

CODIFIED ORDINANCES OF JAMESTOWN

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

Chap. 101. Codified Ordinances.

TITLE THREE - Legislative

Chap. 121. Council.

Chap. 123. Ordinances and Resolutions.

TITLE FIVE - Administration

Chap. 135. Mayor.

Chap. 139. Fiscal Officer.

Chap. 143. Solicitor.

Chap. 147. Street Commissioner.

Chap. 151. Board of Trustees of Public Affairs.

Chap. 155. Department of Engineering.

Chap. 159. Police Department.

Chap. 163. Shade Tree Commission.

Chap. 169. Officers and Employees Generally.

TITLE SEVEN - Taxation

Chap. 181. Income Tax.

Chap. 183. Income Tax Rules and Regulations.

Village of Jamestown, Ohio
ORDINANCE 9-09

An Ordinance establishing meeting times and dates for the
Jamestown Board of Public Affairs

WHEREAS, the Village of Jamestown Board of Public Affairs has determined that it is in the best interests of the residents of the Village of Jamestown to change their meeting times to a more efficient time,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JAMESTOWN, OHIO THAT:

Section 1: The meeting times for the Board of Public Affairs of the Village of Jamestown, Ohio shall be established at 10:00 a.m. on the first and third Fridays of each month, excluding holidays.

Section 2: The meeting place for the Board of Public Affairs of the Village of Jamestown, Ohio will be the Municipal Building, 84 Seaman Drive, Jamestown, Ohio.

Section 3: This ordinance shall take effect and be in force from and after the earliest date allowed by law.

Adopted this 7th day of December, 2009

Village of Jamestown

Marsha Haines
Marsha Haines, Clerk-Treas

Mark O'Connell
Mayor

CERTIFICATE

I, Marsha Haines, Clerk of the Village of Jamestown, Ohio do hereby ratify that the foregoing ordinance was duly posted in the manner provided by RC731.25, there being no newspapers printed in this village. Said Ordinance was posted in five of the most public places in said village, to be as follows: Jordans SuperValu, Jamestown Municipal Building, Jamestown Library, Greeneview Schools Board Office, and D & B Hardware for a period of not less than fifteen (15) days prior to this taking effect thereof, to wit, from 8th day of December, 2009 to the 24th day of December, 2009

Marsha Haines
Marsha Haines

CODIFIED ORDINANCES OF JAMESTOWN
PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions
 Chap. 101. Codified Ordinances.

CHAPTER 101
Codified Ordinances

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

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 Jamestown, Ohio, 2004, 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 Greene 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 Jamestown, 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 dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

VILLAGE OF JAMESTOWN, OHIO
ORDINANCE 3-09

AN ORDINANCE AMENDING SECTION 121.01 OF THE CODIFIED ORDINANCE OF JAMESTOWN, OHIO SO AS TO EXPAND THE DEFINED HOLIDAYS RECOGNIZED BY THE VILLAGE OF JAMESTOWN.

WHEREAS, the Village of Jamestown has determined to add several official holidays to those already listed in §121.01 of the Codified Ordinance of Jamestown, Ohio; and

WHEREAS, the Village of Jamestown wishes to express to all citizens of the Village its deep respect for these Holidays and further encourage all citizens of the Village to also celebrate these holidays;

NOW THEREFORE, the Village of Jamestown ordains:

Section 1: The definition of "Holiday" as found in §121.01(B) of the Codified Ordinance of Jamestown, Ohio, is hereby amended to include the following:

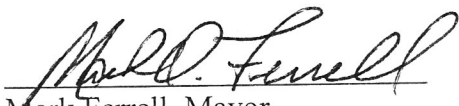
- a.) New Year's Day;
- b.) Martin Luther King, Jr. Day;
- c.) Presidents Day;
- d.) Memorial Day;
- e.) July 4th / Independence Day;
- f.) Labor Day;
- g.) Columbus Day;
- h.) Veterans Day;
- i.) Thanksgiving; and
- j.) Christmas Day.

