

# **CODIFIED ORDINANCES OF BETHESDA**

## **PART ONE - ADMINISTRATIVE CODE**

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## CODIFIED ORDINANCES OF BETHESDA

### PART ONE - ADMINISTRATIVE CODE

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#### TITLE ONE - General Provisions

Chap. 101. Codified Ordinances.

Chap. 103. Official Standards.

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#### CHAPTER 101 Codified Ordinances

<p><b>101.01</b> Designation; citation; headings.</p> <p><b>101.02</b> General definitions.</p> <p><b>101.03</b> Rules of construction.</p> <p><b>101.04</b> Revivor; effect of amendment or repeal.</p> <p><b>101.05</b> Construction of section references.</p>	<p><b>101.06</b> Conflicting provisions.</p> <p><b>101.07</b> Determination of legislative intent.</p> <p><b>101.08</b> Severability.</p> <p><b>101.99</b> General penalty.</p>
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#### CROSS REFERENCES

See sectional histories for similar State law

Statute of limitations on prosecutions - see Ohio R.C. 718.06; GEN. OFF. 501.06

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

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

Citation issuance for minor misdemeanors - see Ohio R.C. 2935.26 et seq.

Ordinances and resolutions - see ADM. Ch. 123

Rules of construction for offenses and penalties - see GEN. OFF. 501.04

**101.01 DESIGNATION; CITATION; HEADINGS.**

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of \_\_\_\_\_, Ohio, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.  
(ORC 1.01)

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

**101.02 GENERAL DEFINITIONS.**

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

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it.  
(ORC 1.02(F))
- (b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.  
(ORC 1.02(B))
- (c) "Bond" includes an undertaking and "undertaking" includes a bond.  
(ORC 1.02(D), (E))
- (d) "Council" means the legislative authority of the Municipality.
- (e) "County" means Belmont County, Ohio.
- (f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.
- (g) "Land" or "real estate" includes rights and easements of an incorporeal nature.  
(ORC 701.01(F))
- (h) "Municipality" or "Village" means the Municipality of Bethesda, Ohio.
- (I) "Oath" includes affirmation and "swear" includes affirm.  
(ORC 1.59(B))
- (j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association.  
(ORC 1.59(C))
- (l) "Premises", as applied to property, includes land and buildings.
- (m) "Property" means real and personal property.  
(ORC 1.59(E))  
"Personal property" includes all property except real.  
"Real property" includes lands, tenements and hereditaments.
- (n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.

- (o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.
- (p) "Registered mail" includes certified mail and "certified mail" includes registered mail.  
(ORC 1.02(G))
- (q) "Rule" includes regulation. (ORC 1.59(F))
- (r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
- (s) "This State" or "the State" means the State of Ohio.  
(ORC 1.59(G))
- (t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.  
(ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.  
(ORC 1.59(J))

### **101.03 RULES OF CONSTRUCTION.**

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

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

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

(ORC 1.43)

(c) Calendar; Computation of Time.

(1) Definitions.

A. "Week" means seven consecutive days.

B. "Year" means twelve consecutive months.

(ORC 1.44)

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.  
(ORC 1.45)

- (3) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day, except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.  
When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday.  
(ORC 1.14)
- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included.  
(ORC 1.15)
- (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

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

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

#### **101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.**

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.  
(ORC 1.57)

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

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;

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

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

#### **101.05 CONSTRUCTION OF SECTION REFERENCES.**

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof.  
(ORC 1.55)

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

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

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

#### **101.06 CONFLICTING PROVISIONS.**

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

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

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

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

#### **101.07 DETERMINATION OF LEGISLATIVE INTENT.**

- (a) In enacting an ordinance, it is presumed that:
  - (1) Compliance with the constitutions of the State and of the United States is intended;
  - (2) The entire ordinance is intended to be effective;
  - (3) A just and reasonable result is intended;
  - (4) A result feasible of execution is intended.  
(ORC 1.47)
- (b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.  
(ORC 1.48)
- (c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:
  - (1) The object sought to be attained;
  - (2) The circumstances under which the ordinance was enacted;
  - (3) The legislative history;
  - (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
  - (5) The consequences of a particular construction;
  - (6) The administrative construction of the ordinance.  
(ORC 1.49)

#### **101.08 SEVERABILITY.**

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.  
(ORC 1.50)

#### **101.99 GENERAL PENALTY.**

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one hundred fifty dollars (\$150.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.



