

**CHARTER**  
**OF THE**  
**CITY OF NORTH RIDGEVILLE, OHIO**

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EDITOR'S NOTE: The North Ridgeville Charter was originally adopted on October 10, 1961. Dates appearing in parentheses following a section heading in the Table of Contents, and following a section in the text, indicate that such section was subsequently amended, enacted or repealed on the date given.

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**CHARTER**  
**OF THE**  
**CITY OF NORTH RIDGEVILLE, OHIO**

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**PREAMBLE**

We, the people of North Ridgeville in the County of Lorain and State of Ohio, grateful to Almighty God for the freedoms we enjoy, in order to secure for ourselves the benefits of municipal home rule and exercise all the powers of local self-government, do adopt this Charter for our Municipality.

**ARTICLE I**  
**POWERS OF THE MUNICIPALITY**

**SECTION 1.1 POWERS.**

The Municipality of North Ridgeville shall have all powers of local self-government and municipal home rule now or hereafter granted to municipalities by the Constitution and the laws of Ohio.

**SECTION 1.2 MANNER OF EXERCISE.**

All such powers shall be exercised in the manner prescribed by this Charter or by ordinance of the Council created hereby. The powers of the Municipality may also be exercised, except as a contrary intent or implication appears in this Charter or in the ordinances of Council, in such manner as may now or may hereafter be provided by the general laws of Ohio.

**ARTICLE II**  
**THE MAYOR**

**SECTION 2.1 EXECUTIVE POWERS.**

The Mayor shall be the chief executive officer of the City. He or she shall:

- (a) Supervise the administration of the affairs of the Municipality;
- (b) Exercise control of all departments and divisions except those reserved by this Charter to the Council or its officers and employees;
- (c) Be the chief conservator of the peace within the Municipality;
- (d) Enforce all laws and ordinances;
- (e) Recommend to the Council such measures as he or she may deem necessary or expedient;

- (f) See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the City is a party are faithfully kept and performed;
- (g) Prepare and submit to the Council such reports as may be requested or required by it;
- (h) Act as the official and ceremonial head of the Municipal government;
- (i) Execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;
- (j) Appoint all heads of departments, except those to be appointed or elected by the Council, subject to the approval of a majority of all of the members of Council;
- (k) Appoint, promote, discipline, transfer, reduce or remove any officer or employee of the Municipality, subject to the provisions of the regulations of the Civil Service Commission and the laws in regard thereto and the provisions of this Charter;
- (l) Perform such other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council consistent with his or her office, or by the laws of the State of Ohio or of the United States of America.

### **SECTION 2.2 QUALIFICATIONS.**

The Mayor for at least three (3) years prior to the last day he or she could have filed his or her petition for nomination and from that date thereafter and during his or her term of office shall have been and continue to be a resident and qualified elector of the Municipality. He or she shall not hold any other public office, or hold any other public employment in this City, except that of Notary Public or a member of the State Militia or of the Reserve Corps of the United States or Director of the Department of Public Safety and/or Director of the Department of Public Services and Properties for the City of North Ridgeville, Ohio. He or she shall not be interested in the profits or emoluments of any contract, job, work or service with or for the Municipality as provided by the general laws of Ohio. (Amended 11-7-72)

### **SECTION 2.3 REMOVAL.**

The Council may remove the Mayor for his or her disqualification while in office, for his or her conviction while in office of a crime involving moral turpitude, or for a conviction of a felony, or for a violation of his or her oath of office, provided, however, that such removal shall not take place without the concurrence of two-thirds (2/3) of all of the members of Council nor until the Mayor shall have been notified in writing of the charge against him or her at least fifteen (15) days in advance of any hearing upon such charge and he or she and his or her counsel have been given an opportunity to be heard, present evidence and examine any witness appearing in support of such charge. (Amended 11-7-78)

**SECTION 2.4 TERM OF OFFICE.**

The Mayor shall be elected for a term of four (4) years to commence on the first day of January after his or her election at a regular Municipal Election beginning in the year 2007 and commencing every four (4) years thereafter. (Amended 11-6-90) (Amended 11-7-06)

**SECTION 2.5 ATTENDANCE AT COUNCIL MEETINGS.**

The Mayor shall be an ex-officio member of Council and shall sit with that body, with the right to introduce ordinances, resolutions and motions and discuss all matters coming before Council. He or she shall not have a vote in Council. The Mayor may require whatever department heads or other officials or employees of the Municipality he or she has appointed or employed to attend meetings of Council and provide such advice and opinions as may be requested by the Mayor or the Council.

**SECTION 2.6 VETO.**

If the Mayor approves any ordinance or resolution he or she shall do so within ten (10) days after receipt from Council of such passed or adopted legislation. Except under the circumstances hereinafter provided the Mayor may veto any ordinance or resolution passed by Council. The Mayor may approve or disapprove the whole or any item or part of any ordinance or resolution appropriating money, but otherwise his or her approval or disapproval shall be addressed to the entire ordinance or resolution. In case of a veto, the matter shall be returned to Council with a statement in writing by the Mayor of his or her objections, which shall be entered into the official journal of the Council. Council shall reconsider such ordinance or resolution not later than at its next regular meeting. Council may override the veto of the Mayor by a two-thirds (2/3) vote of all of the members of Council and upon receiving such an affirmative vote it shall then take effect as if it had received the signature of the Mayor on the date of the Council meeting at which such vote was taken. If any ordinance or resolution shall not be signed or vetoed by the Mayor within ten (10) days after receipt from Council of such passed or adopted legislation, it shall become effective as if he or she had signed it on the last day of said ten (10) day period. If an ordinance or resolution is adopted by all of the members of the Council and such resolution by its terms is declared to be an emergency measure the same shall be effective in accordance with its provisions and in such case the Mayor shall have no right to review, approve or veto the same. (Amended 11-7-78)

**SECTION 2.7 JUDICIAL POWERS.**

The Mayor shall have the judicial powers granted by the Constitution and laws of the State of Ohio with all of the rights granted to mayors of municipalities in regard thereto by the laws of the State of Ohio.

**SECTION 2.8 ABSENCE OF THE MAYOR.**

When the Mayor is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Director of the Department of Public Safety shall act as Mayor with the same rights, powers and duties of the Mayor. If the Mayor and Director of the Department of Public Safety are both absent temporarily from the Municipality or unable to perform their duties,

the Director of Law shall act as Mayor with the same rights, powers and duties of the Mayor. If each of the above officers is absent temporarily from the Municipality or unable to perform his or her duties, the Treasurer shall act as Mayor with the same rights, powers and duties of the Mayor. During such period the respective director or officer, as the case may be, shall likewise continue in his or her office as such. (Amended 11-7-78)

### **SECTION 2.9 VACANCY IN THE OFFICE OF MAYOR.**

In the event the office of Mayor shall become vacant because of death, disqualification, removal from office or resignation of the Mayor, or for any other reason, the Director of the Department of Public Safety shall become acting Mayor with the same rights, powers and duties of the Mayor, until a duly elected successor is chosen. In the event that the Director of the Department of Public Safety is unable to act as Mayor, the Director of Law shall become acting Mayor during such period with the same rights, powers and duties of the Mayor. In the event that both the Director of the Department of Public Safety and the Director of Law are unable to act as Mayor, the Treasurer shall become acting Mayor during such period with the same rights, powers and duties of the Mayor.

