



HOME RULE CHARTER FOR SPRINGDALE, OHIO

2021 REVISED EDITION

HOME RULE CHARTER FOR SPRINGDALE, OHIO

Home Rule Charter for Springdale, Ohio, Adopted November 3, 1964.

Reprinted December 2021. Includes Amendments as Were Presented and Approved by the Voters, as Were Written in the Following Ordinances:

Ordinance No. 11-1969	Ordinance No. 56-1989
Ordinance No. 43-1970	Ordinance No. 61-1989
Ordinance No. 37-1971	Ordinance No. 49-1991
Ordinance No. 52-1971	Ordinance No. 59-1993
Ordinance No. 54-1975	Ordinance No. 60-1993
Ordinance No. 74-1975	Ordinance No. 53-1996
Ordinance No. 51-1977	Ordinance No. 54-1996
Ordinance No. 45-1982	Ordinance No. 55-1996
Ordinance No. 46-1982	Ordinance No. 59-1996
Ordinance No. 63-1983	Ordinance No. 60-1996
Ordinance No. 47-1985	Ordinance No. 41-1997
Ordinance No. 48-1985	Ordinance No. 62-2000
Ordinance No. 49-1985	Ordinance No. 63-2000
Ordinance No. 9-1986	Ordinance No. 64-2000
Ordinance No. 10-1986	Ordinance No. 65-2000
Ordinance No. 11-1986	Resolution No. 9-2009
Ordinance No. 12-1986	Resolution No. 10-2009
Ordinance No. 13-1986	Resolution No. 11-2009
Ordinance No. 14-1986	Resolution No. 12-2009
Ordinance No. 63-1986	Resolution No. 13-2009
Ordinance No. 64-1986	Resolution No. 14-2009
Ordinance No. 65-1986	Resolution No. 15-2009
Ordinance No. 66-1986	Resolution No. 15-2016
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CHARTER

of the

MUNICIPALITY OF SPRINGDALE, OHIO

PREAMBLE

We, the people of the Municipality of Springdale, Ohio, in order to secure the full benefit of local self-government and municipal home rule under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of our Municipality.

ARTICLE I - POWERS

A. NAME AND TERRITORIAL JURISDICTION

The Municipality presently known as the City of Springdale, Ohio, shall continue to be a body politic and corporate under the same name and with the same boundaries. The Municipality shall have authority to change its boundaries by annexation, detachment, and other proceedings, authorized by the general laws of the State of Ohio. Territory added to the Municipality shall immediately become subject to the provisions of this Charter.

B. GENERAL POWERS

The Municipality shall have home rule and all powers of local self-government granted by the Constitution of the State of Ohio, and shall exercise under this Charter all other powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or assumed by municipalities under the laws of the State of Ohio. No enumeration herein of specific powers shall be held to be exclusive. All such powers shall be exercised in the manner as shall be provided by ordinance or resolution, unless the procedure for the exercise of a power is specified by a general law of Ohio which municipalities are not entitled to modify by or pursuant to Charter. If this Charter or the Council, by ordinance or resolution, does not prescribe the procedure for the exercise of a power in such cases in which it has a right to prescribe such procedure, it shall be presumed to be the intention of the Council that the procedure shall be as provided by the general law of the State of Ohio until the Council otherwise provides.

(I. in its entirety approved by electors 05-06-86)

ARTICLE II - LEGISLATIVE

A. GENERAL

All legislative power of the Municipality shall be vested in the Council, subject to the terms of this Charter and the Constitution of the State of Ohio, except such legislative power as is reserved by the Constitution of Ohio to the people relative to the initiative and referendum.

B. FUNCTIONS

The Council shall have the following specific powers, the enumeration of which shall not be deemed to be exclusive:

1. The Council shall, within the limitations imposed by the Constitution of the State of Ohio, the statutes thereof, and the provisions of this Charter, be the sole authority for the levying of taxes for general operating expenses and public improvements, and the creation of debt.

2. The Council shall have the management and control of the finances and property of the municipal corporation, except as otherwise provided.

3. The Council shall be the sole contracting authority and shall approve, in advance of commitment, the expenditure of all Municipal funds, except as hereinafter specifically provided.

4. The Council shall annually approve a budget for the following calendar year and at the appropriate time adopt an appropriation ordinance, in accordance with the provisions of the general law.

5. The Council shall create such commissions, departments, boards and offices, in addition to those established by this Charter, as it may deem necessary, may determine their powers and duties, and may abolish, reorganize, or consolidate them.

6. The Council shall, by ordinance or resolution, determine the extent of and the procedure for the exercise of the police powers specifically or inherently conferred upon municipal corporations by the Constitution and general laws of the State of Ohio.

7. By ordinance or resolution, control the development or use of land within the corporate limits and regulate construction therein.

8. Council may inquire into the conduct of any municipal officer or employee in the performance of his duties and may issue subpoenas for witnesses and require the production of records which may be necessary in the conduct of any investigation, and may institute such correctional procedures as are hereinafter provided. Council may require and provide for, at any time, an independent audit of any office, department, commission or board, in addition to those conducted by State authorities.

9. The Council shall exercise all other powers conferred upon the legislative authority of municipalities by the Constitution and the general law of the State of Ohio.

10. Council shall retain by contract legal counsel for the municipality for such purposes, for such periods and upon such terms as it deems advisable. Such counsel shall be known as the Law Director. (Approved by electors 11-04-86)

11. Council shall provide by contract for engineering services for the municipality for such purposes, for such periods and upon such terms as it deems advisable. Any Engineer or engineering firm so engaged shall be known as the City Engineer. (Approved by electors 05-06-86)

12. Council shall establish the compensation and bonds of all officers and employees.

13. The Council shall have only such administrative powers as are provided by this section or are hereinafter provided by this Charter.

C. MEMBERS

1. Number - Council shall be composed of seven (7) non-partisan members, three (3) of whom shall be elected by the electors of the municipality at large and four (4) of whom shall be elected by districts. (Approved by electors 11-02-21)

2. Qualifications - Each member of Council shall be an elector of the municipality and to be qualified to be a candidate for such office shall have been a registered elector of the municipality, and in the case of a member from a district, a registered elector of such district, qualified to vote at the next preceding general election. To qualify for election or appointment to fill a vacancy in Council, a person must have all of the foregoing qualifications as of the effective date of his appointment. No member of Council shall hold any other public office except that of Notary Public or member of the State Militia or National Guard, except as may be otherwise provided by the Charter, and no member of Council may be interested in any contract with the municipality or holder of any employment with the municipality. Any member of Council who ceases to possess any of the aforesaid qualifications or who moves his actual residence from the municipality shall forfeit his office. (Approved by electors 11-04-75)

3. Term - Each member of Council shall hold office for a term of four (4) years commencing on the first day of December following his election.

4. Election - Members of Council shall be elected as herein provided. One (1) member from each of the four (4) districts shall be elected for a four (4) year term and three (3) members shall be elected at large for four (4) year terms. At the first meeting of Council at which the members elected at a preceding general municipal election take office, the newly constituted Council shall elect one (1) of its members as President of Council, who shall hold office until his successor is elected and seated. (Approved by electors 11-04-86; 11-08-16)

5. Vacancies - Any vacancy in Council shall be filled by the favorable vote of a majority of the remaining members of Council within thirty (30) days from the effective date of the vacancy, and any person so elected shall hold office until a successor is elected and qualified at the next general municipal election by the electors of the municipality. If the vacancy occurs less than one hundred twenty (120) days from the next general municipal election, then the interim Councilperson elected by Council shall hold office until a successor is elected and qualified at the next succeeding general municipal election. When the Council seat of the Councilperson from a district is vacant, the interim Councilperson elected by Council must have the residence and registration qualifications of a candidate for Council from that district at the last general municipal election and all conditions for the unexpired term at the next general municipal election shall have the qualifications of candidates for full Council terms. Any such successor shall be elected by the electors at large for the balance of the unexpired term if the vacancy is in an at large seat, and by the electors of the district for the balance of the unexpired term if the vacancy is in a district seat.

In the event that the remaining members of Council do not, for any reason, elect an interim Councilperson to fill a vacancy as required above, within thirty (30) days from the creation of such vacancy, then the Mayor shall, at the next succeeding regular Council meeting appoint such interim successor who shall hold office until a successor is elected by the electors at large for the balance of the unexpired term if the vacancy is in an at large seat, and by the electors of the district for the balance of the unexpired term if the vacancy is in a district seat.

(II.C.5. in its entirety approved by electors 05-06-86; 11-08-16)

6. Compensation - The compensation of members of Council shall be established by Council as hereinafter provided. (Approved by electors 11-04-86)

D. PROCEDURES

1. Meetings - Council shall not be required to hold more than one (1) regular meeting each month at such time and place as is prescribed by ordinance. Special meetings may be called by the President of Council or by any three (3) members of Council upon at least twelve (12) hours written notice to each member served personally or left at the usual place of residence. The purpose of a special meeting shall be stated in the notice, but Council shall not be limited to consideration of or action upon the subject stated in the notice but may, with the assent of a majority of the membership of Council, consider and act upon any business properly presented to it. Any member of Council who answers to the roll call at a special meeting shall be deemed to have waived the written notice of such required by this subsection and any irregularity in the service of such notice.

A majority of the members of Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel attendance of absent members in such manner and under such penalties as are prescribed by ordinance. The Mayor shall have a seat at all meetings of Council. The Mayor shall have a voice but no vote upon all proper topics of discussion before Council.

Except as provided herein for executive sessions, all official meetings, regular and special, of Council, and committees of Council, shall be open to the public at all times. Public bodies of the City of Springdale may meet in executive sessions after a majority of a quorum of the public body determines, by roll call vote, to hold an executive session at any regular or special meeting for the sole consideration of any of the matters provided by Ohio Revised Code §121.22(G), and as the same may be amended or recodified, and also for consideration of any matters Council provides by ordinance requires confidentiality, or matters involving the need to consult with counsel involving potential litigation, or any economic development issues or to permit the participation of Council members at seminars, retreats or training sessions without prior public notice. The manner by which executive sessions are called and conducted shall be as set out in the Codified Ordinances of the City of Springdale. Each journal and other records of the Council shall be open to the public at all reasonable times.

(II.D.1. in its entirety approved by electors 11-05-96; 11-02-21)

2. Rules - The Council may, by ordinance, adopt rules for its proceedings where procedures are not otherwise provided for by this Charter, and may, from time to time, amend or revise such rules. Until such time as Council adopts rules of procedure, and upon any point of procedure not otherwise covered by such rules or by the provisions of this Charter, Robert's Rules of Order, as from time to time revised, shall govern the proceedings of the Council.

