

CHARTER

CITY OF

WHITEHALL, OHIO

EDITOR'S NOTE: The Whitehall Charter was originally adopted on November 8, 1966. Dates appearing in parentheses following a section heading indicate that those provisions were subsequently amended on the date given.

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PREAMBLE

We, the people of the City of Whitehall, in the County of Franklin and 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 Laws of the State of Ohio, do

hereby adopt this Charter for our City.

CORPORATE POWERS, RIGHTS, AND PRIVILEGES

SECTION 1. NAME, BOUNDARIES, AND POWERS.

The municipal corporation now existing as the City of Whitehall shall continue to be a body politic and corporate under the same name and with the same boundaries as now exist. The Municipality shall have power and authority in the manner authorized by the laws of the State of Ohio. The City of Whitehall shall have all powers now or hereafter granted to municipalities by the Constitution and laws of Ohio. All powers shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, then in such manner as shall be provided by ordinance or resolution of Council, or in such manner as may be prescribed by the laws of Ohio. No enumeration of specific powers in this Charter shall be held to be exclusive.

LEGISLATIVE

SECTION 2. POWERS OF COUNCIL.

All legislative power of the City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

- (a) The power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.
- (b) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.
- (c) The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- (d) The power to fix the number of officers and employees in the various offices, departments, divisions, bureaus, boards, and commissions of the City and to fix the rate of their compensation, hours of work, retirement ages, and to provide such other fringe benefits as deemed proper by the Council.
- (e) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for said bonds shall be paid by the City.
- (f) The power by ordinance, upon a two-thirds vote of the members of Council, to create other offices, departments, divisions, bureaus, boards, and commissions, and to combine, change, and abolish any office, department, division, bureau, board, or commission other than the offices, departments, divisions, bureaus, boards or commissions established by this Charter.
- (g) The Council shall have the power: to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance; to adopt and provide for the enforcement of ordinances regulating the subdivision and platting of land within the City; to regulate the subdivision and platting of land outside of the boundaries of the City as provided by general law; to adopt and provide for the enforcement of ordinances requiring actual construction or assurance of construction of streets, utility lines and facilities, sidewalks, curbs and gutters and other improvements or facilities as a condition precedent to the approval of a plat of a subdivision; to adopt and provide for the enforcement of ordinances regulating the construction, reconstruction, alteration, enlargement, repair or demolition of buildings and other structures, as defined by ordinance, within the City; to adopt and to provide for the enforcement of housing codes or ordinances, regulating the use and occupancy of any building or structure, as defined by said codes or ordinances, within the City.
- (h) The Council shall have the power to establish, by ordinances, the rates of charges made of consumers of all municipal utilities and services.
- (i) The power to acquire title to or interests in real property shall be vested in the Council, whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or by any other method. The power to sell or otherwise convey, lease or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant shall be in the manner as provided by the ordinance authorizing the sale, conveyance, lease, or grant. Title to all real property shall be taken in the name of the City.
- (j) To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

SECTION 3. ELECTION AND QUALIFICATIONS.

- (a) The Council shall consist of seven members elected for a term of four years beginning on the first day of January after their election and shall serve until their successors are chosen and have been qualified. One member shall be elected by the electors from each of the four wards as now established or as they are subsequently established in the manner provided by this Charter and three members shall be elected by electors of the City at large. Council members for wards shall have resided in their respective wards and Council members at large shall have resided in the City for at least two years next preceding their election.
- (b) All members of Council shall be qualified electors of the City and shall continue to be qualified electors thereof throughout their respective terms of office. A member of Council shall not hold any other public office except: that of notary public; member of the National Guard or Reserve Forces of the United States; member or officer of any political party or committee thereof, or delegate to any state or national political party convention; or as otherwise allowed in this Charter or by ordinance. Any member of Council who moves from their ward, if elected from a ward, or from the City, if elected from the City, as herein provided shall forfeit their office, provided that such forfeiture shall not render void or ineffective any action of the Council in which such member has participated.
- (c) President of Council pro tempore. The Council shall elect one of its members as president pro tempore, to serve at the pleasure of Council and until a successor is elected by the Council. The president pro tempore shall act as the presiding officer of the Council in the absence or disability of the President of Council and shall exercise all the powers and duties granted the President of Council by this Charter during the absence or disability of the President of Council. The president pro tempore may vote upon all matters coming before the Council, but in no event shall president pro tempore, in their dual capacity as Council member and presiding officer of Council, cast more than one vote on any action.
- (d) President of Council. The President of Council shall be elected by the electors of the City at large for a term of four years beginning on the first day of January following the election. The President of Council shall be and remain a qualified elector of the City and shall have resided in the City for at least two years next preceding the election. The President of Council shall have executive and

administrative powers. The President of Council shall preside at all regular and special Council meetings, but shall have no vote except in case of a tie. A vacancy of the office of President of Council shall be deemed to occur at the time of presentation of a resignation to the Mayor, death or other disqualification as provided for by Section 7 of this Charter. Any vacancy in the office of President of Council shall be filled by a majority vote of Council for the unexpired term. If the vacancy is not filled within sixty (60) days after it shall have occurred, the power of Council to fill the vacancy shall lapse, and in that event, the Mayor shall fill a vacancy in the office of President of Council by appointment for the unexpired term.

(e) Commencing with the municipal elections to be held during November 2018, persons seeking to represent a ward shall be elected for a two (2) year term and persons seeking to be elected as President of Council or at large shall be elected for a four (4) year term; thereafter, all persons seeking election to Council shall be elected for a term of four (4) years. The President and members of Council shall be limited to seeking election to not more than three (3) consecutive four (4) year terms. A former president or member of Council may seek election or may be appointed to a vacancy of Council only after the expiration of the regular term of Council next following their departure from the former position for which the disqualification set forth by this subsection shall apply.

(Amended 11-2-93; 11-4-08; 11-6-18.)

SECTION 4. SALARY OF COUNCIL AND ELECTED OFFICIALS.

(a) The salary of each elective office shall be set on an annual basis and shall remain unchanged throughout the term of office from that salary set for the first year of each term.

(b) Ordinances increasing or decreasing salaries, in order to be effective for the next ensuing term of office, shall be passed by Council not later than twenty-one days prior to the last day for filing nominating petitions as a candidate for such offices.

(c) Notwithstanding paragraphs (a) and (b) requiring salaries of elected officials to be by ordinance, the salaries of each elected official for the terms commencing January 1, 1980, Ordinance 10-79, passed by Council on February 6, 1979, is repealed insofar as it establishes incremental salary increases in 1981, 1982 and 1983 and the annual rate of compensation to each such elected official shall be the annual rate established therein for the year 1980. This paragraph (c) shall have no force and effect after December 31, 1983.

(Amended 6-5-79.)

SECTION 5. ATTENDANCE.

(a) Members of Council shall attend all Council meetings and be subject to their own rules governing attendance.

(b) Four members of the Council shall be a quorum to do business, but a lesser number may adjourn from time to time to compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or rules of Council.

SECTION 6. MEETINGS.

(a) At a time specified in the current Rules of Council, on the first Tuesday in January following a regular municipal election, unless such Tuesday shall fall on a legal holiday, the Council shall meet at the usual place for holding meetings, at which time the newly elected members shall assume the duties of their offices. Should the first Tuesday in January fall on a legal holiday, then such meeting shall take place on the first Wednesday after the first Tuesday in January following a regular municipal election. Thereafter, Council shall meet a minimum of two times each month.

(Amended 11-4-75; 11-4-08)

(b) All meetings of Council or of its committees shall be open to the public and any citizen shall have access to the minutes and records thereof at all reasonable times. Executive sessions may be held in the manner specified by the general laws of the State of Ohio. (Amended 11-7-95)

(c) Special meetings may be called by the Mayor, the President of Council or any three members of Council. Written notice, setting forth the date, time, and place of the meeting, as well as the subjects to be considered at the meeting, shall be served personally on or left at the usual place of residence of each member of Council, the President of Council, and the Mayor at least twelve hours in advance of the special meeting. When a special meeting is called by the Mayor or President of Council and when the notice referred to herein provides that it is an "emergency special meeting" the twelve hour notice required hereinabove shall be waived and the notice may be given at any time prior to the time of the meeting. No subjects shall be considered at a special meeting except those stated in the notice. Service of notice or any defect in said notice or the service thereof shall be deemed to have been waived by any member of Council, the President of Council, or the Mayor, who shall be present at the special meeting.

(d) The Mayor, the Director of Public Safety, the Director of Public Service, and other elective officers may be entitled to take part in such discussions and make such reports as affect their respective departments.

