

**A CHARTER**

**FOR**

**WEST JEFFERSON**

Passed by Council on July 6, 2021 by Ordinance 21-047  
Approved by the electorate at the November 2, 2021 General Election  
Effective Date Jan. 3, 2022.

Citizens of West Jefferson:

In November 1989, the voters of West Jefferson elected a Charter Commission consisting of a cross-section of its citizens to frame a Charter for West Jefferson.

This booklet contains the proposed Charter, which will be presented to the voters at the November 1990, election.

The Charter Commission has spent months of study and deliberation in developing a Charter that will meet the needs of our municipality.

A Charter is the basic law, which organizes, empowers and regulates city government. The Charter combined with general state laws that regulate certain specific functions, such as taxation and debt, make up the laws, which will regulate the operation of the municipality. If a municipality does not have a Charter, it must operate under the state statues established by the State Legislature for municipalities of all populations and geographical locations. At the present time, West Jefferson is operating under those state laws. These laws can only be changed by the State Legislature.

However, the Ohio Constitution provides that a municipality may adopt a Charter that will meet the special needs of that municipality, thereby achieving home rule.

The Charter proposes the same basic form of government as we now have.

We encourage you to read the proposed Charter and become interested in the government of your community.

Sincerely,  
Members of the Charter Commission

Sandy Boucher  
Mary Buscemi  
Ralph E. Campbell  
Edgar Estep  
Charlotte Froncek  
Dale Gensler  
Robert Gose

James R. Hapner Robert  
Dean Huffman Marlene  
Hunter  
Karen Kenworthy  
Don Manger Patsy  
Phillips Don Schiff

Citizens of West Jefferson:

In January of 1996, a Charter Review Commission, was appointed by the Mayor, and confirmed by Council in accordance with the existing Village Charter. This Commission consisted of Original Charter Commission members, Sandy Boucher, Charlotte Froncek, Don Manger, and Pat Phillips. Also new members, Carl Delong, Robert Horton Jr., and Lowell Peterman. Pat Phillips served as chairman. The Commission recommended amendments, which were adopted by Council, and placed on the November ballot. These amendments were defeated by a vote of the electorate. In 1997, a Council Charter Review Committee was appointed to review these proposed changes, and make a recommendation. This committee was comprised of Ralph Campbell, Robert Gose, and Hank Teeters, Councilman Campbell and Gose were members of the original Charter Commission. After a review, the committee unanimously recommended to adopt the proposed changes made by the 1996 Charter Review Commission and per SECTION 16.01 of the Charter, recommended that Council place these amendments on the ballot of the November 4<sup>th</sup> general election. At that time the amendments were adopted by the electorate by a 56% margin. This current copy is the result of those amendments.

Citizens of West Jefferson:

In January of 2001, a Charter Review Commission was appointed by the Mayor, and confirmed by Council in accordance with the existing Village Charter. The membership of the commission consisted of Ronald Garver, James E. Martin, Charlotte Froncek, Steve Johnston, Lowell Peterman, Ed Estep, and Patricia Manning. Ronald Garver served as chairman. The Commission recommended amendments which were adopted by Council and placed on the November ballot. The amendments were adopted by a vote of the electorate at the November 6<sup>th</sup>, 2001 general election. This current copy is the result of those amendments.

Citizens of West Jefferson:

In January of 2006, a Charter Review Commission was appointed by the Mayor, and confirmed by Council in accordance with the existing Village Charter. The membership of the commission consisted of Sandy Boucher, Edgar Estep, Carl Frybarger, Dennis Koch, Lowell Peterman, Grace Stage, and John Stanley. Edgar Estep served as chairman. The Commission recommended amendments which were adopted by Council and placed on the November ballot. The amendments were adopted by a vote by the electorate at the November 7, 2006 general election. This current copy is the result of those amendments.

In February of 2011, a Charter Review Commission was appointed by the Mayor, and confirmed by

Council via Resolution 11-007 in accordance with the existing Village Charter. The membership of the commission consisted of Cynthia Askey, Arlene Castor, Robert Gose, Patricia Phillips, Daniel Pullins, Jennifer Warner, and Linda Winters. The Commission recommended amendments to the Charter which were adopted by Council on July 5, 2011 with Ordinance 11-047 and subsequently filed with the Madison County Board of Elections. The amendments were adopted by the electorate at the November 8, 2011 general election. This current copy is the result of those amendments.

Citizens of West Jefferson:

In February of 2016, a Charter Review Commission was appointed by the Mayor, and confirmed by Council in accordance with the existing Village Charter. The membership of the commission consisted of Karl Frybarger, Mark Warner, Linda Hall, Justin Barnhart, Samantha Cahill, Steve Morris, and Richard King. The Commission recommended amendments to the Charter which were adopted by Council on August 1, 2016 with Ordinance 16-054 and subsequently filed with the Madison County Board of Elections. The amendments were adopted by the electorate at the November 8, 2016 general election. This current copy is the result of those amendments.

Citizens of West Jefferson:

In January of 2021, a Charter Review Commission was appointed by the Mayor, and confirmed by Council in accordance with the existing Village Charter. The membership of the commission consisted of Herman Stanley, Jeff Hockenberry, Angie Carpeter, Mark Pelphrey, John Lepard, Karl Frybarger, Susan Kruman. On May 3, 2021, David George replaced Angie Carpeter on the commission with Resolution 21-041. The Commission recommended amendments to the Charter which were adopted by Council on July 6, 2021 with Ordinance 21-047 and subsequently filed with the Madison County Board of Elections. The amendments were adopted by the electorate at the November 2, 2021 general election. This current copy is the result of those amendments.

The Charter Review Commission did due diligence to the office they were called. For that, we are all very thankful for their faithful labor.

Sincerely,

Date:

Karl Frybarger  
Chairman of Commission

Respectively,

Jimmy John Hall  
Clerk of Council



**CHARTER OF THE MUNICIPALITY  
OF THE VILLAGE OF WEST JEFFERSON**

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## **PREAMBLE**

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

## **ARTICLE I NAMES; BOUNDARIES; FORM OF GOVERNMENT**

### **SECTION 1.01 NAME.**

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

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

### **SECTION 1.02 BOUNDARIES.**

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

### **SECTION 1.03 FORM OF GOVERNMENT.**

The form of government established by this Charter shall be known as the Strong Mayor - Council Plan.

