

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 386

Representatives Ingram, Hicks-Hudson

Cosponsors: Representatives Brent, Crossman, Denson, Howse, Miller, A., Miller, J., Sheehy, Smith, K., West

A BILL

To amend sections 9.481, 9.61, 737.08, and 737.22 1
of the Revised Code to allow a municipal 2
corporation to require its fire chief or chief 3
of police to reside within the municipal 4
corporation during the chief's first five years. 5

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

Section 1. That sections 9.481, 9.61, 737.08, and 737.22 6
of the Revised Code be amended to read as follows: 7

Sec. 9.481. (A) As used in this section: 8

(1) "Political subdivision" has the same meaning as in 9
section 2743.01 of the Revised Code. 10

(2) "Volunteer" means a person who is not paid for service 11
or who is employed on less than a permanent full-time basis. 12

(B) (1) Except as otherwise provided in division (B) (2) of 13
this section, no political subdivision shall require any of its 14
employees, as a condition of employment, to reside in any 15
specific area of the state. 16

(2) (a) Division (B) (1) of this section does not apply to a volunteer. 17
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(b) To ensure adequate response times by certain employees 19
of political subdivisions to emergencies or disasters while 20
ensuring that those employees generally are free to reside 21
throughout the state, the electors of any political subdivision 22
may file an initiative petition to submit a local law to the 23
electorate, or the legislative authority of the political 24
subdivision may adopt an ordinance or resolution, that requires 25
any individual employed by that political subdivision, as a 26
condition of employment, to reside either in the county where 27
the political subdivision is located or in any adjacent county 28
in this state. For the purposes of this section, an initiative 29
petition shall be filed and considered as provided in sections 30
731.28 and 731.31 of the Revised Code, except that the fiscal 31
officer of the political subdivision shall take the actions 32
prescribed for the auditor or clerk if the political subdivision 33
has no auditor or clerk, and except that references to a 34
municipal corporation shall be considered to be references to 35
the applicable political subdivision. 36

(c) The legislative authority of a municipal corporation 37
may require an individual who serves as fire chief or as chief 38
of police of the municipal corporation to reside within the 39
boundaries of the municipal corporation during the individual's 40
first five years serving as chief. The individual shall be 41
afforded six months after the individual begins serving as chief 42
to become a resident of the municipal corporation. 43

(C) Except as otherwise provided in division (B) (2) of 44
this section, employees of political subdivisions of this state 45
have the right to reside any place they desire. 46

Sec. 9.61. (A) "Firefighting agency" means a municipal 47
corporation, township, township fire district, joint fire 48
district, fire and ambulance district, or other political 49
subdivision that operates a fire department. 50

(B) ~~Nothing~~ Except as may be required pursuant to division 51
(B) (2) (c) of section 9.481 of the Revised Code, nothing in the 52
Revised Code requires, or shall be construed to require, that 53
the fire chief of a firefighting agency reside in the territory 54
of the firefighting agency. 55

Sec. 737.08. (A) The fire department of each city shall be 56
composed of a chief of the fire department and other officers, 57
firefighters, and employees provided for by ordinance. ~~Neither~~ 58
Except as may be required pursuant to division (B) (2) (c) of 59
section 9.481 of the Revised Code, neither this section nor any 60
other section of the Revised Code requires, or shall be 61
construed to require, that the fire chief be a resident of the 62
city. 63

(B) No person shall be appointed as a permanent full-time 64
paid member, whose duties include fire fighting, of the fire 65
department of any city, unless either of the following applies: 66

(1) The person has received a certificate issued under 67
former section 3303.07 of the Revised Code or section 4765.55 of 68
the Revised Code evidencing satisfactory completion of a 69
firefighter training program. 70

(2) The person began serving as a permanent full-time paid 71
firefighter with the fire department of a village or other city 72
prior to July 2, 1970, and receives a fire training certificate 73
issued under section 4765.55 of the Revised Code. 74

(C) No person who is appointed as a volunteer firefighter 75

of a city fire department shall remain in that position, unless 76
either of the following applies: 77