3. Ordinances and Resolutions

a. General: The action of Council shall be by ordinance or resolution. Actions of a special or temporary nature, actions not involving the imposition of penalties, the granting of variances from the requirements of the Zoning or Building Codes, actions not involving the expenditure of public funds, the levying of taxes, the appropriation of funds, the creation of municipal indebtedness, or the approval of municipal contracts, shall be by resolution. All other action shall be by ordinance.

b. Form: Each proposed ordinance and resolution shall be introduced in writing by a member of the Council, shall contain only one (1) subject which shall be clearly expressed in the title, and shall commence with the clause: "Be it ordained (or resolved) by the Council of the City of Springdale, Ohio." (Approved by electors 05-06-86)

c. Adoption: Before adoption, every ordinance shall be read fully and distinctly at an official meeting on two (2) separate days unless said ordinance contains a clause declaring the necessity of its immediately going into effect by reason of a stated emergency, in which cases, such ordinance may be read once and passed on the day of such reading as provided in subparagraph (d). If an ordinance does not contain an emergency clause, Council may, by a vote of not less than five (5) of its members, dispense with the requirement that the ordinance be read on two (2) separate days, and authorize the adoption of the ordinance or resolution upon its first reading. Furthermore, Council may, by a vote of not less than five (5) of its members, dispense with the requirement that an ordinance shall be read fully and distinctly for its first or second reading or for both its first and second reading, and authorize it to be

read by title only for its first or second or both its first and second reading. An ordinance may only be read by title only on the first or second occasion if copies of the proposed ordinance are available in council chambers for public inspection during the Council meeting. No ordinance shall be passed without the affirmative vote of at least four (4) members of Council. Every vote taken upon a motion to suspend the two (2) reading rule and every vote upon the adoption of every ordinance and resolution and upon any other manner as to which any member of Council shall so demand, shall be taken upon a roll call of the members and the vote of each member entered upon the journal of the proceedings of Council, which shall be kept by the Clerk of Council/Finance Director. Resolutions shall be introduced in writing by a member of Council and may be acted upon immediately after single reading. Adoption of every ordinance and every resolution shall be certified by the signature of the President of Council and attested to by the Clerk of Council/Finance Director. The failure or refusal of either of said officers to make such certification or attestation shall not in any way affect the validity of the legislation or delay its going into effect. Immediately upon passage, all ordinances and resolutions shall be submitted by the Clerk of Council/Finance Director to the Mayor for signature. The Clerk of Council/Finance Director shall record all ordinances and resolutions in full, in separate ordinance volumes, and resolution volumes which shall be a public record available for examination at all reasonable times by all persons. (Approved by electors 11-04-75; 05-06-86; 11-04-86; 11-05-96)

d. Emergency ordinances: Whenever Council determines that it is necessary for the immediate preservation of the public peace, health or safety of the municipal corporation, for an ordinance to become effective immediately, it may designate such ordinance as an emergency ordinance and, upon the affirmative vote of at least five (5) members of Council, it shall go into immediate effect upon its adoption. An emergency ordinance shall contain a separate section in which is set forth the reason for the determination of the emergency. Council's determination that an emergency exists shall be final. An emergency ordinance shall not be subject to referendum but the right to repeal such ordinance by the electorate upon initiative petition, shall be preserved. Emergency ordinances shall be published as other ordinances, as hereinafter provided. If an ordinance containing an emergency clause fails to pass as an emergency measure, but still receives the approval of four (4) members, it becomes effective as other ordinances.

e. Time of effectiveness: Emergency ordinances shall become effective immediately upon approval by the Mayor or upon passage over the Mayor's veto. Ordinances providing for the day to day operation of the municipality, for appropriations for current expenses, for street improvements petitioned for by the owners of a majority of the front footage of property benefited and to be especially assessed for the cost thereof, and ordinances levying taxes or creating debt, shall be effective immediately upon approval by the Mayor or upon passage over the Mayor's veto. All other ordinances shall take effect and be in force thirty (30) days after their approval by the Mayor or their passage over his veto, or the completion of the period of publication required by this Charter, whichever date is the later, unless suspended by the filing of a valid referendum petition, in which event the effective date of such ordinance shall be

the date of the certification by the Board of Elections of the approval of such ordinance by the electorate. Resolutions shall take effect upon adoption, without publication.

f. Adoption of standard codes by reference: The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as, but not limited to, fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning, pipe and boiler installation, and other similar codes, by reference, including in said reference the source and date of the code, without reproducing it fully in the ordinance; provided, however, that any addition, modification, or deletion from the code as promulgated shall be clearly stated in the enacting ordinance. In the enacting ordinance, the Council may also provide that any amendments to the incorporated code by the promulgating agency shall also, without further action by Council, be deemed an amendment to the enacting ordinance. Publication in full of a code adopted by reference shall not be required; provided, however, that publication of the enacting ordinance into which the code is incorporated by reference, shall be published as in all other cases. A copy of each such code adopted by reference shall be kept in the office of the Clerk of Council/Finance Director for inspection by interested persons at all reasonable times and additional copies shall always be available for sale, at cost, by the Clerk of Council/Finance Director or by a person designated by him. (Approved by electors 11-04-86)

g. Publication:

1. All ordinances shall be published by title, at least one time in a newspaper of general circulation, on the City's website, or in any other manner designated by Council, within fifteen (15) days after passage, provided, however, that in the event of the exercise of the veto power of the Mayor, then such publication shall be within fifteen (15) days after the re-passage of the ordinance over the Mayor's veto. (Approved by electors 11-02-21)

2. The codification, renumbering, rearrangement or publication in book form, if certified as correct by the Clerk of Council/Finance Director, shall not require additional publication, provided no new legislation is included therein and the ordinances so printed shall have the same legal effect as at the time of their initial enactment and publication.
(II.D.3.g in its entirety approved by electors 11-04-86; 11-02-93)

E. INITIATIVE AND REFERENDUM.

1. Powers Reserved - The people of the municipality of Springdale hereby reserve to themselves the legislative power of the initiative and referendum, to be exercised in accordance with the provisions of this Charter.

2. Initiative - Ordinances providing for the exercise of any powers of government granted by the Constitution or delegated by the General Assembly to Charter municipalities, may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than fifteen percent (15%) of the total number of electors who voted in the preceding gubernatorial election. The form, content,

verification of and other requirements for initiative petitions shall be those prescribed by the Constitution and the general laws of the State of Ohio relating to initiative petitions for the enactment of State laws. When a petition is filed with the Clerk of Council/Finance Director, signed by the required number of electors proposing an ordinance, such Clerk of Council/Finance Director shall certify the text of the proposed ordinance to the Council at its next regular meeting, which shall set the time for and hold a public hearing on the question of the proposed legislation at its next succeeding regular meeting. At said meeting, after said public hearing, Council shall either adopt the proposed ordinance or submit the question of its adoption to the electors at the next succeeding primary or general election. No ordinance proposed by initiative petition and approved by a majority of the electors voting upon the question shall be subject to the veto of the Mayor. All other matters relating to the exercise of the initiative powers of the electors shall be as determined by the Revised Code of the State of Ohio. (Approved by electors 11-02-21)

Referendum - Any ordinance, except such ordinances as, by this Charter, go into immediate effect, shall be subject to the referendum. When a petition, signed by fifteen percent (15%) of the total number of electors who voted in the preceding gubernatorial election, is filed with the Clerk of Council/Finance Director within thirty (30) days after any ordinance subject to the referendum is adopted by the Council, or in case the Mayor has vetoed the ordinance and returned it to Council, within thirty (30) days after Council has passed the ordinance over his veto, ordering that such ordinance be submitted to the electors of the municipality for their approval or rejection, such Clerk of Council/Finance Director shall, after determining the validity of said petition, certify the content thereof to the Council at its next regular meeting. Thereupon, Council shall establish the time of and hold a public hearing on the question of the repeal of the ordinance as called for by the petition, at the next succeeding regular Council meeting. Upon said public hearing, the Council shall either repeal the ordinance which is the subject of the referendum petition or provide for its submission to the electors at the next succeeding primary or general election. All other matters relating to the question of the exercise of the powers of referendum shall be regulated by the provisions of the Revised Code of Ohio relating to referendum petitions. The ordinance which is the subject of the referendum petition shall not go into effect until the Board of Elections certifies that the ordinance has been approved by a majority of the electors, whereupon, the ordinance shall go into effect immediately. (Approved by electors 11-02-21)

Whenever the Council of the municipal corporation is required to pass more than one (1) ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum provisions of this Charter shall apply only to the first ordinance required to be passed and not to any subsequent ordinances relating thereto. (II.E.2. in its entirety approved by electors 11-04-86)

ARTICLE III - EXECUTIVE

A. GENERAL

All executive power of the municipality shall be vested in a Mayor, City Administrator, Chief of Police, Fire Chief, Director of Public Works, Chief Building Official, Clerk of Council/Finance Director, and such other departments or offices as are created by the Council. (Approved by electors 05-06-86; 11-04-86; 11-02-21)

B. MAYOR

1. Powers and Duties - The Mayor shall be the chief executive and administrative officer of the municipality. He shall appoint a full-time City Administrator and all executive department heads, with the exception of the Finance Officer/Tax Commissioner. Said officials shall be under the authority of the Mayor and answerable to the Mayor in the manner which he determines. He shall be the chief administrator and shall have the power of appointment to all positions not otherwise provided for in this Charter. He shall be recognized as the official head of the Municipality for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor of the State of Ohio for military purposes. He shall have such judicial powers as are conferred upon mayors of municipalities by the Constitution and general law of the State of Ohio. He shall have the power of veto of ordinances enacted by the Council except as otherwise specifically limited by this Charter. However, resolutions enacted by the Council are not subject to the veto of the Mayor. His failure to subscribe his name to ordinances enacted by Council within seven (7) days from their passage, shall constitute the exercise of his veto power, and no legislation so vetoed shall go into effect unless it is reenacted by Council within thirty (30) days by a vote of not less than five (5) of the seven (7) members of Council. The Mayor shall have such other powers as are specifically provided by this Charter. (Approved by electors 11-04-75; 11-08-77; 11-02-82; 11-07-89)

2. Term - The Mayor shall be elected for a term of four (4) years. The term of the Mayor shall commence on the first day of December following his election. He shall be elected by the electors at large. (Approved by electors 11-04-86)