## **ARTICLE II POWERS**

### **SECTION 2.01 MUNICIPAL POWERS.**

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

All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein in such manner, as shall be provided by ordinance or resolution of the Council, or, unless a contrary intent appears in this Charter or in the enactments of Council, in such manner as may be provided by the laws of Ohio.

## **ARTICLE III MAYOR**

### **SECTION 3.01 ELECTION AND TERM.**

The Mayor shall be elected, commencing with the general election in 1991, for a term of four (4) years, which term shall commence and he or she shall assume office on January 2 next following his or her election, and shall hold office until his or her successor is elected and qualified.

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

In the event there are two or less candidates who have filed with the Board of Elections seeking the office of Mayor, a nonpartisan primary election for the Mayor shall not be held prior to the above mentioned general election.

In the event of a vacancy, as described in Section 3.07, the elected successor to the Mayor shall assume office immediately upon certification by the Board of Elections for the balance of the unexpired term.

#### SECTION 3.02 QUALIFICATIONS.

The Mayor, for two (2) years prior to the day of his or her filing a declaration of candidacy for an election with the Board of Elections and continuing through his term of office shall be a continuous, qualified, elector of this municipality.

The Mayor shall hold no other elected, public office. He or she may serve as Notary Public, member of the National Guard, membership in the State Militia, or Reserve Corps of the United States. He or she shall not be otherwise employed by, nor shall he or she hold any other municipal office in this municipality except as described in Article VII of this Charter. He or she shall not have, directly or indirectly, any interest in the profits or emoluments of any contract, work, or service with or for the Municipality as provided by general law. The office of Mayor shall be a part-time position until such time as Council determines the need for a full-time Mayor. Such determination shall be presented to the electors as an amendment to this Charter. Council shall provide commensurate compensation.

#### SECTION 3.03 JUDICIAL POWERS.

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

#### SECTION 3.04 EXECUTIVE AND ADMINISTRATIVE POWERS.

The executive and administrative powers of the Municipality shall be vested in the Mayor, directors of departments, and other administrative officers and boards provided for in this Charter or by ordinance. The Mayor shall be recognized as the chief executive and the official and ceremonial head. The Mayor shall function as the chief conservator of the peace, to see that all laws, resolutions and ordinances are enforced and, as the judge, to hear and determine misdemeanor cases arising under the municipal ordinances as provided by State legislative act. The Mayor should attend all meetings of Council or submit a Mayors Report.

The Mayor has the right to participate in Council discussion, but not to vote. The Mayor shall appoint and shall have the power to remove the following, subject to the procedure in the current employees handbook:

- (a) Director of Public Service.
- (b) Director of Public Safety.
- (c) Director of Finance.
- (d) Director of Development.
- (e) Members of the Planning & Zoning Commission as provided in this Charter.
- (f) Members of the Civil Service Commission as provided in this Charter.
- (g) Any other officers as otherwise provided in this Charter or whose positions may be created by Council and for whose appointment the Mayor shall be responsible.

He or she shall appoint or delegate to the heads of departments, appointments of Municipal employees, subject to the provisions of this Charter and the Civil Service Law applicable to Civil Service at that time. (This provision relates to the powers of the mayor of the Village of West Jefferson and requires the application of current Civil Service Law at the time of said appointment.)

#### SECTION 3.05 VETO POWER.

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

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

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

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

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

#### SECTION 3.06 ACTING MAYOR.

President of Council, Vice President of Council, or any member of Council designated by the majority vote of Council, in that order, shall become the acting Mayor with all the powers of the Mayor in the event the Mayor, or one acting in that capacity for him or her, is (a) absent from the Municipality and inaccessible, or (b) unable or unwilling for any cause or reason, to perform the duties of the Mayor, for a period of forty-eight (48) hours or longer. This provision shall take effect upon (a) the Mayor, or one acting in that capacity for him or her, providing written notice of such absence or inaccessibility or unwillingness to the Clerk of Council, or (b) the vote of a majority of Council at a public meeting stating the reasons for invoking this provision. An individual designated acting Mayor shall be temporarily relieved of other duties to the Municipality and another designee shall act in their role.

#### SECTION 3.07 VACANCY.

In the event of death, resignation or removal of the Mayor, the President of Council shall become Mayor, and shall hold office until a successor is elected and qualified. In the event the President of Council fails to qualify for said office or elects not to take said position, then any member of Council designated by a majority of Council shall become Mayor and hold office until a successor is elected and qualified.

A successor shall be elected for the unexpired term at the next general election occurring more than ninety (90) days after the vacancy occurred. However, should the unexpired term end within one year of the next general election, an election to fill such unexpired term shall not be held and the above successor shall hold office for such unexpired term.

#### SECTION 3.08 ESTIMATE OF EXPENDITURES.

The fiscal year of the Municipality shall begin on January 1. On or before November 1<sup>st</sup> of each year, the Mayor shall submit to the Council an estimate of the expenditures and the revenues of the Municipal Departments for the following year. This shall be known as the appropriations budget. The estimate shall be compiled from the detailed information obtained from the several departments in a uniform manner as determined by the Mayor. The estimate of expenditures shall include:

- (a) A detailed estimate of the expense of conducting each department as submitted by the department head.
- (b) Expenditures for the corresponding items for the last two (2) fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including expenditures due to transfers between appropriations, plus an estimate of expenditures necessary to complete the current

fiscal year.

- (d) Increase or decrease of requests compared with the corresponding appropriations for the current year.

## **ARTICLE IV THE COUNCIL**

### **SECTION 4.01 LEGISLATIVE AUTHORITY.**

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

### **SECTION 4.02 COMPOSITION AND TERM.**

All elected council members shall assume office on January 2 (if January 2 is a Sunday, then on January 3) following their election and shall serve until their successors are elected and qualified. Commencing with the general election in 1991, four (4) members of Council shall be elected from wards and serve for two (2) years, and three (3) members of Council shall be elected at large and serve for four (4) years. Elections shall be nonpartisan. Thereafter, all Council terms shall be four (4) years. The geographical definition of the ward areas will be balanced to the extent practicable, based on numbers of registered voters, and will be established by ordinance, taking effect sixty (60) days prior to the petition filing deadline for the election of members of Council by wards, to remain effective for the term of the positions.

### **SECTION 4.03 QUALIFICATIONS.**

Each Council member elected at large, for one (1) year prior to the date of his or her election and during his or her term of office, shall be a continuous qualified elector of this Municipality. Each member of Council elected from a ward for one (1) year prior to the date of his or her election and during his or her term of office shall be a continuous qualified elector of the ward from which he or she seeks election or is elected.

A Council member shall hold no other elected public office, any other compensated office or employment with the Municipality, or other public office or public employment which could be in conflict with the office of a Council member, except as provided in Sections 3.06 and 4.17 of this Charter. He or she shall not have, directly or indirectly, any interest in the profits or emoluments of any contract, work, or service with or for the Municipality as provided by general law.

### **SECTION 4.04 PRESIDENT AND VICE PRESIDENT OF COUNCIL.**

At the first regular meeting of Council in January of each year as provided in Section 4.09, Council shall, by majority vote, elect from its membership a President of Council and a Vice President of Council, each to serve for a term of one (1) year.

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

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

### **SECTION 4.05 DUTIES OF COUNCIL**

- (a) General Duties. All legislative powers of the Municipality, except as limited by this Charter, shall be vested in Council, and in furtherance thereof, it shall originate, introduce and pass ordinances and adopt resolutions, motions, and informal resolutions; fix the salaries of all employees of the Municipality, whether elected or appointed, except as limited in Section 4.16; require and fix bond for the faithful discharge of the duties of office by officers, employees, and members of Boards and Commissions (the premium of any bond required by Council shall be paid by Council); adopt a budget; provide for a financial audit, as required by the State; authorize the issuance of bonds under

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

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

#### SECTION 4.05.1 LIMITATION OF RATE OF TAXATION.

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

#### SECTION 4.06 REMOVAL.

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

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

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

#### SECTION 4.06 REMOVAL.

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

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

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

**Any member of Council who has been absent for more than 4 (four) regular meetings, not including special meetings during a calendar year, shall be considered automatically removed from their elected position. Any absence due to active military service will fall under the following guidelines: exception 1 (one), for any vacancy due to military service that requires an absence of 60 (sixty) days or more Council shall appoint a temporary replacement as specified in Section 4:07, until the Council member returns from their military service or until the end of the elected term, whichever occurs first. Exception 2 (two), any Council member that suffers a serious health condition(s) that may last 60 (sixty)**

**days or more. An illness that makes the Council member unable to perform the essential functions of their duty may also follow the same guidelines as a military absence as stated above. The member removed as provided in this section shall not be eligible for appointment to any vacancy created thereby. The member removed as provided in this section, may appeal this decision according to the law.**

#### SECTION 4.07 VACANCIES.

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

**An appointed member of Council shall serve in such Council position until the next available general election when that position will be placed on the ballot for a specific Ward or At Larger as was applicable to such position at the last election. The appointed Council member will serve in that position until elected to such position or replaced by a successor by popular vote. An elected successor shall begin their full or partial term on the start date for Council terms specified by Section 4.02. If the appointed Council member is unchallenged by a qualified candidate at the next available general election, such appointed Council member shall remain in such position for the balance of the unexpired term. The procedures set forth in this paragraph shall not apply to an appointed Council member serving as a temporary replacement pursuant to Section 4.06 for a Council member who is absent due to active military service or a serious health condition.**

#### SECTION 4.08 CLERK AND OTHER EMPLOYEES.

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

#### SECTION 4.09 REGULAR MEETINGS.

The Mayor, or one appointed by the Mayor, shall preside as temporary chairman only until the President of Council is elected.

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

All Regular and Special Meetings of Council shall be held at the Council Chambers, unless the members of Council decide that a particular Regular or Special Meeting may occasion a large public attendance which the Council Chambers would be unable to accommodate. In that case, Council may direct said meeting to be held in some other public or private place with larger accommodations and shall direct that notice of the change of the meeting place be given at least one week before such Council meeting is scheduled by posting on the Municipality's website and at least two (2) other places such as publicly-available social media (such as Facebook), the Municipality's physical and/or electronic information boards, and the front door of the Division of Water.

Members of Council, whether elected or appointed, will receive remuneration for any Council meetings missed, up to 4 (four) meetings during a calendar year.

#### SECTION 4.10 SPECIAL MEETINGS.

Special meetings of the Council may be called as provided by its rules, regulations, bylaws, or by resolution or ordinance. In the absence of any such provisions, special meetings may be called by a vote of

Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor, the President of Council, or 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 three (3) members of Council, shall state the date, time and subject or subjects to be considered, and no other subject or subjects shall be considered thereat. The Clerk of Council shall cause such written notice to be served upon the Mayor and each member of Council, either personally or by leaving a copy thereof at his or her 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 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 herein before 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 his/her attendance at any such meeting.

#### SECTION 4.11 LEGISLATIVE PROCEDURE.

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

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

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

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

Every ordinance, other than emergency ordinances shall be read by title at two (2) different Council meetings. Emergency ordinances and resolutions shall be read one (1) time for passage. Such suspension of the rules shall require the affirmative vote of at least six (6) members of Council if all members are present, or the affirmative vote of at least five (5) members if one or more members are absent. If the two-reading rule is suspended in accordance with the forgoing provisions, then the ordinance shall be read by title once before the passage.

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

Members of Council shall vote in the affirmative or negative on all matters coming up for vote at a regular or special meeting of Council. A member of Council may abstain from a vote on such matters but only upon stating on the public record that the reason for such abstention is a conflict of interest on the matter to be voted upon.

The basis for such conflict need not be stated. Any member not complying with this provision shall be immediately informed of this provision by the Clerk of Council or the Law Director. Should the member of Council not immediately change his or her abstention vote or state that basis of the abstention is a conflict of interest, the member of Council shall be considered to have removed himself or herself from office, and the filling of the vacancy so created shall be governed by Section 4.07 of this Charter.

#### SECTION 4.12 PUBLIC NOTICE.

Public notice, as required by law, or by this Charter, or by ordinance, shall be given for resolutions and



ordinances by requiring the Clerk to post for thirty (30) days after passage by Council the entire text at least one (1) time in a conspicuous place in the Municipal building.

#### SECTION 4.13 EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCES.

Each 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 front footage of property to be benefited and specially assessed therefore, or any emergency ordinance necessary for the immediate preservation of public peace, health, safety or welfare, and each resolution shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

All other ordinances shall take effect thirty (30) days after the date of approval of the Mayor, or thirty (30) days after the expiration of the time within which it may be vetoed by the Mayor, or thirty (30) days after its passage after veto by the Mayor.

#### SECTION 4.14 EMERGENCY ORDINANCES.

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

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

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

#### SECTION 4.15 ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, zoning and planning codes, electric wiring, plumbing, heating, ventilating and air-conditioning, and other similar topics by reference to the date and source of the code without reproducing the same at length in the ordinance. In all such cases, publication of code, at length, by the Municipality shall not be required. However, at least three (3) copies of each code shall be kept in the office of the Clerk for reference by interested persons.

#### SECTION 4.16 COMPENSATION.

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

The salary of the Mayor, each member of Council, and the Law Director shall continue in effect from term to term. Not less than one hundred twenty (120) days immediately preceding the date of the next general election, at which such officers are to be voted on, the compensation of the

Mayor, each member of Council, and the Law Director may be fixed for the next term, but shall not thereafter be changed with respect to such term.

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

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

#### SECTION 4.17 DEPARTMENTS, BOARDS AND COMMISSIONS.

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

necessary.

Where organizations, powers, and duties of departments, boards and commissions are not expressly provided herein, they shall be as provided by the resolution or ordinance of Council.

#### SECTION 4.18 CODIFICATION OF ORDINANCES.

Ordinances may be codified, rearranged and published in book form under appropriate titles, chapters and sections, and such codification may be in one ordinance containing one or more subjects. Any ordinance approving such codification, rearrangement and/or publication in book form shall not be required to be published as required in Section 4.12 above.

#### SECTION 4.19 EMERGENCY MEETINGS.

In accordance with the Ohio Revised Code; emergency meetings of the Council may be called as provided by its rules, regulations, by laws, or by Resolution or Ordinance. In the absence of any such provisions, an emergency meeting shall be called by the Clerk of Council, upon written request of the Mayor, President of Council, or any three (3) members of Council.

Notice, in writing, of each such emergency meeting called at the request the Mayor, President of Council or three (3) members of Council, shall state the date and time and subject or subjects to be considered, and no other subject or subjects shall be considered thereat. The Clerk of Council shall cause such written notice to be served upon the Mayor and each member of Council by personally leaving a copy thereof at his or her place of residence and calling the aforesaid at a phone number on record not less than one (1) hour preceding the time for the meeting. 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 his attendance at any such meeting.

#### SECTION 4.20 ADDITION OF EMERGENCY MEETING LANGUAGE.

When “regular or special meetings” appears in the Charter in relation to the Council, “regular or special meetings” shall now read “Regular, Emergency or Special Meetings.”

### **ARTICLE V DEPARTMENT OF FINANCE**

#### SECTION 5.01 APPOINTMENT AND VACANCY OF DIRECTOR OF FINANCE.

The Director of Finance shall be the head of the Department of Finance, and shall be appointed by the Mayor with confirmation of Council. He or she shall have a working knowledge of bookkeeping or auditing. He or she shall hold no elective public office.

Upon the vacancy of the position of Director of Finance, the Mayor shall declare the office vacant and shall appoint an Interim Director of Finance until the office may be filled by regular appointment with confirmation of Council. Such interim appointment shall not exceed ninety (90) days, and such interim appointment shall not require confirmation of Council. A person shall not serve more than one (1) interim ninety (90) day period without confirmation of Council.

#### SECTION 5.02 POWERS AND DUTIES OF DIRECTOR OF FINANCE.

The Director of Finance shall attend all meetings of Council. In the event of the absence or disability of the Director of Finance, the Mayor may designate an assistant to the Director of Finance, who shall perform the duties of the Director of Finance in all respects and with all powers. Such designation shall be confirmed by Council.

The Director of Finance shall keep the books of the Municipality, exhibit accurate accounting of all monies received, expended, and encumbered, and a record of all property owned by the Municipality, and the

income derived there from, and a record of all taxes and assessments levied or assessed by the Municipality, and generally shall perform the fiscal duties and functions discharged by the Clerk of a Village and the Auditor of a City.

Without limitation as to the generality of his duties, the Director of Finance shall examine all payrolls, bills and other claims against the Municipality, and shall issue no warrant for the payment thereof unless he or she shall find that they are in proper form, correctly computed and duly approved and payable, and that the necessary appropriation from monies in the treasury or in process of collection have been made. The Director of Finance shall perform all other duties required of him or her by this Charter or by ordinance of Council.

The Director of Finance shall be custodian of all monies of the Municipality and of all evidences of investments of municipal monies and shall keep and preserve the same in such manner and in such place or places as shall be determined by Council. He or she shall keep a record of all receipts and disbursements of municipal monies. In general, without limitations as to particularity, the Director of Finance shall discharge the duties and functions of the Treasurer of the Municipality.

## **ARTICLE VI DEPARTMENT OF PUBLIC SERVICE**

### **SECTION 6.01 APPOINTMENT AND VACANCY.**

The Director of Public Service shall be the head of the Department of Public Service and shall be appointed by the Mayor with confirmation of Council.

Upon the vacancy of the position of the Director of Public Service, the Mayor shall declare the office vacant and shall appoint an Interim Director of Public Service until the office may be filled by regular appointment with confirmation of Council. Such interim term shall not exceed ninety (90) days, and such interim appointment shall not require confirmation of Council. A person shall not serve more than one (1) ninety (90) day period without confirmation of Council.

### **SECTION 6.02 QUALIFICATIONS.**

He or she shall be selected on the basis of his or her executive and administrative qualifications, with special references to his or her experience in, and knowledge of, accepted practices in respect to duties of his or her office as hereinafter set forth.

### **SECTION 6.03 DUTIES IN GENERAL.**

The Director of Public Service shall have the responsibility for construction, improvement, and maintenance of all public works, buildings, roads, streets, and all other public places of the Municipality, except as provided in Article XII of the Charter, and the collection and disposal of wastes and the enforcement of sanitary regulations. He or she shall have charge of, and shall supervise the maintenance of, all municipal property, except as provided in Article XII of the Charter, and equipment and storage of all materials and supplies. He or she shall also have charge of, and shall supervise, the Division of Water and the Division of Sewage which, as the names imply, shall operate, maintain and control all of the water mains, water distribution system, pumps, meters, etc., in the Municipality, and the entire sewer and sewage disposal plant systems of said Municipality respectively, **and the entire sewer and sewage disposal plant systems of said Municipality respectively, and perform such other duties as the best interests of the Municipality may require.**

### **SECTION 6.04 PURCHASING FUNCTION.**

The Director of Public Service shall be responsible for the purchasing function for the Municipality, and all purchases shall be made only in the manner provided for by this Charter and resolutions and ordinances of Council.

