

ORDINANCE NO. 61 -90

BY: John T. Loehnert

An Ordinance to provide for submission of amendments to Articles II-IX, XII-XV, XVII-XIX of the Charter of the City of Bexley, Ohio, at a special election, and to declare an emergency.

WHEREAS, Section 77 of the Charter of the City of Bexley, Ohio, provides that amendments to the Charter may be submitted to the electors of the City by 2/3 vote of the Council; and,

WHEREAS, Section 77 of the Charter of the City of Bexley, Ohio, also provides that the ordinance providing for the submission of any such amendment may provide for the submission of the amendment at a special election to be called and held not less than sixty nor more than one-hundred twenty days after its passage; and,

WHEREAS, Section 77 of the Charter of the City of Bexley, Ohio, provides that notice of any proposed amendment shall be given as provided in that section.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the question of the amendments to Articles II-IX, XII-XV, XVII-XIX of the Charter of the City of Bexley, Ohio, be submitted to a vote of the qualified electors at a special election to be called and held on November 6, 1990. If the Charter amendments are approved by a majority of the electors of the City voting thereon, new Articles II-IX, XII-XV, XVII-XIX, as set forth in the copy of the amended Charter which is attached hereto and incorporated herein by this reference, shall become a part of the Charter.

Section 2. That the City Clerk is hereby authorized and directed to give notice of the proposed Charter amendments in accordance with Article XIX, Section 77 of the Charter.

Section 3. That this Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to submit the question of amending the Charter to the Franklin County Board of Elections for the election to be held on November 6, 1990, and shall, therefore, be in force and effect immediately upon its passage and approval by the Mayor.

Passed: August 30, 1990

Robert K. Schmitz
President of Council

Attest: J. J. [Signature]
Clerk of Council

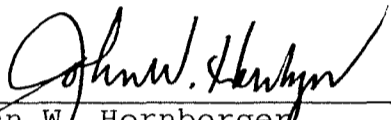
July 10, 1990 - 1st reading
July 24, 1990 - 2nd reading
Aug. 30, 1990 - 3rd reading
Adopted

APPROVED: Aug. 30, 1990
David H. Madison
David H. Madison, Mayor

CERTIFICATE

The undersigned hereby certifies that he is the duly elected Auditor and Clerk of the Council of the City of Bexley, Ohio, that at a meeting of said Council duly called and held on August 30, 1990, Ordinance No. 61-90, in the form attached hereto and incorporated herein by this reference, was adopted by the following vote: Yeas - Brennan, Loehnert, Masser, Myers, Offenbergs, Weber and Schmitz; Nays - none, and that said Ordinance is in full force and effect without amendment.

In witness whereof, the undersigned has set his hand this 30th day of August, 1990.



John W. Hornberger
Auditor and Clerk of Council



FILED

90 AUG 31 PM 2:13

ORDINANCE NO. 61 -90

BY: FRANKLIN COUNTY BOARD OF ELECTIONS
John E. Eppert

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President of Council

Attest: [Signature]
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In witness whereof, the undersigned has set his hand this 30th day of August, 1990.



John W. Hornberger
Auditor and Clerk of Council

FILED
90 AUG 31 PM 2:13
FRANKLIN COUNTY
BOARD OF ELECTIONS





235-0956 Mr. Miller
235-8694 - Robbie Foulk *

Receipt for Petitions or Resolutions

No 4374

Office of the Board of Elections, Franklin County, Ohio, Aug 31, 1990
Received of Robert Miller

- Declaration of Candidacy Petitions for the office of _____, of the _____ party
 - Nominating Petitions for the office of _____
 - Local Option Petition
 - Referendum Petition
 - Initiative Petition
- Subdivision: Beyleg
 Number of Signatures: _____
 Part - petitions: _____
 Filing Fee: _____

DESCRIPTION — PURPOSE, RATE, DATE OF ELECTION, ETC.

- TAX LEVY
- BOND ISSUE —
- CHARTER AMENDMENT — Articles - II-IX, XII-XV, XVII-XIX
- OTHER —

BOARD OF ELECTIONS, By Marlene Wirth
(SIGNED)

1 CHARTER
2 OF THE
3 CITY OF BEXLEY, OHIO

4
5 A-4

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113 CHARTER
114 OF THE
115 CITY OF BEXLEY, OHIO

116
117

PREAMBLE

118 We, the people of the City of Bexley, in the
119 County of Franklin, and State of Ohio, in order that
120 we may have the benefits of municipal home rule and
121 exercise the powers of local self government
122 conferred upon us by the Constitution of the State
123 of Ohio, do hereby adopt this Charter.

124 ARTICLE I - POWERS

125 Section 1. General Powers; Annexation and Detachment of
126 Territory. The inhabitants of the City of Bexley, as its corporate
127 limits now are, or may hereafter be, shall constitute a body
128 politic and corporate under the name of the City of Bexley, with
129 full power and authority to enlarge its corporate limits by the
130 annexation of territory, or to detach territory therefrom in the
131 manner authorized by the general laws of the State of Ohio;

132 but no territory shall be detached therefrom, nor shall the City
133 be annexed to any other municipality, without the approval of a
134 majority of the electors of the City of Bexley voting on such
135 question. Said City shall have all powers that now are, or
136 hereafter may be, granted to cities by the Constitution and the
137 laws of Ohio, and all such powers, whether expressed or implied,
138 shall be exercised and enforced in the manner prescribed by this
139 Charter, and any amendments thereto, or if not so prescribed, then
140 in such manner as now is, or hereafter may be, provided by
141 ordinance or resolution of Council. In the absence of such
142 provision for the exercise of any power, such power shall be
143 exercised in the manner that now is, or hereafter may be,
144 prescribed by the general laws of Ohio applicable to cities.

145 Section 2. Additional Powers. The enumeration of
146 particular powers in this Charter shall not be held or deemed to
147 be exclusive of other powers, but in addition to the powers
148 enumerated herein, implied hereby, or appropriate to the exercise
149 thereof, the City shall have and may exercise all other powers,
150 which, under the Constitution and laws of Ohio, it would be
151 competent for this Charter specifically to enumerate.

152 ARTICLE II - EXECUTIVE

153 Section 3. Executive and Administrative Powers. The
154 executive and administrative powers of the City shall be vested in
155 a Mayor and such other administrative officers and boards as may
156 be provided for in this Charter or by ordinance.

157 Section 4. Term and Qualifications of Mayor. The Mayor
158 shall be the chief executive officer of the City. He THE MAYOR
159 shall be elected for a term of four years and shall assume office
160 on the first day of January next following his THE election and
161 shall serve until his A successor is elected and qualified. The
162 Mayor shall be an elector of the City and shall not hold any other
163 public office ~~or public employment~~, except that of notary public
164 or member of the State Militia OR OF THE FEDERAL MILITARY RESERVES,
165 and he THE MAYOR shall have all other qualifications, and be
166 subject to the disqualifications, that are prescribed for the
167 mayors of cities by the laws of the State.

168 Section 5. Office and Salary of Mayor. The office of the
169 Mayor shall be in the Municipal Building of the City. The salary
170 of the Mayor shall be ~~three thousand dollars (\$3,000.00) per annum,~~
171 ~~payable in equal monthly installments; but said salary may be~~
172 ~~increased or decreased~~ ESTABLISHED by ordinance, provided that such
173 ordinance shall be passed not less than one year prior to the
174 beginning of the term to be thereby affected.

