

# CODIFIED ORDINANCES OF MARTINS FERRY

## PART ONE - ADMINISTRATIVE CODE

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### TITLE ONE - General Provisions

- Chap. 101. Codified Ordinances.
- Chap. 103. Official Standards.
- Chap. 105. Wards and Elections.
- Chap. 107. Public Meetings.
- Chap. 109. City Property.

### TITLE THREE - Legislative

- Chap. 111. Council.
- Chap. 113. Ordinances and Resolutions.

### TITLE FIVE - Administrative

- Chap. 121. Mayor.
- Chap. 123. Auditor.
- Chap. 125. Treasurer.
- Chap. 127. Director of Law.
- Chap. 129. Department of Public Safety.
- Chap. 131. Police Department.
- Chap. 133. Fire Department.
- Chap. 135. Department of Public Service.
- Chap. 136. Department of Relocation.
- Chap. 139. Division of Development.
- Chap. 145. Civil Service Commission.
- Chap. 147. Civil Defense.
- Chap. 155. Board of Control.
- Chap. 159. Employment Provisions.
- Chap. 161. Investment of Funds.
- Chap. 163. Borrowing of Funds.

### TITLE SEVEN - Judicial

- Chap. 171. Mayor's Court.

### TITLE NINE - Redevelopment

- Chap. 181. Urban Renewal.
- Chap. 185. Land Reutilization.

### TITLE ELEVEN - Taxation

- Chap. 191. Motor Vehicle License Tax.
- Chap. 193. Income Tax.



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#### CHAPTER 101 Codified Ordinances

<p>101.01 Designation; citation; headings.          101.02 General definitions.          101.03 Rules of construction.          101.04 Revivor; effect of amendment or repeal.          101.05 Construction of section references.</p>	<p>101.06 Conflicting provisions.          101.07 Separability.          101.08 Numbering.          101.09 Keeping codification up to date.          101.10 Distribution of Codified Ordinances; fee.          101.99 General penalty.</p>
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#### CROSS REFERENCES

See sectional histories for similar State law  
 Codification in book form - see Ohio R.C. 731.23  
 Imprisonment until fine and costs are paid - see Ohio R.C. 1905.30, 2947.20  
 Statute of limitations on prosecutions - see Ohio R.C. 1905.33  
 Ordinances and resolutions - see ADM. Ch. 113  
 Attempts, aider or abettor - see GEN.OFF. 501.01 et seq.  
 Anything of value defined - see GEN. OFF. 537.01

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#### 101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Martins Ferry, Ohio, 1972, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances. (ORC 1.01)

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

### 101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless otherwise expressly provided or the context otherwise requires:

- (a) And may be read or, and or may be read and, if the sense requires it. (ORC 1.02(H))
- (b) Another or person, when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02(B), (C))
- (c) Council means the legislative authority of the Municipality.
- (d) County means Belmont County, Ohio.
- (e) Keeper or proprietor includes all persons, whether acting by themselves or as a servant, agent or employee.
- (f) Land or real estate includes rights and easements of incorporeal nature. (ORC 701.01(F))
- (g) Municipality or City means the City of Martins Ferry, Ohio.
- (h) Oath includes an affirmation. (ORC 701.01(C))
- (i) Owner, when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (j) Person or whoever includes all persons, natural and artificial, and includes but is not limited to private corporations, partners, principals, agents and employees, and all officials, public or private. (ORC 1.02(A))
- (k) Premises, as applied to property, includes land and buildings.
- (l) Property includes real, personal, mixed estates and interests. (ORC 701.01(E))  
Personal property includes all property except real. Real property include lands, tenements and hereditaments.
- (m) Public authority includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.
- (n) Public place includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.
- (o) Registered mail includes certified mail. (ORC 1.02(I))
- (p) Sidewalk means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
- (q) State means the State of Ohio, or any department, division, commission, board, educational or other institution of the State of Ohio.
- (r) Street includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (s) Tenant or occupant, as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.
- (t) Writing includes printing. (ORC 1.02(D))

### 101.03 RULES OF CONSTRUCTION.

(a) General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

- (b) As used in the Codified Ordinances, unless the context otherwise requires:
- (1) Tense. Words in the present tense include the future tense.
  - (2) Gender. Words in the masculine gender include the feminine and neuter genders.
  - (3) Plural. Words in the plural number include the singular number, and words in the singular number include the plural number.  
(ORC 1.10)

(c) Calendar - Computation of Time. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day, except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.

When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday. (ORC 1.14)

When an act is to take effect or become operative from and after a day named, no part of that day shall be included. (ORC 1.15)

In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

#### 101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) When a law which repealed a former law is repealed, the former law is not thereby revived. (ORC 1.19)

(b) When a provision of the Codified Ordinances is repealed or amended, such repeal or amendment does not affect pending actions, prosecutions or proceedings, civil or criminal. When the repeal or amendment relates to the remedy, it does not affect pending actions, prosecutions or proceedings, unless so expressed, nor does any repeal or amendment affect causes of such action, prosecution or proceeding, existing at the time of such amendment or repeal, unless otherwise expressly provided in the amending or repealing law.  
(ORC 1.20)

- (c) When a provision of the Codified Ordinances is repealed, such repeal does not:
- (1) Affect any rights or liabilities which exist, have accrued or have been incurred by virtue of such repealed provision;
  - (2) Affect an action or proceeding for the enforcement of any rights or liabilities existing or arising thereunder;
  - (3) Relieve any person from punishment for an act committed in violation of such repealed provision;
  - (4) Affect an indictment or prosecution for a violation of such repealed provision.

For the purposes of this section, such repealed provision shall continue in full force and effect notwithstanding such repeal, provided this does not affect the limitation of actions, prosecutions or proceedings imposed by any State statute. (ORC 1.21)

#### 101.05 CONSTRUCTION OF SECTION REFERENCES.

When reference is made to any section or group of sections of the Codified Ordinances, such reference shall extend to and include any amendment of or supplement to the section or group of sections so referred to or any section or sections hereafter enacted in lieu thereof; and unless otherwise provided, whenever a reference to a section or group of sections is made in any amendment or supplement to any section of the Codified Ordinances hereafter enacted, such reference shall be deemed to refer to the section or sections as the same shall then stand or as thereafter amended.

Whenever in a penalty section reference is made to a violation of a section or an inclusive group of sections, such reference shall be construed to mean a violation of any provision of the section or sections included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances. (ORC 1.23)

#### 101.06 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters or sections of the Codified Ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

#### 101.07 SEPARABILITY.

Each section of the Codified Ordinances and every part of each section is an independent section and part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause does not affect the validity or constitutionality of any other section or part thereof. (ORC 1.13)

#### 101.08 NUMBERING.

No ordinance amending or supplementing the Codified Ordinances shall be passed by Council until it has been submitted to the Director of Law, who shall assign to such ordinance a section number or numbers corresponding to its logical position in the Codified Ordinances. He shall further determine if such amendment or supplemental section conflicts with any provision of the Codified Ordinances, and if so, prepare and insert a clause in the proposed ordinance to repeal the conflicting provisions. (1941 Code, Sec. 1-79.)

**101.09 KEEPING CODIFICATION UP TO DATE.**

The Clerk of Council shall maintain in his office one constantly revised copy of the Codified Ordinances and shall certify to the Law Director and the Mayor copies of each amendment or supplement to the Codified Ordinances.  
(1941 Code, Sec. 1-80.)

**101.10 DISTRIBUTION OF CODIFIED ORDINANCES; FEE.**

(a) The Clerk of Council is hereby authorized and directed to establish and maintain an inventory control system to control the distribution and recovery of the volumes of the Codified Ordinances of the City.

(b) Elected officials and department heads of the City shall be furnished a volume of the Codified Ordinances for and during their term of office or employment, but shall return to the Clerk of Council their volume upon leaving office or employment. The Auditor is hereby authorized and directed to withhold the last paycheck of any elected official or department head who fails to return their volume upon leaving office or employment.

(c) The Clerk of Council shall provide, place and maintain a current volume of the Codified Ordinances at the Martins Ferry Public Library.

(d) Bound volumes of the Codified Ordinances shall be sold for the supplier's cost charged to the City, plus shipping, handling and tax.  
(Ord. 92-6. Passed 1-16-92.)

**101.99 GENERAL PENALTY.**

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one hundred dollars (\$100.00). A separate offense shall be deemed committed on each day during or on which a continuing violation occurs.

**CHAPTER 103**  
**Official Standards**

103.01 Datum line; grade levels.  
103.02 City flag.

103.03 City flower.

**CROSS REFERENCES**

State standard of time - see Ohio R.C. 1.04  
State legal holidays - see Ohio R.C. 1.14, 5.20 et seq.

**103.01 DATUM LINE; GRADE LEVELS.**

All grade levels within the Municipality shall be measured from the nearest United States Geological Survey marker.  
(Ord. 4871. Passed 11-6-58.)

**103.02 CITY FLAG.**

The official flag of the City shall be of rectangular shape, consisting of three equal horizontal stripes, the top and bottom stripes to be of a light shade of mauve purple and the center stripe to be of white. A circle of light cadmium yellow in the center of the flag shall extend halfway into the purple stripe at the top and bottom. In the middle of the yellow circle shall be a light brown flintlock rifle and powder horn with the date 1787 in black. The words "Ohio's First Settlement", printed in black, shall circle the gun and horn inside the yellow circle. The words, "Martins Ferry" shall be printed in white letters on the purple stripe at the top of the flag. In the purple stripe at the bottom shall be printed the words "The Pride of the Valley" in white letters. All words shall be printed in plain capital block letters.  
(Res. 5701. Passed 3-21-68.)

**103.03 CITY FLOWER.**

The rose is hereby adopted as the official flower of the City.  
(Res. 5707. Passed 4-18-68.)



**CHAPTER 105**  
Wards and Elections

105.01	Establishment.	105.04	Third Ward.
105.02	First Ward.	105.05	Fourth Ward.
105.03	Second Ward.	105.06	Voter registration.

**CROSS REFERENCES**

Division of cities into wards - see Ohio R.C. 731.06  
Voting precincts - see Ohio R.C. 3501.18

**105.01 ESTABLISHMENT.**

There shall be four wards in the City located within the boundary lines provided in this chapter. (1941 Code, Sec. 1-4.)

**105.02 FIRST WARD.**

The First Ward shall comprise the territory bounded by the corporation line on the south, by the Ohio River on the east, by the center line of Jefferson Street on the north and by the corporation line on the west.  
(1941 Code, Sec. 1-4.)

**105.03 SECOND WARD.**

The Second Ward shall comprise the territory bounded by the center line of Jefferson Street on the south, by the Ohio River on the east, by the center line of Walnut Street on the north and by the corporation line on the west.  
(1941 Code, Sec. 1-4.)

**105.04 THIRD WARD.**

The Third Ward shall comprise the territory bounded on the south by the center line of Walnut Street, on the east by the Ohio River, on the north by the center line of Lombard Street to a point where Lombard Street intersects Ellett Street if extended; thence with the center line of Ellett Street extended to the center line of North 10th Street; thence in a northerly direction to the center line of North 10th Street to the center line of Liberty Avenue; thence with the center line of Liberty Avenue in a westerly direction to the corporation line and on the west by the corporation line.  
(Ord. 83-21. Passed 4-14-83.)

**105.05 FOURTH WARD.**

The Fourth Ward shall comprise the territories bounded on the south by the center line of Lombard Street to a point where Lombard Street intersects Ellett Street if extended; thence with the center line of Ellett Street if extended to the center line of North 10th Street; thence in a northerly direction with the center line of North 10th Street to the center line of Liberty Avenue; thence with the center line of Liberty Avenue in a westerly direction to the corporation line, on the east by the Ohio River, on the north by the corporation line and on the west by the corporation line.

(Ord. 83-21. Passed 4-14-83.)

**105.06 VOTER REGISTRATION.**

No person residing in the City shall be entitled to vote at any election, or to sign any declaration of candidacy or any nominating, initiative, referendum or recall petition, unless he is registered as an elector.

(Ord. 4827. Passed 3-6-58.)

CHAPTER 107  
Public Meetings

107.01	Definitions.	107.05	Notification of discussion of specific types of public business.
107.02	Notice of regular and organizational meetings.	107.06	General.
107.03	Notice of special meetings.	107.07	Minutes.
107.04	Notice to news media of special meetings.		

CROSS REFERENCES

Notice of public meetings - see Ohio R.C. 121.22

107.01 DEFINITIONS.

As used in this chapter:

- (a) "Clerk" means the Clerk of Council.
- (b) " Day" means calendar day.
- (c) "Meeting" means any prearranged discussion of the public business of the Municipal body by a majority of the members of the Municipal body.
- (d) "Municipal body" means each of the following: Council; Board of Control; Assessment Equalization Boards; Planning Commission; Board of Zoning Appeals; Civil Service Commission; Committees of Council; Treasury Investment Board; Health Board; all other boards or commissions created by ordinance and committees of the above Municipal bodies comprised of members of such bodies if such committees are comprised of a majority of the members of the main Municipal body, or are decision-making committees.
- (e) "Oral notification" means notification given orally either in person or by telephone, directly to the person for whom such notification is intended, or by leaving an oral message for such person at the address, or if by telephone at the telephone number, of such person as shown on the records kept by the Clerk under these rules.
- (f) "Post" means to post in an area accessible to the public during the usual business hours at the Office of the Clerk and at the following location: On the wall outside of the Police Department in the City Building.

A notice identifying the locations at which notifications will be posted pursuant to these rules shall be published by the Clerk within ten calendar days after the adoption of these rules.

- (g) "Published" means published once in a newspaper having a general circulation in the Municipality, as defined in Ohio R.C. 7.12, except that no portion of such newspaper need be printed in the Municipality.
- (h) "Special meeting" means a meeting which is neither a regular meeting nor an adjournment of a regular or special meeting to another time or day to consider items specifically stated on the original agenda of such regular or special meeting.
- (i) "Written notification" means notification in writing mailed, telegraphed or delivered to the address of the person for whom such notification is intended as shown on the records kept by the Clerk under these rules, or in any way delivered to such person. If mailed, such notification shall be mailed by first-class mail, deposited in a U.S. Postal Service mailbox no later than the second day preceding the day of the meeting to which such notification refers, provided that at least one regular mail delivery day falls between the day of mailing and the day of such meeting.  
(Ord. 6778. Passed 1-8-76.)

#### 107.02 NOTICE OF REGULAR AND ORGANIZATIONAL MEETINGS.

- (a) The Clerk shall post a statement of the times and places of regular meetings of each Municipal body for each calendar year not later than the second day preceding the day of the first regular meeting, other than the organizational meeting, of the calendar year of that Municipal body. The Clerk shall check at reasonable intervals to ensure that such statement remains so posted during such calendar year. If at any time during the calendar year the time or place of regular meetings, or of any regular meeting, is changed on a permanent or temporary basis, a statement of the time and place of such changed regular meetings shall be so posted by the Clerk at least twenty-four hours before the time of the first changed regular meeting.
- (b) The Clerk shall post a statement of the time and place of any organizational meeting of a Municipal body at least twenty-four hours before the time of such organizational meeting.
- (c) Upon the adjournment of any regular or special meeting to another day, the Clerk shall promptly post notice of the time and place of such adjourned meeting.  
(Ord. 6778. Passed 1-8-76.)

#### 107.03 NOTICE OF SPECIAL MEETINGS.

Except in the case of a special meeting referred to in Section 107.04(d), the Clerk shall, no later than twenty-four hours before the time of a special meeting of a Municipal body, post a statement of the time, place and purposes of such special meeting.

The statement under this section and the notifications under Section 107.04 shall state such specific or general purpose or purposes then known to the Clerk to be intended to be considered at such special meeting and may state, as an additional general purpose, that any other business as may properly come before such Municipal body at such meeting may be considered and acted upon.

(Ord. 6778. Passed 1-8-76.)

**107.04 NOTICE TO NEWS MEDIA OF SPECIAL MEETINGS.**

(a) Any news medium organization that desires to be given advance notification of special meetings of a Municipal body shall file with the Clerk a written request therefor.

Except in the event of an emergency requiring immediate official action as referred to in subsection (d) hereof, a special meeting shall not be held unless at least twenty-four hours advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification in accordance with subsection (b) hereof.

(b) News media requests for such advance notification of special meetings shall specify: the Municipal body that is the subject of such request; the name of the medium; the name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered; and the names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given; and at least one telephone number which the request identifies as being manned, and which can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective for one year from the date of filing with the Clerk or until the Clerk receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the City, the Municipal body that is the subject of such request and the Clerk.

(c) The Clerk shall give such oral notification or written notification, or both, as the Clerk determines, to the news media that have requested such advance notification in accordance with subsection (b) hereof, of the time, place and purposes of each special meeting, at least twenty-four hours prior to the time of such special meeting.

(d) In the event of an emergency requiring immediate official action, a special meeting may be held without giving twenty-four hours advance notification thereof to the requesting news media. The persons calling such meeting, or any one or more of such persons or the Clerk on their behalf, shall immediately give oral notification or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such special meeting to such news media that have requested such advance notification in accordance with subsection (b) hereof. The minutes or the call, or both, of any such special meeting shall state the general nature of the emergency requiring immediate official action.

(Ord. 6778. Passed 1-8-76.)

**107.05 NOTIFICATION OF DISCUSSION OF SPECIFIC TYPES OF PUBLIC BUSINESS.**

(a) Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed.

Such person may file a written request with the Clerk specifying: the person's name, and the addresses and telephone numbers at or through which the person can be reached during and outside of business hours; the specific type of public business the discussion of which the person is requesting advance notification; the Municipal body that is the subject of such request; and the number of calendar months (not to exceed six) which the request covers. Such request may be canceled by request from such person to the Clerk.

Each such written request must be accompanied by cash, or a check or money order payable to the City in the amount of three dollars (\$3.00) for each month covered by the request, which amount has been determined by Council to represent a reasonable fee to cover costs of providing such advance notification.

Such requests may be modified or extended only by filing a complete new request with the Clerk. A request shall not be deemed to be made unless it is complete in all respects, and such request may be conclusively relied on by the Municipal body that is the subject of such request and the Clerk.

(b) The Clerk shall give such advance notification under this section by written notification, or by oral notification, or both, as the Clerk determines.

The contents of written notification under this subsection may be a copy of the agenda of the meeting. Written notification under this subsection may be accomplished by giving advance written notification, by copies of the agendas, of all meetings of the Municipal body that is the subject of such request.

(Ord. 6778. Passed 1-8-76.)

#### 107.06 GENERAL.

(a) Any person may visit or telephone the office of the Clerk of Council or the Mayor's Clerk during that office's regular office hours to determine, based on information available at that office: the time and place of regular meetings; the time, place and purposes of any then known special meetings; and whether the available agenda of any such future meeting states that any specific type of public business, identified by such person, is to be discussed at such meeting.

(b) Any notification provided herein to be given by the Clerk may be given by any person acting in behalf of, under the authority of, or at the direction of the Clerk.

(c) A reasonable attempt at notification shall constitute notification in compliance with these rules.

(d) A certificate by the Clerk as to compliance with these rules shall be conclusive upon this City and the Municipal body involved.

(e) The Clerk shall maintain a record of the date and manner, and time if pertinent under these rules, of all actions taken with regard to notices and notifications under Sections 107.03 to 107.05 and shall retain copies of proofs of publication of any notifications or notices published thereunder.

(f) To better insure compliance with these rules as to notice and notification, it shall be the responsibility of the chairman or secretary of a Municipal body other than Council, or the person or persons calling the meetings, to timely advise the Clerk of future meetings, and the subject matters to be discussed thereat, of such Municipal body.  
(Ord. 6778. Passed 1-8-76.)

107.07 MINUTES.

Minutes of regular and special meetings of public bodies shall be maintained and open to public inspection.  
(Ord. 6778. Passed 1-8-76.)

CHAPTER 109  
City Property

109.01 Uses restricted.

CROSS REFERENCES

Vandalism - see GEN. OFF. 541.04

Trespass - see GEN. OFF. 541.05, 541.08

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109.01 USES RESTRICTED.

The policy of the City shall be that any property owned by the City including all motor vehicles shall not be used for any purpose other than Municipal purposes, with the following exceptions.

- (a) Mutual aid to other communities.
- (b) Installation of Christmas decorations, American flags, and purple and white school flags in the business district.
- (c) Use of City fire equipment in parades.
- (d) Use of sewer equipment in aid to residents within the limits of the City for purposes of clearing clogged sewer lines.

All motor vehicles are not permitted to go outside of the City limits unless on City business, or at the discretion of the Chief Executive Officer.

Further, the foregoing provisions do not apply to those vehicles owned by the City and which are provided to the Police Department, and to Chief 1 and Chief 2 of the Martins Ferry Volunteer Fire Department.

(Res. 90-11. Passed 3-1-90.)



TITLE THREE - Legislative  
 Chap. 111. Council.  
 Chap. 113. Ordinances and Resolutions.