During the vacancy period, as hereinafter set forth, when the Director of the Department of Public Safety or the Director of Law or the Treasurer, as the case may be, shall become acting Mayor, he or she shall not be required to be a resident or elector of the City of North Ridgeville. The Council shall, within fourteen (14) days after the vacancy occurs, provide for a special partisan election, with no preliminary primary, to be held within one hundred twenty (120) days from the date of the vacancy to fill such vacancy. The person receiving the largest number of votes in the special election shall become Mayor and take office upon certification by the Board of Elections, and he or she shall serve as Mayor for the unexpired term of office. He or she may be a candidate to succeed himself or herself. (Amended 11-7-78)

## **ARTICLE III THE COUNCIL**

### **SECTION 3.1 NUMBER AND TERM.**

The legislative power 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 (7) members. Three (3) members of Council shall be elected from the Municipality at large and one (1) Council member shall be elected from each of the four wards. The wards shall be redivided to meet the United States Government census within 90 days after the first day of October of the year following the decennial census year. If the legislative authority fails to make such subdivision within the time required it shall be made by the Mayor. When any territory is annexed or otherwise attached to the City, the Council shall cause such territory to be attached to an existing contiguous ward or wards. All wards so established shall be bounded, as far as practical, by county lines, streets, alleys, avenues, courts, drives, public grounds, canals, watercourses, municipal boundary lines, centerlines of platted streets

or railroads, or lot lines of platted subdivisions. Redivision of the City into wards shall not terminate or otherwise affect the unexpired terms of ward Council members; however, at the next regular Municipal election at which ward Council members are to be elected following the establishment of new ward boundaries, the provisions of Section 3.2 of this Charter shall apply. All members of Council shall assume office on the first day of January of the year following the election. All members of Council will serve a term of four (4) years. The Ward Council members' four (4) year term will begin in the general election held in November of the year 2007. The Council-at-Large members' four (4) year term will begin in the general election held in November of the year 2009. (Amended 11-7-72) (Amended 11-7-06)

### **SECTION 3.2 QUALIFICATIONS.**

Each member of Council for at least one (1) year prior to the last day he or she could have filed his or her petition for nomination and from that date thereafter and during his or her term of office shall have been and continue to be a resident and qualified elector of the Municipality. Each ward Council member shall be a resident of the ward in which he or she seeks election on the last day he or she could have filed his or her petition for nomination and from that date thereafter and during his or her term of office shall continue to be a resident of the ward from which he or she is elected. He or she shall not hold any other public office, or hold any other public employment in the City, except that of Notary Public or a member of the State Militia or of the Reserve Corps of the United States. He or she shall not be interested in the profits or emoluments of any contract, job, work or service with or for the Municipality as provided by the general laws of Ohio.

The purpose of establishing a one-year residency requirement in this section is to recognize that the City has a substantial and compelling interest in encouraging qualified candidacies for election to the office of member of the Council of the City of North Ridgeville, Ohio, by ensuring that a candidate for such office has every opportunity to become knowledgeable with and concerned about the problems and needs of the area he or she seeks to represent. In enacting this requirement, the electors of the City of North Ridgeville find that the one-year period is reasonably related to this purpose, while leaving unimpaired a person's right to travel, to vote, and to be a candidate for public office. (Amended 11-5-91)

### **SECTION 3.3 DUTIES OF COUNCIL.**

All legislative powers of the Municipality, except as limited by this Charter and the Constitution of the State of Ohio, shall be vested in the Council and in furtherance thereof, but without limitation thereto, it shall:

- (a) Originate, introduce and pass ordinances and adopt resolutions;
- (b) Fix the salaries of all officers and employees of the Municipality whether elected or appointed;
- (c) Require and fix bond for the faithful discharge of the duties of office by officers and employees, the premium of any bond required by Council may be ordered by the Council paid by the Municipality;
- (d) Adopt a budget;
- (e) Provide for an annual financial audit by the State or a private concern;

- (f) Authorize the issuance of bonds under the laws of the State of Ohio;
- (g) Perform such other duties and exercise such other rights not inconsistent with this Charter as now or hereafter granted to the legislative authority of a municipality of the State of Ohio. (Amended 11-7-78)

#### **SECTION 3.4 VALIDATION OF ACTIONS.**

All ordinances passed and resolutions adopted by Council shall be signed by the President of Council or President pro tem, and attested by the Clerk, and presented to the Mayor within five (5) days after their passage or adoption by the Council.

#### **SECTION 3.5 PRESIDENT OF COUNCIL.**

(a) Election. The President of Council shall be a member of Council elected from the Municipality-at-large. (Amended 11-5-96)

(b) Duties. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, and in addition thereto, shall preside at all meetings of Council and shall appoint the various committees of Council members and shall coordinate the work of various committees appointed by them. (Amended 11-7-78)

(c) Vacancy in Office. In case of vacancy in the office of President of Council, a new president shall be elected by Council from among those members of Council who have been elected from the Municipality at large. In the event no member of Council who has been elected from the Municipality at large accepts the office of Council President, a new President may be elected by Council from among any member of Council who has been elected. Should a Council President enter office in mid or partial term it shall be construed as a full term, unless six (6) months or less are left when elected to President of Council. (Amended 11-6-90) (Amended 11-6-2001)

#### **SECTION 3.6 REMOVAL.**

The Council shall be the judge of the election and qualification of its own members. Council may, by a two-thirds (2/3) vote of all of the other members of Council, expel or remove any member including the President of Council for gross misconduct, malfeasance, nonfeasance, misfeasance in or disqualification for office; for violation of his or her oath of office; for the conviction while in office of a crime involving moral turpitude or a felony; for persistent failure to abide by the rules of Council; or for absence without justifiable excuse from three consecutive regular meetings. Prior to any such action by Council, the accused member shall be notified in writing of the charge against him or her at least fifteen (15) days in advance of any hearing upon such charge, and he or she and his or her counsel shall be given an opportunity to be heard, present evidence and examine any witness appearing in support of such charge. (Amended 11-7-78)

#### **SECTION 3.7 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.

### **SECTION 3.8 CLERK OF COUNCIL.**

(a) Election. The Clerk of the Council shall be elected by the Council and shall serve at the pleasure of Council. The Clerk of the Council may also serve as the Auditor but not as any other officer or employee of the Municipality. Council may employ such other employees, including special legal counsel, as it deems necessary for the proper discharge of the duties of Council.

(b) Duties. The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council and perform such other duties as Council may request or require.

(c) Absence. When the Clerk of Council is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Assistant Clerk of Council shall act as Clerk of Council with the same rights, powers and duties of the Clerk of Council. (Adopted 11-2-04)

### **SECTION 3.9 MEETINGS.**

(a) Organization Meeting. Immediately preceding the first regular meeting of City Council of the year following a regular Municipal election, the Council shall convene and conduct an organizational meeting, and shall elect a Council President. (Amended 11-7-06)

(b) Regular Meetings. Council shall hold regular meetings at such time as may be prescribed by its rules, regulations, ordinances and bylaws, but it shall hold regular meetings at least twice during each calendar month provided, however, that Council may by rule provide for a period of not to exceed thirty (30) continuous days during a calendar year in which no regular meeting need be held.

(c) Special Meetings. Special meetings may be called by the Mayor or any three (3) members of Council. There shall be given at least twenty-four (24) hours written notice in writing of such special meeting served personally on each member of Council or at his or her usual place of residence. Such notice shall state the subject to be considered at the meeting and no other subject shall be considered.  
(Amended 11-6-90)

(d) Waiver of Notice. The attendance at any special meeting of the Council shall be considered as a waiver of notice required by this section and if all members of Council are present, the meeting may proceed as a duly called Special Meeting. Any member of Council may waive in writing in advance of the time of a special meeting of Council the provisions for notice contained in this section.

(e) Open Meetings. All meetings of Council, whether regular or special or of its committees, shall be open to the public; except that executive sessions may be held to discuss those subjects permitted by the General Laws of Ohio in accordance with the procedure set forth in the General Laws of Ohio. (Amended 11-7-89)

### **SECTION 3.10 QUORUM.**

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

### **SECTION 3.11 RULES.**

The Council may adopt its own rules, regulations and bylaws.

