

ORDINANCE 2019 - 39

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CHARTER OF THE CITY OF PARMA HEIGHTS PURSUANT TO ARTICLE XI SECTION 10 OF THE CHARTER OF THE CITY OF PARMA HEIGHTS AND DECLARING AN EMERGENCY

WHEREAS, Article XI Section 10 of the Charter of the City of the City of Parma Heights provides that the City Council, in consultation with the Director of Law may, by ordinance, delete obsolete language in the charter, rearrange of numbers and titles, and correct typographical errors; and

WHEREAS, the Charter Review Commission has recommended that the Charter of the City of Parma Heights be reviewed for revision pursuant to Article XI Section 10 of the Charter; and

WHEREAS, the Law Department has reviewed the Charter pursuant to Article XI Section 9 and has submitted recommendations to the Council regarding the deletions, of obsolete language in the charter, rearrange of numbers and titles, and correct typographical errors; and

WHEREAS, the Council has reviewed the proposed revisions to the Charter submitted by the Law Department pursuant to Article XI Section 10 and concurs with the proposed recommendations regarding the deletions, of obsolete language in the charter, rearrange of numbers and titles, and correct typographical errors in the Charter.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Parma Heights, Ohio that the following Articles of the Charter of the City of Parma Heights be revised pursuant to Article XI Section 10 of the Charter.

Section 1. Article XI Section 10 of the Charter of the City of the City of Parma Heights provides that the City Council, in consultation with the Director of Law may, by ordinance delete obsolete language in the charter, rearrange of numbers and titles, and correct typographical errors; and

Section 2. Pursuant to Article XI Section 10 of the Charter of the City of Parma Heights has been reviewed and revised and is amended to read as evidenced by Exhibit A, attached hereto and made a part hereof as if fully rewritten.

Section 3. The remaining Articles and/or Sections of the Charter of the City of Parma Heights that have not been revised pursuant to Article XI Section 10, as set forth above, shall remain in full force and effect as currently written in the Charter.

Section 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

EXHIBIT A
CHARTER OF THE CITY OF PARMA HEIGHTS

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ARTICLE VIII. FRANCHISES

(General Provisions)

ARTICLE IX. AMENDMENTS TO CHARTER

(General Provisions)

ARTICLE X. CHARTER REVIEW COMMISSION

(General Provisions)

ARTICLE XI. MISCELLANEOUS

Section 1. Effective Date of the Charter.

Section 2. (Repealed)

Section 3. Savings Clause.

Section 4. Effect of Charter Upon Existing Laws and Rights.

Section 5. Interpretation of the Charter.

Section 6. Effective Date of Amendments.

Section 7. Definition of "Members Elected to Council"

Section 8. Open Meetings.

Section 9. Gender.

Section 10. Deletion of Obsolete Language, Rearrangement of Numbers and Titles, and Correction of Typographical Errors.

PREAMBLE

We, the people of Parma Heights in the County of Cuyahoga and the State of Ohio, in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self government, under God and the Constitution and laws of the State of Ohio, do adopt this Charter for our Municipality.

ARTICLE I

POWERS OF THE MUNICIPALITY

(CORPORATE POWERS)

The Municipality of Parma Heights shall have all the powers now or hereafter granted to municipalities by the Constitution and laws of the State of Ohio, together with all the implied powers necessary to carry into execution all the powers expressly granted; and all such powers shall be exercised in the manner prescribed by this Charter or by ordinance of the Council created hereby, or in absence thereof as may now or hereafter be provided by the laws of the State.

No State statute or regulation that purports to impose duties upon or establish procedures for a municipal corporation in the exercise of any of its home rule or local self- government powers shall have application in or be binding upon the City of Parma Heights, unless expressly provided for in this Charter or by ordinance of the City Council.

ARTICLE II THE MAYOR

SECTION 1. TERM, QUALIFICATIONS, VACANCY OR ABSENCE.

The Mayor shall be elected for a term of four (4) years, and shall assume office on the first day of January following the election, and may be a candidate to succeed them self.

The Mayor shall be elected for a term of four (4) years and shall serve until a successor is elected and certified.

Beginning with the election to be held in November 2013, no person shall hold the office of Mayor for a period longer than three (3) consecutive terms in office, unless one (1) full term or more has elapsed since that person last held the office of Mayor.

Only full terms beginning on or after the election to be held in November 2013 shall be considered in determining an individual's eligibility to hold the office of Mayor.

The Mayor shall devote time during business hours and such other time as may be necessary to conduct the business of the city.

The Mayor shall have been at least three (3) years prior to the election, and during the term in office shall continue to be, a resident and qualified voter of the Municipality. The Mayor shall not hold any other public office or public employment which would be in conflict with the duties of the Mayor, except as otherwise provided in this Charter and except that the Mayor may be a Notary Public, or a member of the State Militia or the reserve corps of the United States. The Mayor shall not directly or indirectly contract for or receive any profit or emolument of any contract, job, work or service with or for the Municipality. If the Mayor shall cease to possess any of the aforesaid qualifications of office or shall be convicted of a felony or of any crime involving moral turpitude, the office shall immediately become vacant.

