

**As Introduced**

**124th General Assembly  
Regular Session  
2001-2002**

**H. B. No. 143**

**REPRESENTATIVES Young, Calvert, Flowers, Hartnett, Latell, Reinhard,  
Schaffer, Seitz**

---

**A B I L L**

To amend sections 505.371, 505.375, 505.38, 733.68, 1  
737.08, and 737.22 and to enact section 9.61 of the 2  
Revised Code to specify that state law does not 3  
require a municipal corporation fire chief to be a 4  
resident or elector of the municipal corporation, 5  
does not require a township fire chief to be a 6  
resident of the township, and does not require a 7  
township fire district fire chief, joint fire 8  
district fire chief, or fire and ambulance district 9  
fire chief to be a resident of the township fire 10  
district, joint fire district, or fire and 11  
ambulance district. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 505.371, 505.375, 505.38, 733.68, 13  
737.08, and 737.22 be amended and section 9.61 of the Revised Code 14  
be enacted to read as follows: 15

**Sec. 9.61.** (A) "Firefighting agency" means a municipal 16  
corporation, township, township fire district, joint fire 17  
district, fire and ambulance district, or other political 18  
subdivision that operates a fire department. 19

(B) Nothing in the Revised Code requires, or shall be 20  
construed to require, that the fire chief of a firefighting agency 21  
reside in the territory of the firefighting agency. 22

**Sec. 505.371.** (A) The boards of township trustees of one or 23  
more townships and the legislative authorities of one or more 24  
municipal corporations, or the legislative authorities of two or 25  
more municipal corporations, or the boards of township trustees of 26  
two or more townships, may, by adoption of a joint resolution by a 27  
majority of the members of each board of township trustees and by 28  
a majority of the members of the legislative authority of each 29  
municipal corporation, create a joint fire district comprising the 30  
municipal corporations and all or any portions of the townships as 31  
are mutually agreed upon. A joint fire district so created shall 32  
be given a name different from the name of any participating 33  
township or municipal corporation. 34

(B) The governing body of the joint fire district shall be a 35  
board of fire district trustees, which shall include one 36  
representative from each board of township trustees and one 37  
representative from the legislative authority of each municipal 38  
corporation in the district. The board of fire district trustees 39  
may exercise the same powers as are granted to a board of township 40  
trustees in sections 505.37 to 505.45 of the Revised Code, 41  
including, but not limited to, the power to levy a tax upon all 42  
taxable property in the fire district as provided in section 43  
505.39 of the Revised Code. The board of fire district trustees 44  
may be compensated at a rate not to exceed thirty dollars per 45  
meeting, not to exceed fifteen meetings per year, and may be 46  
reimbursed for all necessary expenses incurred. The board shall 47  
employ a clerk of the board of fire district trustees. 48

(C)(1) The board of fire district trustees may establish 49  
reasonable charges for the use of ambulance or emergency medical 50

services. The board may establish different charges for residents  
and nonresidents of the district, and may waive, at its  
discretion, all or part of the charge for any resident of the  
district. The charge for nonresidents shall be an amount not less  
than the authorized medicare reimbursement rate, except that if,  
prior to February 4, 1998, the board had different charges for  
residents and nonresidents and the charge for nonresidents was  
less than the authorized medicare reimbursement rate, the board  
may charge nonresidents less than the authorized medicare  
reimbursement rate.

51  
52  
53  
54  
55  
56  
57  
58  
59  
60

(2) In the resolution creating the joint fire district, the  
political subdivisions that create the district may provide that  
any of those political subdivisions may agree to pay any charges  
for the use of ambulance or emergency medical services that the  
board of fire district trustees establishes under division (C)(1)  
of this section and that are incurred by the residents of the  
particular political subdivision. Unless the board elects pursuant  
to that division to waive all or part of the charges for the use  
of ambulance or emergency medical services that any resident of  
the district incurs, the residents of a particular political  
subdivision that has not so agreed to pay the charges for the use  
of ambulance or emergency medical services incurred by its  
residents shall pay those charges.

