

CHARTER  
OF THE MUNICIPALITY OF  
UPPER SANDUSKY, OHIO

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EDITOR'S NOTE: The Charter of the Municipality of Upper Sandusky, Ohio, was adopted by the voters on October 25, 1966. A date appearing in parenthesis following a Section heading indicates that such section was subsequently amended or adopted on the date given.

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CHARTER  
OF THE MUNICIPALITY OF  
UPPER SANDUSKY, OHIO

PREAMBLE

We the people of Upper Sandusky, Ohio, desirous of securing for our Municipality and for ourselves and our children the advantages of self-government conferred by the Ohio Constitution, do hereby ordain and establish the following Charter:

ARTICLE I  
NAME, BOUNDARIES, AND FORM OF GOVERNMENT

SECTION 1.01 NAME AND BOUNDARIES.

The inhabitants of the Municipality of Upper Sandusky, Ohio, within the corporate limits as established at the time of the adoption of this Charter, or as thereafter established in the manner provided by law, shall be and continue to be a municipal corporation under the name of "The Village of Upper Sandusky." When the Municipality shall, under the Constitution and the laws of Ohio, become a city, it shall be known as the "City of Upper Sandusky." The provisions of this Charter shall apply whether this Municipality is a village or a city. The corporation will hereinafter be referred to as "the Municipality."

SECTION 1.02 FORM OF GOVERNMENT.

The form of government provided in this Charter shall be known as the "Mayor-Council Plan." The powers and functions of the municipal government shall be distributed among the Municipality, its citizens, and the various officers, bodies, boards and commissions as provided in this Charter.

ARTICLE II  
CORPORATE POWERS

SECTION 2.01 POWERS GRANTED.

The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio.

**SECTION 2.02 MANNER OF EXERCISE OF POWERS.**

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 of the Council, and when not prescribed in this Charter or provided by ordinance of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until the Council shall provide a different manner of exercising such powers.

**SECTION 2.03 CONSTRUCTION.**

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

**ARTICLE III  
MAYOR****SECTION 3.01 ELECTION AND TERM OF OFFICE.**

The Mayor shall be elected at the regular municipal election in 1967 and every four years thereafter for a term of four years, said term commencing on the second day of January next after such election. The Mayor shall serve until his successor is elected and qualified.

**SECTION 3.02 QUALIFICATIONS.**

The Mayor shall have been a resident and a qualified elector of the Municipality for at least five consecutive years immediately prior to the date of his election and shall continue to be a resident and an elector therein throughout his term of office. The Mayor shall hold no other elective public office or any other public employment with the Municipality during such term except as may otherwise be allowed or required in this Charter, and further excepting the office of notary public and membership in the Militia or Reserve Corps, or that of a member of the County Central Committee of the political party of which he is a member, or that of a delegate to a state or national political party convention of the political party of which he is a member. He shall not be interested in the profits or emoluments of any contract, job, work, or service for the Municipality, except as otherwise provided in this Charter.

**SECTION 3.03 VACANCY IN OFFICE.**

When the Mayor is temporarily absent or inaccessible or is unable for any cause or reason to perform his duties, the President of Council shall become the Acting Mayor and during such period shall have the same powers, except the power to disapprove legislation of the Council, and perform the same duties as the Mayor. He shall also continue as a member of Council with all the powers and duties of such member.

In case of the Mayor's death, resignation, removal or disqualification, the President of Council shall immediately become Mayor to serve the unexpired term and until a successor is elected and qualified. Thereupon, the President of Council's office as Councilman and as Council President shall be and become vacant.

**SECTION 3.04 POWERS AND DUTIES OF THE MAYOR.**

The Mayor shall be the chief executive, administrative and law enforcement officer of the Municipality. He shall be responsible for the administration of all municipal affairs of all departments and divisions of the Municipality, except Council, Clerk of Council, and Treasurer as provided by this Charter, the ordinances of the Municipality and State laws. In addition to the foregoing, he shall have the following powers:

- (1) He shall attend all Council meetings and shall have the right to take part in discussions but may not vote.
- (2) He shall see that all laws, provisions of this Charter and ordinances of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (3) He shall prepare and submit the annual budget and capital program to the Council.
- (4) He shall submit to the Council and make available to the public a complete report on the administrative activities of the Municipality at the end of each fiscal year.
- (5) He shall make such other reports as the Council may require concerning the operations of city departments, offices, boards, commissions and agencies subject to his direction and supervision.
- (6) He shall keep the Council fully advised as to the present condition, and future needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as he deems desirable.
- (7) He shall require reports and information of subordinate officers and employees of the Municipality as he deems necessary in the orderly operation of the Municipality, or when requested to do so by the Council or any board or commission of the Municipality in writing.
- (8) He shall be the contracting officer of the Municipality and shall award and execute all contracts and agreements on behalf of the Municipality in the manner and under the procedures as are and may be authorized under the Charter. When the expenditure of money for contracts and orders does not exceed the amount prescribed by laws of the State of Ohio the Mayor may designate an administrative officer or employee or a committee or other body, board or commission exercising administrative duties under this Charter, to act as purchasing agent and he may authorize said officer, employee, committee, body, board or commission to award and execute said contracts and orders on behalf of the Municipality. The Mayor or any other officer, employee, committee, body, board or commission acting as a purchasing agent shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements of this subsection or the requirements of competitive bidding as required by the Charter.  
(Approved by voters November 2, 1976.)
- (9) He and the Clerk of Council shall execute on behalf of the Municipality all contracts and agreements, except as otherwise hereinabove provided by paragraph 8 of this Section, conveyances, evidences of indebtedness and other instruments to which the Municipality is a party.
- (10) He shall affix to all official documents and instruments of the Municipality the Mayor's seal which shall be the seal of the Municipality, but the absence of the seal shall not affect the validity of any such document or instrument.

- (11) He shall perform such other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

#### SECTION 3.05 VETO POWER.

Each resolution or ordinance adopted by Council shall be attested by the President and the Clerk of Council, and the Clerk of Council shall promptly present it to the Mayor for his approval or disapproval.

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

If the Mayor approves such legislation, he 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 shall file it, together with his objections, in writing, with the Clerk of Council. His 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 filing his written disapproval, as provided herein, the Council may, but not later than its second regular meeting thereafter, reconsider and approve the legislation by two-thirds or more of the members elected to the Council and it shall take effect notwithstanding the disapproval of the Mayor.

### ARTICLE IV COUNCIL

#### SECTION 4.01 NUMBER, TERM AND SALARY.

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio shall be vested in a Council of seven members. All members shall be elected from the Municipality at large. All members of Council shall be elected for overlapping terms of four years. At the regular municipal election held in November, 1967, and each four years thereafter on the date prescribed by laws of the State of Ohio, three Council members shall be elected for four year terms. At the regular municipal election held in November, 1969, and each four years thereafter on the date prescribed by laws of the State of Ohio, four Council members shall be elected for four year terms. Members of Council shall take office January 2 of the year following their election and shall serve until the expiration of their term of office and until their successors are elected and qualified. If for any reason a member of Council shall fail to qualify for office within 45 days after January 2 of the year following his election a vacancy shall be deemed to exist and such vacancy shall be filled in the manner provided in Section 4.12 of this Charter. The salary of Council shall be that amount as shall have been fixed by Council in accordance with the Revised Code of Ohio.  
(Approved by voters November 2, 1976.)