During any period when the Mayor shall be absent or inaccessible or unable for any reason to perform the duties of Mayor, the President of Council shall be acting Mayor and shall also continue as Councilperson with all the powers and duties of a Councilperson. In case the office of Mayor shall become vacant, the President of Council shall thereupon become Mayor and that office of Council shall become vacant. The Council President shall serve as Mayor for the unexpired term or until the beginning of a term of a successor duly elected as hereinafter provided; and they may be a candidate to succeed them self. A successor shall be elected for the unexpired term at the next regular municipal election if (a) such election shall occur more than two (2) years prior to the expiration date of the unexpired term and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

SECTION 2. EXECUTIVE POWERS.

The Mayor shall be the chief executive officer of the Municipality. The Mayor shall supervise and control the administration of the affairs of the Municipality and shall exercise supervision over all departments and divisions thereof. The Mayor shall be the chief conservator of the peace and shall enforce all laws and ordinances. The Mayor shall be responsible for the preparation and submission to Council of the annual estimate of receipts and expenditures and of appropriation measures; and shall at all times keep the Council fully advised as to the financial condition and needs of the Municipality. The Mayor shall see that all terms and conditions imposed in favor of

the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed. Subject to the other provisions of this Charter and the laws of the State of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of the Municipality except (a) those required by this Charter to be elected and (b) those whose terms of office are fixed by this Charter. The Mayor shall execute, on behalf of the Municipality, all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party. The Mayor shall have custody of the seal of the Municipality and shall affix it to all of the aforementioned documents, but the absence of the seal shall not affect the validity of any such document. The Mayor shall be recognized as the official and ceremonial head of the Municipality by the Governor for military purposes and by the courts for the purpose of serving civil process.

SECTION 3. JUDICIAL POWERS.

The Mayor shall have all the judicial powers granted by this Charter, the ordinances of the Municipality and the laws of the State of Ohio to mayors of municipalities of the class of this Municipality.

SECTION 4. LEGISLATIVE POWERS.

The Mayor shall be an ex-officio member of Council and shall have the right to introduce ordinances, resolutions and motions and to take part in the discussion of all matters coming before the Council. The Mayor shall not have a vote in the Council.

SECTION 5. VETO.

Any ordinance or resolution passed by the Council shall be signed by the President of Council or other presiding officer and shall be presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign the ordinance or resolution within ten (10) days after its passage by the Council; but if the Mayor does not approve it, the ordinance or resolution shall be returned to the Council with the Mayor's objections in writing within said ten (10) days by delivery to the Clerk of Council. The objections shall be entered in full on the Journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor does not sign or veto an ordinance or resolution within the time specified after its passage, it shall take effect in the same manner as if the Mayor had signed it. When the Mayor has disapproved of an ordinance or resolution or any item thereof, as herein provided, the Council shall, not later than the next regular meeting, proceed to reconsider it, and if on reconsideration the ordinance, resolution or item is approved by an affirmative vote of five (5) members elected to Council, it shall then take effect as if it had received the signature of the Mayor.

ARTICLE III

THE COUNCIL

SECTION 1. NUMBER AND TERM.

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, one of whom shall be elected by the people from each of four (4) wards in the City and three (3) shall be elected at large by the people.

In the general election scheduled in November 2011, for council positions beginning January 1, 2012, all seven (7) seats of Parma Heights City Council will stand for election.

The three (3) at large members of Council shall be elected in the general election scheduled in November 2011, for a term of four (4) years beginning January 1, 2012 and every four (4) years thereafter.

The four (4) ward positions shall be elected in the general election scheduled in November 2011, for a term of two (2) years, for positions beginning January 1, 2012, and said positions will stand for election in November 2013 for four (4) year terms beginning January 1, 2014 and every four (4) years thereafter.

SECTION 1A. WARDS.

Beginning in March 2011, or within sixty (60) days after the proclamation by the Secretary of State announcing the population of cities of Ohio as determined by the Federal census decennially taken in the closest proximity to March 2011, the then incumbent members of Council shall by ordinance establish four (4) wards for election purposes, each of which shall be as nearly equal in population to each of the others as shall be practicable. Each ward is to be composed of contiguous and compact territory bounded by natural boundaries or street lines. Any changes in ward boundaries must be made and finalized not less than six (6) months prior to the filing deadline with the Board of Elections of Cuyahoga County for candidates for municipal office.

Beginning in 2021 and every ten (10) years thereafter, within sixty (60) days after the Proclamation by the Secretary of State announcing the population of cities of Ohio as determined by the Federal census decennially taken, the Council shall divide the City into wards, which shall be as nearly equal in population as is possible each composed of contiguous and compact territory bounded by natural boundaries or street lines.

In the event Council shall not have fixed the division of wards herein prescribed, the Mayor shall cause such division to be made at least thirty (30) days prior to the filing date herein provided.

In the general election scheduled in November 2011 and every four (4) years thereafter, the terms of the office of all members of Council shall consist of not more than three (3) consecutive full four – year terms in that office.

Terms shall be considered consecutive unless separated by a period of two (2) or more years.

Only full terms beginning on or after January 2012 shall be considered in determining an individual's eligibility to be a member of Council.

SECTION 2. QUALIFICATIONS.