61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73

(3) Charges collected under division (C) of this section  
shall be kept in a separate fund designated as the ambulance and  
emergency medical services fund and shall be appropriated and  
administered by the board. The fund shall be used for the payment  
of the costs of the management, maintenance, and operation of  
ambulance and emergency medical services in the district.

74  
75  
76  
77  
78  
79

(4) As used in division (C) of this section, "authorized  
medicare reimbursement rate" has the same meaning as in section  
505.84 of the Revised Code.

80  
81  
82

(D) Any municipal corporation or township, or parts of them, 83  
may join an existing joint fire district by the adoption of a 84  
resolution requesting such membership and upon approval of the 85  
board of fire district trustees. Any municipal corporation or 86  
township may withdraw from a joint fire district created under 87  
this section, by the adoption of a resolution ordering withdrawal. 88  
On or after the first day of January of the year following the 89  
adoption of the resolution of withdrawal, the municipal 90  
corporation or township withdrawing ceases to be a part of such 91  
district, and the power of the district to levy a tax upon taxable 92  
property in the withdrawing township or municipal corporation 93  
terminates, except that the district shall continue to levy and 94  
collect taxes for the payment of indebtedness within the territory 95  
of the district as it was comprised at the time the indebtedness 96  
was incurred. 97

Upon the withdrawal of any township or municipal corporation 98  
from a joint fire district created under this section, the county 99  
auditor shall ascertain, apportion, and order a division of the 100  
funds on hand, including funds in the ambulance and emergency 101  
medical services fund, moneys and taxes in the process of 102  
collection, except for taxes levied for the payment of 103  
indebtedness, credits, and real and personal property, either in 104  
money or in kind, on the basis of the valuation of the respective 105  
tax duplicates of the withdrawing municipal corporation or 106  
township and the remaining territory of the joint fire district. 107

When the number of townships and municipal corporations 108  
comprising a joint fire district is reduced to one, the joint fire 109  
district ceases to exist by operation of law, and the funds, 110  
credits, and property remaining after apportionments to 111  
withdrawing municipal corporations or townships shall be assumed 112  
by the one remaining township or municipal corporation. When a 113  
joint fire district ceases to exist and an indebtedness remains 114

unpaid, the board of county commissioners shall continue to levy  
and collect taxes for the payment of ~~such that~~ indebtedness within  
the territory of the joint fire district as it was comprised at  
the time the indebtedness was incurred.

(E) Neither this section nor any other section of the Revised  
Code requires, or shall be construed to require, that the fire  
chief of a joint fire district be a resident of the fire district.

**Sec. 505.375.** (A) The board of a joint ambulance district  
created under section 505.71 of the Revised Code and the board of  
a joint fire district created under section 505.371 of the Revised  
Code may negotiate in accordance with this section to combine  
their two joint districts into a single district, called a fire  
and ambulance district, for the delivery of both fire and  
ambulance services, if the geographic area covered by the  
combining joint districts is exactly the same. Both boards shall  
adopt a joint resolution ratifying the agreement and setting a  
date on which the fire and ambulance district shall come into  
being. On that date, the joint fire district and the joint  
ambulance district shall cease to exist, and the power of each to  
levy a tax upon taxable property shall terminate, except that any  
levy of a tax for the payment of indebtedness within the territory  
of the joint fire or joint ambulance district as it was composed  
at the time the indebtedness was incurred shall continue to be  
collected by the successor fire and ambulance district if the  
indebtedness remains unpaid.

All funds and other property of the joint districts that  
combined into the fire and ambulance district shall become the  
property of the fire and ambulance district, unless otherwise  
provided in the negotiated agreement. The agreement shall provide  
for the settlement of all debts and obligations of the joint  
districts.

