative procedure. A resolution may

initiate, direct or

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carry out administrative duties and functions which are granted to Council under statutory laws or municipal ordinances. Resolutions shall be presented to Council in writing and shall have the name of the sponsors. Resolutions shall not be placed on the agenda unless submitted by a member of Council or the Mayor following committee review.

- (3) Suspension of rules. Suspension of rules regarding reading of ordinances or resolutions shall be as provided in the Ohio Revised Code. When a motion is properly made and seconded to suspend the rule requiring reading at three separate meeting days, no debate shall be permitted on the motion.
 - (4) Emergency legislation. Emergency legislation shall be enacted as provided by the Ohio Revised Code.
 - (5) Effective date. The effective date of legislation shall be as provided by the Ohio Revised Code.
 - (6) Zoning ordinances. No zoning ordinance or any amendment thereto shall be passed unless it is first submitted to the Planning and Zoning Commission for approval, disapproval or recommendations and the Commission is allowed not less than 35 days for consideration and report. Council shall hold a public hearing on the zoning ordinance or amendment with notice of the time and place as required by Ohio R.C. 713.12. No such ordinance or amendment which violates, differs from or departs from the Planning and Zoning Commission recommendation, plan or report shall take effect unless passed by not less than three-fourths of the full membership of Council. No such ordinance or amendment which agrees with the recommendation, plan or report of the Planning and Zoning Commission shall take effect unless passed by a majority of members elected to Council.
 - (7) Pending legislation.
 - A. All ordinances and/or resolutions that have been tabled or postponed in excess of 12 months shall be considered null and void, and any further action on the subjects covered shall be reintroduced as new legislation.
 - B. Any ordinance and/or resolution tabled to a date indefinite or definite shall be removed from the table upon a motion to remove the ordinance and/or resolution from the table with the appropriate second and upon passage by a majority of Council. Any ordinance and/or resolution so removed from the table shall receive the same procedural or legislative reading, subject to the provision of division (7)A. above that such ordinance and/or resolution would have received had it not been tabled. Consequently for purposes of illustration, an ordinance or resolution which is tabled prior to its first procedural reading upon being removed from the table shall receive its first procedural reading.
 - (8) Amending legislation. Any new language or any additions to existing ordinances or resolutions may be printed in capital letters so that any change is readily apparent.
- (g) Conduct of Discussions.
- (1) Policy. When an ordinance, resolution, or motion is before Council, an adequate opportunity shall be provided for all members of Council to be heard. However, in order to expedite business and to assure that a minority cannot effectively abrogate the desire of the majority by dominating the floor and thus prevent a vote, the rules of discussion contained in the following requirements are set forth as the official policy of

Council.

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- (2) Duty of the Presiding Officer. The Presiding Officer shall recognize members and other persons who wish to address Council, prior to such member or person taking the floor. All persons not personally known by Council shall furnish their name, address, and the reason for their appearance upon request of the Presiding Officer prior to being recognized. The Presiding Officer may utilize the following rules when exercising his or her control of the discussion of any ordinance, resolution or motion:
 - A. No member or person shall be permitted to speak longer than five minutes at any one time;
 - B. While members may yield to other members, the limitations set forth in division A. above shall prevail;
 - C. The above rules may be suspended to permit unlimited debate by a vote of majority of Council.
- (3) Excusal during meeting. No member shall be excused while Council is in session except upon permission of the Presiding Officer.

(h) Voting.

- (1) Voting. Except as otherwise provided in these rules or by law, all ordinances and resolutions will be voted upon in open Council, and shall be oral roll call votes. The roll call voting shall be by sponsors first and then for the remaining members of Council, as called by the Fiscal Officer. The Fiscal Officer shall call the roll and each Council member will respond either "yea" or "yes," "nay" or "no," or "abstain." No other comment shall be considered proper during the vote. The Fiscal Officer shall record the vote and the same shall be preserved in the minutes of the meeting. After the vote is complete, the Presiding Officer shall disclose the results thereof. Except as otherwise provided herein, or by law, a majority shall carry any resolution, ordinance, or motion. The Mayor shall have no vote except as provided by the Ohio Revised Code in a tie vote. The President of Council shall have a vote while conducting a Council meeting. No question concerning the vote of any member will be proper after the vote is called.
- (2) Abstaining vote. No member shall be questioned concerning the necessity of an abstaining vote. A decision to abstain is a matter personal to each member and under no condition may this action be challenged. Each vote shall be treated as neither a positive nor a negative vote and a member who casts an abstaining vote shall not be recorded as voting on either side of the question.
- (3) Voting on Council vacancies. When filling a vacancy on Village Council, all properly submitted nominations shall be voted upon in open Council by oral roll-call votes, and shall otherwise adhere to the procedures set forth in division (1) above.

(i) Amendment of Rules; Adoption and Re-enactment. The rules of Council as established in this section may be amended by legislation adopted by a majority of Council after proper action by the Rules Committee.

(j) Village Administrator. Any reference to "Village Administrator" shall become effective if and when a Village Administrator is appointed by Village Council.

(k) Designated Public Places for Posting of Public Notices and Related Matters. The following public places are designated as places for posting of all statements, orders, proclamations, notices and reports permitted by law to be posted rather than published: (1) Kiosk at Village Town Hall; (2) Baltimore branch of U.S. Post Office; (3) Baltimore branch of Fairfield National Bank; (4) Baltimore branch of People's Bank; and (5) Baltimore branch of Fairfield County Library.

(l) Newspapers Designated for Legal Publication. The *Lancaster Eagle Gazette* and/or *The Columbus Dispatch* are hereby designated as newspapers in which legal publications required by law may be published.

(m) Executive Sessions. No tape recorders or written minutes or notes shall be permitted in Executive Session.

(Ord. 88-37. Passed 12-12-88; Am. Ord. 90-22. Passed 5-28-90; Am. Ord. 91-40. Passed 11-25-91; Am. Ord. 92-10. Passed 2-24-92; Am. Ord. 95-14. Passed 5-8-95; Am. Ord. 99-45. Passed 11-22-99; Am. Ord. 2000-04. Passed 2-14-00; Am. Ord. 2009-19. Passed 6-8-09; Ord. 2011-55. Passed 11-28-11.)