Section 2: This ordinance shall take effect and be in force from and after the earliest date allowed by law.

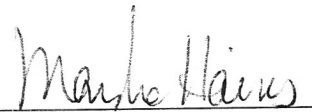
Passed: 1/20/09

Effective: 2/5/09

Village of Jamestown


by: Mark Ferrell, Mayor

Attest:


Marsha Haines
Village Clerk

Seen and Approved as to Form:

Craig W. Saunders, Esq.
Village Solicitor

CERTIFICATE

I, Marsha Haines, Clerk of the Village of Jamestown, Ohio do hereby ratify that the foregoing ordinance was duly posted in the manner provided by RC731.25, there being no newspapers printed in this village. Said Ordinance was posted in five of the most public places in said village, to be as follows: Jordans SuperValu, Jamestown Municipal Building, Jamestown Library, Greeneview Schools Board Office, and D & B Hardware for a period of not less than fifteen (15) days prior to this taking effect thereof, to wit, from 01/21/09 day of January, 2009 to the 5th day of February, 2009

Marsha Haines
Marsha Haines

VILLAGE OF JAMESTOWN, OHIO
ORDINANCE 2-09

AN ORDINANCE AMENDING SECTION 169.01 OF THE CODIFIED ORDINANCE OF JAMESTOWN, OHIO, ENTITLED UNEXCUSED ABSENCE BY ELECTED OFFICIAL

WHEREAS, the Village of Jamestown has determined that every elected official is not required to be present at every regular Council Meeting; and

WHEREAS, the Village of Jamestown has determined that §169.01 of the Codified Ordinance of Jamestown, Ohio, is outdated; and

WHEREAS, the Village of Jamestown wishes to continue to reduce costs to the Village and encourage good stewardship of time and taxpayer dollars;

NOW THEREFORE, the Village of Jamestown ordains:

Section 1: The title of said ordinance shall be amended to "Unexcused Absence by Village Official."

Section 2: Subsection (b) shall read as follows:

"With the exception of Village Council Members, no Village elected official, department head, or employee is required to attend regularly scheduled or special Council Meetings unless requested to do so by the Mayor or another member of Village Council."

Section 3: Subsections (b) as it is currently written shall be renumbered as subsection (c), and, further, is hereby amended to read as follows:

"Upon a vote of the majority of the Council, a penalty equal to five percent (5%) of the annual salary of the individual affected will be assessed against any elected official, department head, or Village employee for each unexcused absence from a Council Meeting in which their attendance requested by the Mayor another member of Village Council."

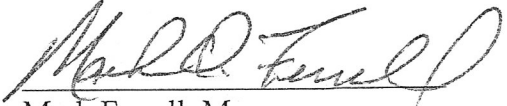
Section 4: Subsections (c) and (d) as currently written shall be renumbered accordingly.

Section 5: This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

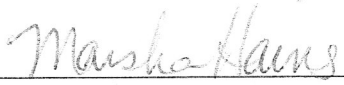
Passed: 1/20/09

Effective: 2/5/09

Village of Jamestown


by: Mark Ferrell, Mayor

Attest:


Marsha Haines
Village Clerk

Seen and Approved as to Form:

Craig W. Saunders, Esq.
Village Solicitor

CERTIFICATE

I, Marsha Haines, Clerk of the Village of Jamestown, Ohio do hereby ratify that the foregoing ordinance was duly posted in the manner provided by RC731.25, there being no newspapers printed in this village. Said Ordinance was posted in five of the most public places in said village, to be as follows: Jordans SuperValu, Jamestown Municipal Building, Jamestown Library, Greeneview Schools Board Office, and D & B Hardware for a period of not less than fifteen (15) days prior to this taking effect thereof, to wit, from 21st day of January, 2009 to the 5th day of February, 2009

Marsha Haines

Marsha Haines

TITLE THREE - Legislative

Chap. 121. Council.