(B) The governing body of the fire and ambulance district shall be a board of trustees of at least three but no more than nine members, appointed as provided in the agreement creating the district. Members of the board of trustees may be compensated at a rate not to exceed thirty dollars per meeting for not more than fifteen meetings per year, and may be reimbursed for all necessary expenses incurred, as provided in the agreement creating the district.

The board shall employ a clerk and ~~such~~ other employees as it considers best, including a fire chief or fire prevention officers, and shall fix their compensation. ~~Before~~ Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief of a fire and ambulance district be a resident of the district.

Before entering upon the duties of office, the clerk shall execute a bond, in the amount and with surety to be approved by the board, payable to the state, conditioned for the faithful performance of all of the clerk's official duties. The clerk shall deposit the bond with the presiding officer of the board, who shall file a copy of it, certified by the presiding officer, with the county auditor of the county containing the most territory in the district.

The board shall also provide for the appointment of a fiscal officer for the district. The board may also enter into agreements with volunteer fire companies for the use and operation of fire-fighting equipment. Volunteer firefighters acting under such an agreement are subject to the requirements for volunteer firefighters set forth in division (A) of section 505.38 of the Revised Code.

Employees of the district shall not be removed from office except as provided by sections 733.35 to 733.39 of the Revised Code, except that, to initiate removal proceedings, the board

shall designate a private citizen, or, if the employee is employed 178  
as a firefighter, the board may designate the fire chief, to 179  
investigate, conduct the proceedings, and prepare the necessary 180  
charges in conformity with sections 733.35 to 733.39 of the 181  
Revised Code, and except that the board shall perform the 182  
functions and duties specified for the municipal legislative 183  
authority under those sections. The board may pay reasonable 184  
compensation to any private citizen hired for services rendered in 185  
the matter. 186

No person shall be appointed as a permanent full-time paid 187  
member of the district whose duties include fire fighting, or be 188  
appointed as a volunteer firefighter, unless that person has 189  
received a certificate issued under former section 3303.07 or 190  
section 4765.55 of the Revised Code evidencing satisfactory 191  
completion of a firefighter training program. The board may send 192  
its officers and firefighters to schools of instruction designed 193  
to promote the efficiency of firefighters, and, if authorized in 194  
advance, may pay their necessary expenses from the funds used for 195  
the maintenance and operation of the district. 196

The board may choose, by adoption of an appropriate 197  
resolution, to have the Ohio ambulance licensing board license any 198  
emergency medical service organization it operates. If the board 199  
adopts such a resolution, Chapter 4766. of the Revised Code, 200  
except for sections 4766.06 and 4766.99 of the Revised Code, 201  
applies to the organization. All rules adopted under the 202  
applicable sections of that chapter also apply to the 203  
organization. The board may likewise, by resolution, remove its 204  
emergency medical service organization from the jurisdiction of 205  
the Ohio ambulance licensing board. 206

(C) The board may exercise the following powers: 207

(1) Purchase or otherwise provide any fire apparatus, 208  
mechanical resuscitators, or other fire or ambulance equipment, 209

appliances, or materials; fire hydrants; and water supply for	210
fire-fighting purposes that seems advisable to the board;	211
(2) Provide for the care and maintenance of equipment and,	212
for that purpose, purchase, lease, or construct and maintain	213
necessary buildings;	214
(3) Establish and maintain lines of fire-alarm communications	215
within the limits of the district;	216
(4) Appropriate land for a fire station or medical emergency	217
unit needed in order to respond in reasonable time to a fire or	218
medical emergency, in accordance with Chapter 163. of the Revised	219
Code;	220
(5) Purchase, appropriate, or accept a deed or gift of land	221
to enlarge or improve a fire station or medical emergency unit;	222
(6) Purchase, lease, maintain, and use all materials,	223
equipment, vehicles, buildings, and land necessary to perform its	224
duties;	225
(7) Contract for a period not to exceed three years with one	226
or more townships, municipal corporations, counties, joint fire	227
districts, governmental agencies, nonprofit corporations, or	228
private ambulance owners located either within or outside the	229
state, to furnish or receive ambulance services or emergency	230
medical services within the several territories of the contracting	231
parties, if the contract is first authorized by all boards of	232
trustees and legislative authorities concerned;	233
(8) Establish reasonable charges for the use of ambulance or	234
emergency medical services under the same conditions under which a	235
board of fire district trustees may establish those charges under	236
section 505.371 of the Revised Code;	237
(9) Establish all necessary rules to guard against the	238
occurrence of fires and to protect property and lives against	239