### **SECTION 3.12 PROCEDURE.**

All legislative action shall be by ordinance or resolution except when otherwise required by the Constitution or the laws of the State of Ohio. No ordinance or resolution shall contain more than one subject matter, which subject shall be clearly expressed in its title. The Council shall keep a journal of its proceedings, which shall be a public record. At the request of any member, the yes and no votes shall be entered into the journal, and upon the passage of every ordinance or resolution the vote shall be taken by yes and no votes and entered into the journal. No ordinance or resolution shall be passed or adopted without a concurrence of a majority of all the members of Council.

Every ordinance or resolution shall be read on three (3) different days unless two-thirds (2/3) of all the members of Council dispense with the second or third reading. Council may not dispense with the second or third readings if the matter pertains to zoning. Council may not dispense with the second or third reading if the matter pertains to declaring the necessity of constructing an improvement which is to be paid in whole or in part by general or special assessment. However, if the improvement has been petitioned by at least sixty percent (60%) of the front footage of benefited property then Council may dispense second or third readings. (Amended 11-6-84)

### **SECTION 3.13 EFFECTIVE DATES OF ORDINANCES AND RESOLUTIONS.**

Ordinances and resolutions shall go into effect thirty (30) days after final passage by the Council, unless some later time be specified therein, or unless it is adopted as an emergency measure. Ordinances and resolutions adopted as an emergency measure shall take effect immediately upon their approval by the Mayor, or upon their passage after disapproval by the Mayor, unless a later time be specified therein. Ordinances and resolutions adopted as an emergency measure and receiving the affirmative vote of all the members of Council shall take effect immediately and shall not be subject to veto or consideration by the Mayor.

Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds (2/3) of all the members of Council for its enactment. The Council may not declare as an emergency measure any ordinance or resolution changing any general or special assessment, or authorizing any change in the boundaries of the

Municipality, or change in any zoning ordinance, or the surrender or joint exercise of any of its powers, or granting, renewing, extending any franchise or other special privilege, or contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipality owned or not, or regulating the rate to be charged for its service. The Council may not declare as an emergency measure any ordinance or resolution declaring the necessity of constructing an improvement, to be paid in whole or in part by general or special assessments, unless the improvement has been petitioned for by owners of one hundred percent (100%) of the front footage of the property to be benefited and assessed therefor.

This section shall not prevent the municipality from proceeding immediately after the passage of any ordinance or resolution to give notice or make any publication required by such ordinance or resolution. (Amended 11-6-84)

### **SECTION 3.14 CODIFICATION OF ORDINANCES.**

Ordinances may be revised, codified, rearranged and published in book form under appropriate title chapters and sections, and such revision and codification may be made in any ordinance containing one or more subjects.

### **SECTION 3.15 ADOPTION OF ORDINANCES BY REFERENCE.**

Council may adopt standard ordinances and codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilating or air conditioning 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 the code at length shall not be required. In any such instance, one (1) copy of such code shall be kept in the office of the Clerk of Council for reference by interested parties. (Amended 11-2-04)

### **SECTION 3.16 PUBLICATION.**

All other ordinances, resolutions, statements, orders, proclamations, notices and reports required by law, this Charter, or ordinance, to be published, shall be published by promptly posting a copy thereof for a period of not less than ten (10) days on a bulletin board in the lobby of City Hall and upon a bulletin board maintained by the Municipality located in each of the four legislative districts at sites designated by Council. Council may by ordinance provide for additional methods of publication as it, in its discretion, in any particular instance, or generally, may deem desirable.

### **SECTION 3.17 VOTER APPROVAL OF URBAN RENEWAL ACTIONS APPROPRIATING PROPERTY FOR RESALE.**

The City of North Ridgeville, through Council or through any elected or appointed official, shall not adopt any resolution, pass any ordinance, enact any law, make any executive order, execute any contract, conveyance or other instrument or perform any other act which approves, permits or promotes any urban renewal or urban redevelopment plan, program or project or which approves, permits or promotes any other plan, program or project whereby private property may be

appropriated or acquired by the Federal, State, or local government for subsequent resale to private owners, unless such plan, program or project has first been submitted to the electors of the City of North Ridgeville and approved by a majority of the electors voting thereon at any general or special election.

Nothing herein contained shall apply to the appropriation of private property for public use. (Adopted 11-7-67)

## **ARTICLE IV THE AUDITOR**

### **SECTION 4.1 ELECTION.**

The Auditor shall be elected by a majority of all of the members of Council. The Auditor may also serve as the Clerk of Council, but not as any other officer or employee of the Municipality. Commencing January 1, 1968, the Auditor shall serve for a term of one (1) year. Commencing January 1, 1969, the Auditor shall serve a term of two (2) years and each term thereafter shall be for a term of two (2) years. Council may remove the auditor by an affirmative vote of a majority of all of the members of Council at any time during said term. (Amended 11-8-66)

### **SECTION 4.2 DUTIES.**

The Auditor shall be the chief fiscal officer of the Municipality and of the several departments and officers thereof. He or she shall:

- (a) Keep an accurate account of all taxes and assessments, of all assets and liabilities of the Municipality, of all receipts and disbursements of the Municipality and of all appropriations made by the Council;
- (b) Examine and approve, if in proper form, and if an appropriation has been duly made therefor, payrolls, bills and other claims, and prepare and sign the same;
- (c) Be the purchasing agent until such time as a purchasing department shall be established by the Council;
- (d) Be responsible for the inspection of all supplies and determine their quantity, quality and conformation to specifications in which instance the Auditor may rely upon the certificate of the chief or head of the department for which the supplies were purchased;
- (e) Be responsible for the preparation and submission of appropriation measures and assist the Mayor and the Council in the preparation of estimates, budgets and other financial matters;
- (f) Submit to Council monthly at such time designated by the Council a statement in such detail as may be required by Council, showing:
  - (I) All receipts had during the preceding month;
  - (ii) All disbursements made during the preceding month;
  - (iii) A cumulative statement for each appropriation which shall show the amount appropriated, the amount expended or charged against or encumbering the appropriation and the balance remaining;

- (g) Attend all meetings of the Council either in person or through a duly designated representative;
- (h) Perform any other duty required by this Charter, or by ordinance or resolution of the Council. (Amended 11-7-78)

When the Auditor is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Deputy Auditor shall act as Auditor with the same rights, powers and duties of the Auditor. (Adopted 11-2-04)

### **SECTION 4.3 CERTIFICATION.**

No contract, agreement or other obligation involving the expenditure of money shall be entered into by any officer of the Municipality, nor shall any ordinance, resolution or order for the expenditure of money be passed by Council, unless the Auditor first certifies to the proper officer or to Council, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the Treasury, to the credit of the fund for which it is to be drawn, or in the process of collection, and not appropriated for any other purpose, which certificates shall be filed and immediately be recorded. The sum so certified shall not thereafter be considered unappropriated until the Municipality is discharged from the contract, agreement or obligation.

### **SECTION 4.4 FUNDS SUBJECT TO CERTIFICATION.**

All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the Treasury before the maturity of any contract, agreement or obligation, from taxes or assessments or from sales or services, productions or from any Municipal undertakings, fees, charges, accounts and bills receivable, or other credits in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and the moneys to be derived from lawfully authorized bonds sold and in the process of delivery shall, for the purpose of such certificate, be deemed in the Treasury and subject to such certification.

