

**CHARTER
OF THE CITY
OF
GAHANNA, OHIO**

Complete to January 1, 2012

CHARTER
OF THE MUNICIPALITY
OF
GAHANNA, OHIO

EDITOR'S NOTE: The Gahanna Charter was originally adopted on June 27, 1961. Dates appearing in parentheses following a heading indicate that those provisions were subsequently enacted or amended on the date given. The City Charter was completely renumbered by the Clerk of Council, January 1992, pursuant to authority in Section 23.08.

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CHARTER
OF THE MUNICIPALITY
OF
GAHANNA, OHIO

P R E A M B L E

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

ARTICLE I
NAME AND BOUNDARIES

SECTION 1.01 NAME.

The present Municipality shall continue to be a body politic and corporate, under the name of the Village of Gahanna. When the Municipality shall, under the Constitution and the laws of Ohio, become a city, it shall be known as the City of Gahanna.

The provisions of this Charter shall apply whether this Municipality is a village or a city.

SECTION 1.02 BOUNDARIES.

The Municipality shall have the same boundaries as now exist with power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of the State of Ohio; but no territory shall be detached therefrom, nor shall the Municipality be annexed to any other municipality without the consent of the Council and of a majority of its electors voting on such question at a general election held and conducted in the manner provided by law.

ARTICLE II
POWERS

SECTION 2.01 MUNICIPAL POWERS.

The Municipality shall have all the powers, general or special, government or proprietary, expressed or implied, which may be possessed or assumed by municipalities under the Constitution and laws of Ohio for local self-government and Home Rule. No enumeration of specific powers in this Charter shall be held to be exclusive.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein in such manner as shall be provided by ordinance or resolution of the Council. (Amended Nov. 5, 1996.)

ARTICLE III MAYOR

SECTION 3.01 ELECTION AND TERM.

The Mayor shall be elected at every second municipal election for a term of four (4) years, which term shall commence and the Mayor shall assume office on January 2 next following the Mayor's election, and shall hold office until the Mayor's successor is elected and qualified.

A nonpartisan primary election for the Mayor shall be held prior to the above mentioned municipal election and the two persons receiving the most number of votes in the primary election shall be the candidates for the municipal election.

In the event of a vacancy as described in Section 3.07, the elected successor to the Mayor shall assume office immediately upon certification by the Board of Elections for the balance of the unexpired term. (Amended Nov. 2, 1976.) (Amended Nov. 7, 2006.)

SECTION 3.02 QUALIFICATIONS.

The Mayor for ~~two (2) years ninety (90) days~~ prior to the date of the Mayor's filing the Mayor's declaration of candidacy for election with the Board of Elections and continuing through the Mayor's term of office shall be a continuous qualified elector of this Municipality.

The Mayor shall hold no other ~~elective~~ public office except that of a notary public or member of the State Militia. The Mayor shall not be otherwise employed by, nor shall the Mayor hold any other municipal office in this Municipality. The office of Mayor shall be a full-time occupation, and Council shall provide commensurate compensation. The Mayor shall hold no other employment, ~~and no other public office except that of notary public or member of the State Militia~~. (Amended Nov. 3, 1981.) (Amended Nov. 7, 2006.)

SECTION 3.03 JUDICIAL POWERS.

The Mayor shall have all the judicial powers which are conferred upon mayors by the laws of Ohio.

SECTION 3.04 EXECUTIVE AND ADMINISTRATIVE POWERS.

The executive and administrative powers of the Municipality shall be vested in the Mayor, directors of departments, and other administrative officers and boards provided for in this Charter or by ordinance. The Mayor shall be recognized as the chief executive and the official and ceremonial head. The Mayor shall function as the chief conservator of the peace, to see that all laws, resolutions and ordinances are enforced. The Mayor should attend all meetings of Council with the right to participate in debate, but not to vote. The Mayor shall appoint and shall have the power to remove:

- (a) All department heads.
- (b) The Mayor's appointees to boards and commissions.
- (c) Any other employees as otherwise provided in this Charter or whose positions may be created by Council and for whose appointment the Mayor shall be responsible.

The Mayor shall appoint or delegate to the heads of departments, appointments of municipal employees, subject to the provisions of this Charter, any applicable collective bargaining agreements and any applicable Civil Service regulations adopted in accordance with this Charter. The Mayor may, without notice, cause the affairs of any department or the conduct of any employee to be examined. Except as otherwise provided in this Charter, the Mayor may remove any employee for whose appointment the Mayor is responsible. The Mayor shall execute on behalf of the Municipality all authorized contracts, conveyances, evidences of indebtedness, and all other instruments to which the Municipality is a party, and shall, where required, attach thereto the official seal of the Mayor's office. The Mayor or the Mayor's designee shall execute the purchasing function for the City. The Mayor shall present an annual State of the City address during the first quarter of every calendar year. Said address shall not be presented at a Council meeting but shall be presented at a time and place determined by the Mayor with notification to the public. (Amended Nov. 7, 2006.) (Amended Nov. 8, 2011)

SECTION 3.05 VETO POWER.

Each resolution or ordinance adopted by Council shall be attested by the Clerk of Council who shall promptly present it to the Mayor within forty-eight (48) hours for the Mayor's approval or disapproval.

The Mayor may approve or disapprove the whole, or any part of any resolution or ordinance appropriating money but otherwise the Mayor's approval or disapproval shall be addressed to the entire resolution or ordinance.

If the Mayor approves such legislation, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, or any item of such legislation appropriating money, the Mayor shall file it, together with the Mayor's objections, in writing, with the Clerk of Council. The Mayor's objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk of Council with the Mayor's written notice of disapproval within ten (10) days after presentation to the Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by five or more members of Council, it shall take effect notwithstanding the disapproval of the Mayor. (Amended Nov. 8, 1966.) (Amended Nov. 7, 2006.)

SECTION 3.06 ACTING MAYOR

President of Council, Vice President of Council, or any member of Council designated by the majority vote of Council, in that order, shall become the Acting Mayor with all the powers of the Mayor in the event the Mayor, or one acting in that capacity for the Mayor, is (a) absent from the Municipality and inaccessible, or (b) unable for any cause or reason, to perform the duties of the Mayor, for a period of twenty-four (24) hours or longer. The operation of this provision shall take effect upon (a) the Mayor, or one acting in that capacity for the Mayor, providing written notice of such absence and inaccessibility to the Clerk of Council, or (b) the vote of a majority of Council at a public meeting stating the reasons for invoking this provision. (Amended Nov. 3, 1981.) (Amended Nov. 7, 2006.)

SECTION 3.07 VACANCY.

