

**As Reported by the House Local Government and Townships
Committee**

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

Am. H. B. No. 515

**REPRESENTATIVES Schmidt, Seitz, Raga, Brinkman, Hagan, Faber, Collier,
Carano, Seaver, Schaffer, Lendrum, Fessler, Grendell, Blasdel, Schneider,
Setzer, Distel, Flowers, Hughes, McGregor, Wolpert, Otterman, Sferra,
Strahorn, Coates**

A B I L L

To amend sections 504.09, 504.12, 505.38, and 505.49 1
of the Revised Code to make changes relating to the 2
keeping of the board of township trustees' journal, 3
the taking of minutes of board meetings, and the 4
publication of board resolutions in a home rule 5
township; and to allow civil service townships that 6
are urban townships to appoint any one of the three 7
highest scorers on a police or fire department 8
promotional exam. 9

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

Section 1. That sections 504.09, 504.12, 505.38, and 505.49 10
of the Revised Code be amended to read as follows: 11

Sec. 504.09. A board of township trustees shall determine its 12
own rules and order of business and keep a journal of its 13
proceedings. Notwithstanding section 507.04 of the Revised Code 14
and anything to the contrary in section 504.04 of the Revised 15
Code, the board may designate, by majority vote, any person to 16

keep its journal and take the minutes of board meetings. A 17
majority of the members of the board constitutes a quorum. 18

Sec. 504.12. No resolution and no section or numbered or 19
lettered division of a section shall be revised or amended unless 20
the new resolution contains the entire resolution, section, or 21
division as revised or amended, and the resolution, section, or 22
division so amended shall be repealed. This requirement does not 23
prevent the amendment of a resolution by the addition of a new 24
section, or division, and in this case the full text of the former 25
resolution need not be set forth, nor does this section prevent 26
repeals by implication. Except in the case of a codification or 27
recodification of resolutions, a separate vote shall be taken on 28
each resolution proposed to be amended. Resolutions that have been 29
introduced and have received their first reading or their first 30
and second readings, but have not been voted on for passage, may 31
be amended or revised by a majority vote of the members of the 32
board of township trustees, and the amended or revised resolution 33
need not receive additional readings. 34

The board of township trustees of a limited home rule 35
township may revise, codify, and publish in book form the 36
resolutions of the township in the same manner as provided in 37
section 731.23 of the Revised Code for municipal corporations. 38
Resolutions adopted by the board shall be published in the same 39
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 40
731.26 of the Revised Code for municipal corporations, except that 41
they shall be published in newspapers circulating within the 42
township. The clerk of the township shall perform the duties that 43
the clerk of the legislative authority of a municipal corporation 44
is required to perform under those sections. 45

The procedures provided in this section apply only to 46
resolutions adopted pursuant to a township's limited home rule 47
powers as authorized by this chapter. 48

Sec. 505.38. (A) In each township or fire district that has a fire department, the head of 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. 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 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 fire fighting, of the fire department of any township or fire district 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. Those appointees shall continue in office until removed from office as provided by sections 733.35 to 733.39 of the Revised Code. To initiate removal proceedings, and for that purpose, the board shall designate the fire chief or a private citizen to investigate the conduct and prepare the necessary charges in conformity with those sections ~~733.35 to 733.39 of the Revised Code.~~

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

No person who is appointed as a volunteer firefighter of the fire department of any township or fire district shall remain in

that position unless either of the following applies: 80

(1) Within one year of the appointment, the person has 81
received a certificate issued under former section 3303.07 of the 82
Revised Code or division (C)(1) or (2) of section 4765.55 of the 83
Revised Code evidencing satisfactory completion of a firefighter 84
training program. 85

(2) The person began serving as a permanent full-time paid 86
firefighter with the fire department of a city or village prior to 87
July 2, 1970, or as a volunteer firefighter with the fire 88
department of a city, village, or other township or fire district 89
prior to July 2, 1979, and receives a certificate issued under 90
division (C)(3) of section 4765.55 of the Revised Code. 91

No person shall receive an appointment under this section, in 92
the case of a volunteer firefighter, unless the person has, not 93
more than sixty days prior to receiving the appointment, passed a 94
physical examination, given by a licensed physician, showing that 95
the person meets the physical requirements necessary to perform 96
the duties of the position to which the person is appointed as 97
established by the board of township trustees having jurisdiction 98
over the appointment. The appointing authority ~~shall~~, prior to 99
making an appointment, shall file with the Ohio police and fire 100
pension fund or the local volunteer fire fighters' dependents fund 101
board a copy of the report or findings of that licensed physician. 102
The professional fee for the physical examination shall be paid 103
for by the board of township trustees. 104

