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AN ORDINANCE FIXING THE SALARY OF A VILLAGE MAYOR IS AN ORDINANCE OF GENERAL NATURE WHICH REQUIRES PUBLICATION—§731.20, R.C.

SYLLABUS:

An ordinance fixing the salary of a village mayor is an ordinance of a general nature, which, under the provisions of Section 731.20, Revised Code, requires publication.

Columbus, Ohio, August 18, 1960

Hon. Wray Bevens, Prosecuting Attorney
Pike County, Waverly, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Section 731.13, Revised Code of Ohio, provides in part as follows:

‘The legislative authority shall in the case of officers, fix their compensation for the ensuing term of office at a meeting held not later than five days prior to the last day fixed by law for filing as a candidate for such office.’

“Section 731.20, Revised Code of Ohio, provides in part as follows:

‘An ordinance of general nature shall be published as provided in Section 731.21 and 22, Revised Code, before going into operation.’

“The Council of Village ‘A’ passed an appropriate ordinance providing for the salary of the Mayor. However, this ordinance was never published.

“I, therefore, respectfully ask of you a ruling to determine whether an ordinance fixing the salary of the Mayor of a village

is of such general nature as to require publication as set forth in Section 731.20, Revised Code of Ohio.”

Your question is not a novel one as far as this office is concerned. A former Attorney General in Opinion No. 934, Opinions of the Attorney General for 1915, page 2005, stated at page 2006 as follows :

“It has been held by this department at various times that an ordinance fixing salaries is an ordinance of a general nature, and, under the provisions of Section 4227, G.C., requires publication. * * *”

Opinion No. 934, *supra*, was followed in Opinion No. 654, Opinions of the Attorney General for 1951, page 383 providing in paragraph one of the syllabus as follows :

“1. An ordinance fixing wages and salaries of city employees is an ordinance of general nature within the meaning of that term as used in Section 4227, General Code, and in the absence of any charter provision inconsistent therewith, requires publication in accordance with the provisions of Section 4228, General Code.”

Section 4227, General Code, is now Section 731.20, Revised Code. Finding no significant change in the applicable law and being in accord with the reasoning of my predecessors, I am of the opinion, therefore, and you are advised that an ordinance fixing the salary of a village mayor is an ordinance of a general nature, which, under the provisions of Section 731.20, Revised Code, requires publication.

Respectfully,

MARK MCELROY

Attorney General