

CHARTER OF THE
CITY OF CUYAHOGA FALLS, OHIO

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November 6, 2018

Charter of the City of Cuyahoga Falls, Ohio

EDITOR'S NOTE: The Charter was adopted by the voters on November 3, 1959. Sections with histories indicate these provisions were subsequently adopted, amended or repealed on the date given.

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Charter of the City of Cuyahoga Falls, Ohio

PREAMBLE

We, the people of Cuyahoga Falls, grateful to Almighty God for the freedoms we enjoy, in order to secure for ourselves the benefits of municipal home rule and exercise all the powers of local self government, do adopt this Charter for our municipality.

ARTICLE I — POWERS OF THE MUNICIPALITY

Section 1. Powers

The municipality of Cuyahoga Falls shall have all powers now or hereafter granted to municipalities by the Constitution and laws of Ohio.

Section 2. Manner Of Exercise

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as Council may determine, or unless a contrary intent appears in this Charter or in the enactments of the Council, in such manner as now or hereafter may be provided by the laws of the State of Ohio.

ARTICLE II — MAYOR

Section 1. Qualifications

The Mayor shall be an elector of the City and shall have been, immediately prior to the date of filing his declaration of candidacy, a continuous resident of the municipality for three years. During his term of office he shall continue to be a resident and qualified elector. He shall have his office in City Hall and shall devote his entire time and effort during business hours and such other times as are necessary, to properly conduct the business of the City. He shall not conduct any business with the City or hold any other public office or be publicly employed except that he may be a Notary Public or a member of the State Militia or Reserve Corps of the United States. If the Mayor shall cease to possess any of the qualifications for such office, he shall forthwith forfeit his office.

Section 2. Term And Election Of Office

The Mayor shall be elected for a term of four (4) years commencing with the regular municipal election in 1969, and shall assume office on the first day of January following his election, and shall serve until his successor is elected and qualified. (Adopted 11-5-68)

Section 3. General Powers And Duties Of The Mayor

The Mayor shall:

- A. Be the official and ceremonial head of the municipality.
- B. Be the chief executive officer of the municipality. He shall supervise the administration of all affairs of the municipality and the conduct and administration of all departments and divisions thereof except Council and except as otherwise provided in this Charter.
- C. Be the chief conservator of the peace within the City and shall see that all laws and ordinances are enforced.
- D. Prepare the budget annually and submit it to Council and be responsible for its administration after adoption. As a part of the budget message, with relation to the proposed expenditures for capital improvements stated in the budget, the Mayor shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of securities during the fiscal year covered by the budget.
- E. Unless otherwise provided by ordinance, execute on behalf of the municipality all authorized contracts, conveyances, evidences of indebtedness and all other such instruments to which the municipality is a party, and shall, where required, attach thereto the official seal of his office, which shall be the seal of the City.
- F. Except as otherwise provided in this Charter, appoint and remove all directors of departments and all subordinate officers and employees in the departments, provided that there shall be compliance with the Civil Service provisions of this Charter.

- G. Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the City for the preceding year.
- H. Keep the Council advised of the financial condition of the City.
- I. Perform such other duties as may be prescribed by this Charter or required of him by Council.
- J. Be the executive head of the Police and Fire Departments and as such, and to the extent not inconsistent with this Charter, have all powers and duties connected with and incident to the appointment, regulation, and government of such Departments and the removal and discipline of the officers and employees thereof as are now or may hereafter be conferred upon the Director of Public Safety of a city by the general laws of Ohio as supplemented by legislation of Council consistent therewith; and none of such powers and duties shall be transferred, reassigned or delegated to another officer, individual, board or commission.
- K. Except as otherwise provided in this Charter, exercise all other functions, powers, rights and duties connected with and incident to the Office of Director of Public Safety of a city as are now or may hereafter be conferred upon such a director by the general laws of Ohio; provided, that any of such functions, powers, rights and duties, other than those connected with and incident to the Police and Fire Departments, may be transferred, reassigned and delegated by the Council to another officer, individual, board or commission.

Section 4. Mayor's Right In Council

The Mayor and the directors of all departments established by this Charter, or that hereafter be established by ordinance shall be entitled to seats in the Council. Neither the Mayor nor the director of any department shall have a vote in Council, but the Mayor shall have the right to recommend legislation and take part in the discussion of all matters coming before the Council, and the directors of all departments shall be entitled to take part in all discussions in the Council relating to their respective departments.

Section 5. Mayor's Veto

An ordinance or resolution passed by the Council shall be signed by the President of Council or other presiding officer of Council and presented forthwith

to the Mayor by the Council Clerk. If the Mayor approves such ordinance or resolution, he shall sign it within ten (10) days after its passage or adoption by the Council, but if he does not approve it, he shall return it to the Council with his objections within said ten (10) days, or if the Council be not then in session, at the next regular meeting thereof, which objections the Council shall cause to be entered in full on its journal. If the Mayor does not sign or so return an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if he had signed it. The Mayor may approve or disapprove the whole of any item or part of any item or part of any ordinance or resolution appropriating money.

When the Mayor refuses to sign an ordinance or resolution or part thereof and returns it to the Council with his objections, the Council may, prior to the expiration of not more than fourteen (14) days, from the date of its return, proceed to reconsider it, and, if upon reconsideration the resolution or ordinance or part or item thereof disapproved by the Mayor be approved by the vote of two-thirds (2/3) of all members of Council, it shall take effect without the signature of the Mayor in the same manner as if he had signed it. In all such cases, the votes shall be taken by "yeas" and "nays" and entered individually on the journal.

Section 6. Acting Mayor

When the Mayor is unable, for any reason, to perform his duties, the President of Council shall act as Mayor with all the duties, rights, and powers of the Mayor during the period of the Mayor's inability to perform his duties; and during such period, the acting Mayor shall not exercise any of his duties, rights, and powers of the President of Council or of a Councilman. (Amended 11-7-95)

Section 7. Vacancy In The Office Of Mayor

In the event of the death, resignation or recall from office of the Mayor or his ceasing to qualify for such office, the President of Council shall succeed to the office of Mayor to serve the unexpired term until a successor is elected at the next general election, and his offices as President of Council and as Councilman shall become vacant. The qualifications applicable to a President of Council who succeeds to the office of Mayor shall be those applicable to a Councilman. If the President of Council declines to serve as Mayor, he may remain as President of Council.

