



CODIFIED ORDINANCES OF ASHVILLE

PART ONE - ADMINISTRATIVE CODE

TITLE FIVE - Administrative

Chapter 135. *Village Administrator.*

135.01 POSITION ESTABLISHED.

135.02 Indigent burial.

CROSS REFERENCES

Appointment, removal- see Ohio R.C. 7335.271

Powers to contract - see Ohio R.C. 731.141

Board of Trustees of Public Affairs abolished - see Ohio R.C. 735.272

Powers and duties - see Ohio R.C. 735.271,735.273

135.01 POSITION ESTABLISHED.

- (a) There is hereby created the position of *Village Administrator* with all the powers and duties as set forth in Ohio R.C. 735.271.
- (b) The salary of the *Village Administrator* and additional permissible duties within a job description shall be established by ordinance at a later time.

(Ord. 97-14. Passed 11-3-97.)

135.02 INDIGENT BURIAL.

- (a) Any person dying in the Village of Ashville under circumstances set out in Ohio R.C. 5101.521 shall be buried by the Village.
- (b) Such burial should be authorized by the *Village Administrator* using Form Ashville 07-1, based upon the criteria established by Council under the recommendations of the Village Solicitor.
- (c) The cost of such burial will not exceed five hundred dollars (\$500.00), which will include funeral service, casket and vault and cemetery expenses and/or cremation.

(Ord. 2007-6. Passed 7-23-07.)



Ohio Laws and Rules (Ohio Revised Code) O.R.C. Viewing **Village Administrator** Summary.

[9.29 \[Effective 6/30/2010\] Multi-year asset management professional service contracts.](#)

...2) A municipal corporation through its director of public service, mayor, city manager, board of trustees of public affairs, **village administrator**, or other contracting officer, commission, board, or authority as authorized by ordinance of the municipal corporation's legislative authority. (B...

[731.14 Contracts by legislative authority of a village - exception.](#)

All contracts made by the legislative authority of a **village** shall be executed in the name of the **village** and signed on its behalf by the mayor.....villages that have provided for the appointment of a **village administrator** under section 735.271 of the Revised Code. Effective Date: 09-26-2003...

[731.141 Village administrator to make contracts and purchases.](#)

...established the position of **village administrator**, as provided by section 735.271 of the Revised Code, the **village administrator** shall make contracts.....**village**. The bids shall be opened and shall be publicly read by the **village administrator** or a person designated by the **village administrator**...

[731.15 Bids and proceedings.](#)

...**village**, or, in the event a **village administrator** has been appointed as provided by section 735.271 of the Revised Code, the **village administrator**.....event a **village administrator** has been appointed as provided by section 735.271 of the Revised Code, the **village administrator** may exact a prorated...

[731.16 Alterations or modifications of contracts.](#)

...**village**, or, in the event a **village administrator** has been appointed as provided by section 735.271 of the Revised Code, the **village administrator**.....**village administrator** has been appointed as provided by section 735.271 of the Revised Code, the **village administrator** on behalf of the **village**...

[735.052 Purchasing used equipment without bidding.](#)

The legislative authority of any city or **village** may authorize, by ordinance, the director of public service, director of public safety, mayor, city manager, board of trustees of public affairs, **village administrator**, or other duly authorized contracting officer, commission, board, or authority...

[735.053 Purchasing from other political subdivision without bidding.](#)

The legislative authority of any city or **village** may authorize, by ordinance, the director of public service, director of public safety, mayor, city manager, board of trustees of public affairs, **village administrator**, or other duly authorized contracting officer, commission, board, or authority...

[735.271 Establishing position of village administrator.](#)

The legislative authority of the **village** may establish the position of **village administrator** by ordinance. The **village administrator** established.....**village**, unless his residence outside the **village** is approved by ordinance. The **village administrator** shall not be an elected official of the **village**...

735.272 Board of trustees of public affairs abolished upon establishment of village administrator position.

...position of *village administrator*, his appointment by the mayor and confirmation by the legislative authority of the *village*, as provided by section.....law. In the event the legislative authority abolishes the position of *village administrator*, as provided by section 735.271 of the Revised Code...

735.273 Village administrator powers and duties.

...owned utilities shall be determined by the legislative authority of the *village*. The *village administrator* shall have the same powers and perform.....shall be in writing, and shall be filed with the *village* clerk. The *village administrator* shall be under the general supervision and control...

735.31 Street commissioner - appointment - qualifications.

Except in villages that have provided for the appointment of a *village administrator* under section 735.271 of the Revised Code, a street commissioner.....removed by the mayor of the *village* and the reasons for the removal shall be communicated to the legislative authority of the *village*. If a person...



Ohio Laws and Rules (Ohio Revised Code) O.R.C.
Viewing **Village Administrator** Detail.