### **SECTION 4.5 FAILURE TO COMPLY WITH CERTIFICATION REQUIREMENTS.**

All contracts, agreements or other obligations and all ordinances, resolutions and orders entered into or passed without compliance with the provisions of Sections 4.3 and 4.4 of this Charter shall be void, and no person whomsoever shall have any claim or demand against the Municipality thereunder, nor shall the Council or any officer of the Municipality waive or qualify the limits fixed by such ordinance, resolution or order or fasten upon the Municipality any liability whatever in excess of such limits, or release any party from an exact compliance with the provisions of this Charter under such ordinance, resolution or order.

**SECTION 4.6 PURCHASING.**

All purchases made by the Auditor shall be upon the requisition submitted or approved by the Mayor or the Council and shall be made in the manner and subject to the limitations as provided in this Charter.

**ARTICLE V  
THE DIRECTOR OF LAW****SECTION 5.1 APPOINTMENT.**

The Director of Law shall be appointed by the Mayor subject to the approval of a majority of all of the members of Council. He or she shall be an attorney at law duly admitted and in good standing before the Supreme Court of the State of Ohio. He or she shall hold office at the pleasure of the Mayor.

**SECTION 5.2 DUTIES.**

The Director of Law shall serve the Mayor, the various administrative departments, boards and officers of the Municipality and the Council, as attorney and legal counsel, and shall represent the Municipality in all proceedings in court or before any administrative body. He or she shall act as a prosecuting attorney for the Municipality in any criminal proceeding brought by the Municipality. He or she shall perform all other duties now or hereafter imposed by law upon solicitors of cities unless otherwise provided by ordinance of Council, and shall perform such other duties as the Council or the Mayor may require consistent with his or her office.

When the Director of Law is absent temporarily from the Municipality or unable for any cause to perform his or her duties, the Assistant Director of Law shall act as Director of Law with the same rights, powers and duties of the Director of Law. (Adopted 11-2-04)

**SECTION 5.3 SPECIAL COUNSEL.**

The Council may, in its discretion, employ special counsel of its choosing to either assist the Director of Law or to undertake any specific legal matter designated by Council, and in such instances said special counsel shall be considered as the attorney in charge of such matter.

**ARTICLE VI  
THE TREASURER****SECTION 6.1 APPOINTMENT.**

The Treasurer shall be appointed by the Mayor subject to the approval of a majority of all of the members of Council. The Auditor shall be ineligible for appointment as Treasurer. He or she shall hold office at the pleasure of the Mayor.

**SECTION 6.2 DUTIES.**

The Treasurer shall demand and receive from the County Treasurer taxes, levies and assessments made and certified to the County Auditor by the Council and placed on the tax list by such Auditor for collection, moneys from persons authorized to collect or required to pay them, accruing to the Municipality from judgments, fines, penalties, forfeitures, licenses, court costs and debts due the Municipality. Such funds shall be disbursed by the Treasurer on the order of the Auditor. He or she shall have such other powers and perform such other duties as are required by any ordinance of the Municipality consistent with his or her office.

**SECTION 6.3 ACCOUNTS.**

The Treasurer of the Municipality shall keep an accurate account of:

- (a) All moneys received by him or her, showing the amount thereof, the time received, from whom and on what account received;
- (b) All disbursements made by him or her, showing the amount thereof, the time made, to whom and on what account paid.

He or she shall so arrange his or her books that the amount received and paid on account of separate funds or specified appropriations shall be exhibited in separate accounts.

**SECTION 6.4 REPORTS.**

The Treasurer shall settle and account with the Council at such regular intervals as may be required by the Council. At the first regular meeting of the Council in January in each year the Treasurer shall report to the Council the condition of the finances of the Municipality, the amount received, the sources of such receipts, the disbursements made and on what accounts, during the year preceding. Such account shall exhibit the balance of each fund at the end of the year.

(Amended 11-7-78)

**ARTICLE VII  
OTHER ADMINISTRATIVE OFFICES****SECTION 7.1 GENERAL PROVISIONS.**

The Council may provide, subject to this Charter, by ordinance for the organization of the Department of Law, Department of Finance, Department of Public Safety and the Department of Public Services and Properties and may, by ordinance, establish new departments or divisions. With the exception of the Department of Law and the Department of Finance, the Council may combine or abolish existing departments and divisions as it may deem necessary and may authorize one person to be the head of two or more departments or divisions. (Amended 11-6-90)

**SECTION 7.2 DEPARTMENT OF SAFETY AND SERVICE.**

(a) Creation of Department; Appointment of Director. There is hereby created a Department of Safety and Service which is also known as the Department of Public Safety and Public Services

and Properties which shall be headed by the Safety-Service Director. The Safety-Service Director shall be appointed by the Mayor to serve at the pleasure of the Mayor and he or she may be removed by the Mayor without cause.

(b) Powers, Duties and Functions of Safety-Service Director. The Safety-Service Director shall have the administrative supervision of all divisions, departments, bureaus and other units within the Department of Safety and Service and shall be responsible to the Mayor for the enforcement of all regulations and the execution of all work of the Department of Safety and Service. The Safety-Service Director may promulgate written rules for the government and conduct of the police, fire and other divisions and bureaus or other units within the Department of Safety and Service. The Safety-Service Director shall have such other powers as Council may confer upon him or her by ordinance.

(c) Departmental Organization. The work of the Department of Safety and Service shall be distributed among the following organizational units:

- a. Fire Department.
- b. Police Department.
- c. Building Department.
- d. Engineering Department.
- e. Service Department.
- f. Public Utilities Department.
- g. Older Adults Services Department.
- h. Such other divisions, bureaus and other organizational units as may be created by ordinance of Council. (Enacted 11-6-90)

## **ARTICLE VIII PLANNING COMMISSION**

### **SECTION 8.1 MEMBERSHIP.**

The Planning Commission shall consist of one member of Council, appointed by the President of Council and subject to the approval of a majority of all of the members of Council, for such term as Council shall determine, and four electors of the Municipality appointed by the Mayor subject to the approval of all of a majority of the members of Council. Members shall hold no other Municipal office or appointment, except that one member shall also serve as an appointed member of the Board of Zoning and Building Appeals. The Mayor shall have the right, subject to the approval of a majority of all of the members of Council, to remove any appointed member for cause. (Amended 11-7-78)

### **SECTION 8.2 TERMS.**

The members of the Planning Commission serving on the date of the adoption of this Charter provision shall continue to serve until December 31, 1978. The successors of the four electors of the Municipality appointed by the Mayor subject to the approval of a majority of all of the members of Council shall serve terms of four years, except that the elector first appointed shall be designated

by the Mayor to serve for one year; the elector secondly appointed shall be designated by the Mayor to serve for two years; the elector thirdly appointed shall be designated by the Mayor to serve for three years; and the elector fourthly appointed shall be designated by the Mayor to serve for four years, commencing January 1, 1979. (Amended 11-7-78)

### **SECTION 8.3 VACANCIES.**

A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

### **SECTION 8.4 COMPENSATION.**

Members of the Planning Commission shall serve without compensation unless otherwise provided by ordinance.

### **SECTION 8.5 OFFICERS AND REGULATIONS.**

The Planning Commission annually shall elect from among its members a Chairperson and a Vice-Chairperson. It shall appoint a secretary who need not be a member. The Commission may adopt its own rules, regulations and bylaws.