Each member of the Council shall have been for at least two (2) years prior to the date of their election, and during their term of office shall continue to be, a resident of the Municipality and a qualified voter thereof, and shall not hold any other elected public office, any other compensated office or employment with the Municipality, or other public office or employment which might be in conflict with the office of Council. They shall not directly or indirectly contract for or receive any profit or emolument of any contract, job, work or service with or for the Municipality.

No person shall be eligible to be a member of Council, elected from a ward, unless they shall have been continuously a resident and qualified elector of such ward for two (2) years prior to election or appointment.

SECTION 3. PRESIDENT OF COUNCIL.

A member of Council shall be elected to the office of President of Council for a term of two years by a majority vote of the members of Council. This election shall take place at the first regular meeting in January following a regular municipal election or as soon as practicable thereafter.

The President of Council shall preside at all meetings of Council but shall not by virtue of their election to that office be deprived of their powers and rights, or be relieved of their duties, functions or obligations as a member of Council; and when the Mayor is absent from the Municipality or unable for any reason to perform his duties, the President of Council shall become the acting Mayor and, during such periods, shall be invested with the same powers and be required to perform the same duties as the Mayor.

SECTION 4. REMOVAL.

(a) Removal of Council Member. The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct, or malfeasance or nonfeasance in or disqualification for office, or for the conviction while in office of a felony or any crime involving moral turpitude, or for a violation of his oath of office, or persistent failure to abide by the rules of the Council, or the absence without justifiable excuse from three consecutive regular meetings of the Council; provided, however, that such expulsion shall not take place without the concurrence of four or more members of Council upon public hearing; provided further, that the accused member shall have been notified in writing of the charge against them at least fifteen (15) days in advance of such hearing; and provided further, that their counsel shall have been given an opportunity to be heard, present evidence and examine any witnesses appearing in support of such charge.

(b) Removal of Appointive Officials and Members of Boards and Commissions. By concurrence of five or more of its members, Council shall have the power to remove appointive officials and members of boards and commissions for just cause upon public hearing.

(c) Decision Final. The decision of Council in expelling or removing pursuant to this section shall be final.

SECTION 5. VACANCIES AND PRESIDENT PRO TEM OF COUNCIL.

Whenever the office of a Council Member shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council; and if the Council shall not so fill such vacancy within thirty (30) days, its power to do so shall lapse and the Mayor shall fill such vacancy by appointment. Such appointee shall hold office for the balance of the unexpired term of the member in whose office the vacancy occurs or until the beginning of the term of a successor duly elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next regular municipal election if (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

At the first regular meeting in January following a regular municipal election, or as soon thereafter as possible the Council shall elect by a majority vote of the members of Council one of its members to the office of President Pro Tem of Council for a term of two years. If the office of President Pro Tem should become vacant, the Council shall elect by a majority vote of the members of Council one of its members to such office for the remainder of the unexpired term. When a vacancy shall occur in the office of President of Council, including vacancy caused by succession to the office of Mayor, the President Pro Tem shall become the President of Council. When the President of Council is absent from the Municipality or for any reason unable to perform their duties, the President Pro Tem shall have all the powers and be required to perform the same duties as President of Council. If the offices of both Mayor and President of Council should become vacant, then the President Pro Tem shall succeed to the office of Mayor. If both the Mayor and President of Council shall be absent from the Municipality or for any reason unable to perform their duties, the President Pro Tem shall become the Acting Mayor and during such periods, shall be invested with all of the powers and be required to perform the same duties as the Mayor.

SECTION 6. SALARIES.

The Council shall have the power to fix the salaries of all employees of the Municipality whether elected or appointed and to require and fix bond for the faithful discharge of the duties of office. The premium of any bond required by the Council shall be paid by the Municipality. The salaries of all elected officials shall be fixed at least one hundred twenty (120) days prior to the date set for the municipal election for their terms beginning on the next succeeding first day of January, and shall not thereafter be changed in respect to any such term or terms or any part thereof. The Council may authorize the payment or reimbursement of expenses incurred by any official, employee, or member of any department, board or commission of the Municipality for travel or expenses of any department, board or commission of the Municipality for travel or expenses incidental thereto incurred in the furtherance of the interests of the Municipality.

SECTION 7. EMPLOYEES OF COUNCIL.

The Council by a majority vote shall employ a Clerk of Council and such other employees of Council as it may deem necessary for the proper discharge of its duties, or as may hereinafter be required by this Charter, to serve at the pleasure of the Council. The Clerk of Council shall keep the Journal of Council's proceedings, shall authenticate by their signature and record in full in a book kept for that purpose all ordinances and resolutions of the Municipality and shall perform such other duties as shall be required by this Charter or by ordinance.

SECTION 8. MEETINGS.

(a) Regular Meetings. At 7:00 p.m. on the second Monday of January immediately following a regular municipal election, or if such day be a holiday, on the day following, the Council shall convene and organize at the Municipal building of the Municipality. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or bylaws, or by ordinance, except that it shall hold regular meetings at least twice during each calendar month, except that during the month of December only one (1) regular meeting need be held and, also, that it may recess during the months of July and August, subject to the call of a meeting by the Mayor. Subject to Article XI, Section 8 of this Charter, all meetings of the Council, whether regular or special, shall be open to the public in accordance with the provisions of this Charter.