SECTION 7. EXPULSIONS AND VACANCIES.

(a) The Council may remove any member thereof for gross misconduct, malfeasance in office, conviction of a crime involving moral turpitude, judicial declaration of incompetency, willful violation of this Charter, persistent failure to abide by the rules of the Council, or the unexcused absence from all Council meetings held during ninety consecutive days or from one-fourth of the regular meetings held during the calendar year. The Council may punish or expel from any meeting any member for disorderly conduct or violation of its rules.

(b) No removal or expulsion shall take place without the concurrence of six members of the Council and until the delinquent member shall have been notified of the charge against the member and shall have been given an opportunity to be heard on the charge. The accused member shall not vote on the questions of the member's punishment, expulsion, or removal.

(c) A vacancy shall be deemed to occur in Council upon and as of the time of the presentation of a written resignation to the Mayor or the President of Council, the death of a council member, the determination by the Council that a member of Council ceases to possess or has violated any of the qualifications of the office of Council member, the removal of a council member as provided in this section of this Charter, or upon the recall of a Council member as provided in Section 68 of this Charter. Any vacancy in the Council shall be filled by a

majority vote of the remaining members of the Council for the unexpired term. If the vacancy is not filled within thirty days after it shall have occurred, the power of Council to fill the vacancy shall lapse and the Mayor shall fill it by appointment immediately following the expiration of said thirty days. Any appointee under this section shall qualify under the provisions of this Charter and shall hold office and serve for the unexpired term and until a successor is elected and qualified.

(Amended 11-4-08; 11-6-18.)

SECTION 8. COUNCIL NOT TO EXERCISE ADMINISTRATIVE POWERS.

Except as otherwise provided or authorized by this Charter, the Council shall exercise legislative powers only and shall not perform administrative duties nor appoint or confirm officers or employees in the City government, except those of its own body.

SECTION 9. RULES OF ORDER AND JOURNAL OF PROCEEDINGS.

Council shall determine its rules and order of business and shall keep a journal of all its proceedings.

SECTION 10. LEGISLATIVE PROCEDURE.

(a) Ordinances and resolutions shall be introduced in the Council only in written or printed form. All ordinances or resolutions, except ordinances or resolutions making appropriations or providing for a codification or recodification, shall be confined to one subject which shall be clearly expressed in the title. Ordinances or resolutions making appropriations shall be confined to the subjects of appropriation. No ordinance or resolution shall be passed until it has been read on three separate days unless the requirement of reading on three separate days has been dispensed with by a two-thirds vote of all the members of the Council. The first two readings shall be by title only, and the final reading shall be in full unless a written or printed copy of the measure shall have been furnished to each member of the Council prior to such reading, or unless such reading in full shall be dispensed with by a two-thirds vote of the Council. Any legislation for the sale or transfer of real estate shall not be read at any special or emergency special meetings. Such legislation must have three readings at regularly schedule council meetings. The enacting clause of all ordinances or resolutions passed by the Council shall be, "Be it ordained (or resolved) by the Council of the City of Whitehall. " The enacting clause of all ordinances or resolutions submitted by the initiative shall be "Be it ordained (or resolved) by the people of the City of Whitehall.

(Amended 11-4-08.)

(b) Ordinances and resolutions may be revised, codified, re-arranged, and published in book form under appropriate titles, chapters, and sections and such revision and codification may be made in one ordinance containing one or more subjects. Any such revision or codification of ordinances or resolutions in book form shall be approved by a majority vote of the members of Council and shall contain a certificate of the President of Council and the Clerk of Council of the correctness of such revision or codification; and such book so published shall be received in evidence in any Court for the purpose of proving the ordinances or resolutions therein contained, the same and for the same purpose as the original book, ordinances or resolutions, minutes, or journals would be received. An official copy of said revision or codification in book form shall be maintained by the Clerk of Council and such revision in codification shall not require further publication and shall take effect immediately upon its approval by the Council.

(c) No ordinance or resolution, section or subsection thereof shall be revised or amended, unless the new ordinance or resolution contain the entire ordinance or resolution, or section or subsection revised or amended, and the original ordinance, resolution, section or sections, or subsection or subsections so amended shall be repealed.

(d) The vote on the question of passage of each ordinance, resolution, and motion shall be taken by yeas and nays and entered on the Journal, and no ordinance, resolution, or motion shall be passed without concurrence of a majority of the members of Council. Emergency ordinances or resolutions shall require the concurrence of two-thirds of the members of the Council and shall take effect immediately upon its passage unless a later time be specified therein. All other ordinances and resolutions shall be in effect from and after twenty days from the date of their passage by the Council except as otherwise provided in this Charter. In the event an ordinance or resolution proposed as an emergency measure does not receive the vote of two-thirds of the members of the Council as required by Section 10(d) of this Charter, but it is approved by a majority vote of the members of Council, it shall be passed and become effective in the time required for nonemergency ordinances and resolutions.

(e) Any ordinance or resolution passed by the Council shall be signed by the President or other presiding officer and presented forthwith to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution the Mayor shall sign it within ten days after its passage or adoption by the Council; but if the Mayor does not approve it, the Mayor shall return it to the Council with the objections within said ten days, which objections the Clerk of Council shall cause to be entered in full on the journal. If the Mayor does not sign or veto an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if the Mayor had signed it. The Mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money. When the Mayor refuses to sign an ordinance or resolution or part thereof and returns it to the Council with the Mayor's objections, the Council shall, after the expiration of not less than one week, proceed to reconsider it and, if upon reconsideration, the resolution or ordinance or part or item thereof disapproved by the Mayor be approved by the vote of two-thirds of the members of the Council, it shall take effect without the signature of the Mayor.

(Amended 11-6-18.)

SECTION 11. RECORDING AND PUBLISHING ORDINANCES AND RESOLUTIONS.

(a) Recording. Each ordinance or resolution shall be recorded in a journal, or other record prescribed by the Council, established, maintained and indexed for that purpose. The Clerk of Council or a duly authorized deputy to said Clerk, shall, upon the request of any person and upon the payment of a fee, as established by the Council, certify true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court. Copies of ordinances and resolutions shall be made available to the public promptly following their adoption.

(b) Publication. The Council shall determine by motion the manner in which ordinances and resolutions, and other notices,

statements, orders, proclamations and reports required by law to be published, shall be published. Such manner may be by full text or summary publication in a newspaper of general circulation within the City one time, or by posting a copy thereof in the Whitehall Municipal Building for a period of not less than fifteen days prior to the effective date thereof. Emergency ordinances and resolutions shall also be so published or posted, but said requirement for posting or publishing shall not postpone the effective date thereof. The Clerk of Council shall cause the publication of ordinances and resolutions to be made in the manner prescribed by the Council, and the Clerk shall enter on the record of ordinances and resolutions, under the recorded ordinance or resolution, a certificate stating how such publication was made. The Clerk of Council shall sign the certificate, and such certificate shall be prima facie evidence that publication of such ordinance or resolution was made. The failure of the Clerk of Council to affix or sign the certificate required hereinabove shall not affect the validity of an otherwise duly and properly enacted ordinance or resolution.

(Amended 11-6-18.)

SECTION 12. EMERGENCY MEASURES.

Each emergency ordinance or resolution shall determine that said ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare, and shall contain a statement of the necessity for such emergency. No measure making a grant, renewal or extension of a franchise, real estate transfer or sale, or other special privilege, or regulating the rate to be charged for its service by any public utility shall be passed as an emergency measure. (Amended 11-4-08.)

SECTION 13. APPROPRIATIONS, BUDGETS, AND TRANSFERS.

(a) To the extent that they are not in conflict with this Charter, the general laws of Ohio shall govern the proceedings for the preparation of estimates of contemplated revenue and expenditures and the adoption of the annual budget measures authorizing annual tax levies and annual and temporary appropriation measures.

(b) Any accruing revenue of the City not appropriated under an appropriation ordinance, and any balance at any time remaining after the purpose of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any purposes for which such revenue accrued. No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money to be accrued, except pursuant to appropriations made by the Council, and whenever an appropriation is so made the Clerk of Council shall forthwith give notice to the City Auditor. At the end of each fiscal year all unencumbered balances of appropriations shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation; but appropriations may be made in furtherance of improvements or other projects of the City which will not be completed within the current year. Money appropriated as hereinbefore provided shall not be used for purposes other than designated in the appropriation ordinance without authority from Council.

INITIATIVE AND REFERENDUM

SECTION 14. POWER OF INITIATIVE AND REFERENDUM.

Ordinances and resolutions may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by Council shall be subject to referendum to the extent and in the manner provided in this Charter. All petitions required in the initiative or referendum of ordinances and resolutions shall be filed with the City Attorney.