### **SECTION 8.6 DUTIES.**

The Planning Commission shall meet at least once a month. It shall be the function and duty of the Planning Commission to act as the platting commissioner of the Municipality and as such it shall have control of planning and shall provide regulations covering the platting of all lands within the Municipality or within three miles thereof, so as to secure the harmonious development and to provide for the coordination of streets with other streets and with the official Municipal plan and to provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population. It shall make such regulations as it deems necessary as to the manner in which streets and other public ways shall be graded and improved; the manner in which and the extent to which water, sewer and other utility mains, piping or other facilities shall be installed, or establish any other conditions precedent to the approval of a proposed plat. The Commission shall provide for the making of plans and maps of the whole or any portion of the Municipality and of any land outside the Municipality which, in the opinion of the Commission, bears a relation to the planning of the Municipality and to make changes in, additions to, and estimates of such plans or maps when it deems the same advisable. It shall have such powers as may be conferred on it by ordinance of the Council concerning the plan, design, location, removal, relocation, and alteration of any public building or structure or those located on public streets or property, the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the zoning and rezoning of the Municipality for any lawful purpose and such other powers as now or may hereafter be conferred upon it by ordinance of the Council or the general laws of Ohio. All plans and recommendations made by the Planning Commission shall be submitted to Council for approval before the same shall be considered as official.

**SECTION 8.7 FUNDS.**

A sufficient sum shall be appropriated by the Council each year to carry out the planning provisions of this Charter.

**SECTION 8.8 MANDATORY REFERRAL.**

No public building, street, boulevard, parkway, airport, park, playground, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referring to zoning or other regulations controlling the use or development of land, be adopted unless and until it shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within sixty (60) days from the date of referral unless a different period of time be provided by Council. If the Planning Commission shall fail to act within the time allotted, it shall be deemed to have approved such matter. Any provision or any resolution, ordinance or order disapproved by formal action of the Planning Commission shall require a two-thirds (2/3) vote of all members of the Council for adoption or authorization. If any plan, design or other proposal concerning the character, extent, location, or use of any public improvement or public property or change thereof within the territorial limits of the Municipality does not, under the law or this Charter, fall within the province of the Council or other official or agency of the Municipality then the submission to the Planning Commission shall be by the State, County, district, school, township or other official body, board or commission having jurisdiction over such public improvement or property in accordance with the provisions of the general law of the State of Ohio. The Planning Commission's disapproval may be overruled at any time after seven (7) days' written notice by the excepting body to the Planning Commission stating the reason for such exception. Such overruling disapproval must be adopted by at least two-thirds (2/3) of such excepting body.

**ARTICLE IX****ZONING AND BUILDING ORDINANCES AND BOARD OF APPEALS****SECTION 9.1 ENACTMENT OF ZONING AND BUILDING ORDINANCES.**

The Council may provide by ordinance for the passage and amendment of any building or zoning ordinance, the maps and regulations thereof, and the publication of notice and public hearing thereof, provided only that the minimum notice of the time and place of any public hearing shall be posted at least ten (10) days in advance thereof on the bulletin boards described in Section 3.15 of this Charter and in such other places as designated by Council, and shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the Municipality. In the event it is proposed to amend, enlarge, or change any area, zone or district classification, defined in any enacted ordinance, then, in addition to the notice hereinbefore provided, notice of the time and place of such public hearing shall be given by first class mail, postage prepared, to the record title holders of the property lying within, or within five hundred (500) feet of, the perimeter of such area, zone or district proposed to be changed. Record title holders shall mean the title holder of such property

as disclosed by the records of the Auditor of Lorain County, thirty (30) days immediately prior to the date of such public hearing. If the mailing address of such record title holder is not on file with the Auditor of Lorain County, then the posted and published notice of such hearing shall be deemed adequate notice. Nothing herein provided shall be construed as limiting the power of the Council from providing additional notice.

### **SECTION 9.2 CREATION AND MEMBERSHIP OF BOARD OF ZONING AND BUILDING APPEALS.**

There is hereby created a Board of Zoning and Building Appeals, which shall consist of five (5) members, one of whom shall be a member of the Planning Commission. The member of the Planning Commission to serve on the Board of Zoning and Building Appeals shall be designated by the Planning Commission and shall hold office for such term as designated by the Planning Commission or at the pleasure of the Planning Commission. The other members of the Board shall be appointed by the Mayor with the approval of a majority of all of the members of Council. Members of the Board shall hold no other Municipal office or appointment, except as a member of the Planning Commission. The Mayor shall have the right, subject to the approval of a majority of all of the members of Council, to remove any member of the Board for cause. Present members of the Board of Zoning Appeals serving on the date of the adoption of this Charter provision shall continue to serve until December 31, 1978. The successors of the Board members appointed by the Mayor with the approval of a majority of all of the members of Council shall serve terms of four years, except that the member first appointed shall be designated by the Mayor to serve for one year; the member secondly appointed shall be designated by the Mayor to serve for two years; the member thirdly appointed shall be designated by the Mayor to serve for three years; and the member fourthly appointed shall be designated by the Mayor to serve for four years, all commencing January 1, 1979. (Amended 11-7-78)

### **SECTION 9.3 OFFICERS AND REGULATIONS OF BOARD.**

The Board annually shall elect from among its members a Chairperson and Vice-Chairperson. It shall appoint a Secretary who need not be a member. The Board may adopt its own rules, regulations and bylaws.

### **SECTION 9.4 POWERS OF BOARD.**

It shall be the duty of the Board of Zoning and Building Appeals to hear and decide appeals made for exception to or variation from the zoning and building ordinances of the Municipality in conformity with the purpose and intent thereof, and to hear and decide all appeals made for exceptions to and variations from the strict application of zoning and building ordinances, or orders and regulations of administrative officials or agencies in regard thereto. The Board shall permit an exception or variance from the zoning or building ordinances only when there are practical difficulties or unnecessary hardships in the way of carrying out the strict interpretation of said ordinances and so long as the granting of such exception or variance will be in harmony with the general purpose or intent of such ordinances and the public health, safety or general welfare will continue to be secured and substantial justice done. The Board shall perform such other duties and

functions as may from time to time be imposed upon it by ordinance or resolution or the general laws of Ohio.

**SECTION 9.5 COMPENSATION OF BOARD.**

Members of the Board shall serve without compensation unless otherwise provided by ordinance.

**SECTION 9.6 FUNDS.**

A sufficient sum shall be appropriated by the Council to carry out the zoning and building provisions of this Charter.

**SECTION 9.7 MANDATORY REFERRAL OF REZONING TO ELECTORS.**

No parcel or parcels of land shall be rezoned for multiple family dwellings until the total of multiple family dwelling units equal fifteen percent (15%) of all the dwelling units in the Municipality on land presently zoned for such use. In the event it is proposed to rezone one or more parcels of land to any use which would permit the erection thereon of one or more multiple family dwellings, the ordinance whereby such use is proposed shall be submitted to the Planning Commission and then to the Council for approval. In the event that the rezoning receives the approval of the Council, it shall be submitted to the electorate at the next Municipal election. Such rezoning proposal shall not become effective unless approved by a majority vote of the electors of the City and of each ward in which the property so changed is located. (Adopted 11-6-73)

**SECTION 9.8 MULTIFAMILY SENIOR CITIZENS HOUSING.**

(Adopted 11-2-82) (Repealed 11-7-06)

**SECTION 9.9 PROHIBITION OF DEPOSIT OF INDUSTRIAL, UTILITY OR COMMERCIAL WASTE BY-PRODUCTS WITHIN THE CITY IN ANY ZONING DISTRICT.**

No person, firm, corporation, association or partnership shall deposit within the City in any Zoning District, either temporarily or permanently, any type of material whether it be hazardous or non-hazardous, toxic or non-toxic, active or inert, safe or unsafe, in any form whatsoever, which is the waste by-product of any industry, utility or commerce not located wholly within the City. Council shall enact appropriate criminal penalties for the violation of this Charter provision.