## **CHAPTER 103**

### **Official Standards**

EDITOR'S NOTE: There are no sections in Chapter 103. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

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

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

State flag - see Ohio R.C. 5.01



**CHAPTER 105**  
**Open Meetings**

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| <p><b>105.01</b> Definitions.</p> <p><b>105.02</b> Notice of regular and organization meetings.</p> <p><b>105.03</b> Notice of special meeting.</p> <p><b>105.04</b> Notice to news media of special meetings.</p> | <p><b>105.05</b> Notification of discussion of specific types of public business.</p> <p><b>105.06</b> General.</p> |
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**105.01 DEFINITIONS.**

As used in this chapter:

- (a) "Clerk" means the Fiscal Officer of the Village of Bethesda.
- (b) "Day" means calendar day.
- (c) "Meeting" means any prearranged discussion of the public business of the Municipal Body by a majority of the members of the Municipal Body.
- (d) "Municipal Body" means each of the following: Council, Planning Commission, Records Commission, Tree Commission, and any other board, commission, committee, agency, authority or similar decision making body of the Village of Bethesda and any committee or subcommittee of the above Municipal Bodies.
- (e) "Oral notification" means notification given orally either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the Clerk under this chapter.
- (f) "Post" means to post in an area accessible to the public during the usual business hours at the office of the Village Clerk.
- (g) "Published" means published once in a newspaper having a general circulation in the Municipality, as defined in Ohio R.C. 7.12, except that no portion of such newspaper need be printed in the Municipality. If at the time of any such publication there is no such newspaper of general circulation, then such publication shall be in a newspaper then determined by the Clerk to have the largest circulation in the Municipality.

- (h) “Special meeting” means a meeting which is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such regular (or special) meeting.
- (I) “Written notification” means notification in writing mailed, telegraphed or delivered to the address of the person for whom such notification is intended as shown on the records kept by the Clerk under this chapter, or in any way delivered to such person. If mailed, such notification shall be mailed by first class mail, deposited in a U.S. Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.

#### **105.02 NOTICE OF REGULAR AND ORGANIZATION MEETINGS.**

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

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

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

#### **105.03 NOTICE OF SPECIAL MEETING.**

(a) Except in the case of a special meeting referred to in Section 105.04(d), the Clerk shall, no later than twenty-four hours before the time of a special meeting of a Municipal Body, post a statement of the time, place and purposes of such special meeting.

(b) The statement under this section and the notifications under Section 105.04 shall state such specific or general purpose or purposes then known to the Clerk to be intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before such Municipal Body at such meeting may be considered and acted upon.

#### **105.04 NOTICE TO NEWS MEDIA OF SPECIAL MEETINGS.**

- (a) (1) Any news medium organization that desires to be given advance notification of special meetings of a Municipal Body shall file with the Clerk a written request therefor.
- (2) Except in the event of an emergency requiring immediate official action as referred to in subsection (d) hereof, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with subsection (b) hereof.

- (b) (1) News media requests for such advance notification of special meetings shall specify: the Municipal Body that is the subject of such request; the name of the medium; the name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered; the names, addresses and telephone numbers (including addresses and telephone number at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given and at least one telephone number which the request identifies as being manned, and which can be called at any hour for the purpose of giving oral notification to such medium.
- (2) Any such request shall be effective for one year from the date of filing with the Clerk or until the Clerk receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the Village, the Municipal Body that is the subject of such request, and the Clerk.

(c) The Clerk shall give such oral notification or written notification, or both, as the Clerk determines, to the news media that have requested such advance notification in accordance with subsection (b) hereof, of the time, place and purposes of each special meeting, at least twenty-four hours prior to the time of such special meeting.

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

#### **105.05 NOTIFICATION OF DISCUSSION OF SPECIFIC TYPES OF PUBLIC BUSINESS.**

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

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

- (2) Each such written request must be accompanied by cash, or a check or money order payable to the Village, in the amount of twenty-five dollars (\$25.00) for the period covered by the request, which amount has been determined by the Council to represent a reasonable fee to cover costs of providing such advance notification.
  - (3) Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the Village, Municipal Body that is the subject of such request, and the Clerk.
- (b)
- (1) The Clerk shall give such advance notification under this section by written notification, or by oral notification, or both, as the Clerk determines.
  - (2) The contents of written notification under subsection (b) hereof may be a copy of the agenda of the meeting of the Municipal Body that is the subject of such request.

