

# RECORD OF ORDINANCES

Ordinance No. 2024-O-03 Passed March 5, 2024  
YEAR

## VILLAGE COUNCIL OF GREENWICH, OHIO ORDINANCE NO.: 2024-O-03

### AN ORDINANCE RESCINDING AND REPEALING SECTION 242.07 OF THE GREENWICH CODIFIED MUNICIPAL CODE OF ORDINANCES

WHEREAS, Section 737.17 of the Ohio Revised Code provides for the probationary period and final appointment of village deputy marshals, also known as police officers, as follows:

*Ohio R.C. Section 737.17 | Probationary period - final appointment.  
All appointments made under sections 737.15 and 737.16 of the Revised Code shall be for a probationary period of six months' continuous service, and none shall be finally made until the appointee has satisfactorily served his probationary period. At the end of the probationary period the mayor shall transmit to the legislative authority of the village a record of such employee's service with his recommendations thereon and he may, with the concurrence of the legislative authority, remove or finally appoint the employee.*

WHEREAS, Section 242.07 of the Greenwich Codified Municipal Code currently requires a one-year continuous service probationary period which reads:

#### 242.07 PROBATIONARY PERIOD.

(a) Any new Chief of Police appointed after the effective date of this section, whether full or part time, shall serve a one year continuous service probationary period and none shall be finally appointed until the appointee has satisfactorily served the probationary period. At the end of the probationary period, the Mayor shall transmit to the Council a record of the probationary Chief of Police's service with his recommendation thereof and he may, with the concurrence Council, remove or finally appoint the Chief of Police.

(b) All full time Village patrolmen appointed after the effective date of this section, shall serve a one year continuous service probationary period and none shall be finally appointed until the appointee has satisfactorily served the probationary period. All part time Village patrolmen appointed after the effective date of this section, shall serve no less than 2,080 hours and no less than a one year continuous service probationary period and none shall be finally appointed until the appointee has satisfactorily served the probationary period. During such probationary period, the probationary patrolman shall receive the probationary rate of compensation plus any yearly increases as are awarded to other Village employees. At the end of the probationary period, the Mayor shall transmit to the Council a record of such probationary patrolman's service with his recommendation thereof and he may, with the concurrence Council, remove or finally appoint the patrolman.  
(Ord. 1019. Passed 8-21-07; Ord. 2018-10. Passed 8-7-18.)

WHEREAS, case law suggests that probation continues until the mayor and council concur on either removing or finally appointing the probationary officer. See *Dillingham v. Woodlawn*, 86 Ohio App. 3d 54, 619 N.E.2d 1152, 1993 Ohio App. LEXIS 495 referencing *State ex rel. Sullivan v. Middleburg Hts.* (1961), 114 Ohio App. 354, [\*60] 18 O.O. 264, 174 N.E.2d 777 (probationary period continues until terminated); *Monroe v. Smith* (Jan. 28, 1985), Warren App. No. CA84-08-050, unreported 1985 WL 8152 (probationary status still intact six weeks after expiration of six-month period).

WHEREAS, the Chief of Police recommends that the one year probationary period requirements of Section 242.07 of the Greenwich Codified Municipal Code be rescinded and repealed and that the village utilize the statutory probationary requirements provided in Section 737.17 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREENWICH, STATE OF OHIO: (RC 731.18)

SECTION 1. REPEAL. That Section 242.07 of the Greenwich Codified Municipal Code of Ordinances is hereby rescinded and repealed in its entirety in favor of the statutory probationary requirements provided in Section 737.17 of the Ohio Revised Code.

SECTION 2. CODIFICATION. That the Council Clerk is hereby directed to submit the amendments herein to the codification service for the Village.

SECTION 3. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this legislation were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances

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and any applicable provisions of section 121.22 of the Ohio Revised Code.

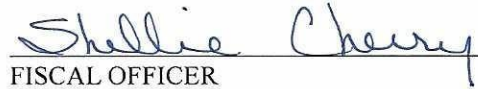
WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 5 day of March, 2024.

### ATTESTATION (RC 731.20)

We hereby attest and affirm that the foregoing legislation received the necessary affirmative roll call votes required for passage by R.C. 731.17.

  
MAYOR

  
FISCAL OFFICER

### LEGISLATION READINGS ORC 731.17(A)

- (1) Each ordinance and resolution shall be read by title only, provided the legislative authority may require any reading to be in full by a majority vote of its members.  
(2) Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members.

First Reading: 2/6/24 Second Reading: 2/20/24 Third Reading: 3/5/24

### ROLL CALL VOTE ORC 731.17(A)(3)

The vote on the passage was taken by yeas and nays and entered upon the journal. 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 the legislative authority. Yeas, nays, abstentions, excused or absent votes were recorded as follows:

Yes  
Mike King

Yes  
Randy Wilson

Yes  
Lynne Phillips

Yes  
Jason Hunter

Yes  
Regina Lueck

Yes  
Dorene Beverly

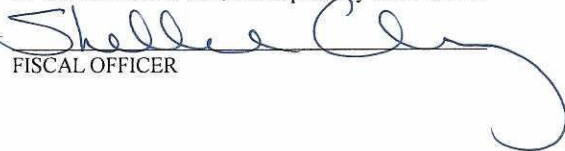
PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

  
VILLAGE SOLICITOR, Steve Palmer

### CERTIFICATE OF PUBLICATION ORC 731.21 and 731.22

Pursuant to ORC 731.21(A)(3), I hereby certify that a succinct summary of the above legislation was/will be published using the following method: **ON THE WEBSITE AND SOCIAL MEDIA ACCOUNT OF THE MUNICIPAL CORPORATION**

The succinct summary was reviewed by the village solicitor as required by ORC 731.21(B). Publication was/will be made at least once a week for two consecutive weeks as required by ORC 731.22.

  
FISCAL OFFICER