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CHAPTER 111  
 Council

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| 111.01 Meetings.                          | 111.05 Smoking prohibited in City Building.   |
| 111.02 Attendance at meetings.            | 111.06 Duties of Clerk regarding legislation. |
| 111.03 Rules of Council.                  | 111.07 Speaking time limit.                   |
| 111.04 Presenting legislation to members. |   |

CROSS REFERENCES

Release of Treasurer's liability from loss of funds - see Ohio R.C. 131.18 et seq.  
 General powers - see Ohio R.C. 715.03, 731.47  
 Establishes sewerage rates - see Ohio R.C. 729.49  
 Composition - see Ohio R.C. 731.01, 731.06  
 Qualifications - see Ohio R.C. 731.02, 731.44  
 Election and term - see Ohio R.C. 731.03, 733.09  
 President pro tempore - see Ohio R.C. 731.04, 733.08  
 Legislative powers - see Ohio R.C. 731.05  
 Powers as to salaries and bonds - see Ohio R.C. 731.07 et seq., 731.49 et seq.  
 Vacancy - see Ohio R.C. 731.43  
 Meetings - see Ohio R.C. 731.44, 731.46  
 Rules and journal - see Ohio R.C. 731.45  
 President - see Ohio R.C. 733.07 et seq.  
 Hearings against delinquent officers - see Ohio R.C. 733.35 et seq.  
 Misconduct - see Ohio R.C. 733.72  
 Interest in contracts - see Ohio R.C. 733.78, GEN. OFF. 525.10  
 Approves urban renewal plans - see ADM. 181.08

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111.01 MEETINGS.

The City Council shall meet in Council Chambers at 6:00 p.m. on the first and third Wednesday of each month. (Ord. 2012-25. Passed 9-5-12.)

111.02 ATTENDANCE AT MEETINGS.

Each member of Council shall be present at all regular and special meetings. A proportionate reduction in salary shall be made for the nonattendance of any member at any regular or special meeting of Council. However, two-thirds of the members elected to Council may excuse any member from attendance at any regular or special meeting, and when so excused, no reduction in his salary shall be made for such nonattendance. (1941 Code, Sec. 1-41.)

**111.03 RULES OF COUNCIL.**

The following standing rules are hereby prescribed for the government of Council:

- (a) Procedure. The order of proceedings at the meetings of Council shall be as follows:
- (1) Roll call;
  - (2) Reading the minutes;
  - (3) Receiving petitions and reading of correspondence;
  - (4) Report from any officer of the City;
  - (5) Unfinished business appearing upon the record;
  - (6) Reports from committees in the following order: Finance, Streets, Ordinances, Sewers, Sidewalks, Safety, Service and Special Committees;
  - (7) Hearing any residents relative to any matter which may properly be brought to the attention of Council;
  - (8) Reading and consideration of resolutions and ordinances;
  - (9) Miscellaneous business.
- The order of proceedings may be suspended or changed at any regular meeting by a majority of the members present.  
(1941 Code, Sec. 1-46; Ord. 80-125. Passed 11-20-80.)
- (b) Adoption of Ordinances and Resolutions.
- (1) The following procedures shall apply to the passage of ordinances and resolutions:
    - A. Each ordinance and resolution shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members.
    - B. Each ordinance or resolution shall be read on three different days, provided Council may dispense with this rule by a vote of at least three-fourths of its members.
    - C. The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered upon the journal.
    - D. Each ordinance or resolution shall be passed, except as otherwise provided by law, by a vote of at least a majority of all the members of Council.
  - (2) Action by Council, not required by law to be by ordinance or resolution, may be taken by motion approved by at least a majority vote of the members present at the meeting when the action is taken.  
(ORC 731.17)
- (c) Questions of Order. All questions of order shall be decided by the President of Council subject to appeal to Council.
- (d) Appeals. An appeal from the President of Council upon a question of order shall be allowed upon the demand of any member. The question upon an appeal shall be put in the following form: "Shall the decision of the chair be sustained?" The vote upon the appeal shall be taken by "yeas" and "nays".
- (e) Who Shall Vote. When a question is put, every member present shall vote, unless Council excuses him.
- (f) Debate. No motion shall be debated until it is seconded and stated by the chair. Members must be recognized by the chair before commencing to speak and when speaking shall confine themselves to the question under debate and shall avoid any references to personalities or indecorous language, as well as reflections upon

Council or its members. No member shall speak more than ten minutes at a time on any question without permission from Council. The member making a motion or second or speaking may arise and address the chair. All motions, when seconded, shall be stated by the President of Council previous to debate, and if in writing, shall be read by the Clerk of Council.  
(Ord. 93-44. Passed 5-20-93.)

- (g) Reconsideration. A motion to reconsider shall be made only by a member who voted with the majority or a controlling minority and such motion shall not be debatable.
- (h) Previous Question. Any member may demand the previous question upon the passage of any ordinance, motion or resolution, and thereupon the President of Council shall ask, "Shall the main question be now put?", and if a majority of Council votes in the affirmative, the previous question shall be put; first, upon the pending amendments in accordance with their priority, and then upon the original ordinance, motion or resolution, and no debate or amendment shall be in order until the previous question is exhausted.
- (i) Protest. Any member may protest against any ordinance or resolution passed by Council, which he may think injurious to the public or an individual, and he may have his protest entered upon the journal.
- (j) Decorum. No member shall engage in private discussion or walk about the room while the chair is putting a question or while a member is speaking.  
(1941 Code, Sec. 1-46.)
- (k) Committees. There shall be the following standing committees of Council, each committee to consist of three members: Annexation, Code Administration, Department of Development, Enterprise Zone, Finance, Firemens' Dependency Board, Territorial Park, Ordinances, Public Relations, Revolving Loan Fund, Safety, Service, Sewers, Sidewalks and Streets. There shall be the following Council liaisons: Administration Supervisors, Chamber of Commerce, Health Board and Recreation Board.  
Appointment to all standing and special committees and all liaisons shall be at the direction of the President of Council.  
(Ord 92-7. Passed 1-16-92.)
- (l) Robert's Rules. In all cases not provided for in the foregoing rules or by law, Robert's Rules of Order, Revised, shall be received as a rule.  
(Ord. 86-67. Passed 12-30-86.)

#### 111.04 PRESENTING LEGISLATION TO MEMBERS.

All legislation presented to Council by the various agencies of the City shall be presented to each individual Council member at least seventy-two hours prior to the meeting upon which such legislation is to be formally presented to Council. Furthermore, this legislation shall have been approved by the City Director of Law prior to its presentation at the Council meeting.  
(Res. 6336. Passed 6-21-73.)

#### 111.05 SMOKING PROHIBITED IN CITY BUILDING.

(a) Council hereby declares the City Building and all City vehicles to be tobacco free, effective immediately upon passage of this subsection.  
(Ord. 2003-22. Passed 4-24-03.)

(b) Council hereby authorizes the Director of Public Service to be the designating officer charged with communicating this section to all City office holders and department heads. (Ord. 97-66. Passed 11-20-97.)

(c) The designation in the City Building and all City vehicles shall be made by the placement of "tobacco free" signs that are clearly visible, and said signs shall not be removed. (Ord. 2003-22. Passed 4-24-03.)

(d) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor, and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 97-66. Passed 11-20-97.)

#### 111.06 DUTIES OF CLERK REGARDING LEGISLATION.

With regard to all legislation passed by Council from and after the effective date of this section, to include all ordinances and resolutions, the Council Clerk shall do the following:

- (a) That within three days of passage ensure that all required signatures have been executed on the legislation and that same has been properly numbered and filed in the permanent ordinance/resolution books for the City;
- (b) That within five days of passage submit all legislation which is required to be published to the newspaper for publication.  
Further, that within three days after the last date of publication enter onto each ordinance or resolution the dates of publication thereof in the lower righthand corner or, alternatively, if the legislation is such that publication is not required, stamp "Publication Not Required" in the lower righthand corner of the legislation immediately upon passage;
- (c) That within seven days of passage provide signed and numbered copies of all legislation to the Mayor, Auditor, Director of Law, Director of Public Service, and Director of Public Safety;
- (d) That within thirty days of the passage of this section, secure the necessary locking device(s) for the cabinet within which the ordinance/resolution books for the City are maintained and provide keys for same to the Mayor and Auditor only, with one to be retained by the Clerk;
- (e) That from and after the effective date of this section, maintain a log for the ordinance/resolution books for the City, with entries to be entered reflecting the name(s) of anyone who requests access to the legislation, along with the date and time of each request. The Mayor's office and Auditor's office shall also maintain a log for same in the event their keys are used for access to the legislation;
- (f) That from and after the effective date of this section, create and maintain an index to be placed at the beginning of each calendar year's legislation which clearly sets forth the ordinance or resolution number, along with the caption for same. This index shall be maintained at the beginning of each calendar year's legislation, and shall be in addition to any indexing system currently in existence and being utilized; and
- (g) That from and after the effective date of this section, maintain each and every ordinance/resolution book for the City in proper order and comply with the provisions set forth herein. (Ord. 97-56. Passed 9-18-97.)

**111.07 SPEAKING TIME LIMIT.**

Any person requesting to speak at Council meetings shall be limited to a period not to exceed five (5) minutes at each meeting. Excepted from this limitation are all City officers and elected officials.

(Ord. 2007-22. Passed 7-5-07.)

**CHAPTER 113**  
**Ordinances and Resolutions**

- 113.01 Application to City property  
 beyond City limits.

**CROSS REFERENCES**

Newspaper publication - see Ohio R.C. 7.12, 701.04, 731.21 et seq.  
 Zoning ordinances - see Ohio R.C. 713.12; P. & Z. 1111.57  
 Adoption and style - see Ohio R.C. 715.03, 731.17 et seq.  
 Subject and amendment - see Ohio R.C. 731.19  
 Authentication and recording - see Ohio R.C. 731.20  
 Publication, times required - see Ohio R.C. 731.22  
 Publication in book form - see Ohio R.C. 731.23  
 Adoption of technical codes - see Ohio R.C. 731.231  
 Certification as to publication - see Ohio R.C. 731.24 et seq.  
 Mayor's veto - see Ohio R.C. 731.27  
 Initiative and referendum - see Ohio R.C. 731.28 et seq.  
 Emergency measures - see Ohio R.C. 731.30  
 Certified copies as evidence - see Ohio R.C. 731.42  
 Codified ordinances - see ADM. Ch. 101

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**113.01 APPLICATION TO CITY PROPERTY BEYOND CITY LIMITS.**

All ordinances and resolutions which have been or are hereafter passed by Council shall apply to all property owned by the City beyond the corporate limits.  
 (Ord. 5363. Passed 8-20-64.)

## TITLE FIVE - Administrative

- Chap. 121. Mayor.
- Chap. 123. Auditor.
- Chap. 125. Treasurer.
- Chap. 127. Director of Law.
- Chap. 129. Department of Public Safety.
- Chap. 131. Police Department.
- Chap. 133. Fire Department.
- Chap. 135. Department of Public Service.
- Chap. 136. Department of Relocation.
- Chap. 139. Division of Development.
- Chap. 145. Civil Service Commission.
- Chap. 147. Civil Defense.
- Chap. 155. Board of Control.
- Chap. 159. Employment Provisions.
- Chap. 161. Investment of Funds.
- Chap. 163. Borrowing of Funds.

## CHAPTER 121

## Mayor

- |        |                         |        |                                     |
|--------|-------------------------|--------|-------------------------------------|
| 121.01 | Term of office, duties. | 121.02 | State of emergency; Mayor's powers. |
|        |                         | 121.03 | Tag Day Weekends.                   |

## CROSS REFERENCES

- Veto power - see Ohio R.C. 731.27
- Election and term - see Ohio R.C. 733.02
- General powers and duties - see Ohio R.C. 733.03, 733.30 et seq.
- Appointment of municipal officers - see Ohio R.C. 733.04
- Meetings with department directors - see Ohio R.C. 733.05
- Attending Council meetings; recommendations - see Ohio R.C. 733.06
- Council President as acting Mayor - see Ohio R.C. 733.07
- Vacancy in office of Mayor - see Ohio R.C. 733.08
- Power to fill vacancies - see Ohio R.C. 733.31
- Reports to Council - see Ohio R.C. 733.32, 733.41
- Protest of excessive expenditures - see Ohio R.C. 733.33
- Charges against delinquent officers - see Ohio R.C. 733.34 et seq.
- Disposition of fines and other moneys - see Ohio R.C. 733.40

Annual report to Council - see Ohio R.C. 733.41  
Approval of Mayor's bond - see Ohio R.C. 733.70  
Appoints Civil Service Commission members - see ADM. 145.01  
Appoints Civil Defense Director - see ADM. 147.01  
Mayor's Court - see ADM. Ch. 171  
Serves on Taxicab Board of Appeals - see BUS. REG. 757.09  
Appoints members of Planning Commission - see P. & Z. 1101.01

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#### 121.01 TERM OF OFFICE, DUTIES.

The Mayor shall be elected for a term of four years and shall serve until his successor is elected and qualified. He shall be an elector of the City. He shall perform all duties prescribed by the ordinances of the City and statutes of the State, and shall have all the powers conferred upon him by such laws.

#### 121.02 STATE OF EMERGENCY; MAYOR'S POWERS.

(a) The Mayor may, in case of riot, looting, insurrection or other civil disturbance, or when there is clear and present danger of riot, looting, insurrection or other civil disturbance, proclaim in writing a state of emergency.

(b) As part of the proclamation or by subsequent written order after the proclamation is issued, the Mayor may, in his discretion as he believes necessary for public safety:

- (1) Delineate the boundaries of any area threatened by riot, looting, insurrection or other civil disturbance and restrict or prohibit the movement of persons or vehicles into, from or within such area;
- (2) Establish a curfew within such area and prohibit persons from being out of doors during such curfew;
- (3) Prohibit the sale, offering for sale, dispensing and transportation of firearms and other deadly weapons, ammunition, dynamite and other dangerous explosives, incendiary devices and any necessary ingredient thereof; and
- (4) Issue reasonable regulations to suppress such riot, looting, insurrection or other civil disturbance or to protect persons or property from harm by reason of such riot or insurrection.

(c) When the danger from riot, looting, insurrection or other civil disturbance has passed, the Mayor shall forthwith make proclamation that the emergency has ended and any proclamation, order or regulation issued pursuant to this section shall then become void.

(d) The powers conferred by this section are in addition to any other powers which may be conferred by law and nothing in this section shall be construed to modify or limit such authority, powers, duties or responsibilities of any officer or public official, as may be provided by law. Nothing in this section shall be construed to permit suspension of the right to a writ of habeas corpus.



121.03 TAG DAY WEEKENDS.

(a) The Mayor is hereby authorized to set “Tag Day Weekends”, with a required license to be issued by the Mayor’s Office only as provided herein.

(b) “Tag Day Weekend” solicitations shall occur in the City without first obtaining a license from the Mayor. No fee shall be charged for said license. One license only for each weekend may be issued, on a first come, first served basis.

(c) “Tag Day Weekend” shall be defined as being from 12:00 noon until 6:00 p.m. Friday, and from 9:00 a.m. until 3:00 p.m. on Saturday.

(d) “Tag Day Weekend” licenses may only be issued to Martins Ferry area non-profit or charitable organizations. Said organizations may sponsor not more than two (2) “Tag Day Weekends” in any calendar year. As used herein, non-profit or charitable organization means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to Section 501(c)(3) of the “Internal Revenue Code”.

(e) “Tag Day Weekend” solicitations may occur only at businesses or locations with the express permission of the owner/operator. The passage of pedestrians shall not be impeded at any time. No “Tag Day Weekend” solicitations may occur in any City street.

(f) The penalty for a violation of this section shall be a fine not to exceed fifty dollars (\$50.00) for each violation.  
(Ord. 2005-34. Passed 8-18-05.)

**CHAPTER 123**  
**Auditor**

- |                                   |  |
|-----------------------------------|--|
| 123.01 Election, term and duties. | 123.03 Reports by property owners of rental or leased residential property required. |
| 123.02 Perpetual care funds.      | 123.04 Paying bills only within 15 days of their due date.                           |

**CROSS REFERENCES**

Uniform Bond Law - see Ohio R.C. Ch. 133  
 Uniform Depository Act - see Ohio R.C. Ch. 135  
 Election, term and qualifications - see Ohio R.C. 733.10  
 Books and accounts - see Ohio R.C. 733.11  
 Auditing accounts - see Ohio R.C. 733.12  
 Overdrawing appropriation, proof of claims - see Ohio R.C. 733.13  
 Detailed statements and receipts - see Ohio R.C. 733.14  
 Duty as to receiving bids - see Ohio R.C. 733.18  
 Deputy Auditor - see Ohio R.C. 733.19  
 Seal - see Ohio R.C. 733.20  
 Appropriation and expenditure - see Ohio R.C. 5705.41  
 Investment of funds - see ADM. Ch. 161

**123.01 ELECTION, TERM AND DUTIES.**

The Auditor shall be elected for a term of four years and shall serve until his successor is elected and qualified. He shall be an elector of the City. He shall perform all duties prescribed by the ordinances of the City and statutes of the State, and shall have all the powers conferred upon him by such laws. (Ord. 4871. Passed 11-6-58.)

**123.02 PERPETUAL CARE FUNDS.**

- (a) All perpetual care funds received by the City from this date forward shall be deposited with the Auditor and properly invested by him.
- (b) All perpetual care funds currently held by and on deposit with the Clerk of Council shall be transferred immediately to the Auditor and properly invested by him.
- (c) All interest earned on such invested funds shall be paid semi-annually by the Auditor to the Director of Public Service for the perpetual care of the applicable cemetery lot as agreed by the Director of Public Service.
- (d) The purpose and intent of this section is to formally declare and designate the Auditor as the sole City official who shall receive and invest all current and future perpetual care funds on behalf of the City.  
(Ord. 88-24. Passed 6-16-88.)

**123.03 REPORTS BY PROPERTY OWNERS OF RENTAL OR LEASED RESIDENTIAL PROPERTY REQUIRED.**

(a) On or before February 1, 2009, all property owners of rental or leased property who rent to tenants of residential premises shall file with the Auditor a report showing the names and addresses of each such tenant who occupies residential premises within the corporate limits of the City as of January 1, 2009.

(b) Beginning January 1, 2009, and thereafter, within thirty days after a new tenant occupies residential rental property of any kind within the City, all property owners of rental or leased residential property who rent to tenants shall file with the Auditor a report showing the names and addresses of each such tenant who occupies residential premises within the corporate limits of the City.

(c) Beginning January 1, 2009, and thereafter, within thirty days after a tenant vacates a rental or leased residential property located within the City, the property owner of such vacated rental or leased property shall file with the Auditor a report showing the date of vacating from the rental or leased residential property and identifying such vacating tenant.

(d) For purposes of this section, "tenant" means:

- (1) If there is a written lease or rental agreement, the person or persons who signed the written lease or rental agreement with the owner, or
- (2) If there is an oral lease or rental agreement, the person or persons with whom the owner enters into the oral lease or rental agreement.

(e) Whoever violates any provision of this section shall:

- (1) For a first offense: Pay a fine of not more than twenty-five dollars (\$25.00);
- (2) For a second offense: Pay a fine of not more than fifty dollars (\$50.00); and
- (3) For a third and all subsequent offenses: Pay a fine of not more than one hundred dollars (\$100.00).

(Ord. 2008-12. Passed 5-15-08.)

**123.04 PAYING BILLS ONLY WITHIN 15 DAYS OF THEIR DUE DATE.**

(a) The City establishes a policy of paying all bills within 15 days of their due date, and not before such a time. For purposes of this section, due date is defined as the latest date on which a bill can be paid before any penalty or interest would be incurred. The purpose of this section is to help the City better manage its cash flow.

(b) If the Auditor or another department manager or head deems it necessary to pay a bill prior to the due date, then they may petition counsel to do so and such bill will be paid earlier than the required time only upon the affirmative vote of Council.  
(Ord. 2015-11. Passed 4-1-15.)



**CHAPTER 125**  
**Treasurer**

125.01 Election, term and duties.

125.02 Collection service fee.

**CROSS REFERENCES**

Loss of funds, release of liability - see Ohio R.C. 131.18 et seq.

Uniform Depository Act - see Ohio R.C. Ch. 135

Election, term and qualifications - see Ohio R.C. 733.42

Accounts - see Ohio R.C. 733.43

Powers and duties - see Ohio R.C. 733.44

Quarterly account and annual report - see Ohio R.C. 733.45

Receipt and disbursement of funds - see Ohio R.C. 733.46

Duty to deliver money and property - see Ohio R.C. 733.47

**125.01 ELECTION, TERM AND DUTIES.**

The Treasurer shall be elected for a term of four years and shall serve until his successor is elected and qualified. He shall be an elector of the City. He shall perform all duties prescribed by the ordinances of the City and statutes of the State, and shall have all the powers conferred upon him by such laws.

**125.02 COLLECTION SERVICE FEE.**

(a) Council hereby established a collection fee of up to thirty-three percent (33%) of the balance owned to be assessed for unpaid utility bills, property maintenance bills, hazardous waste bills, rescue bills, capital improvement bills, delinquent municipal income tax bills, and any and all other legal obligations owed to the City, which have been turned over to a collection agency.

(b) The referenced collection service fee shall be automatically assessed once any bill/account is turned over to a collection agency.  
(Ord. 2012-29. Passed 10-3-12.)

