

## As Passed by the House

124th General Assembly

Regular Session

2001-2002

H. B. No. 143

REPRESENTATIVES Young, Calvert, Flowers, Hartnett, Latell, Reinhard,  
Schaffer, Seitz, Coates, Carano, Sferra, Fessler, Widowfield, Schmidt,  
Hughes, White, Roman, Wolpert, Carmichael, Distel, Driehaus, Salerno,  
Setzer, Stapleton, Strahorn, Jolivette, Williams, Grendell, Core, Cates, Faber,  
Collier, Hagan, Webster, Kearns, Reidelbach, Olman, Lendrum, G. Smith,  
Niehaus

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### A BILL

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 corporation, township, township fire district, joint fire district, fire and ambulance district, or other political subdivision that operates a fire department.

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

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

(B) The governing body of the joint fire district shall be a board of fire district trustees, which shall include one representative from each board of township trustees and one representative from the legislative authority of each municipal corporation in the district. The board of fire district trustees may exercise the same powers as are granted to a board of township trustees in sections 505.37 to 505.45 of the Revised Code, including, but not limited to, the power to levy a tax upon all taxable property in the fire district as provided in section 505.39 of the Revised Code. The board of fire district trustees may be compensated at a rate not to exceed thirty dollars per meeting, not to exceed fifteen meetings per year, and may be

reimbursed for all necessary expenses incurred. The board shall  
employ a clerk of the board of fire district trustees.

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

(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.

(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

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ambulance and emergency medical services in the district. 79

(4) As used in division (C) of this section, "authorized 80  
medicare reimbursement rate" has the same meaning as in section 81  
505.84 of the Revised Code. 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 115  
and collect taxes for the payment of ~~such~~ that indebtedness within 116  
the territory of the joint fire district as it was comprised at 117  
the time the indebtedness was incurred. 118

(E) Neither this section nor any other section of the Revised 119  
Code requires, or shall be construed to require, that the fire 120  
chief of a joint fire district be a resident of the fire district. 121

**Sec. 505.375.** (A) The board of a joint ambulance district 122  
created under section 505.71 of the Revised Code and the board of 123  
a joint fire district created under section 505.371 of the Revised 124  
Code may negotiate in accordance with this section to combine 125  
their two joint districts into a single district, called a fire 126  
and ambulance district, for the delivery of both fire and 127  
ambulance services, if the geographic area covered by the 128  
combining joint districts is exactly the same. Both boards shall 129  
adopt a joint resolution ratifying the agreement and setting a 130  
date on which the fire and ambulance district shall come into 131  
being. On that date, the joint fire district and the joint 132  
ambulance district shall cease to exist, and the power of each to 133  
levy a tax upon taxable property shall terminate, except that any 134  
levy of a tax for the payment of indebtedness within the territory 135  
of the joint fire or joint ambulance district as it was composed 136  
at the time the indebtedness was incurred shall continue to be 137  
collected by the successor fire and ambulance district if the 138  
indebtedness remains unpaid. 139

All funds and other property of the joint districts that 140  
combined into the fire and ambulance district shall become the 141

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.

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(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.

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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.

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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.

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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

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Revised Code.

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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  
as a firefighter, the board may designate the fire chief, to  
investigate, conduct the proceedings, and prepare the necessary  
charges in conformity with sections 733.35 to 733.39 of the  
Revised Code, and except that the board shall perform the  
functions and duties specified for the municipal legislative  
authority under those sections. The board may pay reasonable  
compensation to any private citizen hired for services rendered in  
the matter.

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No person shall be appointed as a permanent full-time paid  
member of the district whose duties include fire fighting, or be  
appointed as a volunteer firefighter, unless 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. The board may send  
its officers and firefighters to schools of instruction designed  
to promote the efficiency of firefighters, and, if authorized in  
advance, may pay their necessary expenses from the funds used for  
the maintenance and operation of the district.

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

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| 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 |



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

composed at the time the indebtedness was incurred. 267

Upon the withdrawal of any township or municipal corporation 268  
from a district, the county auditor of the county containing the 269  
most territory in the district shall ascertain, apportion, and 270  
order a division of the funds on hand, including funds in the 271  
ambulance and emergency medical services fund, moneys and taxes in 272  
the process of collection, except for taxes levied for the payment 273  
of indebtedness, credits, and real and personal property on the 274  
basis of the valuation of the respective tax duplicates of the 275  
withdrawing municipal corporation or township and the remaining 276  
territory of the district. 277

(E) As used in this section: 278

(1) "Governmental agency" includes all departments, boards, 279  
offices, commissions, agencies, colleges, universities, 280  
institutions, and other instrumentalities of this or another 281  
state. 282