SECTION 15. INITIATIVE PETITIONS - FILING AND PROCEDURE.

(a) Any proposed ordinance or resolution may be submitted to the Council by petition signed by electors equal in number to ten percent of the total vote cast in the last preceding regular municipal election of the City for the office of Mayor. All petition papers, circulated with respect to any proposed ordinance or resolution shall be uniform in character and shall contain the proposed ordinance or resolution in full and have printed thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and constitute a committee of the petitioners for the purposes hereinafter named. All actions taken by the committee of the petitioners shall be in writing and signed by at least three members thereof.

(b) The circulator of any petition paper shall be an elector of the City. Each signer of a petition shall sign their name in ink or indelible pencil and shall place on the petition paper after their name, their place of residency by street and number, or by other description sufficient to identify the place. The signatures to any such petition paper need not all be appended to one paper but to each paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition, that the circulator is an elector of the City, that the signatures on the petition paper were affixed in the presence of the circulator, and that the circulator believes each signature appended to the paper is the genuine signature of the person whose name it purports to be.

(c) All papers comprising a petition shall be assembled and filed with the City Attorney as one instrument. Within ten days from the filing of a petition, the City Attorney shall ascertain whether it is signed by the required number of qualified electors in the manner and form prescribed and that it conforms to all requirements of the Charter. Upon the completion of the City Attorney's examination, the City Attorney shall endorse upon the petition a certificate of the results thereof.

(d) If the City Attorney's certificate shows that the petition is insufficient, the City Attorney shall at once notify each member of the committee of the petitioners, hereinbefore provided for, and the petition may be amended by said committee at any time within ten days from the date of the City Attorney's certificate of examination, by filing with the City Attorney an additional petition paper or papers in the same manner as provided for the original petition.

(e) Upon the filing of such an amendment the City Attorney shall within ten days thereafter, examine the amended petition and attach thereto the City Attorney's certificate of the results. If still insufficient, or if no amendment shall have been filed, the City Attorney shall file the petition in the City Attorney's offices and shall notify each member of the committee of the insufficiency. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(f) When the certificate of the City Attorney shows the petition to be sufficient, the City Attorney shall submit the proposed ordinance or resolution to the Council at its next regular meeting and the Council shall at once read and refer the same to an appropriate

committee, which may be a committee of the whole Council. Provision shall be made for public hearings upon the proposed ordinance or resolution before the committee to which it is referred. Thereafter the committee shall report the proposed ordinance or resolution to the Council, with its recommendations thereon, not later than sixty days after the date on which the proposed ordinance or resolution was submitted by the City Attorney.

(g) Upon receiving the proposed ordinance or resolution from its committee, the Council shall at once proceed to consider it and shall take final action, thereon within thirty days from the date such committee reports its recommendations on the proposed ordinance or resolution. If the Council rejects the proposed ordinance or resolution, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented by the petitioner's committee, or in writing either at a public hearing before the committee to which such proposed ordinance was referred, or during the consideration thereof by the Council. The committee of the petitioners shall certify the form of the proposed ordinance or resolution to be submitted to a vote of the electors to the City Attorney within ten days after final action on such proposed ordinance or resolution by the Council.

(h) When an ordinance or resolution proposed by petition is to be submitted to a vote of the electors the committee of the petitioners shall certify that fact and the proposed ordinance in the form in which it is to be submitted to the City Attorney within ten days after the final action on such proposed ordinance or resolution by the Council.

(i) Upon receipt of the certificates and certified copy of the proposed ordinance or resolution from the petitioner's committee, the City Attorney shall present such proposed ordinance or resolution to the Council at its next regular meeting. The Council shall provide for submitting the proposed ordinance or resolution to the electors on the next regular day designated by State law or this Charter for the holding of a primary or a general election, provided that such election day shall occur at least thirty (30) days after the receipt of the proposed ordinance or resolution from the City Attorney; except that Council may provide for submitting the proposed ordinance or resolution to the electors at a special election on a date fixed by the Council, upon a two-thirds vote of the members of the Council.

(j) Proposed ordinances or resolutions to repeal or amend any existing ordinance or resolution, in whole or in part, may be submitted to the Council as provided in the preceding sections for the initiating of ordinances or resolutions.

(k) Ordinances rejected or repealed by an electoral vote shall not be re-enacted, in whole or in part, except by an electoral vote.

(l) Ordinances approved by an electoral vote shall not be repealed, amended or supplemented except by an electoral vote. (Amended 11-7-78; 11-6-18.)

SECTION 16. REFERENDUM PETITIONS - FILING AND PROCEDURE.

(a) No ordinance or resolution passed by the Council, unless it be an emergency measure, or unless otherwise provided by this Charter, shall go into effect until twenty days after its final passage by the Council. If at any time, within said twenty days, a petition signed by electors equal in number to ten percent of the total vote cast at the last preceding regular municipal election of the City for the office of Mayor be filed with the City Attorney requesting that any such ordinance or resolution, or any specified part thereof, be submitted to a vote of the electors, such ordinance or resolution, or such specified part thereof shall not become effective, and it shall be submitted to a vote of the electors of the City on the next regular day designated by State law or this Charter for the holding of a primary or a general election, provided that such election day shall occur at least thirty (30) days after receipt of the certificate by the City Attorney that the referendum petitions filed have been found to be sufficient; except that the Council may provide for referring such ordinance or resolution to the electors at a special election on a date fixed by the Council upon a two-thirds vote of the members of the Council.

(b) Referendum petitions shall be prepared and filed in the manner and form prescribed and may be amended as provided in the foregoing sections of this Charter for an initiative petition for an ordinance or resolution, provided that such petitions may be amended once only. If the City Attorney finds that the amended petitions are insufficient, or in the event the City Attorney finds the original petitions are insufficient and amended petitions are not filed within the time allowed, the City Attorney shall certify a final finding of insufficiency to the petitioner's committee and further referendum petitions may not be filed on such ordinance or resolution or part thereof. If the original or amended petitions are found to be sufficient, the City Attorney shall certify such finding to the Clerk of the Council and the Council shall refer said ordinance or resolution, or part thereof, to the electors as provided in paragraph (a) of this section.

(c) Ordinances or resolutions of the following types shall not be subject to referendum:

- (1) Appropriation ordinances or resolutions.
- (2) Ordinances or resolutions providing for the approval or disapproval of appointments or removals and appointments or removals made by Council.
- (3) Actions by Council on the approval of official bonds.
- (4) Ordinances or resolutions providing for the submission of any proposition to a vote of the electors.
- (5) Ordinances or resolutions providing for street improvements petitioned for by owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof.
- (6) Ordinances or resolutions passed as emergency measures.

(Amended 11-6-18.)

SECTION 17. BALLOTS, RESULTS OF ELECTIONS, AND CONDUCT OF ELECTIONS.

(a) Ballots. Ballots used for voting upon issues submitted to the electors by initiative or referendum shall contain a statement in clear

and concise language descriptive of the substance of the issue to be voted upon. Such statement shall be prepared by the City Attorney. Provision shall be made upon the ballot for voting affirmatively or negatively.

(b) Results of Election.

(1) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance or resolution vote in its favor, it shall be considered adopted and shall become effective five days after the Board of Elections certifies the official vote on the question and no publication of such ordinance or resolution shall be required.

(2) Referendum. If a majority of the qualified electors voting on a referred ordinance or resolution vote against it, it shall not take effect. If a majority of the qualified electors voting on a referred ordinance or resolution vote for it, it shall become effective five days after the Board of Elections certifies the official vote on the question, and no publication of such ordinance or resolution shall be required.

(3) Conflicting provisions. If conflicting ordinances or resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(4) Conduct and elections. Elections on ordinances or resolutions referred to the electors under the initiative and referendum procedures set forth in this Charter shall be conducted by the Boards of Elections of the County in which the Municipality is located under the provisions of this Charter as far as they are applicable. Where the Charter is silent concerning the conduct of the election, the provisions of the Ohio Election Laws shall be followed.

SECTION 18. DIVIDING THE CITY INTO WARDS.

(a) Upon the adoption of this Charter and at least 45 days prior to the filing date of the nominating petitions for the terms beginning on January 1, 1968, the present Council shall divide the City into four wards upon the basis of one ward for each seven thousand population or major portion thereof. Wards so formed shall be as nearly equal in population as may be composed of contiguous and compact territory, and bounded by natural boundaries or street lines. In the event Council shall not have fixed the division of wards herein prescribed, the Mayor shall cause such division to be made at least thirty days prior to the filing date herein provided. If, and when any particular territory is annexed to the City, the Council shall by ordinance declare it a part of the adjacent ward or wards. If the total population in any ward or wards exceeds the seven thousand or more, then the ward or wards shall be realigned.