(Adopted 6-7-83)

**SECTION 9.10 PARCELS WITHIN A GENERAL RESIDENCE DISTRICT (RS-2).**

Parcels of land within a General Residence District (RS-2) also known as Special Residence District (RS-2) shall have a minimum lot size, for any single-family dwelling, of not less than six thousand (6,000) square feet, a width of not less than sixty (60) feet on any dedicated street and a depth of not less than one hundred (100) feet. Vacant lots which do not have sixty (60) feet of frontage on any dedicated street shall no longer be considered buildable lots with the exception of

existing subdivisions and existing platted lots of less than sixty (60) feet upon which building may be permitted on lots or combined lots of fifty (50) feet or greater width.

Mobile home parks, if and when permitted by ordinance in a zoning district, for each unit, shall have a minimum area of not less than four thousand (4,000) square feet, a width of not less than forty (40) feet and a depth of not less than one hundred (100) feet. (Amended 11-5-91)

## **ARTICLE X CIVIL SERVICE COMMISSION**

### **SECTION 10.1 MEMBERSHIP.**

The Civil Service Commission shall consist of three electors of the Municipality not holding other Municipal office or appointment, to be appointed by the Mayor, subject to the approval of a majority of all of the members of Council. Each shall serve for a term of six (6) years except that one of the three first appointed shall be designated by the Mayor to serve for a term of two (2) years and one for a term of four (4) years, all commencing January 1, 1962. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by the Mayor, subject to the approval of a majority of all of the members of Council. The Mayor shall have the right, subject to the approval of a majority of all of the members of Council to remove any member for cause.

### **SECTION 10.2 OFFICERS.**

The Commission shall designate one of its members as Chairperson and may appoint a Secretary who need not be a member of the Commission and may hold other Municipal office or appointment.

### **SECTION 10.3 CLASSIFICATION OF SERVICE.**

The civil service of the Municipality is hereby divided into the unclassified and the classified service.

- (a) The unclassified service shall include:
  - All officers elected by the people.
  - All directors of departments.
  - The members of all boards or commissions appointed by the Mayor.
  - All officers and employees appointed by the Council.
  - Unskilled labor.
- (b) The classified service shall include the Police and Fire Chiefs and all other positions not specifically included in the unclassified service.

### **SECTION 10.4 DUTIES.**

The Commission shall provide by rule:

- (a) For ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the Municipality, as required by the Constitution of the State of Ohio, except that all permanent employees of the Municipality who have had at least

twelve (12) months service prior to the effective date of this Charter, shall without examination be considered in the classified service as described in Section 10.3 (b) of this Charter and as such shall continue in the same position or job classification.

- (b) For appeals from the action of the Mayor in any case of transfer, reduction or removal, and the action of the Commission on any such appeal shall be final.
- (c) For such other rules, regulations and bylaws as it shall deem necessary to conduct its business.

The Commission shall keep a record of its proceedings and examinations, which shall be open to public inspection and, in all matters not in conflict with this Charter, shall conduct its affairs in accordance with the provisions of the general law.

#### **SECTION 10.5 COMPENSATION.**

Members of the Civil Service Commission shall serve without compensation unless otherwise provided by ordinance.

#### **SECTION 10.6 FUNDS.**

A sufficient sum shall be appropriated by the Council to carry out the civil service provisions of this Charter.

### **ARTICLE XI FINANCE**

#### **SECTION 11.1 FISCAL YEAR.**

Unless by ordinance otherwise provided, the fiscal year shall be the same as established for municipalities by the general law of Ohio.

#### **SECTION 11.2 ESTIMATES.**

The Mayor with the assistance of the Treasurer shall prepare and submit to Council not less than sixty (60) days before the end of each fiscal year an estimate of revenue and expenditures for the succeeding fiscal year. The Auditor, head of each department, board and commission shall submit to the Mayor the necessary information for such estimates. The estimate shall consist of: estimate of revenue from all sources and comparative statement for the current year and the preceding year; estimate of expenses of each department and activity of the Municipality and comparative statement for the current year and the preceding year; amount of debt and schedule of maturities of outstanding bonds and notes; value of current inventory or supplies; and amount of unencumbered balance in each bond and improvement fund.

#### **SECTION 11.3 APPROPRIATION ORDINANCE.**

Council shall adopt an annual appropriation ordinance within ninety (90) days after the receipt of a Certificate of Resources from the County Auditor or from the beginning of the fiscal year,

whichever shall last occur. Council may make one or more preliminary appropriations for current expenses until the annual appropriation ordinance is in effect.

#### **SECTION 11.4 TRANSFERS AND BALANCES.**

The Council may transfer any part of an unencumbered balance of an appropriation of any fund allowed by law to any purpose or object for which the appropriation for the current year has proven insufficient, except that no transfer shall be of moneys raised or appropriated for the payment of any bond or note of the Municipality until all indebtedness, interest and other obligations which must lawfully be paid from such moneys has been paid.

#### **SECTION 11.5 PAYMENT OF CLAIMS.**

No money shall be drawn from the Treasury nor shall an obligation for expenditure be incurred except in accordance with appropriations made by Council. Claims shall be approved in writing by the head or acting head of the department for which the obligation was incurred.

#### **SECTION 11.6 BIDDING REQUIRED.**

Each net expenditure for any contract or purchase of supplies or material, other than the compensation of persons employed by the City, that exceeds the financial limitations imposed by the statutes of the State of Ohio, including lease or lease purchase of facilities or equipment exceeding the same statutory limits, shall first be authorized and directed by ordinance of Council. When so authorized and directed, the contract, purchase or lease shall be granted to the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation within the City of North Ridgeville, Ohio, and dissemination to the public via one additional source of general public information or posting. (Amended 11-6-01) (Amended 11-2-04)

#### **SECTION 11.7 WAIVER OF REQUIREMENT.**

The Council may authorize expenditures exceeding the financial limitations imposed by the statutes of the State of Ohio without public advertising in the following specific cases: acquisition of real estate; discharge of noncontractual claims against the Municipality; for personal services; for the joint use of facilities with other political subdivisions; for the products or services of public utilities; and in the event of an emergency or catastrophe, for the necessary work to eliminate and correct damages caused by said emergency or catastrophe.

#### **SECTION 11.8 PUBLIC IMPROVEMENTS.**

Public improvements of all kinds may be made by the appropriate department either by the direct appointment of the necessary labor and purchase of supplies and materials in the manner herein provided with a separate account as to each improvement so made, or by contract let as provided in Section 11.6 of this Charter either for a closed price or upon a unit basis.

#### **SECTION 11.9 INTEREST INCOME.**

Interest earned on City monies in any fund shall be added to that fund balance and be used for the purposes of such fund. (Enacted 11-6-84) (Amended 11-6-01)

**ARTICLE XII  
TAXATION**

**SECTION 12.1 SUBMISSION OF EXTRA LEVY TO VOTE.**

At least ninety (90) days prior to a general, regular, Municipal or any special election, Council may declare by resolution, adopted by a vote of two-thirds (2/3) of all the members thereto, that the amount of taxes permitted by the Constitution without a vote of the electors will be insufficient to provide an adequate amount for the necessary requirements of the Municipality and it is necessary to levy a tax in excess of such limitation for any Municipal purpose or purposes specified in such resolution and permitted by law. Such resolution shall be confined to a single purpose, specify the exact amount of levy required, the purposes thereof and the number of years, not exceeding five (5) it shall be in effect, which may or may not include a levy on the duplicate for the current year. A majority of those voting thereon in any election will be sufficient for its passage. If passed, the Council may immediately make such levy, or such part thereof as it finds necessary.  
(Amended 5-3-88) (Amended 11-2-2010)

**SECTION 12.2 OTHER TAXES.**

The Council shall have the power to levy only such other taxes as may be lawful in accordance with the provisions of the Constitution and the laws of the State of Ohio.  
(Amended 11-5-74)

**ARTICLE XIII  
INITIATIVE, REFERENDUM, RECALL**

**SECTION 13.1 INITIATIVE.**

The electors shall have the power to propose any ordinance or resolution, except an ordinance appropriating money, and to adopt or reject the same at the polls, such power being known as the initiative. An initiative ordinance or resolution shall be submitted to Council by a petition signed by at least ten percent (10%) of the electors voting at the last preceding November election. Submission to Council shall consist of presenting said petition at a regular or special meeting of Council, or by personally handing such petition to the Mayor or President of Council, or by leaving said petition with the person in charge of the Mayor's office, or by mailing the same to the Mayor's office by certified or registered mail, or by personally handing said petition to the Clerk of Council. When so submitted, the Clerk of Council shall, within fifteen (15) days, deliver the petition to the County Board of Elections for determination of sufficiency. If found sufficient, the Council shall take final action, whether enacting, amending, or rejecting the proposed ordinance, within forty days after sufficiency has been established. If Council fails to pass such proposed ordinance or resolution, or passes it in some different form than set forth in the petition therefor, the petitioners through the committee named on such petition may, at the next regular meeting of Council, request in writing that it be submitted to a vote of the electors. Thereupon, Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next regular election occurring more than ninety (90) days after the filing of said petition. But if such petition is signed by at least twenty

percent (20%) of such electors, the date of the election may be fixed therein, which may be a special election to be held at any time more than ninety (90) days after the filing of said petition. (Amended 5-3-88) (Amended 11-7-06) (Amended 11-2-2010)

### **SECTION 13.2 REFERENDUM.**

Within thirty (30) days after the enactment by Council of any ordinance or resolution which may be subject to a referendum under the laws of the state of Ohio, a petition signed by no less than ten percent (10%) of the total electors voting at the last preceding November election may be filed with Council, by presenting said petition at a regular or special meeting of Council, or by personally handing such petition to the Mayor or President of Council, or by leaving said petition with the person in charge of the Mayor's office, or by mailing the same to the Mayor's office by certified or registered mail, or by personally handing said petition to the Clerk of Council, requesting the ordinance or resolution be repealed or submitted to the vote of the electors. When so submitted, the Clerk of Council shall within fifteen (15) days deliver the petition to the County Board of Elections for determination of sufficiency. If found sufficient, the Council shall, within thirty (30) days after sufficiency has been established, reconsider said ordinance or resolution. If Council fails to repeal said ordinance or resolution within such thirty (30) day period, the Council shall submit it to a vote of the electors at the next regular election occurring more than ninety (90) days after the filing of such petition. If such petition is signed by at least twenty percent (20%) of such electors, the date of the election may be fixed therein, which may be a special election to be held at any time more than ninety (90) days after the filing of such petition. (Amended 5-3-88) (Amended 11-7-06) (Amended 11-2-2010)

### **SECTION 13.3 RECALL.**

Electors shall have the power to remove from office by recall election, any elected officer of the Municipality. After an elected officer has served six months of his or her term, a petition signed by at least twenty-five percent (25%) of the total electors voting at the last preceding November election demanding his or her recall and removal may be filed with the Clerk of Council. When so submitted, the Clerk of Council shall within fifteen (15) days deliver the petition to the County Board of Elections for determination of sufficiency. If the petition is found to be sufficient, the Clerk of Council shall promptly so certify the same to the Council and shall deliver a copy of such certificate to the officer whose removal is sought and make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall fix a day for holding a recall election not less than thirty (30) days, nor more than forty-five (45) days, from the date of delivery. If a majority of the votes cast shall be voted affirmatively such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his or her office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby. (Amended 11-7-06)

**SECTION 13.4 GENERAL PROVISIONS.**

An initiative, referendum or 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 in the case of the initiative or referendum, a full and correct copy of the title and text of the proposed or referred ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general law regulating initiative and referendum petitions, shall apply in the case of initiative, referendum and recall in this Municipality, except as otherwise provided in this Charter.

**ARTICLE XIV  
NOMINATIONS AND ELECTIONS****SECTION 14.1 MUNICIPAL ELECTIONS.**

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

**SECTION 14.2 PRIMARY ELECTIONS.**

Primary elections shall be held, as may be required or permitted by law, for the purpose of nominating persons as candidates of political parties for election to offices provided for by this Charter to be voted for at the next succeeding regular Municipal election. (Amended 11-5-74)

**SECTION 14.3 DECLARATION AND DESIGNATION OF POLITICAL PARTY CANDIDATES.**

Candidates for party nomination to Municipal offices shall have their names printed on the official primary ballot by filing not later than 4:00 p.m. on the ninetieth (90th) day before primary election day a declaration of candidacy, paying the required fee and filing a petition containing the number of signatures of qualified electors as hereinafter set forth. Petitions for the office of ward Council member shall be signed by not less than ten (10) and not more than twenty (20) qualified electors who are members of the same political party as the candidate and are resident electors in the ward in which the candidate is a resident. Nominating petitions for all other elective officers shall be signed by not less than twenty (20) and not more than forty (40) qualified electors who are members of the same political party as the candidate and are resident electors in the Municipality. (Amended 5-3-88) (Amended 11-5-91) (Amended 11-2-2010)

**SECTION 14.4 CERTIFICATION OF NOMINATION WHEN NO PRIMARY HELD.**

If the number of persons filing a declaration of candidacy for nomination as a candidate of one political party for election to such office does not exceed as to any such office the number of candidates which such political party is entitled to nominate for election to such office, then no

primary election shall be held for such office unless such political party has a contested race for the Mayor and/or Council members at large within the Municipality, in which case, all of that political party's candidates shall appear upon the official ballot. If there is no City-wide race for Mayor and/or Council members at large, then no primary election shall be held for such offices. The election officials charged with the duty of holding such primary election shall declare each such persons to be nominated and their names shall be printed on the official ballot provided for use in the next succeeding regular Municipal election in the same manner as through such primary election had been held and such persons had been nominated. (Amended 11-6-90)

#### **SECTION 14.5 INDEPENDENT CANDIDATES.**

Any person desiring to become an independent candidate for election to any office to be voted for at the next succeeding regular Municipal election shall not later than 4:00 p.m. on the ninetieth (90th) day before primary election file a nominating petition. Such petition shall require the signature in the event the candidate is seeking the office of a ward Council member of not less than seven percent (7%) and not more than fourteen percent (14%) of the qualified electors of the City who voted in the last general election in the ward of which the nominee is a resident, and in the event the candidate is seeking any other elective office of the Municipality of not less than four percent (4%) and not more than eight percent (8%) of the qualified electors of the City who voted in the last general election. Such nominating petitions shall be accompanied by the written acceptance of the nominee. The names of independent candidates shall not appear on the ballot at any primary election but shall appear on the ballot at the next regular Municipal Election. (Amended 11-5-91) (Amended 11-2-2010)

#### **SECTION 14.6 GENERAL PROVISIONS.**

Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the general laws of Ohio and by the election authorities therein provided for.