TITLE SIX - Administration

Chap. 230.	Administrator.
Chap. 232.	Fiscal Officer.
Chap. 234.	Engineer.
Chap. 236.	Police Department.
Chap. 238.	Basil Joint Fire District.
Chap. 240.	Employee Manual of Personnel Policies and Regulations.
Chap. 242.	Other Employment Provisions. (Repealed)
Chap. 244.	Service Department.
Chap. 246.	Rules of Procedure: Planning and Zoning Commission.

**CHAPTER 230
Administrator**

230.01	Position created.	230.03	Abolishment of Board of Public
230.02	Powers and duties.		

CROSS REFERENCES

Streets and public grounds - see Ohio R.C. Ch. 723
 Sidewalks and sewers - see Ohio R.C. Ch. 729
 Water works - see Ohio R.C. 743.01 et seq.
 Water pollution - see Ohio R.C. 743.25
 Gas, water and electricity - see Ohio R.C. 743.26 et seq.

230.01 POSITION CREATED.

In accordance with Ohio R.C. 735.271, there is hereby created the position of Baltimore Village Administrator, who may be referred to as “the Village Administrator” or “the Administrator.”
 (Ord. 88-42. Passed 1-23-89.)

230.02 POWERS AND DUTIES.

The Administrator shall be under the supervision and control of the Mayor and shall have all power and authority granted to him or her by village ordinance and the Ohio Revised Code.
 (Ord. 88-42. Passed 1-23-89.)

230.03 ABOLISHMENT OF BOARD OF PUBLIC AFFAIRS.

After the effective date of Ord. 88-42, the Board of Trustees of Public Affairs shall be abolished

in accordance with the provisions of Ohio R.C. 735.272.
(Ord. 88-42. Passed 1-23-89.)

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CHAPTER 232
Fiscal Officer

Editor's note: For purposes of this Code, all references to Clerk-Treasurer shall mean Fiscal Officer.

232.01 Position established.

232.02 Authorized individuals to sign checks.

CROSS REFERENCES

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

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

Income tax collection - see Ohio R.C. 733.85

232.01 POSITION ESTABLISHED.

There is hereby created the position of Village Fiscal Officer to replace the position previously held by the Village Clerk-Treasurer. The Village Fiscal Officer shall perform those duties provided by law for the Village Clerk-Treasurer and any other duties consistent with the nature of the office that are provided for by Municipal legislation. Compensation for the position of Fiscal Officer shall be as set by Council.

(Ord. 2005-39. Passed 8-8-05; Ord. 2009-31. Passed 6-8-09.)

232.02 AUTHORIZED INDIVIDUALS TO SIGN CHECKS.

The Mayor and/or Village Administrator are hereby appointed as the authorized individuals to sign checks in the absence of the Fiscal Officer, on an emergency basis only, such an emergency to be limited to the following events: the Fiscal Officer's absence due to hospitalization and/or illness; the Fiscal Officer's absence due to vacation leave; or the Fiscal Officer's absence due to a personal emergency.

(Ord. 2009-31. Passed 6-8-09.)

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CHAPTER 234

Engineer

EDITOR'S NOTE: The Village contracts periodically for the services of an engineer or firm of engineers, designated the Village Engineer, or the Municipal Engineer, or just the Engineer. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk-Treasurer. Ordinance No. 2010-38, passed August 23, 2010, adopts a job description for the Village Engineer, and the Appendices to the *Employee Manual of Personnel Policies and Regulations* are hereby amended to reflect the same.

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

CROSS REFERENCES

Village Engineer to approve plats; inspection of streets and acceptance - see Ohio R.C. 711.08, 711.091
General duties of Village Engineer - see Ohio R.C. 735.32

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CHAPTER 236
Police Department

236.01 Police officers.

236.03 Auxiliary Police Force.

236.02 Police Department funds.

236.04 Job descriptions adopted by reference.

CROSS REFERENCES

Recovered property and disposition - see Ohio R.C. 737.29 et seq., 4513.60 et seq.;
GEN. OFF. 608.16

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

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

Resisting an officer - see TRAF. 404.02; GEN. OFF. 608.08

Failure to aid a police officer - see GEN. OFF. 608.05

Compliance with lawful order of police officers; fleeing - see GEN. OFF. 608.09

Dereliction of duty - see GEN. OFF. 608.12

Impersonating/personating an officer - see GEN. OFF. 608.14, 672.17

Use of force to suppress riot - see GEN. OFF. 648.03

236.01 POLICE OFFICERS.

The Police Department shall reinstate the ranking of police officers as follows:

- (a) One Chief of Police;
- (b) One Lieutenant;
- (c) Two Sergeants;
- (d) Twelve Patrolmen.

(Ord. 91-31. Passed 10-28-91; Ord. 97-10. Passed 4-28-97; Ord. 2006-66. Passed 12-11-06.)

236.02 POLICE DEPARTMENT FUNDS.

- (a) A fund is hereby created for the purpose of:
 - (1) Receiving federal and/or state grant money proceeds; and
 - (2) Disbursing payments for billings.

(b) The former fund shall be called the "Police Department - Federal and/or State Grant Money Fund" and the latter fund shall be called the "Police Department - Matching Local Grant Money Fund."

(Res. 2000-41. Passed 12-11-00.)

236.03 AUXILIARY POLICE FORCE.

(a) Creation. There is hereby created, subject to the further provisions of this section, an auxiliary police force in the Municipality which shall be composed of up to 15 persons.

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(b) Membership. No person shall be appointed to the auxiliary police force, unless such person is over the age of 21 years and under 60 years of age at the time of the appointment and without a record of felony or serious misdemeanor conviction at the time of appointment. "Serious misdemeanor" means any misdemeanor which is punishable by a fine of more than \$100 or by imprisonment for any term. Appointees shall at all times be subject to the further requirements of the rules and regulations for auxiliary policemen/policewomen as provided by the further provisions of this section and shall be subject to a full background investigation.

(c) Term of Service. All persons appointed as auxiliary policemen or policewomen shall be appointed by the Mayor and shall serve so long as the Mayor or Chief of Police may direct, unless a resignation is sooner submitted.

(d) Control. The Chief of Police, and in his or her absence, the Mayor, shall be the person in charge of administering the auxiliary police force and shall be responsible for the assignment, training, stationing, and directing of the work of all persons appointed to such force, subject to the direction and control of the Mayor.

(e) Police Powers. When on duty, at the direction of the Chief of Police or the Mayor, appointees shall have general police powers conferred upon police patrolmen or patrolwomen, deputy marshals, and special policemen or policewomen appointed by the Mayor in accordance with the general laws of this state. At all times, their powers shall be subordinate to the powers of the regularly appointed members of the Police Department, and they shall take orders from all such regular members while on duty. The members of the auxiliary police force shall be deemed to be on duty whenever they are acting at the direction of the Chief of Police or the Mayor and are either dressed in an auxiliary police uniform or are wearing an identification badge which is approved by the Chief of Police.