(b) The Council, not later than the year 1971 and each five years thereafter, shall restudy the then existing wards relative to the equality of their population. If, in the opinion of Council, the population of the several wards becomes out of balance, a redivision of the City into wards shall be made in the same manner as provided for in paragraph (a) of this section

SECTION 19. CLERK AND OTHER EMPLOYEES.

(a) The Council shall appoint a Clerk of Council and such other officers and employees for the efficient conduct of business of Council as it shall determine from time to time to be necessary. The Clerk of Council shall keep the journal of Council and its records and perform such other duties as Council may from time to time require. The Clerk of Council and other officers or employees of the Council shall not be in the classified service of the City and shall serve at the pleasure of the Council.

(b) In the event of the absence or disability of the Clerk of Council, an assistant to the Clerk may be appointed to perform the duties as the Clerk of Council, in all respects.

SECTION 20. FRANCHISES.

(a) The Council may, by ordinance, grant permission to any person, firm or corporation to construct and operate a public utility on, across, under or above any public street or ground within this Municipality. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefor, and any other terms conducive to the public interest. Such grant may be amended or renewed in the manner, and subject to the provisions established by this Charter for original grants. Such grant, amendment or renewal shall be for such period of time, not exceeding twenty-five years, as the Council may determine, and shall not be perpetual or exclusive.

(b) No consent of the owner of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment, or renewal, unless the construction or operation of the public utility authorized thereby is of such character as to constitute an additional burden upon any public street or ground. All such grants, amendments, or 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 grounds, including the right to require such reconstruction, relocation, or discontinuance of appliances, plant, or equipment used in such streets or public grounds as shall, in the opinion of Council, be necessary in the public interest,

SECTION 21. ADOPTION OF TECHNICAL CODES BY REFERENCE.

(a) Council may, by ordinance, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference.

(b) The ordinance adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least one (1) copy of such code shall be kept in the Office of the Clerk of Council or such other location designated by the adopting ordinance.

(Amended 11-5-74)

EXECUTIVE AND ADMINISTRATIVE

SECTION 22. EXECUTIVE AND ADMINISTRATIVE POWER.

The executive and administrative powers of the City shall be vested in the Mayor and other administrative officers provided for in this Charter or by ordinance.

MAYOR

SECTION 23. TERM AND QUALIFICATIONS OF MAYOR.

(a) The Mayor shall be elected for a term of four (4) years commencing on the first day of January following the election. Candidates for Mayor shall be qualified electors of the City and shall have been residents of the City for three years immediately prior to the regular municipal election at which they seek election. The Mayor shall remain a qualified elector and resident of the City throughout their term of office and shall not hold any other elective or appointive public office or other full-time employment, public or private, except that of notary public, or member of the National Guard or Reserve Forces of the United States, member or officer of any political party or committee thereof, or delegate to any state or national political party convention, and shall not be interested in the profits or emoluments of any contract, job, work, or service for the City, other than their compensation as Mayor.

(b) No person may occupy the office of Mayor for more than three (3) consecutive terms of four years. A former Mayor may seek election or appointment to the office only after the expiration of the full term next following their departure from the former position for which the disqualification set forth by this subsection shall apply.

(Amended 11-2-93; 11-6-18.)

SECTION 24. SUCCESSION OF MAYOR AND ACTING MAYOR.

(a) When the Mayor is temporarily absent from the City, or is unable for any cause to perform their duties, the President of Council shall serve as acting Mayor but shall not thereby cease to be the President of Council, and shall exercise the powers and duties of both offices, except that they shall not have the power to veto ordinances or resolutions.

(b) In case of the death, recall, resignation or removal of the Mayor, the President of Council may succeed the Mayor, at which time they shall cease to be President of Council. Should they elect to retain the office of President of Council and decline the office of Mayor, they may do so by filing written notice to this effect with the Clerk of Council within ten days after the date the vacancy occurred. In this event, and provided that at least one year shall remain to be served on the term of office of the former Mayor, a special election shall be held to elect a successor to the Mayor. Candidates for the office of Mayor shall file nominating petitions signed by that number of electors equal to at least seven percent of the number of electors voting at the next preceding regular municipal election of the City for the office of Mayor within fifteen (15) days after the President of Council files the written notice that they decline to succeed to the office of Mayor. Said petitions shall be filed with the Board of Elections. The Council shall, by a majority vote of its members, fix a day for such special election not more than forty-five days after the President of Council files the written notice that they decline to succeed to the office of Mayor. The candidate receiving the greatest number of votes at such special election shall succeed to the office of Mayor and shall serve for the remainder of the unexpired term. The President of Council shall serve as Acting Mayor until a successor is chosen at such special election, and shall exercise the powers and duties of both offices, except that they shall not have the power to veto ordinances or resolutions.

(c) In the event the President of Council shall decline to succeed to the office of Mayor and less than one year remains to be served on the term of office of the former Mayor, the City Council shall appoint any elected City Official to fulfill the remainder of the Mayoral term.

(Amended 11-6-18.)

SECTION 25. GENERAL POWERS AND DUTIES OF THE MAYOR.

The Mayor shall be the chief executive, administrative, and law enforcement officer of the City. The Mayor shall be responsible for the administration of all Municipal affairs of all departments and divisions of the City as provided by this Charter, the enforcement of ordinances and resolutions of the City and the general laws of the State; except for the Council, the Clerk of Council, and the offices of City Auditor and City Treasurer, and City Attorney. In addition to the foregoing, the Mayor shall have the following powers:

- (a) The right to attend Council meetings and to take part in discussions but may not vote.
- (b) See that all laws, provisions of this Charter and ordinances of the Council, subject to enforcement by the Mayor or by officers subject to the direction and supervision of the Mayor, are faithfully executed.
- (c) Prepare and submit the annual budget and capital program to the Council.
- (d) Submit to the Council and make available to the public a complete report on the administrative activities of the City at the end of each fiscal year.
- (e) Make such other reports as the Council may require concerning the operations of City departments, offices, boards, commissions and agencies subject to the direction and supervision of the Mayor.
- (f) Keep the Council fully advised as to the present condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as the Mayor deems desirable.
- (g) Require reports and information of subordinate officers and employees of the City as the Mayor deems necessary in the orderly operation of the City, or when requested to do so by the Council or any board or commission of the City.
- (h) See that all terms and conditions imposed in favor of the City or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed.
- (i) Be recognized as the official and ceremonial head of the City government by the President of the United States and the Governor of the State of Ohio for military purposes, and by the courts for the purpose of serving civil process.
- (j) Have all the judicial powers and functions granted by the laws of Ohio to Mayors of municipalities, until other lawful provisions shall be made for the exercise of such powers.
- (k) Appoint the administrative heads of all departments, divisions and bureaus unless the function of the department, division or bureau is to provide for the exercise of powers granted by this Charter to some other elected official or appointed commission of the City, in which event such administrative head shall be appointed by such other elected official, or appointed commission.
- (l) Affix to all official documents and instruments of the City the Mayor's seal which shall be the seal of the City, but the absence of the seal shall not affect the validity of any such document or instrument.
- (m) Perform such other duties and have such other powers as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

(Amended 11-6-18.)

CITY ATTORNEY

SECTION 26. ELECTION AND QUALIFICATIONS.

(a) The City Attorney shall be an elector of the City and be elected for a term of four years. The City Attorney shall be an attorney-at-law, admitted to practice in the State of Ohio. The City Attorney shall remain a qualified elector and resident of the City throughout the term of office.

(b) No person may occupy the office of City Attorney for more than three (3) consecutive terms of four years. A former City Attorney may seek election or appointment to the office only after the expiration of the full term next following their departure from the

former position for which the disqualification set forth by this subsection shall apply.

(Amended 11-2-93; 11-6-18.)

SECTION 27. GENERAL POWERS AND DUTIES.

The City Attorney shall be the legal adviser 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 their approval of the form and correctness thereof. The City Attorney may appoint such assistants and secretaries and clerks as Council may authorize.

(Amended 11-6-18.)

SECTION 28. PROSECUTOR IN MAYOR'S COURT.

The City Attorney shall be the prosecuting attorney for the City and may detail such 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.

(Amended 11-6-18.)

SECTION 29. REPRESENTATION OF CITY.

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 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.

(Amended 11-6-18.)

SECTION 30. DEFENSE OF CITY OFFICIALS.

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.

(Amended 11-6-18.)

SECTION 31. OPINIONS.