If the President of Council declines to serve as Mayor or is unable for any reason to perform the duties of the office of Mayor, Council shall then appoint as successor to the Mayor a member of Council, elected by the people, such elec-

tor so succeeding to the office of Mayor shall have those qualifications applicable to the office of Mayor. (Amended 11-3-70)

ARTICLE III — DEPARTMENTS AND DIVISIONS

Section 1. Administrative Departments

A Department of Law, Department of Finance, Department of Public Utilities, and Department of Public Service are hereby established as administrative departments. The work of the departments shall be distributed among such divisions thereof as are established by Council, and this Charter. Council may, by ordinance, establish additional departments and divisions.

Section 2. Department Directors

At the head of each department there shall be a director. The directors of Finance, Law, and Public Service shall be appointed by the Mayor, subject to the approval of a majority of Council. The Director of Public Utilities shall be appointed subject to the Civil Service provisions of this Charter. The Directors of Finance, Law, and Public Service shall serve until removed by the Mayor, or until their respective successors have been appointed and qualified. Each Department Director shall conduct the affairs of the department as prescribed by the Mayor, and shall be responsible for the conduct of the officers and employees of his department, for the performance of its business, and for the custody and preservation of the books, records, paper, and property under its control. Subject to the supervision and control of the Mayor in all matters, the director of each department shall manage his department. All city department directors shall submit, in a reasonable length of time, information and records of employees as requested by the Civil Service Commission

Section 3. Director Of Law

The Director of Law shall be an attorney-at-law, admitted to practice in the State of Ohio and be subject to the same qualifications as those of the Mayor except that he need not have had three years residency upon taking office. He shall be the legal advisor of and attorney and counsel for the city and for all offices and departments of the city, in matters relating to their official duties. He shall prosecute or defend all suits for or in behalf of the City and shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned and endorse on each his approval of the form and correctness thereof. He shall give written opinions to any department head or official of the City, or to Council, within a reasonable length of time, when requested in writing to do so, and file a copy of the same with the Clerk of Council. He shall

codify the ordinances with such expert assistance as necessary at least once every ten years or sooner if required by ordinance. He shall be the prosecuting attorney of the Municipal Court. In addition to the duties imposed upon the Director of Law by the Charter or required of him by ordinance, he shall perform the duties imposed upon City Solicitors by the laws of the State of Ohio, unless and until otherwise provided by ordinance. The Director of Law shall appoint one Deputy Director of Law to serve at his pleasure and with the approval of Council he may appoint other deputies or assistants as needed, and deputies or assistants so appointed shall not be subject to the Civil Service provisions of this Charter.

Section 4. Director Of Finance

Any Director of Finance appointed after the adoption of this amendment to the Charter shall have a degree in business administration, or a related field, awarded by an accredited college or university, and be subject to the same qualifications as those of the Mayor except that he need not have had three years of residency upon taking office. He shall have a working knowledge of municipal accounting and taxation, as governed by the laws of the State of Ohio and this Charter. He shall have had experience in budgeting and financial control. (Amended 11-4-86)

The Director of Finance shall have charge of the administration of the financial affairs of the City, and to that end he shall have authority and be required to:

- A. Compile the current income and expense estimates for the budget for the Mayor;
- B. Compile the capital estimates for the budget for the Mayor;
- C. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- D. Maintain a general accounting system for the City government and each of its offices, departments and agencies consistent with standard accounting practices;
- E. Prepare for the Mayor as of the end of each fiscal year, a complete financial statement and report;
- F. Collect all taxes, special assessments, license fees and other revenues due the City or for whose collection the City is responsible, and receive all money receivable by the City from the county, state or federal government, or from any court, or from any of-

fice, department or agency of the City, or any moneys payable to the City from any source;

- G. Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the City government, and deposit or invest all funds coming into his hands in such manner as may be provided by ordinance, and all such interest resulting from deposits or investments shall be the property of the City and shall be accounted for and credited to the proper account;
- H. Have custody of all investments and invested funds of the City government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange;
- I. Supervise the purchase of all supplies, materials, equipment and other articles used by any office, department or agency of the City government, except as otherwise provided in this Charter;
- J. Examine all proposed expenditures to determine if they are in the appropriated funds. No appropriation shall be encumbered and no expenditures shall be made, unless he shall certify that there is a sufficient unencumbered balance of appropriated funds.

Section 5. Director Of Public Service

The Director of Public Service shall be selected on the basis of his administrative and executive qualifications. He shall be subject to the same qualifications as those of the Mayor except that he need not have had three years residency upon taking office. The Director of Public Service shall be responsible for the construction, improvement and maintenance of all public streets and sidewalks, public buildings, cemeteries; shall manage the divisions of streets and sidewalks, engineering, welfare, records, the building department, cemeteries, and public buildings; and he shall perform other duties assigned by the Mayor, Council, and ordinances and resolutions not inconsistent with this Charter. The Director of Public Service shall appoint one Deputy Director of Public Service to serve at his pleasure and with the approval of Council he may appoint other deputies or assistants as needed, and deputies or assistants so appointed shall not be subject to the Civil Service provisions of this Charter.

Section 5.1 Division Of Streets And Sidewalks

The Division of Streets and Sidewalks within the Department of Public Service, shall be under the supervision of the Streets Commissioner appointed subject to the Civil Service provisions of this Charter. The Division of Streets and Sidewalks shall be responsible for the maintenance and repair of all streets, alleys, sidewalks and public ways, subject to engineering specifications as promulgated by the City Engineer.

Section 5.2 Division Of Engineering

The Division of Engineering within the Department of Public Service, shall be under the direction of the City Engineer who shall be appointed by the Mayor subject to the Civil Service provisions of this Charter. The City Engineer shall be a registered professional engineer in the State of Ohio, selected on the basis of his administrative and engineering qualifications. In addition to responsibilities assigned by ordinances and resolutions not inconsistent with this Charter, the City Engineer shall require that all construction, maintenance, and repair of streets and sidewalks performed by contractors and/or the Division of Streets and Sidewalks be consistent with specifications.