(1) Within one year of the appointment, the person has 78
received a certificate issued under former section 3303.07 of 79
the Revised Code or section 4765.55 of the Revised Code 80
evidencing satisfactory completion of a firefighter training 81
program. 82

(2) The person began serving as a permanent full-time paid 83
firefighter with the fire department of a village or other city 84
prior to July 2, 1970, or as a volunteer firefighter with the 85
fire department of a township, fire district, village, or other 86
city prior to July 2, 1979, and receives a fire training 87
certificate issued under section 4765.55 of the Revised Code. 88

(D) The director of public safety shall have the exclusive 89
management and control of other surgeons, secretaries, clerks, 90
and employees provided for by ordinance or resolution of the 91
legislative authority of the city. 92

Sec. 737.22. (A) Each village establishing a fire 93
department shall have a fire chief as the department's head, 94
appointed by the mayor with the advice and consent of the 95
legislative authority of the village, who shall continue in 96
office until removed from office as provided by sections 733.35 97
to 733.39 of the Revised Code. ~~Neither~~ Except as may be required 98
pursuant to division (B) (2) (c) of section 9.481 of the Revised 99
Code, neither this section nor any other section of the Revised 100
Code requires, or shall be construed to require, that the fire 101
chief be a resident of the village. 102

In each village not having a fire department, the mayor 103
shall, with the advice and consent of the legislative authority 104

of the village, appoint a fire prevention officer who shall 105
exercise all of the duties of a fire chief except those 106
involving the maintenance and operation of fire apparatus. 107

The legislative authority of the village may fix the 108
compensation it considers best. The appointee shall continue in 109
office until removed from office as provided by sections 733.35 110
to 733.39 of the Revised Code. Section 737.23 of the Revised 111
Code shall extend to the officer. 112

(B) The legislative authority of the village may provide 113
for the appointment of permanent full-time paid firefighters as 114
it considers best and fix their compensation, or for the 115
services of volunteer firefighters, who shall be appointed by 116
the mayor with the advice and consent of the legislative 117
authority, and shall continue in office until removed from 118
office. 119

(1) No person shall be appointed as a permanent full-time 120
paid firefighter of a village fire department, unless either of 121
the following applies: 122

(a) The person has received a certificate issued under 123
former section 3303.07 of the Revised Code or section 4765.55 of 124
the Revised Code evidencing satisfactory completion of a 125
firefighter training program. 126

(b) The person began serving as a permanent full-time paid 127
firefighter with the fire department of a city or other village 128
prior to July 2, 1970, and receives a fire training certificate 129
issued under section 4765.55 of the Revised Code. 130

(2) No person who is appointed as a volunteer firefighter 131
of a village fire department shall remain in that position, 132
unless either of the following applies: 133

(a) Within one year of the appointment, the person has 134
received a certificate issued under former section 3303.07 or 135
section 4765.55 of the Revised Code evidencing satisfactory 136
completion of a firefighter training program. 137

(b) The person has served as a permanent full-time paid 138
firefighter with the fire department of a city or other village 139
prior to July 2, 1970, or as a volunteer firefighter with the 140
fire department of a city, township, fire district, or other 141
village prior to July 2, 1979, and receives a certificate issued 142
under division (C) (3) of section 4765.55 of the Revised Code. 143

(3) No person shall receive an appointment under this 144
section unless the person has, not more than sixty days prior to 145
receiving the appointment, passed a physical examination, given 146
by a licensed physician, a physician assistant, a clinical nurse 147
specialist, a certified nurse practitioner, or a certified 148
nurse-midwife, showing that the person meets the physical 149
requirements necessary to perform the duties of the position to 150
which the person is to be appointed as established by the 151
legislative authority of the village. The appointing authority 152
shall, prior to making an appointment, file with the Ohio police 153
and fire pension fund or the local volunteer fire fighters' 154
dependents fund board a copy of the report or findings of that 155
licensed physician, physician assistant, clinical nurse 156
specialist, certified nurse practitioner, or certified nurse- 157
midwife. The professional fee for the physical examination shall 158
be paid for by the legislative authority of the village. 159

Section 2. That existing sections 9.481, 9.61, 737.08, and 160
737.22 of the Revised Code are hereby repealed. 161