In the event of death, resignation, recall, or removal of the Mayor, the President of Council, Vice President of Council, or any member of Council designated by the majority vote of Council, in that order, shall become the Mayor, to serve until the certification of results by the Board of Elections of the next regular municipal election or for the balance of the unexpired term, whichever occurs first, and his/her office as Councilperson shall become thereby vacant; provided that if the Mayoral vacancy occurs within ninety (90) days of the next regular municipal election and the Mayoral position is not already on the ballot in that regular municipal election, the new Mayor shall serve until the certification by the Board of Elections of the results of the next following regular municipal election or for the balance of the unexpired term, whichever occurs first. The salary of the Mayor for the balance of the term shall be that established by the ordinance for the term as provided in this Charter. (Amended Nov. 6, 2001.) (Amended Nov. 7, 2006.) (Amended Nov. 8, 2011)

SECTION 3.08 ~~FISCAL MANAGEMENT ESTIMATE OF EXPENDITURES.~~

~~The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debts, bonds, assessments, deposit and investment of funds and other fiscal matters of the City shall be applicable, except as otherwise provided by this Charter or by ordinance of Council. The fiscal year of the City shall begin on the first day of January. The Mayor shall prepare and submit to Council an operating budget in accordance with an annual budget calendar authorized by Council. The operating budget shall provide a complete financial plan of City funds and activities for the ensuing fiscal year which, except to the extent required by law or this Charter, shall be in a form acceptable to Council. Council shall adopt an operating budget for the ensuing fiscal year on or before December 31 of each year. To implement the operating budget as adopted, the Council shall, on or before December 31, also adopt an appropriation ordinance authorizing an appropriation for each program or activity by department or major organizational unit.~~

~~The fiscal year of the City shall begin on January 1. On or before November 1 of each year, the Mayor shall submit to the City Council an estimate of the expenditures and the revenues of the City departments for the following year. The estimate shall be compiled from detailed information obtained from several departments in a uniform manner as determined by the Mayor. The estimate of expenditures shall include:~~

- ~~(a) A detailed estimate of the expense of conducting each department as submitted by the department.~~
- ~~(b) Expenditures for corresponding items for the last two (2) fiscal years.~~
- ~~(c) Expenditures for corresponding items for the current fiscal year, including expenditures due to transfers between appropriations plus an estimate on expenditures necessary to complete the current fiscal year.~~
- ~~(d) Increase or decrease of requests compared with the corresponding appropriations for the current year. (Amended Nov. 2, 1976.) (Amended Nov. 5, 1991.)~~

SECTION 4.01 LEGISLATIVE AUTHORITY.

All legislative power of the Municipality under this Charter, together with all such powers conferred upon municipalities by the Constitution and laws of Ohio, shall be vested in the Council.

SECTION 4.02 COMPOSITION AND TERM.

At the regular municipal election in 2013, and every four (4) years thereafter, four (4) members of Council shall be elected from wards and shall serve four (4) year terms. At the regular municipal election in 2015, and every four (4) years thereafter, three (3) members of Council shall be elected at large for four (4) year terms. Terms shall commence on January 2 immediately following the election for that position and terminate on January 1 immediately following the next regular municipal election for that position. The geographical definition of the ward areas will be balanced to the extent practicable based on numbers of registered voters and will be established by ordinance, taking effect sixty (60) days prior to the petition filing deadline for the election of members of Council by wards, to remain effective for the term of the positions. (Amended Nov. 7, 2006.) (Amended Nov. 8, 2011)

SECTION 4.03 QUALIFICATIONS.

~~Each~~ A Council member elected at large for ~~one (1) year ninety (90) days~~ prior to the date of the Council member's filing the Council member's declaration of candidacy for election with the Board of Elections and continuing through the election and during the Council member's term of office shall be a continuous qualified elector of this Municipality. Each member of Council elected from a ward for ~~ninety (90) days~~ one (1) year prior to the date of the Council member's filing the Council member's declaration of candidacy for election with the Board of Elections and continuing through the election and during the Council member's term of office shall be a continuous qualified elector of the ward from which the Council member seeks election or is elected.

A Council member shall hold no other elected public office, any other compensated office or employment with the Municipality, or other public office or public employment which could be in conflict with the office of Council member, except as provided in Sections 3.06 and 4.18 of this Charter.

If a Council member shall file a declaration of their candidacy, or shall in fact become a candidate, for any other Council office of the Municipality other than the office then held, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to this Charter in the same manner as other vacancies for such office are filled.

A Council member shall not have, directly or indirectly, any interest in the profits or emoluments of any contract, work, or service with or for the Municipality as provided by general law.

(Amended Nov. 3, 1981.) (Amended Nov. 7, 2006.)

SECTION 4.04 PRESIDENT, AND VICE PRESIDENT OF COUNCIL.

At the first regular meeting of Council in January of each year as provided in Section 4.10, Council shall, by majority vote, elect from its membership a President of Council and a Vice President of Council, each to serve for a term of one (1) year.

The President of Council, or, in the President of Council's absence, the Vice President of Council, shall preside at all meetings of Council.

The President and Vice President of Council, neither by virtue of holding such offices nor in performing the duties of Acting Mayor as provided in Section 3.06 of this Charter, shall be deprived of their powers and rights or be relieved of any of their duties or obligations as members of Council. (Amended Nov. 7, 2006.)

SECTION 4.05 DUTIES OF COUNCIL.

(a) General Duties. All legislative powers of the Municipality, except as limited by this Charter, shall be vested in Council, and in furtherance thereof, it shall originate, introduce and pass ordinances and adopt resolutions, motions and informal resolutions; fix the salaries of all employees of the Municipality, whether elected or appointed, except as limited in Section 4.17; require and fix bond for the faithful discharge of the duties of office by officers, employees, and members of Boards and Commissions, (the premium of any bond required by Council shall be paid by the Municipality); adopt a budget; provide for an annual financial audit,

as required by the State; authorize the issuance of bonds under State law; and perform such other duties and exercise such other rights, not inconsistent with this Charter, as now or hereafter granted to the legislative authority of any municipality of Ohio.

(b) Validation of Actions. All ordinances passed and resolutions adopted by Council shall be signed by the President of Council, attested by the Clerk and presented to the Mayor within forty-eight (48) hours after their passage by the Council.
(Amended Nov. 3, 1981.)

SECTION 4.06 LIMITATION OF RATE OF TAXATION.

The power of Council to levy taxes shall be subject to the limitations provided by the Constitution and laws of Ohio, and nothing contained in this Charter shall be construed to authorize the levy of any taxes in excess of said limitations without a vote of the people.
(Amended Nov. 8, 1966.)

SECTION 4.07 REMOVAL.

The Council shall be judge of the election and qualifications of its own members. Council shall by a vote of five (5) or more of its members, expel or remove any member upon determination that the member:

- (a) Does not possess, or has ceased to possess, the qualifications of office.
- (b) Has failed to take the required oath or to give any bond required of the Council member.
- (c) While in office has been convicted of felony or crime involving moral turpitude.
- (d) Has been adjudicated by a court of competent jurisdiction to be mentally incompetent.
- (e) Is guilty of personal interest, gross misconduct, gross neglect of duty, misfeasance, malfeasance, or nonfeasance in office.
- (f) Has violated the Council member's oath of office.

Such action shall be by public hearing called by Council. Provided further that the accused member shall have been notified, in writing, of the charge or charges against the Council member at least fifteen (15) days in advance of such public hearing; and provided further, that the Council member or his/her counsel shall have been given an opportunity to be heard, present evidence, and examine and cross-examine witnesses appearing in interest of such charge or charges, or appearing on behalf of the accused. The decision of Council, after compliance with this section, shall be final.

Any member of Council who has been absent from four (4) consecutive regular meetings of Council or a total of six (6) regular meetings of Council in a twelve (12) month period, whether excused or not, shall be considered automatically removed from office.

The member removed as provided in this Section shall not be eligible for appointment to any vacancy created thereby. (Amended Nov. 3, 1981). (Amended Nov. 7, 2006.)

SECTION 4.08 VACANCIES.

Vacancies in Council shall be filled for the unexpired term by an appointment made by a majority vote of all remaining members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of official notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. Persons appointed to fill vacancies must meet the qualification requirements of Section 4.03.

If the vacancy occurs in a position to be filled at the next regular municipal election following occurrence of the vacancy, the appointed member of Council shall serve until the beginning of the terms of the persons elected in that election.