**105.06 GENERAL.**

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

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

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

**TITLE THREE - Legislative**  
Chap. 121. Council.  
Chap. 123. Ordinances and Resolutions.

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**CHAPTER 121**  
**Council**

**121.01 Regular meetings.**

**CROSS REFERENCES**

General powers - see Ohio R.C. 715.03, 731.47  
Composition and term - see Ohio R.C. 731.09  
President pro tempore - see Ohio R.C. 731.10 et seq., 733.25  
Qualifications - see Ohio R.C. 731.12, 731.44  
Powers as to salaries and bonds - see Ohio R.C. 731.13,  
731.49 et seq.  
Vacancy - see Ohio R.C. 731.43  
Meetings - see Ohio R.C. 731.44, 731.46  
Rules and journal - see Ohio R.C. 731.45  
Hearings against delinquent officers - see Ohio R.C.  
733.35 et seq.  
Removal or suspension of Fire Chief or firemen - see Ohio R.C.  
733.35 et seq., 737.72 et seq.  
Misconduct - see Ohio R.C. 733.72 et seq.  
Contract interest - see Ohio R.C. 733.78, 2918.08,  
2818.09 et seq.  
Removal or suspension of Marshal or policemen - see Ohio R.C.  
737.171

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**121.01 REGULAR MEETINGS.**

Regular meeting dates of Council are hereby established as the fourth Thursday of each month at 7:00 p.m. (Ord. 1256. Passed 12-20-01.)





**CHAPTER 123**  
**Ordinances and Resolutions**

EDITOR'S NOTE: There are no sections in Chapter 123. This chapter has been established to provide a place for cross references and future legislation.

**CROSS REFERENCES**

Newspaper publication - see Ohio R.C. 7.12, 701.04, 731.21 et seq.  
Adoption and style - see Ohio R.C. 715.03, 731.17 et seq.  
Subject and amendment - see Ohio R.C. 731.19  
Authentication - see Ohio R.C. 731.20  
Publication in book form - see Ohio R.C. 731.23  
Adoption of technical codes - see Ohio R.C. 731.231  
Certification as to publication - see Ohio R.C. 731.24 et seq.  
Initiative and referendum - see Ohio R.C. 731.28 et seq.  
Emergency measures - see Ohio R.C. 731.30  
As evidence - see Ohio R.C. 731.42



**TITLE FIVE - Administrative**

- Chap. 131. Mayor.
- Chap. 133. Fiscal Officer.
- Chap. 135. Village Administrator.
- Chap. 137. Solicitor.
- Chap. 139. Police Department.
- Chap. 141. Fire Department.
- Chap. 143. Planning Commission.
- Chap. 145. Employees Generally.

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**CHAPTER 131**  
**Mayor**

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

**CROSS REFERENCES**

- Removal from office - see Ohio R.C. 3.07 et seq.
- Acting Mayor - see Ohio R.C. 721.10 et seq., 733.25
- Election, term, qualifications and powers - see Ohio R.C. 733.24
- Vacancy - see Ohio R.C. 733.25
- General duties - see Ohio R.C. 733.30 et seq.
- Reports to Council - see Ohio R.C. 733.32, 733.41
- Protest of excessive expenditures - see Ohio R.C. 733.33
- Charges against delinquent officers - see Ohio R.C. 733.34 et seq.
- Disposition of fines and other moneys - see Ohio R.C. 733.40



**CHAPTER 133**  
**Fiscal Officer**

**133.01 Established; duties.**

**CROSS REFERENCES**

Uniform Bond Law - see Ohio R.C. Ch. 133  
Uniform Depository Act - see Ohio R.C. Ch. 135  
Auditing accounts - see Ohio R.C. 733.12 et seq.  
Books and accounts - see Ohio R.C. 733.28  
Appropriation and expenditures - see Ohio R.C. 5705.41

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**133.01 ESTABLISHED; DUTIES.**

(a) Pursuant to Ohio R.C. 733.262(A) the appointed office of Village Fiscal Officer is hereby created.

(b) The duties of the Village Fiscal Officer shall be the combined duties of the Village Clerk-Treasurer and any other duties consistent with the nature of the office that are provided for by Village ordinance.



**CHAPTER 135**  
**Village Administrator**

**135.01 Established.**  
**135.02 Powers and duties.**

**135.03 Contracting powers.**

**CROSS REFERENCES**

Appointment; term; removal - see Ohio R.C. 735.271  
Transfer of authority from Board of Trustees of Public  
Affairs - see Ohio R.C. 735.272  
Powers and duties - see Ohio R.C. 735.273

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**135.01 ESTABLISHED.**

In accordance with Ohio R.C. 735.271 there is hereby created the position of Village Administrator.  
(Ord. 1282. Passed 3-2-06.)