(B) In each township not having a fire department, the board 105
of township trustees shall appoint a fire prevention officer who 106
shall exercise all of the duties of a fire chief except those 107
involving the maintenance and operation of fire apparatus. The 108
~~board of township trustees~~ may appoint one or more deputy fire 109
prevention officers who shall exercise the duties assigned by the 110
fire prevention officer. 111

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The board of ~~township trustees~~ may fix the compensation for 112
the fire prevention officer and the fire prevention officer's 113
deputies as it considers best. The board of ~~township trustees~~ 114
shall appoint each fire prevention officer and deputy for a 115
one-year term. An appointee may be reappointed at the end of a 116
term to another one-year term. Any appointee may be removed from 117
office during a term as provided by sections 733.35 to 733.39 of 118
the Revised Code. Section 505.45 of the Revised Code extends to 119
those officers. 120

(C)(1) Division (A) of this section ~~shall~~ does not apply to 121
any township that has a population of ten thousand or more persons 122
residing within the township and outside of any municipal 123
corporation, that has its own fire department employing ten or 124
more full-time paid employees, and that has a civil service 125
commission established under division (B) of section 124.40 of the 126
Revised Code. The township shall comply with the procedures for 127
the employment, promotion, and discharge of firefighters provided 128
by Chapter 124. of the Revised Code, except ~~that the~~ as otherwise 129
provided in divisions (C)(2) and (3) of this section. 130

(2) The board of township trustees of the township may 131
appoint the fire chief, and any person so appointed shall be in 132
the unclassified service under section 124.11 of the Revised Code 133
and shall serve at the pleasure of the board. Neither this section 134
nor any other section of the Revised Code requires, or shall be 135
construed to require, that the fire chief be a resident of the 136
township. A person who is appointed fire chief under these 137
conditions and who is removed by the board or resigns from the 138
position is entitled to return to the classified service in the 139
township fire department in the position held just prior to the 140
appointment as fire chief. ~~The~~ 141

(3) The appointing authority of an urban township, as defined 142
in section 504.01 of the Revised Code, may appoint to a vacant 143

position any one of the three highest scorers on the eligible list
for a promotional examination.

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(4) The board of township trustees shall determine the number
of personnel required and establish salary schedules and
conditions of employment not in conflict with Chapter 124. of the
Revised Code. ~~No~~

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(5) No person shall receive an original appointment as a
permanent full-time paid member of the fire department of the
township described in this division unless the person has received
a certificate issued under former section 3303.07 or section
4765.55 of the Revised Code evidencing the satisfactory completion
of a firefighter training program. ~~Persons~~

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(6) Persons employed as firefighters in the township
described in this division on the date a civil service commission
is appointed pursuant to division (B) of section 124.40 of the
Revised Code ~~shall~~, without being required to pass a competitive
examination or a firefighter training program, shall retain their
employment and any rank previously granted them by action of the
board of township trustees or otherwise, but those persons are
eligible for promotion only by compliance with Chapter 124. of the
Revised Code.

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Sec. 505.49. (A) As used in this section, "felony" has the
same meaning as in section 109.511 of the Revised Code.

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(B)(1) The township trustees by a two-thirds vote of the
board may adopt rules necessary for the operation of the township
police district, including a determination of the qualifications
of the chief of police, patrol officers, and others to serve as
members of the district police force.

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(2) Except as otherwise provided in division (E) of this
section and subject to division (D) of this section, the township

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trustees by a two-thirds vote of the board shall appoint a chief 174
of police for the district, determine the number of patrol 175
officers and other personnel required by the district, and 176
establish salary schedules and other conditions of employment for 177
the employees of the township police district. The chief of police 178
of the district shall serve at the pleasure of the township 179
trustees and shall appoint patrol officers and other personnel 180
that the district may require, subject to division (D) of this 181
section and to the rules and limits as to qualifications, salary 182
ranges, and numbers of personnel established by the ~~township~~ board 183
of township trustees. The township trustees may include in the 184
township police district and under the direction and control of 185
the chief of police, any constable appointed pursuant to section 186
509.01 of the Revised Code, or may designate the chief of police 187
or any patrol officer appointed by the chief of police as a 188
constable, as provided for in section 509.01 of the Revised Code, 189
for the township police district. 190

(3) Except as provided in division (D) of this section, a 191
patrol officer, other police district employee, or police 192
constable, who has been awarded a certificate attesting to the 193
satisfactory completion of an approved state, county, or municipal 194
police basic training program, as required by section 109.77 of 195
the Revised Code, may be removed or suspended only under the 196
conditions and by the procedures in sections 505.491 to 505.495 of 197
the Revised Code. Any other patrol officer, police district 198
employee, or police constable shall serve at the pleasure of the 199
township trustees. In case of removal or suspension of an 200
appointee by the board of township trustees, that appointee may 201
appeal the decision of the board to the court of common pleas of 202
the county in which the district is situated to determine the 203
sufficiency of the cause of removal or suspension. The appointee 204
shall take the appeal within ten days of written notice to the 205

appointee of the decision of the board.