(f) Rules and Regulations. The Chief of Police shall prescribe the rules and regulations for the organization, conduct, and control of the auxiliary police force. Such rules shall be in writing and a copy given to each member thereof at the time of his or her appointment. Violation of any of the rules and regulations or other misconduct unbecoming to a police officer shall be cause for dismissal by the Mayor or the Chief of Police with the written consent of the Mayor. No person appointed to the auxiliary police force shall have the tenure provided the Marshal, Chief of Police, Deputy Marshal, or a police patrolman or patrolwoman, but each member of the auxiliary police force shall have a minimum of 24 hours per month active duty, unless otherwise designated by the Chief of Police or the Mayor.

(g) Uniform. All persons appointed as members of the auxiliary police force shall wear the uniform prescribed by the Chief of Police or the Mayor. All members of the auxiliary police force shall provide their own uniforms, except that the Village shall provide the badges.

(h) Probationary Period. Appointments to the auxiliary police force shall be for a probationary period of 12 months, and no such appointment shall be finally made until the appointee has satisfactorily served a probationary period. At the end of the probationary period, the Mayor shall transmit to Council a record of such employee's service with a recommendation thereon and the Mayor may, with the concurrence of Council, remove or finally appoint such person.

(i) Physical Examination. No person shall be appointed to the auxiliary police force unless he or she has, not more than 60 days prior to receiving such appointment, passed a physical examination, given by a licensed physician, showing that he or she meets the physical requirements necessary to perform the duties of such position. The expense of the medical examination shall be fully paid by the Village of Baltimore if performed by a doctor practicing in the Village of Baltimore or a maximum of \$25 shall be paid for an examination performed by a doctor practicing outside of the Village of Baltimore.

(j) Training. No person shall be finally appointed to the auxiliary police force prior to receiving a certificate of satisfactory completion of the basic peace officer training course from the Executive Director of the Ohio Peace Officer Training Council. Each member of the auxiliary police force shall pay for his or her own schooling and training.

(k) Workers' Compensation. The Administrator and Clerk-Treasurer are hereby authorized and directed to enter into a contract with the Bureau of Workers' Compensation for the purpose of securing the benefits of Workers' Compensation for the auxiliary police members.

(l) Absence of Regular Police Officers. An auxiliary police officer may fill the position of a regular police officer in periods of absence by the regular police officer.
(Ord. 2000-23. Passed 6-26-00.)

236.04 JOB DESCRIPTIONS ADOPTED BY REFERENCE.

The job descriptions for various personnel of the Police Department, delineating the duties and responsibilities of the Police Chief, Lieutenant, Sergeant and Police Officer as attached to Ordinance 2006-36, are hereby adopted by reference and made a part of this code as if set forth in full herein.
(Ord. 2006-36. Passed 10-9-06; Ord. 2006-65. Passed 12-11-06.)

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CHAPTER 238
Basil Joint Fire District

238.01 Joint Fire District created.

CROSS REFERENCES

General duties - see Ohio R.C. 737.11

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

238.01 JOINT FIRE DISTRICT CREATED.

The Village of Baltimore, Ohio, hereby adopts a joint resolution with Liberty Township to create a joint fire district pursuant to Ohio R.C. 505.371.

(Ord. 82-27. Passed 3-15-82.)

CHAPTER 240
Employee Manual of Personnel Policies and Regulations

240.01 Adoption by reference.

CROSS REFERENCES

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

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

Improper compensation - see GEN. OFF. 608.11

Dereliction of duty - see GEN. OFF. 608.12

Interfering with civil rights - see GEN. OFF. 608.13

240.01 ADOPTION BY REFERENCE.

The Village hereby adopts by reference, as if fully set out herein, the *Employee Manual of Personnel Policies and Regulations*, together with any amendments thereto.

(Ord. 2005-38. Passed 8-8-05; Ord. 2006-08. Passed 3-13-06; Ord. 2006-35. Passed 8-14-06; Ord. 2007-19. Passed 4-23-07; Ord. 2007-51. Passed 12-10-07; Ord. 2008-08. Passed 4-14-08; Ord. 2008-11. Passed 4-14-08; Ord. 2008-18. Passed 6-23-08; Ord. 2008-64. Passed 11-10-08; Ord. 2009-36. Passed 9-14-09; Ord. 2010-05. Passed 1-25-10; Ord. 2010-06. Passed 2-22-10; Ord. 2010-26. Passed 6-14-10; Ord. 2010-40. Passed 8-23-10; Ord. 2011-08. Passed 3-28-11; Ord. 2011-52. Passed 12-12-11; Ord. 2011-57. Passed 11-28-11; Ord. 2013-45. Passed 12-9-13.)

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CHAPTER 242
Other Employment Provisions (Repealed)

EDITOR'S NOTE: Chapter 242, Other Employment Provisions, was repealed by Ordinance No. 2010-07, passed February 22, 2010. For provisions regarding performance bonds and Village pick-up of contributions to Public Employees Retirement System, see the Village *Employee Manual of Personnel Policies and Regulations*.

[Chapter 244 begins on Page 60A.]

CHAPTER 244
Service Department

244.01 Creation.

244.01 CREATION.

Council approves and hereby accepts the creation of a Service Department, which shall include water, wastewater, streets, storm sewers, parks, cemeteries and lands and buildings, and shall be under the direct supervision of the Village Administrator.

(Ord. 2004-74. Passed 10-25-04.)

CHAPTER 246
Rules of Procedure: Planning and Zoning Commission

246.01	Ethics.	246.07	Voting.
246.02	Membership and officers.	246.08	Abstaining vote.
246.03	Meetings.	246.09	Quorum.
246.04	Agenda.	246.10	Absences.
246.05	Public records.	246.11	Authority.
246.06	Minutes.		