3. Qualifications - The Mayor shall have been a registered elector of the municipality qualified to vote at the next preceding general municipal election. An interim Mayor elected for an unexpired term shall have the same qualifications as a Mayor elected for a full term. (Approved by electors 11-04-75; 11-08-16)

4. Compensation - The compensation of the Mayor shall be as established by Council. The President of Council, as acting Mayor, shall receive no compensation in addition to his compensation as councilman. An interim Mayor elected by Council and a Mayor elected to fill an unexpired term, shall be compensated at the same rate of compensation as that provided for a Mayor elected for a full term. (Approved by electors 11-04-86)

5. Vacancy - In the event of a vacancy in the office of Mayor, the President of Council shall serve as acting Mayor until an interim Mayor is elected by Council, and shall have all the duties and powers, including judicial, of the Mayor. Council shall elect such interim Mayor within thirty (30) days of the vacancy, which interim Mayor shall serve until a successor is elected at the next general municipal election by the electors of the municipality at large, for the balance of the unexpired term. If the vacancy occurs less than one hundred twenty (120) days from the next general municipal election, then the interim Mayor shall hold office until the next succeeding general municipal election. In the event of a vacancy, Council shall either elect an interim Mayor within thirty (30) days from the vacancy in the office of Mayor or must, at the end of said thirty (30) day period, declare by ordinance that a special election shall be held not less than ninety (90) days nor more than one hundred twenty (120) days from the date of said declaration for the election of a Mayor for the unexpired term; provided, however, that if a general municipal election occurs not less than ninety (90) nor more than one hundred twenty (120) days from said declaration, then said declaration shall provide for the election of a Mayor at said general municipal election. (Approved by electors 11-08-16)

C. POLICE DEPARTMENT

The appointment of all members of the Police Department, including the Chief of Police, shall be made by the Mayor, subject to the requirements of the Civil Service rules and regulations. In times of great emergency involving danger to the safety of the public, the Mayor may deputize citizens for any designated police duty, for such length of time, not exceeding the duration of the emergency and upon such terms as may be agreed upon between such persons and the Mayor, and such deputized police personnel shall not be subject to the requirements of the Civil Service rules and regulations. Council shall establish the compensation for the members of the Police Department and may, from time to time, amend the structure of its organization. The Police Department shall be directly under the supervision of the Mayor through the Mayor's designee, the City Administrator. (Approved by electors 11-04-86; 11-05-96)

D. FIRE DEPARTMENT

The Fire Department heretofore established shall continue in existence with the same organization and personnel under this Charter. The appointment of all members of the Fire Department, including the Fire Chief, shall be made by the Mayor. All part-time members of the Fire Department and the Chief of the Fire Department shall be included in the unclassified service. With the exception of the Chief of the Fire Department, full-time members of the Fire Department shall be members of the classified civil service and shall be appointed subject to the rules and regulations of the Civil Service Commission. Council shall establish the compensation for the members of the Fire Department and may, from time to time, amend the structure of its organization. The Fire Department shall be under the direct authority of the Mayor through his designee, the City Administrator. (Approved by electors 11-04-86; 11-05-96)

E. DEPARTMENT OF PUBLIC WORKS

There is hereby established a Department of Public Works which shall be under the supervision of a Director of Public Works, who shall be appointed by the Mayor. The Council shall provide for the organization of the Department of Public Works and for the compensation of the employees of the department. He shall have all the powers and duties of the street commissioner under the general law and such other duties as the Council may assign to his office. He shall be the supervisor of the labor force of the municipality. (Approved by electors 05-06-86; 11-03-09)

F. BUILDING DEPARTMENT

There is hereby established a Building Department which shall be under the management and supervision of a Chief Building Official. It shall be the duty of the Chief Building Official to enforce the building code of the municipality. The Chief Building Official shall be appointed by the Mayor. Council may provide for such assistants as the Chief Building Official shall require in the performance of his duties and shall provide compensation therefor consistent with available funds as determined by Council. Such assistants shall be appointed by the Mayor. The provision for the enforcement of the building code in effect under existing ordinances at the time of the adoption of this Charter shall remain in effect under this Charter until amended by Council. (Approved by electors 05-06-86)

G. CLERK OF COUNCIL/FINANCE DIRECTOR

1. Powers and Duties - The Clerk of Council/Finance Director shall be the chief fiscal officer of the municipality and shall have the combined powers and duties of Treasurer, Clerk of Council, and Auditor of the City as provided by the general law. The Clerk of Council/Finance Director shall appoint the Finance Officer/Tax Commissioner with confirmation of Council. (Approved by electors 11-02-82; 11-07-89)

2. Term - The Clerk of Council/Finance Director shall be elected for a term of four (4) years. The term of the Clerk of Council/Finance Director shall commence on the first day of December following his election. He shall be elected by the electors at large.

3. Qualifications - The Clerk of Council/Finance Director shall have been a registered elector of the municipality qualified to vote at the next preceding general municipal election. (Approved by electors 11-04-75; 11-08-16)

4. Compensation - The compensation of the Clerk of Council/Finance Director shall be as established by Council.

5. Absence, Disability or Vacancy – In the absence or disability of the Clerk of Council/Finance Director, a member of Council, appointed by a majority of Council, shall be the Acting Clerk of Council/Finance Director. Said Acting Clerk of Council/Finance Director shall exercise all of the powers and duties of the Clerk of Council/Finance Director during such absence or disability. In the event of a vacancy in

the office of the Clerk of Council/Finance Director, the position shall be filled by the election by Council of a person qualified as herein provided. If the Council does not so elect a successor to fill the unexpired term of the Clerk of Council/Finance Director at the regular council meeting after the vacancy is created, then the Mayor shall fill said vacancy by appointment. (Approved by electors 11-07-00)

6. Special requirements - In addition to all other duties and powers created by law, the Clerk of Council/Finance Director of the municipality shall:

- a. Keep all records of Council;
- b. Keep all records up to date at all times;
- c. Pay all bills on or before due or discount dates;
- d. Prepare monthly financial report and properly distribute;
- e. With the Mayor and City Administrator, prepare the budget and annual supplemental appropriations ordinance;
- f. Maintain all public records for examination;
- g. Keep Council advised of availability of funds for projects, etc.;
- h. Prepare certificates of availability of funds within forty eight (48) hours of requisition by procurement agencies, if funds are available and the expenditure is proper;
- i. Invest any such funds as Council, by resolution, declares are not needed for any municipal purpose for more than ninety (90) days. In addition to such other investments as authorized by general law funds so declared by Council as being not needed for municipal purposes may be deposited in any financial institution which is chartered by the State of Ohio and which is also insured by an authorized agency of the State of Ohio;
- j. Be responsible for the conduct of an annual audit of all records maintained by the City in accordance with the Ohio Revised Code;
- k. Be responsible for the conduct of an annual audit of all financial data in accordance with the Ohio Revised Code including those of the Mayor's court, which funds are supervised by the Mayor and Chief of Police;
- l. On a schedule directed by Council, recommend to the Finance Committee financial institutions for the City's banking business and/or depositories for funds described in item i of this section.

(Approved by electors 11-03-09; 11-02-21)

7. A Clerk of Council/Finance Director retiring from the office shall not have completed his duties until he has turned over to his successor in office the accounts and records of the municipality completely posted and an accurate statement of balances, both current as of the date of turnover.

(III.G. in its entirety approved by electors 11-04-86)

H. CITY ADMINISTRATOR

1. Powers and Duties - The City Administrator shall be the full-time administrative officer of the City responsible to and under the direct supervision of the Mayor. In addition to the duties and responsibilities which the Mayor may from time to time determine, the City Administrator shall:

- a. Supervise the administration of the executive departments, existing and future, which are placed directly under the authority of or which are responsible to the Mayor.
- b. Have such other powers, duties and responsibilities as described in this Charter.

2. Qualifications - The City Administrator shall be chosen by the Mayor solely on the basis of special knowledge or training in the duties set forth; actual municipal administrative experience; and demonstrated administrative qualifications.

3. Compensation - Council shall establish the compensation of the City Administrator.

4. Vacancy - The Mayor shall appoint a successor within one hundred twenty (120) days after a vacancy occurs. The Mayor may, by letter filed with the Clerk of Council/Finance Director, appoint a qualified administrative officer of the municipality to exercise the powers and duties of the City Administrator during the City Administrator's temporary absence, disability, suspension, or during any period that a vacancy occurs. (Approved by electors 11-04-86)

5. Political - The City Administrator shall not directly or indirectly, personally or through an agent or representative use his official authority or influence for the purpose of interfering with or affecting the result of a municipal election, nor take an active part in a municipal political campaign. Provided, however, the City Administrator shall retain the right to vote in any election as he chooses and to express as an individual his opinion freely on all political subjects and candidates. Conduct prohibited by this section shall constitute conduct contrary to the best interest of the municipality and shall subject the City Administrator to removal under Article IV, Section B of this Charter. (III.H. in its entirety approved by electors 11-08-77)

ARTICLE IV - ADMINISTRATIVE

A. CIVIL SERVICE

1. Civil Service Commission - There is hereby established a Civil Service Commission which shall consist of three (3) electors of the municipality who shall serve for three (3) year terms with such compensation as is established by Council. The members of the Commission shall be appointed by Council. All members of the

Commission shall be appointed for the full three (3) year term. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by appointment by Council. No member of the Commission shall hold any other office or employment with the municipality. The regulations adopted by the Civil Service Commission shall become operative as of the first day of June of the year following the election of the Council making the initial appointment of the Commission. (Approved by electors 11-04-86)

2. Duties of the Commission - 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 Ohio, and for appeals from the action of any board, official or Council 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 Ohio or this Charter. The Commission shall have the power to subpoena witnesses and require production of records.

3. Classification of service - The Civil Service of the municipality is hereby divided into classified and unclassified service.

a. The classified service shall include only the following:

Full-time members of the Police Department;
Full-time members of the Fire Department at such time only as the Council establishes a paid Fire Department;
Full-time hourly workers;
All persons in positions not specifically included in this Charter in the unclassified service.

b. The unclassified service shall include only the following:

All officers elected by the people;
The City Administrator, Law Director, the Auditor, the Engineer or other professional persons employed by Council;
Members of boards and commissions;
Paid department heads;
Part-time hourly workers.