Section 5.3 Division Of Records

The Division of Records within the Department of Public Service, shall be under the supervision of the Records Clerk who shall be appointed subject to the Civil Service provisions of this Charter. The Division of Records shall establish and maintain a roster of all persons in the classified and unclassified service in which there shall be set forth as to each officer and employee, (a) the class title of the position held, (b) salary or pay, (c) any changes in class title, pay, or status, (d) such other data as may be deemed desirable or useful to produce significant facts pertaining to personnel administration. The Records Clerk shall perform other duties as are established by this Charter, or as may be established by the Mayor or Council, and shall assist the Civil Service Commission in their duties as the Civil Service Commission shall request.

Section 6. Director Of Utilities

At the discretion of the City Council the office of the Director of Public Utilities may be created. Such Director of Public Utilities shall be appointed by the Mayor with confirmation by Council. Until such appointment, the Director of Public Service shall continue to assume his duties. The Director shall be a registered professional engineer and shall be selected on the basis of his professional administrative and executive qualifications in the utilities field; he and all subsequent appointments to this office shall be appointed by the Mayor

and shall be governed by the Civil Service provisions of this Charter. (Amended 11-7-61)

Section 6.1 Powers And Duties Of The Director Of Utilities

The director shall organize, control, and manage all functions and operations of the municipally owned utilities set forth herein. He shall make all investigations, analyses of finances and analyses of all other utility operations and recommend to Council and Mayor concerning all charges and rates to be made for services rendered, and all extensions and curtailments of service. He shall make determinations of future requirements; keep records of franchises and extensions thereof made by the City; and hear and investigate all complaints. He shall make all investigations and recommend to Council and Mayor for their approval concerning all new construction, maintenance and replacement of existing facilities and equipment, and all planning pertaining to all functions and operations, present and future. Finally, he shall make such other and further investigations and reports requested by Council or the Mayor.

Section 6.2 Divisions Of Utilities Department

This department shall consist of the light and power, water, sewer and sanitation divisions. Each division shall be administered by a duly qualified superintendent appointed by the Mayor subject to the Civil Service provisions of this Charter, and such other personnel as provided for by Council upon the recommendations of the Director, consistent with the Civil Service provisions of this Charter.

Section 7. Department of Police.

The police force shall consist of a Chief of Police and such officers and employees as may be provided by City Council. The Chief of Police shall be appointed by the Mayor, subject to the approval of a majority of all members of City Council, and shall be subject to removal by the Mayor, provided that upon removal of the Chief of Police, the Mayor shall state in the notice of termination the reason for the termination. In addition to any other candidate-screening process established by the Mayor, all candidates shall submit to an examination approved by the Mayor to test the candidates' qualifications, knowledge, skills, and aptitudes. Candidates for the position of Chief of Police need not be City employees at the time of their application. The Chief of Police shall be subject to the same limitations on political activities that apply generally to classified civil servants. Original appointments to the rank of Patrolman in the Police Department shall be by open competitive examination and the Mayor shall appoint from the top ten candidates certified by the Civil Service

Commission. Appointments to any rank below Chief of Police and above Patrolman shall be by promotional examination and the Mayor shall appoint from among the top three candidates certified by the Civil Service Commission. The Civil Service Commission shall promulgate rules to implement the provisions of this Section with respect to classified civil servants. With the exception of the Chief of Police, all full-time employees of the Police Department shall be in the classified civil service. (Amended 11-4-2003.)

Section 8. Department of Fire.

The fire force shall consist of a Fire Chief and such officers and employees as may be provided by City Council. The Fire Chief shall be appointed by the Mayor, subject to the approval of a majority of all members of City Council, and shall be subject to removal by the Mayor, provided that upon removal of the Fire Chief, the Mayor shall state in the notice of termination the reason for the termination. In addition to any other candidate-screening process established by the Mayor, all candidates shall submit to an examination approved by the Mayor to test the candidates' qualifications, knowledge, skills, and aptitudes. Candidates for the position of Fire Chief need not be City employees at the time of their application. The Fire Chief shall be subject to the same limitations on political activities that apply generally to classified civil servants. Original appointments to the rank of Firefighter in the Fire Department shall be by open competitive examination and the Mayor shall appoint from the top ten candidates certified by the Civil Service Commission. Appointments to any rank below Fire Chief and above Firefighter shall be by promotional examination and the Mayor shall appoint from among the top three candidates certified by the Civil Service Commission. The Civil Service Commission shall promulgate rules to implement the provisions of this Section with respect to classified civil servants. With the exception of the Fire Chief, all full-time employees of the Fire Department shall be in the classified civil service. (Amended 11-4-2003.)

Section 9. Park And Recreation Board

There is hereby created a Park and Recreation Board which shall consist of five members who are electors of the City to serve for terms of six years, except as hereinafter provided. Commencing 2016, one member shall be appointed by the Cuyahoga Falls City School District Board of Education and one member shall be appointed by the Woodridge Local School District Board of Education, respectively, and three members appointed by the Mayor. The first appointees by the Board of Education shall serve for four and two year terms respectively, and the first appointees by the Mayor shall serve for six, four and two year terms respectively. The Board shall elect one of its own members as Chairman

to serve a term of two years. Vacancies on the Board shall be filled in the same manner as original appointments were made. The Board shall have all of the powers and duties granted to Recreation Boards by the laws of the State of Ohio unless and until otherwise provided by ordinance. (Amended 11-2-65)

Section 10. Boards And Commissions

In addition to the Planning Commission, Board of Zoning Appeals, Civil Service Commission, and Park and Recreation Board provided for and established by other sections of this Charter, the following boards are hereby created:

- A. A Board of Control consisting of the Mayor, Director of Finance, Director of Law, Director of Public Service and City Engineer which shall operate under and have all the functions, powers and duties conferred upon such a board by the general laws of Ohio to the extent not inconsistent with this Charter or ordinances of the Council.
- B. The Board of Building Appeals, heretofore established by ordinance of the Council, shall continue to operate under and have the functions, powers and duties set forth in the provisions of existing ordinances of the Council applicable thereto, subject to the right of the Council to amend or repeal any or all of such provisions by later ordinance at any time and to transfer, reassign or delegate such functions, powers and duties, or any part thereof, to another officer, individual, board or commission.