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.

SECTION 32. APPLICATION FOR INJUNCTION.

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.

SECTION 33. FORFEITURES OF SPECIFIC PERFORMANCE.

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.

SECTION 34. MANDAMUS.

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.

SECTION 35. SUIT BY TAXPAYER.

In case the City Attorney, upon written request of any taxpayer of the City, fails to make any application provided for in Sections 32, 33, or 34, such taxpayer may institute suit or proceedings for such purpose in their 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.

(Amended 11-6-18.)

SECTION 36. DISPOSITION OF SUIT BY TAXPAYER.

If the Court hearing any such action be satisfied that the taxpayer had good cause to believe their 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 their costs, and if judgment be finally entered in their favor, they may be allowed as part of the costs, a reasonable compensation for their attorney.

(Amended 11-6-18.)

SECTION 37. DUTIES UNDER GENERAL LAW.

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 Solicitors by the general law of the State.

(Amended 11-6-18.)

SECTION 38. SUCCESSION.

If the City Attorney dies, resigns, is removed from office or recalled by the electors, or removes their residence from the City during the term of office, a successor in office shall be appointed by a majority vote of the Council to serve until the first day 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 years: otherwise for the remainder of the unexpired term.

(Amended 11-6-18.)

SECTION 39. REPORT TO COUNCIL.

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, the moneys collected during the year preceding, and such other matters as deemed proper to promote the good government and welfare of such City.

(Amended 11-6-18.)

SECTION 40. SPECIAL LEGAL COUNSEL.

The Council may provide the City with special legal counsel as it deems necessary.

CITY AUDITOR

SECTION 41. ELECTION AND QUALIFICATIONS.

(a) The City Auditor shall be an elector of the City, and shall be elected for a term of four years commencing on the first day of January following the election. The City Auditor shall be the City's chief fiscal and accounting officer. The City Auditor shall not hold any other elective or appointive public office or other full-time employment, public or private, except that of notary public or member of the National Guard or Reserve Forces of the United States, member of any political party or committee thereof, or delegate to any state or national political party convention, and shall not be interested in the profits or emoluments of any contract, job, work or service for the City, other than their compensation as City Auditor. The City Auditor shall remain a qualified elector and resident of the City throughout their term of office.

(b) No person may occupy the office of City Auditor for more than three (3) consecutive terms of four years. A former City Auditor may seek election or appointment to the office only after the expiration of the full term next following their departure from the former position for which the disqualification set forth by this subsection shall apply.

(Amended 11-2-93; 11-5-13; 11-6-18.)

SECTION 42. POWERS AND DUTIES.

(a) The City Auditor shall keep, in accurate, systemized detail a record of the receipts, disbursements, assets and liabilities of the City, and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the City and in relation to each department of the City government, as required by the Council.

(b) The City Auditor shall prescribe the methods of keeping accounts by all departments and the forms of reports to be rendered to him. The City Auditor shall require that daily reports be made to the City Auditor by each department, showing the receipt of all moneys by such department and the disposition thereof. The City Auditor shall keep an account of all appropriations made by the Council and all expenditures made or contracted to be made under such appropriations.

(c) The City Auditor shall, at the end of each fiscal year, or more often if required by Council, examine and audit the accounts of all officers and departments and report such findings to the Council. The City Auditor shall upon the death, resignation, removal, recall or expiration of the term of any officer, examine the accounts of such officer and if such officer be found indebted to the City, immediately give notice thereof to the Mayor and the City Attorney, and the latter shall forthwith proceed to collect such indebtedness.

(d) The City Auditor shall draw their warrant on the treasury to the order of the person or persons to whom payment is lawfully due, which warrant shall specify the fund upon which it is drawn. No payment, however, of any claim shall be deemed as lawful and subject to payment by the City Auditor unless it be pursuant to an appropriation by Council and approved and authorized as required by the provisions of this Charter relative to contracts. Whenever any claim shall be presented to the City Auditor, the Auditor shall have the power to require evidence that the amount claimed is justly due and that such claim is in conformity with law or ordinance. For that purpose, the Auditor may summon before them any officer, agent, or employee of any department, or any other person, and examine such person upon oath or affirmation relative thereto, which oath or affirmation the Auditor may administer. If the Auditor shall draw a warrant for any claim contrary to law or ordinance, the Auditor and their sureties shall be individually liable for the amount thereof.

(e) The City Auditor may appoint such other assistants and clerks in the department as Council may authorize, in accordance with the civil service provisions of this Charter.

(f) The City Auditor shall perform all other duties now or hereafter imposed on City auditors under the laws of the State of Ohio and consistent with the provisions of this Charter, or as required by ordinance or resolution or the provisions of this Charter.

(Amended 11-6-18.)

SECTION 43. INCOME TAX DIVISION.

The City Auditor shall be the executive and administrative head of the Income Tax Division. The City Auditor shall have all powers and duties connected with and incidental to the appointment, regulation and government of this Division as now or later provided by ordinance.

(Amended 11-6-18.)

SECTION 44. SUCCESSOR TO AUDITOR.

If the Auditor dies, resigns, is removed, recalled by the electors, or moves from the City during the term of their office, the successor in office shall be appointed by Council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the City Auditor, a City Auditor shall then be elected to serve for a term of four years; otherwise, for the unexpired term.

(Amended 11-6-18.)

CITY TREASURER

SECTION 45. ELECTION AND QUALIFICATIONS.

(a) The City Treasurer shall be an elector of the City, and be elected for a term of four years and take office on the first day of January following the election. The City Treasurer shall remain a qualified elector and resident of the City throughout their term of office.

(b) No person shall occupy the office of Treasurer for more than three (3) consecutive terms of four years. A former Treasurer may seek election or appointment to the office only after the expiration of the full term next following their departure from the former position for which the disqualification set forth by this subsection shall apply.

(Amended 11-2-93; 11-6-18.)

SECTION 46. POWERS AND DUTIES.

(a) The City Treasurer shall be the custodian of all money belonging to the City and subject to the provision of any specific trust, of all money held in trust by it. The City Treasurer shall keep, preserve and deposit the same as provided by ordinance of Council.

(b) The City Treasurer shall demand and receive from the County Treasurer, when due the City, taxes levied and assessments made and certified to the County Auditor by authority of Council and by said Auditor, placed on the tax list for collection, and from persons authorized to collect or required to pay them, moneys accruing to the City from judgments, fines, penalties, forfeitures, licenses and other debts due the City.

(c) Unless otherwise specifically prescribed by law or ordinance, all money belonging to or due the City shall be promptly and directly paid to the City Treasurer and by the Treasurer placed in the appropriate fund. Notice of sums so due and payable shall be given to the City Treasurer by the City Auditor.

(d) The City Treasurer shall disburse the funds in the Treasurer's custody only on warrant of the City Auditor, unless otherwise directed by the general laws of the State or this Charter.

(e) The City Treasurer shall keep an accurate, systematized and detailed account of all money received and disbursed by him.

(f) Council shall provide by ordinance for the deposit of all public moneys coming into the hands of the City Treasurer in such bank or banks, or building and loan or savings association or companies, situated within the County, as offer, at competitive bidding, the highest rate of interest and give good and sufficient security.

(g) The City Treasurer shall be the custodian of all other public money coming into their hands as City Treasurer. The City Treasurer shall keep, preserve, and disburse such moneys in the manner prescribed by law.

(h) At the expiration of their term of office, or on their resignation or removal, the City Treasurer shall deliver to their successor all moneys, books, papers and other property in their possession as City Treasurer. The City Treasurer may appoint such assistants and clerks as Council may authorize.

(Amended 11-6-18.)

SECTION 47. SUCCESSOR TO CITY TREASURER.

If the City Treasurer shall die, resign, be removed, be recalled by the electors, or move from the City during the term of their office, the successor in office shall be appointed by Council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the City Treasurer, the successor shall then be elected for a term of four years, otherwise, for the unexpired term.

(Amended 11-6-18.)

DEPARTMENTS

SECTION 48. DEPARTMENT OF PUBLIC SAFETY.

(a) There is hereby established a Department of Public Safety to be headed by a Director of Public Safety who need not be an elector of the City at the time of their appointment, but shall become a resident thereof within six months of appointment. The Director of Public Safety shall be appointed by and serve at the pleasure of the Mayor.

(b) The Director of Public Safety shall be the executive head of the Division of Police and the Division of Fire, and such other divisions as shall be established and placed within the Department of Public Safety by Council by ordinance. The Director shall make all necessary rules and regulations for the government of the Department of Safety and the several divisions thereof, subject to the approval of the Mayor, and shall be charged with the duty of enforcing all police, health, safety and sanitary regulations that may be prescribed by ordinance or resolution of the City or the general laws of the State of Ohio. The Director of Public Safety shall perform such other duties, consistent with the office, as may be required by this Charter, by ordinance or resolution of Council, or as directed by the Mayor.