damage and accidents;	240
(10) Adopt a standard code pertaining to fire, fire hazards, and fire prevention prepared and promulgated by the state or by a public or private organization that publishes a model or standard code;	241 242 243 244
(11) Provide for charges for false alarms at commercial establishments in the same manner as joint fire districts are authorized to do under section 505.391 of the Revised Code;	245 246 247
(12) Issue bonds and other evidences of indebtedness, subject to Chapter 133. of the Revised Code, but only after approval by a vote of the electors of the district as provided by section 133.18 of the Revised Code;	248 249 250 251
(13) To provide the services and equipment it considers necessary, levy a sufficient tax, subject to Chapter 5705. of the Revised Code, on all the taxable property in the district.	252 253 254
(D) Any municipal corporation or township may join an existing fire and ambulance district by its legislative authority's adoption of a resolution requesting <del>such</del> <u>the</u> membership and upon approval of the board of the district. Any municipal corporation or township may withdraw from a district by its legislative authority's adoption of a resolution ordering withdrawal. Upon its withdrawal, the municipal corporation or township ceases to be a part of the district, and the district's power to levy a tax on taxable property in the withdrawing township or municipal corporation terminates, except that the district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the district as it was composed at the time the indebtedness was incurred.	255 256 257 258 259 260 261 262 263 264 265 266 267
Upon the withdrawal of any township or municipal corporation from a district, the county auditor of the county containing the most territory in the district shall ascertain, apportion, and	268 269 270

order a division of the funds on hand, including funds in the  
ambulance and emergency medical services fund, moneys and taxes in  
the process of collection, except for taxes levied for the payment  
of indebtedness, credits, and real and personal property on the  
basis of the valuation of the respective tax duplicates of the  
withdrawing municipal corporation or township and the remaining  
territory of the district.

(E) As used in this section:

(1) "Governmental agency" includes all departments, boards,  
offices, commissions, agencies, colleges, universities,  
institutions, and other instrumentalities of this or another  
state.

(2) "Emergency medical service organization" has the same  
meaning as in section 4766.01 of the Revised Code.

**Sec. 505.38.** (A) In each township or fire district that has a  
fire department, the head of ~~such~~ the department shall be a fire  
chief, appointed by the board of township trustees, except that,  
in a joint fire district, the fire chief shall be appointed by the  
board of fire district trustees. ~~The~~ Neither this section nor any  
other section of the Revised Code requires, or shall be construed  
to require, that the fire chief be a resident of the township or  
fire district.

The board shall provide for the employment of ~~such~~  
firefighters as it considers best, and shall fix their  
compensation. No person shall be appointed as a permanent  
full-time paid member, whose duties include ~~firefighting~~ fire  
fighting, of the fire department of any township or fire district  
unless ~~such~~ that person has received a certificate issued under  
former section 3303.07 or section 4765.55 of the Revised Code  
evidencing satisfactory completion of a firefighter training  
program. ~~Such~~ Those appointees shall continue in office until

removed ~~therefrom~~ from office as provided by sections 733.35 to 302  
733.39 of the Revised Code. To initiate removal proceedings, and 303  
for ~~such~~ that purpose, the board shall designate the fire chief or 304  
a private citizen to investigate the conduct and prepare the 305  
necessary charges in conformity with sections 733.35 to 733.39 of 306  
the Revised Code. 307