(b) Special Meetings. Special meetings may be called in accordance with and as provided for by the rules, regulations or bylaws adopted by Council; but in the absence of such provision they may be called by a vote of the Council taken at any regular or special meeting of the Council, or shall be called by the Clerk of Council upon the written request of the Mayor, President of the Council, or three members of the Council. Any such vote or request shall state the subject or subjects to be considered at the meeting and no other subject or subjects shall be considered. Twelve (12) hours notice in writing of such special meeting called by the Mayor, President of Council, or three (3) members of Council must be given to each member of Council and the Mayor by service personally upon them or left at their usual place of residence. Service of such notice may be waived in writing.

SECTION 9. QUORUM.

A majority of the members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution or the rules and regulations of Council.

SECTION 10. RULES AND JOURNAL OF COUNCIL.

The Council shall adopt its own rules, regulations or bylaws and shall keep a Journal of its proceedings. The Journal shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution shall be by "Yeas" or "Nays" and shall be entered upon the Journal.

SECTION 11. PROCEDURE.

All legislative action shall be by ordinance or resolution introduced in written or printed form except when otherwise permitted by the Constitution or laws of the State of Ohio. A copy of each ordinance and resolution shall be provided to each member of Council by the Clerk of Council, not less than forty-eight (48) hours prior to the regular or special meeting at which the ordinance or resolution is to be introduced. This requirement shall be suspended if a written waiver thereof shall be signed by all members of Council as an emergency and with the affirmative vote of all members of Council present at the meeting. No ordinance or resolution shall be passed without the concurrence of a majority of the members of Council.

Every ordinance or resolution shall be fully and distinctly read at three (3) different Council meetings unless five (5) members of Council vote affirmatively to dispense with the rule. No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title; and no ordinance or resolution shall be revised or amended unless the ordinance or resolution superseding it contains the entire ordinance or resolution so revised or amended or the section or sections so revised or amended, and having been revised or amended the original ordinance, resolution or section shall be repealed.

SECTION 12. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health, or safety shall take effect, unless a later time be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after disapproval by the Mayor, as the case may be. No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of five (5) members elected to Council for the suspension of the regular rules and the affirmative vote of five (5) members elected to Council for its enactment. No action of the Council in authorizing any change in the boundaries of the Municipality or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the Municipality of its inhabitants of the product or service of any utility, whether municipally owned or not, shall be designated an emergency measure.

SECTION 13. CODIFICATION OF ORDINANCES.

Council shall adopt codification ordinances, codifying, revising and rearranging ordinances or any portions thereof.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

The Municipality shall have a Department of Law, a Department of Finance, a Department of Public Service, a Department of Recreation, and a Department of Public Safety. Except as otherwise specified in this Charter, the Mayor shall appoint as the head of each department, a director, who shall possess suitable qualifications and who shall exercise supervision and control of his department and who shall serve at the pleasure of the Mayor, except as herein provided. Each director shall have such powers and duties as shall be prescribed by this Charter and the Council. There shall be a Department of Police and a Department of Fire under the supervision of the Chiefs responsible to the Mayor and the Director of Public Safety.

The Municipality shall also have a Civil Service Commission, a Planning Commission, a Recreation Commission, a Board of Zoning Appeals and a Board of Tax Appeals. The Council may by ordinance establish additional departments, boards or commissions, or divisions thereof,

and provide for them as it may deem necessary. With the exception of the departments, boards, or commissions established by this Charter, the Council may combine or abolish any department, division, board, commission, non-elective office or job classification. Council may authorize one person to serve in any capacity in two or more departments, divisions, boards or commissions, when such positions are not incompatible and not specifically prohibited by the Charter. Council shall appropriate a sufficient sum each year for the operation of all departments, boards and commissions enumerated herein.

SECTION 2. DIRECTOR OF LAW.

The Director of Law shall be the head of the Department of Law and shall be appointed by the Mayor with the advice and consent of Council. The Director of Law need not be a resident of the Municipality. No person shall be appointed Director of Law unless duly admitted to the practice of law in the State of Ohio for a period of not less than three years. The Director of Law shall serve the Mayor, the Council, the administrative departments, and the officers, boards and commissions of the Municipality as legal counsel in connection with municipal affairs, and, subject to the direction of the Mayor, shall represent the Municipality in all court proceedings and before administrative boards. The Director of Law shall perform all other duties now or hereafter imposed upon solicitors by the laws of the State of Ohio unless otherwise provided by ordinance of the Council, and shall perform such other duties consistent with their office as the Mayor or the Council may request.

SECTION 3. DIRECTOR OF FINANCE.

The Director of Finance shall be the head of the Department of Finance and the fiscal officer of the Municipality and shall possess suitable qualifications for that position. The Director of Finance shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. The Director of Finance shall keep the financial records of the Municipality, exhibiting accurate statements of all moneys received and expended, of all property owned by the Municipality, and of all taxes and assessments levied by the Municipality. The Director of Finance shall be custodian of all public moneys of the Municipality, shall keep and preserve such moneys in the place or places authorized by ordinance, and shall disburse the same as may be required by law or ordinance. The Director of Finance shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any other purpose. The Director of Finance shall prepare the payroll covering all municipal officials and employees and shall prepare such financial statements and reports as may be requested by the Mayor or the Council or as may be required by the laws of the State of Ohio. The Director of Finance shall have the right to examine and audit the accounts of all officers, employees, departments, boards and commissions and may require evidence that the amount of any claim presented to the Director of Finance is due.