(Approved by electors 11-08-77; 11-04-86)

4. Exemptions - No person who is permanently employed by the municipality as of the date on which the regulations of the Civil Service Commission first become operative, which employment is in a position which is continued under this Charter, shall be required to take any examination to retain his position, but thereafter shall be subject to all rules and regulations of the Civil Service Commission established pursuant to this Charter.

5. Scope of Civil Service Commission's Authority to Promulgate Rules, Regulations and Procedures - All rules, regulations and procedures adopted by the Civil Service Commission shall supersede and override statutes, rules, and regulations of the State of Ohio, including, but not limited to, State Civil Service provisions. (Approved by electors 05-02-89)

B. DISCIPLINE OF UNCLASSIFIED PERSONNEL.

Persons in the unclassified service of the municipality other than elective officers and persons under contract for service may be removed from office or employment, reduced in pay or position, or suspended for incompetence, dishonesty, drunkenness, discourtesy to the public, gross neglect of duty, insubordination, or conduct contrary to the best interest of the municipality or any other reasonable or just cause by the appointing authority or the City Council as stated below.

1. Summary dismissal, reduction in pay or position, or suspension for more than five (5) days by the appointing authority, shall entitle the disciplined member to review, if requested, by a Board of Review consisting of the members of the Civil Service Commission and two (2) members of Council, who shall be designated by Council for this duty for their terms of office. If such review is requested by the disciplined member of the unclassified service, a hearing shall be set promptly. Said request must be in writing and filed with the Civil Service Commission within ten (10) days after the filing of a written notice of discipline with the Civil Service Commission by the appointing authority. The Board of Review may affirm, disaffirm, or modify the action of the appointing authority.

2. Council may independently take any of the above stated actions presented to it in writing by any citizen or officer or employee of the municipality, or after investigation on its own initiative. There shall be no further right of administrative review after Council's action.

(IV.B. in its entirety approved by electors 11-05-85)

ARTICLE V - POLITICAL

A. GENERAL

1. All municipal elections shall be on a non-partisan basis and there shall be no party designation on either nominating petitions or ballots for any municipal office.

2. Both regular and special municipal elections shall be conducted by the Board of Elections of Hamilton County, Ohio, under the provisions of this Charter. Where the Charter is silent, the provisions of the State election laws shall apply.

B. NOMINATION

1. Candidates for all municipal offices shall be nominated by individual nominating petitions only.

2. Nominating petitions shall be substantially in the form prescribed by Section 3513.261 of the Ohio Revised Code for the nomination of individual non-partisan candidates. In addition, a nominating petition shall contain the sworn statement of the candidate that he is, or will be at the time of the commencement of the term of the office he seeks, qualified to hold such office under the provisions of this Charter.

3. Each nominating petition shall be signed by not less than twenty-five (25) nor more than fifty (50) qualified electors. Said nominating petition may be in a number of parts, but each part shall be verified under oath by the circulator as required by the election laws of the State of Ohio. (Approved by electors 11-05-91)

4. Nominating petitions shall be filed by or on behalf of each candidate with the Board of Elections not later than 4:00 p.m. of the seventy-fifth (75th) day before the day of the general election. (Approved by electors 11-04-75; 11-05-91)

5. Candidates for Council to be elected from districts must be nominated by petitions signed only by qualified electors of the particular district in which the individual candidates reside.

C. ELECTIONS

1. Regular municipal elections will be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may by ordinance, order a special election at any time, for any purpose, which purpose shall be set forth in the ordinance.

2. The full names of all candidates nominated shall be printed on the official ballot beneath the title of the office for which they are candidates and shall be rotated as provided by the general election laws.

3. A blank space shall be provided under the title of each office and below the name or names of the candidate or candidates for that office, herein an elector may write in the name of a person, not printed on the ballot, for whom he wishes to vote.

4. The candidates for any office, equal in number to the places to be filled, who shall receive the highest number of votes, shall be declared elected.

D. RECALL

1. Any elective officer of the municipality may be removed from office before the expiration of his term by the filing of a petition with the board of elections and the Clerk of Council, signed by fifteen percent (15%) of the total number of electors who voted in the preceding gubernatorial election. If the elective officer to be recalled is a

member of council elected from a district, then the fifteen percent (15%) needed for the petition shall only be comprised of voters from that district. All other recall procedures shall be governed by Section 705.92 of the Ohio Revised Code.

(Approved by electors 11-02-21)

ARTICLE VI - COMMISSIONS AND BOARDS

A. PLANNING COMMISSION

1. Members - There shall be a Planning Commission which shall consist of seven (7) members who shall be electors of the Municipality. Two (2) of the members of the Planning Commission shall be members of the Municipal Council, one (1) of whom shall have been elected to Council at large and one (1) of whom shall have been elected from one (1) of the districts. The Council members of the Planning Commission shall be elected by said Council in any year in which a Council seat upon the Planning Commission becomes vacant, which Council members of the Planning Commission shall serve for the duration of their terms as members of Council.

Each Council member shall be elected for the duration of his four (4) year term. Three (3) members of the Planning Commission shall be appointed by the Mayor, on or before the first day of January after his election, whose terms shall be coextensive with the term of the appointing Mayor. Two (2) members of the Planning Commission shall be appointed by Council from the municipality at large for four (4) years. All members of the Planning Commission shall be electors of the City, and at any time no more than one (1) appointee may hold any other paid office or be in any paid employment by the City. The appointees of the Mayor to the Planning Commission must be confirmed by Council. Members of the Planning Commission shall serve with such compensation as is established by Council. The Planning Commission shall be a continuing body which shall not lose jurisdiction of any matter before it by the change of its membership. (Approved by electors 11-03-70)

(VI.A.1. in its entirety approved by electors 05-06-86; 11-04-86; 11-07-00)

2. Functions - The functions of the Planning Commission shall be as follows:

- a. The adoption of a zoning or land use plan;
- b. The approval of subdivisions and the drafting of subdivision regulations, and amendments thereto for recommendation to the municipal Council, the subdivision of land, however, being hereby made specifically subject to the provision of the general law;
- c. The adoption of a plan for thoroughfares, roads and other public improvements;
- d. The adoption of a ten (10) year program for financing planned improvements;
- e. The adoption of storm and sanitary sewer master plans;
- f. The adoption of utility plans;
- g. The adoption of parks and playground master plans;

- h. The adoption of flood control structures and system plan;
 - i. The adoption of an annexation plan;
 - j. The performance of such other functions as prescribed by Council.
- (Approved by electors 05-06-86; 11-02-21)

3. Organization - The Planning Commission shall adopt its own rules for the conduct of its business, but all final action by the Planning Commission shall require the approving vote of five (5) of the seven (7) members of the Commission. The Planning Commission shall elect a chairman, a vice-chairman and a secretary, who shall hold office for one (1) year. Any vacancy in the Planning Commission shall be filled by the appointing authority, which appointee shall serve the unexpired term. Four (4) members shall constitute a quorum of the Planning Commission for the holding of meetings and conduct of any business, except as hereinbefore provided for final action; all other action may be by a majority of four (4) members of the total of seven (7) members.

4. When Council Action Shall be Necessary - No dedication of property shown upon any subdivision improvement plan approved by the Planning Commission shall be deemed to be accepted unless and until it shall be done by ordinance of the Council. Any action of Council not in accordance with a recommendation of the Planning Commission, and every other ordinance which would make, amend or modify any plan or be in effect contrary to the provisions of any plan approved or adopted by the Planning Commission, shall not be effective unless it be adopted by Council upon the affirmative vote of at least five (5) members of Council. Any matter before the Council which falls within the planning jurisdiction of the Planning Commission shall not be acted upon by the Council until the Planning Commission has reported its recommendation thereon to the Council. Any matter submitted to the Planning Commission by the Council for recommendation shall be reported to the Council not later than forty (40) days after such reference, or such later date as authorized. In case of disapproval, the Commission shall communicate its reasons therefor to Council. Action by Council contrary to such disapproval shall require the affirmative vote of at least five (5) members of Council. Should the Commission fail to make any report thereon within the required time, it shall be deemed to have reported its disapproval of the proposed measure. The Council shall provide penalties for violations of the requirements of any plan adopted by the Planning Commission within the scope of its jurisdiction hereby created.

B. BOARD OF ZONING APPEALS

1. Members - There shall be a Board of Zoning Appeals consisting of seven (7) members who shall be electors of the Municipality. Two (2) of the members of the Board of Zoning Appeals shall be members of the Municipal Council, one (1) of whom shall have been elected to Council at large and one (1) of whom shall have been elected from one (1) of the districts. The Council members of the Board of Zoning Appeals shall be elected by said Council in any year in which a Council seat upon the Board of Zoning Appeals becomes vacant, which Council members shall serve for the duration of their term on Council. Two (2) members of the Board of Zoning Appeals shall be appointed by the Mayor on or before the first day of January after his election,

whose terms shall be coextensive with the term of the appointing Mayor. Two (2) members shall be appointed by the Council for a term of four (4) years. The seventh member of the Board of Zoning Appeals shall be elected by the Planning Commission from among its members. Said member shall be a member other than the Chairman of the Planning Commission and shall serve on the Board of Zoning Appeals for the duration of the Planning Commission term. No appointed member of the Board of Zoning Appeals shall hold any other municipal office or employment. Vacancies in the membership of the Board of Zoning Appeals and removal from office thereof shall, to the extent applicable, be governed by the provisions of this Charter for the filling of vacancies and removal from office of all other City officials. The members of the Board of Zoning Appeals shall serve with such compensation as is established by Council. The Board of Zoning Appeals shall be a continuing body which shall not lose jurisdiction of any matter before it by any change of membership. (Approved by electors 11-03-70; 05-06-86; 11-04-86; 11-07-89)

2. Function and Duties - It shall be the duty of the Board of Zoning Appeals to hear and decide appeals by aggrieved persons from a final decision of an administrative official of the City where the grounds of the appeal are that there was error in the interpretation or application of the provisions of the Zoning Code. The Board in deciding the appeal may either affirm, reverse or modify said decision. The Board of Zoning Appeals shall also hear and decide all applications for variances from the strict application of the Zoning Code as will not be contrary to the public interest and where owing to special characteristics of the property or use, a literal enforcement of the code will result in unnecessary hardship in the case of a use variance, or will result in practical difficulty in the case of an area variance and so that the spirit of Zoning Code shall be observed and substantial justice done. (Approved by electors 05-06-86)

C. PARK AND RECREATION COMMISSION

1. Members - There shall be a Park and Recreation Commission consisting of five (5) members, all of whom shall be the appointees of the Mayor of the municipality without confirmation by Council. Each member of the Park and Recreation Commission shall be an elector of the municipality and at no time shall more than two (2) of the members of such Board hold any other City office or any other municipal employment. Its members shall hold office at the pleasure of the Mayor, but no Councilmember shall be a member. (Approved by electors 05-06-86)

2. Functions - The Park and Recreation Commission shall be an advisory board for the Mayor in the establishment and execution of a program of public recreation and park development. All action by the Park and Recreation Commission shall be taken upon the affirmative vote of a majority of the members. Three (3) members of the Commission shall constitute a quorum and the Commission shall adopt its own rules of procedures. (Approved by electors 11-05-96)

In the expenditure of public funds in the performance of its functions, the Park and Recreation Commission shall be considered to be a department of the executive branch and shall be governed by all provisions of this Charter relative to expenditure of funds by such departments.