**SECTION 4.02 QUALIFICATIONS.**

All members of the Council shall have been residents of the Municipality for at least one continuous year immediately prior to the time of filing for office, shall be qualified electors of the Municipality, and shall continue to be qualified electors thereof throughout their respective terms of office. A member of Council shall not hold any other public office; except as otherwise provided in this Charter or by ordinance enacted thereunder, or that of notary public or member of the State Militia or National Guard, or a reserve component of the United States Armed Forces or any branch thereof, or that of a member of the County Central Committee of the political party of which he is a member, or that of a delegate to a state or national political party convention of the political party of which he is a member.

Any member of Council who shall cease to possess or who violates any of the qualifications herein provided shall forfeit his office, but failure to maintain such qualifications shall not render void or ineffective any action of Council in which such member has participated.

**SECTION 4.03 ORGANIZATION OF COUNCIL.**

On the second day of January in 1968 and each even numbered year thereafter the Council shall meet in the Council chamber for the purpose of organization. The Council shall adopt its own rules, regulations and bylaws except as otherwise provided in this Charter.

**SECTION 4.04 PRESIDENT OF COUNCIL.**

At the first meeting of the Council in the year 1968 and at the first meeting of Council in each even numbered year thereafter, the Council shall elect from its own membership a President of Council, who shall serve until a successor is elected by the Council as provided hereinabove. The President of Council shall preside at all regular and special meetings of the Council and shall perform such other duties as provided by this Charter or by ordinance, resolution, or motion passed by the Council. While presiding over special or regular meetings of the Council the President of Council may vote upon all matters coming before the Council, but in no event shall the President of Council, in his dual capacity as Council member and presiding officer of Council, cast more than one vote on any action. During the period the President of Council is Acting Mayor as provided in Article III, Section 3.03, he may receive such compensation in addition to his salary as President of Council as determined by the Council.

**SECTION 4.05 PRESIDENT PRO TEM OF COUNCIL.**

At the first meeting of the Council in the year 1968 and at the first meeting of Council in each even numbered year thereafter, the Council shall elect from its own membership a President Pro Tem, who shall serve until a successor is elected from the Council as provided hereinabove. The President Pro Tem shall act as the presiding officer of the Council in the absence or disability of the President of Council and shall exercise all the powers and duties granted the President of Council by this Charter during the absence or disability of the President of Council. While presiding over special or regular meetings of the Council the President Pro Tem may vote upon all matters coming before the Council, but in no event shall the President Pro Tem, in his dual capacity as Council member and presiding officer of Council cast more than one vote on any action. In the event that the office of President of Council shall become vacant the President Pro Tem shall become President of Council for the unexpired term and the Council shall elect a successor from among the membership of the Council to the office of President Pro Tem for that unexpired term.

**SECTION 4.06 CLERK OF COUNCIL.**

The Clerk of Council shall be appointed by the Council and shall serve at its pleasure. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as this Charter or the Council may require. The Clerk of Council may be a person having employment or appointment with the Municipality. The Council may employ such other employees as it deems necessary for the proper discharge of its duties.

**SECTION 4.07 POWERS OF COUNCIL.**

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

- a) The power to levy taxes and incur debt subject to the limitations imposed thereon by this Charter.
- b) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.
- c) The power to provide for the exercise of all powers of local self government granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- d) The power to fix the number of officers and employees in the various departments, divisions, boards, and commissions of the Municipality and to fix the rate of their compensation, hours of work, and to provide such other fringe benefits as deemed proper by the Council.
- e) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality. The premium for said bonds shall be paid by the Municipality.
- f) The power by ordinance to create other offices, departments, divisions, boards and commissions, and to combine, change and abolish any office, department, division, board or commission other than the office of Mayor, Auditor, Treasurer, Clerk of Council, Council members, Civil Service Commissioner, and Law Director. The same person may serve as both Clerk of Council and Auditor. The Departments of Law and Finance, and the Civil Service Commission shall not be abolished or combined with any other department, division, board or commission.
- g) The power to provide for a central purchasing system to contract for all materials, supplies, services, work, and any other purchases by the Municipality, which shall be under the supervision of and direction of the Mayor, who shall be the contracting officer of the Municipality and who shall award and execute all contracts on behalf of the Municipality, except as otherwise provided by this Charter. When the expenditure of funds for the purchase of supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount specified by the laws of the State of Ohio for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council and the Mayor shall make a written contract with the lowest and best bidder after advertisement on the same day of each week for not less than two and not more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality. Compensation of persons and employees; contracts with

persons, firms or corporations for services requiring specialized skill, knowledge, or training; and expenditures required because of a real and present emergency arising in connection with the maintenance, operation or repair of municipal buildings, property, equipment and facilities or arising out of the immediate need to carry out other municipal purposes or functions when authorized by ordinance adopted by a two-thirds vote of all members elected to the Council, need not be advertised and notices need not be published as provided hereinabove.

Modifications and changes to contracts awarded under competitive bidding and in excess of one thousand dollars, shall first be authorized by ordinance.

- h) The Council shall have the power: to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance; to adopt and provide for the enforcement of ordinances regulating the subdivision and platting of land within the Municipality, and, as provided by general law, may regulate the subdivision and platting of land outside of the Municipality; to adopt and provide for the enforcement of ordinances requiring actual construction, or assurance of construction of streets, utility lines and facilities, sidewalks, curbs and gutters and their improvements or facilities as a condition precedent to the approval of a plat of a subdivision; to adopt and provide for the enforcement of ordinances regulating the construction, reconstruction, alteration, enlargement, repair or demolition of buildings and other structures as defined by ordinance, within the Municipality; to adopt and to provide for the enforcement of housing codes or ordinances, regulating the use and occupancy of any building or structure, as defined by said codes or ordinances within the Municipality.
- i) The Council shall have the power to establish, by ordinance, the rates of charges made of consumers of all municipal utilities and services.
- j) The Council may enact ordinances to control, prevent, and abate air and water pollution within the Municipality.
- k) The exercise of all other powers granted to the Council by this Charter, and by the Constitution and laws of the State of Ohio.
- l) The Council not later than 1970, shall employ a recognized zoning authority to recommend a zoning plan for the Municipality.

#### SECTION 4.08 COUNCIL MEETINGS.

The Council shall hold at least two regular meetings in each calendar month during each year. A majority of the members elected to Council shall constitute a quorum for the transaction of business at any meeting of the Council but a lesser number may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The Clerk of Council shall keep a record of the Council's proceedings in a journal or other record as determined by Council in which the vote on any ordinance, resolution or other measure shall be recorded. All meetings of the Council shall be open to the public and each journal and other records of the Council shall be available for public inspection at all reasonable times.

