

CHAPTER 232: MAYOR

Section

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Cross-reference:

- Appointment of Administrator, see § 234.01*
- Appointment of Street Commissioner, see § 242.01*
- Appointments of Board of Trustees of Public Affairs, see § 270.01*
- Appointments of deputies and special police, see § 244.03*
- Mayor's Court, see Ch. 298*

§ 232.01 TERM; QUALIFICATIONS; POWERS.

The Mayor shall be elected for a term of four years commencing on the first day of January next after his or her election. He or she shall be an elector of the municipality and shall have resided in the municipality for at least one year immediately preceding his or her election. He or she shall be the chief conservator of the peace within the municipality and shall have the powers and duties provided by law. He or she shall be the President of the Council and shall preside at all regular and special meetings thereof, but shall have no vote except in case of a tie.

(R.C. § 733.24)

§ 232.02 VACANCY.

When the Mayor is absent from the municipality or is unable for any cause to perform his or her duties, the President Pro Tempore of the Council shall be acting Mayor. In case of the death, resignation or removal of the Mayor, the President Pro Tempore shall become the Mayor and shall hold office until his or her successor is elected and qualified. The successor shall be elected to the office for the unexpired term at the first regular municipal election that occurs more than 40 days after the vacancy has occurred,

except that when the unexpired term ends within one year immediately following the date of the election, an election to fill the unexpired term shall not be held and the President of the Council shall hold the office for the unexpired term.

(R.C. § 733.25)

§ 232.03 GENERAL DUTIES.

The Mayor shall perform all the duties prescribed by the bylaws and ordinances of the municipality. He or she shall see that all ordinances, bylaws and resolutions of the Council are faithfully obeyed and enforced. He or she shall sign all commissions, licenses and permits granted by the Council, or authorized by Title VII of the Ohio Revised Code, and such other instruments as by law or ordinance require his or her certificate.

(R.C. § 733.30)

§ 232.04 COMMUNICATIONS TO COUNCIL.

The Mayor shall communicate to the Council from time to time a statement of the finances of the municipality and other information relating thereto, and the general condition of the affairs of the municipality as he or she deems proper, or as is required by the Council.

(R.C. § 733.32)

§ 232.05 PROTEST AGAINST EXCESS OF EXPENDITURES.

If, in the opinion of the Mayor, an expenditure authorized by the Council exceeds the revenues of the municipality for the current year, he or she shall protest against the expenditure and enter the protest, and the reason therefor, on the journal of the Council.

(R.C. § 733.33)

§ 232.06 SUPERVISION OF CONDUCT OF OFFICERS.

The Mayor shall supervise the conduct of all the officers of the municipality, inquire into and examine the grounds of all reasonable complaints against any officers and cause their violations or neglect of duty to be punished promptly or reported to the proper authority for correction.

(R.C. § 733.34)

§ 232.07 CHARGES AGAINST DELINQUENT OFFICERS.

The Mayor shall have general supervision over each department and the officers provided for in Title VII of the Ohio Revised Code. When the Mayor has reason to believe that the head of a department or an officer has been guilty, in the performance of his or her official duty, of bribery, misfeasance, malfeasance, nonfeasance, misconduct in office, gross neglect of duty, gross immorality or habitual drunkenness, he or

she shall immediately file with the Council, except when the removal of the head of the department or officer is otherwise provided for, written charges against the person, setting forth in detail a statement of alleged guilt, and, at the same time, or as soon thereafter as possible, serve a true copy of the charges upon the person against whom they are made. Service may be made on the person or by leaving a copy of the charges at the office of the person. Return thereof shall be made to the Council, as is provided for the return of the service of summons in a civil action.

(R.C. § 733.35)

§ 232.08 HEARING OF CHARGES; ACTION OF COUNCIL.

Charges filed with Council under § 232.07 shall be heard at the next regular meeting thereof, unless Council extends the time for the hearing, which shall be done only on the application of the accused. The accused may appear in person and by counsel, examine all witnesses and answer all charges against him or her. The judgment or action of Council shall be final, but to remove the officer the votes of two-thirds of all members elected thereto shall be required.

(R.C. § 733.36)

§ 232.09 SUSPENSION OF ACCUSED PENDING HEARING.

Pending any proceedings under §§ 232.07 and 232.08, an accused person may be suspended by a majority vote of all members elected to Council, but the suspension shall not be for a longer period than 15 days, unless the hearing of the charges is extended upon the application of the accused, in which event the suspension shall not exceed 30 days.

(R.C. § 733.37)

§ 232.10 POWER OF COUNCIL AS TO PROCESS.

For the purpose of investigating charges filed pursuant to § 232.07 against the head of any department or officer, Council may issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it, and Council may provide by ordinance for exercising and enforcing this section.

(R.C. § 733.38)

§ 232.11 OATHS; COMPULSORY TESTIMONY; COSTS.

In all cases in which the attendance of witnesses may be compelled for an investigation under § 232.10, any member of Council may administer the requisite oaths, and Council has the same power to compel the giving of testimony by attending witnesses as is conferred upon courts. In all such cases, witnesses shall be entitled to the same privileges and immunities as are allowed witnesses in civil cases. Witnesses shall be paid the same fees and mileage provided for under R.C. § 1901.26, and the costs of all the proceedings shall be payable from the General Fund of the municipality.

(R.C. § 733.39)

§ 232.12 DISPOSITION OF FINES AND OTHER MONEYS.

(a) Except as otherwise provided in R.C. § 4511.193, all fines, forfeitures and costs in ordinance cases and all fees that are collected by the Mayor, that in any manner come into the Mayor's hands, or that are due the Mayor or the Chief of Police or other officer of the municipality, any other fees and expenses that have been advanced out of the treasury of the municipality, and all money received by the Mayor for the use of the municipality shall be paid by the Mayor into the treasury of the municipality on the first Monday of each month. At the first regular meeting of the legislative authority each month, the Mayor shall submit a full statement of all money received, from whom and for what purposes received, and when paid into the treasury. Except as otherwise provided by R.C. § 307.515 or 4511.19, all fines and forfeitures collected by the Mayor in state cases, together with all fees and expenses collected that have been advanced out of the county treasury, shall be paid by the Mayor to the county treasury on the first business day of each month. Except as otherwise provided by R.C. § 307.515 or 4511.19, the Mayor shall pay all court costs and fees collected by the Mayor in state cases into the municipal treasury on the first business day of each month.

(b) This section does not apply to fines collected by the Mayor's Court for violations of R.C. § 4513.263(B), or any substantially equivalent municipal ordinance, all of which shall be forwarded to the Treasurer of State as provided in R.C. § 4513.263(E).
(R.C. §. 733.40)

§ 232.13 ANNUAL REPORT TO COUNCIL.

At the first regular meeting in January of each year, and at other times as the Mayor deems expedient, he or she shall report to the Council concerning the affairs of the municipality, and recommend such measures as seem proper to him or her.
(R.C. § 733.41)