**CHAPTER 127**  
**Director of Law**

127.01 Election, term and duties.

**CROSS REFERENCES**

Election, term and qualifications - see Ohio R.C. 733.49 et seq.  
Powers and duties generally - see Ohio R.C. 733.51 et seq.  
Duties as to suits - see Ohio R.C. 733.53  
To give opinions - see Ohio R.C. 733.54  
To pay over moneys - see Ohio R.C. 733.55  
Application for injunction - see Ohio R.C. 733.56  
Specific performance - see Ohio R.C. 733.57  
Writ of mandamus - see Ohio R.C. 733.58  
Suit by taxpayer - see Ohio R.C. 733.59  
Annual report to Council - see Ohio R.C. 733.62  
Preparing bonds - see Ohio R.C. 733.70  
Numbering of ordinances - see ADM. 101.08  
Serves on Taxicab Board of Appeals - see BUS. REG. 757.09

**127.01 ELECTION, TERM AND DUTIES.**

The Director of Law shall be elected for a term of four years and shall serve until his successor is elected and qualified. He shall be an elector of the City and an attorney duly admitted to practice in the State of Ohio. He shall perform all duties prescribed by the ordinances of the City and statutes of the State, and shall have all the powers conferred upon him by such laws.

**CHAPTER 129**  
**Department of Public Safety**

129.01	Subdepartments established.	129.04	School guards. (Repealed)
129.02	Director of Public Safety.	129.05	Code Administrator.
129.03	Powers and duties.	129.06	Residential Land Disposition Program.

**CROSS REFERENCES**

Merger of Service and Safety Departments - see Ohio R.C. 733.03

Contracts - see Ohio R.C. 733.22 et seq., 737.07 et seq.

Appointment - see Ohio R.C. 737.01

General duties and records - see Ohio R.C. 737.02 et seq.

Police Department - see Ohio R.C. 737.05 et seq.; ADM. Ch. 131

Fire Department - see Ohio R.C. 737.08 et seq.; ADM. Ch. 133

Classification of police and fire personnel - see Ohio R.C.

737.10, 737.13

To appoint and remove auxiliary police officers - see ADM. 131.06

Traffic control - see TRAF. Ch. 305

Director serves on Taxicab Board of Appeals - see BUS. REG. 757.09

**129.01 SUBDEPARTMENTS ESTABLISHED.**

The following subdepartments are hereby established within the Department of Public Safety:

- (a) Police Department.
  - (b) Fire Department.
- (Ord. 4871. Passed 11-6-58.)

**129.02 DIRECTOR OF PUBLIC SAFETY.**

The Department of Public Safety shall be administered by a Director of Public Safety who shall be appointed by the Mayor and shall serve until his successor is appointed and qualified. (1941 Code, Sec. 2-140.)

**129.03 POWERS AND DUTIES.**

Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police and Fire Departments. He shall have all regulation powers and duties connected with and incident to the appointment, regulation and government of these departments, except as otherwise provided by law. He shall keep a record of his proceedings. (1941 Code, Sec. 2-141.)

129.04 SCHOOL GUARDS. (REPEALED)

EDITOR'S NOTE: Former Section 129.04 was repealed by Ordinance 2006-11, passed March 16, 2006.

129.05 CODE ADMINISTRATOR.

(a) There is hereby created the position of Code Administrator to enforce the provisions of the adopted Codes of the City.

(b) The Director of Public Safety, with the approval and confirmation of Council, is hereby authorized to choose and employ a person as Code Administrator.  
(Ord. 92-27. Passed 3-5-92.)

129.06 RESIDENTIAL LAND DISPOSITION PROGRAM.

(a) The Director of Public Service/Safety, on behalf of the City of Martins Ferry, is authorized and directed to establish and administer a program for the disposition to qualifying abutting property owners, of certain City-owned parcels of residential land, which are no longer needed for any municipal purpose and which have no potential use by virtue of their size or location for new residential construction or commercial or industrial development.

(b) The program shall be known as the Residential Land Disposition Program. Further, the Director of Public Service/Safety is authorized to approve regulations for said programs, and to amend same from time to time as deemed necessary. A copy of the proposed administrative regulations for the program are attached to Ordinance 2005-49 and made a part hereof.

(c) The Auditor is hereby authorized and directed to draw her warrants upon receipt of vouchers duly approved by the proper departmental authority.  
(Ord. 2005-49. Passed 10-6-05.)



**CHAPTER 131**  
**Police Department**

131.01	Members; duties; compensation.	131.05	Age for original appointment.
131.02	Bonds.	131.06	Auxiliary police.
131.03	Work week.	131.07	Additional credit on the
131.04	Emergency duties.		Civil Service Exam to Auxiliary Police Officers.

**CROSS REFERENCES**

Reductions, suspensions and removals - see Ohio R.C. 124.34 et seq., 737.12  
 Sick leave - see Ohio R.C. 124.38  
 Police Chief suspension - see Ohio R.C. 124.34, 124.40  
 Age and promotions - see Ohio R.C. 124.31, 124.41, 124.44  
 Executive head - see Ohio R.C. 737.02  
 Police protection contracts - see Ohio R.C. 737.04  
 Composition and control - see Ohio R.C. 737.05  
 Chief of Police - see Ohio R.C. 737.06  
 Hours and leave - see Ohio R.C. 737.07  
 Emergency patrolmen - see Ohio R.C. 737.10  
 Civil service application - see Ohio R.C. 737.11  
 General duties - see Ohio R.C. 737.11  
 Classification - see Ohio R.C. 737.13  
 Recovered property and disposition - see Ohio R.C. 737.29 et seq.  
 Police and Firemen's Disability and Pension Fund - see Ohio R.C. Ch. 742  
 Clothing allowance - see ADM. 159.08  
 Compliance with police order - see TRAF. 303.01  
 Impounding vehicles - see TRAF. 303.08  
 Impersonating an officer - see GEN. OFF. 525.03, 545.16  
 False reports to law officers - see GEN. OFF. 525.02  
 Reports of wounds inflicted by deadly weapons - see GEN. OFF. 525.05

**131.01 MEMBERS; DUTIES; COMPENSATION.**

In the Police Department there shall be authorized one (1) Chief of Police, one (1) lieutenant, three (3) sergeants, nine (9) patrolmen, and four (4) civil desk persons who shall perform such duties relative to the Police Department as shall from time to time be assigned to them. Their compensation shall be paid bi-weekly.  
 (Ord. 2005-3. Passed 3-3-05.)

**131.02 BONDS.**

The Chief of Police, Lieutenants, Patrolmen, Juvenile Officers and civilian desk men in the Police Department shall each furnish bond in the sum of one thousand dollars (\$1,000).

**131.03 WORK WEEK.**

The regular schedule of work of the officers, members and employees of the Police Department shall be five consecutive eight-hour days out of each week. Eight consecutive hours each day for five consecutive days shall constitute a week's work.

The Chief of Police, under the direction of the Director of Public Safety, shall arrange the schedule of working hours to comply with the provisions of this chapter.  
(Ord. 4220. Passed 4-21-51.)

**131.04 EMERGENCY DUTIES.**

In the event of an emergency, as determined by the Chief of Police under the direction of the Director of Public Safety, all officers, members and employees of the Police Department shall be subject to call and shall perform emergency duties in addition to the duties required by the regular schedule of work. They shall receive no additional compensation for such emergency duties.

(Ord. 4220. Passed 4-71-51.)

**131.05 AGE FOR ORIGINAL APPOINTMENT.**

No person is eligible to receive an original appointment to the Police Department, as a policeman or policewoman, unless he has reached the age of twenty-one years of age. No person is eligible to receive an original appointment when he is thirty-five years of age or older, and no person can be declared disqualified as over age prior to that time.

These provisions shall not be construed to eliminate any other requirements established by law for original appointments.  
(Ohio R.C. 124.41)

**131.06 AUXILIARY POLICE.**

The Director of Public Service/Safety is hereby authorized to employ, at any one time, no more than ten (10) auxiliary police, in accordance with Ohio R.C. 737.051. The employment of said auxiliary police shall be for emergency purposes only, to be determined by the Director of Public Service/Safety. Members of the auxiliary police unit are not eligible for membership in the Police and Firemen's Disability and Pension Fund. Members of the auxiliary police unit shall not be in the classified service of the Municipality.  
(Ord. 2010-08. Passed 5-20-10.)

**131.07 ADDITIONAL CREDIT ON THE CIVIL SERVICE EXAM TO  
AUXILIARY POLICE OFFICERS.**

(a) Any person who is serving as an Auxiliary Police Officer for the City of Martins Ferry, has completed more than one hundred eighty days of service, has not received any formal reprimands and registers to take the civil service exam in order to apply to become a full time officer for the City, upon receiving a passing grade on the exam, will receive an additional credit of 10 points added to the person's examination grade. A person who receives an additional credit under Ohio R.C. 124.23(C)(1) or (C)(2) will not receive an additional credit under this section.

(b) The Chief of Police will provide a certification to the Civil Service Commission stating that the Auxiliary Police Officer has served for more than one hundred eighty days and has not received any formal reprimands for any Auxiliary Police Officer that registers to take the civil service exam and meets those requirements.

(Ord. 2014-12. Passed 5-21-14.)

**CHAPTER 133**  
**Fire Department**

133.01	Volunteer fire companies; emergency squad.	133.04	Volunteer Firemen's Dependents Fund Board.
133.02	Personnel.	133.05	Compensation.
133.03	Emergency squad membership. (Repealed)	133.06	Charges for the time, equipment and material/supply usage at fire calls.

**CROSS REFERENCES**

Reductions, suspensions and removals - see Ohio R.C. 124.34 et seq. 737.12  
 Fire Chief suspension - see Ohio R.C. 124.34, 124.40  
 Age and promotions - see Ohio R.C. 124.31, 124.42, 124.45 et seq.  
 Schooling, buildings and equipment - see Ohio R.C. 715.05, 737.23 et seq.  
 Executive head - see Ohio R.C. 737.02  
 Civil service application - see Ohio R.C. 737.11  
 General duties - see Ohio R.C. 737.11  
 Classification - see Ohio R.C. 737.13  
 Firemen's Pension and Disability Fund - see Ohio R.C. Ch. 742  
 False fire alarm - see GEN. OFF. 509.07  
 False reports - see GEN. OFF. 509.06  
 Fire prevention - see Part Fifteen - Fire Prevention Code

**133.01 VOLUNTEER FIRE COMPANIES; EMERGENCY SQUAD.**

There is hereby established a Volunteer Fire Department consisting of three engine companies to be known as the "Liberty Engine Company", the "Alert Engine Company" and the "Vigilant Engine Company"; one ladder company to be known as the "Hook and Ladder Company" and one company to be known as the "Emergency Squad", the latter of which shall be composed of citizens residing within the corporate limits of the City of Martins Ferry. The locations of the Companies and the Emergency Squad shall be determined by Council. (Ord. 98-4. Passed 2-5-98.)

**133.02 PERSONNEL.**

There shall be a Chief I of the Fire Department and a Chief II and the following list of volunteers:

- (a) The Alert Engine Company shall consist of twenty-five members and five cadets.
- (b) The Hook and Ladder Company shall consist of twenty-five members and five cadets.
- (c) The Liberty Engine Company shall consist of twenty-five members and five cadets.

- (d) The Vigilant Engine Company shall consist of twenty-five members and five cadets.
- (e) The Emergency Squad shall consist of thirty members, plus Chief I and Chief II.  
(Ord. 98-5. Passed 2-5-98.)

#### 133.03 EMERGENCY SQUAD MEMBERSHIP.

(EDITOR'S NOTE: Former Section 133.03 was repealed by Ordinance 98-3, passed February 5, 1998.)

#### 133.04 VOLUNTEER FIREMEN'S DEPENDENTS FUND BOARD.

There is established a Volunteer Firemen's Dependents Fund Board which shall be composed of such members and perform such duties as provided under Ohio R.C. Chapter 146. (Ord. 4871. Passed 11-6-58.)

#### 133.05 COMPENSATION.

The members of the Fire Department shall be paid one dollar (\$1.00) per year for their services to the City. The Chief of the Fire Department shall certify to the Auditor the names and addresses of the members in good standing, and of any new persons that from time to time may become members of the Department. The Auditor shall then issue a pay check to such members for services rendered.  
(Ord. 4811. Passed 11-21-57.)

#### 133.06 CHARGES FOR TIME, EQUIPMENT AND MATERIAL/SUPPLY USAGE AT FIRE CALLS.

(a) The Martins Ferry Volunteer Fire Department is hereby authorized to begin billing insurance companies for time, equipment and material/supply usage at fire calls. Any resident(s) unable to pay will not be charged. Inability to pay shall be determined in the sole discretion of the Director of Public Service/Safety.

(b) The Director of Public Service/Safety is hereby authorized to establish all applicable billing rates, which shall be as follows:

Chief Vehicles-	\$75.00 per hour
Engine/Pumpers-	\$175.00 per hour
Ladder Truck-	\$225.00 per hour
Rescue Truck-	\$75.00 per hour
Emergency Squad Truck-	\$100.00 per hour

Additionally, billing for any materials or supplies used, or for damaged or destroyed equipment, is also authorized herein, and shall be charged at full replacement cost.

(c) All billing will be handled internally within the Fire Department.

(d) All funds collected shall be deposited with the Auditor, and shall be placed in a separate line item. The Director of Public Service/Safety shall have authorization to disburse the collected funds for equipment and needs of the Fire Department, subject to appropriation by City Council. (Ord. 2008-11. Passed 4-2-08.)

**CHAPTER 135**  
**Department of Public Service**

<p>135.01 Subdepartments established.</p> <p>135.02 Appointment and term of Director.</p> <p>135.03 Powers and duties of Director.</p> <p>135.04 Organization.</p> <p>135.05 Engineer's services.</p>	<p>135.06 Billings for water and sanitation collections.</p> <p>135.07 Collection agents.</p> <p>135.08 Contracts for City-owned Recreational Facilities.</p>
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**CROSS REFERENCES**

Engineer to approve plats; inspection of streets and acceptance - see Ohio R.C. 711.08, 711.191

Compulsory service connections - see Ohio R.C. 729.06, 743.23, 743.37

Engineer devises and forms plan of sewerage - see Ohio R.C. 729.31

Management and control of sewerage system - see Ohio R.C. 729.50 et seq.

Merger of Service and Safety Departments - see Ohio R.C. 733.03

Contracts - see Ohio R.C. 733.22 et seq., 735.05 et seq.

Civil Engineer - see Ohio R.C. 733.80

Appointment of Director of Public Service - see Ohio R.C. 735.01

Director's general duties and records - see Ohio R.C. 735.02

Assistants to Director - see Ohio R.C. 735.04

Public building supervision - see Ohio R.C. 735.10 et seq.

General duties of Engineer - see Ohio R.C. 735.32

Assistant to Engineer - see Ohio R.C. 735.33

Management and control of waterworks - see Ohio R.C. 743.02 et seq.

Management and control of cemeteries - see Ohio R.C. 759.09 et seq.

Registration as a professional engineer - see Ohio R.C. Ch. 4733

**135.01 SUBDEPARTMENTS ESTABLISHED.**

The following subdepartments are hereby established within the Department of Public Service:

- (a) Street Department;
- (b) Sanitation Department;
- (c) Water Department;
- (d) Cemetery Department;
- (e) Park Department;
- (f) Utility Electric Department. (Ord. 6202. Passed 8-17-72.)
- (g) Urban Renewal Department. (Ord. 82-121. Passed 12-22-82.)
- (h) Water and Sanitation Office. (Ord. 82-120. Passed 12-22-82.)

**135.02 APPOINTMENT AND TERM OF DIRECTOR.**

The Department of Public Service shall be administered by a Director of Public Service who shall be appointed by the Mayor, and shall serve until his successor is appointed and qualified. (1941 Code, Sec. 2-110.)

**135.03 POWERS AND DUTIES OF DIRECTOR.**

The Director of Public Service shall manage municipal water, lighting, heating, garbage, rubbish, sewage, cemeteries and other undertakings of the City. He shall supervise the construction and have charge of the maintenance of public buildings and other property of the City. He shall have the management of all other matters authorized by Council in connection with the public service of the City.  
(1941 Code, Sec. 2-113.)

**135.04 ORGANIZATION.**

The Director of Public Service may establish such divisions within his Department as may be necessary and determine the number of superintendents, inspectors, engineers, clerks, laborers and other persons necessary for the execution of the work and the performance of duties of the Department.  
(1941 Code, Sec. 2-115.)

**135.05 ENGINEER'S SERVICES.**

The Director of Public Service is authorized to employ the services of a civil engineer as needed. (Ord. 4653. Passed 3-2-56.)

**135.06 BILLINGS FOR WATER AND SANITATION COLLECTIONS.**

The Director of Public Service is authorized to set up the tenth, twentieth and thirtieth days of the month as billing dates for the City.  
(Ord. 5132. Passed 1-20-62.)

## 135.07 COLLECTION AGENTS.

(a) Agents for the collection of water and sanitation accounts for the City, for the territory in which the various utilities of the City serve customers, are hereby created and established. Such agents shall furnish, at their own expense, suitable quarters, and they shall be and are hereby authorized and directed to collect and to receipt water and sanitation bills of such City utility customers as may desire to take advantage thereof. Such agents shall account for all moneys received at such intervals and when called upon to do so by the Chief Clerk of the Water and Sanitation Office or by his duly authorized representative. The collection records of the agents shall be open to inspection by the Chief Clerk of the Water and Sanitation Office or his duly authorized representative at all reasonable times.

(b) Such agents shall deliver to the Chief Clerk of the Water and Sanitation Office any and all moneys collected and held, together with the stubs representing payments received on a daily basis and at such times as may be mutually agreed upon.  
(Ord. 82-119. Passed 12-22-82.)

(c) Such agents hereby appointed are the Citizens Savings Bank, the Peoples Banking Company and the Fidelity Savings and Loan Company, a division of Metropolitan Savings Bank together with the branch offices of each financial institution designated herein. The Peoples Banking Company and the Fidelity Savings and Loan Company shall receive as compensation for making such collections a sum equivalent to ten cents (10¢) for each utility bill represented by a City utility bill stub. The Citizens Savings Bank shall receive as compensation for making such collections a sum equivalent to five cents (5¢) for each utility bill represented by a City utility bill stub. The aggregate sum to be paid each agent for such service shall be paid monthly by the Auditor of the City, which compensation is so allowed for the reason that the amount of work involved in collections and the responsibility incurred warrants and justifies compensation for the service so rendered.  
(Ord. 93-46. Passed 5-20-93.)

(d) The Chief Clerk of the Water and Sanitation Office is hereby authorized to prepare and adopt rules and regulations by which agents shall be guided in the execution of this service for the Water and Sanitation Office, covering such matters as no partial payments, no collection without customer bills, no adjustments or alterations in utility bills, no acceptance of checks except those payable to the Department of Public Service, and such other administrative matters.

(e) Agents appointed herein may discontinue the services rendered under authority of this section by giving the Chief Clerk of the Water and Sanitation Office and Council ninety days written notice of their intention to so discontinue the services.

(f) The authorities granted herein to the agents shall take effect and be in force from and after January 1, 1983.  
(Ord. 82-119. Passed 12-22-82.)

**135.08 CONTRACTS FOR CITY-OWNED RECREATIONAL FACILITIES.**

All contracts and/or leases involving City-owned and/or operated parks, swimming pools, baths, playgrounds and recreation facilities shall be approved by Council prior to the same becoming effective and/or legally binding if the consideration paid is in excess of seven hundred fifty dollars (\$750.00) per day of use, excluding security deposits, or if the term of the contract and/or lease exceeds ten calendar days.  
(Ord. 91-07. Passed 3-7-91.)



CHAPTER 136  
Department of Relocation

136.01 Established; members.

136.02 Payments.

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136.01 ESTABLISHED; MEMBERS.

(a) The Department of Relocation is hereby created as a subdepartment of the Department of Public Service and there is hereby established the following position: Director.

(b) The person chosen to fill such position shall be an elector of the City and shall be appointed by the Mayor.  
(Ord. 83-7. Passed 1-20-83.)

136.02 PAYMENTS.

The Director of Public Service is hereby authorized and directed to make relocation payments and assistance where required by law for any urban renewal community development block grant activities with prior approval by Council, regardless of the amount of payments required by Federal law.  
(Ord. 83-117. Passed 12-22-82.)



**CHAPTER 139**  
**Division of Development**

139.01	Establishment; purpose.	139.04	Bonds.
139.02	Administration of Community Development Program.	139.05	Residency requirement; appointment.
139.03	Positions.		

**CROSS REFERENCES**

Urban renewal - see ADM. Ch. 181  
 Planning Commission - see P. & Z. Ch. 1101

**139.01 ESTABLISHMENT; PURPOSE.**

The Division of Development is hereby established in order to provide the necessary planning, guidance and coordination for the continued and future advancement, growth and beautification of the City.

The Division of Development shall be a subdepartment of the Department of Public Service. (Ord. 6641. Passed 3-26-75.)

**139.02 ADMINISTRATION OF COMMUNITY DEVELOPMENT PROGRAM.**

The Division of Development shall be responsible for the administration of the Community Development Program awarded to the City in a block grant as defined in the Housing and Community Development Act of 1974 and any future related Federal, State and/or local legislation. (Ord. 6641. Passed 3-26-75.)

**139.03 POSITIONS.**

There is hereby established within the Division of Development the following position: Director. (Ord. 2002-44. Passed 9-5-02.)

**139.04 BONDS.**

The following positions shall give a surety bond for the full amount herein set out, executed by a corporate surety company authorized and empowered to do business in the State, each conditioned by law, and payable to the City as follows:

Director	\$25,000
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(Ord. 83-8. Passed 1-20-83.)

**139.05 RESIDENCY REQUIREMENT; APPOINTMENT.**

The persons chosen to fill such positions shall be electors of the City and shall be appointed by the Mayor. (Ord. 6641. Passed 3-26-75.)