**SECTION 4.09 SPECIAL COUNCIL MEETINGS.**

Special meetings of the Council may be called as provided by its rules, regulations or bylaws, or by resolution or ordinance of the Council. In the absence of any such provision, special meetings may be called by a vote of Council taken at any regular or special meeting thereof or may be called by the Mayor, President of Council, President Pro Tem of Council or any three members of the Council. The Clerk of Council, or in his absence, incapacity or refusal to act, the Mayor, shall cause notice in writing of each special meeting to be served personally or to be left at the usual place of residence of each member of the Council and the Mayor not less than twelve hours preceding the time for such special meeting. A copy of such notice shall be posted in the Council chamber at least twelve hours prior to such special meeting but failure to so post or to maintain posting for twelve hours shall not affect the validity of any meeting or any action taken at such meeting. In the event that a special meeting is called by a vote of Council taken at a regular or special meeting from which any member of Council or the Mayor is absent, written notice of such special meeting shall be given each absentee in the manner hereinbefore described. Service of notice of any special meeting shall be deemed conclusively to have been waived by any member of Council or the Mayor who shall be present at such special meeting.

**SECTION 4.10 REMOVAL.**

The Council may remove any member of Council, the Mayor, Treasurer, Auditor or Clerk for gross misconduct, malfeasance, misfeasance and nonfeasance in office, conviction of a crime involving moral turpitude, judicial declaration of incompetency, willful violation of this Charter or persistent and willful failure to abide by the rules of the Council, provided that such removal shall not take place without the affirmative vote of two-thirds of the remaining members elected to Council, nor until the accused shall have been notified in writing of the charge against him and given an opportunity to be heard in person or by legal counsel. An accused member of Council shall not vote on the question of his removal.

**SECTION 4.11 CHANGE OF SALARY DURING TERM.**

The Council shall fix the compensation of the members of Council and the Mayor, for the ensuing term of office at a meeting held not later than thirty days prior to the last day fixed for filing as a candidate for such offices. The compensation of all other officers and employees of the Municipality may be increased or diminished at any time by action of the Council.

**SECTION 4.12 VACANCIES IN COUNCIL.**

A vacancy shall be deemed to occur in the Council upon and as of the time of the presentation of a resignation to the Mayor or the President of Council, the death of a Councilman, the determination by the Council that a member of Council ceases to possess or has violated any of the qualifications of the office of Council member, the removal of a Councilman as provided in Section 4.10 of this Charter, the forfeiture of office as provided in Section 4.02 of this Charter, or upon the recall of a Council member as provided in Section 15.03 of this Charter. Any vacancy in the Council shall be filled by a majority vote

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

#### ARTICLE V ORDINANCES AND RESOLUTIONS

##### SECTION 5.01 ACTION TO BE TAKEN BY ORDINANCE OR RESOLUTION.

Action of Council shall be by ordinance, resolution, or motion. Every action of a general and permanent nature or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor shall be taken by ordinance, in the manner hereinafter provided. All other action may be by resolution or motion.

##### SECTION 5.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

Any member of Council may, at a regular or special meeting, introduce any ordinance or resolution. Such ordinance or resolution shall be in written or printed form and shall contain a concise title.

##### SECTION 5.03 STYLE OF ORDINANCES AND RESOLUTIONS.

Each ordinance shall contain an enacting clause as follows: "Be It Ordained By The Council Of the (City or Village) of Upper Sandusky, State of Ohio, " and each resolution shall contain an enacting clause as follows: "Be It Resolved By the Council of The (City or Village) of Upper Sandusky, State of Ohio. "

##### SECTION 5.04 SUBJECT OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall contain only one subject which shall be expressed in its title, provided however, that appropriation ordinances may contain the various subjects, accounts, and amounts for which moneys are appropriated, and that ordinances and resolutions providing for a codification or recodification are not subject to the limitation of containing one subject.

##### SECTION 5.05 READING OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be read fully and distinctly on two separate days. The Council may, by two-thirds vote of all members elected thereto, dispense with the requirement that an ordinance or resolution be read on two separate days and authorize the adoption of an ordinance or resolution upon its first reading, and the Council may, by two-thirds vote of all members elected thereto, dispense with the requirement that an ordinance or resolution be read fully and distinctly for its first or second reading or for both of its first and second reading, and authorize such reading or readings to be by title only. Motions to dispense with the requirement that an ordinance or resolution be read on

two separate days and motions to dispense with the requirement that an ordinance or resolution be read fully and distinctly shall be separately stated and a separate vote shall be taken on each such motion.

#### SECTION 5.06 VOTE REQUIRED FOR PASSAGE OF ORDINANCES AND

The vote on the question of passage of each ordinance, resolution, and motion shall be taken by yeas and nays and entered on the journal, and no ordinance, resolution, or motion shall be passed without concurrence of a majority of all members elected to Council, except that each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds of the members elected to Council for its enactment; provided, however, that if such emergency ordinance or resolution shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as a nonemergency ordinance or resolution, it shall be considered passed as a nonemergency ordinance or resolution and shall become effective as hereinafter provided by this Charter. A majority of the members present at any regular or special Council meeting may compel the attendance of absent members as provided in Section 4.08 of this Charter.

#### SECTION 5.07 CONTENT OF EMERGENCY ORDINANCES AND RESOLUTIONS.

Each emergency ordinance or resolution shall determine that said ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare, and shall contain a statement of the necessity for such emergency. No ordinance or resolution, or amendment to an existing ordinance or resolution, providing for zoning classifications, districts, uses or regulations or granting a franchise shall be passed as an emergency measure.

#### SECTION 5.08 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money, an annual tax levy for current expenses, improvements petitioned for by the owners of the majority of the front footage or of the area of the property benefitted and to be specially assessed therefor, submission of any question to the electorate or the determination to proceed with an election, providing for the approval or a revision, codification, recodification, rearrangement of ordinances and resolutions, or publication thereof in book form, and any emergency ordinance or resolution shall take effect, unless a later time be specified therein, immediately upon its passage. No other ordinance or resolution shall go into effect until thirty days following its passage by the Council.

#### SECTION 5.09 AUTHENTICATION OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be authenticated by the signature of the President of Council and the Clerk of Council; however, the failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an otherwise properly enacted ordinance or resolution.

#### SECTION 5.10 RECORDING OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be recorded in a book, or other record prescribed by the Council, established and maintained for that purpose. The Clerk of Council or a duly authorized deputy to said Clerk, shall, upon the request of any person and upon the

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payment of a fee, as established by the Council, certify true copies of any ordinance or resolution, which certified copies shall be admissible as evidence in any court.

#### SECTION 5.11 AMENDMENT OF ORDINANCES AND RESOLUTIONS.

No ordinance or resolution or any section or subsection thereof, shall be revised or amended unless the new ordinance or resolution contains the entire ordinance, resolution or section or subsection as revised or amended, and the ordinance, resolution or section or subsection so amended shall be repealed. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of a new section, sections, subsection or subsections and in such case the full text of the ordinance or resolution being so amended need not be set forth.

Except in the case of a codification or recodification of ordinances and resolutions, a separate vote shall be taken on each ordinance or resolution proposed to be amended.

Ordinances and resolutions that have been introduced and have received their first reading, or their first and second reading, but have not been voted upon as to passage, may be amended or revised upon approval by a majority vote of the members elected to Council, and such amended or revised ordinance or resolution need not receive readings in addition to the readings required by this article because of such amendment or revision.

