

**ORDINANCE NO. 2022-10
INTRODUCED BY COUNCIL**

**AN ORDINANCE ESTABLISHING NEW RULES, REGULATIONS, AND POLICY FOR
VILLAGE COUNCIL AND FOR THE VILLAGE OF JACKSONVILLE VOLUNTEER
FIRE DEPARTMENT AND DECLARING AN EMERGENCY**

WHEREAS, the Village deems it necessary to create new rules, regulations, and policy in regards to the Village of Jacksonville Volunteer Fire Department regarding the appointment of firefighters, personnel, staffing, training, etc.

WHEREAS, the Village deems this measure necessary for the Village, Village Council, Mayor, and the Village of Jacksonville Fire Department to be in compliance with the applicable portions of Ohio Revised Code and the Ohio Administrative Code.

NOW, THEREFORE BE IT ORDAINED by the Council of the Village of Jacksonville, Ohio, Athens County:

SECTION 1. APPOINTMENT OF VOLUNTEER FIREFIGHTERS

- A. Appointment Required.** No person shall serve on the Jacksonville Volunteer Fire Department (hereinafter "Fire Department") unless formally appointed by Jacksonville Village Council, in writing, and at a regularly scheduled Village Council meeting.
- B. Application/Appointment Process.**
1. **New Applicants.** A person who wishes to apply to join the Fire Department shall submit a completed employment application form to the Jacksonville Fire Chief (hereinafter "Fire Chief"). The employment application is found in the most recent version of the Village of Jacksonville Employee Policy Manual.
 2. **Fire Chief.** The Fire Chief shall:
 - a. provide the original copy of the person's application and new hire packet to the Village Fiscal Officer (hereinafter "Fiscal Officer") within seven (7) days of receipt;
 - b. shall present the application to Village Council at the next regularly scheduled Village Council meeting so Village Council may consider the new applicant for appointment to the Fire Department.
 3. **Village Council.**
 - a. **Decision to Appoint.** The Village Council shall have the authority to:

- i. Approve the application and formally appoint the applicant to the Fire Department;
 - ii. Deny the applicant's request for appointment to the Fire Department;
 - iii. Request a continuance for further consideration on the application;
or
 - iv. Request a continuance and request more information from the applicant or Fire Chief to make a decision on whether or not to appoint the applicant.
 - b. **Votes Required.** The number of votes required to appoint, deny, or consider the application shall be as required in Ordinance 2017-04.
4. **Council Meeting to Appoint.** The appointment shall take place at a regularly scheduled Village Council meeting, unless approved otherwise in accordance with the Rules of Council.
- a. **Applicant.**
 - i. **Attendance.** The Applicant may attend the Village Council meeting or meetings where his/her application is considered and present evidence or information as to why he/she should be appointed to the Fire Department. It shall be the Applicant's responsibility to learn the date, time, and location of the Village Council Meeting where his/her application is being presented and/or considered.
 - ii. **Information.** The applicant may present any relevant evidence, information, qualifications, training, character, physical fitness, etc. to the Village Council he/she deems appropriate in order to seek appointment to the Fire Department.
 - iii. **Failure to Attend.** Failure to attend the meeting in person shall be deemed a waiver of the applicant's right to present relevant evidence, information, qualifications, training, character, physical fitness etc. to the Village Council he/she deems appropriate in order to seek appointment to the Fire Department.
 - b. **Fire Chief.** At the meeting, the Fire Chief may do any of the following:
 - i. recommend the applicant;
 - ii. not recommend the applicant;

- iii. remain silent regarding the applicant; or
 - iv. provide relevant information or evidence regarding the applicant's qualifications, training, expertise, character, physical fitness, etc.
- c. **Council.** Council shall have the right to inquire about the applicant's application, including information such as education, qualifications, training, expertise, character, physical fitness, criminal history, etc. before making their decision to appoint pursuant to Section 1(B)(3) of this Ordinance.
5. **Physical Exam Required.** No person shall receive an appointment under this Ordinance or section 737.22 of the Ohio Revised Code unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the legislative authority of the village. The Village of Jacksonville shall, prior to making an appointment, file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy of the report or findings of that licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination shall be paid for by the legislative authority of the village. See O.R.C. 737.22(B)(3).

C. **Maintaining Appointment.** No person who is appointed as a volunteer firefighter of the Village of Jacksonville Fire Department shall remain in that position, unless either of the following applies:

- 1. Within one year of the appointment, the person has received a certificate issued under former section 3303.07 (now known as section 3737.66) or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.
- 2. The person has served as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, township, fire district, or other village prior to July 2, 1979, and receives a certificate issued under division (C)(3) of section 4765.55 of the Revised Code.

See O.R.C. 737.22(B)(2)(a).

SECTION 2. FIREFIGHTER CERTIFICATION

- A. **Runs.** No person or volunteer firefighter, whether or not appointed as a firefighter for the Village of Jacksonville Volunteer Fire Department, shall go on any run, fire scene, crash

scene, etc., regardless of the reason, unless they possess the appropriate certificate issued by the Executive Director of the Division of Emergency Medical Services necessary to provide firefighter or safety inspector services, pursuant to sections 3737.66 and 4765.55 of the Ohio Revised Code.

- B. **Operating Emergency Vehicles.** No person, volunteer firefighter, or appointed firefighter shall operate an emergency vehicle unless certified in accordance with Ohio Revised Code, Ohio Administrative Code, and all other applicable laws and ordinances.

SECTION 3. ABIDE BY TERMS OF OHIO REVISED CODE AND ADMINISTRATIVE CODE AND PENALTIES

- A. The Jacksonville Volunteer Fire Department shall abide by all of the provisions of the Ohio Revised Code, the Ohio Administrative Code, and local ordinances regarding requirements for firefighters.
- B. Failure by any person, Council Member, firefighter, and/or Fire Chief to abide by the terms Ohio Revised Code, Ohio Administrative Code, and/or local ordinance shall result in punishment accordance with the Ohio Revised Code and Ohio Administrative Code.

SECTION 4. EMERGENCY MEASURE

This Ordinance is declared to be an emergency measure necessary to preserve the health, safety and welfare of the citizens of the Village of Jacksonville, Ohio and shall be effective upon passage or at the earliest date allowed by law.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect from the earliest period allowed by law.

Duly enacted by Council on first reading under suspension of the rules on the 24th day of February, 2022.



Council President

ATTEST:


Fiscal Officer

APPROVED:


Mayor

CERTIFICATION OF CLERK/FISCAL OFFICER

The foregoing is a true copy of the original Ordinance No. 2022-10.
Publication of this Ordinance was made by posting a copy of the same in the following five locations within the Village, beginning on March 1, 2022 and concluding on March 16, 2022 (at least 15 days later):

- Jacksonville Post Office
- Jacksonville Eagles Club
- Jacksonville VFW
- Jacksonville Municipal Building
- The Corner Pizza & Deli

CERTIFICATION

I, Heather Rockwell, Fiscal Officer for the Village of Jacksonville, Athens County, Ohio, certify that the foregoing is a true and correct copy of the Ordinance adopted by the Village Council of the Village of Jacksonville, and appears in the Village records as Ordinance No. 2022-10.

ATTEST:

Heather Rockwell
Fiscal Officer