Council shall have the further power to create and establish by ordinance boards and commissions other than those created and established by this Charter. (Amended 11-8-2005)

Section 11. Removal Of Members Of Boards And Commissions

Except as otherwise provided in this Charter, a member of any Board or Commission may be removed by the Mayor for neglect of duty, incapacity, incompetency, or malfeasance but only after opportunity has been given for a public hearing before the Mayor, to be held at least ten (10) days after written charges have been made and notice thereof has been given to the accused member. Such member may be heard in person or by counsel; and such decision shall be final.

ARTICLE IV — CITY COUNCIL

Section 1. Legislative Authority And Powers

Except as otherwise provided in this Charter, all legislative power of the municipality shall be vested in the Council. Without limitation of the foregoing, the Council may by ordinance make provision with respect to:

- A. The time and place of regular meetings of the Council.
- B. The method of calling special meetings of the Council.
- C. The form and method of enactment of its ordinances and adoption of its resolutions except that no ordinance or resolution, except a general appropriation ordinance, shall contain more than one subject which shall be clearly expressed in its title.
- D. The method of giving public notice of the enactment of its ordinances and the adoption of its resolutions and of any other of its acts or proceedings which it deems proper to publish, provided, however, that until such method is so provided for, such public notice shall be given in the manner provided by the laws of the State of Ohio.
- E. The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements and the levying of assessments therefor in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly.
- F. Such other general regulations as the Council may deem necessary.

Section 2. Composition And Term

The City shall be divided into wards in the manner set forth by the laws of the State of Ohio. The term of office for ward councilmen shall be two (2) years.

Three (3) councilmen-at-large shall be elected in addition to the various ward councilmen previously specified herein. The councilmen-at-large shall be elected by the vote of the electors of the City as a whole and shall serve for a term of four (4) years.

This section shall not be construed to limit the number of councilmen-at-large to three (3), but the number of said councilmen-at-large shall be governed by the provisions of the laws of the State of Ohio.

Upon adoption of this Charter and at the first election after the effective date of the Charter, those two (2) councilmen-at-large receiving the highest number of votes in the general election of that year shall serve for a period of four (4) years. That candidate receiving the third highest number of votes at that election shall serve a two (2) year term of office. The elected successor to the last named candidate shall serve a four (4) year term of office.

The elective office of President of Council shall be abolished upon the completion of the term expiring December 31, 1961.

The Council shall organize as provided by the laws of the State of Ohio within ten (10) days from the commencement of their term. The Council, after organizing as hereinbefore provided shall, by a majority vote of its members, elect from its Council members, a Council President who shall be elected for a term of one (1) year. Any vacancy in the Office of President of Council shall be filled by a majority vote of its members to be selected from its members.

The Council President shall have a full vote in all business of the Council and shall be free to enter debate on any subject brought before the Council, provided that the rules of procedure as established by Council are followed.

After organization, Council shall also elect one of its members as President Pro Tem who shall act as the President of Council in the absence of the President of Council or in the event the latter becomes the Acting Mayor or is unable for any reason to perform his duties as President of Council. The President Pro Tem shall conduct the affairs of the Council in accordance with the rules of Council. (Amended 11-7-72)

Section 3. Qualifications

Candidates for City Council shall have maintained their primary residence within the City for a period of three (3) years immediately preceding the filing of their declarations of candidacy. In addition, each candidate for ward council shall have maintained his primary residence within that ward for a period of six (6) consecutive months immediately preceding the filing of his declaration of candidacy.

All councilmen shall maintain their primary residence within the City during their term of office. Ward councilmen shall not maintain their primary residence outside the ward in which they were elected for more than sixty (60)

consecutive days in any twelve-month period. The sixty (60) consecutive days shall begin on the date of actual removal from the ward in which they were elected. For the purpose of this section, primary residence shall mean a person's usual or customary place of abode where the individual lives and regularly stays; it shall not mean a "legal", "voting" or other address where the person does not actually live. Councilmen who move their primary residence shall notify the Clerk of Council within seven (7) days of such move.

Councilmen shall not hold any other municipal employment during their term of office. The qualifications for those appointed to Council shall be the same as for those elected. If any council member shall cease to possess any of the qualifications for such office, he shall forthwith forfeit his office. (Amended 11-4-97)

Section 4. Clerk Of Council

The members of Council, by a majority vote, shall elect a Clerk of Council who shall serve for a period of two (2) years, but who may be removed by Council within his tenure of office.

Section 5. Vacancies And Absences

If a vacancy occurs in a Ward Council seat, the replacement shall be chosen within thirty (30) days of the vacancy by the precinct committee members in the ward of the same party as the person vacating the seat. If the precinct committee members fail to make the appointment, the remaining members of Council shall have thirty (30) days to make an appointment. If Council fails to make the appointment; the Mayor shall make the appointment

If a vacancy occurs in an At-Large Council seat, the replacement shall be chosen within thirty (30) days of the vacancy by the precinct committee members within the City of the same party as the person vacating the seat. If the precinct committee members fail to make the appointment, the remaining members of Council shall have thirty (30) days to make an appointment. If Council fails to make the appointment; the Mayor shall make the appointment

If a vacancy occurs in either a Ward or At-Large council seat and the person vacating the seat was not a member of a political party that elected precinct committee members, the replacement shall be chosen by the committee listed on the nominating petitions by the candidate, within thirty (30) days. If the member of Council did not designate a committee, Council shall fill the vacancy within thirty (30) days. If council fails to make the appointment, the Mayor shall make the appointment. (Amended 11-7-2000)

Section 6. Compensation

Compensation of members of Council shall be left to the discretion of the members who shall be mindful of the best interests of those whom they represent.

Section 7. Re-Division Of Wards And Boundaries

If a decennial census warrants the redistricting of wards, Council shall subdivide the City into wards, equal in number to the members of Council to be elected from wards, within ninety days after the first day of October of the year following the decennial census year. All action to redistrict the City into wards shall be taken by ordinance.

All wards shall be bounded, as far as practicable, by City corporation lines, streets, alleys, lot lines, avenues, watercourses, center lines of platted streets, or railroads and shall be composed of compact, contiguous territory and substantially equal in population.

For purposes of the next general election of ward council members, the new wards and boundaries shall replace previous wards and boundaries, as of the effective date of the ordinance. For all other purposes, the new wards and boundaries shall take effect as of the date the newly elected ward Council members take office.