If the vacancy occurs in a position not to be filled at the next regular municipal election and more than ninety (90) days before the next regular municipal election, that position will be placed on the ballot at the next regular municipal election for the election of a successor. The appointed member of Council shall serve until, and the elected successor shall take office, immediately following certification by the Board of Elections for the balance of the unexpired term. (Amended Nov. 3, 1981.) (Amended Nov. 8, 2011)

SECTION 4.09 CLERK AND OTHER EMPLOYEES.

Council may by ordinance provide for the appointment of a Clerk of Council, fix the terms and conditions of office of such Clerk and the compensation and qualifications therefor. Council may employ any other employees it may deem necessary for the proper discharge of its duties. Any person employed by the Council may also be an appointed official or an employee of the Municipality. Any person employed by the Council shall serve at the pleasure of the Council and shall not be afforded the protection of Civil Service. (Amended Nov. 8, 1966.)

SECTION 4.10 REGULAR MEETINGS.

On January 2nd (if January 2nd is a Sunday, then on January 3rd) of each year, Council shall convene and organize at the Council Chambers of the Municipality at a time to be determined by Council rules of procedure. The Mayor, or one appointed by the Mayor, shall preside as temporary chairperson only until the President of Council is elected.

Thereafter, Council shall meet at such times as may be prescribed by its own rules, regulations, bylaws, or by resolution or ordinance, except that it shall hold regular meetings at least twice during each calendar month.

All regular and special meetings of Council shall be held at the Council Chambers, unless the members of Council decide that a particular regular or special meeting may occasion a large public attendance which the Council Chambers would be unable to accommodate. In that case, Council may direct said meeting to be held in some other public or private place with larger accommodations, and shall direct that notice of the change of the meeting place be given by publication in a newspaper of local circulation at least one week before the said Council meeting is scheduled. (Amended Nov. 7, 2006.)

SECTION 4.11 SPECIAL MEETINGS.

Special meetings of the Council may be called as provided by its rules, regulations, bylaws, or by resolution or ordinance. In the absence of any such provisions, special meetings may be called by a vote of Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor, or the President of Council, or any three (3) members of Council.

Notice of each such special meeting called at the request of the Mayor, President of Council, or three (3) members of Council, shall state the date and time, and subject or subjects to be considered, and no other subject or subjects shall be considered thereat. The Clerk of Council shall cause such notice to be served upon the Mayor and each member of Council not less than twenty-four (24) hours preceding the time for the meeting. In the event that a special meeting is called by a vote of Council taken at any regular or special meeting from which any member of Council is absent, notice of such special meeting shall be given such absentee in the manner and form hereinbefore provided and the Mayor and any Council member shall be deemed conclusively to have waived such notice by his/her attendance at any such meeting. (Amended Nov. 6, 2007.)

SECTION 4.12 LEGISLATIVE PROCEDURE

Four (4) members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time.

All legislative action of Council shall be in the manner prescribed by the Constitution and the statute laws of the State of Ohio, and as further provided in this Charter. Any formal resolution or ordinance must be introduced in written or printed form, which shall contain no more than one (1) subject, which subject shall be clearly expressed in its title.

No ordinance or formal resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended and a repeal of the original ordinance, resolution, section or sections so amended.

An affirmative vote of at least four (4) members of Council shall be required for the enactment of every resolution or ordinance, unless a larger number be required by the provisions of this Charter.

Every ordinance shall be read by title at two (2) different Council meetings, unless Council votes to suspend this rule. Such suspension of the rules shall require the affirmative vote of at least six (6) members of Council if all members are present, or the affirmative vote of at least five (5) members if one or more members are absent. If this rule is suspended in accordance with the foregoing provisions, then the ordinance shall be read by title once before the passage.

No action of Council authorizing the surrender or joint exercise of any of its powers or in granting any franchise shall be enacted under a suspension of this rule.

Members of Council shall vote in the affirmative or negative on all matters coming on for vote at a regular or special meeting of Council. A member of Council may abstain from a vote on such matters but only upon stating on the public record that the reason for such abstention is a conflict of interest on the matter to be voted upon. The basis for such conflict need not be stated. Any member not complying with this provision shall be immediately informed of this provision by the Clerk of Council or the City Attorney. Should the member of Council not immediately change the Council member's abstention vote or state that basis of the abstention is a conflict of interest, the member of Council shall be considered to have removed himself/herself from office, and the filling of the vacancy so created shall be governed by Section 4.08 of this Charter. (Amended Nov. 3, 1981.) (Amended Nov. 7, 2006.)

SECTION 4.13 PUBLIC NOTICE.

Public notice, as required by law, or by this Charter, or by ordinance, shall be given for resolutions and ordinances by requiring the Clerk to post them for thirty (30) days after passage by Council in a conspicuous place in the Municipal building. (Amended Nov. 6, 2007.)

SECTION 4.14 EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCES.

Each ordinance providing for the appropriation of money, or for authorization and execution of a construction contract, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefore, any emergency ordinance, necessary for the immediate preservation of public peace, property, health, safety or welfare, and each resolution shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

No other ordinance shall become effective until thirty (30) days after its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. (Amended Nov. 6, 1973.) (Amended Nov. 8, 2011)

SECTION 4.15 EMERGENCY ORDINANCES.

An emergency ordinance is an ordinance for the immediate preservation of the public peace, property, health, safety, or welfare in which the emergency is set forth and defined in a preamble thereto.

Each emergency ordinance shall require the affirmative vote of at least six (6) members of Council if all members are present, or the affirmative vote of at least five (5) members if one or more members are absent.

No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise shall be enacted as an emergency ordinance. (Amended Nov. 6, 1973.)

SECTION 4.16 ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, zoning and planning codes, electric wiring, plumbing, heating, ventilating and air conditioning, and other similar topics by reference to the date and source of the code without reproducing the same at length in the ordinance. In all such cases, publication of the code at length, by the Municipality shall not be required.

(Amended 11-2-04.)

SECTION 4.17 COMPENSATION.

Council shall fix the compensation of the Mayor, members of Council, City Attorney, and each officer and employee, or member of any board or commission, of the Municipality, whether elected or appointed, except as specifically provided otherwise in this Charter.

The salary of the Mayor, each member of Council, and the City Attorney shall continue in effect from term to term. Not less than one hundred twenty (120) days immediately preceding the date of the next municipal election, at which such officers are to be voted on, the compensation of the Mayor, each member of Council, and the City Attorney may be fixed for the next term, but shall not thereafter be changed with respect to such term.

The compensation of every other employee, and member of any board or commission, of the Municipality, as fixed by Council, may at any time be changed by ordinance at the discretion of Council.

Council may authorize the payment or reimbursement of expenses incurred by any officer or employee, or member of any board or commission, of the Municipality, for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

(Amended Nov. 6, 2007.)

SECTION 4.18 DEPARTMENTS, BOARDS AND COMMISSIONS.

Council may establish additional departments, boards and commissions as the needs of the Municipality may require, and, except for those established herein, may abolish or combine in any manner as it deems necessary.

Where organization, powers, and duties of departments, boards and commissions are not expressly provided herein, they shall be as provided by the resolution or ordinance of Council. (Renumbered Nov. 8, 1966.)

SECTION 4.19 CODIFICATION OF ORDINANCES.

Ordinances may be codified, rearranged and published in book form under appropriate titles, chapters and sections, and such codification may be made in one ordinance containing one or more subjects. Any ordinance approving such codification, rearrangement and/or publication in book form shall not be required to be published, as required in Section 4.13 above. (Amended Nov. 8, 1966.)