Chap. 123. Ordinances and Resolutions.

CHAPTER 121 Council

121.01 Meetings.

CROSS REFERENCES

Open meetings - see Ohio R.C. 121.22

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.

Misconduct - see Ohio R.C. 733.72 et seq.

121.01 MEETINGS.

(a) The Council shall, except as otherwise provided in this section, meet in regular session at the Council Chambers at 7:00 p.m. on the first and third Monday of every month. Should any holiday fall upon the date for a regular meeting, the Council shall appoint another date. (1994 Code 32.09; Ord. 4-1996. Passed 11-4-96.)

(b) "Holiday" means the following days, which shall be recognized as holidays for the purpose of this section:

- (1) Christmas Day;
- (2) New Year's Day;
- (3) Memorial Day;
- (4) July 4th;
- (5) Labor Day; and
- (6) Thanksgiving.

(c) For the purpose of this section, no other holiday, except those set forth in subsection (b) hereof, shall be considered to affect the regular meeting dates for Council. (1994 Code 32.09)

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.
Posting - see Ohio R.C. 731.25
Initiative and referendum - see Ohio R.C. 731.28 et seq.
Emergency measures - see Ohio R.C. 731.30
As evidence - see Ohio R.C. 731.42

VILLAGE OF JAMESTOWN, OHIO
ORDINANCE NO. 1, 2007

AN ORDINANCE ESTABLISHING THE POSITION OF THE MAYOR
OF JAMESTOWN, OHIO AS A PART TIME POSITION AND
ESTABLISHING COMPENSATION FOR THE POSITION

WHEREAS, the Council of the Village of Jamestown, Ohio, has determined that it is in the interest of the residents of the Village of Jamestown, Ohio to establish the position of the Mayor of Jamestown, Ohio as a part time position, and

WHEREAS, the Council of the Village of Jamestown, Ohio, desires to define the meaning of part time position, and

WHEREAS, the Council of the Village of Jamestown, Ohio, desires to establish the compensation for the part time position of Mayor.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF JAMESTOWN, OHIO, THAT:

Section One: The position of the Mayor of Jamestown, Ohio shall be established as a part time position beginning February 1, 2007, and thereafter.

Section Two: The term "part time position" shall mean available as needed.

Section Three: The compensation for the part time position of Mayor of the Village of Jamestown, Ohio shall be as follows:

- A. Salary of \$6,000.00 per year.
- B. There shall be no other paid benefits unless enacted in like manner as this Ordinance.

Section Four: This Ordinance shall take effect with the term of the Mayor of the Village of Jamestown, Ohio, beginning February 1, 2007, and thereafter.

Maisha Haines
Clk Treas

passed 1/3/07

TITLE FIVE - Administration

- Chap. 135. Mayor.
- Chap. 139. Fiscal Officer.
- Chap. 143. Solicitor.
- Chap. 147. Street Commissioner.
- Chap. 151. Board of Trustees of Public Affairs.
- Chap. 155. Department of Engineering.
- Chap. 159. Police Department.
- Chap. 163. Shade Tree Commission.
- Chap. 169. Officers and Employees Generally.

CHAPTER 135 Mayor

135.01 Mayor as full-time position.

CROSS REFERENCES

- Acting mayor - see Ohio R.C. 731.10 et seq., 733.25
- Election, term, qualifications and powers - see Ohio R.C. 733.24
- To be Council president - see Ohio R.C. 733.24
- Vacancy - 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.

135.01 MAYOR AS FULL-TIME POSITION.

- (a) The position of Mayor of Jamestown, Ohio shall be established as a full-time position beginning with the term starting January 1, 2000 and thereafter.
- (b) "Full-time position" shall mean:
 - (1) The Mayor of the Village shall be available during normal office hours, Monday through Friday, from 9:00 a.m. through 4:00 p.m.
 - (2) The Mayor of the Village shall also be available to serve as presiding at Council and at Mayor's Court.
(Ord. 5-1999. Passed 7-5-99.)

