

AN ORDINANCE

BY: \_\_\_\_\_

NO. \_\_\_\_\_

TO AMEND EXISTING SECTION 101.02, *GENERAL DEFINITIONS*, OF THE OAKWOOD ADMINISTRATIVE CODE TO PROVIDE FOR THE OPTION TO PURCHASE INDIVIDUAL OR BLANKET BONDS FOR BONDED OFFICIALS AND EMPLOYEES.

WHEREAS, consistent with Section 11.02 of the City Charter, the Oakwood Administrative Code requires certain department heads, police officers, and other officials and employees of the city to be bonded; and

WHEREAS, other than setting forth the amount of certain bonds and the type of issuing entity, neither the Charter nor the Oakwood Administrative Code specify whether these bonding requirements must be met individually, or whether they may be satisfied through the use of a blanket bond; and

WHEREAS, due to the annual fluctuation of rates for various insurance products, there may be cost savings available if the city has the flexibility to choose between group rates and individual rates (*e.g.*, blanket bonding versus individual bonding); and

WHEREAS, Council has determined that this flexibility is in the city's financial interest and is not inconsistent with the Charter, and therefore desires to amend Section 101.02 to specifically define "bond" in a manner that allows for either option;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Section 101.02, *General Definitions*, of the Oakwood Administrative Code is hereby amended to read as follows, with new text in **bold** type and deleted text in ~~striketrough~~ type:

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless otherwise expressly provided or the context otherwise requires:

- A. "And" may be read "or," and "or" may be read "and," if the sense requires it.
- B. "Another" or "person," when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.
- C. **"Bond," when referring to a requirement that any city official or employee furnish bond for the faithful performance of his or her duties in a specified amount, may be provided in either of the following forms, as determined by the City Manager upon consideration of the comparative cost to the city:**
  - (1) **An individual surety instrument by which such official or employee is bound to the city in the amount specified by law; or**
  - (2) **A blanket bond or policy of insurance which provides coverage to the city against the errors and omissions of city officials and employees in the performance of their duties. Any such blanket bond or policy of insurance shall specify the officials and employees so covered and shall provide aggregate coverage exceeding the highest individual bond amount specified by ordinance by at least \$200,000.00 so as to provide sufficient excess coverage for other covered officials and/or employees.**
- ~~C~~-D. "Council" means the legislative authority of the City.
- ~~D~~-E. The "County" means Montgomery County, Ohio.
- ~~E~~-F. "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.
- ~~F~~-G. "Land" or "real estate" includes rights and easements of incorporeal nature, tenements and hereditaments.

~~G-H.~~ "Municipality" or "city" means the City of Oakwood, Ohio.

~~H-I.~~ "Oath" includes an affirmation.

~~I-J.~~ "Owner," when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.

~~J-K.~~ "Person" or "whoever" includes all persons, natural and artificial, and includes but is not limited to private corporations, partners, principals, agents and employees, and all officials, public or private.

~~K-L.~~ "Premises," as applied to property, includes land and buildings.

~~L-M.~~ "Property" includes real, personal, and mixed estates and interests therein. "Personal property" includes all property except real. "Real property" has the same meaning as land or real estate.

~~M-N.~~ "Public authority" includes boards of education; the City and county, state or the federal government, the officers or an agency of any of them, or any duly authorized public official.

~~N-O.~~ "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

~~O-P.~~ "Registered mail" includes certified mail.

~~P-Q.~~ "Sidewalk" means that portion of the street right of way between the curb lines and the adjacent property line intended for the use of pedestrians.

~~Q-R.~~ The "state" means the State of Ohio, or any department, division, commission, board, educational or other institution thereof.

~~R-S.~~ "Street" includes every alley, avenue, boulevard, lane, road, highway, viaduct and public thoroughfare within the City.

~~S-T.~~ For all purposes within the City other than for enforcement of the Traffic Code, "street intersection" means the area bounded by the right-of-way lines, real or projected, of two or more streets or highways which meet or cross each other.

~~T-U.~~ "Tenant" or "occupant," as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

~~U-V.~~ "Writing" includes printing.

SECTION II.

This ordinance shall be and remain in force from and after the earliest period allowed by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor William D. Duncan

ATTEST:

\_\_\_\_\_  
Clerk of Council

TO THE CLERK:

Please publish the foregoing by incorporating the same into the Codified Ordinances of the city.

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City Attorney Robert F. Jacques