In case of the removal of a fire chief or any member of the 308  
fire department of a township or fire district, an appeal may be 309  
had from the decision of the board to the court of common pleas of 310  
the county in which ~~such~~ the township or fire district fire 311  
department is situated, to determine the sufficiency of the cause 312  
of removal. ~~Such~~ The appeal from the findings of the board shall 313  
be taken within ten days. 314

No person who is appointed as a volunteer firefighter of the 315  
fire department of any township or fire district ~~after July 1,~~ 316  
~~1979,~~ shall remain in ~~such a~~ that position unless either of the 317  
following applies: 318

(1) Within one year of the appointment, the person has 319  
received a certificate issued under former section 3303.07 of the 320  
Revised Code or division (C)(1) or (2) of section 4765.55 of the 321  
Revised Code evidencing satisfactory completion of a firefighter 322  
training program. 323

(2) The person began serving as a permanent full-time paid 324  
firefighter with the fire department of a city or village prior to 325  
July 2, 1970, or as a volunteer firefighter with the fire 326  
department of a city, village, or other township or fire district 327  
prior to July 2, 1979, and receives a certificate issued under 328  
division (C)(3) of section 4765.55 of the Revised Code. 329

No person shall receive an appointment under this section 330  
~~after July 1, 1979,~~ in the case of a volunteer firefighter, unless 331  
the person has, not more than sixty days prior to receiving ~~such~~ 332  
the appointment, passed a physical examination, given by a 333

licensed physician, showing that the person meets the physical 334  
requirements necessary to perform the duties of the position to 335  
which the person is appointed as established by the board of 336  
township trustees having jurisdiction over the appointment. The 337  
appointing authority shall, prior to making ~~any such an~~ 338  
appointment, file with the Ohio police and fire pension fund or 339  
the local volunteer fire fighters' dependents fund board a copy of 340  
the report or findings of ~~said that~~ licensed physician. The 341  
professional fee for ~~such the~~ physical examination shall be paid 342  
for by the board of township trustees. 343

(B) In each township not having a fire department, the board 344  
of township trustees shall appoint a fire prevention officer who 345  
shall exercise all of the duties of a fire chief except those 346  
involving the maintenance and operation of fire apparatus. The 347  
board of township trustees may appoint one or more deputy fire 348  
prevention officers, who shall exercise the duties assigned by the 349  
fire prevention officer. 350

The board of township trustees may fix ~~such the~~ compensation 351  
for the fire prevention officer and the fire prevention officer's 352  
deputies as it considers best. The board of township trustees 353  
shall appoint each fire prevention officer and deputy for a 354  
one-year term. An appointee may be reappointed at the end of a 355  
term to another one-year term. Any appointee may be removed from 356  
office during a term as provided by sections 733.35 to 733.39 of 357  
the Revised Code. ~~The provisions of section~~ Section 505.45 of the 358  
Revised Code ~~extend~~ extends to ~~such those~~ officers. 359

(C) Division (A) of this section shall not apply to any 360  
township ~~having that has~~ a population of ten thousand or more 361  
persons residing within the township and outside of any municipal 362  
corporation, ~~which that~~ has its own fire department employing ten 363  
or more full-time paid employees, and ~~which that~~ has a civil 364  
service commission established under division (B) of section 365