**ARTICLE V
ADMINISTRATIVE DEPARTMENTS****SECTION 5.01 CREATION OF DEPARTMENTS.**

The administrative functions of the City shall be carried on by a Department of Finance, a Department of Public Service and Engineering; a Department of Parks and Recreation, a Department of Human Resources, a Department of Planning and Development, a Department of Emergency Management, a Department of Technology, a Department of Court Services, a Department of Public Safety and such other departments as may be created by ordinance. (Amended Nov. 7, 2006.)

SECTION 5.02 DEPARTMENT HEADS AND ADDITIONAL ADMINISTRATIVE DEPARTMENTS.

Each City department shall be headed by a full-time or part-time director, appointed by the Mayor. ~~under the supervision of the Mayor. The Mayor shall appoint and remove all department heads. The Mayor has the authority to appoint and remove all department heads. The Mayor may appoint a director or designee to serve as director of one or more departments. The Mayor, with consent and approval of Council, may by ordinance: establish new departments, divisions or other sub-units thereof; abolish, revise, merge or combine departments, divisions or other subunits thereof, whether created by this Charter or by ordinance or resolution, provided they shall not establish, abolish, merge or combine any department which is headed by an official elected by the people of the City; and from time to time may provide for the powers, duties and functions of the administrative departments, divisions and other sub-units thereof, provided such ordinances are consistent with this Charter.~~ (Amended Nov. 7, 2006.)

SECTION 5.03 VACANCIES.

Upon the vacancy in a Director's position, the Mayor shall declare the office vacant and shall appoint an interim director until the office may be filled by regular appointment. (Added Nov. 7, 2006.)

SECTION 5.04 DEPARTMENT OF FINANCE.

The Director of Finance shall be the chief financial officer of the City; shall exercise the powers, duties and functions as required by the laws of the State of Ohio, this Charter, and ordinances of the City; and shall provide full and complete information concerning the financial affairs and financial status of the City as requested by the Mayor or Council. The Director of Finance shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council. (Added Nov. 7, 2006.)

SECTION 5.05 DEPARTMENT OF PUBLIC SERVICE AND ENGINEERING.

The Director of Public Service shall be the head of the Department of Public Service and Engineering and shall be responsible for the management and operation of the Department, in accordance with the provisions of general law. The Director of Public Service shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in

this Charter or by ordinance of Council.
(Added Nov. 7, 2006.)

SECTION 5.06 DEPARTMENT OF PARKS AND RECREATION.

The Director of Parks and Recreation shall be the head of the Department of Parks and Recreation. The Director of Parks and Recreation shall be responsible for the management and operation of the Department, in accordance with the provisions of general law. The Director of Parks and Recreation shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council.
(Added Nov. 7, 2006.)

SECTION 5.07 DEPARTMENT OF HUMAN RESOURCES.

The Director of Human Resources shall be the head of the Department of Human Resources. The Director of Human Resources shall be responsible for the management and operation of the Department, in accordance with the provisions of general law. The Director of Human Resources shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council.
(Added Nov. 7, 2006.)

SECTION 5.08 DEPARTMENT OF PLANNING AND DEVELOPMENT.

The Director of Planning and Development shall be the head of the Department of Planning and Development. The Director of Planning and Development shall be responsible for the management and operation of the Department, in accordance with the provisions of general law. The Director of Planning and Development shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council. (Added Nov. 7, 2006.)

SECTION 5.09 DEPARTMENT OF EMERGENCY MANAGEMENT.

The Director of Emergency Management shall be the head of the Department of Emergency Management. The Director of Emergency Management shall be responsible for the management and operation of the Department, in accordance with the provisions of general law. The Director of Emergency Management shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council. (Added Nov. 7, 2006.)

SECTION 5.10 DEPARTMENT OF TECHNOLOGY.

The Director of Technology shall be the head of the Department of Technology. The Director of Technology shall be responsible for the management and operation of the department, in accordance with the provisions of general law. The Director of Technology shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council. (Added Nov. 7, 2006.)

SECTION 5.11 DEPARTMENT OF COURT SERVICES.

The Director of Court Services shall be the head of the Department of Court Services. The Director of Court Services shall be responsible for the management and operation of the Department, in accordance with the provisions of general law. The Director of Court Services shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in, and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council.
(Added Nov. 7, 2006.)

SECTION 5.12 DEPARTMENT OF PUBLIC SAFETY.

The Director of Public Safety shall be the head of the Department of Public Safety.

The Director of Public Safety shall be responsible for the enforcement of all police, fire, health, and safety regulations that may be prescribed by resolutions and ordinances of the Municipality, or laws of Ohio.

The Director of Public Safety shall be selected on the basis of expertise and administrative qualifications, with special reference to experience in and knowledge of, accepted practices in respect to the duties of the office as established in this Charter or by ordinance of Council.

(Added Nov. 7, 2006.)

SECTION 5.13 POLICE DEPARTMENT.

The Police Department shall consist of a Chief of Police and such other officers and personnel as the Director of Public Safety shall deem advisable. The Chief of Police and all officers and personnel shall be appointed by the Director of Public Safety subject only to applicable Civil Service provisions of this Charter. As otherwise more fully set out in this Charter, at the time the Civil Service provisions of this Charter go into effect, all members of the Police Department who have served their six (6) months probationary period and an additional period of not less than ninety (90) days, shall be automatically placed under the applicable Civil Service provisions in the appropriate category and classification without being required to take an examination for the position held at that time. Until such time as the Civil Service provisions of this Charter are put into effect, all members of the Police Department shall have tenure in accordance with the applicable statutes of the Revised Code of Ohio, now or hereinafter in effect concerning tenure of police officers in a city, and the removal of any police officer during this period may be accomplished only in accordance with the applicable statutes of the Revised Code of Ohio concerned with the removal of police officers in a city.

(Amended Nov. 8, 1966.) (Amended Nov. 7, 2006.)

SECTION 5.14 FIRE DEPARTMENT.

At the present time the Municipality is protected by law by the Fire Department of the Township of Mifflin. This arrangement shall continue under the Charter unless changed, abrogated or cancelled by the Constitution or Laws of the State of Ohio, or by ordinance passed by Council of this Municipality. Prior to the time that any of the above conditions come to pass, Council shall determine the most appropriate means of providing fire protection to the residents of Gahanna. Such choices available to Council may include, but shall not be limited to, establishing a municipal fire department, contracting with another jurisdiction or company for fire service, or entering into a joint fire district. (Amended Nov. 5, 1991.)

If Council establishes a municipal fire department, the newly established fire department shall consist of the fire chief and such other officers, firefighters, and personnel as the legislative body shall deem advisable. The Fire Chief shall be appointed pursuant to applicable civil service provisions. Vacancies for the positions of other officers and firefighters shall be filled by first offering employment, not necessarily to an equivalent position, to full-time paid members of the fire department of the Township of Mifflin who have been so employed for at least six months prior to the date the newly established fire department is created and who have made application for employment. Applications may be filed within sixty (60) days of the date the vacancy is first created. Such employees shall be hired without regard to the provisions of section 13.02 of this charter or any other requirement regarding the original appointment of employees to a fire department. If there are individuals who are entitled to employment in accordance with this section of the charter and the vacancies in the newly established fire department are insufficient to permit the employment of all such individuals applying for employment, the persons having the greatest length of service with the fire department of the Township of Mifflin shall be entitled to first fill the vacancies as they occur. Such individuals shall not be required to take or pass any civil service examination before being employed by the newly established fire department and shall, upon their employment, be automatically covered under the applicable civil service provisions. After all members of the fire department of the Township of Mifflin eligible for employment under this section have either been employed or have failed to apply for employment with the newly established fire department, future vacancies in the fire department shall be filled by competitive civil service examination in accordance with the provisions of this Charter and, if applicable, state law. (Amended Nov. 5, 1991.)