(c) The Division of Police may include an auxiliary police unit, and the Division of Fire may include volunteer members, as authorized by ordinance.

(Amended 11-6-18.)

SECTION 49. DEPARTMENT OF PUBLIC SERVICE.

(a) There is hereby established a Department of Public Service to be headed by a Director of Public Service who need not be an elector of the City at the time of their appointment, but shall become a resident thereof within six months of appointment. The Director of Public Service shall be appointed by and serve at the pleasure of the Mayor.

(b) The Director of Public Service shall have charge of the administration, operation, construction, maintenance and repair of all public works, improvements and buildings, and any municipally owned utilities. The Director shall not have jurisdiction over the maintenance of recreational facilities and parks of the City. The Director shall perform such other duties, consistent with the office, as may be required by this Charter, by ordinance or resolution of the Council, or as directed by the Mayor.

(c) The Department of Public Service shall include a Division of Building and Zoning Inspection, to be headed by a Chief Inspector, and a Division of Streets to be headed by a Superintendent, and such other divisions as shall be established and placed within the Department of Public Service.

(d) The Director of Public Service shall make all necessary rules and regulations for the government of the Department of Service and the several divisions thereof, subject to the approval of the Mayor.

(Amended 11-6-18.)

BOARDS AND COMMISSIONS

SECTION 50. GENERAL PROVISIONS.

(a) A City Planning Commission, a Civil Service Commission, a Parks and Recreation Commission, and a Board of Control are hereby established by this Charter. The Council may establish by ordinance such other commissions or boards as it may deem necessary as provided in this Charter.

(b) An appointee, to be eligible to serve as a member of a board or commission of the City, shall be and remain a qualified elector of the City of Whitehall; provided however, the Mayor may, with the consent of Council, waive the requirement of being an elector. However, no board or commission shall have a majority of nonqualified electors of the City of Whitehall.

(c) A vacancy occurring during the term of any member of a Board or Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

(d) The Mayor shall have the right to remove an appointed member of a Board or Commission with the approval of two-thirds of the elected members of Council.

(e) All meetings of Boards and Commissions shall be open to the public.

(f) All members of Boards or Commissions shall serve without compensation unless otherwise provided for by ordinance.

(g) Members of Boards and Commissions presently serving under the statutory form of government shall continue to serve until December 31 of the year closest to the expiration of their term.

(h) All appointments to boards and commissions will be made for the full term except to fill a vacancy for an unexpired term or when additional members are being added and a shorter term is required to maintain staggered terms of appointments.

(i) When two or more new appointments are made, as provided in this Charter, the initial terms shall be for a period of time which will insure that not more than two members of that particular board or commission will end their terms concurrently.

(Amended 5-5-70)

PLANNING COMMISSION

SECTION 51. ORGANIZATION.

(a) The Planning Commission shall consist of seven members, composed of the Service Director and six qualified electors appointed by the Mayor. The Commission shall by simple majority vote, elect a Chairperson and Vice-Chairperson at the first regular meeting of each calendar year. The term of appointees shall be for four years. All citizen members of the present commission shall serve their unexpired terms.

(b) The Mayor shall establish the date, time, and place for the first meeting each year, at which the Planning Commission shall organize under a Chairperson and Vice-Chairperson elected from among the electors for a term of one year.

(c) The Planning Commission shall establish its own rules of operation except that meetings must be held at least once a month and a record of its motions, findings, and determinations shall be maintained.

(Amended 5-5-70; 11-6-18.)

SECTION 52. POWERS AND DUTIES.

The Planning Commission shall conduct studies, surveys and prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation, and renewal of the City, and may make such recommendations relative thereto to the Council as it feels are in the best interest of the City. The Planning Commission shall continuously review and report to the Council its recommendations concerning the City's capital improvement programs, subdivision, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governmental or private planning agencies to secure the maximum benefit to the City of the work, studies, surveys and reports of such other planning agencies. Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council by ordinance, but until such ordinances shall be passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of this Charter.

SECTION 53. REFERRAL OF ZONING ORDINANCES TO PLANNING COMMISSION.

Each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations shall be referred to the Planning Commission immediately after its first reading. Within sixty days of such referral the Planning Commission shall cause such ordinance or resolution to be returned to the Clerk of Council together with the written recommendations of the majority of the members of such Commission.

All ordinances or resolutions which are referred to the Planning Commission and which receive a favorable recommendation shall be passed and approved by a vote of a majority of Council members in order to be adopted. No such ordinance or resolution which receives an unfavorable recommendation by the Planning Commission or which violates, differs from or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than five members of the Council.

If the Planning Commission shall fail to make a recommendation to Council within the time allotted, Council may act thereon as if it had received a recommendation of approval in such matter.

Any matter so referred to the Planning Commission shall be considered and final action be taken by it within sixty days from the date of referral unless a longer time be authorized by Council or by the mutual agreement between the applicant and the Planning Commission.

(Amended 11-4-08.)

SECTION 54. PUBLIC HEARING ON ZONING ORDINANCE OR RESOLUTION.

The President of Council or other presiding officer of the Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations, which hearing shall be after Planning Commission recommendation but no later than the sixty day period provided in Section 53 of this Charter within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of such public hearing to be published one time in a newspaper of general circulation within the City at least twenty days prior to the date of such public hearing, and when such amendment, revision, change, or repeal involves ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least ten days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other lists as may be required by the Council. The failure of delivery of such notice shall not invalidate any such ordinance or resolution. Property to be rezoned shall be posted in a conspicuous place or places to provide additional notice to the public. The posting shall include the word "REZONING" in 2-inch red letters and such other details as the time and place of the hearing, sign size, lettering, and installation shall be determined by the Council. Property to be rezoned and to be posted shall be posted twenty (20) days prior to the date of public hearing on said rezoning, provided that the failure to post or to maintain said posting during said twenty day period shall not invalidate any ordinance or resolution.

BOARD OF ZONING AND BUILDING APPEALS

SECTION 55. ORGANIZATION, MEETINGS AND PROCEDURE.

(a) The Board of Zoning and Building Appeals shall consist of five electors of the City not holding other Municipal offices who shall be appointed by the Mayor.

(b) Of the five members to be appointed after the effective date of this Charter, one shall be appointed for a term ending December 31, 1968, one shall be appointed for a term ending December 31, 1969, one shall be appointed for a term ending December 31, 1970, one shall be appointed for a term ending December 31, 1971, and one shall be appointed for a term ending December 31, 1972. Thereafter each appointment shall be for a term of five years.

(c) The Mayor shall establish the date, time and place for the first meeting each year, at which the Board of Zoning and Building Appeals shall organize under a Chairperson and Vice-Chairperson elected from among its members for a term of one year or until their successors are elected.

(d) Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. A record shall be kept showing the vote of each member on each question.

(e) Procedures before the Board of Zoning and Building Appeals shall be in accordance with ordinances of Council or rules or regulations established by the Board not inconsistent therewith.

(Amended 11-6-18.)

SECTION 56. POWERS AND DUTIES.

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, and housing in the City, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council; and such Board shall have such other powers as may be granted to it by Council.

CIVIL SERVICE COMMISSION

SECTION 57. MEMBERSHIP.

There is hereby created and established a Civil Service Commission which shall consist of three members appointed by the Mayor for terms of six years; provided that the members of the Commission as it exists under the statutory form of government as of the effective date of this Charter shall continue in office for the terms for which they were appointed. The members first appointed under this Charter shall be as follows: one member for a two year term, one member for a four year term, and one member for a six year term. Thereafter, each member shall be appointed for a six year term and shall continue in office until their successor is appointed. Not more than two members shall be of the same political party. Members of the Commission shall not hold any other office or position with the City.

(Amended 11-6-18.)

SECTION 58. CLASSIFIED AND UNCLASSIFIED SERVICE.

