

As Introduced

128th General Assembly
Regular Session
2009-2010

S. B. No. 253

Senator Kearney

—

A BILL

To amend sections 703.01 and 703.06 of the Revised
Code to allow cities and villages to retain their
status as a city or village for a period of up to
two years despite a change in population that
otherwise determines their classification under
the Ohio Constitution.

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

Section 1. That sections 703.01 and 703.06 of the Revised
Code be amended to read as follows:

Sec. 703.01. (A) ~~Municipal~~ Except as otherwise provided in
section 703.06 of the Revised Code, municipal corporations, which,
at the last federal census, had a population of five thousand or
more, or five thousand registered resident electors or resident
voters as provided in section 703.011 of the Revised Code, are
cities. All other municipal corporations are villages, except as
otherwise provided in section 703.06 of the Revised Code. Cities,
which, at any federal census, have a population of less than five
thousand, shall become villages, except as otherwise provided in
section 703.06 of the Revised Code. Villages, which, at any
federal census, have a population of five thousand or more, shall
become cities, except as otherwise provided in section 703.06 of

the Revised Code. 21

(B)(1) No municipal corporation shall have its classification 22
as a village changed to that of a city by virtue of there being 23
counted, in determining the population of that municipal 24
corporation, either of the following: 25

(a) College or university students in attendance at an 26
educational institution located within the municipal corporation 27
if the residential addresses of those students when not in 28
attendance at the institution, or the residential addresses of the 29
guardians of those students, as determined by the records of the 30
institution kept by its registrar, are at a place other than the 31
municipal corporation in which the institution is located; 32

(b) Persons under detention in a detention facility located 33
within the municipal corporation if the residential addresses of 34
those persons when not detained in that facility, as determined by 35
the records of the facility, are at a place other than the 36
municipal corporation in which the facility is located. 37

(2) After each decennial census, the secretary of state shall 38
issue a proclamation certifying the number of permanent residents 39
in a municipal corporation in which a college or university or in 40
which a detention facility is located and the number of students 41
attending a college or university or the number of persons 42
detained in a detention facility located within the municipal 43
corporation. 44

(3) As used in division (B) of this section, "detention 45
facility" has the same meaning as in section 2921.01 of the 46
Revised Code. 47

Sec. 703.06. (A)(1) When the result of any federal census or 48
an enumeration as provided in sections 703.02 to 703.05~~7~~ 49
~~inclusive~~, of the Revised Code, is officially made known to the 50

secretary of state, ~~he~~ the secretary of state forthwith shall
issue a proclamation, stating the names of all municipal
corporations having a population of five thousand or more, and the
names of all municipal corporations having a population of less
than five thousand, together with the population of all such
municipal corporations. A copy of the proclamation shall forthwith
be sent to the mayor of each such municipal corporation, which
copy shall forthwith be transmitted to the legislative authority
of such municipal corporation, read therein, and made a part of
the records thereof. Thirty days after the issuance of such
proclamation each municipal corporation shall be a city or village
as the case may be, unless the legislative authority of the
municipal corporation adopts a resolution to petition the
secretary of state for an extension to transition to the new
status of city or village despite a change in population.

(2) The legislative authority of a municipal corporation
anticipating a status change on the basis of a federal census or
an enumeration as provided in sections 703.02 to 703.05 of the
Revised Code may adopt a resolution to petition the secretary of
state for a grant of an extension to transition to the new status
of city or village, thereby retaining the previous status despite
a change in population, until the termination of the extension
period or until the completion of an enumeration under this
section. The municipal corporation shall petition the secretary of
state before the expiration of the thirty-day period following the
secretary of state's issuance of the proclamation provided for in
division (A)(1) of this section. The petition shall specify the
amount of time requested for the extension, up to, but not
exceeding, a period of two years. The secretary of state shall
issue a proclamation within thirty days after receipt of the
petition granting an extension to transition to the new status,
for the amount of time requested, to the petitioning municipal
corporation. Upon issuance of the proclamation granting the

extension, the municipal corporation shall retain its previous
status as either a city or a village for the duration of the
extension period or until the completion of an enumeration under
this section. The extension begins on the date of the adoption of
the resolution to petition the secretary of state for an extension
and ends on the date specified in the proclamation granting the
extension, but in no case shall the extension exceed a period of
two years.

84
85
86
87
88
89
90
91

(B) Once during the extension period, a city may by
resolution direct the city auditor to make an enumeration as
provided in this section. Upon presentation of the resolution, the
city auditor shall cause an enumeration of the population of the
city to be taken and shall report the results to the legislative
authority of the city and to the secretary of state. The
requirements set forth in sections 703.04 and 703.05 of the
Revised Code apply to the enumeration authorized under this
section except that the enumeration authorized under this section
shall be completed within thirty days after the appointment of the
enumerators. When the results of an enumeration under this section
are officially made known to the secretary of state, the secretary
of state shall issue a proclamation, stating whether the city has
a population of five thousand or more and is therefore a city or
whether it has a population of less than five thousand and is a
village. Upon issuance of the proclamation, the extension ceases
and the city continues as a city or thirty days thereafter becomes
a village. This status continues until a change in population is
determined by the next federal decennial census or, if either of
the following occurs before that time, until either of the
following occurs:

92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112

(1) A proclamation is issued under section 703.011 of the
Revised Code.

113
114

(2) A city is reduced to a village in the manner provided by

115

sections 703.09 to 703.13 of the Revised Code. 116

Section 2. That existing sections 703.01 and 703.06 of the 117
Revised Code are hereby repealed. 118