#### SECTION 5.12 REFERRAL OF ZONING ORDINANCES TO PLANNING

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

No such ordinance or resolution which violates, differs from, or departs from the written recommendation of the Planning Commission shall take effect unless passed and approved by a vote of not less than two-thirds of all members elected to Council.

#### SECTION 5.13 PUBLIC HEARING ON ZONING ORDINANCE OR RESOLUTION.

The President of Council shall set a date for a public hearing on each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations, which hearing shall be after the thirty day period provided in Section 5.12 within which the Planning Commission is required to return its written recommendations to the Clerk of Council. The Clerk of Council shall cause a notice of such public hearing to be published one time in a newspaper determined by the Council to be of circulation within the Municipality at least fifteen days prior to the date of such public hearing, and when such amendment, revision, change, or repeal involves ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least fifteen days before the date of the public hearing, to the owners of property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other lists as may be required by the Council. The failure of delivery of such notice shall not invalidate any such ordinance or resolution.

**SECTION 5.14 ADOPTION OF TECHNICAL CODES BY REFERENCE.**

Council may, by ordinance, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, or incorporation by reference. The ordinance adopting and such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least three copies of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons and copies of such standard ordinance and code shall be available for sale by said Clerk. If the standard ordinance or code after its adoption by reference by the Council is amended, the Council may adopt the amendment or change by incorporation by reference in an ordinance under the same procedure as is established herein for the adoption of the original standard ordinance or code without the necessity of setting forth in full in the ordinance the provisions either of the amendment or change to the original ordinance or the standard ordinance or code.

**SECTION 5.15 CODIFICATION OF ORDINANCES AND RESOLUTIONS.**

By a majority vote of the members elected to Council, the Council may cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged, or published in book form. Such revisions, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval of a majority vote of the members elected to Council, and may contain new matter therein. The Clerk of Council shall cause a notice of such proposed revision, codification, recodification, rearrangement or publication of ordinances in book form to be published one time in a newspaper determined by the Council to be of circulation within the Municipality at least seven days prior to the final approval thereof by the Council, and no further publication shall be necessary. A current service supplementing such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by the Council.

**SECTION 5.16 PUBLICATION OF ORDINANCES AND RESOLUTIONS.**

The Clerk of Council shall cause the title to each ordinance and resolution passed by the Council to be published once a week for two consecutive weeks in a newspaper determined by Council to be of circulation within the Municipality. Such publication shall contain the title of each ordinance or resolution and a statement that a copy of the full text of such ordinance or resolution is available for inspection at the office of the Clerk of Council, Municipal Building, Upper Sandusky, Ohio. A failure to publish, omission, delay or error in said publication on the part of the newspaper, its officers, employees or agents, shall not cause such ordinance or resolution to be declared invalid, or otherwise affect the validity of such ordinance or resolution, and in such events the Clerk of Council may authorize publication at a later date. After the publication of the title of each ordinance or

resolution as hereinabove provided the Clerk of Council shall affix the following certification to the copy of the ordinance or resolution maintained in the official book or record provided for in Section 5.10 of this Charter, and such certification shall be prima facie evidence of such publication.

"Certificate of Publication

I, the undersigned Clerk of Council of The Municipality of Upper Sandusky, Ohio, hereby certify that the title to the foregoing (ordinance or resolution) was published once a week for two consecutive weeks in the (name of newspaper in which publication took place) on the \_\_\_\_\_ day of \_\_\_\_\_ 19 , and the \_\_\_\_\_ day of \_\_\_\_\_ 19, and that at such dates said newspaper was determined by the Council to be of circulation within The Municipality of Upper Sandusky, Ohio; and that said publications contained in addition to the title of the foregoing (ordinance or resolution) a statement that a copy of the full text of such (ordinance or resolution) was available for inspection at the office of The Clerk of Council, Municipal Building, Upper Sandusky, Ohio.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

(Name)

Clerk of Council

Municipality of Upper Sandusky, Ohio"

The failure of the Clerk of Council to affix the "Certificate of Publication" provided hereinabove shall not affect the validity of an otherwise duly and properly enacted ordinance or resolution.

ARTICLE VI  
LAW DIRECTOR

SECTION 6.01 APPOINTMENT, TERM OF OFFICE, AND REMOVAL.

There is hereby created the office of Law Director who shall head the Department of Law. The Law Director shall be appointed by the Mayor which appointment shall be confirmed by a majority vote of the members of Council. The Law Director's term of office shall be during the term of office of the Mayor; however, the Mayor may remove the Law Director from office, without cause, with the consent of a majority of the members of Council, or the Law Director may be removed from office, without cause, by the affirmative vote of six (6) of the members elected to Council, without the consent of the Mayor. The salary of the Law Director shall be fixed by ordinance passed by the Council and may be increased or decreased by Council at any time.

SECTION 6.02 QUALIFICATIONS.

The Law Director must have been duly admitted to the practice of law in the State of Ohio. The Law Director need not be a resident of the Municipality.

SECTION 6.03 POWERS AND DUTIES.

The Law Director shall serve the Mayor, the Council, the administrative departments, divisions and officers, boards and commissions of the Municipality as legal counsel in

connection with municipal affairs, and subject to the direction of the Council shall represent the Municipality in all proceedings in court or before any administrative board or body. He shall perform such other duties, consistent with his office, as may be required by this Charter, the Administrative Code, by ordinance or resolutions of the Council, or by the laws of the State of Ohio.

Council may from time to time provide for such assistants and special counsel to the Law Director as it shall deem necessary.

## ARTICLE VII AUDITOR

### SECTION 7.01 APPOINTMENT, TERM OF OFFICE, AND REMOVAL.

There is hereby created the office of Auditor who shall be the head of the Department of Finance. The Auditor shall be appointed by the Mayor which appointment shall be confirmed by a majority vote of the members of Council. The Auditor shall hold office until his successor is appointed and qualified. The Mayor may remove the Auditor from office without cause with the consent of a majority of the members of Council. The salary of the Auditor shall be fixed by ordinance passed by Council and may be increased or decreased by Council at any time.

### SECTION 7.02 POWERS AND DUTIES OF AUDITOR.

He shall advise the Mayor and the Council concerning the financial condition of the Municipality and shall examine all payrolls, bills and other claims against the Municipality and shall issue no warrants unless he finds that the claim is in proper form, correctly computed, duly approved and that an appropriation has been made therefore. He shall collect all money due and payable to the Municipality and shall issue warrants as may be required by law or ordinance. He shall examine and audit the accounts of all other officers, employees, departments, boards and commissions, and shall assist the Mayor in the preparation and submission of appropriation measures, estimates, budgets and other financial matters. He shall perform all other duties now or hereafter imposed on City Auditors under the laws of the State of Ohio and shall perform such other duties, consistent with his office, as may be required by this Charter, by the Administrative Code, by ordinance or resolution of Council, or as directed by the Mayor. Also the Auditor shall have those duties and powers as described elsewhere in this Charter. The Auditor shall prepare annual financial and other reports required by law and shall make periodic reports concerning appropriations, encumbrances and expenditures of the departments, divisions, boards and commissions as may be required by the Council.

### SECTION 7.03 INVESTMENT OF INACTIVE FUNDS.

The Auditor, upon completion of the annual budget of all departments, or at other convenient times, shall declare the remaining unencumbered balances in each department as inactive funds and report the same to Council with his recommendation that these inactive funds be invested in interest bearing deposits or securities in local depositories previously approved and under contract with the Village as provided by law. Council may then direct the Auditor to invest any part or all of such inactive funds for such period as may be determined that they will not be needed by the Village. The interest earned from such inactive funds shall be credited to the account from which the invested fund was derived.

ARTICLE VIII  
ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION 8.01 GENERAL PROVISIONS.

A Department of Law, a Department of Finance, a Department of Safety and a Department of Service are hereby established, and the Council shall provide by ordinance for the organization thereof. The Council may establish by ordinance new departments or divisions thereof. With the exception of those offices, departments or divisions that are enumerated in Section 4.07(f) of this Charter, the Council may combine or abolish existing offices, departments or divisions as it may deem necessary; and may authorize one person to be head of two or more departments or divisions, unless prohibited by other provisions of this Charter. All appointments and removals in the several departments shall be made by the respective directors or committees having charge of said department.

SECTION 8.02 DEPARTMENT OF LAW.

The Law Director shall be the head of the Department of Law and shall have those powers and duties as provided in Article VI or this Charter.

SECTION 8.03 DEPARTMENT OF FINANCE.

The Auditor is to be head of the Department of Finance, and shall have those powers and duties as provided in Article VII in this Charter. He shall hold no municipal elective office, but may be one and the same person as the Clerk of Council.

SECTION 8.04 DEPARTMENT OF SERVICE.

The Department of Service shall be responsible for the administrative management of the streets; public grounds and buildings, except police and fire stations and parks and playgrounds; the water, sewer, garbage and refuse collection and disposal, services of the Municipality, and other utilities operated or owned by the Municipality; and such other functions as Council may determine.

The Department of Service shall be managed and directed by a Service Committee consisting of three members. The three members shall be appointed by the Mayor and confirmed by a majority vote of the Council. One of the members appointed to the Service Committee shall be a member of Council. Members of the Service Committee shall serve during the term for which the Mayor who made the appointments was elected and until their successors are appointed, confirmed and qualified.

The Service Committee shall manage and conduct the affairs of the Department of Service. The Service Committee shall make such rules, regulations and bylaws as it deems necessary for the management and conduct of the affairs of the Department of Service. The Service Committee shall have the power to appoint, remove, suspend, discipline, control and supervise all officers, employees, or agents of the Department of Service.

Should the Council deem it in the best interest of the Municipality to abolish the Service Committee and to cause to be appointed in their stead a Director of Service they may do so by a majority vote of the Council. The appointment of the Director of Service shall be made by the Mayor and confirmed by a majority vote of the Council. The Director of Service shall serve during the term for which the Mayor who made the appointment was elected and until his successor is appointed, confirmed and qualified. The salary of the

Director of Service shall be fixed by the Council and may be increased or decreased at any time. The Director of Service shall be qualified by training or experience to supervise the management of the affairs of the Department of Service. He shall exercise the powers and duties as hereinabove provided for the Service Committee, and, to the extent that they are consistent with the provisions of this Charter and ordinances enacted under this Charter, he shall exercise the powers and duties provided by the general law of Ohio for Directors of Public Service in general statutory plan cities.

#### SECTION 8.05 DEPARTMENT OF SAFETY.

The Department of Safety shall be responsible for the administrative management of the Division of Fire, the Division of Police, and other divisions necessary for the enforcement of police, fire, health, safety, and sanitary regulations that may be created by the Council by ordinance. The Department of Safety may perform such other functions as Council may determine.

The Department of Safety shall be managed and directed by a Safety Committee consisting of three members of the Council. The three members shall be appointed by the Mayor. Members of the Safety Committee shall serve during the term for which they were elected as members of Council, and only during their tenure as members of the Council. A member of the Council who is appointed as a member of the Safety Committee, may not at the same time serve as a member of the Service Committee created by Section 8.04 of this Charter.

The Safety Committee shall manage and conduct the affairs of the Department of Safety. The Safety Committee shall make such rules, regulations and bylaws as it deems necessary for the management and conduct of the affairs of the Department of Safety, including the right to make written rules and regulations for the government of the affairs, officers and employees of the various divisions within the Department of Safety. The Safety Committee shall have the power to appoint, remove, suspend, discipline, control and supervise all officers, employees or agents of the Department of Safety.

Should the Council deem it is in the best interest of the Municipality to abolish the Safety Committee and to cause to be appointed in their stead a Director of Safety they may do so by a majority vote of the Council. The appointment of the Director of Safety shall be made by the Mayor and confirmed by a majority vote of the Council. The Director of Safety shall serve during the term for which the Mayor who made the appointment was elected and until his successor is appointed, confirmed and qualified. The salary of the Director of Safety shall be fixed by the Council and may be increased or decreased at any time. The Director of Safety shall exercise the powers and duties as hereinabove provided for the Safety Committee, and, to the extent that they are consistent with the provision of this Charter and ordinances enacted under this Charter, he shall exercise the powers and duties provided by the general laws of Ohio for Directors of Public Safety in general statutory plan cities.

#### SECTION 8.06 MERGER OF DIRECTORSHIPS.

The same person may be appointed and serve as the Director of Service and the Director of Safety, in which case he shall exercise the powers, duties, and functions of both directors under the title of Director of Safety and Service.

ARTICLE IX  
TREASURER

SECTION 9.01 APPOINTMENT AND TERMS OF OFFICE.

The Treasurer shall be appointed by the Mayor and confirmed by a majority vote of the members elected to the Council. The Treasurer shall serve during the term for which the Mayor who made the appointment was elected, and until his successor is appointed, confirmed and qualified. The office of Treasurer may not be combined with any other office of the Municipality.

SECTION 9.02 POWERS AND DUTIES.

The Treasurer shall be the custodian of all funds of the Municipality, and shall keep the moneys and records thereof, in the manner provided by the Council. He shall pay out money only on warrants issued by the Auditor. He shall perform all other duties now or hereafter imposed on Treasurers of municipal corporations under the laws of the State of Ohio, except as such duties are to be performed by other officers of the Municipality under the provisions of this Charter.

ARTICLE X  
PLANNING COMMISSION

SECTION 10.01 MEMBERSHIP.

There is hereby created and established a Planning Commission which shall consist of five members as hereinafter provided. The Mayor shall be a member of the Planning Commission and shall serve as its Chairman. The Council shall elect by a majority vote of its members one of its members to serve on the Planning Commission who shall act as Vice-Chairman. The Mayor and the member of Council as hereinabove provided for, as members of the Planning Commission, shall serve during their respective terms as Mayor and member of Council. In addition to the members hereinabove provided, three citizen members of the Planning Commission, who shall be qualified electors of the Municipality and shall not hold any other municipal office, shall be appointed by the Mayor and confirmed by a majority vote of the members elected to Council for terms of four years. The first appointment of citizen members of the Commission by Council under this Charter shall be as follows: one of such members shall be appointed for a two year term and two members shall be appointed for four year terms, and thereafter each citizen member shall be appointed for four year terms and shall continue in office until his successor is appointed.