## **ARTICLE VII**

## DEPARTMENT OF PUBLIC SAFETY

### SECTION 7.01 APPOINTMENT.

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

The Mayor shall serve as Public Safety Director, until January 2, following the census or other methods by which the village is officially designated a city. Until Council determines that the position is full-time and compensated accordingly, the position shall be part-time with commensurate compensation and benefits. After the determination of Council that the position is to be full-time, it shall be returned to a part-time position only by action of Council through an ordinance specifically stating the circumstances occasioning the change.

### SECTION 7.02 DUTIES IN GENERAL.

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

### SECTION 7.03 POLICE DEPARTMENT.

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

### SECTION 7.04 FIRE DEPARTMENT.

At the present time the Municipality is protected by law by the Fire Department of the Township of Jefferson. This arrangement shall continue under the Charter unless changed, abrogated or cancelled by the Constitution or Laws of the State of Ohio, or by ordinance passed by Council of this Municipality.

SECTION 7.05 RULES FOR GOVERNMENT OF POLICE DEPARTMENT. The Director of Public Safety shall make and publish, with approval of Council, written rules for the government of the Police Department and the conduct and discipline of members thereof.

## ARTICLE VII A DEPARTMENT OF DEVELOPMENT AND REDEVELOPMENT

### SECTION 7A.01 CREATION OF DEPARTMENT AND APPOINTMENT OF DIRECTOR.

There is hereby created and established a Department of Development and Redevelopment, to be headed by the Director of Development. The Director **of Development** shall be appointed by the Mayor with the confirmation of Council.

### SECTION 7A.02 POWERS AND DUTIES.

- (a) **The Department of Development and Redevelopment and the Director of Development** shall have the following powers, duties and functions:
1. Maintain a continuing evaluation of the sources available for retention, development, redevelopment or expansion of residential dwelling units and industrial and commercial facilities in the Municipality through both public and private agencies.

2. Consult with the public or private agencies or authorities in the preparation of studies of human and economic needs or advantages relating to economic and community development and redevelopment.
3. Assist the Planning Commission in the preparation and maintenance of comprehensive plans and recommendations for the promotion of more desirable economic patterns of growth within the Municipality.
4. Disseminate information concerning residential, industrial, commercial, governmental, educational, cultural, recreational and other advantages and attractions of this Municipality.
5. Provide technical assistance to public and private agencies in the preparation of promotional programs designed to attract business and industry to this Municipality.
6. Implement urban renewal and urban redevelopment plans and projects authorized and approved by ordinance by the Council.
7. Prepare plans and studies concerning all matters affecting development of the Municipality including, but not limited to, urban renewal and urban redevelopment plans.
8. Stimulate, promote, and coordinate economic development and redevelopment within the Municipality.
9. Acting as an ex officio representative of the Municipality with any corporation or association organized for the promotion and development of economic growth within the Municipality, including, but not limited to: The Chamber of Commerce, Community Improvement Corporation, trade associations, and Improvement and Development Council.
10. Issue all building and zoning permits, supervise the administration and enforcement of the zoning and building ordinances.
11. **Such other powers, duties, and functions as provided by ordinance or resolution adopted by the Council.**
  - a. **The Director of Development shall report to the Mayor and Council at least quarterly on the status of economic growth, urban renewal, and development projects within the Municipality.**

## **ARTICLE VIII DEPARTMENT OF LAW**

### **SECTION 8.01 DIRECTOR OF LAW.**

There is hereby created the Department of Law to be headed by the Law Director who shall be appointed by the Mayor and confirmed by Council for a two (2) year term. The term shall commence and the Law Director shall assume office on January 2 (if January 2 is a Sunday, then on January 3) next following his or her appointment. The Law Director shall hold office until his or her successor is appointed and qualified.

In the event of a vacancy, an appointment will be made for the unexpired term within thirty (30) days after the next regular Council Meeting following notification of a vacancy.

Should the need arise for the position of an Assistant Law Director, one shall be appointed by the Mayor and confirmed by Council. In the event of a vacancy, if the position of Assistant Law Director is still needed, an appointment will be made within thirty (30) days after the next regular Council Meeting following notification of the vacancy.

The duties of the Assistant Law Director shall be determined by the Director of Law.

### **SECTION 8.02 QUALIFICATIONS.**

The Law Director and/or Assistant Law Director shall be attorneys-at-law duly authorized to practice law in Ohio and engaged in the active practice of law for a period of five (5) years or more immediately prior to his or her appointment. The Law Director and/or Assistant Law Director may engage in private practice of law during his term in office.

### SECTION 8.03 GENERAL POWERS AND DUTIES.

The Law Director and/or Assistant Law Director shall be the legal advisors of attorneys and counsel of the Municipality, and for all officers and departments thereof in matters relating to their official duties. He or she shall prosecute or defend all suits for and in behalf of the Municipality. He or she shall prepare and/or review all contracts, bonds and other instruments, in writing, in which the Municipality is concerned and shall certify, in writing, his or her approval of the form and correctness thereof.

The Law Director and/or Assistant Law Director shall prosecute or defend for and on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and he or she shall participate in, prosecute or defend for and on behalf of the Municipality such other suits, matters and controversies relating to Municipal affairs as directed by resolution or ordinance of Council.

The Law Director and/or Assistant Law Director shall defend on behalf of all police officers, all suits brought against such police officers arising out of or in behalf of other Municipal officials and employees, such suits arising out of or in the course of their employment as he or she shall, by resolution or ordinance of Council, be directed to defend.

The Council, the Director of any department, or any officer, board, or commission not included within a department, may request, in writing, the oral or written opinion of the Law Director and/or Assistant Law Director upon any question of law involving their respective powers or duties.

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

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

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

In case the Law Director and/or Assistant Law Director, upon written request of any taxpayer of the Municipality, fails to make any application provided as referenced above, such taxpayer may institute suit or proceedings for such purpose in his or her own name on behalf of the Municipality. No such suit or proceeding shall be entertained by any Court until such request to the Law Director and/or Assistant Law Director shall first have been made, nor until the taxpayer shall have given security for the costs of the proceedings.

In addition to the duties imposed upon the Law Director and/or Assistant Law Director by this Charter or required of him or her, by resolution or ordinance, he or she shall perform the duties which are imposed upon City Solicitors by the general law of the State.

The Law Director and/or Assistant Law Director shall make a report to the Council, at its first regular meeting in January of each year or at such other time as Council may by resolution or ordinance designate, of the business of his office, and such other matters as he/she deems proper to promote the good government and welfare of such Municipality.

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

The Law Director and/or Assistant Law Director or Prosecutor, shall prepare an up-to-date report outlining changes to Ohio and/or Federal Law, affecting the public's safety department. This report shall be distributed to the Director of Public Safety and Chief of Police on a monthly basis.

## **ARTICLE IX PLANNING AND ZONING COMMISSION**

### **SECTION 9.01 PLANNING AND ZONING COMMISSION - COMPOSITION AND PROCEDURE**

The Planning and Zoning Commission shall consist of five (5) electors of the Municipality not holding other Municipal offices. On the first January 2<sup>nd</sup> following the effective date of this Charter, one (1) of the five (5) electors shall be appointed by the Council to serve a term of three (3) years, one (1) shall be appointed by the Council to serve a term of two (2) years, one (1) shall be appointed by the Council to serve a term of one (1) year, one (1) shall be appointed by the Mayor to serve a term of three (3) years, and one (1) shall be appointed by the Mayor to serve a term of two (2) years. Thereafter, on each January 2<sup>nd</sup> (if January 2<sup>nd</sup> is a Sunday, then on January 3<sup>rd</sup>) and as the terms expire, appointments shall be made for a term of three (3) years by the respective appointing authorities for the position for which the term is expiring. No person shall serve as a member of the Planning and Zoning Commission at the same time the person is an employee or official of the Municipality.

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

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

### **SECTION 9.02 PLANNING AND ZONING COMMISSION - ORGANIZATION.**

The Mayor shall establish the date, time and place for the first meeting each year at which the Planning and Zoning Commission shall organize under a Chairman and Vice Chairman. The Mayor shall preside at this meeting until the Chairman is elected. The Planning and Zoning Commission shall establish its own rules of operation, and a record of its resolutions, findings and determinations shall be maintained and a copy of proceedings and minutes kept in the office of the Clerk of Council. Meetings shall be held at the call of the Chairman and at such other times as the Mayor may determine. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question. Also, any member of the Planning and Zoning Commission that has been absent from four (4) consecutive scheduled meetings of the Planning and Zoning Commission or a total of six (6) scheduled meetings of the Planning and Zoning Commission, during any twelve (12) month period, whether excused or not, is removed from membership on said Planning and Zoning Commission.

### **SECTION 9.03 PLANNING AND ZONING COMMISSION - POWERS AND DUTIES.**

The Planning and Zoning Commission shall have the power and duty to advise the Council concerning the preparation of plans and maps for the future physical development and harmonious improvement of such Municipality; the plan, design, location, removal, relocation and alteration of any public building or structure and public property; the location, widening, extension area and other public places; the approval of plats for the subdivision of lands; the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses; the regulation and limitation of heights of buildings or other location of buildings or other structures to be erected or altered; including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces; and such other powers and duties as may be imposed upon it by resolution or ordinance of Council.

The Chairman of the Planning and Zoning Commission or a member designated by the Chairman, shall attend meetings of Council for the purpose of informing the Council on matters before the Planning and Zoning Commission and explaining the recommendations of the Planning and Zoning Commission on matters before the Council.

The Planning and Zoning Commission shall have the power to hear and decide appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning and building in the municipality, as may be required to afford justice and avoid unreasonable hardship, except if such appeal concerns an exception to, or variance in application of such resolution, ordinances, regulations and measures and orders of administrative requirements. The Planning and Zoning Commission authority shall be exercised subject to reasonable standards as shall be prescribed by Council and such other powers as may be granted by Council. The subject of appeal shall be suspended until action is taken or decision rendered by such Planning and Zoning Commission.

A written appeal shall be submitted to the Planning and Zoning Commission within twenty (20) days after refusal or granting of the issuance of a zoning or building permit.

The Planning and Zoning Commission shall hold a public hearing on each appeal and shall give ten (10) days public notice of the time and place of said hearing. Said notice shall be given by one (1) publication in a newspaper of general circulation of said Village.

Written notice of said hearing shall also be sent by the Planning and Zoning Commission by first class mail, at least ten (10) days prior to said public hearing to the owners of property within two hundred (200) feet of any part of the property which is subject of the appeal. Such written notice shall be mailed to the addresses of such owners as appear on the current tax duplicate of the County.

Each appeal filed with said Commission shall be heard within thirty (30) days of the filing of said appeal.

#### SECTION 9.04 MANDATORY REFERRAL TO THE PLANNING AND ZONING COMMISSION

Unless the Planning and Zoning Commission shall have recommended the same to Council, no resolution, ordinance, regulation, measure or order of Council concerning a matter as to which the Planning and Zoning Commission has powers and duties, as provided in Section 9.03 shall become effective unless Council shall first have submitted the same to the Planning and Zoning Commission for report and recommendation.

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

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

#### SECTION 9.05 PUBLIC HEARINGS BY COUNCIL

Council shall hold a public hearing on each resolution or ordinance enacting, amending or appealing zoning regulations and shall give thirty (30) days public notice of the time and place thereof by placing said notice in a newspaper of general circulation in said municipal corporation.

Written notice of the hearing shall be mailed by the Clerk of Council by first class mail at least twenty (20) days before the date of said public hearing to the owners of property within two hundred (200) feet of any part of the property which is subject of the proposed resolution, ordinance or action. Such written notice shall be mailed to the addresses of such owners as they appear on the current tax duplicate of the County.



## SECTION 9.06 ACTION BY COUNCIL.

When the Planning and Zoning Commission makes a recommendation to Council for change in, or addition to, any zoning ordinance, Council shall study each such recommendation; and action shall be taken by Council within ninety (90) days after receiving said recommendation, in accordance with Section 9.05 of the Charter, unless the Council votes, at its next regular meeting following expiration of the ninety (90) day period, for an additional sixty (60) days extension beyond the ninety (90) day period. If the period is so extended, Council shall take action on such recommendation prior to the expiration of such extension of sixty (60) days.