All compensated positions in the service of the City shall be in the classified service and shall be appointed pursuant to competitive examinations, except the following, which shall comprise the unclassified service of the City:

- (1) Members of Council.
- (2) The Clerk of Council and other employees of the Council.
- (3) The Mayor and the President of Council.
- (4) The City Treasurer.
- (5) The City Auditor.
- (6) The City Attorney, Assistant City Attorneys, and special legal counsel.
- (7) The Directors of Public Service and Safety and Assistants to these Directors.
- (8) All heads of departments and divisions, except the Divisions of Police, Fire and Chief Inspector of the Division of Building and Zoning Inspections and the Street Superintendent.
- (9) Professional engineers employed by the City.
- (10) Members of boards and commissions established by this Charter or by ordinance of Council.
- (11) Volunteer members of the Division of Fire and members of the auxiliary police unit within the Division of Police.
- (12) The secretary of each board and commission established by this Charter or by ordinance, provided that if such secretary holds other employment within the classified service of the City, this section shall not exempt such person from the requirement of competitive examination to hold such other employment.
- (13) Persons of exceptional professional or scientific qualifications engaged as consultants.
- (14) Unskilled laborers as defined and authorized by the Civil Service Commission and approved by the Council.
- (15) Temporary employees who are not employed for more than ninety days continuously, or for more than ninety days in one year.
- (16) One personal secretary to the Mayor, City Attorney, Director of Public Safety, and Director of Public Service, and one deputy or clerk to each of the Mayor, City Auditor, City Treasurer, the Director of Public Service, and the Director of Public Safety; provided, however, that it shall be necessary for such positions to have been created by the Council. (Subsection (8) amended 11-4-75.)

SECTION 59. POWERS AND DUTIES.

(a) The Civil Service Commission shall have the power to adopt rules and regulations concerning the selection, promotion, demotion, discipline, and removal of employees within the classified service of the City, provided such rules and regulations do not conflict with the provisions of this Charter and further provided that such rules and regulations for the classified service shall not take effect until they are approved by motion of the Council.

(Amended 11-3-81)

(b) The Council shall appropriate sufficient moneys each year to carry out the Civil Service provisions of this Charter.

(c) The Civil Service Commission shall appoint and remove, subject to the Civil Service provisions of this Charter, all employees of the Commission.

PARKS AND RECREATION COMMISSION

SECTION 60. APPOINTMENT AND ORGANIZATION.

(a) There shall be a Parks and Recreation Commission which shall consist of seven members who shall serve for a term of three years or until their successors have been appointed. Two of such members shall be appointed by the Mayor, and three members shall be appointed by majority vote of Council. The other two members of the Commission shall be appointed by the Mayor on the recommendation of the Whitehall Board of Education; however, if no such recommendation is made within thirty days from the request, such appointment shall be made by the Mayor. Beginning in 1994, the first three vacancies shall be filled by appointment of Council, other than vacancies of those serving upon recommendation of the Board of Education. Thereafter, future vacancies shall be filled by Council or Mayor, whichever being the original appointing authority for the departing member.

(b) Said Commissioners shall organize as a Parks and Recreation Commission by the election of a Chairperson and Vice-Chairperson, who shall serve for a term of one year or until their successors are elected. The Commission shall adopt rules and regulations for the government of the Commission and for the operation and control of the various parks and recreational facilities under its control.

(Amended 11-2-93; 11-6-18.)

SECTION 61. POWERS AND DUTIES OF THE PARKS AND RECREATION COMMISSION.

The Parks and Recreation Commission shall provide for the development, maintenance and operation of the parks, playgrounds and recreational facilities and programs of the City, render assistance to and cooperate with organized groups conducting recreation programs; stimulate interest in the care and preservation of historical and scenic sites; make recommendations to the Council concerning the general state of the City's recreation and park programs and facilities and perform such other duties and functions as the Council shall require by ordinance; provided, however, that the power to acquire, purchase, and accept as donations, or to sell, lease, or otherwise dispose of real property for park and recreation purposes shall be vested in the Council. The Park and Recreation Commission shall have the control and supervision of employees developing, maintaining, and operating park and recreation facilities of the City, shall employ a Recreation Director, and shall make original and promotional appointments of such other employees in accordance with the Civil Service System established by this Charter. The purchase of supplies, materials, equipment and contracts for work or service for park and

recreation purposes shall be authorized by the Commission, however, it shall be necessary for the funds to first be appropriated by the Council, and said purchases and contracts shall be executed and awarded as provided by Sections 62, 63, and 64 of this Charter.

CONTRACTING POWERS OF THE CITY

SECTION 62. BOARD OF CONTROL - CONTRACTS IN EXCESS OF ONE THOUSAND DOLLARS.

(a) The Mayor, the City Treasurer, and the City Auditor shall constitute a Board of Control.

(b) No expenditure, contract, or order involving an expenditure in excess of one thousand dollars shall be entered into without the prior approval of the Board of Control. Approval of the Board of Control shall be given by motion passed by a majority vote of the members of said Board. All bids shall be opened and recorded by the Board of Control.

(c) The Mayor shall be the Chairperson of the Board of Control. Meetings of the Board of Control may be called by the Mayor upon written or oral notice thereof to the other members of the Board. The Board shall cause written minutes of the meetings of said Board to be made and preserved, and copies of such minutes, when certified by a Board member as "true copies", shall be received in evidence in any Court to prove the action of the Board of Control.

(d) Contracts approved by the Board of Control shall be in written form and shall be executed on behalf of the City by the Mayor, provided that such contracts shall not be effective until the City Auditor, or the Auditor's duly authorized representative, shall certify and attach such certificate to said contract, that the amount required to meet the same has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from previous encumbrances. Every contract made without such a certificate shall be void and no warrant shall be issued in payment thereof, unless the Council shall, by motion passed by a majority vote of the members thereof, authorize the payment thereof. The City Auditor shall not arbitrarily withhold such certificate. Unless otherwise provided by this Charter, the laws of the State of Ohio governing the issuance of certificates of the availability of funds by fiscal officers of municipalities shall apply under this Charter.

(e) The Board of Control shall provide procedures whereby the heads of departments, and the Council and other Boards and Commissions may request that contracts, orders, or expenditures be authorized and approved by said Board.

(Amended 11-3-98; 11-6-18.)

SECTION 63. POWER OF THE MAYOR ON SMALL PURCHASES.

(a) The Mayor, or any officer or employee of the City designated by the Mayor, which designation shall be made and may be revoked in a written form filed with the Clerk of Council, may authorize an expenditure, contract or order not in excess of one thousand dollars without the approval of the Board of Control. Contracts, orders or expenditures authorized by this section shall be in written form and shall be executed by the Mayor or such other person designated by the Mayor, as hereinbefore provided, but such contracts or orders shall not be effective until the City Auditor, or the Auditor's duly authorized representative, shall certify and attach such certificate to said contract or order that the amount required to meet the same has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from previous encumbrances. Every contract or order or expenditure made without such a certificate shall be void and no warrant shall be issued in payment thereof, unless the Council shall, by motion passed by a majority vote of the members thereof, authorize the payment thereof. The City Auditor shall not arbitrarily withhold such certificate. Unless otherwise provided by this Charter, the laws of the State of Ohio governing the issuance of certificates of the availability of funds by fiscal officers of municipalities shall apply under this Charter.

(b) The procedures provided by the Board of Control whereby heads of departments and the Council and other boards and commissions may request that contracts, orders, or expenditures be authorized and approved shall apply under this section, except that such requests shall be filed with and approved by the Mayor or such other person designated by him under the provisions of paragraph (a) hereof.

(Amended 11-6-18.)

SECTION 64. BIDDING AND ADVERTISING - SPLITTING CONTRACTS.

(a) When the expenditure of funds for the purchase of supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount specified by the laws of the State of Ohio for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council, and the Mayor, after approval by the Board of Control, as provided in Section 62 of this Charter, shall make a written contract with the lowest and best bidder after advertisement on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the City.

(b) Compensation of persons and employees; contracts with persons, firms or corporations for services requiring specialized skill, knowledge, or training; and expenditures required because of a real and present emergency arising in connection with the maintenance, operation or repair of Municipal buildings, equipment and facilities, and Municipal services and improvements, when authorized by ordinance adopted by two-thirds vote of all members of the Council, need not be advertised and notices need not be published as provided hereinabove. Modifications and changes to contracts awarded under competitive bidding, and in excess of one thousand dollars, shall first be authorized by ordinance.

(c) The Board of Control or, in the case of contracts, orders or expenditures not in excess of one thousand dollars, the Mayor, or the person designated by the Mayor under the provisions of paragraph (a) of Section 63, shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements of competitive bidding as provided by this Charter.

(d) The Council may authorize, by a majority vote of the members thereof, expenditures, without bidding as required by this Charter, for the acquisition or lease of real property, for the discharge of noncontractual claims against the City, for the joint use of facilities or exercise of powers with other political subdivisions, or for the purchase of products or services of public utilities.

(Amended 11-6-18.)

FINANCES, TAXATION, AND DEBT

SECTION 65. GENERAL.