175 Section 6. General Powers and Duties of Mayor. It shall
176 be the duty of the Mayor to act as chief conservator of the peace
177 within the City; to see that all ordinances of the City are
178 enforced; to supervise the administration of the affairs of the
179 City; to recommend to Council for its adoption such measures as he
180 THE MAYOR may deem necessary or expedient; to keep Council advised
181 of the financial condition and of the needs of the City; to prepare
182 and submit to Council such reports as may be required by Council;

183 and to exercise such powers and perform such duties as are
184 conferred or required by this Charter, by ordinance or resolution
185 of Council, or by the laws of the State not covered by this Charter
186 or the ordinances or resolutions of Council.

187 Section 7. Appointment of Safety and Service Directors.

188 The Mayor shall have the power to appoint, subject to confirmation
189 by Council, a Director of Public Safety and a Director of Public
190 Service, who shall exercise all powers and perform all duties that
191 are delegated to and conferred upon such officers by the laws of
192 Ohio not inconsistent with the provisions of this Charter and such
193 other duties as may be assigned to either of them by the Mayor, or
194 by ordinance. If the Mayor desires to do so, ~~he~~ THE MAYOR may
195 combine these two offices into one, and appoint, subject to
196 confirmation by Council, a Safety-Service Director who shall have
197 the above powers and duties. Any officer or officers appointed
198 under this Section shall serve at the pleasure of the Mayor, and
199 the compensation shall be fixed by Council.

200 In the event the Mayor does not make any such appointments,
201 or in the event of a vacancy, the Mayor shall have and exercise the
202 above powers and duties. (Amended Nov. 2, 1965)

203 Section 8. Appointment of Other Officers. The Mayor shall
204 have the power to appoint, subject to confirmation by Council, the
205 following officers, to-wit:

206 (a) City ~~Solicitor~~ ATTORNEY.

207 (b) Chief of Police. ~~and Chief of the Fire Department,~~
208 ~~which said two offices shall be held by the same~~

209 ~~person unless Council by ordinance shall provide for~~
 210 ~~separation of these offices.~~

211 (c) ~~Sinking Fund Trustees.~~

212 ~~(d)~~ Members of the Civil Service Commission.

213 ~~(e)~~(D) Members of the Board of Health.

214 ~~(f)~~(E) Members of the City Planning Commission, if
 215 established by Council.

216 (F) MEMBER OF OTHER BOARDS AND COMMISSIONS, IF ANY,
 217 ESTABLISHED BY COUNCIL.

218 (g) All other officers, superintendents and heads of
 219 administrative departments, whose positions may
 220 be created by Council, and for whose appointment
 221 no other provision is made. Unless otherwise
 222 provided by this Charter or by ordinance, all
 223 appointments made under this subdivision shall
 224 be at the pleasure of the Mayor.

225 Section 9. Removal Power of Mayor. The Mayor, with the
 226 concurrence of Council, may at any time remove any officer, member
 227 of any board or commission, or superintendent or head of any
 228 department, so appointed under authority of paragraphs (a), (c),
 229 (d), (e), and (f) of Section 8 hereof, for inefficiency, neglect
 230 of duty, or malfeasance in office, having first given such official
 231 a copy of the charges ~~against him~~ and an opportunity to be heard
 232 in person or by counsel in ~~his~~ THE OFFICIAL'S own defense, before
 233 Council, and such removal when concurred in by Council shall be
 234 final.

235 Section 10. Investigation by Mayor. The Mayor may,
236 without notice, appoint one or more persons to examine into the
237 affairs and condition of any department or the conduct of any
238 officer or employee of the City, and any such person or persons in
239 conducting said examination shall have the same power to compel the
240 attendance of witnesses, and the production of books, papers,
241 records, and other evidence, and to cause witnesses to be punished
242 for contempt, ~~as is now, or hereafter may be, conferred upon the~~
243 ~~Council or a committee thereof by the Charter or by the laws of the~~
244 State.

245 Section 11. Acting Mayor; Succession to the Office of
246 Mayor. If the Mayor dies, resigns or ~~removes his residence~~ MOVES
247 from the City, during the term of his office, the President of
248 Council shall be the Acting Mayor until the vacancy is filled by
249 the election of a Mayor by a majority vote of Council.

250 If the Mayor-elect shall die before assuming office, the
251 Council shall, at its first meeting in the following January, elect
252 a Mayor.

253 The person so elected in either of the above contingencies
254 shall possess all the qualifications required of a Mayor by this
255 Charter and may serve until the first of January following the next
256 regular Municipal election, at which election, a Mayor shall be
257 elected for the remainder of the unexpired term, or for a four-
258 year term, as the case may be.

259 If the Mayor is temporarily absent from the City, or shall
260 become unable to perform his THE duties OF OFFICE, they shall be

261 performed by the President of Council under the title of Acting
262 Mayor, until the Mayor returns to the City or becomes able to
263 perform his SAID duties. (Amended Nov. 2, 1965)

264 Section 12. Right of Mayor and Officials in Council. The
265 Mayor, the City ~~Solicitor~~ ATTORNEY and the Auditor shall be
266 entitled to seats in Council. The Mayor shall have the right to
267 take part in the discussion of all matters coming before Council,
268 and the City ~~Solicitor~~ ATTORNEY and the Auditor shall be entitled
269 to take part in all discussion in Council relating to their
270 respective departments, but neither the Mayor, ~~Solicitor~~ CITY
271 ATTORNEY nor Auditor shall have any vote in Council.

272 ARTICLE III - JUDICIAL

273 Section 13. Mayor's Court. The Mayor shall have and is
274 hereby required to exercise the same jurisdiction in prosecutions
275 for violations of ordinances of the City and in criminal
276 prosecutions for violations of the laws of the State of Ohio as is
277 conferred by the general laws of the State upon Mayors of cities;
278 and Council may by ordinance regulate the procedure in the Mayor's
279 Court.

280 ~~Section 14. Summoning and Impaneling of Juries. In the~~
281 ~~trial of State cases, the qualifications of jurors and the manner~~
282 ~~of summoning and impaneling juries in the Mayor's Court shall be~~
283 ~~that prescribed by the general laws of the State.~~

284 ~~Council may prescribe, by ordinance, for summoning or~~
285 ~~impaneling juries in all criminal prosecutions for violations of~~

~~City ordinances in which the accused is, by the Constitution, entitled to a trial by jury. Unless and until Council so prescribes, jurors shall be drawn, summoned and impaneled in the following manner: on or before the first Monday in January of each year the Mayor shall appoint two electors of the City, neither of whom shall be attorneys at law, to serve as jury commissioners for the ensuing year; these jury commissioners shall meet on the second Monday in January after their appointment, or as soon thereafter as possible, and shall select the names of one hundred judicious and discreet persons, having the qualifications of electors of the City, and such names shall be written or printed upon separate pieces of paper and deposited in a jury wheel to be provided by the Mayor. When a jury has not been waived in any prosecution wherein the defendant is by the Constitution entitled to trial by a jury, and the failure to demand a jury shall be deemed to constitute a waiver thereof, the Mayor shall turn the wheel until the pieces of paper therein are thoroughly mixed, and his Clerk shall draw from the wheel twenty names, and the Mayor shall forthwith issue to the Chief of Police an order commanding him to summon the persons whose names were so drawn to attend at the time and place named in the order. The jurors shall be subject to like challenge as jurors in criminal cases, except capital cases, in Courts of Common Pleas, and jurors shall have the same exemptions as are provided by general laws. If the venire is exhausted without obtaining the number required to fill the panel, the Mayor shall fill the panel with talesmen, who shall be summoned by the Chief of Police in the~~

312 ~~manner prescribed for criminal cases in the Common Pleas Court.~~
313 ~~In all such prosecutions the jury shall consist of twelve members.~~
314 EDITOR'S NOTE: Ohio R.C. 1905.05 and 1905.06, which authorized
315 jury trials in ordinance and misdemeanor cases, were repealed by
316 the Ohio General Assembly, effective October 19, 1961, and
317 January 1, 1960, respectively. The foregoing section is therefore
318 repealed by implication.

