

1761.

APPROVAL, FINAL RESOLUTION AND COOPERATIVE CONTRACT FOR
ROAD IMPROVEMENTS IN GEAUGA AND TUSCARAWAS COUNTIES.

COLUMBUS, OHIO, April 10, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

1762.

FIRE CHIEF—PERSON RESIDING IN VILLAGE ONE DAY BEFORE
APPOINTMENT INELIGIBLE FOR SUCH POSITION—ORDINANCE
CONCERNING APPOINTMENTS DOES NOT AFFECT PRIOR APPOINT-
MENTS.

SYLLABUS:

1. *A man cannot be legally appointed to the position of fire chief of a village the next day after he becomes a resident thereof, for the reason that he is not an elector within the provision of Section 4389 of the General Code and its related sections.*

2. *When a village council passes an ordinance requiring the appointment of the fire chief to be approved and confirmed by council such provision would have no effect upon appointments properly made prior to the effective date of the ordinance.*

COLUMBUS, OHIO, April 11, 1930.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of your recent communication which is as follows:

“Section No. 4389, G. C., reads:

‘In each village having or hereafter establishing a fire department, the head thereof shall be a fire chief, appointed by the mayor for a term of two years, and shall be an elector of the corporation.’

Question 1. May a person, a married man, who becomes a resident of a village on February 14, 1930, be legally appointed chief of the fire department on February 15, 1930?

Question 2. When a village council, by ordinance passed as an emergency measure, on February 17, 1930, provides that the fire chief shall be appointed by the mayor, with the approval and confirmation of council, does such provision apply to the person appointed on February 15, 1930, who became a resident on February 14, 1930.

Data in relation to this matter is enclosed, Sections 4785–29 and 4785–30, G. C., 113 O. L., page 320, and the case of in re: Jones Petition, 11 O. N. P. (NS) page 241, may be pertinent.”

The provisions of Section 4389, General Code, which you quote, to the effect that the chief of the fire department shall be an elector of the corporation, is to the same effect as the provision of Section 4 of Article XV of the Ohio Constitution, which provides: