

**CHARTER
OF THE MUNICIPALITY OF NORTH CANTON, OHIO**

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PREAMBLE

We, the people of North Canton, Ohio, in order to secure the maximum benefits of Municipal Home rule and local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter.

ARTICLE 1 INCORPORATION AND POWERS

Section 1.01 Name and Boundaries

The inhabitants of the territory within the municipality of North Canton, Stark County, Ohio, as now established, or as hereinafter established by annexation or detachment, in the manner provided by the laws of the State of Ohio, shall continue to be a municipal body politic and corporate, under the name of the Village of North Canton, or the City of North Canton, as the population may require.

Section 1.02 Municipal Powers

The municipality shall have all powers of local self-government and home rule and all powers possible for a municipality to have under the Constitution of the State of Ohio. The municipality shall have all powers that now or hereafter may be granted to municipalities by the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed therein, in such manner as shall be provided by ordinance of Council.

Section 1.03 Form of Government

The municipal government provided by this Charter shall be known as the "Mayor-Administrator-Council form of government."

ARTICLE 2 THE COUNCIL

Section 2.01 Powers, Membership, Term, and Organization

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

Council shall be composed of seven (7) members. One (1) member shall be elected by the electors of each of the four (4) wards herein provided and three (3) members shall be elected by the electors of the municipality at large.

The term of a council member shall be two years, beginning on the first day of December following the election, and shall hold office until a successor is elected and qualified.

The Council shall have an organizational meeting within the first three (3) days of December of each year. The Mayor, or one (1) appointed by the Mayor, shall call this meeting and preside as temporary chair only until the President of Council is elected.

Section 2.02 Wards

The municipality shall be divided into four (4) wards, which shall be as nearly equal in population as is practicable, each ward to be composed of contiguous and compact territory bounded by natural boundaries or street lines. Council shall have the power to change ward boundaries, but shall not have the power to change the number of wards.

Section 2.03 Officers of Council

At the organizational meeting of Council in December of each year as provided herein, Council shall by majority vote, elect from among all of its members a President of Council and a Vice-President of Council, each to serve a term of one (1) year.

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

The President and Vice President of Council, by virtue of holding such offices, shall not be deprived of their powers and rights or be relieved of any of their duties or obligations as members of Council.

A Clerk of Council shall be appointed by, and may be removed by, the Council. The Clerk of Council shall keep an accurate and complete journal of all proceedings of Council, authenticate by the Clerk of Council's signature and have custody of all laws, ordinances and resolutions by Council, have custody of all official documents, reports, papers, communications and files of Council, and perform such other duties as Council may require.

The Clerk may hold any other municipal appointive office, but shall not hold any municipal elective office. During the absence or disability of the Clerk of Council, Council shall appoint someone to perform all the duties of that office.

Section 2.04 Meetings

After the organizational meeting, Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month.

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

Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or by three (3) members of Council, shall state the date and time, subject or subjects to be considered, and no other subject or subjects shall be considered thereat. The Clerk of Council shall cause the written notice to be served either personally or by leaving a copy thereof at the member's usual place of residence, not less than twenty-four (24) hours preceding the time for the meeting. In the event that a special meeting is called by a vote of Council taken at any regular meeting or special meeting from which any member of Council is absent, written notice of such special meeting shall be given such absentee in the manner and form hereinbefore provided.

Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting and the Mayor and any Council member shall be deemed conclusively to have waived such notice by attendance at any such meeting.

All regular and special meetings of Council shall be held at the Council Chambers, or at such other places in the municipality as Council may direct, providing that notice of change in location shall be posted at the Council Chambers prior to the meeting. All meetings of the Council shall be open to the public, provided however that Council and committees of Council may conduct meetings which are not open to the public (executive sessions) provided said executive sessions shall be held in compliance with the exceptions for executive sessions set forth in Section 121.22 of the Revised Code Meeting of Public Bodies to be Public; Exceptions currently in effect or as may be subsequently amended. In the event Section 121.22 of the Revised Code is repealed, Council may by Council rules establish the criteria for executive sessions.

Section 2.05 Legislative Procedure

Four (4) members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution or ordinance.

Council shall adopt its own rules, regulations, or by-laws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution shall be by voice vote, and Clerk of Council shall record the vote of each Councilperson upon the journal.

All legislative action of Council shall be by resolution or ordinance introduced in written or printed form, each of which shall contain no more than one subject, which subject shall be clearly expressed in its title.