319 ~~Section 15. Compensation of Jurors. Jurors so summoned~~
320 ~~shall receive the same compensation as is provided by law for~~
321 ~~jurors before Justices of the Peace in criminal cases; and in cases~~
322 ~~for the violations of ordinances the fees of witnesses and jurors~~
323 ~~shall be paid, on certificate of the Mayor, from the City Treasury,~~
324 ~~and in State cases on like certificates from the County Treasury.~~
325 EDITOR'S NOTE: Ohio R.C. 1905.05 and 1905.06, which authorized
326 jury trials in ordinance and misdemeanor cases, were repealed by
327 the Ohio General Assembly, effective October 19, 1961, and
328 January 1, 1960, respectively. The foregoing section is therefore
329 repealed by implication.

330 Section 16. Attendance of Police Chief of Mayor's Court.
331 The Chief of Police, or in ~~his~~ THE CHIEF'S absence or disability
332 a police officer of the City designated by the Mayor, shall attend
333 on sittings of the Mayor's Court to execute the orders and process
334 thereof and to preserve order therein. Such Chief of Police, or
335 other police officer of the City, shall execute and return all
336 writs and process ~~to him~~ AS directed by the Mayor, and ~~his~~ THE
337 CHIEF'S jurisdiction in the execution of such writs and process in

338 criminal cases and in cases of violations of ordinances of the City
339 shall be co-extensive with the jurisdiction of the Mayor.

340 Section 17. Fees of Officers. The fees of the Mayor in
341 all cases shall be the same as those allowed ~~Justices of the Peace~~
342 IN THE MUNICIPAL OR COUNTY COURT WITHIN WHICH JURISDICTION THE
343 MAYOR'S COURT IS LOCATED, and the fees of the Chief of Police, and
344 other police officers serving writs and process of the Court, in
345 all cases shall be the same as those allowed constables, unless
346 Council shall provide otherwise by ordinance.

347 Section 18. Disposition of Fines and Other Moneys. All
348 fines and forfeitures in ordinance cases and all fees collected by
349 the Mayor in either State or ordinance cases, or which in any
350 manner ~~come into his hands~~ RECEIVED, due such Mayor or to the Chief
351 of Police, or other officer of the Municipality, and any other fees
352 and expenses collected, which have been advanced out of the
353 Municipal Treasury, and all money received by such Mayor for the
354 use of the Municipality, shall be ~~by him~~ paid into the Treasury of
355 the Municipality on ~~the first Monday of each month~~ A TIMELY BASIS,
356 AS DETERMINED BY ORDINANCE OF COUNCIL. At the first regular
357 meeting of Council in each and every month ~~he~~ THE MAYOR shall
358 submit a full statement of all money received, from whom and for
359 what purpose received and when paid into the Treasury. Except as
360 otherwise provided by law, all fines and expenses collected, which
361 have been advanced out of the County Treasury, shall be ~~by him~~ paid
362 over to the County Treasury on the first business day of each
363 month.

364 ARTICLE IV - LEGISLATIVE

365 Section 19. Council; Composition and Terms. The
366 legislative powers of the City, except as are reserved to the
367 people by this Charter and by the Constitution of the State, shall
368 be vested in a Council consisting of seven members elected at
369 large. All members of Council shall serve for a term of four (4)
370 years, or until their successors are elected and qualified, ~~except~~
371 ~~that at the first regular Municipal election after the adoption of~~
372 ~~this Charter, the four candidates receiving the highest number of~~
373 ~~votes shall be elected for a term of four (4) years, and the three~~
374 ~~candidates receiving the next highest number of votes shall serve~~
375 ~~for two (2) years.~~

376 Section 20. Qualifications of Members; Vacancies. All
377 members of Council shall be electors of the City, and any member
378 who ceases to possess this qualification shall forthwith forfeit
379 ~~his~~ THE office. Any vacancies in Council shall be filled by the
380 remaining members thereof for the unexpired term WITHIN SIXTY DAYS
381 AFTER THE VACANCY OCCURS. The Council shall be the judge of the
382 election and qualifications of its members.

383 Section 21. Meetings; President of Council. At 7:00 p.m.
384 on the first Monday in January following a regular Municipal
385 election, OR ON THE SUCCEEDING DAY IF THE FIRST MONDAY IS A LEGAL
386 HOLIDAY, Council shall meet at the usual place of holding its
387 meetings, at which time the newly elected members of Council shall
388 assume the duties of their office, and at said meeting Council

389 shall elect one of its members President, who shall preside at
390 meetings of the Council and perform such duties as presiding
391 officer as may be imposed ~~upon him~~ by Council. In the absence of
392 the President at any meeting, Council shall elect a President Pro
393 Tempore. Thereafter Council shall meet at such times as may be
394 prescribed by ordinance or resolution, but shall meet at least
395 twice each month, except that Council may designate one month in
396 the summer season for vacation. The Mayor, President of Council,
397 or any four members thereof, may call special meetings of Council
398 upon written notice served personally upon each member, or left at
399 ~~his~~ THE MEMBER'S usual place of residence at least six hours
400 previous to the time fixed for such meeting. Any request for a
401 special meeting and the notice calling the same shall state the
402 subjects to be considered, and such meeting shall be limited to a
403 consideration of such subjects.

404 Section 22. Quorum; Rules; Journal; Public Meetings. A
405 majority of all the members elected to Council shall constitute a
406 quorum to transact business, but a ~~less~~ LESSER number may adjourn
407 from day to day and compel the attendance of absent members in such
408 manner, and under such penalty as may be prescribed by ordinance.
409 The Council shall determine its own rules and order of business and
410 shall keep a journal of its proceedings. All meetings of Council
411 or committees thereof shall be public, ~~and any~~ EXCEPT COUNCIL MAY
412 PROVIDE BY ORDINANCE FOR EXECUTIVE SESSIONS FOR THE DISCUSSION OF
413 MATTERS DECLARED IN SUCH ORDINANCE TO REQUIRE CONFIDENTIALITY. NO
414 ACTION OF COUNCIL OR COMMITTEES THEREOF IS VALID UNLESS ADOPTED IN

415 A PUBLIC MEETING. COUNCIL MAY PROVIDE BY ORDINANCE FOR
416 NOTIFICATION OF MEETINGS TO THE NEWS MEDIA. ANY citizen shall have
417 access to the records OF COUNCIL OR COMMITTEES thereof at all
418 reasonable times.

419 Section 23. Officers and Employees; Clerk. Council shall
420 choose such officers and employees of its own body as are
421 necessary, providing that the Auditor shall be its Clerk. The
422 Clerk shall keep the records of Council, and perform such other
423 duties as may be required by ordinance or resolution. Except the
424 Clerk, all officers and employees chosen by Council shall serve
425 during its pleasure.

426 Section 24. General Powers. Council shall have authority
427 to provide by ordinance or resolution for carrying into effect any
428 and all powers conferred upon municipalities or the inhabitants
429 thereof by the Home Rule provisions of the Constitution, and the
430 method thereof, except where this Charter prescribes that method;
431 and Council shall perform the duties imposed and exercise the
432 powers conferred upon councils of cities by the general laws of the
433 State not in conflict with this Charter or the ordinances and
434 resolutions of Council.