9.29 [Effective 6/30/2010] Multi-year asset management professional service contracts.

(A) The following political subdivisions may enter into, by direct negotiation or through the solicitation of requests for proposals or requests for qualifications, a multi-year, asset management professional service contract for the engineering, repair, sustainability, water quality management, and maintenance of a water storage tank and appurtenant facilities owned, controlled, or operated by that political subdivision, but only if the contract complies with division (B) of this section:

(1) A board of county commissioners, board of directors of a conservancy district, board of directors of a sanitary district, or board of trustees of a regional water and sewer district;

(2) A municipal corporation through its director of public service, mayor, city manager, board of trustees of public affairs, **village administrator**, or other contracting officer, commission, board, or authority as authorized by ordinance of the municipal corporation's legislative authority.

(B) A contract entered into pursuant to division (A) of this section shall include provisions that do all of the following:

(1) Provide that the contracting political subdivision is not required to make total payments in a single year that exceed the excess of (a) the political subdivision's water utility charges over (b) the operating expenses of the water system payable from such charges and the principal, interest, and other debt charges, including reserves and coverage requirements, for outstanding debt due in that year;

(2) Require that the work performed be done under the supervision of a professional engineer licensed under Chapter 4733. of the Revised Code, who certifies that the work will be performed in compliance with all applicable codes and engineering standards;

(3) Provide that if, on the date of commencement of the contract, the water tank or appurtenant facilities require engineering, repair, sustainability, water quality management, or service in order to bring the tank or facilities into compliance with federal, state, or local requirements, the party contracting with the political subdivision must provide the engineering, repair, sustainability, water quality management, or service. The cost of the work necessary to ensure such compliance shall be itemized separately and may be charged to the political subdivision in payments spread over a period of not less than three years from the date of commencement of the contract. The charges shall be paid after provision is made to pay operating expenses and the principal, interest, and other debt service charges, including reserves and coverage requirements for outstanding debt due in that year.

Added by 128th General Assembly File No. 25, SB 85, § 1, eff. 6/30/2010.

731.14 Contracts by legislative authority of a village - exception.

All contracts made by the legislative authority of a village shall be executed in the name of the village and signed on its behalf by the mayor and clerk. Except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section [713.23](#) or section [125.04](#) or [5513.01](#) of the Revised Code, available from a qualified nonprofit agency pursuant to sections [4115.31](#) to [4115.35](#) of the Revised Code, or required to be purchased from a qualified nonprofit agency under sections [125.60](#) to [125.6012](#) of the Revised Code, when any expenditure, other than the compensation of persons employed in the village, exceeds twenty-five thousand dollars, such contracts shall be in writing and made with the lowest and best bidder after advertising once a week for not less than two

consecutive weeks in a newspaper of general circulation within the village. The legislative authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the legislative authority's internet web site. If the legislative authority posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the village, provided that the first notice published in such newspaper meets all of the following requirements:

- (A) It is published at least two weeks before the opening of bids.
- (B) It includes a statement that the notice is posted on the legislative authority's internet web site.
- (C) It includes the internet address of the legislative authority's internet web site.
- (D) It includes instructions describing how the notice may be accessed on the legislative authority's internet web site.

The bids shall be opened and shall be publicly read by the clerk of the village or a person designated by the clerk at the time, date, and place specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the legislative authority of the village, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. This section does not apply to those villages that have provided for the appointment of a **village administrator** under section [735.271](#) of the Revised Code.

Effective Date: 09-26-2003; 12-20-2005; 2008 SB268 09-12-2008

731.141 Village administrator to make contracts and purchases.

In those villages that have established the position of **village administrator**, as provided by section [735.271](#) of the Revised Code, the **village administrator** shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than twenty-five thousand dollars. When an expenditure, other than the compensation of persons employed by the village, exceeds twenty-five thousand dollars, the expenditure shall first be authorized and directed by ordinance of the legislative authority of the village. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section [713.23](#) or section [125.04](#) or [5513.01](#) of the Revised Code, available from a qualified nonprofit agency pursuant to sections [4115.31](#) to [4115.35](#) of the Revised Code, or required to be purchased from a qualified nonprofit agency under sections [125.60](#) to [125.6012](#) of the Revised Code, the **village administrator** shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the village. The bids shall be opened and shall be publicly read by the **village administrator** or a person designated by the **village administrator** at the time, date, and place as specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the **village administrator**, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the village and signed on its behalf by the **village administrator** and the clerk.

The legislative authority of a village may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the village, under the direction of the **village administrator**, who shall make contracts, purchase supplies or materials, and provide labor for any work of the village in the manner provided by this section.