The Director of Finance shall not pay any salary or compensation to any person holding a position in the classified service unless the payroll for such salary or compensation shall bear the certificate of the Civil Service Commission. Any sums paid in the absence of such certificate may be recovered by the Municipality.

SECTION 4. DIRECTOR OF PUBLIC SERVICE.

The Director of Public Service shall manage and supervise public works, public construction, public services and all other matters as provided by the Council or directed by the Mayor. The Director of Public Service shall have charge of the maintenance of such public buildings or other property as the Mayor may direct. The Director of Public Service shall perform all other duties and functions in connection with the public service of the Municipality and the Director of Public Service shall have such further power as may be provided by ordinance.

The Director of Public Service may be the Building Inspector, or may, with the advice and consent of the Mayor appoint a Building Inspector. In addition to the powers and duties prescribed by the ordinances and resolutions of the Municipality and the laws of the State of Ohio.

The Director of Public Service shall assist and aid the Planning Commission, the Chief Building Official, the Recreation Commission and enforce all zoning and planning laws of the State of Ohio and all zoning and planning ordinances, orders and regulations of the Municipality now in effect or hereafter to be enacted or promulgated. The Director of Public Service shall not issue any building permit unless application for same shall have been approved beforehand in writing by the Chief Building Official.

SECTION 5. DIRECTOR OF RECREATION.

The Director of Recreation shall be appointed by and serve at the pleasure of the Mayor. The Director shall have control, supervision and direction of the Department of Recreation and all of its employees.

SECTION 6. DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety under the direction of the Mayor shall be the executive head of the Police and Fire Departments and shall perform all other duties now or hereafter imposed upon Directors of Public Safety by the laws of the State of Ohio and the ordinances of the Municipality unless otherwise provided by this Charter or ordinances of the Municipality.

SECTION 7. CIVIL SERVICE COMMISSION.

(a) Membership. The Mayor, with the concurrence of a majority of the members elected to Council, shall appoint a Civil Service Commission consisting of three electors of the Municipality not holding other municipal office or appointment to serve for a term of six years; except that of the three appointed for the terms beginning with the effective date of this Charter, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. All members shall serve without compensation.

(b) Powers and Duties. The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the Municipality as required by the Constitution of the State of Ohio, and for appeals from the action of the Mayor in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the laws of the State of Ohio. The Civil Service Commission shall adopt rules with regard to certification of names from the promotion lists.

Whenever a vacancy occurs in the position of Chief of Police or Chief of the Fire Department, the Commission shall certify to the appointing authority the names of the five candidates with the highest rating as established by the Civil Service Commission. The Commission may certify less than five names if five are not available. Upon receipt from the Commission of such list of eligibles for the position of Chief, the appointing authority shall fill such position by appointment of one of the persons certified to the appointing authority and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of the same, the salary or compensation thereof, and such other information as the Commission may reasonably require in order to keep its roster.

Civil Service examination shall not be required for the appointment of any member of a board or commission, or any head of a department other than the Police Department or Fire Department, or any assistant to a director, or any secretary to the Mayor or to the head of any department or any assistant to the Mayor, or for temporary appointment, or for unskilled laborers, or for appointment to any other office or position requiring peculiar or exceptional qualifications. Except as herein provided, the Civil Service Commission shall determine the practicability or competitive examination for any nonelective office or job classification in the service of the Municipality.

The Civil Service Commission shall certify the payroll of all Civil Service employees to the Director of Finance.

SECTION 8. PLANNING COMMISSION.

(a) Membership. The Planning Commission shall consist of one member of Council to be selected by the Council for a two year term, and four electors of the Municipality not holding other municipal office or appointment who shall be appointed by the Mayor with the advice and consent of Council. The members of the Planning Commission shall receive no compensation. Those persons appointed to the Commission by the Mayor shall be appointed for a term of six years, except that of the four appointed for the term beginning January 1, 1990, one shall be appointed for a term of two years, one for a term of four years, and two for a term of six years. A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment. In addition to the five voting members of the Planning Commission, the Mayor or the Mayor's designee may participate as a non-voting member in all matters which are mandatorily referred to the Planning Commission.

(b) Powers and Duties. It shall be the function and duty of the Planning Commission to act as the platting commissioners of the Municipality, and as such it shall have control of planning and shall provide regulations covering the platting of all lands within the Municipality so as to secure harmonious development. It shall provide for the coordination of streets with other streets and with the official municipal plan, and provide for open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light and air and the avoidance of congestion of population. It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved, the manner in which and the extent to which water, sewer and other utility mains, piping or other facilities shall be installed, or establish any other conditions precedent to the approval of a proposed plat.