## ARTICLE X CIVIL SERVICE COMMISSION

### SECTION 10.01 MEMBERSHIP AND TERM.

A Civil Service Commission shall be established on the first January 2 (if January 2 is a Sunday, then January 3), following the census or other method(s) by which the Village of West Jefferson is officially designated a city, following the rules established by the Civil Service Laws of the State of Ohio. The Commission shall consist of three (3) members to be appointed by the Mayor with the confirmation of Council: One (1) of the members shall be designated by the Mayor on January 2 (if January 2 is a Sunday, then on January 3) of each year as the Chairman. Members shall be electors of the Municipality and not hold any other office or position with the Municipality.

One (1) member shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years. Therefore, each January 2 (if January 2 is a Sunday, then January 3) the Mayor shall appoint one (1) member for a term of three (3) years. Any member appointed by the Mayor with the confirmation of Council to fill a vacancy occurring otherwise than be expiration of a term shall be appointed only for the unexpired term of the member whom he shall succeed.

Two (2) members of the Commission shall constitute a quorum for the purpose of conducting business. A single vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission. Any member of the Commission may be removed by the Mayor for just cause. Such removed member shall not be eligible for reappointment to the Commission for a period of five (5) years.

### SECTION 10.02 CLASSIFIED AND UNCLASSIFIED SERVICE.

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

- (a) The Mayor, members of Council, and all other elected officials.
- (b) The Clerk of Council and other employees of Council.
- (c) The Director of Finance.
- (d) The Law Director, assistants to the Law Director, and special legal counsel.
- (e) The Director of Public Service, the Director of Public Safety, the Director of Taxation, and executive assistants to these Directors.
- (f) All heads of Departments, except the Division of Police.
- (g) Professional engineers employed by the Municipality.
- (h) Members of boards and commissions established by Charter or by ordinance of Council.
- (i) Members of the Auxiliary Police Unit and the Police Cadet Corps.
- (j) The secretary of each board and commission established by this Charter or by ordinance, provided that if such secretary holds other employment within the classified service of the Municipality, this section shall not exempt such person from the requirement of competitive examination to hold such other employment.
- (k) Persons of exceptional professional or scientific qualifications engaged as consultants.
- (l) Unskilled laborers as defined and authorized by the Civil Service Commission, except that the Commission, in its rule, shall require an applicant in the labor class to furnish such evidence, or take

such test, as the Commission deems proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work for which he applies. Laborers who fulfill the requirements shall be placed on the eligible list for the kind of employment sought, and preference shall be given in employment in accordance with the rating received from such evidence or in such test.

- (m) Temporary employees who are not employed for more than one hundred eighty (180) days continuously, or for more than one hundred eighty (180) days in one year.
- (n) One personal secretary to the Mayor, Director of Public Safety, Director of Public Service, and Director of Taxation, and one deputy or clerk to each of the Mayor, Director of Finance, the Director of Public Service, Director of Public Safety, and Director of Taxation; provided, however, that it shall be necessary for such positions to have been created by Council.

## **ARTICLE XI DEPARTMENTS OF PARKS AND RECREATION**

### **SECTION 11.01 APPOINTMENT.**

The Director of Parks and Recreation shall be the head of the Department of Parks and Recreation, and shall be appointed by the Mayor with confirmation of Council. Per Section 17.04 of this Charter, the Director may also be a current employee or the head of another Department, within the Municipality of West Jefferson.

### **SECTION 11.02 VACANCY.**

Upon the vacancy of the position of Director of Parks and Recreation, the Mayor shall declare the office vacant and shall appoint an Interim Director until the office may be filled by regular appointment with confirmation of Council. Such interim appointment shall not exceed ninety (90) days and such interim appointment shall not require confirmation of Council. A person may not serve more than one (1) ninety (90) day period without confirmation of Council.

### **SECTION 11.03 QUALIFICATIONS.**

He or she shall be selected on the basis of their executive and administrative abilities with special reference to their experience in, and knowledge of, accepted practices in respect to the duties of the office as hereinafter set forth.

### **SECTION 11.04 POWERS AND DUTIES.**

It shall be his or her duty to operate and maintain all Municipal recreational facilities. He or she will also direct and supervise all Municipal recreational programs, employees, and volunteer groups. Labor and equipment to perform the work of the department shall be supplied by and will be under the supervision of the Director of Parks and Recreation. When requested, the Public Service Department will supply special equipment, materials, and labor until such time the Parks and Recreation Department can be staffed with full or part-time Municipal employees. The Mayor will be responsible for coordinating joint efforts with the department heads to insure the successful operation of all Municipal services. The Mayor will make the final decision on job priorities and will determine how employee hours and the cost of materials and equipment will be allocated. The Director of Public Service shall be responsible for the purchasing function.

The Director of Parks and Recreation may hire Recreation Managers, Senior Citizen Coordinators, Swimming Pool Managers, Lifeguards, and other employees as required. First, it shall be necessary for such positions to have been created and salary or compensation fixed by ordinance of Council.

The Director of Parks and Recreation, under the supervision of the Mayor, shall be responsible for the preparation and submittal of the department budget. The Director shall also attend regular and special meetings of Council as necessary.

## **ARTICLE XII**

## **NOMINATIONS AND ELECTIONS**

### **SECTION 12.01 NOMINATIONS.**

There shall be no primary election for selection of candidates for any elective office of the Municipality, unless required by State Statute or otherwise required by this Charter. Nominations for each elective municipal office shall be made by petition or write-in, on the standard forms provided by the Board of Elections for the nomination of nonpartisan candidates, filed with such Board in accordance with the Ohio Revised Code.

Petitions for the nomination of a candidate for office shall be signed by not less than twenty-five (25) and no more than seventy-five (75) qualified electors of the Municipality entitled to vote on the position for which the candidate seeks election. Each candidate shall file a separate petition; group petitions shall not be used.

Nothing in this section shall be construed to prohibit the holding of a caucus by interested electors for the purpose of selecting nominees for elective offices.

### **SECTION 12.02 ELECTIONS.**

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

## **ARTICLE XIII INITIATIVE, REFERENDUM AND RECALL**

### **SECTION 13.01 INITIATIVE.**

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

### **SECTION 13.02 REFERENDUM.**

The electors of this Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council except as otherwise provided by the laws of Ohio, except that Council may at its discretion hold a special election if they feel it would be in the best interest of the Municipality.