The executive head of the Upper Sandusky Local School District, or his successor, shall serve as an ex-officio member of the Planning Commission and may attend meetings and participate in the discussion of matters before the Commission, but he shall not have the power to vote nor shall he be considered in determining quorum or voting requirements.  
(Approved by voters November 7, 1972. )

**SECTION 10.02 SECRETARY.**

At the first meeting of the Planning Commission in the year 1968, and at the first meeting of said Commission in each year thereafter, the members thereof shall appoint a secretary who may be a member of the Commission, a person holding other employment with the Municipality, or a person from without the employment of the Municipality. The secretary, unless a member of the Commission, shall not have any voting rights. The compensation, if any, of the secretary of the Planning Commission shall be fixed by the Council.

**SECTION 10.03 MEETINGS AND ORGANIZATIONS.**

The Planning Commission shall hold at least one regular meeting in each month during the year; except that it may provide in its rules, or by a majority vote of the members thereof one month of each year in which no meetings shall be held. A majority of the members of the Planning Commission shall constitute a quorum. The secretary of the Commission shall keep an accurate journal of the proceedings and actions of the Planning Commission. By a majority vote of the members of the Planning Commission rules may be adopted governing the conduct and government of meetings, and providing for regular and special meetings in addition to the minimum number of meetings required herein, except that such rules shall not conflict with the provisions of this Charter or any ordinance adopted by the Council.

**SECTION 10.04 POWERS AND DUTIES.**

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

**ARTICLE XI  
PARK AND RECREATION BOARD****SECTION 11.01 MEMBERSHIP.**

There is hereby created and established a Park and Recreation Board which shall consist of six members as hereinafter provided. The Council shall elect by a majority vote of its members one of its members to serve on the Park and Recreation Board, and the member of Council as hereinabove provided for, as a member of the Park and Recreation Board, shall serve during his respective term as a member of Council for a

two year tenure. The other five members of the Park and Recreation Board shall be appointed by the Mayor and confirmed by a majority vote of the members elected to the Council for a term of five years each, provided that the first persons appointed pursuant to this section shall be appointed for a one year term; one member shall be appointed for a three year term; one member shall be appointed for a four year term; and one member shall be appointed for five year term, and thereafter each member shall be appointed for a five year term and shall continue in office until his successor is appointed, confirmed and qualified. Members of the Park and Recreation Board, other than the Council member, shall not hold any other municipal office, appointment or employment, and shall be electors of the Municipality.  
(Approved by voters November 7, 1972.)

#### SECTION 11.02 CHAIRMAN AND SECRETARY.

At the first meeting of the Park and Recreation Board in the year 1968 after the members of such Board have been appointed pursuant to this Charter, the members of said Board shall elect a Chairman and secretary by a majority vote of the members appointed to said Board. The Chairman and secretary so elected shall serve at the pleasure of the Board and until successors are elected by said Park and Recreation Board. The Chairman of the Park and Recreation Board shall be a member of such Board, however, the secretary may be elected from within or without the Board's membership, and may hold other employment with the Municipality if said secretary is not a member of the Board. The secretary shall keep an accurate journal of the proceedings and actions of the Park and Recreation Board.

#### SECTION 11.03 MEETINGS AND ORGANIZATION.

A majority of the members of the Park and Recreation Board shall constitute a quorum, and a majority vote of the members appointed to such Board shall be necessary to take any action, and for the passage of motions. Rules providing for the number and manner of calling meetings may be adopted by a majority vote of the members appointed to the Board; however, such rules shall not conflict with the provisions of this Charter or any ordinance adopted by Council.

#### SECTION 11.04 POWERS, DUTIES AND FUNCTIONS.

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

it shall be necessary for the funds to first be appropriated by the Council, and said purchases and contracts shall be executed and awarded by the Mayor as provided by Sections 3.04 (8) and 4.07(g) of this Charter.

## ARTICLE XII BOARD OF ZONING AND BUILDING APPEALS

### SECTION 12.01 MEMBERSHIP.

There is hereby created and established a Board of Zoning and Building Appeals which shall consist of five members who shall be qualified electors of the Municipality and shall not hold any other municipal office, and shall be appointed for terms of four years each by the Mayor; provided that the first persons appointed as members pursuant to this section shall be appointed as follows: three members shall be appointed for four year terms and two members shall be appointed for two year terms, and thereafter each member of the Board of Zoning and Building Appeals shall be appointed for a four year term and shall continue in office until his successor is appointed. No appointment of members of the Board of Zoning and Building Appeals made by the Mayor pursuant to this section shall become effective until approved by the affirmative majority vote of the members elected to the Council.

### SECTION 12.02 CHAIRMAN AND SECRETARY.

At the first meeting of the Board of Zoning and Building Appeals in the year 1968 after the Mayor has appointed members to the Board of Zoning and Building Appeals and the Council has approved such appointments, as provided by this Charter, the members of said Board shall elect a Chairman and secretary by a majority vote of the members appointed to said Board and the Chairman and secretary so elected shall serve at the pleasure of the Board and until successors are elected by said Board of Zoning and Building Appeals. The Chairman of the Board of Zoning and Building Appeals shall be a member of such Board; however the secretary may be elected from within or without the Board's membership, and may hold other employment with the Municipality. The secretary shall keep an accurate journal of the proceedings and actions of the Board of Zoning and Building Appeals.

### SECTION 12.03 MEETINGS AND ORGANIZATION.

A majority of the members of the Board of Zoning and Building Appeals shall constitute a quorum. Rules may be adopted by a majority vote of the members of the Board of Zoning and Building Appeals to provide for the number of meetings and method of calling meetings and special meetings, and to provide for the conduct and government of meetings, but such rules shall not conflict with the provisions of this Charter or any ordinance passed by Council.

### SECTION 12.04 POWERS AND DUTIES.

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building,

and housing in the Municipality, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council, and such Board shall have such other powers as may be granted to it by Council.

### ARTICLE XIII CIVIL SERVICE

#### SECTION 13.01 WHEN CIVIL SERVICE BECOMES EFFECTIVE.

Upon the change of status of the Municipality from a village to a city as provided by the Constitution and laws of the State of Ohio, Sections 13.02 to 13.06, inclusive, of this Article providing for civil service shall become effective, and the Civil Service Commission hereinafter provided shall be appointed within sixty (60) days after receipt of the proclamation that the Municipality is a city. Until the civil service provisions of this Charter become effective as hereinabove provided, and except as otherwise provided in this Charter, all employees of the Village shall be appointed and may be promoted, demoted, disciplined and removed by the head of each department, office, board or commission, provided that such positions of employment have been authorized as provided in Section 4.07 of this Charter.

#### SECTION 13.02 CIVIL SERVICE COMMISSION.

There is created and established upon the occurrence of the events provided in Section 13.01 of this Charter, a Civil Service Commission which shall consist of three members, who shall be qualified electors of the Municipality and shall be appointed for terms of six years each by a majority vote of the members elected to Council; provided that the first persons appointed by Council pursuant to this section shall be appointed as follows: one member shall be appointed for a two year term, one member shall be appointed for a four year term, and one member shall be appointed for a six year term, and thereafter each member shall be appointed for a six year term and shall continue in office until his successor is appointed. No member of the Civil Service Commission shall hold any other office or employment with the Municipality and not more than two of such members shall be members of the same political party.