No resolution or ordinance shall be revised or amended unless the resolution or ordinance superseding it contains the entire resolution or ordinance so revised or amended, or the section or sections so revised or amended, and, having been revised or amended, the original resolution or ordinance, or section or sections, shall be considered to be repealed.

An affirmative vote of at least four members of Council shall be required for the enactment of every resolution or ordinance, unless a larger number be required by the provisions of this Charter. Every resolution, except those of strictly ceremonial nature or authorizing the expenditure of funds specifically appropriated, and every ordinance, shall be fully and distinctly read at three (3) different, regular Council meetings unless Council votes to suspend this rule. Such suspension of the rule shall require the affirmative vote of at least six (6) members of Council. If this rule is suspended in accordance with the foregoing provisions, then the resolution or ordinance shall be read at least once before passage. Ordinances and resolutions shall be

deemed to have been read if a written or printed copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction and if the title thereof is fully read, provided that such ordinance or resolution shall be read in full if so directed by motion approved by affirmative vote of at least a majority of the members of Council.

Each emergency resolution and ordinance shall contain a statement of the necessity for such emergency action, and its enactment shall require the affirmative vote of at least six (6) members of Council.

No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting a franchise, or in the enactment, amendment, or repeal of any zoning or building resolution or ordinance, or in the changing of any ward boundaries, or in authorizing any change in the boundaries of the municipality, shall be enacted as an emergency measure, or shall be enacted under a suspension of rules as provided in this section.

Each resolution and ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the adjacent property to be benefited and specially assessed therefor, and any emergency resolution or ordinance necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. No other resolution or ordinance shall become effective until thirty (30) days after its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon passage after veto by the Mayor, as the case may be.

All ordinances and resolutions shall be published once in a newspaper of general circulation within the municipality. The manner of publication shall be as follows:

(1) Those ordinances and resolutions of a temporary nature and enacted for purposes which authorize and direct particular officers to do certain things, as to purchase, sell and lease property, make contracts, and to do anything within the range of municipal competence where the execution of the given power is not elsewhere vested shall be published by title only, unless otherwise designated by a majority of Council.

(2) Ordinances which are revised, codified, rearranged, published in book form and certified as correct by the Clerk of Council and the Mayor shall be given public notice as prescribed by Section 731.23 of the OHIO REVISED CODE.

(3) Technical ordinances and codes shall be given public notice as prescribed by Section 731.231 of the OHIO REVISED CODE.

(4) Public notice of all other statements, measures, orders, proclamations by Council may be given public notice in a manner designated by a majority vote of Council.

No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or in the enactment, amendment, or repeal of any zoning or building resolution or ordinance, or in the changing of any ward boundaries, or in authorizing any change in the boundaries of the municipality, shall be enacted, unless public notice has been fulfilled at least seven (7) days before final enactment by Council.

Section 2.06 Council Relationship to Administrative Officers

Neither Council nor its committees, shall in any manner take part in the discipline nor give orders to any subordinates and employees in the administrative service of the municipality responsible to the Mayor, but must deal directly with the Mayor. Council may inquire into the

conduct of any office or department and into the performance of any contract or any of the affairs of the municipality.

ARTICLE 3 EXECUTIVE AND ADMINISTRATIVE OFFICERS AND DEPARTMENTS

Section 3.01 The Mayor

The Mayor shall be elected by the popular vote of the electors of the Municipality for a two-year term to begin on the first day of December next following the election.

The Mayor shall have the following executive powers and duties:

(1) As elected executive of the municipality the Mayor shall be responsible to the electors for enforcement of all laws and ordinances, and for control and proper operation of all administrative departments and divisions as provided by the Charter as herein set forth or later amended, or by Council.

(2) The Mayor shall appoint:

a) A Director of Administration, which appointment shall be subject to and take effect upon confirmation by a majority vote of Council. The Director of Administration shall be responsible to the Mayor for the general administration of the affairs of the municipality.

b) Any additional administrative officers of special classification as may be established by Council, provided, however, that the Mayor may delegate power of appointment for such officers as are assigned under responsibility of the Director of Administration.

(3) The Mayor shall be responsible for preparation of a schedule of anticipated expenditures for the next succeeding fiscal year to be presented annually to Council by June 15. The Mayor shall be responsible for the proper execution of appropriation ordinances of Council.

(4) The Mayor shall sign, on behalf of the municipality, all contracts, conveyances, evidences of indebtedness and all other instruments to which the municipality is a party. The Mayor shall be responsible for the enforcement of terms and conditions in any franchise or contract to which the municipality is a party.

(5) The Mayor shall be recognized as the official and ceremonial head of Government by the Governor for military purposes.

The Mayor shall have all the judicial powers granted by the general laws of Ohio to Mayors of municipalities of the class of North Canton, unless and until other lawful provisions shall be made for the exercise of such power.

The Mayor shall have the following legislative powers and duties:

(1) The Mayor shall attend all meetings of Council with the right to introduce ordinances, resolutions and motions and participate in discussions, but without vote therein.

(2) Every ordinance or resolution of the Council shall be presented to the Mayor for consideration. The Mayor may approve or disapprove the whole of any resolution or ordinance, or any item of an ordinance appropriating money. Unless an ordinance or resolution is returned to the Clerk of Council either signed or with written notice of disapproval within ten (10) days after submission to the Mayor, it shall take effect as though the Mayor had signed it. When the Mayor has disapproved an ordinance or resolution or item of it, as herein provided, the Council may within thirty (30) days thereafter, reconsider it, and if such legislation shall be then

approved by the affirmative vote of five (5) or more members of Council, it shall become effective notwithstanding the veto of the Mayor.

When the Mayor is temporarily absent from the Municipality or unable for any cause to perform his/her duties, the Director of Administration shall act as Mayor with the same powers and duties, except that all ceremonial powers shall be performed by the President of Council, and all judicial powers shall be performed by the President of Council, Magistrate or Judicial alternate.

Section 3.02 The Director of Administration

The Director of Administration shall receive authority from and be responsible to the Mayor for general supervision and proper operation of administrative departments established herein or as established by Council and delegated by the Mayor as the responsibility of the Director of Administration.

The Director of Administration shall be a resident or shall establish residence in the municipality of North Canton within a reasonable time after appointment and shall remain a resident during tenure of office.

The Director of Administration shall have the following powers and duties:

(1) May, with the approval of the Mayor, or shall at the request of the Mayor, serve as Manager of one or more of the Administrative Departments as established herein or hereafter created.

(2) Shall appoint, subject to approval of the Mayor, Managers of Administrative Departments for which the Director of Administration does not serve as Manager, and other officers and employees of Administrative Departments unless otherwise provided for. Appointive power may be delegated by the Director of Administration to the Manager of any department or to the head of any division with respect to the officers and employees required within their respective departments.

(3) Shall have the power to remove all officers and employees appointed by the Director of Administration, subject to compliance with the laws of Ohio where applicable with respect to officers and employees classified under civil service in Section 3.07 of this Charter.

(4) Shall perform such other administrative duties as may be prescribed by this Charter or required by the Mayor.

The Director of Administration may be removed at the pleasure of the Mayor. In case of dismissal the Director of Administration may request the courtesy of a hearing at a regular meeting of Council and statements pertaining to conditions of dismissal shall be recorded in the journal of Council. Decision of the Mayor in regard to removal shall be final.

Section 3.03 Creation of Departments and Commissions

The Council shall by ordinance provide for a Finance Department, a Law Department, a Department of Service, a Department of Safety, a Civil Service Commission, a Planning Commission, a Zoning and Building Standards Board of Appeals, and such other departments, divisions, boards, commissions, officers and employees as it may deem necessary, and determine the organization and duties of each officer and employee, except as otherwise provided by this Charter.

Section 3.04 Director of Law

A Director of Law shall be appointed by Council as legal counsel for all divisions of the municipality in connection with municipal affairs and may be removed at any time by an affirmative vote of four (4) Council members.

The Director of Law shall be an attorney-at-law admitted to practice by the Supreme Court of the State of Ohio, and shall have engaged in active practice in excess of five (5) years prior to appointment.

Assistants may be provided by Council.

Section 3.05 Director of Finance

A Director of Finance shall be appointed by Council as head of the Finance Department and fiscal officer of the municipality, and may be removed at any time by an affirmative vote of four (4) Council members.

The Director of Finance shall have the following powers and duties:

(1) Shall serve the Mayor and Council as financial advisor in connection with municipal affairs and shall keep the financial records of the municipality. The Director of Finance shall be responsible for collection of all taxes and assessments and shall disburse the same as may be required by law or ordinance.

(2) Shall maintain a general accounting system for the municipality and for each of its officers, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the municipal budget, each of which accounts shall show the amount of appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the municipality to be made at such intervals as may be deemed expedient.

(3) Shall compile a schedule of anticipated income for the next succeeding fiscal year, and shall submit said schedule to the Mayor and Council by May 15 of each year and shall assist the Mayor in preparation of the budget.

(4) The Director of Finance or a deputy may serve as Clerk for meetings of administrative divisions and for other divisions as requested by Council.

Section 3.06 Departments

There shall be a Department of Service and a Department of Safety:

(1) The Department of Service shall include divisions of Streets, Sewer, Water, Engineering, and Parks and Playgrounds.

(2) The Department of Safety shall include divisions of Police, Fire, Emergency Medical Services, Health and Sanitation, Welfare, and Inspection and Licensing.

Section 3.07 Boards and Commissions

(1) CIVIL SERVICE COMMISSION. The Council shall appoint three (3) electors of the municipality as Civil Service Commissioners. For the initial Commission, appointments shall be for terms of two (2), four (4), and six (6) years with subsequent appointments for six (6) years, except vacancies shall be filled only for the remainder of the unexpired term of the commissioner being replaced.

Only full time Police and Fire personnel and other municipal employees designated by Council shall be covered by civil service provisions.

The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotions in the service of the municipality and for

appeals from actions of transfer, reduction or removal for personnel classified under civil service. Such rules shall be adopted in the sole discretion of the Civil Service Commission and shall prevail over, override and supersede any and all conflicting or inconsistent general State of Ohio statutes, rules, or regulations covering, referring to or in any way or manner addressing civil service requirements.

(2) **PLANNING COMMISSION.** The Planning Commission shall consist of five (5) qualified electors of the municipality to be appointed by the Mayor. The appointed commissioners shall hold no other municipal office or employment or membership on any board or commission established by this Charter or by ordinance. Initial appointment of five (5) elector members shall be terms of one (1), two (2), three (3), four (4), and five (5) years with subsequent appointments for five (5) years except vacancies shall be filled only for the remainder of the unexpired term of the commissioner being replaced. The Director of Administration, City Engineer, Director of Permits, and a member of Council, selected by Council, shall serve as non-voting members of the commission in an advisory capacity.

The Planning Commission shall have such powers as may be conferred on it by ordinance of Council, concerning public buildings, streets, municipal property, recommendations for zoning and re-zoning, and such other powers as may hereafter be conferred upon it by ordinance of the Council or the general laws of Ohio.

(3) **ZONING AND BUILDING STANDARDS BOARD OF APPEALS.** The Zoning and Building Standards Board of Appeals shall consist of five (5) qualified electors of the municipality to be appointed by the Mayor. The appointed commissioners shall hold no other municipal office or employment or membership on any board or commission established by this Charter or by ordinance. Initial appointments of the five (5) elector members shall be terms of one (1), two (2), three (3), four (4) and five (5) years with subsequent appointments for five (5) years, except vacancies shall be filled only for the remainder of the unexpired term of the commissioner being replaced. The Director of Administration, City Engineer, Director of Permits, and a member of Council, selected by Council, shall serve as non-voting members of the board in an advisory capacity.

The Zoning and Building Standards Board of Appeals shall hear and decide: (1) appeals from orders or decisions of administrative/City officials or agencies regarding enforcement of building and zoning statutes and ordinances; (2) variances of building and zoning statutes and ordinances; and (3) such other duties as Council may designate.

ARTICLE 4 TAXATION AND FINANCE

Section 4.01 Effect of State Law

Provisions of the Constitution and laws of Ohio, or amendments thereto, relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of a municipality shall be applicable to the municipality except as modified by, or necessarily inconsistent with the provisions of this Charter.

Section 4.02 Tax Limitations

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

Section 4.03 Fiscal Year

The fiscal budget and accounting year shall be the calendar year.

Section 4.04 Salaries and Bonds

The Council shall have the power to fix the compensation of its members and that of the Mayor, the Director of Administration, the Director of Finance, the Director of Law, officers of the municipality, of each job classification, and the members of any board or commission of the municipality, whether elected, appointed, or chosen.

The Mayor, Director of Administration, Director of Finance, and other such officials or employees, or members of boards and commissions as Council may require, shall give bond in such amount and with such surety as may be approved by Council. The premium for such bonds shall be paid by the municipality.

The compensation of the Mayor and each member of Council shall be fixed at least thirty days prior to the filing date of the nominating petitions for the terms beginning on the next succeeding first of December, and shall not be changed during the term of office or any part thereof.

The Council may authorize the payment or reimbursement of expenses incurred by any officer, employee or member of any board or commission of the municipality for travel, membership in an association, or otherwise in the interest of the municipality.

Section 4.05 Contracts and Purchasing

The Mayor may, within the amounts and items appropriated by the Council, make purchases and enter into contracts in behalf of the Municipality involving expenditures not in excess of \$10,000.00 or such greater amount as shall be established from time to time by Section 735.05 of the Ohio Revised Code. No contract involving expenditures in excess of \$10,000.00 or such greater amount as shall be established from time to time by Section 735.05 of the Ohio Revised Code shall be entered into without prior approval of the Board of Control.

The Board of Control for consideration and awarding of contracts shall consist of the Mayor, Director of Administration, Director of Finance, and Director of Law. All meetings of the Board of Control shall be open to the public. All actions of the Board of Control shall be by a vote of a majority of the members of the Board of Control.

No purchase or contract involving an expenditure in excess of \$10,000.00 or such greater amount as shall be established from time to time by Section 735.05 of the Ohio Revised Code shall be made except with a qualified, responsible bidder submitting the lowest and best bid as determined by the Board of Control after advertising for bids in a newspaper of general circulation within the Municipality on two successive weeks. The decision of the Board of Control as to the qualifications and responsibility of the bidder shall be final, provided the Board of Control acts in good faith. The Board of Control may reserve the right to reject any and all bids.

It is further provided, however, that the Board of Control may authorize contracts for personal services without advertising for bids and may authorize purchases or enter into contracts involving an expenditure in excess of \$10,000.00 or such greater amount as shall be established from time to time by Section 735.05 of the Ohio Revised Code without advertising for bids if Council determines and declares by an affirmative vote of at least six (6) members that an emergency exists, sets forth the nature of the emergency in its minutes, and appropriates the necessary funds. For the purpose of this section, any reference in the Ohio Revised Code or in

the Ordinances of the City of North Canton to a “Certified Check” shall include a “Cashier’s Check”.

ARTICLE 5 NOMINATIONS, ELECTIONS, QUALIFICATIONS

Section 5.01 Effect of State Law

Except as otherwise provided in this Charter, the laws of the State of Ohio, or amendments thereto, shall govern the nominations and election of elective officers of the municipality.

Section 5.02 Nominations

There shall be no primary election for municipal office. Nomination for elective office of the municipality shall be by petition only. Each candidate shall file a separate petition; group petitions shall not be used.

Standard forms provided by the County Board of Elections for the nomination of non-partisan candidates for such office shall be filed with the Board of Elections at least ninety (90) days before the day of election.

Nominating petitions shall require at least twenty-five (25) signatures of electors and no more than fifty (50) signatures. The signature of the candidate indicating his/her acceptance of the nomination and willingness to accept office if elected shall appear on each copy of his/her petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator as required by law.

Section 5.03 Elections

The regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. At any time by resolution, the Council may order a special election, the purpose of which shall be set forth in the resolution.

The names of all candidates nominated for elective office in the municipality shall be printed on the official ballot without party designation. The names of all candidates shall be rotated on the ballot as provided by the laws of the State of Ohio.

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

Section 5.04 Qualifications

Each elected officer of the municipality shall be an elector of the municipality and shall have resided therein or in a territory annexed thereto for a period of at least two (2) years immediately prior to nomination for such office and shall continue to reside therein during his/her term.

Each Councilperson elected to represent a ward shall be a continuous resident and qualified elector of the ward the member represents, or territory annexed thereto, during his/her term of office.

The Mayor and members of Council shall hold no other elective public office. They shall not be otherwise employed by, nor shall they hold any other office in, this municipality, except as provided by the Charter.

Section 5.05 Vacancies

In case of death, disqualification, removal from office or resignation of the Mayor, the President of Council shall become the Mayor for the unexpired term of the Mayor, but shall cease to be a Councilperson.