SECTION 5.15 RULES FOR GOVERNMENT OF POLICE AND FIRE DEPARTMENTS.

The Director of Public Safety shall make and publish, with the approval of Council, written rules for the government of the Police and Fire Departments, and the conduct and discipline of members thereof. (Renumbered Nov. 8, 1966.)

ARTICLE VI ELECTED OFFICIALS: FORFEITURE AND SUSPENSION OF OFFICE

SECTION 6.01 FORFEITURE OF OFFICE

Any elected official of the City shall automatically and without further act of the City or any of its officials, forfeit his or her office upon the occurrence of any of the following:

- a. If the official is convicted of any felony in this or any other state or jurisdiction while serving as an elected official of the City. Upon the official's conviction for a felony, the convicted official's office shall be filled in the manner set forth in this Charter for the filling of such vacant office.
- b. If the official ceases to be a qualified elector and resident of the City while serving as an elected official of the City.

SECTION 6.02 SUSPENSION OF OFFICE

1. An elected official of the City who is indicted for a felony while serving as an elected official of the City shall be suspended from office with pay during such suspension. Such suspension shall automatically, and without further act of the City or any of its officials, commencing upon the filing of the indictment and shall terminate upon:

- (a) the dismissal of the indictment;
- (b) a conviction for a crime other than a felony; or
- (c) upon a conviction for a felony.

2. The office of such suspended official may be filled on an interim basis by an interim appointee in the manner provided in this Charter for the filling of vacant offices except that such interim appointment shall terminate immediately upon the occurrence of any of the following:

- (a) the dismissal of the indictment against the suspended official;
- (b) the suspended official's conviction for a crime other than a felony;
- (c) upon the suspended official's conviction for a felony; or
- (d) upon the end of the term of office from which such official was suspended.

~~ARTICLE VI
DEPARTMENT OF PUBLIC SERVICE~~

~~Article VI, consisting of Sections 6.01 to 6.04, was repealed by the voters on November 7, 2006.)~~

ARTICLE VII
CITY ENGINEER

(EDITOR'S NOTE: Former Charter Article VII, consisting of Sections 7.01 to 7.03, was repealed on November 7, 2006.)

ARTICLE VIII
DEPARTMENT OF PUBLIC SAFETY

(EDITOR'S NOTE: Former Charter Sections 8.01 and 8.02 were repealed by the voters on November 7, 2006. Former Sections 8.03 to 8.05 have been renumbered as Sections 5.13 to 5.15 pursuant to the authority contained in Section 23.08 of the Charter.)

ARTICLE IX
DEPARTMENT OF DEVELOPMENT AND REDEVELOPMENT

(EDITOR'S NOTE: Former Charter Article IX, consisting of Sections 9.01 and 9.02 was repealed on November 7, 2006.)

ARTICLE X
DEPARTMENT OF LAW

SECTION 10.01 CITY ATTORNEY.

There is hereby created the Department of Law to be headed by a City Attorney who shall be elected from the City at large to a four (4) year term of office. At the regular municipal election in 1987, and each second regular municipal election thereafter, the City Attorney shall be elected for a term of four (4) years. The term shall commence and the City Attorney shall assume office on January 2 (if January 2 is a Sunday, then on January 3) next following the City Attorney's election. The City Attorney shall hold office until the City Attorney's successor is elected and qualified.

In the event of the death, resignation, recall, or removal of the City Attorney, a successor in office shall be appointed by the majority vote of the Council to serve until the 1st of January following the next regular municipal election. If such election be the time for the regular election of a City Attorney, a City Attorney shall then be elected to serve for a term of four (4) years; otherwise for the remainder of the unexpired term. If the vacancy occurs within ninety (90) days of the next regular municipal election, then the appointed City Attorney shall serve for the remainder of the unexpired term.

The vacancy for the unexpired term shall be filled by an appointment made by a majority vote of the members of Council. Such appointment shall be made within thirty (30) days after the next regular meeting following receipt of notification of such vacancy. If Council fails to fill the vacancy within said thirty (30) day period, the Mayor shall make the appointment. (Amended Nov. 7, 2006.)

SECTION 10.02 QUALIFICATIONS.

The City Attorney shall be an elector of the City at the time of filing for and during the term of office. The City Attorney shall not hold any other public office or public employment during a term, except the City Attorney may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position, or capacity to further intergovernmental cooperation, and may hold any office or position permitted by this Charter or the laws of Ohio. The City Attorney shall be an attorney-at-law duly authorized to practice law in Ohio and engaged in the active practice of law for a period of five (5) years or more immediately prior to the City Attorney's election. The City Attorney may engage in the private practice of law during the City Attorney's term in office. (Amended Nov. 7, 2006.)

SECTION 10.03 GENERAL POWERS AND DUTIES.

The City Attorney shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments thereof in matters relating to their official duties. The City Attorney shall prosecute or defend all suits for and in behalf of the City, and shall prepare all contracts, bonds and other instruments in writing in which the City is concerned and shall certify in writing the City Attorney's approval of the form and correctness thereof. The City Attorney may appoint such assistants and secretaries and clerks as Council may authorize. The City Attorney shall maintain an office in City Hall.

The City Attorney shall be the prosecuting attorney for the City. The City Attorney may detail such of the City Attorney's assistants as the City Attorney may deem proper to assist in such work. The City Attorney shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the Prosecuting Attorney of the County.

The City Attorney shall prosecute or defend for and in behalf of the City, all complaints, suits, and controversies in which the City is a party, and the City Attorney shall participate in, prosecute or defend for and in behalf of the City such other suits, matters and controversies relating to City affairs as directed by resolution or ordinance of Council.

The City Attorney shall defend on behalf of all police officers all suits brought against such police officers arising out of or in the course of their employment with the City, and shall defend on behalf of other City officials and employees such suits arising out of or in the course of their employment as the City Attorney shall, by resolution or ordinance of Council, be directed to defend.

The Council, the director of any department, or any officer, board, or commission not included within a department, may request in writing the oral or written opinion of the City Attorney upon any question of law involving their respective powers or duties.

The City Attorney shall apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of law, or which was procured by fraud or corruption, the abatement of a nuisance, or for such other acts where irreparable injury to the City or general public is involved and there is no adequate remedy at law.

When an obligation or contract made on behalf of the City granting a right or easement, or creating a public duty, is being evaded or violated, the City Attorney shall apply for the forfeiture of the specific performance thereof as the nature of the case requires.

In case any officer, board or commission fails to perform any duty required by law or this Charter, the City Attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

In case the City Attorney, upon written request of any taxpayer of the City, fails to make any application provided for as referenced above, such taxpayer may institute suit or proceedings for such purpose in the taxpayer's own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the City Attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding.

If the Court hearing any such action be satisfied that the taxpayer had good cause to believe the taxpayer's allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case, the taxpayer shall be allowed the taxpayer's costs, and if judgment be finally entered in the taxpayer's favor, the taxpayer may be allowed as part of the costs, a reasonable compensation for the taxpayer's attorney.

In addition to the duties imposed upon the City Attorney by this Charter or required of the City Attorney, by resolution or ordinance, the City Attorney shall perform the duties which are imposed upon City Law Directors by the general laws of the State.