**135.02 POWERS AND DUTIES.**

The Village Administrator shall have those powers, duties and functions as provided by the general laws of Ohio, and in addition thereto, shall have the following powers, duties and functions:

- (a) Manage and supervise the water and sewage systems of the Village, including the power to make bylaws and regulations, to the extent not repugnant to Municipal ordinances and resolutions, or to the Constitution of the State, deemed necessary by him for the safe, economical and efficient management and protection of such water and sewage systems.
- (b) Manage and supervise the improvement and repair of streets, alleys, public lands, bridges, sidewalks, sewers, water lines, drains, ditches, culverts and water courses within the Village, including lighting, sprinkling and cleaning of all streets, alleys and public buildings and places.
- (c) To supervise the maintenance and repair of all public buildings, parks, playgrounds and other recreational facilities owned or operated by the Village.
- (d) To manage and supervise the upkeep of all cemeteries located in or belonging to the Village.
- (e) Appoint to positions authorized by Council, after prior approval in writing by the Mayor, all officers, employees, agents, clients and assistants and file such appointment in writing, together with the written approval of the Mayor, with the Clerk-Treasurer.

- (f) Make contracts, purchase supplies and materials and provide labor for any work under his supervision involving not more than twenty-five thousand dollars (\$25,000.00) and perform such other duties as are set forth in Ohio R.C. 731.141.
- (g) Perform or cause to be performed such special tasks as may from time to time be assigned by Council. (Ord. 1282. Passed 3-2-06.)

**135.03 CONTRACTING POWERS.**

(a) The Village Administrator is hereby authorized to agree in the name of the Village to be bound by all contract terms and conditions as the Department of Administrative Services, Office of State Purchasing prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department of Administrative Services incurs as a result of the Village's participation in a contract. Further, the Village Administrator does hereby agree to be bound by all such terms and conditions.

(b) The Village Administrator is hereby authorized to agree in the name of the Village to directly pay the vendor, under each such State contract in which it participates, for items it receives pursuant to the contract, and that the Village Administrator does hereby agree to directly pay the vendor.  
(Ord. 1282. Passed 3-2-06.)



**CHAPTER 137**  
**Solicitor**

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

**CROSS REFERENCES**  
Legal counsel - see Ohio R.C. 733.48



**CHAPTER 139**  
**Police Department**

**139.01 Auxiliary police unit.**

**CROSS REFERENCES**

Distribution of obscenity statutes by Attorney General - see Ohio R.C. 109.40  
 Assistance of State Criminal Bureau - see Ohio R.C. 109.51 et seq.  
 Forwarding fingerprints and data to State Criminal Bureau - see Ohio R.C. 109.58 et seq.  
 Police protection contracts - see Ohio R.C. 505.441, 737.04  
 Composition - see Ohio R.C. 715.05, 737.16  
 General powers and duties - see Ohio R.C. 737.11, 737.18  
 Appointment of Marshal - see Ohio R.C. 737.15  
 Auxiliary police unit - see Ohio R.C. 737.161, 737.19  
 Probationary period; final appointment - see Ohio R.C. 737.17  
 Removal and appeal - see Ohio R.C. 737.171  
 Recovered property and disposition - see Ohio R.C. 737.29 et seq.

**139.01 AUXILIARY POLICE UNIT.**

(a) There is created within the Village Police Department, an auxiliary police unit, the members of which shall be appointed by the Mayor.

(b) Auxiliary police officers shall serve so long as the Mayor may direct, or until a resignation submitted by such members shall be accepted by the Mayor.

(c) The members of the Auxiliary Police unit shall be residents of the State of Ohio and may not be under twenty-one (21) years of age at the time of their appointment, and such other requirements as provided by the rules and regulations provided for in subsection (e) hereof.

(d) The Police Chief shall be the Commanding Officer of the Auxiliary Police and shall have control, training, stationing, and the direction of work of such unit. The Auxiliary Police unit will have all police powers, but shall perform only such police duties as assigned by the Chief and shall act only when in the prescribed uniform or portion of uniform. The Police Chief shall prescribe the time and place such uniform or portion thereof, shall be worn. Such auxiliary members shall obey the chain of command of the Police Department and shall take orders from all regular appointed members thereof.