**CHAPTER 145**  
**Civil Service Commission**

145.01 Membership.

**CROSS REFERENCES**

Civil service - see Ohio Const., Art. XV, §10

Civil service law - see Ohio R.C. Ch. 124

Civil Service Commission - see Ohio R.C. 124.40

Application to fire and police personnel - see Ohio R.C. 737.051,  
737.10, 737.11

Employment provisions - see ADM. Ch. 159

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**145.01 MEMBERSHIP.**

The Mayor shall appoint three persons, one for a two year term, one for a four year term and one for a six year term, who shall constitute the Civil Service Commission. Each alternate year thereafter the Mayor shall appoint one person as successor of the member whose term expires, to serve six years until his successor is appointed and qualified. A vacancy shall be filled by the Mayor for any unexpired term.  
(1941 Code, Sec. 2-370)



CHAPTER 147  
Civil Defense

147.01 Director of Disaster Services.

CROSS REFERENCES

Civil defense - see Ohio R.C. 5915

Alternate seats of local government in enemy attack - see Ohio R.C. 5915.041

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147.01 DIRECTOR OF DISASTER SERVICES.

There is hereby established the position of Director of Disaster Services. The Director shall be appointed by the Mayor. The Director shall coordinate and supervise the civilian defense activities of the City. He shall exercise such powers and duties as are prescribed for the directors of local civil defense organizations by Ohio R.C. 5915.09 and other laws and ordinances. (Ord. 4871. Passed 11-6-58.)





CHAPTER 155  
Board of Control

155.01 Membership.

CROSS REFERENCES

State law provisions - see Ohio R.C. 733.21 et seq.

Urban renewal contracts - see ADM. 181.05, 181.09, 181.11

Authority re garbage and rubbish collection - see S.U. & P.S.  
945.05, 945.07

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155.01 MEMBERSHIP.

The Board of Control shall be composed of the Mayor, the Director of Public Safety and the Director of Public Service. The Mayor shall be President ex officio. The Board shall keep a record of its proceedings. All votes shall be by "yeas" and "nays" and entered on the record, and the vote of a majority of the members shall be necessary to adopt any question, motion or order. (1941 Code, Sec. 2-320)



**CHAPTER 159**  
**Employment Provisions**

EDITOR'S NOTE: The City has entered into collective bargaining agreements with the American Federation of State, County and Municipal Employees Local Union No. 1260 and Fraternal Order of Police Lodge No. 78. Certain employment provisions within this chapter have therefore been superseded by such agreements for those City employees covered thereunder.

159.01	Vacations.	159.11	Payment of insurance premiums from various funds.
159.02	Holidays.	159.12	Dental insurance.
159.03	Sick leave; retirement credit.	159.13	Pickup of contributions to retirement systems.
159.04	Nepotism prohibited; exceptions.	159.14	Drugfree workplace.
159.05	Travel expenses.	159.15	Firearms policy.
159.06	Overtime.	159.16	Issuance, use and control of credit cards.
159.07	Life insurance.	159.17	City issued cellular telephones, pagers and desk telephones.
159.08	Funeral leave.	159.18	Minimum wage.
159.09	Hospitalization insurance for employees.		
159.10	PERS contributions.		

**CROSS REFERENCES**

Welfare - see Ohio Const., Art. II, Sec. 34  
 Workmen's compensation - see Ohio Const., Art. II, Sec. 35;  
 Ohio R.C. Ch. 4123  
 Wages and hours on public works - see Ohio Const., Art. II, Sec. 37;  
 Ohio R.C. Ch. 4115  
 All officers to take oath - see Ohio Const., Art. XV, Sec. 7;  
 Ohio R.C. 3.22, 733.68  
 State legal holidays - see Ohio R.C. 1.14, 5.20 et seq.  
 Failure to give bond - see Ohio R.C. 3.30, 731.49 et seq.  
 Civil Service Law - see Ohio R.C. Ch. 124  
 Reinstatement after military service - see Ohio R.C. 124.29  
 Public Employees Retirement System - see Ohio R.C. Ch. 145  
 Council to fix bonds and salaries - see Ohio R.C. 731.04, 731.08  
 Executive power - see Ohio R.C. 733.01  
 Conduct and delinquent charges - see Ohio R.C. 733.34 et seq.,  
 733.72 et seq.  
 Officers' qualifications and oaths - see Ohio R.C. 733.68  
 Bond of municipal officers - see Ohio R.C. 733.69  
 Approval of bonds - see Ohio R.C. 733.70  
 Certain facts shall not invalidate bond - see Ohio R.C. 733.71  
 Contract interest - see Ohio R.C. 733.78

## 159.01 VACATIONS.

(a) Vacations for City employees shall be as follows:

<u>Length of Service (Continuous Years)</u>	<u>Length of Vacation (Hours; Weeks)</u>
1 but less than 5	80 hours - 2 weeks
5 but less than 10	120 hours - 3 weeks
10 but less than 15	160 hours - 4 weeks
15 but less than 20	200 hours - 5 weeks
20 or more	240 hours - 6 weeks

An employee working 130 days or more during a calendar year shall be eligible for vacation benefits.

All vacation benefits provided for herein shall be based only upon continuous years of service with the City. (Ord. 92-22. Passed 2-20-92.)

(b) The vacation period for all employees shall be determined by the head or superintendent of the particular department, and upon the approval of the Director of Public Service or the Director of Public Safety.  
(Ord. 6104. Passed 1-6-72.)

(c) Vacation periods for employees shall be January 1 through December 31 of each year. Vacation period shall be allotted at the time most desired by the employee. Longer service employees shall be given preference as to choice but the final right to allot vacation periods and to change such allotments is exclusively reserved to the City to ensure the orderly operation of the City. Selection of vacation periods shall be made on or before December 31 of the year preceding the year in which the vacation is taken.  
(Ord. 7032. Passed 1-5-78.)

## 159.02 HOLIDAYS.

(a) The following days are hereby declared to be legal holidays to be observed by the employees of the City as a part of their contract of employment.

- (1) The first day of January, known as New Year's Day.
- (2) The Friday preceding Easter Sunday, known as Good Friday.
- (3) The last Monday in May, known as Decoration Day or Memorial Day.
- (4) The fourth day of July, known as Independence Day.
- (5) The first Monday in September, known as Labor Day.
- (6) The eleventh day of November, known as Veterans Day.
- (7) The fourth Thursday in November, known as Thanksgiving Day.
- (8) The twenty-fifth day of December, known as Christmas Day.
- (9) Easter Sunday.

(Ord. 80-37. Passed 3-27-80.)

(b) On such holidays, only those employees shall work as may be necessary for the proper operation of the various departments.  
(Ord. 5799. Passed 3-20-69.)

(c) All employees, except elected officials and department heads, observing such holidays whose names have appeared on the payroll of their respective departments for a period of sixty calendar days preceding any such holiday, shall be paid their regular rate of wage for the holiday.

(d) All employees of the various departments, except elected officials and department heads, whose services are necessary on the holidays, shall be paid double their regular rate of wage, except those employees who were absent from work on the work day immediately preceding the holiday, and except those employees who were absent from work on the work day immediately following the holiday.  
(Ord. 80-74. Passed 6-19-60.)

(e) If any of the holidays fall on an employee's regularly scheduled day of rest, the next succeeding regularly scheduled working day for the employee shall be considered the holiday with respect to the employee and he shall be entitled to all the benefits of this section with respect to such holiday on the next succeeding regularly scheduled working day.

(f) The terms of this section shall apply only to regular employees of the several departments and it shall be the duty of the heads of the departments to certify to the Auditor, the reason and necessity for which services of an employee have been required on a holiday.  
(Ord. 5799. Passed 3-20-69.)

(g) Those employees of the City assigned to duty and actually working on the afternoon shifts of December 24 or December 31, shall be paid one and one-fourth times their regular rate of pay for all hours worked in addition to their regular pay.  
(Ord. 7037. Passed 1-5-78.)

#### 159.03 SICK LEAVE; RETIREMENT CREDIT.

(a) Sick leave for City employees shall be governed by the provisions of Ohio R.C. 124.38. (Ord. 6716. Passed 9-25-75.)

(b) Employees with ten or more years of continuous service with the City shall be entitled to receive upon retirement fifty percent (50%) of the accumulated sick leave up to a maximum payment for sixty days.  
(Ord. 92-21. Passed 2-20-92.)

(d) Accrued sick leave benefits to which an employee might be entitled upon retirement by virtue of State law, City ordinance or resolution of the Department of Health, shall be paid by the City Auditor. The Auditor is hereby authorized and directed to pay the City's share of the benefit for general operations employees, policemen, firemen, Health Department and Recreation Department employees from the General Fund. The City's share of the benefits for all other employees shall be charged to and paid from the fund of the department for which the employee works. (Ord. 6734. Passed 10-16-75.)

#### 159.04 NEPOTISM PROHIBITED; EXCEPTIONS.

Nepotism shall be prohibited in the City, subject to the exceptions listed below.

- (a) For purposes of this section, members of an elected official's immediate family shall include a spouse, father, mother, step-mother, step-father, step-sister, step-brother, mother-in-law, father-in-law, son, daughter, step-son, step-daughter, sister, brother, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparents or grandchildren.
- (b) No member of an elected official's immediate family, as defined by subsection (a) hereof, shall be employed as a regular full-time or part-time employee for the City.
- (c) This section does not apply to members of an elected official's immediate family who are currently employed with the City, or those immediate family members that became employees prior to a City official becoming elected.  
(Ord. 2007-02. Passed 1-18-07.)

**159.05 TRAVEL EXPENSES.**

(a) When proper vouchers, supported by detailed records, are presented by a City official or employee to the Auditor, the Auditor shall pay the Internal Revenue Service standard business mileage rate for the next preceding year for each mile traveled on municipal business in a personal motor vehicle outside the City. For other forms of travel on such municipal business, the Auditor shall pay, upon proper vouchers so supported, the actual cost of transportation, taxi fares and similar expenses incidental and necessary to such travel.

(b) When proper vouchers, supported by detailed records, are presented to the Auditor, the Auditor shall pay to a City official or employee traveling overnight on municipal business:

- (1) The actual cost of a hotel/motel room and subsistence per diem of forty-five dollars (\$45.00) per day; and
- (2) When the travel is a day-trip outside a 50-mile radius of the City, up to a maximum of six dollars and fifty cents (\$6.50) for lunch and twelve dollars and fifty cents (\$12.50) for dinner.

(c) When expenses incurred during travel outside the City are to be charged wholly or in part to a project funded under a state or federal program or grant, authorization for the trip must be secured from the Mayor. In addition, that portion of out-of-town expenses related to transportation must be justified in terms of comparable cost of the travel by common carrier, where common carrier service is available.

(d) Reimbursement on a mileage basis may not be substituted for the actual cost of transportation when common carrier is used. (Ord. 2003-4. Passed 3-6-03.)

**159.06 OVERTIME.**

(a) Employees required to work in excess of eight hours in any twenty-four hour period or forty hours in any seven-day period, shall be paid at the rate of time and one-half their regular rate of pay for all overtime hours worked. (Ord. 80-77. Passed 6-19-80.)

(b) Overtime rates mean one and one-half times the normal rates of pay, except as may be otherwise provided in these Codified Ordinances.

(c) Overtime payment shall not be duplicated for the same hours worked, but the higher of the applicable overtime rates as provided in these Codified Ordinances shall be used to the extent that hours are compensated for at overtime rates at time and one-half or more under one section of the Codified Ordinances, they shall not be counted as hours worked in determining overtime liability under the same or any other provision in the Codified Ordinances. (Ord. 6278. Passed 2-15-73.)

(d) The payment of overtime to any employee of this City paid on a per diem or per hour basis at a rate of one and one-half times the employee's current pay rate is authorized when approved in writing by the department head, and on the basis of time sheets approved by the department head for such projects as the Mayor or Council find necessary for the proper administration of this City. (Ord. 6216. Passed 10-5-72.)

(e) Except as provided herein, employees of the City who are required to work in excess of ten hours in any one payroll day shall be furnished a meal ticket with a value of three dollars and fifty cents (\$3.50). (Ord. 80-41. Passed 3-27-80.)

(f) All paid holiday hours shall be counted as hours worked for the purpose of computing overtime. (Ord. 80-39. Passed 3-27-80.)

## 159.07 LIFE INSURANCE.

(a) The Mayor is hereby authorized to apply for a plan of group life and accidental death benefit insurance which will be available to all full-time employees of the City.

A full-time employee shall be one who works thirty or more hours per week.  
(Res. 5090. Passed 6-10-61.)

(b) Fifty percent of the cost of such insurance plan will be borne by the City and fifty percent shall be borne by the employees on a withholding basis. The City's share shall be borne as follows:

General operating employees, except those represented by the Bargaining Unit of Local Union 1260.

Police employees

Fire employees

Health employees

Recreation employees

Pay from General Fund.

One hundred percent of the cost of such insurance plan for employees represented by the Bargaining Unit of Local Union 1260, will be borne by the City as follows:

Water and Sanitation employees

Pay from their respective employees department.

All other employees

Pay from General Fund.

(Ord. 6741. Passed 11-6-75.)

(c) The Auditor is hereby designated as the administrative officer for the purpose of receiving monthly billings from the insurance company and making a proper remittance. This is a voluntary plan and the Auditor is to withhold the premium from the employees wages.

(Res. 5090. Passed 6-10-61.)

(d) The City shall pay the premiums on an eight thousand dollar (\$8,000) group life insurance policy for each employee of the City who applies for such coverage.

(Ord. 90-16. Passed 4-19-90.)

## 159.08 FUNERAL LEAVE.

Employees of the City, except elected officials and department heads shall be granted up to three days of their regular scheduled work days for paid funeral leave, not chargeable to sick leave, in the event of a death in the immediate family. For purposes of this section "immediate family" shall be defined as follows: spouse, child, parent, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, grandchild, brother or sister, aunt or uncle of the employee, and nephew or niece of the employee and/or spouse.

The funeral leave granted herein shall consist of three consecutive work days. In the event of a death of a spouse, a parent or dependent child, the current three consecutive days funeral leave shall not expire on the day of the actual funeral, however, in all other instances where funeral leave is granted, it shall terminate on the actual day of the funeral. If the employee begins his funeral leave during the first four hours of his work day, that work day shall be counted as the first consecutive day of funeral leave.

(Ord. 84-71. Passed 8-7-84.)

**159.09 HOSPITALIZATION INSURANCE FOR EMPLOYEES.**

(a) The Board of Control is hereby authorized and directed to enter into a contract for hospitalization insurance for City employees, and members of their respective families who qualify for coverage under the terms of the subject policy, a copy of which contract(s) is/are on file in the office of the Clerk of Council in a file bearing the same number as this section.

Employees may elect coverage under one of the following medical insurance plans:

- (1) Advantage Health; or
- (2) Any other comparable plan offered by the City.

(b) Funds for the payment of premiums attributable to Water Department employees shall be payable from the Water Department Fund.

(c) Funds for the payment of premiums attributable to Sanitation Department employees shall be payable from the Sanitation Department Fund.

(d) Funds for the payment of premiums for employees of the Division of Development shall be payable from the Division of Development Fund.

(e) Funds for the payment of premiums for employees of City departments created by Council and funded by federal and/or state funds shall be paid from the fund of each respective department.

(f) Funds for the payment of premiums for other City employees not included above, shall be payable from the General Fund.

(g) As used in this section, "City employee" means any employee on the regular payroll of the City who works twenty or more hours per week, and is/are classified by the Director of Public Service and/or the Director of Public Safety as regularly scheduled City employees. (Ord. 98-73. Passed 12-5-98.)

**159.10 PERS CONTRIBUTIONS.**

The Auditor is hereby directed to pay all City contributions to the Public Employees Retirement System from the General Fund of the City, except that contributions for employees of the Water Department, Sanitation Department, Division of Development and any other employees paid by State or Federal funds, shall be paid from funds of his respective department. (Ord. 6378. Passed 8-2-73.)



**159.11 PAYMENT OF INSURANCE PREMIUMS FROM VARIOUS FUNDS.**

The Auditor of the City is hereby authorized and directed to pay all premiums for City insurance, except hospitalization insurance, from the General Fund, except that insurance premiums attributable to the Water Department, Sanitation Department, Division of Development and any other departments funded with State or Federal funds shall be paid from funds of the respective department.

(Ord. 6374. Passed 8-2-73.)

**159.12 DENTAL INSURANCE.**

The Board of Control is hereby authorized and directed to procure and enter into a contract for dental insurance coverage for all department heads and other management City employees not represented and/or included in the bargaining units of AFSCME Local Union No. 1260 and/or FOP Lodge No. 78, and members of their families who qualify for such coverage under the terms of the subject policy.

A copy of the foregoing dental insurance contract shall at all times be maintained in the Auditor's office in a file bearing the same number as this section.

The Auditor is hereby authorized and directed to pay all premiums for the dental insurance coverage from the General Fund, except that all insurance premiums, if any, attributable to the Water Department, Sanitation Department, Division of Development and any other department(s) funded with State and/or Federal funds shall be paid from funds of the respective departments.

As used herein, "management City employee" means any employee on the regular payroll of the City who works twenty or more hours per week, and is classified by the applicable supervisor as a regularly scheduled City employee. Additionally, it includes only those employees who are not represented and/or included in the bargaining units of AFSCME Local Union No. 1260 and/or FOP Lodge No. 78.

(Ord. 88-14. Passed 4-7-88.)

**159.13 PICKUP OF CONTRIBUTIONS TO RETIREMENT SYSTEMS.**

(a) Effective June 18, 1989, the full amount of the statutorily required contributions to the Public Employees Retirement System of Ohio, and the Police and Firemen's Disability and Pension Fund shall be withheld from the gross pay of each person within any and all of the classes established in subsection (b) hereof and shall be "picked-up" (assumed and paid to the Public Employees Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund) by the City. This "pick-up" by the City is, and shall be designated as, public employee contributions and shall be in lieu of contributions to the Public Employees Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund by each person within any and all of the classes established in subsection (b) hereof. No person subject to this "pick-up" shall have the option of choosing to receive the statutorily required contribution to the Public Employees Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund directly instead of having it "picked-up" by the City or of being excluded from the "pick-up".

Further, the City shall, in reporting and making remittance to the Public Employees Retirement System of Ohio, and the Police and Firemen's Disability and Pension Fund, report that the public employee's contribution for each person subject to this "pick-up" has been made as provided by statute.

(b) The “pick-up” by the City provided by this section shall apply to the following: All elected officials and employees of the City who are contributing members of the Public Employees Retirement System of Ohio and/or the Police and Firemen’s Disability and Pension Fund.

(c) The gross wage or salary of any person subject to the “pick-up” provided by this section shall not change as a result of this “pick-up”.

(d) The Auditor is hereby authorized and directed to implement the provisions of this section to effect the “pick-up” of the statutorily required contributions to the Public Employees Retirement System of Ohio and the Police and Firemen’s Disability and Pension Fund for those persons reflected in subsection (b) hereof so as to enable them to obtain the resulting federal and state tax deferments and other benefits.  
(Ord. 89-45. Passed 6-20-89.)

#### 159.14 DRUGFREE WORKPLACE.

(a) General Provisions. The City of Martins Ferry is committed to maintaining a drugfree workplace. The manufacture, distribution, sale, dispensation, possession or use of alcohol or a controlled substance in the workplace is specifically prohibited.

(b) Definitions.

- (1) “Possession” means having in or on one’s person, effects, motor vehicle, tools or areas substantially entrusted to one’s control, such as desks, files or lockers.
- (2) “Workplace” means any City office, building, real estate (including parks and parking lots owned or leased by the City), motor vehicles or any other site where a City employee is to perform work for or on behalf of the City.
- (3) “Controlled substance” means substances defined in Schedule I through V of Section 812, 21 C.F.R. Part 1208 (1989).
- (4) “Conviction” means a finding of guilt by any judicial body charged with the responsibility of determining violations of the federal, state or local criminal drug statutes or ordinances.
- (5) “Criminal drug statute or ordinance” means a criminal statute or ordinance involving manufacture, distribution, sale, dispensation, use or possession of any controlled substance.

(c) Prohibited Conduct.

- (1) The manufacture, distribution, sale, dispensation, possession or use of a controlled substance in violation of any federal, state or local statute or ordinance constitutes ground for dismissal. Employees manufacturing, distributing, selling, dispensing, possessing or using a controlled substance shall be subject to appropriate discipline.
- (2) The failure of any employee to notify his/her department supervisor of any criminal drug statute or ordinance conviction shall make that employee subject to dismissal.
- (3) The manufacture, distribution, sale, dispensation, possession or use of alcohol while on duty or on City property or while in custody or charge of City equipment constitutes grounds for dismissal.

(d) Roles and Responsibilities.

- (1) Within ten days after receiving notice of a criminal drug statute or ordinance conviction of a City employee, the Mayor or his designee shall notify any granting federal agency of a criminal drug statute or ordinance conviction against an employee for conduct:
  - A. Occurring within the workplace; and
  - B. In connection with that federal agency's grant.
- (2) Within thirty days after receiving notice of a City employee's criminal drug statute or ordinance conviction, the employee's department supervisor shall take appropriate disciplinary action.
- (3) Department supervisors shall assist in ensuring that the workplace is free of controlled substances and that their departments meet the requirements of the Drugfree Workplace Act of 1988. Department supervisors shall make employees under their supervision aware of the Employee Assistance Program and shall report immediately to the Mayor or his designee any reasonable evidence to suspect that any employee is manufacturing, distributing, selling, dispensing, possessing or using a controlled substance.
- (4) Employees shall report to their supervisor any conduct of other employees manufacturing, distributing, selling, dispensing, possessing or being under the influence of controlled substances.