The City Attorney shall make a report to the Council, at its first regular meeting in January of each year or at such other time as Council may by resolution or ordinance designate, of the business of the City Attorney's office, and such other matters as the City Attorney deems proper to promote the good government and welfare of such City.

The Council may provide the City with special legal counsel as it deems necessary. (Amended Nov. 4, 1986.) (Amended Nov. 7, 2006.)

ARTICLE XI PLANNING COMMISSION

SECTION 11.01 PLANNING COMMISSION - COMPOSITION AND PROCEDURE.

The Planning Commission shall consist of seven (7) electors of the Municipality not holding other Municipal offices.

On the first January 2 following the effective date of this Charter, two (2) of the seven (7) electors shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by the City Council to serve a term of one (1) year; one (1) shall be appointed by the Mayor to serve a term of three (3) years, one (1) shall be appointed by the Mayor to serve a term of two (2) years, and one (1) shall be appointed by the Mayor to serve a term of one (1) year. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring. No person shall serve as a member of the Commission at the same time the person is an employee or official of the City.

A member of the Planning Commission may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Planning Commission for a period of five (5) years following removal.

A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other appointing authority shall make appointment to the Planning Commission for the unexpired term. (Amended Nov. 7, 2006.)

SECTION 11.02 PLANNING COMMISSION - ORGANIZATION.

The Council shall establish the date, time and place for the first meeting each year, at which the Planning Commission shall organize under a chairman and vice chairman. The Mayor shall preside at this meeting until the chairman is elected. The Planning Commission shall establish its own rules of operation, ~~except that meetings must be held at least twice a month,~~ shall be open to the public, and a record of its resolutions, findings and determinations shall be maintained. Also, any member of the Planning Commission that has been absent from four (4) consecutive regular meetings of the Planning Commission or a total of six (6) regular meetings of the Planning Commission, during any twelve (12) month period, whether excused or not, is removed from membership on said Planning Commission.
(Amended Nov. 3, 1981.)

SECTION 11.03 PLANNING COMMISSION - POWERS AND DUTIES.

The Planning Commission shall have the power and duty to advise the Council concerning the preparation of plans and maps for the future physical development and harmonious improvement of the Municipality; to evaluate the planning and design, location, removal, relocation and alteration of new, renovated, or expanded structures; any public building or structure and public property; the location, widening, extension and vacation of streets, alleys, public ways, parks, playgrounds, recreation areas and other public places; the approval of plats for the subdivision of lands; the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses; the regulation and limitation of heights of buildings or other location of buildings or other structures to be erected or altered; regulation of the bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, set back building lines, and the area of yards, courts and other open spaces; and such other powers and duties as may be imposed upon it by resolution or ordinance of Council.
(Amended Nov. 5, 1996.)

SECTION 11.04 MANDATORY REFERRAL TO PLANNING COMMISSION.

Unless the Planning Commission shall have recommended same to Council, no resolution, ordinance, regulation, measure or order of Council concerning a matter as to which the Planning Commission has powers and duties, as provided in Section 11.03, shall become effective unless Council shall first have submitted the same to the Planning Commission for report and recommendation.

Any matter so referred to the Planning Commission shall be considered and acted upon by it within ninety (90) days from the date of referral unless a longer time be authorized by Council.

If the Planning Commission shall fail to act within the ninety (90) days, the applicant seeking action on the matter referred to the Planning Commission may request the Council to act thereon without action from the Planning Commission. If the Planning Commission fails to act in the time allotted by Council, Council may act as if it had received recommendation of approval in such matters. (Amended Nov. 3, 1981.)

SECTION 11.05 PUBLIC HEARINGS BY COUNCIL.

Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning regulations, and shall give thirty (30) days public notice of the time and place thereof by posting in the Municipal Building.

Except as provided below, written notice of the hearing shall also be mailed by the Clerk of Council, at least twenty (20) days before the date of the public hearing, to the properties within and contiguous to the area which is the subject of the proposed resolution or ordinance.

Where the subject of such public hearing involves fifty (50) or more of the property owners of the Municipality, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required. (Renumbered Nov. 6, 2007.)

SECTION 11.06 ACTION BY COUNCIL.

When the Planning Commission makes a recommendation to Council for change in, or addition to, any zoning ordinance, Council shall study each such recommendation; and action shall be taken by Council within ninety (90) days after receiving said recommendation, in accordance

with Section 11.05 of this Charter, unless the Council votes at its next regular meeting following expiration of the ninety (90) day period for an additional sixty (60) days' extension beyond the ninety (90) day period. If the period is so extended, Council shall take action on such recommendation prior to the expiration of such extension of sixty (60) days.

(Amended Nov. 3, 1981.)

ARTICLE XII BOARD OF ZONING AND BUILDING APPEALS

SECTION 12.01 COMPOSITION AND TERM.

The Board of Zoning and Building Appeals shall consist of five (5) members.

On the first January 2 following the effective date of this Charter, one (1) of the five (5) electors shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by City Council to serve a term of one (1) year, one (1) shall be appointed by the Mayor to serve a term of three (3) years, and one (1) shall be appointed by the Mayor to serve a term of two (2) years. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring.

(Amended Nov. 5, 1991.)

No person shall serve as a member of the commission at the same time the person is an employee or official of the City. (Amended Nov. 5, 1991.)

A member of the Board of Zoning and Building Appeals may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Board of Zoning and Building Appeals for a period of five (5) years following removal. (Amended Nov. 5, 1991.)

A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other appointing authority shall make appointment to the Board of Zoning and Building Appeals for the unexpired term.

(Amended Nov. 5, 1991; Nov. 6, 2001.)

SECTION 12.02 ORGANIZATION.

The Mayor shall establish the date, which shall be not later than thirty (30) days after January 2, for the first meeting each year, at which the Board of Zoning and Building appeals shall organize under a chairman elected from among its members for a term of one (1) year. (Amended Nov. 8, 1966).

SECTION 12.03 JURISDICTION.

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals as follows:

- (a) For exceptions to ordinances, resolutions, and regulations of the City pertaining to zoning, building, and landscaping in the City.
- (b) From the decisions, measures and orders of City officials, boards, commissions and agencies pertaining to zoning, building, and landscaping in the City.
- (c) The Board shall decide its cases to afford justice and avoid unreasonable hardship to citizens. Further, the Board's authority shall be exercised subject to such reasonable standards as shall be prescribed by Council. Further, the Board shall have such other powers as may be granted to it by Council.

The subject of appeal shall be suspended until action is taken or decision rendered by such Board of Zoning and Building Appeals. (Amended Nov. 6, 2001.)

SECTION 12.04 MEETINGS AND PROCEDURE.

Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question.

Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinance of Council and/or rules or regulations established by the Board not inconsistent therewith. (Amended Nov. 6, 2001.)

SECTION 12.05 APPEALS TO THE BOARD.

(EDITOR'S NOTE: Former Charter Section 12.05 was repealed by the voters on November 6, 2001.)

**ARTICLE XIII
CIVIL SERVICE COMMISSION****SECTION 13.01 MEMBERSHIP AND TERM.**

The Civil Service Commission shall consist of five (5) members.

On the first January 2 following the effective date of this Charter, one (1) of the five (5) electors shall be appointed by the Mayor to serve a term of three (3) years, one (1) shall be appointed by the Mayor for a term of two (2) years, one (1) shall be appointed by the City Council to serve a term of three (3) years, one (1) shall be appointed by the City Council to serve a term of two (2) years, one (1) shall be appointed by the City Council to serve a term of one (1) year. Thereafter, on each January 2 (if January 2 is a Sunday, then on January 3) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring.