D. VOLUNTEER FIREMEN'S DEPENDENTS BOARD

The municipality shall have a Volunteer Firemen's Dependents Board with membership, authority and duties as described by general law, which shall meet at least once during each calendar year, and shall make an annual report to Council and the Fire Department.

E. BOARD OF HEALTH

Council shall establish a local Board of Health which shall be composed of five (5) members appointed by the Mayor and confirmed by the legislative authority. The term of office shall be two (2) years from the date of appointment. Compensation of members of the Board of Health shall be established by Council to the extent State law allows. The Board of Health and the City administration shall cooperate in a manner that is efficient and effective in handling the City's health needs consistent with the overall needs of the City. Cooperation, to the extent possible, shall exist in budgeting and appropriation of funds according to the manner and form established by Council as well as in the area of hiring, supervising, compensating and disciplining personnel. (Approved by electors 11-05-85; 11-04-86; 11-02-21)

ARTICLE VII - FINANCIAL

A. TAXATION

1. Annual Levy - The Council may, by legislation in the form prescribed by the County Auditor, by a vote of at least four (4) members thereof, annually levy a tax upon all property, real and personal, which under the law of the State of Ohio may be taxed according to value, for the current operating expenses of the municipality, including three tenths (3/10) of one (1) mill each for the police and fireman's relief and pension funds of the municipality, the rate of which tax shall not exceed three and nine one-hundredths (3.09) mills. The foregoing limitation upon the general property tax rate within the municipality is established by this Charter pursuant to the authority of said Article XII, Section 2 of the Constitution and Section 5705.18 of the Revised Code of Ohio. The Council shall annually levy outside of the limitations herein provided in this Charter a sum sufficient to pay interest and bond retirement charges on all bonds and notes of the municipality of Springdale, lawfully issued, rents due on perpetual leaseholds of the corporation not payable from a special fund, and the expenses incident to the management of bond retirement fund, which entire levy shall be placed before and in preference to all other levies. Amounts certified under the laws of the State as necessary for such purposes shall not be subject to change by the Council.

2. Extra Levy - The Council may, at any time during any year, by ordinance adopted by at least five (5) of the members of Council, declare that the amount of money which may be raised by taxation within the limitations imposed by Paragraph 1 hereof will be insufficient for the requirements of the municipality and that it is necessary to levy additional taxes for any municipal purpose, lawful under this Charter,

the general law, or the Constitution, and may require the submission of the question of levying such additional tax to the electors of the municipality at a primary, general, or special election. Such ordinance shall determine whether the proposed additional levy shall apply to the current tax duplicate and shall specify the purpose thereof and the number of years during which such levy shall have effect, which shall not exceed five (5) years. Such ordinance shall take effect immediately upon its adoption and shall be certified to the Board of Elections within five (5) days from its passage. Such ordinance shall not be subject to the veto of the Mayor but shall be published as all other ordinances. The ordinance shall specify the date of holding the election on the question of the extra levy which shall not be earlier than ninety (90) days after the adoption of the ordinance nor later than one hundred twenty five (125) days thereafter. If a general or primary election falls in the period of ninety (90) to one hundred twenty five (125) days from the date of passage of the ordinance, then the submission of the question shall be at such general or primary election. The ballot shall be in the form and the procedures shall be as prescribed by the general election laws.

The question covered by such ordinance shall be submitted as a separate proposition, but at a general or primary election may be printed on the same ballot with any other proposition, question or issue, submitted at the same election. If the requisite majority of those voting thereon at the election, whether it be at a general, a primary or a special election, vote for the approval of the levy, it shall be passed, and Council shall, as soon as practicable thereafter, make such levy or such part thereof as it finds necessary, and certify the same to the County Auditor to be placed on the tax list and collected as other taxes.

No such extra levy, for the same general purpose, shall be submitted to the voters at more than one (1) special election in any one (1) calendar year.

3. The limitations of this Charter 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 general laws of the State of Ohio.

4. Uniform Rule - The uniform rule requirement of Article XII, Section 2 of the Constitution of Ohio, regarding the taxation of land and improvements thereon according to value, shall be strictly observed in the levying of taxes, but shall not be construed so as to prevent the levying, within the territorial limits of the municipal corporation, as existing at the time, nor within the limits of territory added to said existing municipal territory of the maximum municipal levy allowed by this Charter, because of the addition, by statutory procedures of territory which lies within taxing districts which have preempted more of the millage within the ten (10) mill limitation for other than municipal purposes than has been preempted by those taxing districts, other than municipal, within the territory of the municipality as constituted prior to the time of such addition of territory.

B. BORROWING

The Council of the municipality may borrow money for any municipal purpose valid under the Constitution of Ohio or this Charter to the extent of the maximum debt limitations imposed by this Charter and the Constitution, and may create debt in any form and under any procedure not in conflict with any express prohibition of the Constitution and laws of Ohio and/or of this Charter.

C. DEBT LIMITATION

The net indebtedness created or incurred by the municipal corporation without a vote of the electors shall never exceed three and one half percent (3-1/2%) of the total value of all property in the City as listed and assessed for taxation.

The total net indebtedness created or incurred by the municipal corporation shall never exceed ten percent (10%) the total value of all property in the city as listed and assessed for taxation.

In ascertaining the limitations prescribed by this section, the bonds or other evidences of indebtedness excepted in Section 133.02 and Section 133.03 of the Revised Code of Ohio, as presently enacted or in their amended or substituted versions, shall not be considered.

(VII.C. in its entirety approved by electors 11-02-71)

D. BUDGET

In each fiscal year, which shall be the calendar year from January 1 through December 31, the Mayor, the City Administrator, and the Clerk of Council/Finance Director shall prepare and submit to Council a tax budget for the following fiscal year. The tax budget shall be submitted to Council at a meeting prior to the date that the tax budget is required to be submitted to the County Budget Commission. It shall include an estimate of all expenditures which will be necessary for the operation of the municipality during the following fiscal year and an estimate of revenues which will be received for that period. Any disagreement between the Mayor and the Clerk of Council/Finance Director as to either expenditures or revenue shall be clearly noted upon the budget as submitted. The Council shall approve or amend the tax budget as submitted, and shall adopt same, by resolution, after a public hearing of which at least ten (10) days notice is given in the manner prescribed for the publication of ordinances. The tax budget shall be in the form prescribed by the office of inspection and supervision of public offices of the State of Ohio, except to the extent that modification is required by any provision of this Charter, and all proceedings regarding the adoption of an annual budget, not specifically provided for in this section shall be in accordance with the provisions of the Ohio Revised Code. (Approved by electors 11-08-77; 11-04-86; 11-03-09)

E. APPROPRIATIONS

An annual appropriation ordinance shall be prepared by the Clerk of Council/Finance Director of the municipal corporation, in the form prescribed by the general law, based upon the revised budget as approved by the Hamilton County Budget Commission and the official certificate of estimated resources or amendments thereof as issued by the County Auditor. The proposed appropriation ordinance shall be submitted to the Council as soon as practicable after the issuance of such certificate of estimated resources. On or about the first day of each year, the Council shall pass an appropriation ordinance based upon such proposed appropriation ordinance submitted by the Clerk of Council/Finance Director, amended or revised as it sees fit. If it desires to postpone the passage of the annual appropriation ordinance until an amended certificate is received from the County Auditor, based on the actual balances, Council may pass a temporary appropriation ordinance for meeting the ordinary expenses of the municipality until not later than the first day of April of the current year, and the appropriations made therein shall be chargeable to appropriations in the annual appropriation ordinance for that fiscal year when passed. For the purpose of meeting the actual requirements of the municipality as they appear as the fiscal year progresses, Council may pass such supplemental appropriation ordinances as it deems necessary, adjusting the appropriations between the various appropriation funds. The total amount appropriated for any fiscal year shall not exceed the total balances carried over from the previous fiscal year plus the estimated revenue for the current fiscal year, as both of such sums appear upon the latest issued certificate of resources.

No amending or supplemental appropriation ordinance shall be required to be published. Such ordinances shall be effective immediately, and shall not be subject to veto by the Mayor.

No money shall be drawn from the treasury of the municipal corporation except in pursuance of appropriations made by the Council, and no expenditure shall exceed any balance of any appropriation fund account for the fiscal year, said balance being determined by reducing the initial or amended appropriation amount by the total expenditures validly drawn against such account plus any other encumbrances or obligations against such account which have not actually been paid.

The authorization of a bond issue shall be deemed to be an appropriation of the proceeds of the same for the purpose for which such bonds were issued. In the case of an improvement, the cost of which is to be paid in full or part by special assessments, a contract may be executed without an appropriation or certificate for that portion of the cost derived from special assessments, provided that an ordinance authorizing such an assessment and the bonds or notes to be issued in anticipation thereof has been lawfully passed, or that such contract is for the provision of engineering, legal, or other necessary professional services in connection with such improvement.