(e) Self Referral. Any employee who desires assistance with respect to controlled substances or alcohol may use nonchargeable leave for self-referral to the EAP. The employee shall obtain the approval of the department supervisor before leaving the worksite to attend an EAP appointment. All formal supervisor referrals shall use nonchargeable leave. (Ord. 96-8. Passed 1-18-96.)

159.15 FIREARMS POLICY.

(a) In the interest of protecting the safety of employees and citizens of the City of Martins Ferry, Council hereby adopts the following firearms policy for the City of Martins Ferry.

(b) Effective April 8, 2004, as required by Ohio R.C. 2923.1212, the following signs (or language substantially similar) will be posted at the entrance of every City owned building, and at the entrance to the portion of any non City owned building which is leased by the City.

"Pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises. A valid license does not authorize the licensee to carry a concealed handgun onto these premises."

(c) Employees and officials of the City of Martins Ferry, other than law enforcement officers specially authorized to carry a firearm, are prohibited from carrying firearms into any City building, in any City vehicle, or at any time while they are acting within the course and scope of their employment.

(d) Employees and officials of the City of Martins Ferry, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from bringing a handgun onto a City owned parking lot, even if it is kept in their own vehicle, except for employees with a valid license to carry a concealed handgun.

(e) A City employee or official with a valid license to carry a concealed handgun may bring a handgun onto a City owned parking lot, but must leave the handgun in their own locked vehicle, either in the glove compartment (or other locked compartment), in the trunk, or locked inside a gun case, when they report for work. An employee or official with a valid license to carry a concealed handgun who is reporting for work may remove the handgun from their own vehicle parked on City property only for the purpose of transporting it to and from the trunk of the vehicle for storage.

(f) Any City employee or official who violates this policy is acting outside the course and scope of their duties. The City of Martins Ferry will not defend or indemnify such actions by any City official or employee. Any City employee found to be in violation of this policy will be subject to disciplinary action, up to and including discharge.

(g) City employees who use a firearm or make comments about firearms in such a way that intimidates, harasses, coerces, or threatens another City employee will be subject to disciplinary action, up to and including discharge.  
(Ord. 2004-15. Passed 4-14-04.)

#### 159.16 ISSUANCE, USE AND CONTROL OF CREDIT CARDS.

The Mayor and Auditor shall implement and maintain the following system for the distribution, authorization and control of credit cards issued to or for the benefit of the City and used by City officials and employees.

- (a) Distribution-Credit cards may be distributed to those City officials and employees who, in the opinion of the Mayor, or his/her designee, have job responsibilities that would benefit or otherwise be facilitated by use of a credit card.
- (b) Authorization and Control - The Auditor shall develop specific administrative guidelines and accounting controls to ensure the proper usage of credit cards and credit card funds. The purchasing card is to be used when it is in the best interest of the City administrative affairs.
- (c) Application - The individual holder, upon prior approval of the Mayor or his/her designee, shall hold each credit card responsibly.
- (d) Credit Limits - The Mayor or his/her designee shall set credit limits on each card issued subject to the approval of the City Council. Individual purchases shall not exceed \$1000 without the pre-approval of the Mayor and in no event shall the credit card limit exceed \$2500 for any individual credit card account.
- (e) Credit Card restrictions - The following will be considered an unauthorized purchase or use of any City purchasing/credit card:
  - (1) Cash advances;
  - (2) Payment of invoices or statements;
  - (3) Purchases where an open charge account would be utilized; or
  - (4) Personal purchases of any kind.

- (f) Disallowed Charges-Disallowed charges, or charges not properly identified, will be paid by the employee before the charge card billing is due. Failure to do so will render the employee personally liable where the City shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the employee up to the unpaid amount, plus interest and/or fees at the rate charged by the bank that issued the card. Employee shall not use the credit card if any disallowed charges are outstanding. The act of obtaining a City credit card does not indicate pre-approval of expenditures/expenses.
- (g) Return of Credit Card - The employee shall return all City credit cards at the request of the Mayor or his/her designee, or upon separation of employment. Final paycheck will be held until all outstanding property has been returned. (Ord. 2007-24. Passed 9-20-07.)

#### 157.17 CITY ISSUED CELLULAR TELEPHONES, PAGERS AND DESK TELEPHONES.

(a) City issued cellular telephones, pagers and desk telephones are intended for official business use. While occasional personal use is permitted, it must be responsible and it must be clearly incidental to business use. Employees must reimburse the City for any long distance costs associated with personal use of City issued telephones.

(b) Cellular telephones and pagers may be issued only to those employees with a demonstrated need for these types of communication. Only authorized personnel within Departments shall request cellular telephones and pagers. Employees who use a City issued cellular telephone or pager agree to the following rules of use.

- (1) Employees must reimburse the City for any costs associated with personal use. Personal use must be clearly incidental to business use. Personal use with associated charges must be reported to supervisors.
- (2) Employees must safeguard any cellular telephone and pager equipment in their possession.
- (3) The loss of any cellular telephone or pager equipment shall be reported to the employee's supervisor immediately. If theft is suspected, the Police Department should also be notified immediately. Loss of equipment may be grounds for discipline.
- (4) Employees shall exercise extreme caution talking on a cellular telephone while driving. Unless utilizing a "hands-free" speakerphone option, employees should move to a safe location, stop their vehicle as soon as safely possible.
- (5) Employees shall limit all cellular calls to no more than five minutes, unless call is of an immediate emergency nature. Calls over the five minute limit shall be documented and justification will be required.
- (6) When an employee no longer has a demonstrated need for the cellular telephone or pager, or when the employee terminates employment with any City Department, that employee shall return any cellular telephone and pager equipment to that Department.

- (7) Any employee who exceeds their monthly-allotted minutes and/or package dollar amount unless directed by a supervisor, shall be subject to an immediate audit for the previous twelve-month period. Costs that are associated with excessive use and/or personal costs that are not reimbursed by the employee at the time of the audit may be considered theft and will result in appropriate corrective action.
- (8) After three instances of repeated non-compliance with this policy and failure to remain within allotted minutes, costs, etc. shall result in progressive discipline and may result in loss of use of cellular and/or paging equipment. (Ord. 2007-25. Passed 10-4-07.)

#### 159.18 MINIMUM WAGE.

The minimum wage for the City of Martins Ferry is hereby established at the hourly rate of seven dollars and seventy cents (\$7.70).  
(Ord. 2012-04. Passed 1-17-12.)

CHAPTER 161  
Investment of Funds

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| 161.01 Authorization.              | 161.04 Cemetery Perpetual Care Fund. |
| 161.02 Investment Advisory Board.  |                                      |
| 161.03 Permanent Improvement Fund. |                                      |

CROSS REFERENCES

- Deposit of public moneys - see Ohio R.C. 117.17  
 Establishment of required funds - see Ohio R.C. 5705.09  
 Special funds authorized - see Ohio R.C. 5705.12

161.01 AUTHORIZATION.

Whenever there are moneys in the City Treasury which will not be required to be used by the City for a period of six months or more, such moneys may, in lieu of being deposited in a bank, be invested in accordance with the provisions of Ohio R.C. 731.56 et seq. (Ord. 4541. Passed 12-28-54.)

161.02 INVESTMENT ADVISORY BOARD.

(a) There is hereby created an Investment Advisory Board consisting of three members: the President or acting President of the Citizens Bank, Sky Bank and National City Bank.

(b) It is hereby declared to be the policy of Council that the Investment Advisory Board shall meet with the Treasury Investment Board of the City once a month or so often as is necessary to review the portfolio of investments of the City and make recommendations to the Treasury Investment Board on the prudent and productive investment of City funds.

(c) Nothing herein shall be construed to limit or impede the lawful powers and authority of the Treasury Investment Board of the City nor is there any legislative intention that the Treasury Investment Board be limited to seeking advice only from the Investment Advisory Board. (Ord. 5860. Passed 12-18-69.)

(d) The Finance Committee of City Council shall be notified of all meetings of the Treasury Investment Board. (Ord. 2002-46. Passed 9-5-02.)

**161.03 PERMANENT IMPROVEMENT FUND.**

(a) All moneys paid into the Permanent Improvement Fund at the time of closing of the sale of the electric generating plant equipment and distribution and street lighting system and lease of real property on or under which certain equipment is situated shall be invested pursuant to Ohio R.C. 731.56 et seq. and remain so invested for a period of at least ten years.

(b) The Treasury Investment Board shall consult with the Investment Advisory Board pursuant to the procedure set forth in Section 161.02 prior to any investment of the Permanent Improvement Fund.  
(Ord. 5861. Passed 12-18-69.)

(c) All income received by the City each fiscal year from the investment of the Permanent Improvement Fund shall be immediately paid by the City into the General Fund of the City. (Ord. 7018. Passed 12-16-77.)

**161.04 CEMETERY PERPETUAL CARE FUND.**

The Auditor is hereby authorized and directed to invest the Cemetery Perpetual Care Fund and keep said Fund invested in interest bearing debts of the City, and if no such debts are owed by the City, then in safe interest bearing bonds or certificates of deposit in financial institutions within the State of Ohio authorized by law to accept deposits and subject to inspection by either the United States or the State of Ohio.  
(Ord. 2006-10. Passed 3-16-06.)



CHAPTER 163  
Borrowing of Funds

163.01 Notice to banks.

163.02 Opening of bids.

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163.01 NOTICE TO BANKS.

Each time the City borrows any monies the Chairman of the Finance Committee shall send or deliver a written communication(s) to the Citizens Bank, National City Bank, and Sky Bank specifically setting forth all of the specifications therefore, including the specifications that all bids must be sealed and in writing, and delivered to the City on or before the designated time. (Ord. 2002-70. Passed 11-21-02.)

163.02 OPENING OF BIDS.

All bids received shall be opened at the time designated by the Chairman of the Finance Committee, and only if at least two of the following City officials are present at the same time: Mayor; President of Council; City Council member; Auditor, or a representative from that office; or the Chairman of the Finance Committee. (Ord. 2002-70. Passed 11-21-02.)



TITLE SEVEN - Judicial  
Chap. 171. Mayor's Court.

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CHAPTER 171  
Mayor's Court

EDITOR'S NOTE: The Mayor has jurisdiction to hear and determine any prosecution for the violation of a Municipal ordinance, and has jurisdiction in all criminal causes involving moving traffic violations occurring on State highways located within the corporate limits, subject to the right of the defendant to trial by jury and before an impartial magistrate.

Ohio R.C. 2945.17 provides that an accused has a right to be tried by a jury at any trial in any court for the violation of any Ohio statute or of any Municipal ordinance, except in cases in which the penalty involved does not exceed a fine of one hundred dollars (\$100.00). Ohio R.C. 2937.08 and Criminal Rule 23(A) provide that if the court in which a defendant is charged with an offense is not a court of record (the Mayor's Court), and the charge is such that a right to a jury trial exists, such matter shall not be tried before him and shall be transferred to a court of record in the County if the defendant:

- (a) Does not waive his right to trial by jury in a serious offense case for which the penalty established by laws includes confinement for more than six months, or
- (b) Demands a jury trial in a petty offense case in which the penalty prescribed is a fine greater than one hundred dollars (\$100.00) and/or imprisonment for not more than six months. "Such demand must be in writing and filed with the clerk of court not less than ten days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided in this subdivision is a complete waiver of the right thereto."

In Ward v. Village of Monroeville, Ohio, 93 S. Ct. 80 (1972), the United States Supreme Court held that where the mayor before whom the defendant was compelled to stand trial was responsible for municipal finances and the mayor's court provided a substantial portion of municipal revenues, defendant was denied a trial before a disinterested and impartial magistrate as guaranteed by the due process clause of the United States Constitution.

The Supreme Court of Ohio has adopted the "Ohio Traffic Rules" which prescribe the procedure to be followed in the Mayor's Court in traffic cases. Rule 9(A) thereof states the jury demand shall be made pursuant to Criminal Rule 23 referred to above. Rule 9(B) sets forth the conditions under which the Mayor may hear a traffic case incorporating therein the holding in Ward v. Village of Monroeville as further interpreted in State, ex rel. Brockman v. Procter, 35 Ohio St. 2d 79 (1973): "Where, in a mayor's court, a defendant is entitled to a jury trial and a jury demand is made pursuant to Criminal Rule 23, the Mayor shall transfer the case pursuant to subdivision (C). If a jury demand is not made pursuant to Criminal Rule 23, and (or?) the defendant waives his right to jury trial in writing, a mayor may try the case if (1) his compensation as a judge is not directly dependent upon criminal case convictions, or (2) he is not the chief executive and administrative officer of the municipality and as such responsible for the financial condition of the municipality. Guilty and no contest pleas may be taken by any mayor including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who as chief executive and administrative officer of the municipality are responsible for the financial condition of the municipality."

The procedure for transferring a case to a court of record is set forth in Rule 9(C): "Where a transfer is required, the mayor's court shall make a written order directing the defendant to appear at the transferee court, continuing the same bail, if any, and making appearance before the transferee court a condition of bail, if any. Upon transfer, the mayor's court shall transmit to the clerk of the transferee court the ticket and all other papers in the case, and any bail taken in the case. Upon receipt of such papers the clerk of the transferee court shall set the case for trial and shall notify the defendant by ordinary mail of his trial date."

Rule 13 provides that a court shall establish a traffic violation bureau and specifies certain restrictions as to the designated offenses and schedule of fines to be accepted as waiver payment in lieu of court appearance.

#### CROSS REFERENCES

Disposition of fines and costs - see Ohio R.C. 733.40

Mayor's powers and duties - see Ohio R.C. 1905.20 et seq.

Trial - see Ohio R.C. Ch. 2938

Notification to Director of liquor law convictions - see Ohio R.C. 4301.991

Record of traffic violations - see Ohio R.C. 4513.37

TITLE NINE - Redevelopment  
Chap. 181. Urban Renewal.

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CHAPTER 181  
Urban Renewal

181.01	Necessity of urban renewal.	181.09	Federal aid contracts.
181.02	Council policy.	181.10	Modification of plan.
181.03	Definitions.	181.11	Execution of urban renewal projects.
181.04	Mayor to supervise renewal and redevelopment activities.	181.12	Financing.
181.05	Preparation of plan.	181.13	Building permits.
181.06	Contents of plan.	181.14	Tax exemption.
181.07	Action by Planning Commission.	181.15	Separability; chapter controlling.
181.08	Public hearing and Council action.		

CROSS REFERENCES

Appropriation of property - see Ohio Const., Art. I, Sec. 19;  
Art. XVIII, Sec. 10, 11  
Procedure for appropriation of property - see Ohio R.C. Ch. 163  
Power to transfer or convey real property without bids - see Ohio R.C.  
721.28  
Urban renewal debt retirement fund - see Ohio R.C. Ch. 725  
Division of Development - see ADM. Ch. 139  
General City Plan - see P. & Z. 1113.01

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181.01 NECESSITY OF URBAN RENEWAL.

It is hereby determined that within the City there exist slum, blighted, deteriorated and deteriorating areas of the nature defined in this chapter which constitute a serious and growing menace injurious and inimical to the public health, safety, morals and general welfare of the residents. The existence of such areas:

- (a) Contributes substantially and increasingly to the spread of disease and crime, and to losses by fire and accident, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution and punishment, for the treatment

- of juvenile delinquency, for the maintenance of adequate police, fire and accident protection, and for other public services and facilities;
- (b) Constitutes an economic and social liability; and
  - (c) Substantially impairs and arrests the sound growth of the community, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities.

This menace is beyond remedy and control solely by regulatory processes and exercise of the police power, and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids provided in this chapter. The elimination in whole or in part of slum, blighted, deteriorated and deteriorating areas, and the prevention of occurrence or recurrence of such areas by redevelopment and by the conservation, rehabilitation and reconditioning, to the extent feasible, of the salvageable portions of such areas, and by other activities pursuant to urban redevelopment or urban renewal as defined in this chapter, are public uses and purposes for which public money may be expended and private property acquired by purchase, by donation and by eminent domain and are governmental functions of concern to the City, and require the exercise of the powers of government granted to the City by the provisions of Article XVIII of the Ohio Constitution. The necessity in the public interest and general welfare, for the provisions of this chapter is hereby declared as a matter of legislative determination.

(Ord. 5379. Passed 10-22-64.)

#### 181.02 COUNCIL POLICY.

It is hereby declared to be the policy of Council to promote and encourage the sound development, including renewal and redevelopment where necessary, of the entire City in accordance with the General Plan for the City. Council realizes that the City Government will be unable to carry out coordinated and effective programs for renewing the City without the cooperation and support of the public as a whole. Therefore, Council stands ready to cooperate with private enterprise, civic groups, neighborhood agencies and governmental agencies in developing and carrying out urban renewal programs and projects to promote the sound development of new areas, to prevent the spread of slums and blight and to eliminate slums, blighted, deteriorated and deteriorating areas in the City.

(Ord. 5379. Passed 10-22-64.)

#### 181.03 DEFINITIONS.

For purposes of this chapter, the following terms have the meanings ascribed to them in this section unless a different meaning is clearly indicated in the context.

- (a) "Agency" or "urban renewal agency" or "local public agency" or "City" means the City of Martins Ferry.
- (b) "Slum, blighted or deteriorated area" means an area within the corporate limits of the City in which there are a majority of structures or other improvements, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, high density of population and overcrowding, unsafe and unsanitary conditions or the existence of conditions which endanger life or property by fire or other hazards and causes, or any combination of such factors, and an area with overcrowding or improper location of structures on the land, excessive dwelling unit density, detrimental

land uses or conditions, unsafe, congested, poorly designed streets or inadequate public facilities or utilities, all of which substantially impair the sound growth and planning of the community, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals and general welfare.

- (c) "Deteriorating area" means either:
- (1) An area, whether predominantly built up or open, which is not a slum, blighted or deteriorated area but which, because of incompatible land uses, nonconforming uses, lack of adequate parking facilities, faulty street arrangement, obsolete platting, inadequate community and public utilities, diversity of ownership, tax delinquency, increased density of population without commensurate increases in new residential buildings and community facilities, high turnover in residential or commercial occupancy, lack of maintenance and repair of buildings, or any combination thereof, is detrimental to the public health, safety, morals and general welfare, and which will deteriorate, or is in danger of deteriorating, into a slum, blighted or deteriorated area, or
  - (2) An area consisting principally of land in highways, railway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air right sites can be developed thereby eliminating such blighting influence.
- (d) "Project area" or "urban redevelopment area" or "urban renewal area" means a slum, blighted, deteriorated or deteriorating area or any combination or part thereof which Council designates as of a character and size appropriate for urban renewal activities and for which an urban redevelopment plan or urban renewal plan is proposed or prepared.
- (e) "General neighborhood renewal area" means an urban renewal area of such scope that urban renewal activities therein have to be carried out in more than one separate urban renewal project, over an estimated period of up to ten years.
- (f) "Urban renewal" or "urban redevelopment" means the activities of the City, with or without Federal or State aid or assistance, for developing, undertaking and carrying out urban renewal or redevelopment programs and projects, including all planning and other related activities of the City in connection therewith, or any part of such activities.
- (g) "Open space land" means land which has not been developed by the construction or installation of streets, utilities, buildings, except sporadic or incidental structures, or other site improvements. Whether or not such an area has been platted in whole or in part does not prevent its classification as "open space land."
- (h) "Redeveloper" means any person or entity purchasing property from the City within a project area, or owning property located within such an area and entering into a conforming agreement with the City in consideration for which he is permitted by the City to retain title to the property.  
(Ord. 5379. Passed 10-22-64.)
- (i) "Urban renewal plan" or "urban redevelopment plan" or "redevelopment plan" means a plan as it exists from time to time for the urban renewal or redevelopment of a project area or part thereof.  
(Ord. 5385. Passed 12-10-64.)

- (j) "General neighborhood renewal plan" means the plan and program as it exists from time to time for the urban renewal or redevelopment of a general neighborhood renewal area. The general neighborhood renewal plan need not contain all of the required contents set forth in Section 181.06 with respect to an urban renewal plan or urban redevelopment plan. Approval of the general neighborhood renewal plan by Council does not create authority to carry out project execution activities.
- (k) "Urban renewal project", "urban redevelopment project" or "project" means undertakings and activities of the City, with or without Federal or State aid or assistance, in a project area for the elimination and for the prevention of the development or spread of slum, blighted, deteriorated or deteriorating areas, and may involve clearance and redevelopment in a project area, or rehabilitation and conservation in a project area, or any combination or part thereof, in accordance with the urban renewal or urban redevelopment plan for the project area to the full extent of and in accordance with the rights, powers and authority of the City, whether derived from the applicable provisions of the Federal or State constitution or statutes, or City ordinances. Such undertakings and activities in a project area may include:
- (1) Acquisition of realty, including the acquisition of air rights;
  - (2) Demolition and removal of buildings and improvements;
  - (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out the urban renewal or urban redevelopment plan;
  - (4) Disposition of property for uses in accordance with the urban renewal or urban redevelopment plan;
  - (5) Encouraging and assisting interested residents in a private program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan, with or without aid and assistance by Federal Housing Administration mortgage insurance or special support for mortgage financing through the Federal National Mortgage Association or similar organizations;
  - (6) Acquisition of any real property where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen such lot occupancy or population density as create such conditions, eliminate uses incompatible with the general character of a neighborhood and which are detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and disposition of property, so acquired in accordance with this paragraph for voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (7) Construction of foundations and platforms necessary for the appropriate provision of air right sites in accordance with the urban renewal or urban redevelopment plan;
  - (8) Acquisition and repair or rehabilitation for guidance purposes, and resale, of structures which, under the urban renewal plan, are to be repaired or rehabilitated for dwelling use or related facilities, provided, that there shall not be acquired for such purposes, in any project area, buildings which contain or will contain more than 100 dwelling units, or five percent



of the total number of dwelling units in the area which, under the urban renewal plan, are to be repaired or rehabilitated, whichever is the lesser. The urban renewal project shall not include the construction or improvement by the City of any building other than municipal buildings, except as provided in paragraph (7) of this subsection and this paragraph (8).