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(C)(1) Division (B) of this section does not apply to a township that has a population of ten thousand or more persons residing within the township and outside of any municipal corporation, that has its own police department employing ten or more full-time paid employees, and that has a civil service commission established under division (B) of section 124.40 of the Revised Code. ~~That type of~~ The township shall comply with the procedures for the employment, promotion, and discharge of police personnel provided by Chapter 124. of the Revised Code, except ~~that the~~ as otherwise provided in divisions (C)(2) and (3) of this section.

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(2) The board of township trustees of the township may appoint the chief of police, and a person so appointed shall be in the unclassified service under section 124.11 of the Revised Code and shall serve at the pleasure of the board. A person appointed chief of police under these conditions who is removed by the board or who resigns from the position shall be entitled to return to the classified service in the township police department, in the position that person held previous to the person's appointment as chief of police. ~~The~~

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(3) The appointing authority of an urban township, as defined in section 504.01 of the Revised Code, may appoint to a vacant position any one of the three highest scorers on the eligible list for a promotional examination.

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(4) The board of township trustees shall determine the number of personnel required and establish salary schedules and conditions of employment not in conflict with Chapter 124. of the Revised Code. ~~Persons~~

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(5) Persons employed as police personnel in ~~that type of a~~ township described in this division on the date a civil service

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commission is appointed pursuant to division (B) of section 124.40 237
of the Revised Code, without being required to pass a competitive 238
examination or a police training program, shall retain their 239
employment and any rank previously granted them by action of the 240
township trustees or otherwise, but those persons are eligible for 241
promotion only by compliance with Chapter 124. of the Revised 242
Code. ~~This~~ 243

(6) This division does not apply to constables appointed 244
pursuant to section 509.01 of the Revised Code. This division is 245
subject to division (D) of this section. 246

(D)(1) The board of township trustees shall not appoint or 247
employ a person as a chief of police, and the chief of police 248
shall not appoint or employ a person as a patrol officer or other 249
peace officer of a township police district or a township police 250
department, on a permanent basis, on a temporary basis, for a 251
probationary term, or on other than a permanent basis if the 252
person previously has been convicted of or has pleaded guilty to a 253
felony. 254

(2)(a) The board of township trustees shall terminate the 255
appointment or employment of a chief of police, patrol officer, or 256
other peace officer of a township police district or township 257
police department who does either of the following: 258

(i) Pleads guilty to a felony; 259

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 260
plea agreement as provided in division (D) of section 2929.29 of 261
the Revised Code in which the chief of police, patrol officer, or 262
other peace officer of a township police district or township 263
police department agrees to surrender the certificate awarded to 264
that chief of police, patrol officer, or other peace officer under 265
section 109.77 of the Revised Code. 266

(b) The board shall suspend the appointment or employment of 267

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a chief of police, patrol officer, or other peace officer of a township police district or township police department who is convicted, after trial, of a felony. If the chief of police, patrol officer, or other peace officer of a township police district or township police department files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if no timely appeal is filed, the board shall terminate the appointment or employment of that chief of police, patrol officer, or other peace officer. If the chief of police, patrol officer, or other peace officer of a township police district or township police department files an appeal that results in that chief of police's, patrol officer's, or other peace officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the chief of police, patrol officer, or other peace officer, the board shall reinstate that chief of police, patrol officer, or other peace officer. A chief of police, patrol officer, or other peace officer of a township police district or township police department who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that chief of police, patrol officer, or other peace officer of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the chief of police, patrol officer, or other peace officer of the felony.

(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or termination of the appointment or employment of a chief of police, patrol officer, or other peace officer under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

(E) The board of township trustees may enter into a contract

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under section 505.43 or 505.50 of the Revised Code to obtain all
police protection for the township police district from one or
more municipal corporations, county sheriffs, or other townships.
If the board enters into such a contract, subject to division (D)
of this section, it may, but is not required to, appoint a police
chief for the district.

(F) The members of the police force of a township police
district of a township that adopts the limited self-government
form of township government shall serve as peace officers for the
township territory included in the district.

(G) A chief of police or patrol officer of a township police
district, or of a township police department, may participate, as
the director of an organized crime task force established under
section 177.02 of the Revised Code or as a member of the
investigatory staff of that task force, in an investigation of
organized criminal activity in any county or counties in this
state under sections 177.01 to 177.03 of the Revised Code.

Section 2. That existing sections 504.09, 504.12, 505.38, and
505.49 of the Revised Code are hereby repealed.