Effective Date: 09-26-2003; 10-21-2005

731.15 Bids and proceedings.

Each bid on any contract under section [731.14](#) or [731.141](#) of the Revised Code shall contain the full name of every person interested in such bid. If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section [153.54](#) of the Revised Code. If the bid is for any other contract authorized by section [731.14](#) or [731.141](#) of the Revised Code, it shall be accompanied by a sufficient bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association that, if the bid is accepted, a contract will be entered into and the performance of it properly secured. If the bid for work embraces both labor and material, it shall be separately stated, with the price thereof. The legislative authority of a village, or, in the event a **village administrator** has been appointed as provided by section [735.271](#) of the Revised Code, the **village administrator** may reject any and all bids. The contract shall be between the village and the bidder, and the village shall pay such contract price in cash. When a bonus is offered for completion of a contract prior to a specified date, the legislative authority, or, in the event a **village administrator** has been appointed as provided by section [735.271](#) of the Revised Code, the **village administrator** may exact a prorated penalty in like sum for each day of delay beyond the specified date. When there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.

Effective Date: 10-01-1987

731.16 Alterations or modifications of contracts.

When it becomes necessary in the opinion of the legislative authority of a village, or, in the event a **village administrator** has been appointed as provided by section [735.271](#) of the Revised Code, the **village administrator**, in the prosecution of any work under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only by the legislative authority by resolution, or, in the event a **village administrator** has been appointed as provided by section [735.271](#) of the Revised Code, such alterations or modifications shall be made only by the **village administrator** in writing, but such resolution or written modification shall be of no effect until the price to be paid for the work and material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor, and by the mayor, or, in the event a **village administrator** has been appointed as provided by section [735.271](#) of the Revised Code, the **village administrator** on behalf of the village. No contractor shall recover anything for work or material because of any alteration or modification, unless such contract is made as provided by this section, nor shall he recover for such work or material, or either, more than the agreed price. The law relating to requiring bids and the awarding of contracts for public buildings, so far as they apply, shall remain in effect. A duplicate copy of each contract shall be filed in the office of the village treasurer.

Effective Date: 09-28-1965

735.052 Purchasing used equipment without bidding.

The legislative authority of any city or village may authorize, by ordinance, the director of public service, director of public safety, mayor, city manager, board of trustees of public affairs, **village administrator**, or other duly authorized contracting officer, commission, board, or authority to enter into a contract, without advertising and bidding, for the purchase of used equipment or supplies at an auction open to the public, or at a sale at which such used equipment or supplies are to be sold upon submission of written bids to the vendor thereof where the vendor has invited the public to submit written bids or when more than one bid is submitted. The ordinance authorizing such contracts shall:

(A) Designate the officer, commission, board, or other contracting authority authorized to make such contract;

(B) Set forth the maximum amount that may be bid as the purchase price for such used equipment or supplies;

(C) Describe the type of used equipment or supplies that may be purchased;

(D) Appropriate sufficient funds to meet the maximum amount that may be bid as the purchase price for such used equipment or supplies, unless funds have previously been appropriated and remain unencumbered for such purpose.

Effective Date: 10-30-1969

735.053 Purchasing from other political subdivision without bidding.

The legislative authority of any city or village may authorize, by ordinance, the director of public service, director of public safety, mayor, city manager, board of trustees of public affairs, **village administrator**, or other duly authorized contracting officer, commission, board, or authority to enter into a contract, without advertising and bidding, for services or the purchase of materiel, equipment, or supplies from any department, division, agency, or political subdivision of the state, or with a regional planning commission pursuant to division (D) of section [713.23](#) of the Revised Code. The ordinance authorizing such contracts shall:

(A) Designate the officer, commission, board, or other contracting authority authorized to make such contract;

(B) Set forth the maximum amount that may be paid as the purchase price for such services, materiel, equipment, or supplies;

(C) Describe the type of services, materiel, equipment, or supplies that may be purchased;

(D) Appropriate sufficient funds to meet the maximum amount that may be paid as the purchase price for such services, materiel, equipment, or supplies, unless funds have previously been appropriated and remain unencumbered for such purpose.

Effective Date: 04-13-1990

735.271 Establishing position of **village administrator.**

The legislative authority of the village may establish the position of **village administrator** by ordinance. The **village administrator** established under this section shall have those powers provided by section [735.273](#) of the Revised Code. The **village administrator** shall be appointed by the mayor, but shall not take office unless his appointment has been approved by a majority vote of the members elected to the legislative authority of the village. The **village administrator** need not be an elector or reside in the village at the time of his appointment; however, he shall become a resident of the village within six months after his appointment by the mayor and confirmation by the legislative authority of the village, unless his residence outside the village is approved by ordinance. The **village administrator** shall not be an elected official of the village at the time of his appointment or during his tenure in office. The **village administrator** shall serve at the pleasure of the mayor and legislative authority of the village and may be removed without cause by the mayor with the consent of a majority of the members elected to the legislative authority of the village; or he may be removed without cause by the affirmative vote of three-fourths of the members elected to the legislative authority of the village, without the consent of the mayor. The legislative authority of the village may abolish the position of **village administrator** by ordinance.