435 Section 25. Enactment of Ordinances. Each proposed
436 ordinance or resolution shall be introduced in written or printed
437 form, and the adoption, revision or amendment, and signing thereof,
438 shall be in the manner provided by the laws of the State of Ohio,
439 except as otherwise in this Charter provided; and the Mayor shall
440 have the veto power over such ordinances and resolutions subject

441 to the limitations and provisions of the statutes of Ohio relating
442 to such powers. Council may by general ordinance prescribe the
443 manner of publication or ordinances and resolutions, but until so
444 prescribed such publication shall be in the manner provided by
445 statute.

446 Section 26. Municipal Tax Levies and Appropriations. The
447 fiscal year of the City shall begin on the first day of January.
448 To assist Council in its preparation of an annual tax budget, the
449 various City officers and departments shall file with the Mayor,
450 at a time to be fixed by him THE MAYOR, an estimate of contemplated
451 revenue and expenditures for the ensuing fiscal year in such form
452 as may be prescribed by Council, or by the State Bureau of
453 ~~Inspection and Supervision of Public Offices~~ AUDITOR; and the Mayor
454 on or before the first day of June, or such other time as may be
455 fixed by statute, shall present to Council such detailed
456 information in the manner prescribed by Council, or by ~~said Bureau~~
457 THE STATE AUDITOR, and Council, after examining and revising the
458 estimates so submitted by the Mayor, shall prepare and adopt the
459 annual tax budget, on or before July first, or such other date as
460 may be prescribed by statute. The budget shall contain, in such
461 detail as Council may determine, all of the information required
462 by general laws of the State to be embodied therein. ~~Until such~~
463 ~~time as the Board of Trustees of the Sinking Fund shall cease to~~
464 ~~exist as provided in Section 41, the Clerk of Council, upon the~~
465 ~~adoption of the budget by Council, shall submit such budget to the~~
466 ~~Board of Trustees of the Sinking Fund, which shall consider it and~~

467 ~~within ten days thereafter shall return it to Council with its~~
468 ~~approval or rejection, and in case of rejection, giving the reasons~~
469 ~~therefor. The Board may approve or reject any part or parts of the~~
470 ~~budget and the part or parts rejected shall not be embodied in the~~
471 ~~budget unless Council shall by a two-thirds vote of all members~~
472 ~~elected thereto adopt such part or parts so rejected. If the Board~~
473 ~~approves or fails to return the budget within ten days it shall be~~
474 ~~valid and legal. In the levying of taxes and methods of budget~~
475 ~~procedure by the City, the general laws of the State not in~~
476 ~~conflict herewith shall govern.~~

477 Section 27. Limitations on Appropriations. No money shall
478 be drawn from the Treasury of the City, nor shall any obligation
479 for the expenditure of money be incurred, except pursuant to
480 appropriation made by Council. At the end of each fiscal year all
481 unexpended balances of appropriations not covered by outstanding
482 contracts shall revert to the respective funds from which the same
483 then be subject to future appropriations. Appropriations may be
484 made ENCUMBERED in furtherance of CAPITAL improvements ~~or other~~
485 ~~objects or work~~ of the City which will not be completed within the
486 current year.

487 Section 28. Limitations on Expenditures. The Mayor and
488 Auditor shall supervise all departmental expenditures and shall
489 keep such expenditures within the appropriation. Moneys
490 appropriated as above provided shall not be used for other purposes
491 than those designated in the appropriation ordinance, and all
492 expenditures within the fiscal year shall be made within the

493 appropriations hereinbefore provided for. Council may, however,
494 at any time by resolution with the approval of the Mayor and
495 Auditor, transfer money so appropriated for the use of one
496 department, division or purpose, to any other department, division
497 or purpose; but no such transfer shall be made of money derived
498 from the sale of bonds, or of revenue or earnings of any non-tax
499 supported utility. Any accruing revenue of the City not
500 appropriated as hereinbefore provided may from time to time be
501 appropriated by the Council to such authorized uses as it may by
502 ordinance determine.

503 Section 28a-29. Transfers from A DESIGNATED Fund to
504 General Fund. Notwithstanding the provisions of Section 28,
505 Council may TO THE EXTENT NOT PROHIBITED BY THE GENERAL LAWS OF THE
506 STATE APPLICABLE TO CITIES, at any time by resolution and with the
507 approval of the Mayor and Auditor, transfer excess money not
508 necessary for the operation of A the Water fund CREATED BY COUNCIL
509 FROM AN ISSUE OF BONDS, REVENUE OR OTHER SOURCES from SUCH the
510 Water fund to the General Fund., ~~providing, however, that this~~
511 ~~permission to transfer funds shall be in effect only when the City~~
512 ~~of Bexley is buying its water from the City of Columbus, Ohio, and~~
513 ~~only as long as the ratio between the water rates charged by the~~
514 ~~cities of Columbus, Ohio, and Bexley, Ohio, remain the same or~~
515 ~~smaller than it was on July 1, 1955. (Amended Nov. 8, 1955)~~

516 Section 29. Transfers of Unexpended Balances. Any
517 unexpended balance remaining in a fund which was created by an
518 issue of bonds, the whole or any part of which issue is still

519 ~~outstanding and unprovided for, shall, when such balance is no~~
520 ~~longer needed for the purpose for which said fund was created, be~~
521 ~~transferred to the Sinking Fund Trustees to be applied by them in~~
522 ~~the payment of said bonds and the interest thereon.~~

523 Section 30. Bonds of Officers and Employees. Council
524 shall fix by ordinance the amount of bond to be given by each
525 officer, clerk and employee in each department of the City
526 government, if any be required, which bond shall be given by such
527 officer, clerk or employee with corporate surety authorized to do
528 business in the State to the approval of the Mayor; provided,
529 however, that the bond of the Mayor shall be approved by Council.
530 Premiums on such official bonds shall be paid by the City.

531 Section 31. Compensation of Officers and Employees.
532 Subject to the provisions of this Charter, Council shall fix by
533 ordinance the salary or compensation of all officers or employees
534 of the City government, provided, however, that the salary of no
535 such officer or employee who has been elected or appointed for a
536 definite term shall be increased or diminished during ~~the~~ THAT term
537 ~~for which he was elected or appointed,~~ and all fees accruing to and
538 collected by any office shall be paid into the City Treasury.

539 Section 32. Compensation of Council Members. Each member
540 of Council shall receive a salary of \$100.00 a year, payable in
541 equal quarterly installments. COUNCIL MAY PROVIDE BY ORDINANCE FOR
542 BENEFITS FOR COUNCIL MEMBERS COMPARABLE AND EQUAL TO THOSE PROVIDED
543 TO CITY EMPLOYEES. Absence of four successive regular meetings

544 shall operate to vacate the seat of a member of Council, unless
545 such absence is authorized or excused by Council.

546 ARTICLE V - AUDITOR

547 Section 33. Election, Qualifications and General Duties.

548 An Auditor, who shall be the fiscal officer of the City, shall be
549 AN ELECTOR OF THE CITY AND BE elected by ~~the qualified electors~~ for
550 the term of four years, and shall assume office on the first day
551 of January next following ~~his~~ THE election, and shall serve until
552 ~~his~~ A successor is elected and qualified; ~~provided, however, that~~
553 ~~the Auditor elected at the first election under this Charter shall~~
554 ~~be elected for a term of two years.~~ He THE AUDITOR shall perform
555 all the duties and exercise all powers conferred upon ~~him~~ THE
556 AUDITOR by this Charter, the ordinances of the City and the general
557 laws of the State defining the duties and powers of auditors of
558 cities; ~~he~~ THE AUDITOR shall be ex-officio Clerk of Council and
559 shall perform the duties prescribed for such Clerk by this Charter,
560 by ordinances of the City, and the general laws of Ohio defining
561 the duties of such clerks in cities not in conflict with this
562 Charter and ordinance. ~~His~~ THE AUDITOR'S salary shall be \$1800.00
563 ~~per year, payable in equal monthly installments, which may be~~
564 ~~increased or decreased~~ ESTABLISHED by ordinance of Council passed
565 at least one year prior to the beginning of the term thereby to be
566 affected.