124.40 of the Revised Code. ~~Such~~ The township shall comply with 366  
the procedures for the employment, promotion, and discharge of 367  
firefighters provided by Chapter 124. of the Revised Code, except 368  
that the board of township trustees of the township may appoint 369  
the fire chief, and any person so appointed shall be in the 370  
unclassified service under section 124.11 of the Revised Code and 371  
shall serve at the pleasure of the board. Neither this section nor 372  
any other section of the Revised Code requires, or shall be 373  
construed to require, that the fire chief be a resident of the 374  
township. A person who is appointed fire chief under these 375  
conditions and who is removed by the board or ~~who~~ resigns from the 376  
position is entitled to return to the classified service in the 377  
township fire department, in the position held just prior to the 378  
appointment as fire chief. The board of township trustees shall 379  
determine the number of personnel required and establish salary 380  
schedules and conditions of employment not in conflict with 381  
Chapter 124. of the Revised Code. No person shall receive an 382  
original appointment as a permanent full-time paid member of the 383  
fire department of ~~such a~~ the township unless the person has 384  
received a certificate issued under former section 3303.07 or 385  
section 4765.55 of the Revised Code evidencing the satisfactory 386  
completion of a firefighter training program. Persons employed as 387  
firefighters in ~~such~~ the township on the date a civil service 388  
commission is appointed pursuant to division (B) of section 124.40 389  
of the Revised Code shall, without being required to pass a 390  
competitive examination or a firefighter training program, retain 391  
their employment and any rank previously granted them by action of 392  
the board of township trustees or otherwise, but ~~such~~ those 393  
persons are eligible for promotion only by compliance with Chapter 394  
124. of the Revised Code. 395

**Sec. 733.68.** (A) Except as otherwise provided ~~by~~ in division 396  
(B) of this section or in another section of the Revised Code, 397

each officer of a municipal corporation, or of any department or board ~~thereof~~ of a municipal corporation, whether elected or appointed as a substitute for a regular officer, shall be an elector of the municipal corporation, and, before entering upon ~~his~~ official duties, shall take an oath to support the constitution of the United States and the constitution of this state, and an oath that ~~he~~ the officer will faithfully, honestly, and impartially discharge the duties of ~~his~~ the office to which elected or appointed. ~~Such~~ These provisions as to official oaths shall extend to deputies, but they need not be electors.

(B) Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that a city fire chief be an elector of the city or that a village fire chief be an elector of the village.

**Sec. 737.08.** (A) The fire department of each city shall be composed of a chief of the fire department and ~~such~~ other officers, firefighters, and employees ~~as~~ provided for by ordinance. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief be a resident of the city.

(B) No person shall, ~~after July 1, 1970,~~ be appointed as a permanent full-time paid member, whose duties include ~~firefighting~~ fire fighting, of the fire department of any city, unless either of the following applies:

(1) The person has received a certificate issued under former section 3303.07 of the Revised Code or division (C)(1) or (2) of section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(2) The person began serving as a permanent full-time paid firefighter with the fire department of a village or other city

prior to July 2, 1970, and receives a certificate issued under 428  
division (C)(3) of section 4765.55 of the Revised Code. 429

(C) No person who is appointed as a volunteer firefighter of 430  
a city fire department ~~after July 1, 1979,~~ shall remain in ~~such a~~ 431  
that position, unless either of the following applies: 432

(1) Within one year of the appointment, the person has 433  
received a certificate issued under former section 3303.07 of the 434  
Revised Code or division (C)(1) or (2) of section 4765.55 of the 435  
Revised Code evidencing satisfactory completion of a firefighter 436  
training program. 437

(2) The person began serving as a permanent full-time paid 438  
firefighter with the fire department of a village or other city 439  
prior to July 2, 1970, or as a volunteer firefighter with the fire 440  
department of a township, fire district, village, or other city 441  
prior to July 2, 1979, and receives a certificate issued under 442  
division (C)(3) of section 4765.55 of the Revised Code. 443

(D) The director of public safety shall have the exclusive 444  
management and control of ~~such~~ other surgeons, secretaries, 445  
clerks, and employees, ~~as are provided for~~ by ordinance or 446  
resolution of the legislative authority of ~~such~~ the city. 447

**Sec. 737.22.** (A) Each village establishing a fire department 448  
shall have a fire chief as the department's head ~~thereof~~, 449  
appointed by the mayor with the advice and consent of the 450  
legislative authority of the village, who shall continue in office 451  
until removed ~~therefrom~~ from office as provided by sections 733.35 452  
to 733.39 of the Revised Code. Neither this section nor any other 453  
section of the Revised Code requires, or shall be construed to 454  
require, that the fire chief be a resident of the village. 455

In each village not having a fire department, the mayor 456  
shall, with the advice and consent of the legislative authority of 457

the village, appoint a fire prevention officer who shall exercise  
all of the duties of a fire chief except those involving the  
maintenance and operation of fire apparatus.