CROSS REFERENCES

Transmittal of Zoning Code amendments to Planning and Zoning Commission - see P. & Z. 1240.04
Recommendation by Planning and Zoning Commission concerning Zoning Code amendments - see P. & Z. 1240.08
Zoning Code administration - see P. & Z. Ch. 1284

246.01 ETHICS.

The Baltimore Planning and Zoning Commission (hereinafter “Commission”) shall adhere to Village of Baltimore Ethics Ordinance 2004-43 (adopted in Chapter 280 of the Village Codified Ordinances), and all other municipal and State ethical standards. All Commission members shall read and sign the Village Ethics Ordinance. All Commission members shall conduct themselves in a professional, ethical and orderly manner. Unprofessional and/or disorderly behavior shall include, but shall not be limited to, inappropriate comments, name-calling and offensive language. Any unethical, unprofessional or disorderly conduct by a Commission member, or any violation of Commission rules, shall constitute grounds for removal from office as provided for in the Ohio Revised Code. (Ord. 2009-15. Passed 5-11-09.)

246.02 MEMBERSHIP AND OFFICERS.

The Commission shall be composed of five members: the Mayor, one Village Council member and three Village residents. Except as otherwise set forth herein, each term of office shall be for a period of six years. The Village Council member shall serve for the remainder of his or her term as such member of the legislative authority. All members shall serve without compensation. (Ord. 2009-15. Passed 5-11-09.)

246.03 MEETINGS.

(a) Annual Meetings. The Commission's annual meeting shall be held on the second Thursday of each new year at the Village Town Hall, located at 103 West Market Street, Baltimore, Ohio. At the annual meeting a Commission Chairperson and a Vice Chairperson shall be elected, each for a one year term. The Secretary shall be the Fiscal Officer. The Chairperson shall preside over all Commission meetings.

(b) Regular Meetings. The Commission shall regularly meet on the second Thursday of each month at the Village Town Hall. In the event that a larger meeting room is needed on occasion in order to accommodate large crowds, the Commission shall attempt to relocate the meeting to another location within the Village, such as a building maintained by the Liberty Union-Thurston School District.

(c) Special Meetings. The Commission Chairperson may call for a special meeting, by providing written notice to all Commission members and Village Council members at least five days in advance of such meeting, setting forth the date and time of such meeting. Such a notice is independent of and in addition to any notice by publication that may be required by law. In addition to the written notice, a detailed agenda shall be provided.
(Ord. 2009-15. Passed 5-11-09.)

246.04 AGENDA.

The Commission Chairperson shall be responsible for keeping agendas current. All items that need to be included in the agenda shall be provided by the Zoning Administrator to the Commission at least five days prior to a regularly scheduled meeting, and at least three days prior to a special meeting.
(Ord. 2009-15. Passed 5-11-09.)

246.05 PUBLIC RECORDS.

Unless otherwise provided for by law, all records of the Commission shall be subject to public disclosure in accordance with Ohio's open record laws and the Village's Public Records Policy. Public records shall include email communications to or from members and the Zoning Administrator, related to Commission matters. The Commission records shall be maintained and be available for public access at the Village Town Hall.
(Ord. 2009-15. Passed 5-11-09.)

246.06 MINUTES.

The Commission Secretary shall be responsible for keeping minutes of meetings.
(Ord. 2009-15. Passed 5-11-09.)

246.07 VOTING.

(a) All voting on actions by the Commission in open meetings shall be by verbal roll call, and shall be recorded by the Secretary.

(b) A majority shall carry any motion. Three members of the Planning and Zoning Commission shall constitute a majority for the normal transaction of business. No question concerning the vote of any member will be proper after the vote is called. Four members of the Planning and Zoning Commission, including two Market Street Overlay District members, shall constitute a majority for the normal transaction of business related to Market Street Overlay District reviews and plans.
(Ord. 2009-15. Passed 5-11-09.)

246.08 ABSTAINING VOTE.

No member shall be questioned concerning the necessity of an abstaining vote. A decision to abstain is a matter personal to each member and under no condition may this action be challenged. Each member

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is urged to use his or her careful discretion in this matter. An abstaining vote shall be treated as neither a positive nor a negative vote and a member who casts an abstaining vote shall not be recorded as voting on either side of the question.

(Ord. 2009-15. Passed 5-11-09.)

246.09 QUORUM.

The attendance by at least three members of the Commission shall constitute a quorum. The attendance by at least four members of the Commission and Market Street Overlay District representatives, at least one being a Market Street Overlay District representative, shall constitute a quorum for any Market Street Overlay District business.

(Ord. 2009-15. Passed 5-11-09.)

246.10 ABSENCES.

If a Commission member fails to attend two or more consecutive Commission meetings without a valid excuse, such absence shall constitute a vacancy of the office. In such an event the member's position may be declared vacant and the position filled by a new member. Before any such declaration of vacancy, the absent/delinquent member shall be contacted by the Mayor and be entitled to receive written notification of such an action, and shall be afforded an opportunity for a hearing.

(Ord. 2009-15. Passed 5-11-09.)

246.11 AUTHORITY.

The Commission shall have such power and authority as provided for in Ohio R.C. 735.15, and as otherwise set forth in Ohio law.

(Ord. 2009-15. Passed 5-11-09.)

TITLE EIGHT - Boards and Commissions

Chap. 250.	Parks and Recreation Board.
Chap. 252.	Records Commission.
Chap. 254.	Tree Commission.
Chap. 256.	Community Reinvestment Areas.

**CHAPTER 250
Parks and Recreation Board**

250.01 Creation and powers.

CROSS REFERENCES

Regulation of entertainment and culture - see Ohio R.C. 715.13, 715.45, 715.51, 715.61
 Land appropriation for parks - see Ohio R.C. 715.21, 719.01
 Regulation of commercial recreation (billiards and pool, taverns) - see Ohio R.C. 715.51, 715.53
 Playgrounds, recreation centers, swimming pools - see Ohio R.C. 755.12 et seq.
 Vacation and sale of park lands - see Ohio R.C. 755.41 et seq.
 Power to regular vehicle speed in parks - see Ohio R.C. 4511.07

250.01 CREATION AND POWERS.

(a) Creation. There is hereby created a Parks and Recreation Board with five members appointed in the manner set forth in Ohio R.C. 755.14. A person appointed to the Board shall be appointed by resolution and all appointees shall be electors of the Village. The initial appointments by the Village shall be for terms of one, three, and five years, respectively. The initial appointments by the School Board shall be for periods of two and four years, respectively. After the initial appointment terms, all subsequent appointments shall be for five-year periods.