(e) The Mayor shall prescribe the rules and regulations for the organization, administration, conduct, and control of the Auxiliary Police unit.

(f) The Mayor is authorized to prescribe, by the rules and regulations, the type of uniform or part thereof which shall be worn by members of the Auxiliary Police unit.

(g) (1) All services performed by the Auxiliary Policeman shall be on a voluntary basis and performed within the Village.

(2) Auxiliary Policeman shall be paid the sum of one dollar (\$1.00) annually.  
(Ord. 1033. Passed 9-2-71.)

## **CHAPTER 141**

### **Fire Department**

EDITOR'S NOTE: There are no sections in Chapter 141. This chapter has been established to provide a place for cross references and future legislation.

#### **CROSS REFERENCES**

Fire protection contracts - see Ohio R.C. 307.05, 505.44, 717.02  
Composition - see Ohio R.C. 715.05, 737.21 et seq.  
Schooling, buildings and equipment - see Ohio R.C. 715.05, 737.23 et seq.  
Removal of Fire Chief and firemen - see Ohio R.C. 733.35 et seq., 737.22  
General duties - see Ohio R.C. 737.11  
Regulations and hours - see Ohio R.C. 737.21  
Appointment of Fire Chief and firemen - see Ohio R.C. 737.22  
Gas masks for firemen; requirements - see Ohio R.C. 3737.31



**CHAPTER 143**  
**Planning Commission**

**143.01 Established; members.**  
**143.02 Compensation.**

**143.03 Powers and duties.**

**CROSS REFERENCES**

Established - see Ohio R.C. 713.01

Powers and duties - see Ohio R.C. 713.02, 713.06

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**143.01 ESTABLISHED; MEMBERS.**

(a) A Planning Commission for the Village is hereby created, to consist of the Mayor, one member of Council, and three citizens of the Village.

(b) Council shall select the member of Council to serve on the Planning Commission. Such member's term shall be for the remainder of his term as Councilman.

(c) The three citizens of the Municipality to serve on the Commission shall be appointed by the Mayor for terms of six (6) years each, except that the term of one such member on the first Commission shall be for two (2) years, and one for four (4) years.  
(Ord. 978. Passed 2-25-65.)

**143.02 COMPENSATION.**

All members of the Planning Commission shall serve without compensation.  
(Ord. 978. Passed 2-25-65.)

**143.03 POWERS AND DUTIES.**

The Planning Commission shall have the powers and duties as set forth in the Ohio Revised Code as fully and completely as if herein again set forth in full.  
(Ord. 978. Passed 2-25-65.)





## **CHAPTER 145**

### **Employees Generally**

EDITOR'S NOTE: The Village has adopted a comprehensive Policy and Procedure Manual for Personnel Policies and Practices for the Village. Copies are on file with the Fiscal Officer.

Compensation provisions are not included in the Codified Ordinances since they are subject to frequent change. For compensation, consult latest salary ordinances. There are no sections in Chapter 145. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Welfare - see Ohio Const., Art. II, Sec. 34  
Workers' compensation - see Ohio Const., Art. II, Sec. 35;  
Ohio R.C. Ch. 4123  
All officers must take oath - see Ohio Const., Art. XV,  
Sec. 7; Ohio R.C. 3.22, 733.68  
Blanket bonds - see Ohio R.C. 3.06  
Failure to give bond - see Ohio R.C. 3.30, 731.49 et seq.  
Validity of bond - see Ohio R.C. 3.34, 733.71, 3929.14 et seq.  
Public Employees Retirement System - see Ohio R.C. Ch. 145  
Council to fix salaries and bonds - see Ohio R.C. 731.13,  
731.49 et seq.  
Notice when new bond required - see Ohio R.C. 731.50, 733.69  
Approval of bonds - see Ohio R.C. 733.70  
Expenses for attendance at conference or convention - see  
Ohio R.C. 733.79



**TITLE SEVEN - Judicial**  
Chap. 171. Mayor's Court.

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**CHAPTER 171**  
**Mayor's Court**

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

Ohio R.C. 2945.17 provides that an accused has a right to be tried by a jury at any trial in any court for the violation of any Ohio statute or of any Municipal ordinance, except in cases in which the penalty involved does not exceed a fine of one hundred dollars (\$100.00). Ohio R.C. 2937.08 and Criminal Rule 23(A) provide that if the court in which a defendant is charged with an offense is not a court of record (the Mayor's Court), and the charge is such that a right to a jury trial exists, such matter shall not be tried before him and shall be transferred to a court of record in the County if the defendant:

- (a) Does not waive his right to trial by jury in a serious offense case for which the penalty established by laws includes confinement for more than six months, or
- (b) Demands a jury trial in a petty offense case in which the penalty prescribed is a fine greater than one hundred dollars (\$100.00) and/or imprisonment for not more than six months. "Such demand must be in writing and filed with the clerk of court not less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided in this subdivision is a complete waiver of the right thereto."