### **SECTION 13.03 REMOVAL BY RECALL; PROCEDURE.**

Any elective officer of this municipal corporation may be removed from office by the qualified voters of such municipal corporation. The procedure to affect such removal shall be:

- A) A petition by qualified electors equal in number to at least ten (10) percent of the total votes cast at the most recent regular municipal election shall be filed with the Board of Elections. Such petition shall contain a general statement in not more than two hundred (200) words of the grounds upon which the removal of such person is sought. The form sufficiency and regularity of any such petition shall be determined as provided in the general election laws.
- B) If the petition is sufficient and the Clerk of Council has delivered said petition to the person whose removal is sought, and if the person does not resign within five (5) days after the sufficiency of the petition has been determined, the Council shall thereupon order and fix a day for holding an election to determine the question of the removal of the said officer. Such election shall be held not less than forty-five (45) days no more than ninety (90) days from the time of the finding of the sufficiency of such petition. The election authorities shall publish a notice and make all arrangements for holding such election, which shall be conducted and the result thereof returned and declared in all respects as are the results of regular municipal elections.
- C) The ballots at such recall election shall, with respect to each person whose removal is sought, submit the

question:

“Shall (name of person) be removed from the office of (name of office) by recall?”

Immediately following each such question, there shall be printed on the ballots, the two (2) propositions in the order set forth:

“For the recall of (name of person)”

“Against the recall of (name of person)”

Immediately to the left of the proposition shall be placed a square in which the electors may vote for either such propositions.

In any such election, if a majority of the votes cast on the question of removal are affirmative the person whose removal is sought shall be removed from office upon the announcement of the official canvass of that election. The successor shall hold office until the next general election. The procedure for selecting a successor of any person so removed shall be governed by the Vacancy provisions of this Charter.

The officer removed by such recall election shall not be eligible for appointment to any vacancy created thereby.

#### SECTION 13.04 RECALL PETITIONS.

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

### **ARTICLE XIV FRANCHISE**

#### SECTION 14.01 GRANTING OF FRANCHISES.

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

#### SECTION 14.02 REGULATIONS.

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

### **ARTICLE XV AMENDMENTS TO CHARTER**

#### SECTION 15.01 SUBMISSION TO ELECTORS.

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

**SECTION 15.02 ADOPTION.**

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except if two or more inconsistent proposed amendments on the same subject 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 the Charter.

**ARTICLE XVI  
CHARTER REVIEW COMMISSION**

**SECTION 16.01 COMPOSITION AND TERM.**

In January 1996, and each five (5) years thereafter, the Mayor shall, with confirmation by Council, appoint a commission of seven (7) qualified electors of this Municipality, holding no other office or appointment to this Municipality, as members of a Charter Review Commission to serve until their duties as provided in Section 16.02 are completed. The members shall serve without compensation.

**SECTION 16.02 DUTIES.**

The Charter Review Commission shall, in meetings open to the public, review the Municipal Charter, and no later than July 1 of the same year, recommend to Council such amendments, if any, to this Charter as in its judgment are conducive to the public interest. Upon completion of the revisions by the Commission, the Commission shall meet with Council and the Mayor for the purpose of further recommendations and comments before submission to the electors.

**SECTION 16.03 SUBMISSION TO ELECTORS.**

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

**SECTION 16.04 CERTIFICATION OF AMENDMENTS.**

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

**SECTION 16.05 INDEPENDENT LEGAL COUNSEL**

In accordance with Section 16.01, when a Charter Review Commission is formed, the Mayor shall contract for the Village an attorney to serve as legal counsel for the Charter Review Commission. The attorney may be independent of the Village Director of Law. This legal Counsel shall advise the Charter Review Commission as needed.

**ARTICLE XVII  
GENERAL PROVISIONS**

**SECTION 17.01 PERSONAL INTEREST.**

No officer or employee of this Municipality shall directly or indirectly, solicit, contract for, receive, or have any interest in, any gift, profit or emolument, from, or on account of, any contract, job, work, or service

with or for the Municipality, other than his or her compensation and expenses as fixed by Council.

**SECTION 17.02 HIRING AND/OR APPOINTMENT PROCEDURES.**

Council or Mayor will not hire or appoint any individual for a position who is an immediate family member of any elected Village Official (Mayor, Council Member, member of any Board), Department Head or Assistant, or any ranking Officer of the Police Department. An immediate family member is defined and includes the following: **Spouse or Significant Other, Parent, Parent-in-Law, Aunt or Uncle, Son, Son-in-Law, Daughter, Daughter-in-Law, Sister, Sister-in-Law, Brother, Brother-in-Law, Maternal or Paternal Grandparents, Grandson or Granddaughter, First Cousin, Niece, or Nephew.** Any employee presently working for the Municipality would be exempt from these guidelines and could be promoted or transferred.

**SECTION 17.03 REMOVAL OF APPOINTIVE OFFICERS AND EMPLOYEES AND MEMBERS OF BOARDS AND COMMISSIONS.**

The power to make appointments of officers and employees as herein provided, carries with it the power to transfer, demote, discipline, remove or discharge, subject only to applicable Civil Service or other provisions of this Charter. The exercise of this power, as it concerns appointments made by the Mayor or other officers, with confirmation by Council, shall not require approval of Council.

**SECTION 17.04 ADMINISTRATION/DEPARTMENT DIRECTORS.**

Two (2) or more departments may be headed by the same person.

**SECTION 17.05 EFFECTIVE DATE OF CHARTER.**

This Charter shall be in effect from and after the date of its approval by the electors.

**SECTION 17.06 EFFECT OF PARTIAL INVALIDITY.**

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

**SECTION 17.07 EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS.** The taking effect of this Charter shall not affect pre-existing rights of the Municipality, or any right or liability or pending suit or prosecution, either on behalf of or against this Municipality or any Officer thereof, nor any contract entered into by the Municipality or for its benefit, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments thereof. Except as a contrary intent appears herein, all acts of the Council of the Municipality in effect on January 1, 1992, shall continue in effect until lawfully amended or repealed.

**SECTION 17.08 INTERPRETATION OF THE CHARTER.**

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

**SECTION 17.09 LANGUAGE USAGE OF CHARTER.**

The use of masculine pronouns in this Charter should not be interpreted to mean gender.