No Council member shall be removed by amending the ward boundaries as set forth herein and any council member affected by a redistricting shall continue to serve the original ward from which he was elected until the expiration of his or her term in office.

In the event that a candidate's ward number changes as a result of redistricting pursuant to this section, if the candidate would have met the qualifications required pursuant to Article IV, Section 3 for his previous ward, the candidate will be deemed qualified as a candidate for the new ward. (Amended 11-7-2000)

ARTICLE V — ELECTIONS

Section 1. Time Of Holding Elections

A general election for the choice of elective officers provided for in this Charter shall be held on the first Tuesday after the first Monday of November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law, or pro-

vided for in this Charter. Any matter which, by the terms of this Charter may be submitted to the electors of the City at any special election may be submitted at the time of a primary or regular election. Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of the State and by the election authorities therein provided for.

Section 2. Nominations

To reduce the cost of the primary election and uphold the voting rights of military service members and overseas citizens, candidates for all offices at any regular municipal election under the provisions of this Charter, with the exception of candidates for the office of Judge of the Municipal Court, Clerk of Municipal Court, other candidates who are elected by electors from both within and without the City and/or independent candidates for any other elective municipal office, shall be nominated at a primary election to be held on the **first** Tuesday after the first Monday in May. The method of nomination and the procedures for nomination shall be in conformity with the State Law on the subject of nominations for public office, and the result certified in like manner that commencing with the 2017 elections, independent candidates for the offices of Mayor and Councilmen shall file their nominating petitions at the same time that partisan candidates for the office of Mayor and Councilmen file their nominating petitions. Candidates for the office of the Judge of the Municipal Court, Clerk of the Municipal Court and other candidates who are elected by electors from both within and without the City shall be nominated by nominating petition filed and signed in accordance with the laws of the State of Ohio relating thereto. (Amended 11-6-18)

ARTICLE VI — FINANCE AND TAXES

Section 1. General

The laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of the municipality shall be applicable to this City, except as are inconsistent with the provisions of this Charter or except as otherwise provided by ordinance.

Section 2. Director Of Finance; Surety Bond

The Director of Finance shall give bond with such surety and in such amount as the Council may require by ordinance, but not less than \$10,000.00, and the premium on such bond shall be paid by the City.

Section 3. Deputy Director(s) Of Finance; Appointment

The Director of Finance shall appoint one Deputy Director of Finance to serve at his pleasure and with the approval of Council he may appoint other assistants or deputy directors as needed, and deputies or assistants so appointed shall not be subject to the Civil Service provisions of this Charter.

Section 4. Deputy Director(s) Of Finance; Qualifications

The qualifications of the Deputy Director(s) of Finance shall be determined by the Director of Finance, in keeping with the Deputy Director(s) assigned duties.

Section 5. Deputy Director(s) Of Finance; Surety Bond

The Deputy Director(s) of Finance shall give a bond with such surety and in such amount as the Council may require by ordinance.

Section 6. Estimated Budgets; Allotments

Before the beginning of each fiscal year, the head of each office and department shall submit to the Mayor, at a time designated by him, an estimated budget for the coming fiscal year, which estimate shall show the requested allotments of the appropriations and estimated income for such office or department for the entire calendar year. The Mayor shall then request Council to determine and approve the budget for each office or department and the aggregate of such allotments, as approved by Council, shall not exceed the total estimated funds available to all offices and departments for the fiscal year. (Amended 11-2-65)

Section 7. Appropriations Constitute Basis Of Expenditures And Are Subject To Revision

The Mayor shall file a copy of the budget as approved by the Council, with the Director of Finance, who shall authorize all expenditures for the offices, departments and agencies to be made from the appropriations on the basis of approved allocations and not otherwise. An approved appropriation may be revised during the fiscal year in the same manner as the original appropriation was made. If, at any time during the fiscal year, the Finance Director and the Mayor shall ascertain that the available income, plus balances, for the year will be less than the total appropriations, the Mayor shall request the Council to reconsider the budgets and appropriations so as to forestall the making of expenditures in excess of the said income.

Section 8. Transfers Of Appropriations

The Director of Finance may, toward the end of the fiscal year, transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within the various accounts for which a specific fund was established by the original or revised appropriation, under limits set by ordinance.

Section 9. Accounting, Supervision And Control

The Director of Finance shall have power to and shall be required to:

- A. Prescribe the forms of receipts, vouchers, bills, claims, accounting forms and systems of accounts to be used by all the offices, departments and agencies of the City government;
- B. Examine and approve the financial aspects of all contracts, orders and other documents by which the City government incurs financial obligations, having previously ascertained that sufficient moneys have been appropriated and allotted and will be available when the financial obligations shall become due and payable;
- C. Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the City government and with the advice of the Department of Law, determine the regularity, legality and correctness of such claims, demands or charges;
- D. Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City government apart from or subsidiary to the accounts kept in his office.

Section 10. Prohibition Of Contracts And Expenditures

No officer, department or agency shall, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money, for any purpose in excess of the amounts appropriated for that general classification of expenditure pursuant to this Charter, and without prior certification of availability of sufficient unencumbered funds by the Director of Finance. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the

spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts or leases for a period exceeding the fiscal year when such contracts or leases are made, when such contracts or leases are permitted by law.

Section 11. Appropriations Lapse At The End Of The Year

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Section 12. Fees And Moneys Shall Be Paid To City Government

With the exception of the Municipal Court fees which shall be distributed as prescribed by law, all fees and money received by any officer or employee in the conduct of City business, shall belong to the City government and such officer or employee shall pay the same into the City treasury before noon of the first business day after receipt of such moneys and shall be required by the Director of Finance to submit therewith statements thereof, in such form as he may prescribe.

Section 13. Competitive Bidding

Any purchase of or contract for supplies, materials, labor, services, or equipment shall be made in accordance with the provisions of the general laws of Ohio, including those relating to competitive bidding, to the extent not inconsistent with this Charter and ordinances of the Council. Any dollar amount limit, provided by the general laws of Ohio, below which competitive bidding is not required shall govern unless another and differing limit is provided by ordinances of the Council. The Board of Control shall have the power to reject all bids and re-advertise. Alterations in any contract may be made, when authorized by the Board of Control, in accordance with the procedure established by the general laws of Ohio.