The Planning Commission shall make plans and maps of the whole or any portion of the Municipality and any land outside of the Municipality which in the opinion of the Planning Commission bears a relation to the planning of the Municipality, and to make changes in, additions

to, and estimates of such plans or maps when it deems the same advisable. It shall have such powers as may be conferred on it by ordinance of the Municipality concerning the plan, design, location, removal, relocation and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the zoning and rezoning of the Municipality for any lawful purpose, subject to approval of Council and provisions as required by zoning ordinances of the Municipality, and such other powers as now or may hereafter be conferred upon it by ordinance of the Municipality or the laws of the State of Ohio.

(c) Mandatory Referral. No public building, street, boulevard, parkway, park, public land, playground, harbor, dock, wharf, bridge, tunnel, or publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the Municipality, nor purchased, nor sold, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed or any ordinance referring to zoning or other regulations controlling the use or development of land be passed, nor become binding upon the Municipality, unless and until Council shall submit the same to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall first be considered by the Planning Commission at a public hearing, to be held not earlier than fifteen (15) days after publication of notice thereof in a newspaper of general circulation in the Municipality, and thereafter shall be acted upon by it within sixty (60) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any provision of any ordinance, resolution, or order disapproved by formal action of the Planning Commission shall require a concurrence of five members elected to Council for adoption or authorization. When the Planning Commission shall make a recommendation to the Council for a change in, or addition to any zoning ordinance or building code, Council shall study each recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such an ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading.

SECTION 9. BOARD OF ZONING APPEALS.

(a) Membership. The Mayor, with the concurrence of a majority of the members elected to Council, shall appoint a Board of Zoning Appeals consisting of five (5) electors of the Municipality not holding other municipal office or appointment to serve for a term of three (3) years; except that of the two appointed for the terms beginning with the effective date of the amendment to this Charter, one shall be appointed for a term of one year and one for a term of two years. A vacancy occurring during the term of any member of the Board of Zoning Appeals shall be filled for the unexpired term in the manner authorized for an original appointment. All members shall serve without compensation.

(b) Jurisdiction. It shall be the duty of the Board of Zoning Appeals to hear and decide appeals for exceptions to and variations in the application of ordinances, orders or regulations of administrative officials or agencies governing zoning in the Municipality in conformity with the purpose and intent thereof. The Board of Zoning Appeals shall have such additional powers as may be granted to it by ordinance of the Municipality. Procedure before the Board of Zoning

Appeals shall be in accordance with the ordinances made and provided by the Municipality or by rules and regulations established by the Board of Zoning Appeals not inconsistent therewith.

SECTION 10. RESERVED.

SECTION 11. RECREATION COMMISSION.

The Recreation Commission shall consist of five (5) electors who shall serve without compensation. The Mayor shall appoint four (4) members whose appointment shall be with the advice and consent of Council. They shall each serve for a term of four (4) years or until their successors are appointed, excepting that of the four appointed for the term beginning January 1, 1954, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years and one shall be appointed for a term of four years. The fifth member shall be a member of Council appointed by the Mayor with the advice and consent of Council, who shall serve until the date of the next organizational meeting of Council following his appointment or until his successor shall be appointed. A vacancy occurring during the term of any member of the Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers and duties of the Recreation Commission shall be provided for by ordinance of the Municipality.

SECTION 12. BOARD OF TAX APPEALS.

(a) Membership. The Mayor, with the concurrence of a majority of the members of Council, shall appoint a Board of Tax Appeals consisting of three (3) electors of the Municipality not holding any other municipal office or appointment to serve for a term of three (3) years; except that of the three appointed for the terms beginning with the effective date of this provision of the Charter, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. A vacancy occurring during the term of any member of the Board of Tax Appeals shall be filled for the unexpired term in the manner authorized for the original appointment. At least one member of the Board of Tax Appeals shall be an attorney authorized to practice law in the State of Ohio. All members shall serve without compensation.

(b) Jurisdiction. It shall be the duty of the Board of Tax Appeals to hear and decide all appeals from any ordinance, rule, regulation or administrative decision relating to any tax imposed by the Municipality in conformity with the purpose and intent thereof. The Board of Tax Appeals shall act by majority vote. The Board of Tax Appeals shall have such additional powers as may be granted to it by ordinance of the Municipality. Procedure before the board of Tax Appeals shall be in accordance with the ordinances made and provided by the Municipality or by rules and regulations established by the Board of Tax Appeals not inconsistent therewith.

ARTICLE V

FINANCES

SECTION 1. GENERAL.

The laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by or necessarily inconsistent with the provisions of this Charter and except when provision therefor is made in the Constitution of the State of Ohio.

SECTION 2. ANNUAL ESTIMATE.

The fiscal year of this Municipality shall be the same as that established for municipalities of its class by the laws of the State of Ohio, unless Council by proper action shall adopt a different fiscal year. Not less than forty-five (45) days before the end of each fiscal year the Mayor, with the assistance of the Director of Finance, shall prepare and submit to the Council an estimate of the revenues and expenditures of the Municipality for the next succeeding fiscal year. This estimate shall be compiled from information which shall be furnished by the head of each department, board or commission in such form and detail as the Mayor may reasonably require. The Mayor, with the assistance of the Director of Finance, shall furnish to the Council an appropriation ordinance for the fiscal year covered by said estimate.

SECTION 3. LIMITATION ON THE RATE OF TAXATION.