No person shall serve as a member of the Commission at the same time the person is an employee or official of the City.

A member of the Civil Service Commission may be removed for just cause by the appointing authority appointing the member to that position. A removed member shall not be eligible for reappointment to the Civil Service Commission for a period of five (5) years following removal.

A vacancy occurring during the term of any member of the Civil Service Commission shall be filled for the unexpired term in the manner authorized for an original appointment providing this is done within forty-five (45) days after the date such vacancy occurs. If appointment is not made by the appropriate appointing authority within forty-five (45) days after the date such vacancy occurs, the other appointing authority shall make appointment to the Civil Service Commission for the unexpired term.
(Amended Nov. 5, 1996.)

SECTION 13.02 ORGANIZATION.

The Council shall establish the date, which shall be not later than thirty (30) days after January 2, for the first meeting each year, at which the Civil Service Commission shall organize under a chairman elected from among its members for a term of one (1) year.
(Added Nov. 7, 1995.)

SECTION 13.03 CLASSIFIED AND UNCLASSIFIED SERVICE.

All compensated positions in the service of the Municipality shall be in the classified service and shall be appointed pursuant to procedures and practices which shall be set forth in the Civil Service Rules and Regulations and the codified ordinances, except the following, which shall comprise the unclassified service of the Municipality:

- (a) ~~All officials elected under this Charter. The Mayor, members of Council, and all other elected officials.~~
- (b) The Clerk of Council and other employees of Council.
- (c) The City Attorney, assistants to the City Attorney, and special legal counsel.
- (d) ~~The heads of any departments or sub departments, divisions or sub divisions, the supervisors or assistant supervisors of any functions, or such other supervisory or other management personnel that may be created under this Charter or by ordinance. All department heads.~~
- (e) ~~Chief of Police.~~
- (f) Professional engineers employed by the Municipality.
- (g) ~~All officers and M~~members of boards and commissions established by Charter or by ordinance of Council.
- (h) ~~Members of the Auxiliary Reserve Police Unit, the Police Cadet Corps and Volunteer Firemen.~~
- (i) ~~The secretary of each board and commission established by Charter or by ordinances, provided that if such secretary holds other employment within the classified service of the Municipality, this section shall not exempt such person from meeting all standard hiring requirements.~~
- (j) Persons of exceptional professional or scientific qualifications engaged as consultants.
- (k) Temporary, seasonal and/or part-time employees.
- (l) ~~There shall be unclassified employees allowed for the Mayor, and for each department head; provided, however, that it shall be necessary for such positions to have been created by Council.~~
- (m) ~~All unskilled labor positions, designated as such by ordinance of City Council.~~
(Amended Nov. 3, 2009.) (Amended Nov. 8, 2011)

SECTION 13.04 COMMISSION POWERS AND DUTIES.

The Civil Service Commission shall have the jurisdiction, power, and duty to hear and decide appeals from administrative determinations pursuant to the provisions of the Civil Service Rules and Regulations as enacted by Council and the codified ordinances. The Commission shall have such other powers, duties and functions as provided by ordinance and in accordance with applicable collective bargaining agreements. (Amended Nov. 8, 2011)

SECTION 13.05 VACANCIES IN CLASSIFIED SERVICE.

Vacancies in the classified service shall be filled in the manner prescribed in the Civil Service Rules and Regulations as enacted by Council and the codified ordinances; provided however, that such rules and regulations and the codified ordinances shall provide that all such vacancies shall be filled in a competitive application process and on the basis of qualifications and fitness. Within the discretion of the Director of Human Resources, and with the approval of the Civil Service Commission, vacancies in the classified service may be posted on an internal-only basis if such qualified candidate(s) exists within the current employment of the City. Such approval by the Civil Service Commission shall not preclude the Director of Human Resources from seeking external candidates for the competitive application process, if in the discretion of the Director of Human Resources such additional application process would be beneficial. (Amended Nov. 7, 2006.) (Amended Nov. 8, 2011)

SECTION 13.06 REVIEW BOARD COMPOSITION AND PROCEDURE.

(EDITOR'S NOTE: Former Section 13.06 was repealed on November 8, 2011.)

ARTICLE XIV
DEPARTMENT OF HUMAN RESOURCES

(EDITOR'S NOTE: Former Article XIV, consisting of Sections 14.01 and 14.02, was repealed on November 7, 2006.)

ARTICLE XV
LANDSCAPE COMMISSION

(EDITOR'S NOTE: Former Article XV, consisting of Sections 15.01 to 15.03, was repealed on November 5, 1996.)

ARTICLE XVI
DESIGN REVIEW BOARD

(EDITOR'S NOTE: Former Article XVI, consisting of Sections 16.01 to 16.03 was repealed on November 5, 1996.)

ARTICLE XVII
CEMETERY BOARD

(EDITOR'S NOTE: Former Article XVII, consisting of Sections 17.01 to 17.03, was repealed on November 5, 1996.)

ARTICLE XVIII
NOMINATIONS AND ELECTIONS

SECTION 18.01 NOMINATIONS.

There shall be no primary election for selection of candidates for any elective office of this Municipality, unless required by State statute or otherwise required by this Charter. Nominations for each elective municipal office shall be made by petition only, on the standard forms provided by the Board of Elections for the nomination of nonpartisan candidates, filed with such Board at least ninety (90) days before the day of election.

Each petition for the nomination of a candidate for office shall be signed by not less than fifty (50) and no more than one hundred (100) qualified electors of the Municipality entitled to vote on the position for which the candidate seeks election. Each candidate shall file a separate petition; group petitions shall not be used.

Nothing in this section shall be construed to prohibit the holding of a caucus by interested electors for the purpose of selecting nominees for elective offices.
(Amended Nov. 3, 1981.)

SECTION 18.02 ELECTIONS.

The Constitution and laws of Ohio applicable to election shall govern. Council may, by resolution, order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution, to be conducted in the manner provided by law.
(Amended Nov. 8, 1966.)

ARTICLE XIX
INITIATIVE, REFERENDUM AND RECALL

SECTION 19.01 INITIATIVE.

The electors of this Municipality shall have the power to propose by initiative petition ordinances and other measures in accordance with the provisions of the Constitution and laws of Ohio except that Council may at its discretion hold a special election if they feel it would be in the best interest of the City. (Amended Nov. 2, 1976.)

SECTION 19.02 REFERENDUM.

The electors of this Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council except as otherwise provided by the laws of Ohio. The exercise of said power of referendum shall be in accordance with the provisions of the Constitution and laws of Ohio, except that Council may at its discretion hold a special election if they feel it would be in the best interest of the City.
(Amended Nov. 2, 1976.)

SECTION 19.03 RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of this Municipality. If an elected officer shall have served for six (6) months of the elected officer's term, a petition demanding the elected officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and date of such filing.

Such petition shall be signed by qualified electors equal in number to at least twenty percent (20%) of the total number of voters casting ballots at the last general election; provided that if the recall petition relates to a Council member from a ward, the persons signing the petition must be qualified electors in the ward and the number of signers shall be at least twenty percent (20%) of the total number of voters casting ballots in that ward at the last general election.

Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition

insufficient, the Clerk shall promptly certify the particulars to the person who filed the petition with the Clerk, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the date on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. (Amended Nov. 3, 1981). (Amended Nov. 7, 2006).