Section 14. Limitation On The Rate Of Taxation

The aggregate amount of taxes that may be levied by the Council of the City without a vote of the people, on any taxable property assessed and listed for taxation according to value, for all purposes of the City, shall not in any one year exceed eleven (11) mills for each one dollar 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 City 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 to provide the amounts required by law for police and firemen' pensions; and the balance thereof may be levied annually for the purpose of paying the current operating expenses of the City and any other expense which may lawfully be included within the general levy for the general fund of the City.

Section 15. Levies For Debt Service

The Council shall annually levy outside the limitations provided in this Charter and the limitations provided by general law, a sufficient sum to pay the interest, sinking fund and retirement charges on all bonds and notes of the City heretofore or hereafter lawfully issued, the tax for which by general law or by this Charter has been or shall be authorized to be levied outside of tax limitations.

Section 16. Submission Of Extra Levy To Vote

The Council may, at any time at least sixty (60) days prior to a November election, declare by resolution, adopted by a vote of two-thirds (2/3) of all the members thereof, that the amount of taxes which may be raised within the limitation of Section 14 of this Article will be insufficient to provide an adequate amount for the necessary requirements of the City or current operating expenses, and other expenses payable from the general fund of the City, 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 limitation, in addition to the levies authorized and limited by Sections 14 and 15 of this Article, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional rate which it is necessary to levy, the purpose or purposes thereof, the number of years during which such rate shall be in effect and the date of the proposed election thereon. 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 vote for the approval of such additional levy, the Council shall, for a period not in excess of that prescribed in such resolution, 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.

Section 17. Other Taxes

The limitation 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 oth-

er subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio.

Section 18. Additional Levies

The authority of the Council to submit additional levies to a vote of the people under the 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 19. Debt Limitation

The net indebtedness of the City created or incurred without a vote of the electors shall never exceed the limitations now or hereafter prescribed by the Constitution and laws of the State of Ohio upon indebtedness so incurred by municipal corporations. As used in this section, the term "net indebtedness" shall have the same meaning as and shall be calculated in the manner provided by the laws of the State of Ohio, as the same may be amended from time to time, for the issuance of notes and bonds of municipal corporations. (Amended 11-4-69)

ARTICLE VII — THE CIVIL SERVICE COMMISSION

Section 1. Composition And Term

There is hereby created and established a Civil Service Commission which shall consist of three (3) electors of the City, not holding other municipal office, to be appointed by the Mayor subject to the approval of a majority of the members of Council to serve for six (6) year terms and until their successors have been appointed and qualified. The terms of the Commission members shall be staggered on two (2) year intervals. At the time of any appointment, not more than two (2) members shall be members of the same political party. The existing Civil Service appointments currently in effect upon adoption of this Charter shall continue in effect for their appointed terms. 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.

No member of the Commission shall hold any municipal employment or be a candidate for any elective public office while a member of the Commission.

The Mayor shall have the power, by and with the consent of Council, to remove any Commissioner for the neglect of duty, incapacity, incompetency or malfeasance in office, having first given to such Commissioner a copy of the charges against him. Such Commissioner may be heard in person or by coun-

sel in Council in his defense. If two-thirds of the members of Council concur, the removal shall be final.

Council shall provide sufficient facilities, office space and equipment, and salaries to provide for a staff for examination, preparation and storage of all Commission records and other activities. (Amended 11-4-97)

Section 2. Powers And Duties

Appointments and promotions within the classified service of the City shall be determined on the basis of merit and fitness and in the manner provided for cities by the Constitution and the general laws of the State of Ohio, except as otherwise provided in this Charter or City Ordinance. The Civil Service Commission shall adopt rules and regulations implementing the provisions of the general law and as to any matter not controlled by the general law may provide by general rule therefor. The Commission shall submit to the Mayor and to the Council an annual report of its activities at the beginning of each fiscal year. (Amended 11-4-03.)

Section 3. Unclassified Service

Except as otherwise provided in this Charter, the unclassified service shall include, in addition to those officers and employees provided by general law, all part-time or temporary officials or employees including but not limited to part-time policemen and firemen and volunteer firemen. All other officers or employees of the City shall be included in the classified service.

Section 4. Present Employees

Any officer or employee who has been in the classified service of the City for a period of more than 90 days on the effective date of this Charter or who has been continuously and permanently employed for more than 90 days in a position which will be included in the classified service as a result of the adoption of this Charter, shall retain his position until discharged, reduced, promoted or transferred pursuant to the provisions of Civil Service.

Section 5. Former Employees Of Northampton Township

Upon the merger of Northampton Township and the City of Cuyahoga Falls full-time employees lawfully appointed by Northampton Township shall be appointed within the classified service of the City of Cuyahoga Falls pursuant to the conditions of merger approved by the electorate of the City of Cuyahoga Falls and Northampton Township on November 5, 1985, (Added 11-5-85)

ARTICLE VIII — ZONING AND PLANNING

Section 1. Planning Commission

Section 1.1 Membership

There is hereby created and established a Planning Commission which shall consist of one member of Council and a designated alternate, also a member of Council, selected by Council for such term as Council determines, but not to exceed two (2) years, and six (6) electors of the municipality appointed by the Mayor, subject to the approval of a majority of the members of Council. Members appointed by the Mayor shall hold no other municipal office or employment. The Mayor shall have the right to remove any member whom he appointed but only in accordance with the procedure set forth in Article III, Section 11 of this Charter. The Council, by a majority vote of its members, shall have the right at any time to remove the member or alternate selected by Council. The additional members and the alternate of Council shall be appointed for terms beginning January 1, 2001. (Amended 11-7-2000)

Section 1.2 Terms

The members of the present Planning Commission shall continue to serve until December 31, 1959. Their successors, except the member selected by Council as herein above provided, shall serve for terms of six (6) years except that two (2) of the electors first appointed by the Mayor shall be designated by the Mayor to serve for three (3) years and the other two such electors for a term of six (6) years commencing January 1, 1960.

Section 1.3 Vacancy

A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

Section 1.4 Compensation

Members of the Planning Commission shall serve without compensation unless otherwise provided by ordinance.

