

Laws of Ohio.

By Authority. AN ACT To provide for the organization of Cities and Incorporated Villages. Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That all corporations which existed when the present constitution took effect, for the purposes of municipal government, either general or special, and described or denominated in any law then in force, as cities, towns, villages, or special road districts, shall be, and they are hereby organized into cities, and incorporated villages, with the territorial limits to them respectively prescribed, in the manner following: All such municipal corporations, as in any such law are denominated cities, shall be deemed cities; and those denominated towns, villages, or special road districts, shall be deemed incorporated villages; to be respectively governed as cities, or incorporated villages, and in case of the latter, for general or special purposes, as provided in this act; and all acts now in force, for the organization or government of any such municipal corporations, shall be, and they are hereby repealed; Provided, that such repeal shall not destroy, or bar, any right of property, action, or prosecution, which may be vested, or exist, at the time this act takes effect.

Sec. 2. When the inhabitants of a part of any county, not embraced within the limits of any city or incorporated village, shall desire to be organized into an incorporated village, they may, apply by petition, in writing, signed by the inhabitants so applying, to be in number not less than thirty qualified voters, to the county commissioners of the proper county; which petition shall describe the territory proposed to be embraced in such incorporated village, and have annexed thereto an accurate map of that territory; shall state the name proposed for such incorporated village, and it shall be the same for the purpose of a road district only, shall so state, and shall also name the person or persons authorized to act in behalf of the petitioners in prosecuting said petition.

Sec. 3. When any such petition shall be presented to the county commissioners, they shall cause the same to be filed in the office of the county auditor, to be there kept, subject to the inspection of any person or persons interested in the territory proposed to be embraced in such incorporated village, until the time appointed for the hearing thereof; the said commissioners, shall, at or before the time of such filing, fix and communicate to such petitioners, or their agent, a time and place for the hearing of such petition, which time shall not be less than sixty days after the time of such filing; and thereupon the petitioners, or their agents, shall cause a notice to be published in some newspaper of general circulation in the county, not less than six consecutive weeks, and a copy of such notice to be posted at some public place, within the limits of the said proposed incorporated village, not less than six consecutive weeks, before the time of such hearing; which notice shall contain the substance of said petition, and state the time and place appointed for the hearing thereof.

Sec. 4. Every such hearing shall be public, and may be adjourned, from time to time, or from place to place, and any person interested, may appear and contest the granting of said petition, and affidavits in support of, or against said petition, which may be prepared and submitted, shall be examined by said commissioners, and they may, in their discretion, permit the agent, or agents, named in the original petition, to amend or change the same, except that no amendment shall be permitted which shall be added, or the character of the proposed incorporated village changed, from general purposes to special, or from special to general without appointing another time for hearing, and requiring new notice to be given as above provided.

Sec. 5. If the county commissioners, after hearing such petition, shall be satisfied that at least fifty qualified voters actually reside within the limits described in the petition, and that said petition has been signed by a majority of them; that said limits have been accurately described, and an accurate map or plat thereof made and filed; that the names proposed for the said incorporated village, is proper and sufficient to distinguish it from others of like kind in the State; and it shall moreover, be deemed right and proper, in the judgement and discretion of said commissioners, that said petition shall be granted; then, they shall make and endorse on the said petition, and order, to the effect, that the incorporated village, as named and described in the petition may be organized; which order said commissioners, or a majority of them, shall sign and deliver, together with the petition and the map or plat, to the recorder of their county, whose duty it shall be to record the same as soon as may be, in the proper book of records, and to file and preserve in his office the original papers, having certified thereon, that the same have been properly recorded; and it shall also be the duty of said recorder, to make out and certify, under his official seal, two transcripts of said record, one of which he shall forward to the Secretary of State, and the other he shall deliver to the agent, or agents, as above provided.

Sec. 6. So soon as said record shall be made, and said transcripts certified and forwarded, and delivered, the inhabitants within the limits described in the petition, shall be deemed incorporated villages, to be organized and governed under the provisions of this act, in like manner as if specially named therein; and so soon as said incorporated village shall be actually organized, by an election of its officers, as hereinafter provided, notice of its existence as such, shall be taken in all judicial proceedings in the State.

Sec. 7. Two months shall elapse from the time such transcripts are forwarded and delivered, before notice shall be given of an election of officers, in any such incorporated village; and in any such incorporated village, if any person interested, or the prosecuting attorney of any county, may at any time within said two months, make complaint in writing, in the nature of an application for an injunction, to the court of common pleas of the county, or to the judge thereof in vacation, having given at least five days notice thereof, and furnished a copy of the complaint to the agent or agents of the petitioners, for the purpose of having the organization of such proposed incorporated village prevented. It shall be the duty of the court or judge to hear such complaint in a summary manner, receiving answers, affidavits and proofs, as may be deemed pertinent; and if it shall appear that the proposed incorporated village does not contain the requisite number of inhabitants, or that a majority of them have not signed the petition, or that the limits of said proposed incorporated village are unreasonably large, or small, or are not properly and sufficiently described, then the said court or judge shall order that the record of said incorporated village shall be annulled; and it shall be the duty of the county recorder, on the record of the order so made, and to certify and transmit to the secretary of state a copy thereof; and thereupon the record shall be of no effect; but such proceeding shall, in no manner, bar a subsequent petition to the county commissioners.

Sec. 8. Unless the agent or agents of the petitioners shall, within two months after a transcript shall be delivered, as above provided, be notified of a complaint having been made to the court of common pleas, or a judge thereof, then at the end of said two months, and after the dismissal of said complaint, the said agent or agents shall cause public notice by posting the same at three or more public places within the limits of such incorporated village, of the time and place of holding the first election for officers of said incorporated village, which election shall be conducted, and the officers elected and qualified, in the manner prescribed by law in like cases; Provided, that if said election shall be had at any time other than that prescribed by law for the regular election of such officers, the officers elected shall continue in office so long, and in like manner as if they had been elected at the next preceding period of such regular election.

Sec. 9. When the inhabitants of a part of any county, contiguous and adjoining to any city or incorporated village, shall desire to be annexed to such city or incorporated village, they may apply, by petition in writing, to the county commissioners of the proper county, signed by the inhabitants so applying, to be in number not less than a majority of the qualified voters, which petition shall describe the territory proposed to be annexed, and be accompanied by an accurate map or plat thereof, and shall be signed by a majority of them; that the said limits have been accurately described, and an accurate map thereof made and filed; and it shall moreover be deemed right and proper, in the judgement and discretion of said commissioners, that said petition should be granted, then they shall make and endorse on the said petition, and order, to the effect, that the incorporated village, as named and described in the petition may be organized; which order said commissioners, or a majority of them, shall sign and deliver, together with the petition and the map or plat, to the recorder of their county, whose duty it shall be to record the same as soon as may be, in the proper book of records, and to file and preserve in his office the original papers, having certified thereon, that the same have been properly recorded; and it shall also be the duty of said recorder, to make out and certify, under his official seal, two transcripts of said record, one of which he shall forward to the Secretary of State, and the other he shall deliver to the agent, or agents, as above provided.