



H.B. 565

123rd General Assembly
(As Passed by the House)

Reps. Young, Netzley, Schuler, Williams, Buehrer, Grendell, Van Vyven, Terwilleger, Tiberi, Evans, O'Brien, Hoops, Peterson, Vesper, Robinson, Austria, Calvert, Clancy, Widener

BILL SUMMARY

- Specifies that state *statutory* law does not require a fire chief or fire prevention officer to be a resident of the political subdivision the chief or officer serves.
- Changes the *statutory* directive that possibly requires municipal fire chiefs and village fire prevention officers to be electors of the municipal corporation they serve.

CONTENT AND OPERATION

The bill explicitly states, in a general provision of law, that the Revised Code does not require, and must not be construed to require, the fire chief of a "firefighting agency" (a political subdivision that operates a fire department) to reside in the territory of the firefighting agency (sec. 9.61). The bill then explicitly states, in the relevant Revised Code sections, that neither the fire chief of a township, a joint fire district, a fire and ambulance district, or a fire district, nor the fire prevention officer of a township or a fire and ambulance district, is required by state statute to be a *resident* of that political subdivision (secs. 505.371(E), 505.375(B), and 505.38(A), (B), and (C)). Finally, the bill adds language in the provisions of the Municipal Law dealing with city and village fire chiefs and village fire prevention officers as well as in the provision of that law generally requiring officers of a municipal corporation to be electors of the municipal corporation, explicitly stating that city and village fire chiefs and village fire prevention officers are not required by the Revised Code to be an *elector* or a *resident* of the municipal corporation (secs. 733.68(B), 737.08(A), and 737.22(A)). (See **COMMENT** for the effects of these changes on municipal corporations.)

COMMENT

Although the bill makes changes in statutory law regarding municipal corporations, those changes do not affect a municipal corporation's constitutionally granted "home rule" powers to provide otherwise. If a *municipal charter* were to adopt the relevant sections of the Revised Code as amended by the bill, the charter would in effect (via those statutes) not require the fire chief or fire prevention officer to be a municipal resident. However, a municipal corporation, with or without a charter, could adopt *an ordinance* requiring the fire chief or fire prevention officer to be a resident or elector of the municipal corporation.¹ In that case, these Revised Code sections would have no effect in that municipal corporation.²

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-01-00	p. 1582
Reported, H. Local Government & Townships	04-11-00	p. 1795
Passed House (91-0)	04-12-00	p. 1814

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¹ *A municipal charter, instead of an ordinance, could also require the fire chief or fire prevention officer to be a municipal resident.*

² *Although a noncharter municipal corporation must follow statutes regarding procedural matters dealing with self-government issues, it does not have to follow statutes regarding substantive issues unless the matter is one of statewide concern. To be a matter of statewide concern, the matter must have significant extraterritorial effects or affect the general public of the state as a whole more than it does the local inhabitants. It seems that a residency requirement for officers who serve within a municipal corporation is predominantly a local matter. Thus, statutory changes would not affect a local residency requirement.*