- (l) "General Plan" or "Master Plan" generally means a broad and general guide and pattern for the future growth and development of the City including maps, plats, charts and descriptive, interpretive and analytical narratives, as may be appropriate and specifically shall mean the Comprehensive Plan of Martins Ferry, Ohio as adopted by the City Planning Commission on March 30, 1964, pursuant to Ohio R.C. 713.02, and any subsequent amendments thereto.
- (m) "Slum clearance", "clearance" or "urban redevelopment" includes those undertakings and activities identified in subsection (k)(1) through (4) and (7).
- (n) "Rehabilitation", "conservation" or "reconditioning" includes those undertakings and activities identified in subsection (k)(3) through (6) and (8). (Ord. 5379. Passed 10-22-64.)

#### 181.04 MAYOR TO SUPERVISE RENEWAL AND REDEVELOPMENT ACTIVITIES.

The Mayor is hereby charged with the responsibility of supervising the urban renewal and urban redevelopment activities of this City, coordinating the activities of the several officers, employees, commissions and boards concerned with such projects and executing on behalf of the City, as its authorized representative, all applications to the Federal Government for grants, loans and advances.  
(Ord. 5379. Passed 10-22-64.)

#### 181.05 PREPARATION OF PLAN.

(a) Upon the recommendation of the Mayor and approval by the Planning Commission, the Board of Control shall enter into such contracts on behalf of the City with engineers, architects and other professional services as may be necessary to provide the necessary inspections, studies, plans, surveys and reports in connection with the preparation of the general neighborhood renewal plan, and in connection with the urban renewal or redevelopment activities to be undertaken by the City to the extent that funds have been appropriated therefor. The Planning Commission may itself conduct such inspections, studies, plans, surveys and reports.

(b) When studies, plans, surveys or reports pursuant to subsection (a) of this section have been prepared, they shall be submitted to Council and filed as provided from time to time. (Ord. 5379. Passed 10-22-64.)

#### 181.06 CONTENTS OF PLAN.

(a) Any urban renewal or redevelopment plan hereafter prepared shall be prepared in such detail as to clearly set forth sufficient information to permit the Planning Commission to exercise its power of approval or disapproval under Ohio R.C. 713.02, and in any event such plans shall include, but not be limited to, the following:

- (1) A description of the boundaries of the project area;
- (2) A land use plan showing the location, character and extent of public and private land ownership, utilities, use and occupancy proposed within the area;

- (3) A delineation of areas of land acquisition, demolition and removal of structures, or of rehabilitation, conservation or reconditioning of existing structures, if any, as may be proposed to be carried out in the project area;
- (4) A statement indicating the controls and the use, development and building restrictions to be placed on the property in the project area to prevent a recurrence of slum or blighted conditions;

and, in addition thereto, the plan or its supporting documentation shall include, but shall not be limited to, the following:

- (5) A report showing the proposed changes, if any, in the building, housing or zoning ordinances or maps and street layout, levels or grades;
- (6) A statement from the appropriate City official or officials setting forth the capability of the City to finance the portion of the project costs to be contributed by the City;
- (7) A statement of the relationship of the plan to definite objectives of the City in respect to appropriate land uses, improved traffic conditions and transportation, public utilities, recreation and community facilities and other public improvements.

(b) A relocation plan shall indicate a feasible method for the temporary relocation of families displaced from the project area, and that there are or are being provided in the project area, or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families to be displaced from the project area, decent, safe and sanitary dwellings equal in number to the number of such displaced families, and available to them and reasonably accessible to their places of employment.

(Ord. 5379. Passed 10-22-64.)

#### 181.07 ACTION BY PLANNING COMMISSION.

(a) When a general neighborhood renewal plan or an urban renewal or urban redevelopment plan and the supporting documentation therefor is filed with Council, Council shall refer the plan and supporting documentation to the Planning Commission of the City for its review and recommendations including the exercise of its power of approval or disapproval under Ohio R.C. 713.02, and its certification as to whether or not the plan is in conformity with the General Plan of the City, by causing a copy of the plan and supporting documentation to be delivered to the person charged with the preparation and custody of the record of proceedings of the Planning Commission.

(b) The Planning Commission shall submit in writing to Council its approval or recommendations concerning the plan. The approval of the Commission shall also constitute its approval of those matters placed under its jurisdiction by Ohio R.C. 713.02, except as the recommendations of the Planning Commission may include a disapproval pursuant to that section. Except as recommendations or disapprovals are received from the Planning Commission on or before the thirtieth day after the day of delivery to the person charged with the preparation and custody of the record of proceedings of the Planning Commission of such plan and supporting documentation, the plan shall be conclusively presumed to have been approved by the Planning Commission.

(Ord. 5379. Passed 10-22-64.)

**181.08 PUBLIC HEARING AND COUNCIL ACTION.**

(a) Council, before approving a general neighborhood renewal plan or an urban renewal or urban redevelopment plan, shall hold a public hearing on the plan at which an opportunity shall be provided to all interested persons to be heard either in person or by counsel, which hearing may be adjourned from time to time. Notice of the date, time and place of such hearing will be published in a newspaper of general circulation in the City once a week for two consecutive weeks on the same day of the week, and at least seven full days shall elapse between the second publication and the date set for the public hearing. The notice shall also contain a description of the project area by its location in relation to highways, streets, watercourses or other natural or artificial boundaries, and shall also designate the place at which the plan, maps, plats and other materials describing the project area are and will be available for public inspection.

(b) Following the completion of the public hearing, Council may either approve or reject the general neighborhood renewal plan or the urban renewal or urban redevelopment plan, or make modifications and approve the plan as modified; provided that:

- (1) If the boundaries of the project area are extended to include any land (except land contained within the right-of-way lines of a dedicated street or alley) not included in the urban renewal or urban redevelopment plan upon which the public hearing was held pursuant to subsection (a) hereof, or if there is added a type of urban renewal or redevelopment activity not included in the urban renewal or urban redevelopment plan upon which the public hearing was held pursuant to subsection (a) hereof which requires the acquisition of property or if there is any change in land use or redevelopment restrictions contained in the urban renewal or urban redevelopment plan upon which the public hearing was held pursuant to subsection (a) hereof, a public hearing shall be held on the urban renewal or urban redevelopment plan as modified prior to the approval thereof by Council in accordance with the provisions of subsection (a) hereof; and
- (2) If such modifications are other than in accordance with the recommendations of the Planning Commission, the general neighborhood renewal plan or urban renewal plan or urban redevelopment plan as modified shall be resubmitted to the Planning Commission for its written approval or recommendations pursuant to the provisions of Section 181.07.

(c) When Council wishes to approve a general neighborhood renewal plan, or an urban renewal or redevelopment plan, it shall do so by ordinance passed by not less than a majority vote, after reading in full on three separate days or under suspension of rules pursuant to Ohio R.C. 731.17; provided, however, that if the plan has not been approved by the Planning Commission, or if there were any partial disapprovals by or adverse recommendations of the Planning Commission under Ohio R.C. 713.02, not accepted by Council by its modifications of the plan in accordance therewith, then an affirmative vote of two-thirds of the members of Council shall be required to pass the ordinance and, to the extent that such disapproval involves the construction of an improvement or utility within the meaning of Ohio R.C. 713.02, the concurrence of the head of the department or departments having control of the construction of such proposed improvement or utility shall also be necessary.

(d) The ordinance of Council approving a general neighborhood renewal plan should contain a finding that the plan conforms to the general plan and to the workable program of the City and such other findings as may be necessary or desirable, but need not contain the other findings set forth in subsection (e) hereof for approval of urban renewal or redevelopment plans. Such approval of a general neighborhood renewal plan may be made before or at the same time as the approval of an urban renewal or redevelopment plan for a project within the general neighborhood renewal area.

(e) The ordinance of Council approving an urban renewal or redevelopment plan shall include the following findings:

- (1) Specific findings of fact as to the conditions in the project area which make it a slum, blighted, deteriorated or deteriorating area, and findings that the project area is a slum, blighted, deteriorated or deteriorating area;
- (2) That the size and character of the area and the location of elements of slum, blight and deterioration in the area make it appropriate for urban renewal activities;
- (3) That the proposals for the proper relocation of individuals and families displaced in carrying out the project in decent, safe and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the project; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the project area, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment;
- (4) This finding is to be made only if Federal aid is needed: That financial aid to be provided by the Federal Government under its contract is necessary to enable the project to be undertaken in accordance with the plan;
- (5) That the plan for the project area will afford maximum opportunity consistent with the sound needs of the community as a whole for the rehabilitation or redevelopment of the project area by private enterprise;
- (6) That the plan conforms to the existing General Plan for the overall development of the City as prepared by the Planning Commission pursuant to Ohio R.C. 713. 02;
- (7) That the plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of the children residing in the general vicinity of the site covered by the plan;
- (8) This finding is to be made only if there is included in the plan any provision permitting the new construction of hotels, motels or other housing for transient use: That the City has caused to be made a competent independent analysis of the local supply of transient housing and as a result determines that there exists a need for additional units of such housing in the project area;

- (9) This finding is to be made only if the project area is not predominantly residential in character and is not to be redeveloped for predominantly residential use: That the redevelopment of the project area for predominantly nonresidential uses is necessary for the proper development of the community;
- (10) This finding is to be made only where an open space land program is involved:  
That the land and the interests in land to be acquired are for the purpose of preserving the area as open space land and are necessary for orderly long range development, to curb urban sprawl and the spread of urban blight and deterioration, to encourage more economical and desirable urban development and to provide areas for parks, playgrounds, parkways, conservation areas, watersheds and to preserve natural resources, and that the area so to be acquired is of a size and character appropriate for these purposes;
- (11) This finding is to be made only if Federal aid is involved and clearing is the sole treatment proposed: That the objectives of the urban renewal plan cannot be achieved through rehabilitation of the urban renewal area;
- (12) This finding is to be made only if Federal aid is involved and both clearance and rehabilitation treatment are proposed: That the objectives of the urban renewal plan cannot be achieved through more extensive rehabilitation of the urban renewal area;
- (13) This finding is to be made only where an educational institution or a hospital is located in or near the project area and it is desired to utilize Section 112 of the Housing Act of 1949, as amended: That, in addition to the elimination of slums and blight from the area, the undertaking of an urban renewal or urban redevelopment project in the area will further promote the public welfare and the proper development of the community by making land in the area available for disposition, for uses in accordance with the urban renewal or urban redevelopment plan, to an educational institution or hospital for redevelopment in accordance with the uses specified in the urban renewal or urban redevelopment plan and by providing, through the redevelopment of the area in accordance with the urban renewal or urban redevelopment plan, a cohesive neighborhood environment compatible with the functions and needs of the educational institution or hospital, or by any combination of the foregoing.

(f) The Clerk of Council shall certify as true and correct and deliver to the Mayor a copy of the ordinance approving the plan for the Mayor's approval or veto and appropriate further action, and any documents which were submitted to Council to support findings made in the ordinance should be filed with a copy of the ordinance.

(g) The taking effect of the ordinance approving an urban renewal or redevelopment plan shall constitute authority to spend moneys of the City appropriated for carrying out urban renewal or redevelopment activities in accordance with the plan, as well as the proceeds of bonds or notes issued for such purpose, and to accept advances, gifts, donations and grants from the Federal Government, the State, any entity, instrumentality or subdivision of either, or from any other entity or person for such purpose.  
(Ord. 5379. Passed 10-22-64.)

#### 181.09 FEDERAL AID CONTRACTS.

Any contract with a Federal agency for loans, advances, grants or other Federal aid to the City shall be approved by the Solicitor as to form and legality and after approval and authorization by ordinance of Council, passed in accordance with the requirements of Ohio R.C. 731.17, shall be executed by the Board of Control.  
(Ord. 5379. Passed 10-22-64.)

#### 181.10 MODIFICATION OF PLAN.

An approved urban renewal plan may be amended, modified or changed by ordinance of Council from time to time; however, if the boundaries of the project area are extended to include any land (except land contained within the right-of-way lines of a dedicated street or alley) not previously included therein or if there is added a new type of urban renewal activity which requires the acquisition of property or if there is any change in the land use or redevelopment restrictions or if there is a change in the proposed location, extent or character of a public improvement or utility within the project area or in any other matter directly within the jurisdiction of the Planning Commission to approve or disapprove under Ohio R.C. 713.02, or if the amendment, modification or change is deemed by Council to be a substantial change in the urban renewal or redevelopment plan, then all of the proceedings provided for in Sections 181.07 and 181.08 shall be carried out in connection with the amendment, modification or change except that the findings to be made in the ordinance approving the urban renewal or urban redevelopment plan shall be altered to fit the new circumstances. The land use or redevelopment restrictions applicable to any land previously conveyed by the City may not be amended, modified or changed without the consent of the property owner.

A general neighborhood renewal plan may be amended, modified or changed by ordinance of Council from time to time, provided that any such amendment, modification or change shall be submitted to the Planning Commission for its written approval or recommendations pursuant to the provisions of Section 181.07.  
(Ord. 5379. Passed 10-22-64.)

#### 181.11 EXECUTION OF URBAN RENEWAL PROJECTS.

(a) Acquisition of Property. As authorized by Council and with the approval of the Board of Control where appropriate under the provisions of Ohio R.C. 733.22, the Director of Public Service with the appropriate advice and assistance of the Solicitor, shall cause the necessary steps to be taken to acquire the parcels of land in the project area in accordance with the urban renewal or redevelopment plan, including but not limited to, the negotiation for such parcels, obtaining appraisals, title examinations and reports, executing contracts for any of such services and appropriate documents to transfer title to the City; provided, that in the event appropriation of property is necessary, Council shall initiate and carry out, with the appropriate assistance of the several officers, employees, boards and commissions of the City, the proceedings in accordance with Ohio R.C. Chapter 163. Acquisition may take place at any time after compliance with Sections 181.07 and 181.08.

(b) City Activities Preparing Property for Disposition. The Director of Public Service shall make the contracts, purchase the supplies and materials and provide the labor, pursuant to and in accordance with the applicable provisions, including the

competitive bidding requirements, of Ohio R.C. 735.05 to 735.09, Chapter 153 and Sections 723.52 and 723.53, for such City activities as may be necessary to carry out the urban renewal project, including but not limited to the demolition, rehabilitation or repair of structures (whether voluntarily by the private owners thereof or by the City for demonstration purposes in limited numbers), the removal of pavement, sidewalks, lighting and trees, capping, removal and relocation of City-owned utility lines, grading, construction of site improvements and supporting facilities and the temporary lease, rental or permission to let others use structures or parcels of land while owned by the City, relocation activities and the enforcement of any applicable provisions of law or conforming agreements relative to building, zoning, platting and the repair or rehabilitation of land and structures remaining in private ownership after:

- (1) Any necessary appropriations of City moneys and authorization of expenditures by ordinances of Council in accordance with Ohio R.C. Chapter 5705;
- (2) Council action, where appropriate, to rezone property, vacate or dedicate streets or other public places and to provide for the establishment and preservation of open space areas pursuant to Ohio R.C. Chapters 711, 713 and 723, and applicable City ordinances;
- (3) Approvals and directions of the Board of Control, where appropriate, pursuant to Ohio R.C. 733.22;
- (4) Certification of funds by the Auditor, where appropriate, pursuant to Ohio R.C. 5705.41; and
- (5) Preparation of or approval of legal form of contracts by the Solicitor.

(c) Disposition of Property. Pursuant to Ohio R.C. 721.01, 721.03 and 721.28, after Council determines that real property is not needed for any Municipal purpose, Council may authorize by ordinance the transfer, lease or conveyance of any real property in accordance with and for the purposes of the plan, subject to such lawful terms, conditions, restrictions and covenants (including covenants running with the land) to assist in carrying out the purposes of the plan. All dispositions of real property shall be at not less than the fair value thereof determined by Council based upon the proposed new uses and restrictions to be imposed thereon under the urban renewal plan by Council through zoning ordinances, private covenant or otherwise. Such determination shall be made only after obtaining independent appraisals of the fair value upon the aforesaid bases, which appraisals shall not be binding upon the City. The manner of disposition shall be prescribed by ordinance, and may be by negotiation, with or without any competitive bidding, and such competition and award of a disposition contract may be based on factors other than price alone. Two weeks publication of notice in a newspaper of general circulation in the City shall be sufficient notice for the taking of competitive bids or of the execution of a disposition contract without competitive bidding. The financial and legal ability of those proposing to acquire or lease such real property shall be considered in all dispositions. The Director of Public Service shall execute, on behalf of the City, such instruments as may be necessary to transfer, lease or convey such real property in the form approved by the Solicitor and authorized by Council, which form shall include all covenants running with the land, including any portions of the plan incorporated by reference. The Director of Public Service shall execute any certificates of completion of improvements or other appropriate instruments, on behalf of the City, that may be necessary in accordance with any covenants in such instruments of lease or conveyance.

(d) Conforming Agreements. If the owner of property in the project area is willing to make the use of his property conform to the urban renewal or redevelopment plan and Council finds and determines that the acquisition of such property by the City will not be necessary if so conformed, the Mayor, upon Council authorization, may enter into a conforming agreement upon such terms and security as may be authorized by Council. The agreement may provide for the acquisition of the property upon continued failure of the property owner to keep his agreement after notice from the City specifying such failure.

(e) Employment of Community Corporations. In the execution of urban renewal or redevelopment projects, Council may authorize, as to any appropriate projects or parts of projects, the employment of community improvement corporations, community redevelopment corporation and metropolitan housing authorities, as defined by the statutes of Ohio, and when authorized by ordinance of Council may grant leases, make conveyances and enter into agreements with such corporations related to appropriate aspects of such projects to the full extent of the powers possessed by such corporations.  
(Ord. 5379. Passed 10-22-64.)

#### 181.12 FINANCING.

The cost of urban renewal activities may be paid in whole or in part by the City from appropriate general or special funds or accounts established pursuant to Ohio R.C. Chapters 135 and 5705 and the City may accept grants or gifts of moneys or real or personal property from persons, entities, governments or taxing authorities to be used for the planning and financing of such urban renewal activities. Any investment of excess funds shall be carried out in accordance with the provisions of Ohio R.C. 731.56 to 731.59. All bonds or notes payable from the general credit and taxes of the City to finance urban renewal activities shall be issued in accordance with the applicable provisions of Ohio R.C. Chapter 133. Accounts shall be maintained for the carrying out of those urban renewal activities being financed by loans or advances from the Federal Government separate from any other City accounts, including City accounts used to carry out any activities being financed by the City and no money or real or personal property shall in any way be pledged as security for the repayment of any Federal loans or advances, except the separately described portion of a project area set aside for such purpose, together with the proceeds from the sale, lease or temporary operation thereof and Federal capital grant moneys earned in connection therewith in order to avoid violating statutory and constitutional debt and tax limitations.  
(Ord. 5379. Passed 10-22-64.)

#### 181.13 BUILDING PERMITS.

After approval of an urban renewal or redevelopment plan by Council, no building permit shall be issued for the improvement or enlargement of any existing structure, or for the construction of a new structure, in the clearance and redevelopment portion of the project area except that a permit may be issued for the repair of an existing structure when such repair is deemed necessary by the Department of Public Service for the immediate preservation of the public health and safety or is required by the redeveloper in accordance with the redevelopment plan.  
(Ord. 5379. Passed 10-22-64.)



**181.14 TAX EXEMPTION.**

(a) All property of the City, including funds, owned or held by it for the purposes of this chapter shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the City be a charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by the City on its rents, fees, grants or revenues from urban renewal or redevelopment projects.

(b) The property of the City, acquired or held for the purposes of this chapter on January 1 of any year, is declared to be public property used exclusively for essential public and governmental purposes and such property shall be exempt from all taxes of the City, County, State or any taxing authority thereof; however, such tax exemption shall terminate when the City sells, leases or otherwise disposes of such property in a project area to a purchaser or lessee which is not a person, corporation, partnership or other association entitled to tax exemption with respect to such property.  
(Ord. 5379. Passed 10-22-64.)

**181.15 SEPARABILITY; CHAPTER CONTROLLING.**

Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Insofar as the provisions of this chapter are inconsistent with the provisions of any other law or ordinance, the provisions of this chapter shall be controlling. The powers conferred by this chapter shall be in addition and supplemental to the powers conferred by other law.  
(Ord. 5379. Passed 10-22-64.)



CHAPTER 185  
Land Reutilization

185.01 Procedure adopted.

CROSS REFERENCES  
Land reutilization - see Ohio R.C. Ch. 5722

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185.01 PROCEDURE ADOPTED.