CHAPTER 139
Fiscal Officer

139.01 Created; powers and duties.

CROSS REFERENCES

Village Fiscal Officer - see Ohio R.C. 733.262

Powers and duties - see Ohio R.C. 733.27, 733.44

139.01 CREATED; POWERS AND DUTIES.

(a) In accordance with Ohio R.C. 733.262, there is hereby created the position of Village Fiscal Officer, effective on the first of January following the next regular municipal election at which the Village Clerk-Treasurer is to be elected.

(b) The Village Fiscal Officer shall have those powers, duties and functions as provided by the general laws of the State of Ohio, as authorized by Ohio R.C. 733.262 and perform all budgetary functions including appropriations, budget, and financial report annually; deposit receipts and issue warrants for payment of invoices; perform all Uniform Accounting Network (UAN) functions; perform all payroll duties including payment to employees weekly, payment of withholdings monthly, maintaining leave ledgers, submission of quarterly payroll reports, and preparation of year-end reports and W-2's; maintain records as specified in the Ohio Revised Code. (Ord. 3-2003. Passed 2-7-03.)

CHAPTER 143

Solicitor

EDITOR'S NOTE: There are no sections in Chapter 143. This chapter has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

Conflict of interest - see Ohio R.C. 120.39

Legal counsel - see Ohio R.C. 733.48

Preparation of bonds - see Ohio R.C. 733.70

CHAPTER 147
Street Commissioneer

EDITOR'S NOTE: There are no sections in Chapter 147.
This chapter has been established to provide a place for cross
references and future legislation.

CROSS REFERENCES

Appointment - see Ohio R.C. 735.31

Duties - see Ohio R.C. 735.32

Assistants - see Ohio R.C. 735.33

CHAPTER 151
Board of Trustees of Public Affairs

EDITOR'S NOTE: There are no sections in Chapter 151. This chapter has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

Composition - see Ohio R.C. 735.28

Powers and duties - see Ohio R.C. 735.29

Management and control of sewerage system - see Ohio R.C. 729.50
et seq.

CHAPTER 155
Department of Engineering

**155.01 Department established;
Engineer as Director.**

CROSS REFERENCES

To approve plats; inspection of streets and acceptance - see Ohio
R.C. 711.08, 711.191

To devise and form plan of sewerage - see Ohio R.C. 729.31 et seq.

Civil engineer - see Ohio R.C. 733.80

General duties - see Ohio R.C. 735.32

Assistants - see Ohio R.C. 735.33

Registration as a professional engineer - see Ohio R.C. Ch. 4733

155.01 DEPARTMENT ESTABLISHED; ENGINEER AS DIRECTOR.

(a) The Village, pursuant to Ohio R.C. 735.04, establishes a Department of Engineering.

(b) Council authorizes the contractual employment of the Village Engineer.

(c) The Village Engineer shall be the Director of the Village Department of Engineering. (1994 Code 31.51)

CHAPTER 159
Police Department

**159.01 Additional patrolmen
appointed by Mayor.**

CROSS REFERENCES

Peace officer training certificate required for permanent employment -
see Ohio R.C. 109.77
Police protection contracts - see Ohio R.C. 505.441, 737.04
Composition - see Ohio R.C. 715.05, 737.16
General powers and duties - see Ohio R.C. 737.11, 737.18
Auxiliary police unit - see Ohio R.C. 737.161
Probation period; final appointment - see Ohio R.C. 737.17
Removal and appeal - see Ohio R.C. 737.171

159.01 ADDITIONAL PATROLMEN APPOINTED BY MAYOR.

(a) The Mayor may appoint on a temporary basis such additional patrolmen to the police force as may from time to time be necessary for the preservation of the peace and protection of property, without obtaining prior approval of such appointment from Council.