(b) Powers. The Parks and Recreation Board shall have these duties and responsibilities:

(1) Advise Council, through Service Committee, on the maintenance and improvements of municipal parks, playgrounds, playfields, pools, and other recreation areas by doing the following:

- A. Prepare and submit to Council, through Service Committee, an annual plan of parks and recreation area maintenance. The plan shall be submitted as a preliminary draft not later than March 1 of each year. A final draft shall be submitted no later than November 1 each year. These deadlines coincide with the budget preparation cycle.
- B. Prepare and submit to Council, through Service Committee, a five-year plan of improvements and/or additions to municipal parks and recreation facilities. The first one-year plan shall be submitted not later than March 1 of each year.

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- (2) Advise Service Committee on recreation programs and activities. Prepare and submit to Service Committee by March 1 of each year a preliminary plan of creation activities to be offered by the municipal parks and recreation program. A final draft shall be submitted by November 1 each year. These deadlines coincide with the budget preparation cycle.
- (3) Advise Service Committee on proposed contractual agreements among other parties and Council for use of parks and recreation facilities.
- (4) Staff subcommittees and recreational activities by recruiting and organizing citizen volunteers and other persons to serve on committees or operate recreational activities subject to the approval of Council.
- (5) Hold monthly meetings, open to the public, to conduct its business. Members shall attend at least 70% of all meetings. Members absent, without good cause, from three consecutive meetings, may be removed from the Board by the Village Council. Adequate notice shall be given to the public and news media of all meeting dates, times, and places. Reasonable notice shall be given in the event of a meeting date, time, or place change. The Board secretary shall be responsible for these notices.
- (6) Records and minutes of all proceedings shall be kept by the secretary of the Board. Copies of agendas, records and minutes shall be provided to the Clerk-Treasurer.

(c) Advisory Board. The Parks and Recreations Board shall be solely an advisory board to the Service Committee of Council. The Service Committee shall evaluate the proposals and/or recommendations of said Board and make such proposals and/or recommendations to Council as it deems fit.

(Ord. 91-12. Passed 3-25-91.)

CHAPTER 252
Records Commission

252.01 Creation.

CROSS REFERENCES

Photostat, microfilm or other recording - see Ohio R.C. 9.01
Keeping of public records for P.E.R.S. - see Ohio R.C. 145.18
Destruction of records - see Ohio R.C. 149.11, 149.35, 149.351, 149.37
Records and archives defined - see Ohio R.C. 149.40
Availability of records - see Ohio R.C. 149.42, 149.43
Recovery of stolen records - see Ohio R.C. 149.352
Tampering with records - see GEN. OFF. 672.15

252.01 CREATION.

The Baltimore Village Records Commission is hereby created pursuant to the authority contained in Ohio R.C. 149.39.

(Res. 89-42. Passed 10-23-89.)

CHAPTER 254
Tree Commission

- | | |
|--|------------------------------|
| 254.01 Establishment; purposes and objectives. | 254.02 Membership; officers. |
|--|------------------------------|

CROSS REFERENCES

Trees, Shrubs and Other Plants - see S.U. & P.S. Ch. 1050

254.01 ESTABLISHMENT; PURPOSES AND OBJECTIVES.

There is hereby created and established the Village Tree Commission of the Village of Baltimore, Ohio. The primary purposes and objectives of the Village Tree Commission include the following:

- (a) Inventory existing street trees on public property within the Village as to type, size, and condition.
 - (b) Provide recommendations for street trees for potential developments and a street tree plan for the Village.
 - (c) To provide recommendations to Council, Mayor and administration for the ongoing maintenance of the municipal street trees.
 - (d) To assist in public education and/or awareness programs, for acceptance by Council.
 - (e) To assist the Zoning Administrator by reviewing street tree permit applications in a timely manner and providing written recommendations to the Zoning Administrator on applications for such permits.
- (Ord. 2008-26. Passed 8-11-08.)

254.02 MEMBERSHIP; OFFICERS.

The Commission shall consist of three to five members, all of whom shall have an interest in the health of trees in the Village of Baltimore. The Village Administrator or a designee shall serve in an advisory capacity as an ex-officio, nonvoting member of the Commission.

- (a) All members of the Commission shall be appointed by the Mayor with the advice and consent of Council, and shall serve at the discretion of Council.
 - (b) The Commission shall select a Chairperson who shall preside over all meetings of the Commission and act as parliamentarian. A Vice-Chairperson shall also be selected from the Commission who shall assume the duties of the Chairperson in his or her absence.
 - (c) Appointments to the Commission shall be for three-year terms, provided that the term of one of the members appointed to the first Commission shall be for two years and the term of one member shall be for one year. In the event that a vacancy occurs during a member's term, his or her successor shall be appointed for the unexpired portion of said member's term, his or her successor shall be appointed for the unexpired portion of said term.
 - (d) Members of the Tree Commission shall serve without compensation.
- (Ord. 2008-26. Passed 8-11-08; Ord. 2009-21. Passed 6-8-09.)

CHAPTER 256
Community Reinvestment Areas

	General Regulations	256.05	Tax Incentive Review Council.
256.01	Purpose.	256.06	Re-evaluation.
256.02	Application and eligibility.		Specific Areas
256.03	Tax exemption.	256.20	Specific Community Reinvestment
256.04	Community Reinvestment Area Housing Council.		

CROSS REFERENCES

Community Reinvestment Areas - see Table of Special Ordinances J

GENERAL REGULATIONS

256.01 PURPOSE.

(a) The Village Council desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the Village of Baltimore that have not enjoyed reinvestment from remodeling or new construction.

(b) A survey of housing , a copy of which is on file in the office of the Village Administrator as required by Ohio R.C. 3735.66, has been prepared for the area to be included in the proposed community reinvestment area.

(c) The maintenance of existing and construction of new structures in such area would serve to encourage economic stability, maintain real property values, and generate new employment opportunities.

(d) The remodeling of existing structures or the construction of new structures in the community reinvestment area constitutes a public purpose for which real property exemptions may be granted. (Ord. 2008-32. Passed 8-25-08.)

256.02 APPLICATION AND ELIGIBILITY.

(a) Only residential, commercial and/or industrial properties consistent with the applicable

zoning regulations within the designated community reinvestment area will be eligible for exemptions under this Program, and only for commercial and/or industrial uses (i.e. properties zoned residential would be eligible for exemptions for commercial and/or industrial uses, but would not be eligible for exemptions for residential uses).

(b) All commercial and/or industrial properties identified as being within the designated community reinvestment area are eligible for this incentive, and the Village may determine that all or any combination

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of project types (commercial and/or industrial) are eligible. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area. As part of the project, the Village intends to undertake supporting public improvements in the designated area. (Ord. 2008-32. Passed 8-25-08.)