(VII.E. in its entirety approved by electors 11-04-86)

F. CONTRACTS AND EXPENDITURES

No expenditure of municipal funds shall be made except by a proper warrant drawn against an appropriate fund, which warrant shall show, upon its face, the appropriation in pursuance of which such expenditure is made and the fund against which the warrant is drawn. All such warrants shall be signed by the Clerk of Council/Finance Director. (Approved by electors 11-04-86; 11-05-96; 11-07-00)

No contract involving the expenditure of money or purchase order shall be made unless there is attached thereto the certificate of the Clerk of Council/Finance Director that the amount required to meet the obligation of such contract or purchase order, or in the case of a continuing contract to be performed in whole, or in part, in an ensuing fiscal year, the amount required to meet the same in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of appropriate fund free from any previous encumbrances. Every such contract or purchase order made without such a certification shall be void and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by Council of a certificate of the Clerk of Council/Finance Director stating that there was at the time of the making of such contract or purchase order and at the time of the execution of said certificate a sufficient sum appropriated for the purpose of such contract or purchase order and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, the Council may authorize the issuance of a warrant in payment of amounts due upon such contract or purchase order by ordinance, but such ordinance shall be passed within thirty (30) days from the receipt of such certificate of the Clerk of Council/Finance Director; provided that if the amount involved is less than five hundred dollars (\$500) the Clerk of Council/Finance Director may authorize it to be paid without such approval of the Council, if such expenditure is otherwise valid. (Approved by electors 11-05-85; 11-04-86; 11-05-96; 11-07-00)

The foregoing provisions notwithstanding, the Clerk of Council/Finance Director may establish petty cash funds, any of which individual fund shall never contain in excess of an amount established by Council or the Ohio Revised Code for reimbursement of valid expenditures for day-to-day operation of the municipality. No individual purchase shall exceed an amount established by Council. These accounts shall be replenished from time-to-time. At the time of replenishment all expenditures made from such fund, shall be audited in accordance with established accounting practices. Additionally, Council may, on an annual basis, adopt a resolution exempting municipal purchases up to a dollar figure to be determined by them from the certification requirements of this section but no more than that allowed by the Ohio Revised Code. The resolution shall state the dollar amount that is exempted from the certification requirement and whether the exemption applies to all purchases, to one or more specific classes of purchases or to the purchase of one or more specific items. (Approved by electors 11-05-85; 11-04-86; 11-05-96; 11-07-00; 11-03-09)

Upon certification by the Clerk of Council/Finance Director that a certain sum of money, not in excess of the limits imposed under Ohio Revised Code Section 5705.41, and as the same may be amended and/or recodified, has been lawfully appropriated, authorized, or directed for a certain purpose and is in the treasury or in the process of collection to the credit of a certain fund free from previous and then outstanding obligations or certification, then for said purpose and from said fund, over a period not exceeding three (3) months and not extending beyond the end of the fiscal year, expenditures may be made, purchase orders may be issued, and contracts or obligations calling for or requiring the payment of money may be paid, provided that the aggregate sum of money included in and called for such expenditures, orders, and contracts shall not exceed the sum so certified. An itemized statement of obligations incurred and expenditures made under such certificate shall be rendered by the department head to the Clerk of Council/Finance Director before another such certificate may be issued, and not more than one such certificate shall be outstanding at a time. (Approved by electors 11-04-86; 11-05-96; 11-07-00; 11-03-09)

In addition to providing the certification for expenditures as set forth in the previous paragraph, the City also may make expenditures, issue orders for payment, and make contracts or obligations calling for or requiring the payment of money made and assumed for specified permitted purposes from a specific line-item appropriation account in a specified fund for a sum of money exceeding five thousand dollars (\$5,000) upon the certification by the Clerk of Council/Finance Director of the City that this sum of money has been lawfully appropriated, authorized, or directed for a permitted purpose and is in the treasury or in the process of collection to the credit of the specific line-item appropriation account in the specified fund free from previous and then-outstanding obligations or certifications; provided that the aggregate sum of money included in and called for by the expenditures, orders, and obligations shall not exceed the certified sum. The purposes for which the City may lawfully appropriate, authorize, or issue such a certificate are the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor or appraiser by or on behalf of the City or contracting authority; fuel oil, gasoline, food items, roadway materials, and utilities; and any purchases exempt from competitive bidding under section 125.04 of the Ohio Revised Code and any other specific expenditure that is a recurring and reasonably predictable operating expense. Such an expenditure shall not extend beyond the end of the fiscal year. Such a certificate shall be signed by the Clerk of Council/Finance Director and may, but need not, be limited to a specific vendor. An itemized statement of obligations made under such a certificate shall be rendered to the Clerk of Council/Finance Director for each certificate issued. More than one (1) such certificate may be outstanding at any time. (Approved by electors 11-07-00)

In any case in which a contract is entered into upon a per unit basis, the head of the department, board, or commission for whose benefit the contract is made shall make an estimate of the total amount to become due upon such contract, which estimate shall be certified, in writing, to the Clerk of Council/Finance Director. Such a contract may be entered into if the appropriation covers such an estimate or so much thereof may be due during the current year. In such a case, the certificate of the Clerk

of Council/Finance Director, based upon the estimate, shall be a sufficient compliance with the law requiring a certificate. (Approved by electors 11-04-86; 11-05-96; 11-07-00)

Any certificate of the Clerk of Council/Finance Director attached to a contract shall be binding upon the municipality as to the facts set forth therein. Upon request of any person, firm, or corporation receiving an order or entering into a contract with the municipality, the certificate of the Clerk of Council/Finance Director shall be attached to such order or contract. "Contract" as used in this section excludes current payrolls of regular employees and officers. Taxes and other revenue in process of collection, or the proceeds to be derived from authorized bonds, notes, or certificates of indebtedness sold and in process of delivery shall, for the purpose of this Charter, be deemed in the treasury or in the process of collection and in the appropriate fund. (Approved by electors 11-04-86; 11-05-96; 11-07-00)

Expenditures for the payment of current payrolls upon the authority of a proper appropriation for such purpose, provided that the position of such employees and their compensation had been determined prior thereto by ordinance, or in any other matter provided by law, may be made without the express certification of the Clerk of Council/Finance Director herein provided for. (Approved by electors 11-04-86; 11-05-96; 11-07-00)

All contracts or purchase orders involving the expenditure of funds in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified, may be entered only after being advertised at least once in a newspaper of general circulation in the City, on the City's website, or by such other means as designated by City Council for a minimum of five (5) days and not more than twenty (20) days prior to the final day of receipt of such bids; shall bear the certification of the Clerk of Council/Finance Director as to the availability of funds; shall be in writing and executed by the Mayor and the Clerk of Council/Finance Director; and may be entered only after the necessary expenditures are authorized by ordinance of Council. All bids must be accompanied by a bond conditioned upon entering into a proper contract in accordance with the terms of the advertisement. Said bid bonds, or certified check in lieu thereof, shall be in the amount of ten percent (10%) of the consideration stated in the bid. The adequacy of the bid bond shall be determined by Council. Additionally, each contract for one (1) year or less shall be secured by a performance bond, the sufficiency of which shall be determined by the Mayor, in an amount equal to one hundred percent (100%) of the consideration of the contract. Each multi-year contract shall be secured by a performance bond, the sufficiency of which shall be determined by the Mayor, in an amount at least equal to one hundred percent (100%) of the consideration for the performance of the first year of the contract. This performance bond shall be renewed for subsequent years at least fifteen (15) days prior to the expiration of each year of the contract. The renewal shall be in an amount at least equal to one hundred percent (100%) of the consideration for the performance of the next year of the contract. The contract or purchase order may be entered only with the best bidder, as determined by Council in its absolute discretion. Contracts for professional or expert personal services should be excluded from the foregoing provisions for advertising and bonds, and shall be secured by Council upon such terms as it is able to negotiate. However, any

contract for such services shall be in writing if the total consideration thereon is in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified. Such contracts may be in the form of an ordinance, setting forth the terms thereof, which shall be binding upon the municipality and other party either upon acceptance by the other party in writing or by the commencement of the services called for by such ordinance. (Approved by electors 11-02-82; 11-08-83; 11-04-86; 11-05-96; 11-07-00; 11-02-21)

All contracts and purchase orders for an expenditure less than the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05 and as the same may be amended and/or recodified, need not be advertised, bid or authorized by Council but shall be in the form of a written requisition signed by the Mayor. The Mayor may delegate any part of his authority to the City Administrator, in which event such contract may be signed by the City Administrator to the extent of the authority so delegated. Such written requisition shall bear the certification of the Clerk of Council/Finance Director as to the availability of funds for validation. (Approved by electors 11-08-77; 11-02-82; 11-04-86; 11-05-96; 11-07-00)

All contracts properly made by the City shall be administered by the Mayor. The Mayor may delegate any part of such duty to the City Administrator, in which event, such contracts shall be administered by the City Administrator to the extent so delegated. (Approved by electors 11-08-77; 11-05-96; 11-07-00)

The requirements for competitive bidding and for authorization by Council, in the case of contracts or purchase orders, the consideration of which is in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified, may be waived in the case of emergency, provided that the Mayor secures the approval of the Council in any such situation where a meeting of Council is to be held in time to deal with the emergency or, in the absence of such sufficient time for such meeting, the Mayor secures the informal written approval of five (5) Council members. For the waiver of such requirements, the emergency must be such as to make it imperative that immediate action be taken in order to maintain the essential operations of the municipal government or preserve the public peace, health, or safety. (Approved by electors 11-02-82; 11-05-96; 11-07-00)

Whenever equipment is being purchased by contract, purchase order or requisition, a condition of the transaction may be the trade-in or sale of other equipment, the property of the municipality, declared by Council to be not needed in municipal purposes, the value of the unneeded equipment, as determined by the best bid or offer, being credited on the purchase price of the equipment purchased. (Approved by electors 11-05-96; 11-07-00)

ARTICLE VIII - PROCEDURES

A. EMINENT DOMAIN

The Municipal Corporation may appropriate, enter upon, and hold real estate within and without its corporate limits, for any valid municipal purpose, including, but not limited to, those purposes set out expressly in the General Law regarding appropriation of property by municipal corporations.

When the Council deems it necessary to appropriate a property for municipal purposes it shall initiate the proceedings by the passage of an ordinance declaring the intent to appropriate the specific property, defining the purpose for which the property will be used, and setting forth a pertinent description of the land and the estate or interest therein desired to be appropriated. Such ordinance shall declare the necessity for the appropriation and the determination of the Council as to the necessity of the appropriation for the purposes of the municipality shall be final. Such ordinance shall also contain a section wherein the act of appropriation is effectual, subject only to determination of reasonable compensation to the owner of the property, either by negotiation or by the verdict of a jury.