The legislative authority of the village may fix ~~such the~~  
compensation ~~as it deems~~ considers best. ~~Such~~ The appointee shall  
continue in office until removed ~~therefrom~~ from office as provided  
by ~~such~~ sections 733.35 to 733.39 of the Revised Code. ~~The~~  
~~provisions of section~~ Section 737.23 of the Revised Code shall  
extend to ~~such the~~ officer.

(B) The legislative authority of the village may provide for  
the appointment of permanent full-time paid firefighters as it  
~~deems~~ considers best and fix their compensation, or for the  
services of volunteer firefighters, who shall be appointed by the  
mayor with the advice and consent of the legislative authority,  
and shall continue in office until removed ~~therefrom~~ from office.

(1) No person shall be appointed as a permanent full-time  
paid firefighter of a village fire department, unless either of  
the following applies:

(a) The person has received a certificate issued under former  
section 3303.07 of the Revised Code or division (C)(1) or (2) of  
section 4765.55 of the Revised Code evidencing satisfactory  
completion of a firefighter training program.

(b) The person began serving as a permanent full-time paid  
firefighter with the fire department of a city or other village  
prior to July 2, 1970, and receives a certificate issued under  
division (C)(3) of section 4765.55 of the Revised Code.

(2) No person who is appointed as a volunteer firefighter of  
a village fire department ~~after July 1, 1979,~~ shall remain in ~~such~~  
~~a~~ that position, unless either of the following applies:

(a) Within one year of the appointment, the person has  
received a certificate issued under former section 3303.07 or

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488



section 4765.55 of the Revised Code evidencing satisfactory 489  
completion of a firefighter training program~~+~~. 490

(b) The person has served as a permanent full-time paid 491  
firefighter with the fire department of a city or other village 492  
prior to July 2, 1970, or as a volunteer firefighter with the fire 493  
department of a city, township, fire district, or other village 494  
prior to July 2, 1979, and receives a certificate issued under 495  
division (C)(3) of section 4765.55 of the Revised Code. 496

(3) No person shall receive an appointment under this section 497  
~~after January 1, 1970, and after July 1, 1979, in the case of a~~ 498  
~~volunteer firefighter,~~ unless the person has, not more than sixty 499  
days prior to receiving ~~such~~ the appointment, passed a physical 500  
examination, given by a licensed physician, showing that the 501  
person meets the physical requirements necessary to perform the 502  
duties of the position to which the person is to be appointed as 503  
established by the legislative authority of the village. The 504  
appointing authority shall, prior to making ~~any such an~~ 505  
appointment, file with the Ohio police and fire pension fund or 506  
the local volunteer fire fighters' dependents fund board a copy of 507  
the report or findings of ~~said that~~ licensed physician. The 508  
professional fee for ~~such~~ the physical examination shall be paid 509  
for by ~~such~~ the legislative authority of the village. 510

**Section 2.** That existing sections 505.371, 505.375, 505.38, 511  
733.68, 737.08, and 737.22 of the Revised Code are hereby 512  
repealed. 513

**Section 3.** Section 505.375 of the Revised Code is presented 514  
in this act as a composite of the section as amended by both Am. 515  
Sub. S.B. 5 and Am. Sub. S.B. 30 of the 122nd General Assembly. 516  
The General Assembly, applying the principle stated in division 517  
(B) of section 1.52 of the Revised Code that amendments are to be 518  
harmonized if reasonably capable of simultaneous operation, finds 519

that the composite is the resulting version of the section in 520  
effect prior to the effective date of the section as presented in 521  
this act. 522