(2) "Emergency medical service organization" has the same 283  
meaning as in section 4766.01 of the Revised Code. 284

**Sec. 505.38.** (A) In each township or fire district that has a 285  
fire department, the head of ~~such~~ the department shall be a fire 286  
chief, appointed by the board of township trustees, except that, 287  
in a joint fire district, the fire chief shall be appointed by the 288  
board of fire district trustees. ~~The~~ Neither this section nor any 289  
other section of the Revised Code requires, or shall be construed 290  
to require, that the fire chief be a resident of the township or 291  
fire district. 292

The board shall provide for the employment of ~~such~~ 293  
firefighters as it considers best, and shall fix their 294  
compensation. No person shall be appointed as a permanent 295  
full-time paid member, whose duties include ~~firefighting~~ fire 296  
fighting, of the fire department of any township or fire district 297

unless ~~such~~ that person has received a certificate issued under 298  
former section 3303.07 or section 4765.55 of the Revised Code 299  
evidencing satisfactory completion of a firefighter training 300  
program. ~~Such~~ Those appointees shall continue in office until 301  
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 398  
board ~~thereof~~ of a municipal corporation, whether elected or 399  
appointed as a substitute for a regular officer, shall be an 400  
elector of the municipal corporation, and, before entering upon 401  
~~his~~ official duties, shall take an oath to support the 402  
constitution of the United States and the constitution of this 403  
state, and an oath that ~~he~~ the officer will faithfully, honestly, 404  
and impartially discharge the duties of ~~his~~ the office to which 405  
elected or appointed. ~~Such~~ These provisions as to official oaths 406  
shall extend to deputies, but they need not be electors. 407

(B) Neither this section nor any other section of the Revised 408  
Code requires, or shall be construed to require, that a city fire 409  
chief be an elector of the city or that a village fire chief be an 410  
elector of the village. 411

**Sec. 737.08.** (A) The fire department of each city shall be 412  
composed of a chief of the fire department and ~~such~~ other 413  
officers, firefighters, and employees ~~as~~ provided for by 414  
ordinance. Neither this section nor any other section of the 415  
Revised Code requires, or shall be construed to require, that the 416  
fire chief be a resident of the city. 417

(B) No person shall, ~~after July 1, 1970,~~ be appointed as a 418  
permanent full-time paid member, whose duties include ~~firefighting~~ 419  
fire fighting, of the fire department of any city, unless either 420  
of the following applies: 421

(1) The person has received a certificate issued under former 422  
section 3303.07 of the Revised Code or division (C)(1) or (2) of 423  
section 4765.55 of the Revised Code evidencing satisfactory 424

completion of a firefighter training program~~+~~. 425

(2) The person began serving as a permanent full-time paid 426  
firefighter with the fire department of a village or other city 427  
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 458  
all of the duties of a fire chief except those involving the 459  
maintenance and operation of fire apparatus. 460

The legislative authority of the village may fix ~~such~~ the 461  
compensation ~~as~~ it ~~deems~~ considers best. ~~Such~~ The appointee shall 462  
continue in office until removed ~~therefrom~~ from office as provided 463  
by ~~such~~ sections 733.35 to 733.39 of the Revised Code. ~~The~~ 464  
~~provisions of section~~ Section 737.23 of the Revised Code shall 465  
extend to ~~such~~ the officer. 466

(B) The legislative authority of the village may provide for 467  
the appointment of permanent full-time paid firefighters as it 468  
~~deems~~ considers best and fix their compensation, or for the 469  
services of volunteer firefighters, who shall be appointed by the 470  
mayor with the advice and consent of the legislative authority, 471  
and shall continue in office until removed ~~therefrom~~ from office. 472

(1) No person shall be appointed as a permanent full-time 473  
paid firefighter of a village fire department, unless either of 474  
the following applies: 475

(a) The person has received a certificate issued under former 476  
section 3303.07 of the Revised Code or division (C)(1) or (2) of 477  
section 4765.55 of the Revised Code evidencing satisfactory 478  
completion of a firefighter training program. 479

(b) The person began serving as a permanent full-time paid 480  
firefighter with the fire department of a city or other village 481  
prior to July 2, 1970, and receives a certificate issued under 482  
division (C)(3) of section 4765.55 of the Revised Code. 483

(2) No person who is appointed as a volunteer firefighter of 484



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  
section 4765.55 of the Revised Code evidencing satisfactory  
completion of a firefighter training program.

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

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

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

**Section 3.** Section 505.375 of the Revised Code is presented

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