Section 1.5 Meetings And Duties

The Planning Commission shall meet at least once a month. The Planning Commission shall act as the planning commissioner of the municipality and as such, it shall have control of planning and shall provide regulations relating to

the platting of all lands within the municipality or within three miles thereof, so as to secure the harmonious development and to provide for the coordination of streets with other streets and with the plan for the entire municipality, as herein described, and to provide for open spaces for traffic, utilities, access to fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population. The Planning Commission shall make plans and maps of the whole or any portion of the municipality and of any land outside of the municipality which, in the opinion of the Commission, bears a reasonable relation to the planning of the municipality and shall make changes in, additions to and appraisals of such plans or maps when it deems the same advisable. It shall have such powers as may be conferred upon it by ordinance of the Council concerning the plan, design, location, removal, relocation and alteration of any public building or structure or any building or structure located on public streets or property; the location, relocation, widening, extension and vacation of streets, alleys, public ways, parks, playgrounds, recreation areas, parkways and other public places; the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses; the regulation and limitation of height of buildings and other structures to be erected or altered; the regulation of the bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces; the zoning and rezoning of the municipality for any lawful purpose; the approval of plats of the subdivision of land, including, but not limited to the adoption of regulations pertaining to the grading of streets and other facilities; and such other powers as now or may hereafter be conferred upon it by ordinances of the Council or the general laws of Ohio, to the extent not inconsistent with this Charter or such ordinances. (Amended 11-2-65)

Section 1.6 Funds

A sufficient sum shall be appropriated by the Council each year to carry out the planning provisions of this Charter.

Section 1.7 Submission Of Decisions To Council

All plans, recommendations, regulations and decisions made by the Planning Commission which result in approval of requests, shall be submitted to and approved by Council before the same shall be considered as official. All decisions made by the Planning Commission, except those rendered under the authority of Section 1.9, Mandatory Referrals, and which decisions deny the request made in the application, may be appealed to Council according to procedures heretofore or hereafter established by the Council of the City of Cuya-

hoga Falls. Any request disapproved by formal action of the Planning Commission under any authority granted by this Charter or ordinance and subsequently appealed to Council, shall require a two-thirds vote of all members elected or appointed to the Council for adoption or authorization. A vote of less than two-thirds shall be considered an affirmation of Planning Commission action. (Amended 11-2-65)

Section 1.8 Limitation Of Deliberations

Any matter referred to the Planning Commission shall be acted upon by it within 60 days from the date of referral unless a greater period of time be provided by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. (Adopted 11-2-65)

Section 1.9 Mandatory Referral

No public building, street, boulevard, parkway, park, playground, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the municipality, 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 adopted unless and until the action proposed to be taken or the ordinance or regulation proposed to be adopted shall have been submitted to the Planning Commission for report and recommendation.

If any plan, design or other proposal concerning the charter, extent, location or use of any public improvement or public property or change thereof within the territorial limits of the municipality does not, under the applicable provisions of this Charter, ordinances of the Council, or the general laws of Ohio to the extent not inconsistent with this Charter or such ordinances, fall within the province of the Council or other official or agency of the municipality, then the submission to the Planning Commission shall be by the State, County, District, School, Township or other official body, board, or commission having jurisdiction over such public improvement or property in accordance with the provisions of the general law of the State of Ohio. The Planning Commission's disapproval may be overruled by the State, County, District, School, Township or other official body, board or commission at any time after 7 days written notice by said State, County, District, School, Township or other official body, board or commission to the Planning Commission stating the reason for such exception. Such overruling of Planning Commission disapproval must be adopted by at least two-thirds of all members of said excepting body. (Adopted 11-2-65)

Section 2. Board Of Zoning Appeals

Section 2.1 Board Membership

There is hereby created and established a Board of Zoning Appeals which shall consist of seven electors of the Municipality appointed by the Mayor with the approval of a majority of the members of Council. The members of the Board of Zoning Appeals shall hold no other municipal office or employment and shall serve for five (5) year terms. The Mayor shall have the right to remove any member of such Board but only in accordance with the procedure set forth in Article III, Section 11 of this Charter. The members of the present Board of Zoning Appeals shall continue to serve until their terms expire. The additional members shall be appointed by the Mayor for terms beginning January 1, 2001. (Amended 11-7-2000)

Section 2.2 Zoning Ordinances

Council may, from time to time, enact and amend such Zoning Ordinances and regulations as it may deem necessary. The method of such enactment and amendment shall be as provided by ordinance of Council and need not be as provided by any State statute regulating or pertaining thereto, it being the intention of this provision of this Charter to require only such method of adoption or amendment and notice thereof as shall afford fair and adequate notice and protection to the rights of the public and of persons affected by such ordinances. In no case shall such notice be given less than seven (7) calendar days prior to the adoption of any such ordinance or regulation.

Section 2.3 Vacancy

A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for original appointment.

Section 2.4 Powers And Jurisdiction

The Board of Zoning Appeals shall have the power to hear and decide appeals made for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning and building in the municipality, as may be required to afford justice and avoid unreasonable hardship, subject to such procedures as shall be established by Council and subject further to such reasonable standards as shall be prescribed by Council, including, but not limited to, the existence of practical difficulties or unnecessary hardships in the strict interpretation of the aforesaid ordinances, resolutions, regulations, measures or orders

provided that the granting of such exception or variance will be in harmony with the general purpose and intent thereof and that the public health, safety, and general welfare will continue to be secured and substantial justice done.