(b) The authority provided in subsection (a) hereof shall exist only until the next regularly scheduled meeting of Council following the exercise of such an appointment by the Mayor. At such time, Council must approve the appointment as provided by law or the appointment shall lapse, provided there is no other statutory authority for such appointment.

(c) The authority provided herein shall be in addition to any statutory authority provided by law, including Ohio R.C. 737.10, which provides for the appointment of additional patrolmen by the Mayor in the case of emergency.
(1994 Code 34.03(C))

CHAPTER 163 Shade Tree Commission

163.01	Establishment; composition.	163.05	Powers of Mayor.
163.02	Compensation; term.	163.06	Permits.
163.03	Powers.	163.99	Penalty.
163.04	Procedure.		

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C.
715.20

Assessments for tree planting and maintenance - see Ohio R.C.
727.011

163.01 ESTABLISHMENT; COMPOSITION.

There is hereby created and established a Shade Tree Commission to be composed of six members: the Zoning Inspector, the member of Council serving as chairman of the Park Committee of Council and four resident electors of the Village who shall be appointed by the Mayor. (Ord. 2-2003. Passed 5-5-03.)

163.02 COMPENSATION; TERM.

The members of the Commission shall serve without compensation, and the terms of such members shall be as follows:

- (a) The Zoning Inspector shall serve during his tenure;
 - (b) The Council member shall serve during his tenure as chairman of the Park Committee of Council;
 - (c) The four resident electors shall serve terms of three years, except that the term of two of the members appointed to the first Commission shall be only one and two years, respectively.
- (Ord. 2-2003. Passed 5-5-03.)

163.03 POWERS.

The Commission shall have the power to study, investigate, plan, advise, report and recommend to Council, the Zoning Inspector, or the Mayor, any action, program, plan or legislation which the Commission shall find or determine to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public ways, streets and alleys.

(Ord. 2-2003. Passed 5-5-03.)

163.04 PROCEDURE.

The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advice, reports and recommendations made by the Commission shall be in writing and designate by name those members of the Commission approving or concurring therein. Members who do not so approve or concur shall have the right, as a part of such report, to state their reasons for refusing to approve or concur.

The Commission, when requested by Council, the Mayor or the Zoning Inspector, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. 2-2003. Passed 5-5-03.)

163.05 POWERS OF MAYOR.

The Mayor is hereby authorized and empowered to have planted or replanted trees and shrubs in public ways, streets, or alleys in the Village, when duly requested by the Shade Tree Commission, but such planting shall only be done upon the joint concurrence of the Zoning Inspector and the Shade Tree Commission. The Mayor is further authorized and empowered, when requested by the Shade Tree Commission, to have trimmed, removed and generally cared for and maintain trees and shrubs found in public ways, streets and alleys.

(Ord. 2-2003. Passed 5-5-03.)

163.06 PERMITS.

The Zoning Inspector shall have the authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, street, or alley of a size, type or species found to be undesirable by the Commission or so found to be undesirable for the location proposed, or he may deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley if at a location found by the Commission to be of a size or type unsuitable for planting of trees or shrubs. (Ord. 2-2003. Passed 5-5-03.)

163.99 PENALTY.

Any person violating the provisions of this chapter shall be fined not more than fifty dollars (\$50.00) for each offense. Each day's violation shall be deemed a separate offense.

(Ord. 2-2003. Passed 5-5-03.)

VILLAGE OF JAMESTOWN, OHIO
ORDINANCE 2-09

AN ORDINANCE AMENDING SECTION 169.01 OF THE CODIFIED ORDINANCE
OF JAMESTOWN, OHIO, ENTITLED UNEXCUSED ABSENCE BY ELECTED OFFICIAL

WHEREAS, the Village of Jamestown has determined that every elected official is not required to be present at every regular Council Meeting; and

WHEREAS, the Village of Jamestown has determined that §169.01 of the Codified Ordinance of Jamestown, Ohio, is outdated; and

WHEREAS, the Village of Jamestown wishes to continue to reduce costs to the Village and encourage good stewardship of time and taxpayer dollars;

NOW THEREFORE, the Village of Jamestown ordains:

Section 1: The title of said ordinance shall be amended to "Unexcused Absence by Village Official."