#### SECTION 13.03 CHAIRMAN AND SECRETARY.

At the first meeting of the Civil Service Commission after the Council has appointed members of the Civil Service Commission and at the first meeting of said Commission in each year thereafter, the members thereof shall appoint a Chairman and secretary. The Chairman shall be a member of the Commission; however the secretary may be appointed from within or without the membership of the Commission, and, if not a member of the Commission, may hold other office or employment with the Municipality. The secretary shall keep an accurate record of the proceedings of the Commission.

#### SECTION 13.04 MEETINGS AND ORGANIZATION.

A majority of the members of the Civil Service Commission shall constitute a quorum, and a majority vote of the members appointed to the Commission shall be necessary to take any action and for passage of motions. Rules providing for the number and manner of calling regular meetings and special meetings, and to provide for the conduct and

government of meetings, may be adopted by a majority vote of the members appointed to the Commission, however such rules shall not conflict with the provisions of this Charter or any ordinance passed by the Council.

#### SECTION 13.05 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:

- (1) Members of the Council.
- (2) The Clerk of Council and other employees of the Council.
- (3) The Mayor and Auditor.
- (4) The Treasurer.
- (5) The Law Director and assistants or special legal counsel.
- (6) The Director of Service.
- (7) The Director of Safety.
- (8) Members of boards, commissions, and committees established by this Charter or by ordinance of Council.
- (9) Volunteer members of the Division of Fire and members of the auxiliary police unit within the Division of Police.
- (10) The secretary of each Board and Commission established by this Charter, 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.
- (11) Persons of exceptional professional or scientific qualifications engaged as consultants.
- (12) Unskilled laborers and temporary employees as defined and authorized by the Civil Service Commission.
- (13) One personal secretary to the Mayor and one deputy, clerk, or assistant to the head of each department; provided however that it shall first be necessary for such positions to have been created by the Council.

Employees of the Municipality who have worked at least six months immediately preceding the effective date of the civil service provisions of this Charter as provided by Section 13.01 hereinabove, shall be included within the classified service and shall have the benefit and protection of the civil service provisions of this Charter, but such employees shall not be required to take competitive examinations.

#### SECTION 13.06 POWERS, DUTIES AND FUNCTIONS.

The provisions of the laws of the State of Ohio regarding selection, promotion, demotion, discipline, and removal of employees within the classified service of the Municipality as provided by Section 13.05 of this Charter, shall be applicable except as may otherwise be provided by ordinances adopted by Council.

ARTICLE XIV  
NOMINATIONS AND ELECTIONS

SECTION 14.01 NOMINATIONS.

Candidates for Mayor, and member of Council, shall be nominated at a partisan primary held on the date prescribed by the laws of the State of Ohio in the odd numbered years. Each person desiring to become a candidate for Mayor, or member of Council shall file a statement of candidacy and nominating petitions with the Board of Elections of Wyandot County, Ohio, containing signatures of electors as required by the election laws of the State of Ohio. The procedure established by the Ohio Election Laws for filing and voting shall be followed. An elector may sign only as many petitions for Mayor or Council members as there are places to be filled at the regular municipal election.

(Approved by voters November 2, 1976.)

SECTION 14.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal election for Mayor and members of Council shall be held on the date prescribed by the laws of the State of Ohio in the odd numbered years. The procedure established by the Ohio Election Laws for the conduct of municipal elections shall be followed.

(Approved by voters November 2, 1976.)

SECTION 14.03 SPECIAL ELECTIONS.

The Council may, at any time, by ordinance or resolution, order a special election, the purpose of which shall be set forth in the ordinance or resolution.

SECTION 14.04 CONDUCT OF ELECTIONS.

All regular, primary and special municipal elections shall be conducted by the Board of Elections of Wyandot County under the provisions of this Charter, so far as they are applicable. Where the Charter is silent, the provisions of the Ohio Election Laws shall be followed.

SECTION 14.05 RECALL ELECTIONS.

Special elections for the recall of the Mayor, or any member of Council shall be conducted as provided in Section 15.03 of Article XV of this Charter.

ARTICLE XV  
INITIATIVE, REFERENDUM AND RECALL

SECTION 15.01 INITIATIVE.

The electors of the Municipality shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of the Municipality not less in number than ten percent (10%) of the electors voting for the office of Mayor at the last regular municipal election at

which a Mayor was elected. Such petition shall designate not less than three (3) of the signers thereof as a Committee authorized to take action as in this section provided. When so submitted, the Clerk shall ascertain the sufficiency of such petition and if found sufficient, the Council shall take final action, either enacting, amending, or rejecting the proposed legislation, within forty (40) days after submission. If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition therefore, the petitioners, through a majority of the Committee named in such petition, may, not later than the next regular meeting of the Council, after the expiration of said forty days, request in writing that the legislation as set forth in said petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such request. If the original petition is signed by at least twenty percent (20%) of such electors, or if additional petitions are submitted prior to the next regular meeting of the Council after the expiration of the forty days during which Council is to take final action, containing additional signatures which will total at least twenty percent (20%) of such electors when added to the valid signatures of the original petitions, and if such additional petitions request that the proposed ordinance or resolution be sooner submitted, the Council shall provide for submitting such ordinance or resolution at a special election to be held not later than eight (8) months after such written request by the Committee named in the original petition.

#### SECTION 15.02 REFERENDUM.

Within thirty (30) days after the passage by Council of any ordinance or resolution which does not take immediate effect or is a nonemergency measure under Section 5.08 of this Charter, a petition signed by electors of the City not less in number than ten percent (10%) of the total electors voting for the office of Mayor at the last regular municipal election at which a Mayor was elected, may be filed with the Clerk of Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. When said petition is filed, the Clerk shall ascertain the sufficiency of the petition and, if found sufficient, the Council shall, within thirty (30) days after the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such petition; provided that if a referendum petition is filed at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular municipal election would not occur within a period of six (6) months after the filing of such petition the Council may provide for submitting such legislation to a vote of the electors at a special election to be held at a date fixed by the Council but not later than six (6) months after the filing of such petition. No ordinance or resolution which is properly subjected to referendum under this section shall become effective unless it is approved by a majority of the electors voting on the issue.

**SECTION 15.03 RECALL.**

The electors shall have the power to remove from office by a recall election, the Mayor, and any Councilman of the Municipality in the manner herein provided. If the Mayor, or any Councilman shall have served six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement 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 percent (25%) in number of the electors voting for the office of Mayor at the last preceding regular municipal election at which a Mayor was elected. Within twenty (20) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of ten (10) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such certificate to the Mayor, or the Councilman whose removal is sought, and shall make a record of such delivery. If such person shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than thirty (30) days nor more than forty-five (45) days after the date of such delivery, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper determined by the Council to be of circulation in the Municipality. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the position held) ? ", with the provision on the ballot for voting affirmatively or negatively, and in the event a majority of the vote is negative such person shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The person removed at such recall election shall not be eligible for appointment to the vacancy created thereby. If the person is not removed at such recall election, no further recall petitions shall be filed against him for a period of one (1) year following such election. A removal by recall election shall not bar the person so removed from becoming a candidate for office in future elections.