The Clerk of Council/Finance Director of the municipality shall be responsible for effecting actual notice of the adoption of the appropriation ordinance, either by personally serving said owner or his agent authorized for such purposes with a copy of such ordinance or by mailing, by certified or registered mail, such copy to the owner or his authorized agent. Actual notice upon the property owner by one of the foregoing means is jurisdictional and the municipality cannot acquire title to any interest in any property which it intends to appropriate without such notice. A return receipt from the United States postal authorities in the usual course of business or the certificate of the Clerk of Council/Finance Director that he has personally served the owner or the owner's authorized agent, shall be prima facie proof of notice. (Approved by electors 11-04-86)

If a satisfactory settlement of the question of compensation has not been made between the owner and Council, and the transfer of title or a valid written contract to transfer title of such agreed compensation has not been consummated or entered into not later than thirty (30) days from the date of notice actually served upon the property owner as aforesaid, then the municipality shall file its petition in the Court of Common Pleas in the County in which the property in question lies, praying that a jury be impaneled to determine just compensation for the property appropriated. Proceedings shall then be had in accordance with the General Law and the rules of the Court of Common Pleas.

If the owner or authorized agent of the owner cannot be found within the County in which the property to be appropriated lies, or if ownership of the property cannot be determined with reasonable application and diligence, then service of the notice shall be by publication once each week on the same day of two (2) consecutive weeks in a newspaper of general circulation in the municipal corporation.

All provisions of the General Law applicable to appropriation of property, not otherwise herein provided for, shall apply to the appropriation of property by the municipality.

B. PUBLIC IMPROVEMENTS BY SPECIAL ASSESSMENTS

1. General

The Council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance of all things in the nature of public improvements as provided by general law and to provide for the payment of any part or all of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against the property especially benefited to pay for such improvements shall not exceed the amount of the benefits accruing to such property. Any cost for such improvement in excess of any sum assessed therefore shall be paid by the municipality. Such improvement may be by contract or directly by the employment of labor, in the discretion of Council, provided however, if directly by the employment of labor, the amount to be assessed shall not exceed the preliminary estimate of the Engineer hereinafter provided for.

2. Methods of Special Assessments

Special assessments upon property deemed benefited by a public improvement shall be by any one or any combination of the following methods:

- a. In proportion to the benefits which may result from the improvement;
- b. By a percentage of the tax value of property assessed;
- c. By the front footage of the property bounding and abutting upon the improvement.

3. Plans and Specifications

When it is deemed necessary to make a public improvement to be paid for in whole or part by special assessment, the Council shall provide for the services of an Engineer who shall submit to the Council preliminary plans, specifications, profiles and estimates of the costs of such improvement, along with an apportionment of said costs, as he deems reasonable upon each of the aforementioned methods of special assessments, upon each parcel or lot of land which could reasonably be expected to be benefited by the improvement.

4. Resolution of Necessity

If, upon consideration of such preliminary plans, specifications, profiles, estimates and apportionment of costs, submitted to it by the Engineer, the Council deems it in the public interest to proceed further with the proposed improvement, it shall adopt an ordinance declaring the necessity therefor, and such ordinance shall contain a statement of the portion of the total cost to be assessed, the method of assessment, the mode of payment and the number of annual or semiannual installments in which the assessment shall be paid, the period of said installment not exceeding the number of years over which the maximum maturity of bonds issued for the purpose could be extended under the uniform bond law, shall describe the properties or the area to be benefited by the improvement and shall require that notice of the adoption of the resolution and the apportionment of the estimated cost of the improvement be served upon all owners of property who may be assessed any part of the cost of the improvement. Such notice shall be served personally by the Clerk of Council/Finance Director or person designated by him or by the mailing of a registered or certified letter containing same, on or to the owner of the premises to be benefited, or his agent. The certificate of the Clerk of Council/Finance Director or the return receipt of the postal authorities shall be prima facie evidence of service. If no address can be found with reasonable diligence for a property owner or his agent, service may be had by publishing the notice once in a daily or weekly newspaper of general circulation in the municipality. The Council may provide compensation for the Clerk of Council/Finance Director or person designated by him, for the service of such notices, which shall be included as a cost of the improvement. (Approved by electors 11-04-86)

5. Owner May File Objection

The owner of any property to be assessed, who objects to the tentative apportionment of the cost of the improvement to his property, may file, in writing, with the Clerk of Council/Finance Director such objection. Such written objections shall be filed not later than a date specified in the resolution of necessity, which date shall not be earlier than fourteen (14) days nor later than thirty (30) days from the service of the last notice, personally or by mail, or the date of publication as aforesaid, whichever is later. The objection shall contain an address to which notice of the hearing provided for hereinafter may be mailed. (Approved by electors 11-04-86)

6. Equalization Board

In the event any written objection to the tentative apportionment of costs is filed, the Council shall appoint an assessment Equalization Board composed of three (3) disinterested freeholders of the municipality who shall hold a hearing within twenty (20) days after appointment. First Class mail notice to the objectors shall be mailed at least fourteen (14) days before the hearing, to the addresses specified in the written objections. The power and duties of the Equalization Board shall be outlined in Section 727.17 of the Revised Code of Ohio. Compensation of the Equalization Board shall be as provided by Council.

7. Ordinance Determining to Proceed with the Public Improvement

After the expiration of the time for filing objections to the tentative apportionment of the assessment, or, in the event objections have been filed, after the report of the Assessment Equalization Board has been approved by Council, Council shall determine whether or not it will proceed with proposed improvement. In the event the Council determines to proceed with the improvement, it shall pass an ordinance reciting such determination, adopt the estimated assessment, either as filed by the Engineer or as an approved report of the Assessment Equalization Board, and shall by such ordinance direct the Engineer to proceed with the completion of detailed working plans, specifications, and profiles, and shall either direct the Clerk of Council/Finance Director to advertise for bids for the construction of said improvement, in accordance with the general law or direct the Mayor to proceed by the direct employment of labor upon completion of said plans, specifications and profiles. (Approved by electors 11-04-86)

8. Procedure When Low Bid Exceeds Estimates

In the event that the lowest and best bid for the construction of the public improvement exceeds by more than fifteen percent (15%) the total estimated cost as filed by the Engineer with the Council prior to the resolution declaring the necessity for the improvement, then no contract shall be entered into until Council makes a redetermination by ordinance to proceed with the improvement, after a public hearing, ten (10) days written notice of which has been given to all of the persons entitled to notice of the passage of the resolution of necessity, in the same manner in which notice of the passage of such resolution was given. If after such hearing, the Council determines by such ordinance that the improvement should be made, a contract may be let for the construction of such improvement on the basis of the lowest and the best bid, or the Mayor may be directed to make said improvement by the direct employment of labor as herein provided.

9. Assessing Ordinance

After completion of a public improvement to be constructed upon an assessment basis and after the actual cost has been ascertained, the Council shall by ordinance assess, in the manner provided in resolution of necessity, upon the property designated therein, that portion of the total cost of the improvement to be paid for by special assessments, and the assessment on each property shall be increased or decreased in the same proportion to the estimated assessment on each property as the actual cost of the improvement bears to the total estimated cost of the improvement upon which the estimated assessment was based. Such assessment shall be payable as provided in the resolution of necessity and shall be final upon the adoption of the ordinance provided for in this subsection. No publication of the ordinance provided for in this subsection need be made under the provisions of this Charter.

The expenses which may be included in determining the total cost of a public improvement to be paid for by assessment are as provided in Section 727.08 of the Revised Code of Ohio. The damages referred to in said Section shall be deemed to be the obvious damage which will result from any improvement referred to in Chapter 727 R.C., for which it shall be the duty of Council to provide adequate compensation prior to the final determination and levying of the assessments for the improvement either by negotiation without formal claim or procedure or by the determination of a jury. Nothing herein contained shall deprive the owner of property of his right to compensation for damage resulting from the negligent acts of the municipality or its agents, without the owners fault.

There shall be no limitation on the power of the Council to assess the cost of public improvements other than that the amount of any assessment against any property shall not exceed the increase in value of property, its highest and best use considered, as result of the particular improvement to which the assessment relates, and no other limitation provided by the General Law shall apply under this Charter. No part of the cost of any improvement made on an assessment basis shall be required to be paid by the municipality, but the Council may determine that such portion as it deems just shall be paid by the municipality out of any available appropriate fund.

Unless the owners of the majority of the footage of property abutting upon a public improvement or of the area to be assessed for same request such improvement in the form of a written petition therefor, the resolution declaring the necessity for such improvement shall require the concurrence of five (5) members of Council.

10. Improvements, other than those for which procedures are provided by Chapter 729 of the Ohio Revised Code, the construction cost of which does not exceed one thousand dollars (\$1,000), may, by ordinance, be ordered constructed by contract or by the labor forces of the municipality, after a joint meeting of the property owner or owners, the City Engineer, and a majority of the members of the appropriate committee of Council, of which ten (10) days written notice is given, by personal service or first class mail. The total cost of such improvement may be paid out of any appropriate fund or by the issuance of notes or bonds of the City authorized by Council, which fund shall be reimbursed or notes or bonds retired by the levying of assessments, proportioned to the benefits, upon the specially benefited properties, extended no longer than ten (10) semiannual installments. An improvement, which by its nature or scope requires its construction as a single project and an expenditure of more than one thousand dollars (\$1,000), may not be divided into parts so as to bring each part within the purview of this subsection. (Approved by electors 05-06-86)

All other matters relating to public improvements paid for by assessments shall be governed to the extent applicable by Sections 727.09, 727.10, 727.28 to 727.49 inclusive, 729.01 to 729.11 inclusive, and 729.42 to 729.52 inclusive.

C. MUNICIPAL PROPERTY

1. Dedication

Private property may be dedicated to municipal purposes in any of the following manners:

a. By use by the public for such period and under such conditions as have been established by the common law for the acquiring of public rights by prescription.

b. By the deed of dedication by the owner to the municipality, conveying property for municipal purposes upon such terms and conditions and with such restrictions as are set out in such deed.

c. By any procedure now or hereafter established by General Law. The municipality shall not have the responsibility of the care and maintenance of any public property dedicated under paragraphs "a" and "b" above, unless the acceptance of the dedication of such property has been confirmed by the Council, by special ordinance adopted for such purpose of confirmation.

2. Vacation

Property previously dedicated and accepted for municipal purposes shall be vacated only by an ordinance for the purpose, adopted by a vote of at least five (5) members of Council after a public hearing of which notice has been given to all persons in the municipality by advertisement in a newspaper of general circulation in the municipality once each week on the same day of three (3) consecutive weeks, and said hearing shall be not earlier than thirty (30) days after the last such publication. Such vacation proceedings may be instituted upon formal or informal petition or upon Council's own initiative.