256.03 TAX EXEMPTION.

(a) Within the community reinvestment area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and/or industrial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in Ohio R.C. 3765.67. The results of the negotiation as approved by this Council will be set in writing in a community reinvestment area agreement as outlined in Ohio R.C. 3735.671. For residential property, a tax exemption on the increase in the assessed valuation resulting from the improvements as described in Ohio R.C. 3735.67 shall be granted upon application by the property owner and certification thereof by the designated Housing Officer for the following periods:

- (1) Up to, and including, twelve years, and up to, and including, 100 percent for the remodeling of existing commercial and industrial facilities and upon which the cost of remodeling is at least five thousand dollars (\$5,000), as described in Ohio R.C. 3735.67, the term and percentage of which shall be negotiated on a case-by-case basis in advance of remodeling occurring.
- (2) Up to, and including, fifteen years, and up to, and including, 100 percent for the construction of new commercial or industrial facilities, the term and percentage of which shall be negotiated on a case-by-case basis in advance of construction occurring.

For the purposes of the above described community reinvestment area, structures exclusively used for residential purposes and composed of two and fewer units shall be classified as residential structures.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

(b) All commercial and industrial projects are required to comply with the State application fee requirements of Ohio R.C. 3735.672(C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement - a minimum of five hundred dollars (\$500.00) up to a maximum of two thousand, five hundred dollars (\$2,500) annually, unless waived. (Ord. 2008-32. Passed 8-25-08.)

256.04 COMMUNITY REINVESTMENT AREA HOUSING COUNCIL.

(a) To administer and implement the provisions of this chapter, the Village Administrator is designated as the Housing Officer as described in Ohio R.C. 3735.65 through 3735.70.

(b) A Community Reinvestment Area Housing Council shall be created, consisting of two members appointed by the Mayor, two members appointed by the Village Council and one member appointed by the Planning and Zoning Commission of the Village. The majority of the members shall

then appoint two

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additional members who shall be residents within the area. Terms of the members of the Housing Council shall be for three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made. The Community Reinvestment Area Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under Ohio R.C. 3735.67. The Council shall also hear appeals under Ohio R.C. 3735.70.

(Ord. 2008-32. Passed 8-25-08.)

256.05 TAX INCENTIVE REVIEW COUNCIL.

A Tax Incentive Review Council shall be established pursuant to Ohio R.C. 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners, two representatives of the municipal corporation appointed by the Mayor with Council concurrence, the County Auditor or designee and a representative of each affected Board of Education. At least two members must be residents of the Village. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Ohio R.C. 3735.671 and make written recommendations to the Council as to continuing, modifying or terminating said agreement based upon the performance of the terms of the agreement.

(Ord. 2008-32. Passed 8-25-08.)

256.06 RE-EVALUATION.

The Council reserves the right to re-evaluate the designation of community reinvestment areas, at which times the Council may direct the Housing Officer not to accept any new applications for exemptions as described in Ohio R.C. 3735.67.

(Ord. 2008-32. Passed 8-25-08.)

SPECIFIC AREAS

256.20 SPECIFIC COMMUNITY REINVESTMENT AREAS LIST.

(a) West Market Street Community Reinvestment Area.

(b) Main Street Community Reinvestment Area.

(Ord. 2008-32. Passed 8-25-08; Ord. 2008-33. Passed 8-25-08.)

2011 S-9 Repl.

TITLE NINE - Fees
Chap. 260. Schedule of Fees.

CHAPTER 260
Schedule of Fees

260.01 Planning and Zoning Code fees. 260.02 Miscellaneous fees.

260.01 PLANNING AND ZONING CODE FEES.

(a) Planning.

(2) Major subdivision

F. Re-submission of tabled preliminary of final plat

(3) Commercial and industrial subdivisions

F. Re-submission of table preliminary or final plat

(1) Mi

A.
B.
C.
D.

E.

A.
B.
C.
D.

E.

2011 S-9 Repl.

(4) Planned unit residential subdivisions

A.
B.
C.
D.

F. Re-submission of tabled preliminary or final plat

E.

(5) Planned unit commercial and industrial subdivisions

A.
B.
C.
D.

E. Re-submission of utility drawings

(6) Mixed use

The fee will be based upon a combination of the Residential, Commercial and Industrial fees. However, the base fees will be applied only once.

(b) Zoning.

(1) Amendment or addition (re-zoning) (Ch. 1240)

A.
B.
C.

(2) Zoning certificate

A.
B.
C.
D.
E.
F.

(3) Applications

(4) Wireless telecommunications facility (Ch. 1278)

engineering services

\$100.00 per vertical foot

(5) Sign permit (Ch. 1282)

(6) Miscellaneous zoning permits

G. Copy of zoning permit, certificate of occupancy or similar document

\$3.00

(c) All fees shall be paid in full at the time that application is made or approval is requested. (Ord. 2005-17. Passed 4-11-05; Ord. 2007-54. Passed 12-10-07; Ord. 2013-44. Passed 12-9-13.)

260.02 MISCELLANEOUS FEES.

(a) Traffic Code.

(1) Parking prohibitions on private property; private tow-away zones (Sec. 452.06(c)(1)(A)(3))

Towing and storage charge as determined by the Village

(b) General Offenses Code.

(1) License for permit to possess dangerous ordnance (Sec. 678.05(b))
(2) Fireworks - prohibited activities by

\$50.00 application fee

(c) Business Regulation and Taxation Code.

(1) Coin-operated amusement devices - license

A.
B.
C.
D.
A.
B.
C.
A.
B.
C.
D.
E.
F.
H.
I.
J.
K.

exh

req

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(d) Streets, Utilities and Public Services Code.

(1) Rig

(e) Building and Housing Code.

- (1) Private swimming pools - permit and fee;

permit required

con

(f) Cemeteries - Fees. (See Section 1042.07)(g) Erosion and Sediment Pollution Control Regulations.

- (1) If already part of a site plan review; no review fees;
- (2) If plan doesn't require site plan review, but does require erosion control plan review (i.e., one single family home on one acre or more) - requires review by Village Administrator and Village Engineer; fee of \$500.00, which currently equates to one-fourth of the fee of a development plan review);
- (3) Erosion plan waiver - requires review by Village Administrator and Village Engineer; fee of \$250.00;
- (4) Erosion control inspections - Less than one acre: no fee; one acre or more: \$75.00 per inspection, after initial two inspections.