In Ward v. Village of Monroeville, Ohio, 93 S. Ct. 80 (1972), the United States Supreme Court held that where the mayor before whom the defendant was compelled to stand trial was responsible for municipal finances and the mayor's court provided a substantial portion of municipal revenues, defendant was denied a trial before a disinterested and impartial magistrate as guaranteed by the due process clause of the United States Constitution.

The Supreme Court of Ohio has adopted the "Ohio Traffic Rules" which prescribe the procedure to be followed in the Mayor's Court in traffic cases. Rule 9(A) thereof states the jury demand shall be made pursuant to Criminal Rule 23 referred to above. Rule 9(B) sets forth the conditions under which the Mayor may hear a traffic case incorporating therein the holding in Ward v. Village of Monroeville as further interpreted in State, ex rel. Brockman v. Procter, 35 Ohio St. 2d 79 (1973): "Where, in a mayor's court, a defendant is entitled to a jury trial and a jury demand is made pursuant to Criminal Rule 23, the Mayor shall transfer the case pursuant to subdivision (C). If a jury demand is not made pursuant to Criminal Rule 23, and (or?) the defendant waives his right to jury trial in writing, a mayor may try the case if (1) his compensation as a judge is not directly dependent upon criminal case convictions, or (2) he is not the chief executive and administrative officer of the municipality and as such responsible for the financial condition of the municipality. Guilty and no contest pleas may be taken by any mayor including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who as chief executive and administrative officer of the municipality are responsible for the financial condition of the municipality."

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

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

#### CROSS REFERENCES

Disposition of fines and costs - see Ohio R.C. 733.40

Mayor's powers and duties - see Ohio R.C. 1905.20 et seq.

Trial - see Ohio R.C. Ch. 2938

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

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

**TITLE NINE - Taxation**  
Chap. 183. Motor Vehicle License Tax.

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**CHAPTER 183**  
**Motor Vehicle License Tax**

<b>183.01 Levy.</b> <b>183.02 Rate.</b> <b>183.03 Motor vehicle defined.</b>	<b>183.04 Duration.</b> <b>183.05 Payment.</b> <b>183.06 Purchase.</b>
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**183.01 LEVY.**

In accordance with Ohio R.C. 4504.17, there is hereby levied an annual license tax upon motor vehicles for the purpose of paying the costs and expenses of enforcing and administering the tax provided for in Ohio R.C. 4504.17; to supplement revenue already available to municipal corporations under Ohio R.C. 4504.04, 4504.06, 4504.171, and/or 4504.172, and to provide additional revenue for the purposes set forth in those sections, such as, but not limited to, planning, constructing, improving, maintaining, and repairing public roads, highways, and streets, and maintaining and repairing bridges and viaducts. (Ord. 1297.)

**183.02 RATE.**

Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle, the district of registration of which, as defined in Ohio R.C. 4503.10, is in the Village of Bethesda, and shall be in addition to the taxes at the rates specified in Ohio R.C. 4503.04 and 4503.16, subject to reductions in the manner provided in Ohio R.C. 4503.11 and the exemptions provided in Ohio R.C. 4503.16, 4503.17, 4503.171, 4503.41, and 4503.43. (Ord. 1297.)

**183.03 MOTOR VEHICLE DEFINED.**

The term "motor vehicle" shall entail any and all vehicles included within the definition of "motor vehicle" as the term is defined in Ohio R.C. 4504.01 and 4505.01. (Ord. 1297.)

**183.04 DURATION.**

The tax imposed by this chapter shall apply to and be in effect for the registration year commencing January 1, 2008, and shall continue in effect and application during each and every registration year thereafter. (Ord. 1297.)

**183.05 PAYMENT.**

The tax imposed by this chapter shall be paid to the Registrar of Motor Vehicles of the State of Ohio or to a Deputy Registrar at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10. (Ord. 1297.)

**183.06 PURPOSE.**

All monies derived from the tax herein levied shall be used by the Village of Bethesda for the purposes set forth within this chapter and the Ohio Revised Code sections as noted. (Ord. 1297.)