The laws of the State of Ohio relating generally to budgets, appropriations, debts, bonds, assessments and other fiscal matters of the City shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of this Charter or ordinances of Council enacted pursuant thereto and except when provision therefor is made in the Constitution of the State of Ohio.

SECTION 66. LIMITATION ON TAX RATE.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitations without a vote of the people; provided, that this Charter shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional levies to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

SECTION 67. LIMITATION OF DEBT.

The City shall not incur debt in excess of the limitations imposed by the Constitution and laws of the State of Ohio.

RECALL

SECTION 68. RECALL ELECTIONS.

The electors shall have the power to remove from office, by a recall election, any elected officer of the City in the manner herein provided. If an elected officer shall have served six months of their term, a petition demanding their removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement not to exceed five hundred words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals fifteen percent in number of the electors voting at the last preceding regular municipal election for the office of Mayor, provided, however, the petition for recall of a council member elected from a ward shall be signed by at least that number of electors of the council member's ward equal to twenty-five percent in number of the electors of such ward who voted at the last preceding regular municipal election for the office of Mayor. Within twenty 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 in which the petition is defective, deliver a copy of the certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of ten days after the day on which such delivery was made in which to make the petition sufficient, shall promptly so certify it to Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than thirty days nor more than sixty days after the date of such delivery, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper determined by Council to be of general circulation in the City. At such recall election, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office) ?", with the provision on the ballot for voting affirmatively or negatively, and in the event a majority of the vote is negative such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed at such recall election shall not be eligible for appointment to the vacancy created thereby. If the officer is not removed at such recall election, no further recall petitions shall be filed against him for a period of one year following such election.

(Amended 11-6-18.)

NOMINATIONS AND ELECTIONS

SECTION 69. REGULAR MUNICIPAL ELECTIONS.

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

SECTION 70. NOMINATIONS.

Nonpartisan primary elections shall be held in the City of Whitehall on the date set by State statute for primary elections for municipal offices. Such elections shall be for the purpose of nominating persons as candidates for elective offices as provided in this Charter and to be voted upon at the next regular municipal election. Those persons receiving the highest vote totals, and equal to twice the members of office for which such election is held, shall be designated a candidate for such office, subject to applicable provisions of this Charter.

(Amended 11-5-85)

SECTION 71. DECLARATION OF CANDIDACY.

(a) Each person desiring to become a candidate for nomination to be voted upon at a primary election shall, not later than 4:00 p. m. of the 90th day before the day of such primary election, file with the Board of Elections of Franklin County, Ohio, a declaration of candidacy and a petition requiring signatures of registered electors as follows: Not less than fifteen (15) for Ward Council Members and not less than thirty (30) for Council-at-Large Members and the Offices of President of Council, Mayor, City Attorney, City Auditor and City Treasurer.

(b) Such petitions may contain the names and addresses of five (5) registered electors of the City of Whitehall designated in advance by the candidate as nominating committee, which committee may fill vacancies caused by the death or withdrawal of the candidate as set forth in this section of the Charter.

(c) If a person nominated by petition, in accordance with this section of the Charter, for the Office of Mayor, City Attorney, Auditor, Treasurer, President of Council or Member of Council, and who faces a nonpartisan primary contest for nomination by the electorate, should die or withdraw due to illness or loss of elector status not less than thirty-five (35) days before the day of such primary election, the vacancy so created may be filled only by the nominating committee of five (5) persons designated in the nominating petition of such affected candidate.

(d) If a person is either nominated in the primary election as a candidate for one of the offices named in subsection (c) of this section for next subsequent general election, or certified as a candidate for the next subsequent general election in accordance with Section 72 of this Charter, and such candidate dies or withdraws due to illness or loss of elector status not less than thirty-five (35) days before such general election, the vacancy so created may be filled only by the nominating committee of five (5) persons designated by the nominating petitions filed prior to the primary election by the affected candidate.

(e) To fill the vacancy created by the death or withdrawal of a candidate for any of the offices named in subsection (c) of this section, the members of the nominating committee designated by the nominating petition of the affected candidate, or a majority of such committee, shall file with the Franklin County Board of Elections, not less than thirty (30) days before either the primary election or the general election, a sworn, notarized statement signed by a minimum of three (3) members of such committee, and designating the person they select to fill such vacancy. Such statement must be accompanied by the written acceptance by the person so certified as their candidate choice. (Amended 11-3-81)

SECTION 72. DESIGNATION OF CANDIDATES.

Candidates for nominations to Municipal offices shall have their names printed on the official primary ballot, by filing a declaration of candidacy and paying the required filing fee. If the number of persons filing such declaration does not exceed twice the number of offices available for nomination, then no primary election shall be held for such office and the persons so filing shall be declared

nominated.
(Amended 11-4-80)

SECTION 73. INDEPENDENT CANDIDATES.

(Repealed by electors November 4, 1980)

SECTION 74. GENERAL PROVISION.

Except as otherwise provided in this Charter, all elections shall be without party affiliation appearing on the ballot and held and conducted and the results thereof ascertained and certified as provided by the general laws of Ohio and by the election authorities therein provided for. (Amended 11-4-80)

AMENDMENT OF CHARTER

SECTION 75. AMENDMENT OF CHARTER.

This Charter may be amended as provided by Article XVIII, Section 9, of the Constitution of Ohio.

GENERAL PROVISIONS

SECTION 76. SUCCESSION.

The City of Whitehall, under this Charter is hereby declared to be the legal successor of the City of Whitehall under the general laws of Ohio, and as such it has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The City is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the City for its benefit prior to the effective date of this Charter, shall continue in full force and effect.

SECTION 77. EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

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

SECTION 78. EFFECT OF CHARTER UPON PENDING PROCEEDINGS.

No action or proceeding pending against the City or an officer thereof shall be abated or affected by the adoption of this Charter, but all such actions or proceedings shall be prosecuted or defended under the laws in effect at the time of the filing thereof.

SECTION 79. GENERAL LAWS TO APPLY.

All general laws of the State applicable to municipal corporations, now or hereafter enacted and which are not in conflict with the provisions of this Charter, or with ordinances or resolutions hereafter enacted by City Council, shall be applicable to this City; provided, however, that nothing contained in this Charter shall be construed as limiting the power of the City Council to enact any ordinance or resolution not in conflict with the Constitution of Ohio or with the express provisions of this Charter.

SECTION 80. INVESTIGATIONS.

The Mayor or the Council may without notice cause the affairs of any department or the conduct of any officer or employee of the City to be examined and investigated. In the course of such investigation the Mayor or the President of Council shall have the power to subpoena witnesses and the production of evidence, to receive testimony and other evidence, and to administer oaths. The findings of such investigations shall be entered upon the Council journal and reported to the proper officers of the City or the State for appropriate action as ordered by the Council.

SECTION 81. CONTINUANCE OF PRESENT OFFICIALS.

All persons holding office on December 31, 1966, shall continue in office, and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board, or department of the City under the laws of the State, or under any City ordinance or contract in force on December 31, 1966, shall, if such office, commission, board or department is abolished by this Charter, be thereafter exercised and discharged by the officer, commission, board, or department upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted.

SECTION 82. CONTINUANCE OF PRESENT EMPLOYEES.

Every employee of the City government on December 31, 1966, shall continue in such employment and thereafter shall be subject in all respects to the provisions of this Charter.

SECTION 83. CONFLICT OF INTEREST.

No member of Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies or services, or any land or interest in land. Any such person violating the provisions hereof shall forfeit their office and any such contract shall be voidable at the option of Council.

(Amended 11-6-18.)

SECTION 84. EFFECT OF PARTIAL INVALIDITY.

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

SECTION 85. EFFECTIVE DATE OF CHARTER.

For the purpose of nominating and electing officers of the City and fixing the compensation of those to be elected in 1967, and division of the City into wards, this Charter shall be in effect from and after the date of its approval by the electors. For all other purposes, this Charter shall be in effect on and after December 31, 1966.

SECTION 86. CHARTER REVIEW.

In January 1998 and each five years thereafter, the Council shall appoint, as members of a Charter Review Commission, five electors of the City holding no other office, appointment or employment in the government of the City, except on advisory bodies of the City. Such Commission shall review the Charter and within six calendar months after their appointment or within such further time as Council may designate, recommend to the Council such alterations, revisions, and amendments, if any, to this Charter, as in the judgment of the Commission are desirable. The Council may, in accordance with Article XVIII, Section 9, of the Ohio Constitution, submit any such proposed alterations, revisions or amendments reported and recommended by the Charter Review Commission to the electors of the City.

(Amended 11-2-93.)

CODIFIED ORDINANCES OF WHITEHALL