If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, and said election day shall be held not less than forty-five (45) days and not more than ninety (90) days after the date of such delivery. In the case of a recall election related to a Council member from a ward, the election shall be held only in that ward. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be recalled from office as (name of office)?," with provision on the ballot for voting affirmatively or negatively on such question. If a majority of votes cast shall be voted affirmatively, such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. (Amended November 4, 1986.)

The officer removed by such recall election shall not be eligible for appointment to any vacancy created thereby. (Amended Nov. 3, 1981.)

SECTION 19.04 RECALL PETITIONS.

A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. The manner of signing, the method of circulation, the form and requirements as to the affidavit, and the other requirements of the law of Ohio regulating initiative and referendum petitions, shall apply to recall petitions in this Municipality, except as otherwise provided in this Charter. (Renumbered Nov. 8, 1966.)

ARTICLE XX FRANCHISE

SECTION 20.01 GRANTING OF FRANCHISES.

The Council may by ordinance grant a franchise to any person, firm, or corporation to construct or operate a public utility on, across, under or above any public street or public real estate within the Municipality for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or public real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. (Renumbered Nov. 8, 1966.)

SECTION 20.02 REGULATIONS.

All such grants, amendments and renewals shall be made subject to the continuing right of Council to provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public real estate as shall, in the opinion of the Council, be conducive to the public interest.
(Renumbered Nov. 8, 1966.)

**ARTICLE XXI
AMENDMENTS TO CHARTER****SECTION 21.01 SUBMISSION TO ELECTORS.**

Council may, by affirmative vote of five (5) or more of its members, submit to the electors any proposed amendment to this Charter; or, upon petition signed by not less than ten percent (10%) of the electors of the Municipality setting forth any proposed amendment to this Charter, Council shall submit such proposed amendment to the electors in accordance, in each instance, with the provisions of the Constitution of Ohio and this Charter.
(Renumbered Nov. 8, 1966.)

SECTION 21.02 ADOPTION.

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except if two (2) or more inconsistent proposed amendments on the same subject be submitted at the same election, only the one (1) of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.
(Renumbered Nov. 8, 1966.)

**ARTICLE XXII
CHARTER REVIEW COMMISSION****SECTION 22.01 COMPOSITION AND TERM.**

In January, 1996, and each five (5) years thereafter, there shall be appointed a commission of seven (7) qualified electors of this Municipality holding no other office or appointment to this municipality, as members of a Charter Review Commission to serve until their duties as provided in section 22.02 are completed. The members shall serve without compensation.

The Council shall have four (4) appointments to this Commission and the Mayor shall have three (3) appointments to this Commission.
(Amended Nov. 7, 1995.)

SECTION 22.02 DUTIES.

The Charter Review Commission shall, in meetings open to the public, review the Municipal Charter, and no later than July 1 of the same year, recommend to Council such amendments, if any, to this Charter as in its judgment are conducive to the public interest.
(Renumbered Nov. 8, 1966.)

SECTION 22.03 SUBMISSION TO ELECTORS.

Council shall submit to the electors at the next regular general election any such proposed amendments to this Charter in accordance, in each instance, with the provisions of the Constitution of Ohio or of this Charter. (Renumbered Nov. 8, 1966.)

SECTION 22.04 CERTIFICATION OF AMENDMENTS.

Following certification by the Board of Elections of the results of any election in which an amendment to this Charter appears on the ballot, the Commission last appointed shall meet with the Clerk of City Council and certify an official version of the Charter reflecting the certified results of the election. The certification shall consist of the dating and signature by the Chairman of the Commission. The official version shall be deposited with and maintained by the Clerk of City Council. The preparation and certification of the official version of this Charter following the election at which this provision shall have been on the ballot shall include the correction of typographical errors appearing in prior versions of this Charter. (Amended Nov. 3, 1981.)

**ARTICLE XXIII
GENERAL PROVISIONS****SECTION 23.01 PERSONAL INTEREST.**

No officer or employee of this Municipality shall directly or indirectly, solicit, contract for, receive, or have any interest in, any gift, profit or emolument, from, or on account of, any contract, job, work, or service with, or for the Municipality, other than compensation and expenses as fixed by Council. (Renumbered Nov. 8, 1966.)

SECTION 23.02 REMOVAL OF APPOINTED EMPLOYEES.

The power to make appointments of employees as herein provided, carries with it the power to transfer, demote, discipline, remove or discharge, subject only to applicable Civil Service or other provisions of this Charter. (Amended Nov. 7, 2006.)

SECTION 23.03 EFFECTIVE DATE OF CHARTER.

This Charter shall be in effect from and after the date of its approval by the electors for these purposes:

- (a) The nomination and election of officers of this Municipality in 1961.
- (b) The fixing of compensation of officers to be elected in 1961.
- (c) The written notice provisions of Section 11.05 and 12.05.

For all other purposes this Charter shall be in effect on and after January 2, 1962. (Renumbered Nov. 8, 1966.)

SECTION 23.04 EFFECT OF PARTIAL INVALIDITY.

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

**SECTION 23.05 EFFECT OF THE CHARTER UPON EXISTING LAWS
AND RIGHTS.**

The taking effect of this Charter shall not affect any preexisting rights of the Municipality, or any right or liability or pending suit or prosecution, either on behalf of or against this Municipality or any officer thereof, nor any contract entered into by the Municipality or for its benefit, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments thereof. Except as a contrary intent appears herein, all acts of the Council of the Municipality in effect on January 1, 1962 shall continue in effect until lawfully amended or repealed.

SECTION 23.06 INTERPRETATION OF THE CHARTER.

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

SECTION 23.07 NON DISCRIMINATION CLAUSE.

No appointed or elected official and no employee of the City of Gahanna in discharging their duties under the City Charter, Administrative Code, or rules shall discriminate against any person or group on the basis of age, gender, race, color, marital status, disability, religion, sexual orientation, national origin, or status as a covered veteran in accordance with applicable federal, state and local laws. Elected or appointed officials, or classified or unclassified employees shall not use age, gender, race, color, marital status, disability, religion, sexual orientation, national origin or status as a covered veteran in accordance with applicable federal, state and local laws as a basis to limit the use or availability of any public resource.

(Amended Nov. 7, 2006.)

SECTION 23.08 CHARTER CHANGES AND CORRECTIONS REARRANGEMENT AND REPRINTING OF CHARTER.

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of Council and the City Attorney, may, ~~prior to any reprinting of this Charter,~~ make such changes therein, including correction of misspellings or typographical errors, removing repealed articles or sections, renumbering, title changes the numbers, titles and arrangement and rearrangement of articles and sections hereof, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall, in any way, affect the substance or meaning of this

Charter or any part thereof or amendment thereto.

(Amended 11-05-91.)

SECTION 23.09 EMINENT DOMAIN.

(a) The City shall not use its power of eminent domain to appropriate, without the owner's consent, private property when the primary purpose for the appropriation is to promote private economic development and the appropriation is intended to result in long-term use of the property by another private person or entity.

(b) The provisions of this section shall not apply to the use of eminent domain where the property is located in a blighted area.

(c) The provisions of this section shall not apply to excess land appropriated in furtherance of a public use as permitted by Article XVIII, Section 10 of the Ohio Constitution.

(d) The provisions of this section shall not otherwise restrict the Council's authority to appropriate private land as necessary for public uses as permitted by Article XVIII, Sections 3, 4 and 5 of the Ohio Constitution and Chapter 719 of the Ohio Revised Code, except as outlined in subsection (a) hereof. (Added Nov. 7, 2006.)

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