3. Purchase, Sale and Lease

Except as is otherwise provided in this Charter for the procedures for the purchase of goods and chattels, there shall be no restriction upon the authority of the Council in the purchase, sale and lease of real and personal property. By ordinance, the Council shall declare the need for such property as it deems is necessary for municipal purposes, and prescribe the terms of the purchase or lease of same, or declare that property is no longer needed for municipal purposes or useful as such, absolutely or temporary, and prescribe the terms of the its sale or lease. Property valued by the Clerk of Council/Finance Director at less than five hundred dollars (\$500) may be sold by the Mayor if, in the opinion of the Mayor, the property is no longer needed for municipal purposes. (Approved by electors 11-04-86)

D. ZONING

The Council shall prescribe procedures for the regulation of the use of all land and improvements thereon in the municipality. Until such time as the Council adopts procedures for the zoning of land and improvements, the existing statutory provisions for such zoning shall remain in effect.

The lawful use of any dwelling, building, or structure and any land or premises, as existing and lawful at the time of enacting a zoning regulation or amendment thereto, may be continued, although such use does not conform with the provisions of such regulations or amendments but if any such nonconforming use ceases for one (1) year or more, any future use of such land shall be in conformity with the zoning regulation. The Council shall provide in any zoning regulation for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses upon such reasonable terms as are set forth in the zoning ordinance.

(VIII.D. in its entirety approved by electors 11-04-75)

ARTICLE IX - MISCELLANEOUS

A. AMENDMENTS

1. Method - This Charter is intended to be flexible and to meet changing conditions as the municipality develops. Amendments to this Charter shall be effected in the manner prescribed in Section 9 of Article XVIII of the Constitution of Ohio.

2. Charter Revision Committee - There shall be a Charter Revision Committee which shall consist of five (5) members who are electors of the City, appointed by the Council for five (5) year terms. The members of the Charter Revision Committee shall serve without compensation. At no time shall any member of the Committee be a holder of any other position with the City, elected, appointed, or employed. The Charter Revision Committee shall be required to hold at least one (1) public meeting per year, and shall hold such other meetings as are deemed necessary by the Committee for the proper performance of its function. The Committee shall make an annual report to the Mayor and Council of the municipality in January of each year, such report containing recommendations which the committee may make as to changes in the Charter which it recommends for submission to the voters. (Approved by electors 05-06-86; 11-04-86; 11-04-97)

B. SAVING CLAUSE

The provisions of this Charter are hereby declared to be severable, and if any provision of this Charter, or the application thereof to any person or circumstance is found to be unconstitutional, illegal or invalid, the remainder of this Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

C. DEFINITIONS

In the interpretation of this Charter, unless the context shows that another meaning was intended:

1. "Vacancy" means that a vacancy in an office or position is deemed to exist, for the purpose of conferring jurisdiction for the replacement of the incumbent in said office, when an elected official has conveyed to Council, or an appointee has conveyed to the appointing authority, verbally or in writing, his resignation from the office or position, or in any case, when the circumstances of the incumbent are such that the conclusion must reasonably be reached that the functioning of the office or position will be seriously impaired to the detriment of the public interest. An office or position shall be deemed vacant in any event after sixty (60) consecutive days of inactivity as to his duties by the incumbent unless Council grants leave of absence status to the incumbent within that period of inactivity.

2. "General Law" means the law of Ohio to municipal corporations as encompassed within Section 2 of Article XVIII of the Constitution of Ohio, together with amendments existing at the time that it is to be applied. If under the provisions of this Charter general law only is designated as being applicable and the applicable general law is repeated without substitute provision, then the Council of the municipality may, by ordinance, establish the rule to be followed.

3. "Summary Dismissal" means the immediately effective dismissal of any employee or appointee without the necessity of prior consultation with or review by other authority.

4. "Eminent Domain" means the power of public authority to take private property for public use, with just compensation, and may be exercised by the municipality when there is a reasonable relationship between the purpose of the taking and public convenience and welfare.

5. "Engineer's Preliminary Plan" means a graphic plan of a public improvement which, along with supporting data, is sufficient to advise any person interested of the general nature and extent of any improvement, and where applicable its line and grade, and including a reasonable estimate of cost.

6. "Fiscal Year" means a twelve (12) month period for the keeping of the accounts of the municipality and for recording all financial aspects of the municipal government.

7. "Statutory" means covered by or contained in the Revised Code of Ohio and amendments thereto.

8. "General municipal election" means the general election to be held on the first Tuesday after the first Monday in November of any odd-numbered year. (Approved by electors 11-08-16)

D. GENERAL

1. Oath of Office - All elected officials, appointed officials and employees of the municipality shall, before entering upon the duties of their office or employment, take an oath to support the Constitution of the United States and the Constitution of the State of Ohio, and an oath that he will faithfully, honestly and impartially discharge the duties of his office or employment.

2. Protection Against Theft – The Municipality shall secure coverage and protection for the organization under the City’s insurance program. Such coverage shall include protection against employee theft. Absent the availability of such coverage, the Finance Director and other such officers or employees as the Council may require, shall give a fidelity bond in such amount as approved by the Council. The premiums of such coverage or bonds shall be paid by the City. (Approved by electors 11-03-09)

3. Fees - All fees paid to the municipality shall be accounted for by the officer, appointee or employee of the municipality into whose hands such fees are paid. Such person shall pay into the municipal treasury on or before the first Monday in each month the fees received during the preceding calendar month.

4. Malfeasance, misfeasance and nonfeasance of officials, appointees or employees:

a. Malfeasance shall consist of the unjust, improper or illegal performance of some act which the party had no right to do as a part of the duties of his office or employment. Misfeasance consists of the performance of an act which might lawfully be done, but is done in an improper manner, in the performance of the duties of an office or employment. Nonfeasance consists of the failure to perform some act which ought to be performed as part of the duties of an office or employment.

b. Determination of guilt, discipline or punishment for malfeasance, misfeasance in any office or employment of the municipality shall be as prescribed by General Law, if not otherwise specifically prescribed by this Charter.

5. Records - All accounts and records of every office, department or agency of the municipality shall be maintained at a municipal office or other place specifically provided therefor by an ordinance of Council.

6. Personal interest or conflict of interest - All questions of conflict of interest and incompatibility of offices not otherwise covered by this Charter shall be resolved in conformity with General Law or, in the absence of a statutory enactment on the question, by the common law.

7. Districts

a. For the purpose of the councilmanic elections herein provided for, the municipality shall be divided into four (4) districts to be designated District I, District II, District III, and District IV.

b. The division of the municipality into districts shall be reviewed by the Council from time to time and as hereinafter provided, shall be reestablished on the basis of revised boundaries in May of the year in which councilmanic elections for the purpose of electing Councilmen from districts are to be held effective for the purpose of the next municipal election, if required by the succeeding paragraph.

c. Council shall be responsible for the redistricting of districts of the municipality based upon voter registration as of the preceding general election, and shall review the recommendations of any board or commission it may choose to appoint for said purpose. The territory of any district shall never be divided from nor noncontiguous with the balance of the territory of the district. Council may redistrict the districts: whenever (1) the number of registered voters in the district having the greatest number of registered voters exceeds the number of registered voters in the district having the least number of registered voters by fifteen percent (15%); (2) in any year in which changes are made to U.S. Census Tracts within the municipality; or (3) when changes in State or Federal law so require. Redistricting shall be mandatory whenever the discrepancy between the largest and the smallest district exceeds twenty-five percent (25%). Upon any redistricting, Council shall attempt to reduce the difference between the district with the greatest number of registered voters and that with the least number to ten percent (10%) or less of the number in that district with the least number of registered voters.

d. Annexed territory shall be included in the district to which it is contiguous, and in the event it is contiguous to more than one district, in the contiguous district having the least number of registered voters.
(IX.D.7. in its entirety approved by electors 11-07-00)

ARTICLE X - SCHEDULE

A. This Charter shall take effect and be in force from and after the certification by the election authorities of Hamilton County, Ohio, of its adoption by the voters of the municipality of Springdale.

B. All elected officers and Councilmen in office at the time of the effective date of this Charter shall continue in office and in the performance of their duties until their successors are elected and take office under the provisions of this Charter. The incumbent in the existing office of Clerk of Council/Finance Director shall continue to hold the office of Clerk of Council/Finance Director under this Charter, for the purpose of this paragraph. Such officers and Councilmen holding over under this Charter shall be governed by the provisions hereof to the extent practicable and shall implement the mandatory provisions hereof to the extent possible during the duration of their tenure in office. (Approved by electors 11-04-86)

C. The first election of municipal officers under this Charter shall be held on the date of the general election in November, 1965.

D. All appointive offices, boards, commissions and positions in the municipality prior to the adoption of this Charter shall be abolished on the first day of December, 1965. After such date there shall exist only such appointive offices, boards, commissions and positions as are provided by this Charter or as are established by ordinance under the authority of this Charter.

E. Officers and employees who are members of the Police Department on the effective date of this Charter shall retain their positions as though appointed thereto under the provisions of this Charter. Employees who are members of the Labor Force of the municipality on the effective date of this Charter shall retain their positions as employees of the Department of Public Works as though so employed under the provisions of this Charter. Members of the Volunteer Fire Department as of the effective date of this Charter shall retain their positions as though appointed thereto under the provisions of this Charter. In all the cases referred to in this paragraph, the incumbents in any position holding over under this Charter shall thereafter be subject to the rules and regulations of the Civil Service Commission.

F. All ordinances and other legislative enactments of the municipality, to the extent they are not inconsistent with this Charter and are in force when it takes effect, shall continue in force until amended or repealed by Council.

G. All contracts and agreements entered into by the municipality or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

H. Public improvements, the appropriation of property, and other lawful procedures for which legislative action has been taken under General Law at the time this Charter takes effect, may be carried to completion in accordance with such law, including the levy of assessments for improvements.

I. No action or proceeding, civil or criminal, pending in any court at the time this Charter takes effect, brought by or against the municipality or any office, agency or officer thereof, shall be abated or affected by anything contained in this Charter, but all such actions shall be prosecuted or defended under the laws in effect when they were commenced.

HOME RULE CHARTER FOR SPRINGDALE, OHIO

J. This Charter shall not affect any vested rights or accrued liabilities of the municipality of Springdale.

K. The Municipality of Springdale, Ohio, under this Charter, is hereby declared to be the only legal successor of the Municipality of Springdale, Ohio, under the General Law and as such has title to all property, real and personal, owned by its predecessor, including all moneys on deposit, all taxes in the process of collection and all accounts receivable and rights of action, and the municipality is hereby declared to be liable for all outstanding orders, contracts and debts of its predecessor.