(Ord. 2005-37. Passed 8-8-05; Ord. 2007-41. Passed 10-8-07; Ord. 2008-66. Passed 12-08-08.)

TITLE TEN - Judiciary
Chap. 270. Mayor's Court.

CHAPTER 270
Mayor's Court

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

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

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

Ohio R.C. 2945.17 provides that an accused has a right to be tried by a jury at any trial in any court for the violation of any Ohio statute or of any Baltimore ordinance, except in cases in which the penalty involved is for a minor misdemeanor.

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

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

270.01 Clerk. bail.
270.02 Disposition of drug fines and forfeited

- 270.03 Reimbursement for costs of incarceration.
- 270.04 Community service.

CROSS REFERENCES

Disposition of fines and costs - see Ohio R.C. 733.40
Contempt of court-see Ohio R.C. 1905.28, 1907.171 et seq., 2935.11
Peace and search warrants - see Ohio R.C. Chapter 2933
Detection and arrest - see Ohio R.C. Chapter 2935
Preliminary examination; bail - see Ohio R.C. Chapter 2937
Trial - see Ohio R.C. Chapter 2938

270.01 CLERK.

(a) There is hereby created the position of Clerk of the Mayor's Court, who shall be authorized to accept bonds posted for any bondable offense according to the schedule prepared by the Mayor or by the orders of the Supreme Court of Ohio.

(b) The Mayor may appoint any qualified person to the position of Clerk of the Mayor's Court, to maintain the records of the Court and to perform any other related assigned duties. Compensation for this position shall be set by Council.

(c) There is hereby created the position of Administrative Assistant/Clerk of Courts in order to allow for Clerk of Court duties. A copy of said job description is attached to Ordinance No. 2010-04, passed February 22, 2010.

(Res. 2009-46. Passed 11-9-09; Ord. 2009-47. Passed 11-9-09; Ord. 2010-04. Passed 2-22-10.)

270.02 DISPOSITION OF DRUG FINES AND FORFEITED BAIL.

The Clerk of the Mayor's Court shall pay the mandatory fines and forfeited bail associated with non-trafficking drug offenses as follows:

- (a) Fifty percent to the Finance Officer of the Village for deposit into the Drug and Education Fine Fund; and
- (b) Fifty percent to the Finance Officer of the Village for deposit into the General Revenue Fund.

(Res. 2009-46. Passed 11-9-09; Ord. 2009-47. Passed 11-9-09.)

270.03 REIMBURSEMENT FOR COSTS OF INCARCERATION.

(a) Any person convicted of an offense under these Codified Ordinances which results in such person's incarceration shall pay to the Village the actual costs incurred by the Village in housing such person in a jail facility. Such costs shall include pre-conviction and post-conviction incarceration.

(b) The Mayor, if presiding over the Mayor's Court, or the Mayor's Court Magistrate appointed by the Mayor to preside over the Mayor's Court, may waive all or part of the incarceration costs where, because of the indigence of the person sentenced, the payment of the costs would work an unreasonable hardship on the person convicted, his or her immediate family or any other person who is dependent on such individual for financial support, or for such other reason as the Mayor or the Mayor's Court Magistrate may deem appropriate.

(c) In the event of nonpayment of any costs which have not been waived, the Village may seek to collect payment in any manner permitted by law for enforcement of a debt.
(Res. 2009-46. Passed 11-9-09; Ord. 2009-47. Passed 11-9-09.)

270.04 COMMUNITY SERVICE.

(a) When an offender is convicted of a misdemeanor offense, the Court may offer to the offender, as a condition of probation that would be in addition to other required and discretionary conditions of probation that may be imposed, that the offender be required to perform supervised community service work under the authority of the Village. Supervised community service work shall not be required as a condition of probation under this section unless the offender agrees to perform the supervised community service work offered as a condition of probation by the Court. The Court may require an offender who agrees to perform work under those circumstances to deposit with the Court a reasonable fee to procure a policy or policies of liability insurance to cover the period of time during which the offender will perform the community service work. Community service workers shall be covered under the Village's Workers' Compensation policy.

(b) The supervised community service work that may be imposed as a condition of probation shall be subject to the following limitations:

- (1) The Court shall fix the period of community service work that is imposed as a condition of probation and distribute the period during the regularly scheduled working hours of Village employees, or over other appropriate times that will allow the offender to continue at his or her occupation or to care for his or her family. The period of community service work fixed by the Court and imposed as a condition of probation shall not exceed an aggregate of 80 hours.
- (2) The Village must agree to accept the offender for community service work before the Court requires him or her to perform work for it.
- (3) The Court shall order the offender to perform community service work for the Village only or an agency of the Village.

- (4) Community service work that a Court requires under this section shall be supervised by an official of the Village or its designated agency or by a person designated by the Village or its designated agency. The official or designated person shall be qualified for the supervision by education, training, or experience, and shall periodically report in writing to the Court concerning the conduct of the offender in performing the work. (Ord. 2011-19. Passed 6-13-11.)

TITLE TWELVE - Village Policy

Chap. 280. Ethics.

Chap. 281. Public Records Policy.

CHAPTER 280

Ethics

280.01	Policy statement.	280.04	Ethics education and assistance.
280.02	Definitions.	280.05	Penalties.
280.03	General standards of ethical conduct.		

280.01 POLICY STATEMENT.

It is policy of the Village to carry out its business in accordance with the strictest ethical guidelines and to ensure that Village officials, employees, and committee, commission and board appointees conduct themselves in a manner that fosters public confidence in the integrity of the Village administration, its processes, and its accomplishments. Public officials, employees and appointees must, at all times, abide by protections embodied in Ohio's ethics laws, as found in Ohio R.C. Chapters 102 and 2921 and as interpreted by the Ohio Ethics Commission and Ohio courts. Public officials, employees and appointees must conduct themselves, at all times, in a manner that avoids favoritism, bias and the appearance of impropriety.

(Ord. 2004-43. Passed 7-26-04.)

280.02 DEFINITIONS.

For purposes of this chapter:

- (a) "Anyone doing business with the Village" includes, but is not limited to, any person, corporation or other party that is doing or seeking to do business with, regulated by or has interests before the Village.
- (b) "Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food or beverages, social event tickets and expenses, travel expenses, golf outings, consulting fees, compensation or employment. "Value" means worth greater than de minimis or nominal.

(Ord. 2004-43. Passed 7-26-04.)