Section 2: Subsection (b) shall read as follows:

"With the exception of Village Council Members, no Village elected official, department head, or employee is required to attend regularly scheduled or special Council Meetings unless requested to do so by the Mayor or another member of Village Council."

Section 3: Subsections (b) as it is currently written shall be renumbered as subsection (c), and, further, is hereby amended to read as follows:

"Upon a vote of the majority of the Council, a penalty equal to five percent (5%) of the annual salary of the individual affected will be assessed against any elected official, department head, or Village employee for each unexcused absence from a Council Meeting in which their attendance requested by the Mayor another member of Village Council."

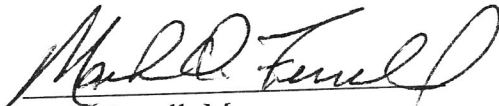
Section 4: Subsections (c) and (d) as currently written shall be renumbered accordingly.

Section 5: This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

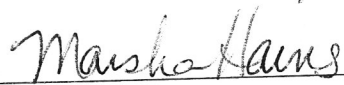
Passed: 1/20/09

Effective: 2/5/09

Village of Jamestown


by: Mark Ferrell, Mayor

Attest:


Marsha Haines
Village Clerk

Seen and Approved as to Form:

Craig W. Saunders, Esq.
Village Solicitor

CERTIFICATE

I, Marsha Haines, Clerk of the Village of Jamestown, Ohio do hereby ratify that the foregoing ordinance was duly posted in the manner provided by RC731.25, there being no newspapers printed in this village. Said Ordinance was posted in five of the most public places in said village, to be as follows: Jordans SuperValu, Jamestown Municipal Building, Jamestown Library, Greeneview Schools Board Office, and D & B Hardware for a period of not less than fifteen (15) days prior to this taking effect thereof, to wit, from 21st day of January, 2009 to the 5th day of February, 2009

Marsha Haines

Marsha Haines

CHAPTER 169
Officers and Employees Generally

**169.01 Unexcused absence by
elected official.**

CROSS REFERENCES

Oath of office - see Ohio Const., Art. XV, Sec. 7; Ohio R.C.
3.22, 733.68
To hold office until successor qualified - see Ohio R.C. 3.01
Removal from office - see Ohio R.C. 3.07 et seq.
Use of facsimile signature - see Ohio R.C. 9.10 et seq.
Conduct and delinquent charges - see Ohio R.C. 733.34 et seq.,
733.72 et seq.
Qualifications - see Ohio R.C. 733.68
Bond - see Ohio R.C. 733.69 et seq.
Expenses - see Ohio R.C. 733.79, 737.23
Contract interest - see GEN. OFF. 525.10

169.01 UNEXCUSED ABSENCE BY ELECTED OFFICIAL.

- (a) For purposes of this section, the following definitions shall apply:
- (1) "Regularly scheduled meetings" includes all meetings established by the members of each legislative body to meet on a set periodic date.
 - (2) "Unexcused absence" means any absence of whatsoever nature, excepting absences directly involving activities by the individual for Village purposes in discharging the elected official's duties, or for reasons established by Council.
- (b) A penalty, equal to five percent (5%) of the annual salary of the individual affected, will be assessed against any elected official within the Village for each unexcused absence from a regularly scheduled meeting.
- (c) The penalty as set out in subsection (b) hereof, shall only apply to each unexcused absence from a regularly scheduled meeting after the second such unexcused absence in any calendar year.
- (d) All such penalties assessed under this section shall be deducted from the first periodic salary payment following each penalized absence.
(1994 Code 30.09)