The aggregate amount of taxes that may be levied by the taxing authority of the Municipality without a vote of the people, on any taxable property assessed and listed for taxation according to value, for all purposes of the Municipality, shall not in any one year exceed ten and no tenths (10.0) mills for each one dollar (\$1.00) of assessed valuation. Of said total maximum levy, an amount shall annually be levied sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the Municipality heretofore or hereafter authorized to be issued without the authority of the electors, which levy shall be placed before and in preference to all other levies and for the full amount thereof. Of the remaining portion of said total maximum levy, an amount shall annually be levied sufficient to provide the amounts required by law for police pensions and firemen's pensions; an amount not to exceed one (1) mill may annually be levied (a) for the purpose of paying the expense of recreation and providing recreational facilities and (b) for any purpose for which bonds and notes of the Municipality may be issued under the laws of the State of Ohio; and the balance thereof, not in excess of six and nine-tenths (6.9) mills may annually be levied for the purpose of paying the current operating expenses of the Municipality.

SECTION 4. SUBMISSION OF EXTRA LEVIES TO VOTE.

The Council may at any time in any year declare by resolution, adopted by a vote of not less than five (5) of the members of Council, that the amount of taxes which may be raised within the limitation of this Charter will be insufficient to provide an adequate amount for the necessary requirements of the Municipality for current operating expenses and other expenses payable from the general fund of the Municipality and such permanent improvements and equipment as shall have an estimated useful life of five (5) years or more, and that it is necessary to levy taxes in

excess of such limitations in addition to the levies authorized and limited by this Charter for any municipal purpose or purposes in such resolution.

Such resolution shall specify the additional sum which it is necessary to levy, the purpose or purposes thereof, and the additional rate estimated to be required therefor and the percentages of votes to be required. Such resolution shall be effective upon its adoption and shall be certified within five (5) days thereafter to the election authorities, who shall place such question upon the ballot at the next succeeding November election. If a majority of those voting thereon, unless a higher percentage be prescribed by Council, make such levy or such part thereof as it finds necessary pursuant to such approval and certify the same to the County Auditor to be placed on the tax list and collected as other taxes, but no such levy shall be made for more than five (5) years after the adoption of this Charter.

The authority of the Council to submit additional levies to a vote of the people under authority of the Constitution or laws of the State of Ohio shall not be deemed impaired or abridged by reason of any provision of this Charter.

SECTION 5. OTHER TAXES.

The limitation of Section 3 of this Article upon the power of Council to levy taxes shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio.

SECTION 6. CONTRACTS AND PURCHASING.

The Municipality may, within the amounts and items appropriated by the Council, make purchases and enter into contracts on behalf of the Municipality involving expenditures for the whole of any authorized project, asset or service not in excess of fifty thousand dollars (\$50,000) without competitive bidding, except as may otherwise be provided by ordinance of the Council. No purchase or contract involving an expenditure of more than fifty thousand dollars (\$50,000) shall be made except with the lowest responsive and responsible bidder, or with the lowest and best bidder, as determined by Council after public advertising and receipt of bids in the manner set forth by ordinance; provided, however, that the Council may authorize contracts without advertising for bids for personal services, for the acquisition of real estate, for the joint use of facilities or exercise of powers with other political subdivisions, or for the product or services of public utilities (including those Municipally operated), and the Council may authorize a purchase or a contract involving an expenditure of more than fifty thousand dollars (\$50,000) without advertising for bids if it determines and declares by an affirmative vote of not less than five (5) members that an emergency exists and sets forth the nature of the emergency in its resolution or ordinance.

ARTICLE VII

INITIATIVE, REFERENDUM AND RECALL

SECTION 1. INITIATIVE AND REFERENDUM.

Ordinances and other measures of the Municipality may be proposed by initiative petition and adopted by election, and ordinances and other measures adopted by the Council shall be subject to referendum, to the extent and the manner now or hereafter provided by the Constitution or the laws of the State of Ohio.

SECTION 2. RECALL.

The electors shall have the power to remove from office by recall election any elective officer of the Municipality. After an elective officer has served for six (6) months of their term a petition demanding their removal may be filed with Council. Such petition shall be signed by at least that number of electors which equals twenty percent (20%) of the electors voting at the last preceding municipal election, provided however, the petition for recall of a Council member from a ward shall be signed by at least that number of electors of the Council member's ward equal to twenty percent (20%) in number of the electors of such ward who voted at the last preceding municipal election.

Within ten (10) days after filing such petition, the Council shall determine the sufficiency thereof. If the Council shall find the petition insufficient, it shall promptly certify the particulars in which the petition is defective, and deliver a copy of its certificate to the person who filed the petition with it, and such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient.

If the Council shall find the petition sufficient, it shall promptly so certify to the officer whose removal is sought, and if the officer does not resign within five (5) days thereafter, the Council shall thereupon fix a day for holding a recall election, not less than thirty (30) days nor more than forty (40) days from the date of the certificate of sufficiency. At such recall election the question shall be placed on the ballot "Shall (naming the officer) be allowed to continue as (naming the office) ?" with the provision on the ballot for voting affirmatively and negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively such officer shall remain in office. If a majority of the votes cast shall be voted negatively such officer shall be considered as removed and such office shall be declared vacant.