The City hereby elects to adopt and implement the procedure set forth in Ohio R.C. Chapter 5722 relative to the effective utilization of nonproductive land situated within the Municipal corporation. The existence of such nonproductive land within the boundaries of the City is such as to necessitate the implementation of the land reutilization program to foster either the return of such nonproductive land to tax revenue generating status or the devotion thereof to public use. The implementation of such a program constitutes a public purpose and the use of such land required pursuant to such program constitutes a public use of such land. (Ord. 7002. Passed 11-3-77. )



TITLE ELEVEN - Taxation  
 Chap. 191. Motor Vehicle License Tax.  
 Chap. 193. Income Tax.

CHAPTER 191  
 Motor Vehicle License Tax

191.01 Levy of annual tax on motor vehicles.  
 191.02 Additional tax.

CROSS REFERENCES  
 Power to levy - see Ohio R.C. 4504.172

191.01 LEVY OF ANNUAL TAX ON MOTOR VEHICLES.

(a) There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Ohio R.C. 4504.172, for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; to provide additional revenue for the purposes set forth in Ohio R.C. 4504.06; and to supplement revenue already available for such purposes.

Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on each and every motor vehicle, the district of registration of which as defined in Ohio R.C. 4503.10 is in the City.

As used in this chapter "motor vehicle" means any and all vehicles included within the definition of motor vehicle in Ohio R.C. 4501.01 and 4505.01.

(b) The tax imposed by this chapter shall apply to and be in effect for the registration year commencing January 1, 1988 and shall continue in effect and application during each registration year thereafter.

(c) The tax imposed by this chapter shall be paid to the Registrar of Motor Vehicles of the State or to a deputy registrar, at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10.

(d) All moneys derived from the tax hereinbefore levied shall be used by the City for the purposes specified in this chapter.  
 (Ord. 87-19. Passed 8-27-87.)

## 191.02 ADDITIONAL TAX.

(a) There is hereby levied an annual license tax upon the operation of motor vehicles on the public roads or highways pursuant to Ohio R.C. 4504.17 for the purposes of paying the costs and expenses of enforcing and administering the tax provided for in this section; to provide additional revenue for the purposes set forth in Ohio R.C. 4504.04, 4504.06, 4504.171, or 4504.172; and to supplement revenue already available for such purposes set forth in those sections.

- (1) Such tax shall be at the rate of five dollars (\$5.00) per motor vehicle on each and every motor vehicle the district of registration of which, as defined in Ohio R.C. 4503.10 is in the City.
- (2) As used here, "motor vehicle" means any and all vehicles included within the definition of motor vehicle in Ohio R.C. 4501.01 and 4505.01.

(b) The tax imposed by this section shall apply to and be in effect for the registration year commencing January 1, 2012, and shall continue in effect and application during each registration year thereafter.

(c) The tax imposed by this section shall be paid to the Registrar of Motor Vehicles of the State, or to a deputy registrar, at the time application for registration of a motor vehicle is made as provided in Ohio R.C. 4503.10.

(d) All monies derived from the tax hereinbefore levied shall be used by the City for the purposes specified in this section, to include, but not be limited to, planning, constructing, reconstruction, paving, repaving, patching, widening, maintaining, repairing, clearing, and cleaning of City streets.  
(Ord. 2011-13. Passed 6-16-11.)

**CHAPTER 193**  
**Income Tax**

193.01	Purpose.	193.10	Interest and penalties.
193.02	Definitions.	193.11	Collection of unpaid taxes and refunds of overpayments.
193.03	Imposition of tax.	193.12	Violations; penalties.
193.04	Effective period.	193.13	Allocation of funds.
193.05	Return and payment of tax.	193.14	Board of Review.
193.06	Collection at source.	193.15	Credit for tax paid to another municipality.
193.07	Declarations.	193.16	Saving clause.
193.08	Income Tax Department; duties of the Administrator.	193.17	Collection of tax after termination of chapter.
193.09	Investigative powers of the Administrator; penalty for divulging confidential information.	193.18	Rules and regulations.

**CROSS REFERENCES**

Municipal income taxes - see Ohio R.C. Ch. 718.06

**193.01 PURPOSE.**

To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services, facilities and capital improvements of the City of Martins Ferry, there shall be, and is hereby, levied a tax on income, salaries, qualifying wages, commissions, tips, gratuities, gross lottery winnings, and other compensation, and on net profits as hereinafter provided in Ordinance No. 2001-56, passed 10-4-01, and as amended by Ordinance No. 2004-47, passed August 27, 2004. (Ord. 2004-47. Passed 8-27-04.)

## 193.02 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning.

- (a) **Adjusted Federal Income Tax** - A "C" corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, but including subsequent adjustments from required additions and deductions. Pass-through entities must compute "Adjusted Federal Taxable Income" as if the passthrough entity was a "C" corporation. This definition does not apply to any taxpayer required to file a return under Ohio Revised Code (ORC) Section 5745.03 or to the net profit from a sole proprietorship. This definition is effective for tax years beginning on or after January 1, 2004.
- (b) **Administrator** - The individual designated by the ordinance, whether appointed or elected, to administer and enforce the provisions of this chapter.
- (c) **Association** - A partnership, limited partnership, limited liability company, or any other form of unincorporated enterprise, owned by one or more persons.
- (d) **Board of Review** - The Board created by and constituted as provided in Section 193.14.
- (e) **Business** - An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, including but not limited to the renting or leasing of property, real, personal or mixed.
- (f) **Corporation** - A corporation, including Chapter S Corporations as defined in the federal tax code, 26 U.S.C. 1361, or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, or foreign country or dependency.
- (g) **Domicile** - The permanent legal residence of a taxpayer. A taxpayer may have more than one residence but not more than one domicile.
- (h) **Employee** - One who works for income, qualifying wages, salary, commission, tips, gratuities or other type of compensation in the service and under the control of an employer.
- (i) **Employer** - An individual, partnership, association, corporation, governmental body, unit or agency, or any other entity, whether or not organized for profit, who or that employs one or more persons on an income, salary, wage, commission, tip(s), gratuity or other compensation basis.
- (j) **Fiscal Year** - An accounting period of twelve (12) months or less ending on any day other than December 31st.
- (k) **Fundamental Change** - Any substantial alteration by an employer including liquidation, dissolution, bankruptcy and reorganizations such as merger, consolidation, acquisition, transfer or change in identity, from or to any organization.
- (l) **Generic form** - An electronic or paper form designed for reporting estimated municipal income taxes, and/or annual municipal income tax liability, and/or separate requests for refunds that contain all the information required on Martins Ferry's regular tax return and estimated payment forms, and are in a similar format that will allow processing of the generic forms without altering Martin Ferry's procedures for processing forms.
- (m) **Gross Receipts** - The total income from any source whatsoever revenue derived from sales, work done, or services rendered.



- (n) **Income** - All monies, subject to limitations imposed by ORC 718, derived from any source whatsoever, including but not limited to:
- (1) All income, qualifying wages, commissions, other compensation and other income from whatever source received by residents of Martins Ferry.
  - (2) All salaries, wages, commissions, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in Martins Ferry.
  - (3) The portion attributable to the city of the net profits of all unincorporated businesses, associations, professions, corporations, or other entities, from sales made, work done, services performed or rendered, and business or other activities conducted in Martins Ferry.
- (o) **Manager** - Any of the employer's officers, responsible persons, employees having control or supervision, and employees charged with the responsibility of filing the return, paying taxes, and otherwise complying with the ordinance.
- (p) **Net Profits** - For taxable years prior to 2004, a net gain from the operation of a business, profession, enterprise or other activity after provision for all ordinary, reasonable and necessary expenses either paid or accrued in accordance with the accounting system (i.e., either cash or accrual) used by the taxpayer for federal income tax purposes, without deduction of taxes imposed by this ordinance, federal, state, and other taxes based on income exclusive of the amount of Ohio franchise tax computed on the net worth basis; and in the case of an association, without deduction of salaries paid to partners, and other owners; and otherwise adjusted to the requirements of this chapter. (For taxable years 2004 and later, see "adjusted federal taxable income".)
- (q) **Non-Resident** - An individual domiciled outside the City of Martins Ferry, Ohio.
- (r) **Non-Resident Unincorporated Business Entity** - An unincorporated business entity not having an office or place of business within City of Martins Ferry, Ohio.
- (s) **Person** - Every natural person, partnership, fiduciary, association or corporation. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers thereof.
- (t) **Place of Business** - Any bona fide office (other than a mere statutory office) factory, warehouse or other space which is occupied and used by the taxpayer in carrying on any business activity individually or through one or more of his regular employees regularly in attendance.
- (u) **Qualifying wage** - Wages as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, but including subsequent adjustments from required additions and deductions. "Qualifying wage" represents employees' income from which municipal tax shall be deducted by the employer, and any wages not considered a part of "qualifying wage" shall not be taxed by the City of Martins Ferry. This definition is effective January 1, 2004, for taxable years 2004 and later.

- (v) **Resident** - An individual domiciled in the City of Martins Ferry, Ohio.
- (w) **Resident Unincorporated Business Entity** - An unincorporated business entity having an office or place of business within City of Martins Ferry, Ohio.
- (x) **Rules and Regulations** - An explanatory text, in printed form, amplifying and interpreting certain articles and subsections thereof of this ordinance. Copies of these are on file in the Department of Public Service, Income Tax Department, Martins Ferry, Ohio, and are available to the public. (See Section 193.18.)
- (y) **Taxable Income** - Income minus the deductions and credits allowed by this ordinance. (See "Income" definition.)
- (z) **Taxable Year** - The calendar year, or the fiscal year, upon the basis of which net profits are to be computed under this ordinance and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.
- (aa) **Taxpayer** - A person, whether an individual, partnership, association, or any corporation or other entity, required hereunder to file a return or pay a tax.

The singular shall include the plural, and the masculine shall include the feminine and the neuter. (Ord. 2004-47. Passed 8-27-04.)

#### 193.03 IMPOSITION OF TAX.

(a) **Basis of Imposition.** Subject to the provisions of Section 193.16, an annual tax for the purposes specified in Section 193.01 hereof shall be imposed on and after June 1, 2014, at the rate of one percent (1%) per annum upon the following:

- (1) **Resident Individuals.** On all income, qualifying wages, commissions, tips, gratuities, and other compensation earned and/or received during the effective period of this ordinance by the residents of the City of Martins Ferry. This includes, but is not limited to, Separation pay, termination pay, reduction-in-force pay, and other compensation paid as a result of an employee leaving the service of an employer and shall be allocable only to Martins Ferry. This also includes, but is not limited to, gross lottery, gambling, games of chance, and sports winnings. In no circumstance shall deductions be allowed against these winnings. However, deductions shall be allowed against gambling and sports winnings if the taxpayer is considered a professional gambler for federal income tax purposes.
- (2) **Non-Resident Individual.**
  - A. On all income, qualifying wages, commissions, tips, gratuities and other compensation earned and/or received during the effective period of this ordinance by non-residents for work done or services performed or rendered as measured by time spent on job in City of Martins Ferry, as a percentage of total time spent on job. Separation pay, termination pay, reduction-in-force pay, and other compensation paid as a result of an employee leaving the service of an employer shall be allocable only to Martins Ferry.

- B. The City of Martins Ferry shall not tax the compensation of a non-resident individual if all of the following apply:
1. The individual does not reside in the City of Martins Ferry.
  2. The compensation is paid for personal services performed by the individual in the City of Martins Ferry on twelve or fewer days during the calendar year. A day is a full day or any fractional part of a day.
  3. In the case of an individual who is an employee, the principal place of business of the individual's employer is located outside the City of Martins Ferry and the individual pays tax on compensation described in subsection (2)A. hereof to the City, if any, in which the employer's principal place of business is located, and no portion of that tax is refunded to the individual.
  4. The individual is not a professional entertainer or professional athlete; the promoter of a professional entertainment or sports event, or an employee of such a promoter, all as may be reasonably defined by the City of Martins Ferry.
- (3) Resident Unincorporated Businesses.
- A. On the portion attributable to the City of Martins Ferry of the net profits earned during the effective period of this chapter of all resident unincorporated businesses, professions or other entities, derived from sales made, work done, services performed or rendered and business or other activities conducted in City of Martins Ferry.
  - B. On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a resident unincorporated business entity not attributable to the City of Martins Ferry and not levied against such unincorporated business entity by the City of Martins Ferry.
- (4) Non-Resident Unincorporated Businesses.
- A. On the portion attributable to the City of Martins Ferry of the net profits earned during the effective period of this chapter of all non-resident unincorporated businesses, professions or other entities, derived from sales made, work done, or services performed or rendered and business or other activities conducted in City of Martins Ferry, whether or not such unincorporated business entity has an office or place of business in City of Martins Ferry.
  - B. On the portion of the distributive share of the net profits earned during the effective period of this chapter of a resident partner or owner of a nonresident unincorporated business entity not attributable to City of Martins Ferry and not levied against such unincorporated business entity by City of Martins Ferry.

- (5) Corporations.
- A. On the portion attributable to the City of Martins Ferry, of the net profits earned during the effective period of this chapter of all corporations derived from sales made, work done, services performed or rendered and business or other activities conducted in the City of Martins Ferry, whether or not such corporations have an office or place of business in City of Martins Ferry.
- B. Allocation Formula. The portion of the net profits attributable to the City of Martins Ferry, of a taxpayer conducting a business, profession, or other activity both within and without the boundaries of City of Martins Ferry shall be determined as provided in Ohio Revised Code, Section 718.02, and in accordance with the rules and regulations adopted pursuant to this chapter.
- C. Operating Loss Carry Forward.
1. The portion of a net operating loss sustained in any taxable year subsequent to January 1, 2002, allocable to City of Martins Ferry may be applied against the portion of the profit of succeeding year(s) allocable to the City of Martins Ferry until exhausted, but in no event for more than five (5) taxable years. No portion of a net operating loss shall be carried back against net profits of any prior year.
  2. The portion of a net operating loss sustained shall be allocated to the City of Martins Ferry in the same manner as provided herein for allocating net profits to the City of Martins Ferry.
  3. The Administrator shall provide by rules and regulations the manner in which such net operating loss carry forward shall be determined. (See Section 193.18.)
- D. Consolidated Returns.
1. Filing of consolidated returns may be permitted, required, or denied in accordance with the rules and regulations. Any affiliated group which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code may file a consolidated return with the City of Martins Ferry. However, once the affiliated group has elected to file a consolidated return or a separate return with the City of Martins Ferry, the affiliated group may not change their method of filing in any subsequent tax year without written approval from the City of Martins Ferry.

2. In the case of a corporation that carries on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or other activity in the City of Martins Ferry constituting a portion only of its total business, the Administrator shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to the City of Martins Ferry. If the Administrator finds net profits are not properly allocated to the City of Martins Ferry by reason of transactions with stockholders or with other corporations related by stock ownership, interlocking directorates, or transactions with such division(s), branch, factory, office, laboratory or other activity or by some other method, he shall make such allocation(s) as are fair and equitable to produce a fair and proper allocation of net profits to the City of Martins Ferry.
- (b) Exemptions. The tax provided for herein shall not be levied upon the following:
- (1) The Military pay or allowances of members of the Armed Forces of the United States and of members of their reserve components, including the National Guard.
  - (2) Unemployment compensation, payments from pension plans or similar payments, including, disability payments received from private industry, or local, state, or federal governments, or from charitable, religious or educational organizations, and the proceeds of sick, accident, or liability insurance policies. The disability benefits excludable must be a permanent nature as determined by a physician or government entity.
  - (3) Compensation for personal injuries or for damages to property by way of insurance or otherwise, but this exclusion does not apply to compensation paid for lost salaries or wages or to compensation from punitive damages.
  - (4) Alimony received. Alimony used herein shall be as defined the Internal Revenue Service.
  - (5) Child support received. Child support used herein shall be as defined by the Internal Revenue Service.
  - (6) Receipts by bona fide charitable, religious and educational organizations and associations, when those receipts are from casual entertainment, amusements, sports events, and health and welfare activities conducted by bona fide charitable, religious or educational organizations and associations, and only to the extent that the said receipts are income that is exempt from Federal Income Tax.
  - (7) Income, dues, and contributions received by religious, fraternal, charitable, scientific, literary, educational institutions or organizations, labor unions and similar organizations.

- (8) Any association, organization, corporation, club or trust which is exempt from federal taxes on income by reason of its purpose(s), but only to the extent that the said income is exempt from federal income tax.
- (9) Gains from involuntary conversion, collection of indebtedness, interest income received by corporations not regularly engaged in the business of lending money or banking as described in Section 581 of the Internal Revenue Code, interest on federal, state, municipal, or other political subdivision obligations, items of income already taxed by the State of Ohio, gains from sale of capital assets as defined by the Internal Revenue Code, any dividends received from any other corporation, but only to the extent that such dividends are included in net profits, and income of a decedent's estate during the period of administration (except such income from the operation of a business).
- (10) Earnings and income of all persons under eighteen (18) years of age whether residents or non-residents of the City of Martins Ferry.
- (11) Expenses deductible on federal form 2106, subject to audit and approval by the Administrator.
- (12) Compensation paid to a precinct election official, to the extent that such compensation does not exceed one thousand dollars (\$1,000) annually.
- (13) Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination, and must have authority to perform all sacraments of the church.
- (14) The income of a public utility when that public utility is subject to the tax levied under Section 5727.24 or 5727.30 of the Ohio Revised Code. However, subject to Section 5745 of the Ohio Revised Code, starting January 1, 2002 this exemption does not apply to the income of an electric company or combined company, and starting January 1, 2004 it does not apply to the income of a telephone company, as both are defined in Section 5727.01 of the Revised Code.
- (15) Income, salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce, and/or is prohibited by the Constitution of the State of Ohio or any act of the Ohio General Assembly limiting the power of a municipality to impose net income taxes.  
(Ord. 2004-47. Passed 8-27-04; Ord. 2014-06. Passed 4-10-14.)

#### 193.04 EFFECTIVE PERIOD.

Said tax shall be levied, collected and paid with respect to the income, salaries, wages, commissions, tips, gratuities, gross lottery winnings, and other compensation, and with respect to the net profits of businesses, professions or other activities earned on January 1, 2002 through May 31, 2014 at a rate three-fourths percent (0.75%) and after June 1, 2014 at a rate of one percent (1%), until repealed. (Ord. 2014-06. Passed 4-10-14.)

**193.05 RETURN AND PAYMENT OF TAX.**

(a) Each taxpayer, except as herein provided, shall, whether or not a tax be due thereon, make and file a return on or before April 15th of the year following the effective date of this chapter, and on or before April 15th of each year thereafter. When the return is made for a fiscal year or other period different from the calendar year, the return shall be filed within one hundred five (105) days from the end of such fiscal year or period. Retirees having no taxable income for municipal income tax purposes may file, with the Administrator, a written request for exemption from these filing requirements, and shall be exempt if the request is granted by the Administrator. Such exemption shall be in effect until such time as the retiree receives income taxable for municipal income tax purposes, at which time the retiree shall be required to comply with all applicable provisions of this chapter.

(b) The return shall be filed with the Administrator on a form or forms furnished by or obtainable upon request from such Administrator, or on a generic form as defined in this chapter, setting forth:

- (1) The aggregate amounts of income, salaries, wages, commissions, tips, gratuities and other compensation earned and/or received and gross receipts from business, professions, or other activity, less allowable ordinary, reasonable, and necessary expenses incurred in the acquisition of such gross receipts earned during the preceding year and subject to said tax;
- (2) The amount of the tax imposed by this ordinance on such earnings and profits; and
- (3) Such other pertinent statements, information returns, or other information as the Administrator may require, including but not limited to copies of all W-2 forms, 1099 Miscellaneous Income Forms, page one of form 1040, Page One and Two of Form 1120, 1120S (including (K-1), 2106, 1065, Schedule C (including cost of goods manufactured and/or sold), Schedule E, Schedule F and any other Federal Schedules if applicable.

(c) The Administrator may extend the time for filing of the annual return upon the month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal Income Tax Return for taxable years prior to 2004. For taxable year 2004 the extended due date shall be the last day of the month following the month to which the due date of the federal income tax return has been extended. For taxable years subsequent to 2004 the extended due date shall be the last day of the month to which the due date of the federal income tax return has been extended. The administrator may deny the extension if the taxpayer's income tax account with the Village is delinquent in any way. The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon, by the date the return is normally due. No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

- (d) (1) The taxpayer making a return shall, at the time of the filing thereof, pay to the Administrator the amount of taxes shown as due thereon; provided, however, that where any portion of the tax so due shall have been deducted at the source pursuant to the provisions of Section 193.06 of this chapter, or where any portion of said tax shall have been paid by the taxpayer pursuant to the provisions of Section 193.07 of this chapter, or where income tax has been paid to another municipality, credit for the amount so paid, in accordance with Section 193.15 hereof, shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing said return.
- (2) A taxpayer who has overpaid the amount of tax to which the City of Martins Ferry is entitled under the provisions of this chapter may have such overpayment applied against any subsequent liability hereunder, or, at his election indicated on the return, such overpayment (or part thereof) shall be refunded, provided that no additional taxes or refunds of less than one dollar (\$1.00) shall be collected or refunded.
- (3) The officer or employee of such employer having control or supervision or charged with the responsibility of withholding the tax and making the payment, shall be personally liable for failure to withhold or pay the tax, penalties, or interest due as required herein. The dissolution, bankruptcy or reorganization or other fundamental change of any such employer does not discharge an officer's or employee's liability for a prior failure of such business to withhold the tax or pay taxes, penalties, or interest due.
- (e) Any business, profession, association or corporation reporting a net loss is subject to the filing requirements of this chapter.
- (f) The failure of any employer, taxpayer or person to receive or procure a return, declaration, or other required form shall not excuse him from filing any information return, tax return, declaration, or other required form, or from paying the tax.
- (g) (1) Amended Returns. Where necessary, an amended return must be filed in order to report additional income and pay any additional tax due, or claim a refund of tax overpaid, subject to the requirements and/or limitations contained in Sections 193.11 and 193.15. Such amended returns shall be on a form obtainable on request from the Administrator. A taxpayer may not change the method of accounting (i.e., cash or accrual) or apportionment of net profits after the due date for filing the original return.
- (2) Within three (3) months from the final determination of any federal tax liability affecting the taxpayer's tax liability to the City of Martins Ferry, such taxpayer shall make and file an amended City of Martins Ferry tax return showing income subject to the City of Martins Ferry income tax based upon such final determination of federal tax liability, and pay an additional tax shown due thereon or make claim for refund of any overpayment. (Ord. 2004-47. Passed 8-27-04.)