567 Section 34. Other Duties; Bond. The Auditor shall ex-

568 officio perform all services, and discharge all duties and be

569 subject to all obligations required of city treasurers by the
570 general laws of the State and he shall give a corporate surety bond
571 for the performance of his THE duties as such Auditor and as ex-
572 officio Treasurer in such sum as may be required by Council or by
573 general law.

574 Section 35. Deposits. ~~All public moneys coming into the~~
575 ~~hands of the Auditor, both as Auditor and as Treasurer, and~~
576 ~~belonging to the City shall be deposited in the bank or banks~~
577 ~~located in Franklin County, Ohio, and incorporated under the laws~~
578 ~~of the United States or the State of Ohio, as offer at competitive~~
579 ~~bidding the highest rate of interest and give a good and sufficient~~
580 ~~bond executed by a surety company authorized to do business in the~~
581 ~~State of Ohio for an amount equal to the amount deposited, plus~~
582 ~~five per cent, or secure said moneys by a deposit of securities~~
583 ~~prescribed by the general laws of Ohio as acceptable to secure the~~
584 ~~deposit of public funds coming into the hands of city treasurers.~~
585 ~~The total moneys deposited in any bank shall not exceed its paid~~
586 ~~up capital and surplus. The Mayor, the Auditor and the City~~
587 ~~Solicitor ATTORNEY shall constitute a commission, which shall at~~
588 ~~least once each year mail by registered letter to each of the~~
589 ~~aforesaid banks a notice inviting sealed proposals to be filed with~~
590 ~~the Mayor, which proposals shall state the rate of interest that~~
591 ~~will be paid for the use of the moneys aforesaid, and the names of~~
592 ~~the surety company, or a description and list of the securities,~~
593 ~~as will be furnished by the bank filing the proposal if it is~~
594 ~~awarded the use of the funds. On receipt of replies, the~~

595 ~~Commission in open session, shall open the sealed proposals, and~~
596 ~~award the use of the money to the bank or banks offering the~~
597 ~~highest rate of interest and satisfactory security for the period~~
598 ~~next ensuing. If the Commission, in its discretion, finds that any~~
599 ~~part of public moneys should be invested otherwise, such Commission~~
600 ~~may order the Auditor to invest any part of such excess in bonds,~~
601 ~~notes, certificates of indebtedness, treasury bills, or other~~
602 ~~securities issued by and constituting direct obligations of the~~
603 ~~United States or the State of Ohio, but only such obligations as~~
604 ~~will mature or are redeemable at the option of the holder within~~
605 ~~two years of the date of purchase shall be eligible securities for~~
606 ~~such investment. Any order of the Commission directing the Auditor~~
607 ~~to invest public moneys shall specifically state the amount of~~
608 ~~public moneys to be invested and shall specifically describe the~~
609 ~~securities to be acquired. Council may provide by ordinance~~
610 ~~further details not conflicting with this Section for carrying into~~
611 ~~effect the purpose of this Section. COUNCIL SHALL PROVIDE BY~~
612 ~~ORDINANCE FOR THE PROCEDURE FOR THE DEPOSIT OF ALL PUBLIC MONEYS~~
613 ~~COMING INTO THE HANDS OF THE AUDITOR, BOTH AS AUDITOR AND AS~~
614 ~~TREASURER. SUCH FUNDS SHALL BE DEPOSITED ONLY IN SUCH FINANCIAL~~
615 ~~INSTITUTIONS AND INVESTED ONLY IN SUCH SECURITIES AND OBLIGATIONS~~
616 ~~AS SET FORTH IN THE UNIFORM DEPOSITORY ACT, AS CONTAINED IN~~
617 ~~CHAPTER 135 OF THE OHIO REVISED CODE, AS AMENDED FROM TIME TO TIME,~~
618 ~~OR IN ANY SUCCESSOR PROVISIONS OF THE GENERAL LAWS OF THE STATE.~~
619 (Amended May 5, 1970)

620 Section 36. Successor to Auditor. If the Auditor dies,
621 before beginning or during his THE term of office, resigns or
622 ~~removes his residence~~ MOVES from the City, or is removed or
623 becomes incapacitated from serving as Auditor for any reason
624 whatsoever, his A successor shall be elected by Council to serve
625 as such Auditor until the next regular Municipal election, at which
626 time an Auditor shall be elected to serve such unexpired term.

627 ARTICLE VI - SINKING FUND TRUSTEES

628 EDITOR'S NOTE: The powers of the Board of Trustees of the
629 Sinking Fund were limited by Ordinance 6-43, passed March 23, 1943,
630 and the Board was abolished by Section 41 of this Charter, as
631 amended by the voters on November 8, 1955.

632 ~~Section 37. Appointment and Bond. The Board of Trustees~~
633 ~~of the Sinking Fund shall consist of three electors of the City,~~
634 ~~well known for their integrity, intelligence and experience in~~
635 ~~financial affairs, to be appointed by the Mayor and confirmed by~~
636 ~~Council, for two, four, and six years respectively, and until their~~
637 ~~successors are appointed and confirmed, and their successors shall~~
638 ~~be appointed for six years. Any vacancy by death, resignation,~~
639 ~~removal from the City or otherwise shall be filled by appointment~~
640 ~~by the Mayor, with the concurrence of Council, for the unexpired~~
641 ~~term. They shall serve without compensation and each shall give~~
642 ~~such bond, with a surety company authorized by law to sign such~~
643 ~~bonds as surety, as Council may require; the premiums on the bonds~~
644 ~~together with such incidental and necessary expenses as the~~

645 ~~trustees may incur shall be paid by them from funds in their~~
646 ~~control.~~

647 ~~Section 38. Organization. They shall organize by electing~~
648 ~~one of their members as President and another as Vice President.~~
649 ~~The Auditor shall act as Secretary of the Board without extra~~
650 ~~compensation.~~

651 ~~Section 39. Powers and Duties Generally. Whenever they~~
652 ~~determine it to be for the best interest of the City, they may~~
653 ~~purchase bonds of the City of Bexley and pay for them at the time~~
654 ~~of the acceptance and delivery thereof, or said bonds may be~~
655 ~~delivered and paid for in installments as the proceeds are needed~~
656 ~~by the City, and when so accepted shall be considered as having~~
657 ~~been sold by the City. Bonds so purchased may be paid for out of~~
658 ~~all moneys received by the Trustees of the Sinking Fund. For the~~
659 ~~purpose of paying for bonds so purchased the Trustees may sell and~~
660 ~~use any securities in their possession, such securities not be sold~~
661 ~~at less than par to pay for bonds of the City.~~

662 ~~Section 40. Other Powers and Duties. The Board of~~
663 ~~Trustees of the Sinking Fund shall have all other powers and shall~~
664 ~~perform all other duties, not in conflict herewith, prescribed by~~
665 ~~general laws of the State for the Trustees of the Sinking Fund.~~