ARTICLE IX — INITIATIVE, REFERENDUM, RECALL

Section 1. Initiative

The electors of the City shall have power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. Only electors of the City may circulate initiative petitions. An initiated ordinance or resolution may be submitted to the Clerk of the Council by petition signed by at least ten percent (10%) of the electors of the City in which petition the petitioners shall designate a committee of the petitioners to act in their behalf. When so submitted, the Clerk shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole. A public hearing, to be conducted in such manner and preceded by such notice, as the Council shall prescribe, shall be held on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk. The Council shall, within forty (40) days after such ordinance or resolution is submitted take final action thereon by enacting the proposed ordinance or resolution in the form submitted or in an amended form or by failing or refusing to pass the same. If the Council fails or refuses to pass such proposed ordinance or resolution or passes it in an amended form, the committee of the petitioners may, at their option, require that it be submitted to a vote of the electors either in the form submitted or in the amended form adopted by Council, provided that there is filed with the Clerk a supplemental petition signed by that number of additional electors which, when taken together with those who signed the original petition, will total at least twenty percent (20%) of the electors of the City. Such supplemental petition shall be filed within thirty (30) days after the passage by the Council of such ordinance or resolution or its repassage over the Mayor's veto, whichever is later. The date of such election may be fixed in the supplemental petition but not less than sixty (60) days from the time of filing such supplemental petition and the Council shall provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or, if not so fixed, at the next general election in any year occurring more than sixty (60) days from the filing of such supplemental petition. An initiated ordinance or resolution, receiving an affirmative majority of the votes cast thereon, shall become effective on the

fifth day after the day on which the Board of Elections certifies the official vote thereon. (Amended 11-4-80; 11-2-10)

Section 2. Referendum

The electors shall have the power to approve or reject at the polls any ordinance or resolution passed by the Council, except as hereinafter provided. Only electors of the City may circulate referendum petitions. Within thirty (30) days after the passage by the Council of such ordinance or resolution or its re-passage over the Mayor's veto, whichever is later, a petition signed by at least ten percent (10%) of the electors of the City may be filed with the Clerk of the Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by twenty percent (20%) or more of such electors, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or, if not so fixed, at the first general election in any year occurring more than ninety (90) days from the filing of such petition. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon, in which event such ordinance or resolution shall go into effect on the fifth day after the day on which the Board of Elections certifies the official vote thereon. When the Council by general law or under provisions of general ordinance is required to pass more than one ordinance or resolution necessary to make and pay for any public improvement, the referendum provision shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolution relating thereto.

In addition, ordinances providing for an annual tax levy or for improvements petitioned for by the owners of a majority of the foot front of the property benefited and to be specially assessed therefor, and appropriation ordinances limited to the subject of appropriations shall not be subject to referendum, but, except as herein provided, all other ordinances and resolutions necessary for the immediate preservation of the public peace, health or safety, including emergency ordinances and resolutions necessary for the immediate preservation of the public peace, health or safety, shall be subject to referendum, except that such emergency ordinances and resolutions shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure

shall be deemed sufficient authority for payment, in accordance therewith, of any expense incurred previous to the referendum vote thereon.

Ordinances or resolutions submitted to the Council by initiative petition and passed by the Council either with or without change, but not submitted to a vote of the electors shall be subject to referendum in the same manner as other ordinances or resolutions. (Amended 11-4-80)

Section 3. Recall

The electors shall have the power to remove from office by a recall election, any elected officer of the City. If an elected officer shall have served six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. Only electors of the City may circulate recall petitions. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. 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 November election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition, and make a record of such delivery. 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 Clerk shall find the petition sufficient, he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery.

At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?", with the provision on the ballot for voting affirmatively or negatively, and in the event a majority of the vote is negative such officer shall be considered as removed, his office shall be deemed vacant, and 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 thereby. (Amended 11-4-80)

ARTICLE X — AMENDMENTS TO CHARTER

Section 1. Methods and Procedure

The Council may, by affirmative vote of two-thirds (2/3) of its members, submit to the electors any proposed amendment or amendments to this Charter; or upon petition signed by not less than ten percent (10%) of the electors of the municipality, setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

If any such proposed amendment or amendments shall be approved by a majority of the electors voting thereon, it or they shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be submitted to the same election, only the one of such amendments receiving the largest affirmative vote not less than a majority, shall become a part of the Charter.

Section 2. Deletion of Obsolete Language, Rearrangement, Reprinting and Correction of Typographical Errors in the Charter

The Director of Law, with the approval of Council, may delete any Charter language that has become obsolete as a result of the passage of time, an amendment to the Charter or the preemption of State or Federal law. No such change shall be made that affects the substance or meaning of this Charter or any part thereof or amendment thereto. All deletions must be set forth in a Staff Note detailing the date of the deletion accompanied by a brief explanation. The location of the Staff Notes will be at the end of the Charter.

Following any election at which an amendment to the Charter is adopted or at any time when obsolete language is deleted, the Director of Law with the approval of Council, may, prior to reprinting the Charter, make such changes therein, including the numbers, titles and arrangement of articles and sections hereto, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall be made in such a way as to affect the substance or meaning of this Charter or any part thereof or amendment thereto.

The Director of Law may correct typographical errors appearing in the Charter, but shall make no change that will affect the substance or meaning of this Charter or any part thereof or amendment thereto. (Section 2 enacted 11-8-2005)

ARTICLE XI — CHARTER REVIEW COMMISSION

In January, 1965 and each five (5) years thereafter, the Mayor shall, with confirmation of the majority of Council, appoint a commission of seven (7) qualified electors of the municipality, none of whom hold municipal office or employment, no more than four (4) of whom are members of the same political party, as members of a Charter Review Commission to serve until their duties as provided herein are completed. The members shall serve without compensation. The Charter Review Commission shall, in meetings open to the public, review the municipal charter, and, no later than August 1 of the same year, recommend to Council such amendments, if any, to this Charter as in its judgment are conducive to the public interest. Council may submit to the electors any such proposed amendments to this Charter in accordance, in each instance, with the provisions of the Constitution of Ohio. (Amended 11-4-86)

ARTICLE XII — GENERAL PROVISIONS

Section 1. Personal Interest

No officer or employee of this municipality shall directly or indirectly, solicit, contract for, receive, any gift, profit or emolument, from or on account of, any contract, job, work, or service with, or for the municipality, other than his compensation and expenses as fixed by Council.

Section 2. Effective Date Of Charter

The provisions of this Charter shall become effective January 1, 1960, except that all officials elected at the election held on November 3, 1959, including the President of Council, shall complete their respective terms; provided, however, that, following the expiration of the term of the Treasurer elected at the November 3, 1959 election, the Auditor elected at such election shall, until the expiration of his term, perform the duties and functions assigned to a treasurer of a city under the general law of the State of Ohio and to the Director of Finance under the provisions of this Charter.

Section 3. Effect Of 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 this municipality shall continue in effect until lawfully amended or repealed.

Section 4. Saving 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 5. Interpretation Of 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. Franchise

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation, to construct or operate a public utility on, across, under, over or above any public street or public 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 owner of property abutting on any public street or public 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.