Such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created by such recall election.

ARTICLE VIII

FRANCHISES

(GENERAL PROVISIONS)

The Council may by ordinance grant a nonexclusive franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the Municipality for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public realty as shall, in the opinion of Council, be necessary in the public interest.

ARTICLE IX

AMENDMENTS TO CHARTER

(GENERAL PROVISIONS)

The Council may, by the affirmative vote of at least five (5) of its members, submit to the electors any proposed amendment to this Charter; or, upon receipt of a petition signed by not less than ten percent (10%) of the registered electors of the Municipality setting forth any proposed amendment to this Charter, it shall submit such proposed amendment to the electors in accordance with the laws of the State of Ohio. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of the State of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter and shall become operative and effective on the first day of January following its approval unless otherwise provided at the time of submission to the electors; except that, if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

ARTICLE X

CHARTER REVIEW COMMISSION

(GENERAL PROVISIONS)

On January 2, 1959 and each ten years thereafter, the Mayor shall, with the advice and consent of Council, appoint a Commission of nine (9) qualified electors of the Municipality to be known as the Charter Review Commission. Such Commission shall review and recommend to the Council of the Municipality any alterations, revisions, and amendments to this Charter as in its judgment seem desirable. The Council shall submit to the electors any such proposed alterations, revisions, or amendments to this Charter, in the manner recommended by the Charter Review Commission. Each said Charter Review Commission shall cease to function on the day of the next regular municipal election following its appointment. The members appointed to said Commission shall not hold any other public office and shall serve without compensation. The meetings of the Charter Review Commission shall be open to the public in accordance with the provisions of this Charter. After the 2019 appointment of the Charter Review Commission, the Mayor shall, in the same manner detailed above, appoint such a commission every five (5) years for the same purpose.

ARTICLE XI

MISCELLANEOUS

SECTION 1. EFFECTIVE DATE OF THE CHARTER.

For the purpose of nominating and electing officers of the Municipality and fixing the compensation of those elected in 1953, this Charter shall be in effect from and after the date of its

approval by the electors of the Municipality; and for all other purposes this Charter shall be in effect on and after the first day of January, 1954, unless otherwise provided in this Charter.

SECTION 2. (REPEALED)

SECTION 3. SAVINGS CLAUSE.

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 4. EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS.

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution either on behalf of or against the Municipality, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality shall continue in effect until lawfully amended or repealed.

SECTION 5. INTERPRETATION OF THE CHARTER.

The article and section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

SECTION 6. EFFECTIVE DATE OF AMENDMENTS.

The amendments to this Charter presented to the voters shall be in effect from and after the date of approval by the electors of the Municipality.

SECTION 7. DEFINITION OF "MEMBERS ELECTED TO COUNCIL".

Wherever in the Charter the phrase "members elected to Council" is used, such phrase is to be interpreted to include not only those members elected by the electorate as members of Council but also those members of Council who have been elected or appointed in order to fill a vacancy or who continue to hold office because no successor has been elected or qualified.

SECTION 8. OPEN MEETINGS.

Meetings of the Council, boards and commissions, when a majority of members constituting the body are in attendance and the gathering is arranged for the purpose of discussing public business, shall be open to the public unless an executive session is expressly authorized by the body. Executive sessions shall be permitted to review and consider personnel matters, collective bargaining issues, sale or purchase of property, pending or imminent litigation, advice by legal counsel, matters required to be kept confidential by Federal, State or common law, deliberations when acting in a quasi-judicial capacity and such other matters as may be authorized under similar provisions of State law. All formal actions and votes on the subject shall be considered in public.

SECTION 9. GENDER.

As used in this Charter, language is "gender neutral" and expressly or implicitly refers to both sexes without distinguishing between them. Words of one gender include the other genders.

SECTION 10. DELETION OF OBSOLETE LANGUAGE, REARRANGEMENT OF NUMBERS AND TITLES, AND CORRECTION OF TYPOGRAPHICAL ERRORS.

City Council in consultation with the Director of Law may by Ordinance do any of the following:

- (1) Delete any Charter Language that has become obsolete as a result of either the passage of time, an amendment to the Charter, or the preemption of State or Federal law; and
- (2) Prior to reprinting the Charter upon any adoption by the electorate of any amendment hereto, make such changes to the numbers, titles and arrangement of articles and sections as may be necessary to maintain the logical and consistent ordering of the Charter; and
- (3) Correct typographical errors appearing in the Charter.

No such deletion of obsolete language, or rearrangement and correction of typographical errors may be made which affects the substance or meaning of this Charter or any part thereof or amendment thereto.

Section 5. This Ordinance is declared to be an emergency measure necessary for the public peace, health and safety of the Municipality and for the further reason it is necessary to delete obsolete language in the charter, rearrange of numbers and titles, and correct typographical errors in the Charter, as recommended by the Charter Review Commission and as authorized by Article XI Section of the Charter; wherefore, this ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: 12-9-2019 
PRESIDENT OF COUNCIL

ATTEST: Florence A. Borklan 12-9-2019
CLERK OF COUNCIL APPROVED

FILED WITH THE MAYOR: 12-9-2019 
MAYOR