666 ~~Section 41. Abolishment. All the functions and powers~~
667 ~~relating to the purchase and sale of securities, receipts, deposits~~
668 ~~and investments of taxes, assessments and other funds raised for~~
669 ~~the payment of bonds and other indebtedness and all other powers~~
670 ~~and functions of the Board of Trustees of the Sinking Fund~~

671 ~~prescribed by this Charter or by the general law of this State,~~
672 ~~except the powers provided in Section 26, shall be imposed upon the~~
673 ~~Auditor in his capacity as City Treasurer. All moneys, securities,~~
674 ~~assets, and all money received by the City for the payment of~~
675 ~~interest and principal of general bonds or note shall be paid to~~
676 ~~the City Auditor as Treasurer of the City and placed and held by~~
677 ~~him in the "General Bond Retirement Fund" and all moneys,~~
678 ~~securities, assets and all money received by the City for the~~
679 ~~payment of interest and principal of special assessment bonds shall~~
680 ~~be paid to the City Auditor as Treasurer of the City and placed and~~
681 ~~held by him in the "Special Assessment Bond Retirement Fund." The~~
682 ~~money now in the "Bond Payment Fund" shall be divided between the~~
683 ~~"General Bond Retirement Fund" and the "Special Assessment Bond~~
684 ~~Retirement Fund" in such proportion as the City Auditor as~~
685 ~~Treasurer of the City shall deem necessary and proper. (Amended~~
686 ~~Nov. 8, 1955)~~

687 ARTICLE VII - CITY SOLICITOR ATTORNEY

688 Section 42. Qualifications; Term; Compensation, Duties
689 Generally. The City ~~Solicitor~~ ATTORNEY shall be an attorney-at-
690 law admitted to practice in the State of Ohio, and shall be an
691 elector of the City and shall have such assistants of like
692 qualifications as the Council may authorize. He ~~THE~~ CITY ATTORNEY
693 shall be appointed by the Mayor and confirmed by Council for a term
694 of one year, and ~~his~~ compensation shall be fixed by Council. He
695 ~~THE~~ CITY ATTORNEY shall be the legal advisor of and attorney and

696 counsel for the City and for all officers and departments thereof
697 in matters relating to their official duties. He THE CITY ATTORNEY
698 shall prepare all contracts, bonds, and other instruments in
699 writing in which the City is concerned, and no contract with the
700 City shall take effect until ~~his~~ THE CITY ATTORNEY'S approval of
701 the form and correctness thereof is endorsed thereon.

702 Section 43. Other Duties. In addition to the duties
703 imposed upon the City ~~Solicitor~~ ATTORNEY by this Charter or
704 required ~~of him~~ by ordinance in accordance therewith, ~~he~~ THE CITY
705 ATTORNEY shall perform the duties which are imposed upon City
706 ~~Solicitors~~ ATTORNEYS by the general laws of the State.

707 ARTICLE VIII - CITY ENGINEER

708 Section 44. Appointment; Contract. Council shall appoint
709 a City Engineer, who shall hold office at its pleasure and whose
710 duties and compensation shall be fixed by Council; or Council may
711 by ordinance authorize the employment of an engineer or engineers
712 to render such engineering services to the City as may be deemed
713 necessary, such contract of employment to be for such term and upon
714 such compensation as such ordinance may provide.

715 ARTICLE IX - POLICE AND FIRE DEPARTMENTS

716 Section 45. Composition; Compensation. The Police and
717 ~~Fire Departments~~ DEPARTMENT shall be composed of the Chief and such
718 other officers, ~~policemen, firemen, chauffeurs and substitutes~~ AND

719 OTHER PERSONNEL as may be provided by ordinance of Council, which
720 shall fix their compensation.

721 Section 46. Powers and Duties of Chiefs. The Chief of
722 Police ~~and the Chief of the Fire Department~~ shall exercise such
723 powers and perform such duties as are prescribed by this Charter,
724 by ordinances and resolutions of Council, and by the general laws
725 of the State governing the Police ~~and Fire Departments~~ DEPARTMENT
726 of cities, as far as such general laws do not conflict with said
727 Charter, ordinances and resolutions.

728 Section 47. Removal of Chief. The Mayor shall have the
729 right to suspend the Chief of Police ~~and the Chief of the Fire~~
730 ~~Department~~ for incompetence, neglect of duty, immorality,
731 ~~drunkenness~~—SUBSTANCE ABUSE, failure to obey orders given by the
732 proper authority, or for any other just and reasonable cause. The
733 Mayor shall forthwith certify the fact of any such suspension,
734 together with the cause thereof, to Council, and Council shall,
735 within ten days from the receipt of such notice, proceed to hear
736 such charges and render judgment thereon, which judgment may be
737 suspension, reduction in rank, or dismissal, and shall be final.

738 ARTICLE X - BOARD OF CONTROL

739 Section 48. Composition; Powers and Duties. The Mayor,
740 the Auditor and President of Council shall constitute the Board of
741 Control which shall have the powers and perform the duties imposed
742 upon boards of control of cities by general law of the State and
743 by ordinances of Council.

744 ARTICLE XI - BOARD OF HEALTH

745 Section 49. Composition; Terms, Vacancies; Powers and
746 Duties. The Board of Health shall be composed of five members who
747 shall serve without compensation. Their term shall be for five
748 years from the date of appointment. The members of the existing
749 Board of Health shall continue in office for the terms for which
750 they were appointed. Thereafter members shall be appointed to
751 serve for the term of five years and until their successors have
752 been appointed and qualified. Vacancies which may occur in said
753 Board shall be filled for the unexpired term by appointment in the
754 same manner in which original appointments are made. The Board
755 shall elect one of their own members as President.

756 The Board of Health shall have such powers and perform such
757 duties as may be prescribed by ordinance of Council and by statutes
758 governing boards of health in cities not in conflict with such
759 ordinances. The compensation to be paid all of the appointees and
760 employees of the Board of Health shall be fixed by ~~said~~ THE Board
761 WITHIN THE APPROPRIATIONS ESTABLISHED BY COUNCIL.

762 ARTICLE XII - CIVIL SERVICE COMMISSION

763 Section 50. Composition; Terms; Compensation; Officers.
764 The Mayor, with the concurrence of Council, shall appoint three
765 electors of the City as civil service commissioners. The term of
766 each member shall be for six years and until ~~his~~ A successor is
767 appointed and confirmed, ~~except that the members first appointed~~

768 ~~shall serve respectively for the terms of two, four and six years.~~
769 They shall receive no compensation for their services. One of the
770 members shall be chosen by the Commission as President and the City
771 Auditor shall act as the Secretary.

772 Section 51. Nonclassified Personnel. The following
773 officers and employees of the City shall be exempt from the
774 classified service:

- 775 (a) All officers elected under this Charter;
776 (b) All officers and members of boards or commissions whose
777 appointment is subject to concurrence by Council or who
778 are appointed by Council;
779 (c) One secretary or Clerk for the Mayor and one secretary,
780 assistant or clerk for each elective officer and for each
781 board or commission appointed hereunder;
782 (d) ~~The Chief of Police and the Chief of the Fire Department;~~
783 (e) The heads of any departments or sub-departments, THE
784 SUPERVISORS OR ASSISTANT SUPERVISORS OF ANY FUNCTIONS, OR
785 SUCH OTHER SUPERVISORY OR MANAGEMENT PERSONNEL that may be
786 created by Council under this Charter;
787 (f) All employees whose service is temporary or part time;
788 (g) ALL UNSKILLED LABOR POSITIONS, INCLUDING POSITIONS IN THE
789 SERVICE DEPARTMENT, DESIGNATED AS SUCH BY ORDINANCE OF CITY
790 COUNCIL. (Amended June 8, 1976)

791 Section 52. Classified Personnel. The classified service
792 shall comprise all positions not specifically exempt under the
793 foregoing section of this article. In the classified service there

794 shall be two classes to be known as the competitive and the non-
795 competitive classes. The competitive class shall include all
796 positions and employments for which it is practicable to determine
797 the merit and fitness of applicants by competitive examination, and
798 the non-competitive class shall consist of all positions requiring
799 peculiar and exceptional qualifications of a scientific,
800 managerial, professional or educational character to be determined
801 by the rules of the Commission.