Whenever the office of a councilperson shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of Council. If the vacancy is in the office of a councilperson representing a ward, such vacancy must be filled from that ward. If the vacancy occurs in the office of councilperson-at-large, such vacancy can be filled from any ward in the Municipality. A vacancy in the office of President of Council shall be filled by the Vice President becoming President of Council, and the office of Vice President shall be filled from all of its members being elected by a majority vote of the remaining members of Council. In the event Council shall fail to fill a vacancy in the office of councilperson, or in the office of President of Council, or Vice President of Council within thirty days from the date such vacancy occurs, then the power of Council to do so shall lapse and the Mayor shall fill it by appointment, any such appointment to President of Council or Vice President of Council may be from among all of the members of Council and any appointment of a councilperson representing a ward shall be filled from that ward.

The person elected or appointed to fill a vacancy shall have the qualifications for the particular office specified in Section 5.04 of this Charter, and shall hold office for the unexpired term, and until his/her successor is elected and qualified.

Section 5.06 Removal From Office

The office of an elective officer of the municipality shall be declared vacant by resolution of Council upon determination that the elective officer:

- (1) Does not possess, or has ceased to possess the qualifications of office.
- (2) Has failed to take the required oath or to give any bond required within twenty (20) days after notification of appointment or election, or obligation to give a new or additional bond.
- (3) While in office has been convicted of, or entered a plea of guilty to, a felony or crime involving moral turpitude.
- (4) Has been adjudicated mentally incompetent.
- (5) Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance, or nonfeasance in office.
- (6) Has violated his/her oath of office.

The Council shall be the sole judge of the election and qualification of its own members.

In addition to the ground for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three (3) consecutive meetings.

The decision of Council to remove an elective officer shall be made only upon concurrence of five (5) or more members of Council after public hearing upon the charge or charges brought; and, provided further, that the accused elective officer shall have been notified, in writing, of the charge or charges against the elective officer at least fifteen (15) days in advance of such public hearing; and, provided further, that the accused elected officer's counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council after compliance with this section shall be final.

The elective officer so removed shall not be eligible for appointment to the vacancy created thereby.

Section 5.07 Initiative, Referendum, Recall

(1) INITIATIVE. The electors of the municipality shall have the power to propose ordinances and other measures by initiative petition in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

(2) REFERENDUM. The electors of the municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

(3) RECALL. The electors of the municipality shall have the power to remove from office by a recall election any elected officer of the municipality. If an elected officer shall have served six (6) months of his/her term, a form of petition demanding his/her 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. A petition in such form may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty-five (25) percent of the total number of electors voting at the last preceding regular municipal election.

Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, the Clerk of Council shall promptly certify the particulars in which the petition is defective, deliver a copy of his/her certificate to the person who filed the petition with the Clerk of Council, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, the Clerk of Council shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery.

If such officer shall not resign within five (5) days after the day on which delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision being made on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his/her office shall be declared vacant, and such vacancy shall be filled as provided by this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE 6 GENERAL PROVISIONS

Section 6.01 Conflict of Interest

No elected or appointed officer, official or employee shall hold any incompatible office under the national, state and county government, nor shall have any financial interest, direct or indirect, in any contract or proceeding to which the municipality is a party, or in any expenditure of money by the municipality other than his/her fixed compensation and traveling or other expenses incidental to the authorized furtherance of the interests of the municipality. Any willful violation of this section shall constitute malfeasance in office. Any violation with knowledge, express or implied, of the person or corporation contracting with the municipality shall render the contract or proceeding voidable by the Mayor or the Council.

Section 6.02 Separability of Sections

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 6.03 Interpretation

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

Section 6.04 Charter Review

In January, 1967, and in January of each tenth year thereafter, the Council shall appoint a commission of fifteen (15) electors of the municipality who hold no other municipal elective or appointive office, except on advisory bodies of the municipality, as members of a Charter Review Commission. The commission shall appoint a chairperson, vice chairperson, and a secretary. Such commission shall review the Municipal Charter, and within five (5) calendar months after such appointment, recommend to Council such alterations, revisions, and amendments, if any, to this Charter, as in the judgment of the Charter Review Commission are desirable by the majority vote of the Commission members. The Council shall cause the recommendations of the Charter Review Commission to be published in a newspaper of general circulation within the municipality on two successive weeks, and Council shall hold a public hearing on such recommendations within one week after the second publication thereof. Meetings of the Charter Review Commission shall be public meetings.

Section 6.05 Amendments

This Charter may be amended in accordance with the terms and provisions of the Constitution of the State of Ohio. If two (2) or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.