**ARTICLE XVI  
FINANCES, TAXATION AND DEBT****SECTION 16.01 GENERAL.**

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

**SECTION 16.02 TAXATION LIMITATION FOR DEBT PURPOSES.**

The Council shall levy annually without a vote of the people and subject to the limitation imposed by Article XII, Section 2 of the Ohio Constitution, taxes on property assessed and listed for taxation as may be necessary to pay interest on and principal of all general obligation notes and bonds of the Municipality heretofore or hereafter issued without vote of the electors.

**SECTION 16.03 TAXATION LIMITATION FOR CURRENT OPERATING**

The aggregate amount of taxes that may be levied by the Council outside the limitation imposed by Article XII, Section 2 of the Ohio Constitution without a vote of the people on property assessed and listed for taxation for current operating expenses of the Municipality including the necessary levies for police and fire relief and pension funds, as required by general law, shall not exceed in any one year 2.6 mills for each one dollar of assessed valuation; provided that said 2.6 mills shall be reduced in each year by the number of mills or fractions thereof required in the same year for the payment of interest and principal of notes and bonds referred to in Section 16.02 of this Charter.

**SECTION 16.04 OTHER TAX LEVIES.**

The limitation of this Charter upon the power of Council to levy taxes shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional levies on property assessed and listed for taxation according to value to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

**SECTION 16.05 LIMITATION OF DEBT.**

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

**ARTICLE XVII  
GENERAL****SECTION 17.01 SUCCESSION.**

The Municipality of Upper Sandusky, under this Charter, is hereby declared to be the legal successor of the Municipality of Upper Sandusky, under the laws of the State of Ohio, and as such it has title to all property, real and personal, owned by its predecessor including all moneys on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The Municipality is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to January 1, 1968, shall continue in full force and effect.

**SECTION 17.02 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.**

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality shall continue in effect until lawfully amended or repealed. The adoption of this Charter and the provisions of Article XVI hereof shall not impair or abridge the authority of Council to levy taxes upon property under the authority of tax levies approved by the electors of the Municipality prior to the adoption of this Charter.

**SECTION 17.03 EFFECT OF CHARTER UPON PENDING PROCEEDINGS.**

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

**SECTION 17.04 FRANCHISES.**

The Council, in addition to all other rights and powers granted to it under the general law, may by ordinance grant permission to any person, firm or corporation to construct and operate a public utility on, across, under or above any public street or ground within the Municipality. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefor, and any other terms conducive to the public interest. Such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. Such grant, amendment or renewal shall be for such period of time as the Council may determine, but it shall not be perpetual. No consent of the owner of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments or renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for adequacy of service and maintenance and the operation of such utilities with reference to such streets and public grounds, including the right to require such reconstruction, relocation or discontinuances of appliances, plant or equipment used in such street or public grounds as shall in the opinion of the Council, be necessary in the public interest.

**SECTION 17.05 CONFLICT OF INTEREST.**

No Councilman, Mayor, or any other officer or appointee to any Board or Commission of the Municipality shall directly or indirectly be financially interested in any contract, job, work or service with or for the Municipality; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the Municipality other than in his fixed compensation and expenses; and any contract with the Municipality in which any officer is or becomes financially interested may be declared void by the Council. Such interest shall disqualify any such officer from holding any office with the Municipality for a period of five years in addition to the other penalties provided by law.

**SECTION 17.06 EFFECT OF PARTIAL INVALIDITY.**

A determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is

wholly dependent for its operation upon the part declared invalid.

#### SECTION 17.07 AMENDMENTS TO CHARTER.

This Charter may be amended as provided by Article XVIII, Section 9, of the Constitution of Ohio, by the submission of the proposed amendment or amendments to the electors of the Municipality.

#### SECTION 17.08 CHARTER REVIEW.

In January, 1972 and in January of each ten years thereafter, the Council shall appoint seven qualified electors of the Municipality holding no other office, appointment or employment in the government of the Municipality as members of a Charter Review Commission. Such Commission shall review the Charter of the Municipality and within six calendar months after such appointment, recommend to Council such alterations, revisions, and amendments, if any, to this Charter, as in its judgement are desirable. The Council shall submit to the electors any such proposed alterations, revisions, or amendments to this Charter in accordance in each instance with the provisions of the Constitution of Ohio. The members appointed to the Charter Review Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

#### SECTION 17.09 REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS.

The Council may at any time remove any member of the Planning Commission, Board of Zoning and Building Appeals, Park and Recreation Board, Civil Service Commission, for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency; provided, however, that such removal shall not be effective without the concurrence of two-thirds of all members elected to Council, nor until such member shall have been notified in writing of the charge against him at least 10 days in advance of any hearing upon such charge by the Council and he or his counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of such charge.

#### SECTION 17.10 VACANCY IN BOARD OR COMMISSION.

A vacancy occurring during the term of any member of the Planning Commission, Board of Zoning and Building Appeals, Park and Recreation Board, Civil Service Commission, shall be filled for the unexpired term in the manner authorized for an original appointment.

#### SECTION 17.11 RETIREMENT SYSTEMS.

The laws of the State of Ohio relative to the retirement of officers and employees of the Municipality shall be applicable under this Charter and the retirement of officers and employees of the Municipality shall be governed by the laws of the State of Ohio, except that the Council may provide by ordinance such mandatory retirement ages as it deems in the best interest of the Municipality.

#### SECTION 17.12 HEALTH DISTRICTS.

The Municipality shall be a separate health district or a part of another health district as is now or may hereafter be provided or permitted by the Constitution and the laws of the State of Ohio.

ARTICLE XVIII  
TRANSITIONAL PROVISIONS

SECTION 18.01 EFFECTIVE DATE OF CHARTER.

This Charter shall be submitted to the electors of the Municipality at the special election to be held October 25, 1966, and if approved by the electors shall for the purpose of nominating and electing officers of this Municipality and conducting municipal elections, take effect from the time of its approval by the electors of the Municipality; and for all other purposes it shall take effect on the first day of January in the year nineteen hundred sixty-eight, except that the provisions relative to civil service shall take effect as provided in Section 13.01 of Article XIII of this Charter.

SECTION 18.02 CONTINUANCE OF PRESENT OFFICIALS.

The four members of Council holding unexpired terms under the village statutory form of government shall continue as members of Council under this Charter until January 1, 1970. All other persons holding office at the time this Charter takes effect shall continue in office, and in the performance of their duties until provisions shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, committee, board, department, or division of the Municipality under the laws of the State, or under any municipal ordinance or contract in force at the time of the taking effect of this Charter shall, if such office, commission, committee, board, department, or division is abolished by this Charter, be thereafter exercised and discharged by the officer, commission, committee, board, department, or division upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted.

SECTION 18.03 CONTINUANCE OF PRESENT EMPLOYEES.

Every employee of the municipal government on January 1, 1968, shall continue in such employment and thereafter shall be subject in all respects to the provisions of this Charter and ordinances enacted pursuant thereto.