802 THE CIVIL SERVICE COMMISSION MAY PROVIDE BY RULE, SUBJECT
803 TO APPROVAL BY CITY COUNCIL, FOR EXAMINATION OF APPLICANTS AND
804 PERSONNEL USING METHODS OTHER THAN WRITTEN EXAMINATION.

805 Section 53. Continuation of Positions. All persons whose
806 positions were previously exempt from the provisions of former
807 Section 51, paragraph (f), and whose positions are now within the
808 provisions of Section 52, and who have been continually in the
809 service of the Municipality since July 1, 1974, shall retain their
810 positions until discharged, reduced, promoted, or transferred in
811 accordance with the provisions of Sections 50 to 55, inclusive.

812 (Amended June 8, 1976)

813 Section 54. Rules. The Commission shall have the power
814 to prescribe, amend and enforce rules for the classified service
815 and shall keep minutes of its proceedings and records of its
816 examinations and shall make investigations concerning the
817 enforcement and effect of the civil service provisions and of the
818 rules thereunder.

819 Section 55. State Civil Service Law. The Civil Service
820 Commission ~~shall be in all respects governed by the general laws~~
821 ~~of the State governing civil service in cities not in conflict with~~
822 ~~this Charter and ordinances of Council passed thereunder~~ MAY
823 PROMULGATE SUCH RULES, SUBJECT TO APPROVAL BY CITY COUNCIL, AS IT
824 DEEMS APPROPRIATE TO PROMOTE AN EFFICIENT CIVIL SERVICE SYSTEM
825 BASED ON MERIT AND FITNESS.

826 ARTICLE XIII - CITY PLANNING COMMISSION

827 Section 56. Composition; Terms. The City Planning
828 Commission shall consist of the Mayor and four citizens of the City
829 who shall serve without compensation and who, with the concurrence
830 of Council, shall be appointed by the Mayor for terms of forty-
831 eight months each commencing July 1, ~~1976, except that the terms~~
832 ~~of the members so appointed effective July 1, 1976, shall be~~
833 ~~adjusted so that one expires on June 30, 1977, and each June 30~~
834 ~~thereafter until each term is for forty-eight months. (Amended~~
835 ~~June 8, 1976)~~

836 Section 57. Powers and Duties. The duties, powers and
837 limitations of the Planning Commission shall be prescribed by
838 ordinance of Council, and in the absence of such ordinance they
839 shall perform the duties and exercise the powers conferred upon
840 the City Planning Commission by general laws of the State not in
841 conflict with this Charter.

ARTICLE XIV - BONDS AND EVIDENCES OF INDEBTEDNESS

842 Section 58. Signatures and Seal; Issuance and Sale. All
843 bonds, notes and certificates of indebtedness issued by the City
844 shall be signed by the Mayor and by the Auditor and shall be sealed
845 with the corporate seal. They shall be issued and sold for the
846 purposes and in the manner prescribed by general laws of the State
847 governing the issuance and sale of bonds and notes of cities,
848 ~~provided, however, that the Board of Trustees of the Sinking Fund~~
849 ~~may purchase and pay for such bonds in the manner prescribed in~~
850 ~~this Charter.~~

ARTICLE XV - CONTRACTS

852 Section 59. Signatures; Bidding. All contracts of the
853 City shall be signed by the Mayor and Auditor and shall be
854 advertised, let, altered, and modified, subject to the limitations
855 and restrictions, requirements of certification by the Auditor and
856 all other laws of the State not in conflict with this Charter
857 dealing with or touching upon the contracts of cities.

859 Section 60. Conflicts of Interest. No officer or employee
860 of the City shall have any interest, direct or indirect, in any
861 contract with or for the City, or be interested directly or
862 indirectly in the sale to the City of any supplies, material,
863 service or property, real or personal, except on behalf of the City
864 as an officer or employee, and except when the City appropriates
865 property for public purposes. Any violation of this section shall

866 constitute malfeasance in office, and any such officer or employee
867 shall thereby forfeit ~~his~~ THE office or employment.

868 ARTICLE XVI - INITIATIVE AND REFERENDUM

869 Section 61. Scope of Power. Initiative and referendum
870 powers are hereby reserved to the people of the City on all
871 questions which the City may be authorized by this Charter, by
872 ordinance of the City, or by general laws of the State, to control
873 by legislative action, and such powers shall be exercised in the
874 manner prescribed by general law of the State. No measure
875 initiated by the people and adopted by popular vote shall be
876 repealed by Council, or so amended by it as to destroy the
877 effectiveness thereof, within two years after it takes effect.

878 ARTICLE XVII - FRANCHISES

879 Section 62. Public Utilities. All grants or renewal of
880 franchises to construct or operate any public utilities on, under
881 or above the streets of the City shall be in all respects governed
882 by general laws of the State. However, subject to the rights of
883 property holders under the Constitution of Ohio, Council at all
884 times may direct the distribution of space in, over, under or
885 across all streets or public grounds occupied by public utility
886 fixtures, and Council shall have the continuing right to pass
887 reasonable regulations for the operation of City utilities,
888 including the right to require reconstruction, relocation, or
889 discontinuance of appliances used by the utilities in the streets

890 or public grounds as shall in the opinion of Council be necessary
891 ~~in the public streets.~~

892 ARTICLE XVIII - NOMINATIONS AND ELECTIONS

893 Section 63. Electors. Every citizen of the United States
894 of the age of ~~twenty one (21)~~ EIGHTEEN years who shall have been
895 a resident of the State AND OF THE CITY for ~~one year~~ THIRTY DAYS
896 next preceding the election, ~~and of the City for twenty (20)~~ THIRTY
897 days, AND HAS BEEN REGISTERED TO VOTE FOR THIRTY DAYS shall have
898 the qualifications of an elector and shall be entitled to vote at
899 all Municipal elections and all special elections and upon any
900 question which may be submitted to the electors under the
901 provisions of this Charter. ~~No elector shall be required to~~
902 ~~register as a condition precedent to his right to vote at any~~
903 ~~Municipal election or upon any Municipal question submitted at any~~
904 ~~election.~~

905 Section 64. Time for Holding Elections. Regular Municipal
906 elections shall be held on the first Tuesday after the first Monday
907 in November in the odd numbered years and shall be conducted and
908 the results canvassed and announced by the regular election
909 authorities. Any matter which by the terms of this Charter or
910 ordinance of Council may be submitted to the electors of the City
911 at any special election may be submitted at a general Municipal
912 election, but not at any State election.