Effective Date: 09-28-1965

735.272 Board of trustees of public affairs abolished upon establishment of **village administrator position.**

Upon the establishment of the position of **village administrator**, his appointment by the mayor and confirmation by the legislative authority of the village, as provided by section [735.271](#) of the Revised Code, the board of trustees of public affairs, if such a board has

been created in accordance with section [735.28](#) of the Revised Code, shall be abolished and the term of office of members of such board shall terminate. All contracts entered into by said board of trustees of public affairs and rules and regulations and other action taken by such board shall continue in effect until they have terminated of their own accord or until they shall have been modified, changed, revised, amended, or repealed in the manner provided by law.

In the event the legislative authority abolishes the position of **village administrator**, as provided by section [735.271](#) of the Revised Code, a board of trustees of public affairs shall be established by operation of law and the mayor shall appoint three members of such board, subject to the confirmation of the legislative authority, who shall serve until the successors of such appointed members have been elected at the next regular election of municipal officers held in the village occurring more than one hundred days after the appointment of such members by the mayor, as provided by section [735.28](#) of the Revised Code. Such board of trustees of public affairs shall have those powers and duties as provided by sections [735.28](#) and [735.29](#) of the Revised Code and as otherwise provided by law.

Effective Date: 09-28-1965

735.273 Village administrator powers and duties.

The **village administrator** appointed under section [735.271](#) of the Revised Code shall manage, conduct, and control the water works, electric light plants, artificial or natural gas plants, or other similar public utilities, furnish supplies of water, electricity, or gas, and collect all water, electric, and gas rents.

The **village administrator** may make such bylaws and regulations as it deems necessary for the safe, economical, and efficient management and protection of such works, plants, and public utilities. Such bylaws and regulations, when not repugnant to municipal ordinances and resolutions or to the constitution of this state, shall have the same validity as ordinances.

The rates for service and charges for municipally owned utilities shall be determined by the legislative authority of the village.

The **village administrator** shall have the same powers and perform the same duties as are provided in sections [743.05](#) to [743.07](#), inclusive, [743.10](#), [743.11](#), [743.18](#), and [743.24](#) of the Revised Code, and all powers and duties relating to water works in any of such sections shall extend to and include electric light, power, and gas plants, and other similar public utilities.

The **village administrator** shall supervise the improvement and repair of streets, avenues, alleys, lands, lanes, squares, landings, market houses, bridges, viaducts, sidewalks, sewers, drains, ditches, culverts, ship channels, streams, and water courses as well as the lighting, sprinkling, and cleaning of all streets, alleys, and public buildings and places.

The **village administrator** shall appoint officers, employees, agents, clerks, and assistants, provided such positions are first authorized by the legislative authority of the village; but such appointments shall be subject to approval by the mayor. Such appointments and the mayor's approval thereof shall be in writing, and shall be filed with the village clerk.

The **village administrator** shall be under the general supervision and control of the mayor, and shall have such other powers and duties as are prescribed by ordinance or by law and which are not inconsistent herewith. The **village administrator** shall perform all duties and shall have all powers of boards of public affairs and street commissioners as prescribed by law, except as otherwise provided by this section and in sections [735.271](#) and [735.272](#) of the Revised Code.

Effective Date: 09-28-1965

735.31 Street commissioner - appointment - qualifications.

Except in villages that have provided for the appointment of a **village administrator** under section [735.271](#) of the Revised Code, a street commissioner shall be appointed by the mayor of a municipal corporation and confirmed by the legislative authority thereof for a term of one year. He need not be a resident of the municipal corporation at the time of his appointment but shall become a resident thereof within six months after his appointment and confirmation unless such residence requirement is waived by ordinance. Vacancies in the office of street commissioner shall be filled by the mayor for the unexpired term.

The appointment of a street commissioner shall include a probationary period of six months. If an appointment is made for an unexpired term, and if the same village street commissioner is reappointed at the end of that term, the probationary period shall continue into his next term. No appointment is final until the appointee has satisfactorily completed his probationary period. If the service of the appointee is unsatisfactory during the probationary period, he may be removed by the mayor of the village and the reasons for the removal shall be communicated to the legislative authority of the village. If a person is appointed to successive terms as street commissioner, he shall serve only one six-month probationary period during those successive terms.

In any village the marshal shall be eligible to appointment as street commissioner.

Effective Date: 09-10-1987