**193.06 COLLECTION AT SOURCE.**

(a) In accordance with Rules and Regulations, each employer within or doing business within the City of Martins Ferry, Ohio shall deduct at the time of the payment of such income, salary, wage, commission or other compensation, the tax of one percent (1%) per annum of the income, salaries, wages, commissions or other compensation, including tips and gratuities, due by the said employer to said employee and, if said employer is required to withhold one hundred dollars (\$100.00) or more monthly, based on the previous tax year's monthly average for employees collectively, the employer shall, on or before the last day of each calendar month, make a return and pay to the Administrator the amount of taxes so deducted. If said employer is required to withhold less than one hundred dollars (\$100.00) monthly, said employer shall, on or before the last day of the month following the close of each calendar quarter, make a return and pay to the Administrator the amount of taxes deducted as required herein. Said returns shall be on a form or forms prescribed by or acceptable to the Administrator, or on any acceptable generic form, and shall be subject to the Rules and Regulations. Such employer shall be liable for the payment of the tax required to be deducted and withheld, whether or not such taxes have in fact been withheld.

(b) Such employer in collecting said tax shall be deemed to hold the same, until payment is made by such employer to the City of Martins Ferry, as a trustee for the benefit of the City of Martins Ferry and any such tax collected by such employer from his employees shall, until the same is paid the City of Martins Ferry, Ohio, be deemed a trust fund in the hands of such employer.

(c) On or before February 28th of each year, beginning with tax year 2003, each employer shall file a withholding return setting forth the names and addresses of all employees from whose compensation the tax was withheld during the preceding calendar year and the amount of tax withheld from his employees and such other information as may be required by the Administrator. All payments not subject to withholding shall be reported on a form required by the Administrator.

(d) The officer or employee of such employer having control or supervision or charged with the responsibility of withholding the tax and making the payment, shall be personally liable for failure to withhold or pay the tax, penalties, or interest due as required herein. The dissolution, bankruptcy or reorganization or other fundamental change of any such employer does not discharge an officer's or employee's liability for a prior failure of such business to withhold the tax or pay taxes, penalties, or interest due.

(e) The Tax Administrator, for good cause, may require immediate returns and payments to be submitted to his office.

(f) All employers that provide any contractual service within the Municipality, and who employ subcontractors in conjunction with that service, shall provide the Municipality the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding requirements under this chapter.

(g) No person shall be required to withhold the tax on salaries, wages, commissions, other compensation and other income paid domestic workers employed by such person exclusively in or about such person's residence, even though the residence is in the City of Martins Ferry, but such employee shall be subject to all of the requirements of this chapter. (Ord. 2004-47. Passed 8-27-04; Ord. 2014-06. Passed 4-10-14.)

#### 193.07 DECLARATIONS.

(a) Requirements for Filing. Every person who anticipates any taxable income which is not subject to Section 193.06 hereof, or who engages in any business, profession, enterprise, or activity subject to the tax imposed by Section 193.03 hereof, shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity together with the estimated tax due thereof, if any; provided, however, if a person's income is wholly from wages from which the tax will be withheld and remitted to the City of Martins Ferry, Ohio in accordance with Section 193.06 hereof, or if a person's annual income tax liability is less than sixty dollars (\$60.00), such person need not file a declaration.

- (b) (1) Calendar Dates for Filing. Such declaration shall be filed on or before April 15th of each year during the life of this chapter. However, no penalties or interest shall be assessed, for not filing a declaration, on any resident taxpayer who was not domiciled in the City of Martins Ferry, Ohio on the first day of January in the year in which they became subject to estimated payments, nor shall penalties or interest be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent (100%) of the previous year's tax liability, provided that the previous year reflected a twelve month period and the taxpayer filed a return for that year, nor shall penalties or interest be assessed on estimated payments if the taxpayer has remitted an amount equal to ninety percent (90%) of the final tax liability for the tax year due on or before April 15th of the current year.
- (2) Such declarations of estimated tax to be paid by taxpayers who are individuals shall be accompanied by a payment of at least one-fourth the estimated tax required to be paid by this section, and at least a similar amount shall be paid on or before the last day of the seventh, tenth and thirteenth months after the beginning of the taxable year; provided, however, that in case an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.
- (3) Estimated tax to be paid by taxpayers who are corporations and associations shall be accompanied by a payment of at least one-fourth the estimated tax required to be paid by this section, and at least a similar amount shall be paid on or before the fifteenth day of the sixth, ninth, and twelfth of the taxable year. Provided, however, that in case an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.
- (4) Fiscal Dates for Filing. Those taxpayers reporting on a fiscal year basis shall file a declaration within four (4) months after the beginning of each fiscal year or period.

- (c) (1) Forms; Credit for Tax Withheld or Paid to Another. Such declaration shall be filed upon a form furnished by, or obtainable from the Administrator, or on any acceptable generic form, provided, however, credit shall be taken for the City of Martins Ferry, Ohio income tax to be withheld from any portion of such income. In accordance with the provisions of Section 193.15 hereof, credit may be taken for tax to be paid to or to be withheld and remitted to another taxing municipality.
- (2) Amended Declarations. The original declaration (or any subsequent amendment thereof) may be increased or decreased on or before any subsequent quarterly payment date as provided for herein.

(d) Annual Return Required. On or before the fifteenth (15th) day of the fourth month of the year following that for which such declaration or amended declaration was filed, an annual return shall be filed and any balance which may be due the City of Martins Ferry, Ohio shall be paid therewith in accordance with the provisions of Section 193.05 hereof. (Ord. 2004-47. Passed 8-27-04.)

193.08 INCOME TAX DEPARTMENT; DUTIES OF THE ADMINISTRATOR.

- (a) (1) Income Tax Department. There is hereby created the Income Tax Department, which shall be a part of the Department of Public Service. The Income Tax Department shall be managed by the income tax Administrator, who shall be appointed by the Mayor, subject to confirmation by the Martins Ferry City Council.
- (2) Department Employment. The taxes imposed and levied pursuant to the provisions of this chapter shall be administered by the income tax Administrator and by such employees as are provided for in the ordinance and determined by the Council of the City of Martins Ferry, Ohio and they shall receive such salary as may be determined by the Martins Ferry City Council.
- (3) Collection Responsibility. It shall be the duty of the Martins Ferry City Treasurer to receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received monthly by written report to the Martins Ferry City Council.
- (4) Responsibility for Maintenance of Records. It shall be the duty of the Administrator to enforce payment of all taxes owing the City of Martins Ferry, Ohio, to keep accurate records for a minimum of six (6) years showing the amount due from each taxpayer required to file a declaration and/or to make any return, including taxes withheld, and to show the dates and amounts of payments thereof.

(b) Enforcement Authority. Said Administrator is hereby charged with the enforcement of the provisions of this chapter, and is hereby empowered, subject to the approval of the Board of Review, to adopt and promulgate and to enforce Rules and Regulations relating to any matter or thing pertaining to the collection of taxes and the administration and enforcement of the provisions of this chapter, including provisions for the re-examination and correction of returns. These Rules and Regulations are in addition to those adopted in Section 193.18. Taxpayers are hereby required to comply with all rules and regulations that have been adopted.

(c) Determination of Taxes. In any case where a taxpayer has failed to file a return, or has filed a return which does not show the proper amount of tax due, the Administrator may determine the amount of tax appearing to be due the City of Martins Ferry, Ohio from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any. Such determination may be modified or amended based upon information or data subsequently secured by or made available to the Administrator. If the taxpayer fails to respond to the assessment within 30 days, the tax, penalties, and interest assessed shall become due and payable and collectible as are other unpaid taxes.

(d) Compromise Authority. Subject to the consent of the Board of Review or pursuant to regulation approved by said Board, the Administrator shall have the power to compromise any interest or penalty, or both, imposed by Section 193.10 of this chapter. (Ord. 2004-47. Passed 8-27-04.)

#### 193.09 INVESTIGATIVE POWERS OF THE ADMINISTRATOR; PENALTY FOR DIVULGING CONFIDENTIAL INFORMATION.

(a) Examination of Taxpayer's Records. The Administrator, or any authorized employee, is hereby authorized to examine the books, papers, records and federal and State income tax returns of any employer or any taxpayer or person subject to, or whom the Administrator believes is subject to, the provisions of this ordinance for the purpose of verifying the accuracy of any return made or, if no return was made, to ascertain the tax due under this chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer is hereby directed and required to furnish within ten (10) calendar days following a written request by the Administrator, or his duly authorized agent or employee, the means, facilities, and opportunity for making such examinations and investigations as are hereby authorized.

(b) Appearance Orders to Taxpayers. The Administrator is hereby authorized to order any person presumed to have knowledge of the facts to appear before him and may examine such person, under oath, concerning any income which was or should have been reported for taxation or any transaction tending to affect such income and, for this purpose, may compel the production of books, papers, records and federal and State income tax returns and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.

(c) Result of Refusal to Submit Information. The refusal to produce books, papers, records and federal and State income tax returns, or the refusal to submit to such examination by any employer or person subject or presumed to be subject to the tax or by any officer, agent or employee of a person subject to the tax or required to withhold tax or the failure of any person to comply with the provisions of this Section 193.09 or with an order or subpoena of the Administrator authorized hereby shall be deemed a violation of this chapter, punishable as provided in Section 193.12 hereof.

(d) Confidential Nature of Information.

- (1) Any information gained as the result of any returns, investigations, verifications or hearings before the Administrator, required by the ordinance, or authorized by these Rules and Regulations shall be confidential, and no disclosure thereof shall be made except for official tax purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor of the first degree, and shall be subject to a fine or penalty of not more than one thousand dollars (\$1,000.00), or imprisoned for not more than six (6) months, or both. Each disclosure shall constitute a separate offense.
- (2) In addition to the above penalty, any employee of the City of Martins Ferry, Ohio who violates the provisions of this Section 193.09 relative to the disclosure of confidential information shall be guilty of an offense punishable by immediate dismissal.

(e) Retention of Records. Every taxpayer shall retain all records necessary to compute his tax liability for a period of six (6) years from the date his return is filed, or the withholding taxes are paid. (Ord. 2004-47. Passed 8-27-04.)

193.10 INTEREST AND PENALTIES.

(a) Interest. All taxes imposed, including estimated taxes, and all monies withheld or required to be withheld by employers under the provisions of this chapter and remaining unpaid after they become due shall bear interest at the rate of one-half of one percent (1/2%) per month or fraction thereof.

(b) Penalties. In addition to interest as provided in subsection (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

- (1) For failure to pay taxes due other than taxes withheld: one and one-half percent (1-1/2%) per month or fraction of a month thereof.
- (2) For failure to remit taxes withheld from employees: five percent (5%) per month or fraction of a month thereof.

(c) Exceptions. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator; and provided further that, in the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within three (3) months after final determination of the federal tax liability.

(d) Abatement by Board of Review. Upon recommendation of the Administrator, the Board of Review may abate penalty or interest, or both, or upon an appeal from the refusal of the Administrator to recommend abatement of penalty and/or interest, the Board may, nevertheless, abate penalty or interest, or both.  
(Ord. 2004-47. Passed 8-27-04.)

193.11 COLLECTION OF UNPAID TAXES AND REFUNDS OF OVERPAYMENTS.

(a) Time Limitations on Suits. All taxes imposed by this chapter shall be collectable, together with any interest and penalties thereon, by civil action at law, as other debts of like amount are recoverable. Except in the case of fraud, omission of a substantial portion of income subject to this tax or failure to file an additional assessment shall not be made after three (3) years from the time the return was due or filed, whichever is later, provided, however, in the case of fraud, omission of twenty-five percent (25%) or more of income subject to this tax, or failure to file a return, all additional assessments shall be made and all prosecutions to recover Municipal income taxes and penalties and interest thereon shall be brought within six (6) years after the tax was due or the return was filed, whichever is later. In those cases in which the Commissioner of the Internal Revenue and the taxpayer have executed a waiver of the federal statute of limitation, the period within which an additional assessment may be made by the administrator shall be one (1) year from the time of the final determination of the federal tax liability.

(b) Time Limitations of Refunds. Taxes erroneously paid shall not be refunded unless a claim for refund is made within three (3) years from the date on which such payment was made or the return was due, or within three (3) months after final determination of the federal tax liability, whichever is later. However, the following shall apply regarding refunds of tax withheld from non-qualified deferred compensation plans (NDCP):

- (1) A taxpayer may be eligible for a refund if the taxpayer has suffered a loss from a NDCP. The loss will be considered sustained only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to the NDCP. Full loss is sustained if no distribution of money and property will be made by the NDCP.
- (2) A taxpayer who receives income as a result of payments from a NDCP, and that income is less than the amount of income deferred to the NDCP and upon which municipal tax was withheld, then a refund will be issued on the amount representing the difference between the deferred income that was taxed and the income received from the NDCP. If different tax rates applied to the tax years in which deferrals, a weighted average of the different tax rates will be used to compute the refund amount.
- (3) Refunds shall be allowed only if the loss is attributable to the bankruptcy of the employer who had established the NDCP, or the employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified compensation.

(c) Income tax that has been deposited with the City of Martins Ferry, Ohio, but should have been deposited with another municipality, is allowable by the City of Martins Ferry, Ohio as a refund but is subject to the three-year limitation on refunds. Income tax that should have been deposited with the City of Martins Ferry, Ohio, but was deposited with another municipality, shall be subject to recovery by the City of Martins Ferry, Ohio. The City of Martins Ferry, Ohio will allow a non-refundable credit for any amount owed the City of Martins Ferry, Ohio that is in excess of the amount to be refunded by the other municipality, as long as the tax rate of the other municipality is the same or higher than the City of Martins Ferry, Ohio's tax rate. If the City of Martins Ferry, Ohio's tax rate is higher, the tax representing the net difference of the rates is also subject to collection by the City of Martins Ferry, Ohio.

- (b) Payments on delinquent amounts shall be applied in the following manner:
- (1) To unpaid penalty and interest assessments in the order in which such assessments became due.
  - (2) To the taxes owed for any previous year in the order in which such taxes became due.
  - (3) To the taxpayer's current estimated tax liability.
- (e) Minimum Amounts. Amounts of less than one dollar (\$1.00) shall not be collected or refunded. (Ord. 2004-47. Passed 8-27-04.)

#### 193.12 VIOLATIONS; PENALTIES.

- (a) Enumerations of, and Penalties. Any person who shall:
- (1) Fail, neglect or refuse to make any return or declaration required by this chapter; or
  - (2) Make any incomplete, false or fraudulent return; or
  - (3) Fail, neglect or refuse to pay the tax, penalties or interest imposed by this chapter; or
  - (4) Fail, neglect or refuse to withhold the tax from his employees or remit such withholding to the Administrator; or
  - (5) Refuse to permit the Administrator or any duly authorized agent or employee to examine his books, records, papers and federal and State income tax returns relating to the income or net profits of a taxpayer; or
  - (6) Fail to appear before the Administrator and to produce his books, records, papers or federal income tax returns relating to the income or net profits of a taxpayer upon order or subpoena of the Administrator; or
  - (7) Refuse to disclose to the Administrator any information with respect to the income or net profits of a taxpayer; or
  - (8) Fail to comply with the provisions of this chapter or any order or subpoena of the Administrator authorized hereby; or
  - (9) Give to an employer false information as to his true name, correct social security number or residence address, or fail to promptly notify an employer of any change in residence address and date thereof; or
  - (10) Fail to use ordinary diligence in maintaining proper records of employees' residence addresses, total wages paid and this municipality's income tax withheld, or to knowingly give the Administrator false information; or
  - (11) Attempt to do anything whatsoever to avoid the payment of the whole or any part of the tax, penalties, or interest imposed by this chapter.

Shall be guilty of a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned for not more than six (6) months, or both, for each offense.

(b) Time Limitations on Prosecutions. All prosecutions under this Section 193.12 must be commenced within three (3) years from the time of the offense complained of, except in the case of failure to file a return or in the case of filing a false or fraudulent return or in the case of omission of twenty-five percent (25%) or more of income subject to this tax, in which event the limitation of time within which prosecution must be commenced shall be six (6) years from the date the return was due or the date the false or fraudulent return was filed.

(c) Failure to Obtain Forms Not a Defense. The failure of any employer or person to receive or procure a return, declaration or other required form shall not excuse him from making any information return, return or declaration, from filing such form or from paying the tax. (Ord. 2004-47. Passed 8-27-04.)

#### 193.13. ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be deposited as follows:

General Fund	-	100.0%
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(Ord. 2004-47. Passed 8-27-04.)

#### 193.14 BOARD OF REVIEW.

(a) Composition and Procedures. A Board of Review, consisting of a chairman and two (2) other individuals, all to be appointed by the chief executive officer of the City of Martins Ferry, Ohio, is hereby created. A majority of the members of the Board shall constitute a quorum. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearing by the Board may be conducted privately and the provisions of Section 193.09 hereof with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the Board on appeal.

(b) Appeals; Alternative Method of Allocation. All rules and regulations and amendments or changes thereto, which are adopted by the Administrator under the authority conferred by this chapter, must be approved by the Board of Review before the same become effective. The Board shall hear and pass on appeals from any ruling or decision of the Administrator, and, at the request of the taxpayer or Administrator, is empowered to substitute alternative methods of allocation.

(c) Time Limitations for Appeals; Authority over Administrator's Decision. Any person dissatisfied with any ruling or decision of the Administrator which is made under the authority conferred by this chapter, and who has filed the required returns or other documents pertaining to the municipal income tax obligation at issue, may appeal therefrom to the Board of Review within thirty (30) days from the announcement of such ruling or decision by the Administrator. The request shall be in writing and shall state why the decision should be deemed incorrect or unlawful. The Board shall, on hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof. The Board must issue a decision within forty-five (45) days after the final hearing and send a notice of its decision to the taxpayer within fifteen (15) days after issuing the decision.

(d) Any person dissatisfied with any ruling or decision of the Board of Review may appeal therefrom to a court of competent jurisdiction within thirty (30) days from the announcement of such ruling or decision. For matters relating to tax years beginning on or after January 1, 2004, any ruling or decision of the Board of Appeal may be appealed to a court of competent jurisdiction or to the State Board of Tax Appeals.  
(Ord. 2004-47. Passed 8-27-04.)



**193.15 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY .**

(a) Where a resident of the City of Martins Ferry, Ohio is subject to a municipal income tax in another municipality, he shall not pay a total municipal income tax on the same income greater than the tax imposed at the higher rate.

(b) Every individual taxpayer who resides in the City of Martins Ferry, Ohio who received net profits, income, salaries, wages, commissions, tips, gratuities or other personal service compensation for work done or services performed or rendered outside the City of Martins Ferry, Ohio, if it be made to appear that he has paid a municipal income tax on the same income taxable under this chapter to another municipality, shall be allowed a credit against the tax imposed by this ordinance of the amount so paid by him or in his behalf to such other municipality. This credit shall not exceed the tax assessed by this chapter on such income earned in such other municipality or municipalities where such tax is paid.

(c) The credit referred to hereunder shall be one hundred percent (100%), up to one percent (1%).

(d) A claim for refund or credit under this section shall be made in such manner as the Administrator may by regulation provide.  
(Ord. 2004-47. Passed 8-27-04; Ord. 2014-06. Passed 4-10-14.)

**193.16 SAVING CLAUSE.**

If any sentence, clause, section or part of this chapter, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of the Council of the City of Martins Ferry, Ohio that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ord. 2004-47. Passed 8-27-04.)

**193.17 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER.**

(a) This chapter shall continue effective insofar as the levy of taxes in concerned until repealed, and insofar as the collection of taxes levied hereunder and actions or proceedings for collecting any tax so levied or enforcing any provisions of this chapter are concerned, it shall continue effective until all of said taxes levied hereunder in the aforesaid periods are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this chapter shall have been fully terminated, subject to the limitations contained in Section 193.11 and Section 193.12 hereof.

(b) Annual returns due for all or any part of the last effective year of this chapter shall be due on the date provided in Section 193.05 and Section 193.06 as though the same were continuing. (Ord. 2004-47. Passed 8-27-04.)

#### 193.18 RULES AND REGULATIONS.

The Council adopts the Regional Income Tax Agency (RITA) Rules & Regulations for use as the Martins Ferry Income Tax Rules and Regulations, and they are hereby incorporated by reference as part of this chapter. In the event of a conflict with any provision(s) of the Martins Ferry Income Tax Ordinance and the RITA Rules & Regulations, the chapter will supersede. (Ord. 2004-47. Passed 8-27-04.)