913 Section 65. Nominations. There shall be no primary
914 election for City officers. Nominations for the Mayor, Auditor

915 and Council shall be made by petitions signed by not less than 150
916 nor more than 300 qualified electors of the Municipality. All
917 petitions shall be on the standard forms for the use of non-
918 partisan candidates for such offices. Group petitions shall not
919 be used. Petitions shall be filed with the Board of Elections at
920 least ninety days before the day of election. (Amended May 5,
921 1970)

922 ~~Section 66. Acceptance. Any person whose name has been~~
923 ~~submitted as a candidate by such petition shall file his acceptance~~
924 ~~of such candidacy with the election authorities not later than~~
925 ~~fifty five days previous to such election; otherwise his name shall~~
926 ~~not appear upon the ballot.~~

927 Section 67. Ballots. The ballots used in all elections
928 provided for in this Charter shall be without party marks or
929 designations. The whole number of ballots to be printed for any
930 election for any office shall be divided by the number of
931 candidates for such office, and the quotient so obtained shall be
932 the number of ballots in each series to be printed. The names of
933 the candidates shall be arranged in alphabetical order and the
934 first series of ballots printed. The first name shall then be
935 placed last and the next series of ballots printed, and this
936 process shall be repeated until each name shall have been first an
937 equal number of times. These ballots shall then be combined into
938 tablets with no two of the same order of names together. One space
939 shall be left below the printed names of the candidates for each

940 office to be voted for, wherein the voter may write the name of any
941 person for whom he may wish to vote.

942 Section 68. Requirements for Election. The candidates at
943 the regular Municipal election, equal in number to the places to
944 be filled in each office, who receive the highest number of votes
945 shall be declared elected. If it cannot be determined which of two
946 or more candidates shall be declared elected, by reason of their
947 having received the same number of votes, the election authorities
948 shall determine by lot which of the candidates shall be declared
949 elected.

950 Section 69. Majority Vote Required; Exceptions; Form of
951 Ballot. No question submitted to the electors under this Charter
952 shall be passed or carried unless a majority of the electors voting
953 on the question shall vote in favor thereof, and if any State law
954 governing such election shall require more than a majority vote the
955 percentage of vote required to pass the measure under the State law
956 shall govern in the absence of an ordinance of Council otherwise
957 providing. The form of ballot to be used on all questions
958 submitted to the electors shall be prescribed by Council at the
959 time the question is certified to the proper election officials for
960 the calling of the election.

961 Section 70. Conduct of Elections. All elections shall be
962 conducted and the results canvassed and certified by the election
963 authorities prescribed by general election laws, and all other
964 matters relating to elections not herein or by ordinance of Council

965 specifically provided for shall be determined by the general
966 election laws of the State.

967 ARTICLE XIX - MISCELLANEOUS PROVISIONS

968 ~~Section 71. Continuance of Present Officials. All persons~~
969 ~~holding administrative office at the time the foregoing provisions~~
970 ~~of this Charter take effect shall continue in office and in the~~
971 ~~performance of their duties until provision shall have been made~~
972 ~~in accordance therewith for the performance of such duties or the~~
973 ~~discontinuance of such office. When such provision shall have been~~
974 ~~made, the term of such officer shall expire and the office shall~~
975 ~~be deemed abolished. The powers which are conferred and the duties~~
976 ~~which are imposed upon any officer, board or department of the City~~
977 ~~under the laws of the State, shall, if such office, board or~~
978 ~~department is abolished by this Charter, be thereafter exercised~~
979 ~~and discharged by the officer, board or department upon whom are~~
980 ~~imposed corresponding functions, powers and duties under this~~
981 ~~Charter.~~

982 Section 72. Changes in State Law. Whenever resort to
983 general laws of the State is required by this Charter for the
984 purpose of defining the powers and duties of officers, boards,
985 departments or commissions of the City and those general laws
986 effective at the time the Charter is adopted shall have been
987 thereafter repealed, supplemented or amended, then and in that
988 event such powers and duties shall be exercised and performed as
989 directed and authorized by existing laws. If any office, board,

990 commission or department of cities, now existing under general
991 laws, and to which reference is specifically made herein, shall
992 hereafter be abolished by State law, then the reference thereto in
993 this Charter shall apply to the office, board, commission or
994 department that may be created by such general law to exercise and
995 succeed to the functions, powers and duties corresponding to those
996 pertaining to the office, board, commission or department so
997 abolished.

998 Section 73. Oath of Office. Every officer of the City
999 shall, before entering upon the duties of his office, take and
1000 subscribe to an oath or affirmation, as required by the statutes
1001 of Ohio, which oath or affirmation shall be filed and kept in the
1002 Office of the Auditor.

1003 Section 74. Continuance of Contracts and Ordinances. All
1004 ~~contracts entered into by the City prior to the taking effect of~~
1005 ~~the foregoing provisions of this Charter, shall continue in full~~
1006 ~~force and effect. All public work begun prior to the taking effect~~
1007 ~~of such provisions shall be continued and perfected hereunder.~~
1008 ~~Public improvements for which legislative steps have been taken~~
1009 ~~under laws in force at the time this Charter takes effect, may be~~
1010 ~~carried to completion in accordance with the provisions of such~~
1011 ~~laws.~~

1012 All ordinances and resolutions in force at the time the
1013 foregoing provisions of this Charter take effect, not inconsistent
1014 therewith, shall continue in force until amended or repealed.

1040 otherwise it shall provide for the submission of the amendment at
1041 a special election to be called and held within the time aforesaid.

1042 NOTICE OF ANY PROPOSED AMENDMENT SHALL BE GIVEN IN ONE OF
1043 THE FOLLOWING WAYS:

1044 (a) Not less than thirty days prior to THE ~~such~~ election
1045 AT WHICH THE AMENDMENT IS TO BE SUBMITTED TO THE ELECTORS, the City
1046 Clerk shall mail a copy of the proposed amendment to each elector
1047 whose name appears upon the poll of the last regular Municipal or
1048 general election.

1049 (B) THE FULL TEXT OF THE PROPOSED AMENDMENT SHALL BE
1050 PUBLISHED ONCE A WEEK FOR NOT LESS THAN TWO CONSECUTIVE WEEKS IN
1051 A NEWSPAPER PUBLISHED IN THE CITY, WITH THE FIRST PUBLICATION BEING
1052 AT LEAST FIFTEEN DAYS PRIOR TO THE ELECTION AT WHICH THE AMENDMENT
1053 IS TO BE SUBMITTED TO THE ELECTORS. IF NO NEWSPAPER IS PUBLISHED
1054 IN THE CITY, THEN SUCH PUBLICATION SHALL BE MADE IN A NEWSPAPER OF
1055 GENERAL CIRCULATION WITHIN THE CITY.

1056 (C) ANY OTHER PROCEDURE AUTHORIZED BY THE GENERAL LAWS OF
1057 THE STATE APPLICABLE TO CITIES.

1058 If such proposed amendment is approved by a majority of
1059 the electors voting thereon, it shall become a part of the Charter.

1060 Section 78. Effective Date. For the purpose of nominating
1061 and electing officers and all purposes connected therewith and
1062 incident thereto, and for the purpose of exercising such
1063 legislative powers as are necessary to be exercised by the present
1064 Council preliminary to the organization of departments, boards, and
1065 offices herein provided, this Charter shall take effect from the

1066 time of its approval by the electors of the City. For all other
1067 purposes it shall take effect on the first day of January, 1932.

1068 SECTION 79. BY THE FIFTEENTH DAY OF FEBRUARY IN 1998 AND
1069 BY THE FIFTEENTH DAY OF FEBRUARY EVERY TEN YEARS THEREAFTER, CITY
1070 COUNCIL MAY APPOINT A COMMITTEE TO REVIEW THE CITY CHARTER AND
1071 REPORT TO COUNCIL BY THE FIFTEENTH DAY OF DECEMBER OF THAT YEAR ITS
1072 RECOMMENDATIONS CONCERNING POSSIBLE AMENDMENTS TO UPDATE THE
1073 CHARTER.