280.03 GENERAL STANDARDS OF ETHICAL CONDUCT.

(a) Village officials, employees and appointees must, at all times, abide by protections to the public embodied in Ohio's ethics laws, as found in Ohio R.C. Chapters 102 and 2921, and as interpreted by the Ohio Ethics Commission and Ohio courts. (A copy of these laws shall be provided by the Village, and receipt acknowledged, as required in R.C. 102.09(D)). Officials, employees and appointees must conduct themselves, at all times, in a manner that avoids favoritism, bias, and the appearance of impropriety.

- (b) A general summary of the restraints upon the conduct of all officials, employees and appointees includes, but is not limited to, those listed below. No official, employee or appointee shall:
- (1) Solicit or accept anything of value from anyone doing business with the Village;
 - (2) Solicit or accept employment from anyone doing business with the Village, unless the officials, employees and appointees completely withdraw from Village activity regarding the party offering employment, and the Village approves the withdrawal;
 - (3) Use his or her public position to obtain benefits for the officials, employees and appointees, a family member, or anyone with whom the officials, employees and appointees have a business or employment relationship;
 - (4) Be paid or accept any form of compensation for personal services rendered on a matter before any board, commission, or other body of the Village, unless the officials, employees and appointees qualify for the exception, and file the appropriate statement described in Ohio R.C. 102.04(D);
 - (5) Hold or benefit from a contract with, authorized by, or approved by, the Village (the Ethics Law does except some limited stockholdings, and some contracts objectively shown as the lowest cost services, where all criteria under Ohio R.C. 2921.42 are met);
 - (6) Vote, authorize, recommend, or in any other way use his or her position to secure approval of a Village contract (including employment or personal services) in which the officials, employees and appointees, a family member, or anyone with whom the official, employee or appointee has a business or employment relationship, or has an interest;
 - (7) Solicit or accept honoraria (see Ohio R.C. 102.01(H) and 102.03(H));
 - (8) During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency, with respect to a matter in which the official, employee or appointee personally participated while serving with the Village;
 - (9) Use or disclose confidential information protected by law, unless appropriately authorized; or
 - (10) Use, or authorize the use of, his or her title, the Village's name, or the Village's logo/seal in a manner that suggests impropriety, favoritism, or bias by the Village or the officials, employees and appointees.
- (Ord. 2004-43. Passed 7-26-04.)

280.04 ETHICS EDUCATION/ASSISTANCE.

Providing ethics education and information is an inherent part of good ethics governance. The Village shall utilize the services of the Ohio Ethics Commission to provide education seminars and informational materials to Village officials, employees and appointees. The Ethics Commission can be contacted at 614-466-7090. The Ethics Commission's web site address is: www.ethics.ohio.gov. A copy of this chapter shall be provided to all Village officials, employees and appointees.

(Ord. 2004-43. Passed 7-26-04.)

280.05 PENALTIES.

Failure of any Village official or employee to abide by this chapter, or to comply with the Ohio ethics law and related statutes, will result in discipline, which may include dismissal and/or removal from the public position, as well as any potential civil or criminal sanctions under the law.

(Ord. 2004-43. Passed 7-26-04.)

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CHAPTER 281
Public Records Policy

281.01	Statement of principles.	281.05	E-mail.
281.02	Introduction to Policy.	281.06	Failure to respond to a public records
281.03	Record requests.		
281.04	Costs for public records.		

281.01 STATEMENT OF PRINCIPLES.

The Village will:

- (a) Enact a formal resolution memorializing the Mission Statement set forth in Resolution 2007-45, passed October 22, 2007;
- (b) Ensure that all personnel become and remain fully trained in and aware of the provisions of the acts;
- (c) Adopt policies that encourage employees to immediately report incidents of non-compliance with the acts that they may observe;
- (d) Do nothing that abridges the public's right to obtain information about their government or that inhibits or discourages citizens from doing so;
- (e) Do everything possible to aid those who are seeking information, including but not limited to, fully explaining the scope and operation of the acts and assisting citizens in the formulation of requests;
- (f) Construe the provisions of the acts in a manner that favors compliance with requests for information;
- (g) Seek guidance from the Office of the Ohio Attorney General whenever a question arises about the application of the acts or about the appropriateness of a request for information; and
- (h) Clearly and concisely state the reason or reasons why a request for information has been denied.

(Res. 2007-45. Passed 10-22-07.)

281.02 INTRODUCTION TO POLICY.

It is the policy of the Village that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the

explanation must also be in writing.

- (a) Public Records. This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Village are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

- (b) Inspection of Records. It is the policy of the Village, that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (see Section 281.05 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.
(Ord. 2007-48. Passed 10-22-07.)

281.03 RECORD REQUESTS.

Each request for public records should be evaluated for a response using the following guidelines:

- (a) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requestor of the manner in which the office keeps its records.
- (b) The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the Village's general policy that this information is not to be requested. However, the Fiscal Officer or her designee may document the records request in writing in order to assure compliance with the request, and may ask that the requester verify by his or her signature that the interpretation of the request by the Fiscal Officer or her designee, is correct.
- (c) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
- (d) (1) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty pages of copies are requested and if the records are readily available in either a paper format or an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.
- (2) All requests for public records must either be satisfied or be acknowledged in writing by the Fiscal Officer or her designee within three business days following the Village's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgment must include the following:
- A. An estimated number of business days it will take to satisfy the request.
- B. An estimated cost if copies are requested.
- C. Any items within the request that may be exempt from disclosure.
- (e) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
(Ord. 2007-48. Passed 10-22-07.)

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281.04 COSTS FOR PUBLIC RECORDS.

Those seeking public records will be charged only the actual cost of making copies.

- (a) The charge for paper copies is ten cents (\$.10) per page.
- (b) The charge for downloaded computer files to a compact disc is two dollars (\$2.00) per disc.
- (c) There is no charge for documents e-mailed if the documents are readily available in a computer file. In the event that the documents are not readily available in a computer file and must be copied or scanned, the charge shall be as set forth in division (a) hereof.
- (d) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
(Ord. 2007-48. Passed 10-22-07.)

281.05 E-MAIL.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

- (a) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 281.02) and to copy them to their business e-mail accounts and/or to the office's records custodian.
- (b) The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.
(Ord. 2007-48. Passed 10-22-07.)

281.06 FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST.

The Village recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Village's failure to comply with a request may result in a court ordering the Village to comply with the law and to pay the requester attorney's fees and damages.
(Ord. 2007-48. Passed 10-22-07.)

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