#### **SECTION 14.7 MAJORITY REQUIRED FOR MAYOR'S ELECTION.**

The winning candidate in any general election for the office of Mayor shall have at least fifty percent (50%) plus one vote of all votes cast for all candidates for that office. If, when there are three or more candidates on the ballot, no candidate receives the stated majority of fifty percent (50%) plus one vote then the two candidates with the highest vote totals shall stand for election at a run-off election to be held on the first Tuesday of the first month after the month in which the election was held which did not produce a majority for one candidate. The candidate elected at such a run-off election shall take office on the next Monday after the certification by the Board of Elections of the results of such run-off election. In the event of a run-off election the then incumbent Mayor shall continue in office past the date specified in Section 2.4 of this Charter until the newly elected Mayor is certified and takes office as specified above. (Amended 11-5-91)

**ARTICLE XV  
AMENDMENTS**

**SECTION 15.1 PROCEDURE.**

The Council may, by vote of at least two-thirds (2/3) of all of its members, submit to the electors of the Municipality amendments to this Charter, and upon petitions signed by ten percent (10%) of the registered electors of this Municipality setting forth any proposed amendment, such proposed amendment shall be so submitted by the Council. The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of Ohio, and, to such extent as said Constitution shall fail to provide therefor, the Council shall determine the manner for such submission. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

**ARTICLE XVI  
CHARTER REVIEW COMMITTEE**

**SECTION 16.1 APPOINTMENT; FUNCTIONS.**

During the month of January, 1966, and at least once every six (6) years thereafter, the Mayor shall appoint a committee of nine (9) qualified electors of the Municipality to be known as a Charter Review Committee. Such Committee shall review and recommend to Council not less than ninety (90) days prior to the next November election, any alterations, revisions, and amendments to this Charter as in its judgment seem advisable. The Council shall submit to the electors any such proposed alterations, revisions, or amendments to the Charter at the next regular November elections. Each said Charter Review Committee shall cease to function on the day of the next November election following its appointment. The members shall serve without compensation unless otherwise provided by ordinance.

**ARTICLE XVII  
GENERAL PROVISIONS**

**SECTION 17.1 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 this Municipality. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefor, and any other terms conducive to the public interest. Such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. Such grant, amendment or renewal shall be for such period of time as the Council may determine, but it shall not be perpetual or exclusive.

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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 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 construction, relocation or discontinuance of appliances, plant or equipment used in such streets or public grounds as shall, in the opinion of the Council be necessary in the public interest.

#### **SECTION 17.2 DISQUALIFICATION.**

No Council member, Mayor, Auditor or any other officer, employee 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 or her fixed compensation and expenses; and any contract with the Municipality in which any officer or employee is or becomes financially interested may be declared void by the Council. Such interest shall disqualify any such officer or employee from holding office in addition to the other penalties provided by law.

#### **SECTION 17.3 INVESTIGATIONS.**

The Council or any committee thereof or any board appointed by the Council for such purpose shall have the power at any time to consider the affairs of any department or the conduct of any officer or employee to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the President of Council or chairperson of the committee or board making the investigation and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall also have power to consider the testimony to be given under oath which shall be administered by some officer authorized by general law to administer oaths; and shall also have the power to punish as for contempt any person refusing to testify to any fact within his or her knowledge, or to produce any books or papers under his or her control relating to the matter under investigation.

#### **SECTION 17.4 EFFECTIVE DATE OF CHARTER.**

This Charter shall be in effect for all purposes except as to the nomination and election of officers and the election of the Auditor by Council and the appointment of the Treasurer by the Mayor on and after the 1st day of January, 1962, and continue in effect regardless of any change of the classification by law of this Municipality.

As to the nomination and election of officers of the Municipality for terms commencing January 1, 1962, this Charter shall be in effect from and after the time of its approval by the electors of the Municipality and further provided that any candidate for Mayor, Council member at large or ward Council member nominated at the primary election held May 2, 1961, or any candidate duly nominated by petition as an independent candidate for such offices shall be considered as nominated for such office under this Charter and the names of such candidates shall appear on the ballot at the

general election to be held November 7, 1961, as a candidate for the office to which he or she was nominated. As to a candidate for President of Council nominated at the primary election held May 2, 1961, or any candidate for such office duly nominated by petition as an independent candidate for such office, he or she shall be considered nominated for office of Council member at large under this Charter provided such candidate files with the Board of Elections of Lorain County within seven (7) days of the date of the approval of this Charter by the electors of the Municipality his or her acceptance of his or her nomination by virtue hereof as a Council member at large. Upon the filing of such acceptance, the name of such candidate shall appear on the ballot at the general election to be held November 7, 1961, as a candidate for the office of Council member at large. The three candidates for Council at large at said election who receive the largest number of votes cast in their favor shall be declared elected as Council members at large under this Charter to hold office for a term of two (2) years commencing January 1, 1962.

As to the office of Auditor, created under this Charter, the power of Council to elect an Auditor as provided by Section 4.1 of this Charter shall not be effective until January 1, 1964. The name of any candidate for Auditor nominated at the primary election held May 2, 1961, or any candidate for such office duly nominated by petition as an independent candidate for such office shall appear on the ballot at the general election to be held November 7, 1961, as a candidate for the office of Auditor for a two (2) year term commencing January 1, 1962, provided such candidate files with the Board of Elections of Lorain County within seven (7) days of the date of the approval of this Charter by the electors of the Municipality his or her acceptance of his or her nomination to the office of Auditor as defined in this Charter for a term of two (2) years commencing January 1, 1962. In the event no candidate files such an acceptance or in the event of a vacancy in the office of the Auditor at any time after his or her election, such vacancy shall be filled by the election by a majority of all of the members of Council.

As to the office of Treasurer, created under this Charter, the power of the Mayor to appoint a Treasurer as provided by Section 6.1 of this Charter shall not be effective until January 1, 1964. The name of any candidate for Treasurer nominated at the primary election held May 2, 1961, or any candidate for such office duly nominated by petition as an independent candidate for such office shall appear on the ballot at the general election to be held November 7, 1961, as a candidate for Treasurer for a two (2) year period commencing January 1, 1962, provided such candidate files with the Board of Elections of Lorain County within seven (7) days of the approval of this Charter by the electors of the Municipality his or her acceptance of his or her nomination to the office of Treasurer as defined in this Charter for a term of two (2) years commencing January 1, 1962. In the event no candidate files such acceptance or in the event of a vacancy in the office of the Treasurer at any time after his or her election, such vacancy shall be filled by the appointment of the Mayor subject to the approval of a majority of all of the members of Council.

No person having submitted his or her name for nomination for the office of City Solicitor as either a candidate at the primary election or as an independent candidate, the office is abolished and the Mayor shall have the power to appoint a Director of Law subject to the approval of a majority of all of the members of Council upon taking office on or after January 1, 1962.

**SECTION 17.5 CONTINUANCE OF OFFICERS.**

All persons who are appointees, employees or nonelected officials of the Municipality at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made otherwise in accordance with the provisions of this Charter. When such provisions shall have been made, the term of any such appointee, employee or nonelected official shall expire.

**SECTION 17.6 TRANSFER OF DUTIES.**

The powers which are conferred, and the duties which are imposed upon any appointee, employee or nonelected official, commission, board, department, or division of the Municipality under the laws of the State, shall, if such office, department, or division be abolished by this Charter, be thereafter exercised and discharged by the officer, board, department or division upon whom are imposed corresponding functions, powers and duties thereunder.

**SECTION 17.7 OATH OF OFFICE.**

Every elected official or officer of the Municipality shall, before entering upon the duties of his or her office, take an oath or affirm, that he or she will in all respects faithfully discharge the duties of his or her office, that he or she will profess loyalty to the Constitution of the United States of America, to the Constitution of the State of Ohio, and that he or she will uphold this Charter and all of the laws of this Municipality.

**SECTION 17.8 EFFECT OF CHARTER UPON EXISTING LAWS AND RIGHTS.**

This Charter shall not affect any vested rights or accrued liabilities of the Municipality, nor any right or liability in any pending suit or prosecution either on behalf of or against the Municipality, nor any contract heretofore entered into by the Municipality, nor any franchise heretofore granted by the Municipality, nor any prior or pending proceeding 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 in effect at the end of December 31, 1961, shall continue thereafter in effect until lawfully amended or repealed.

**SECTION 17.9 SAVING CLAUSE.**

The determination 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.

**ARTICLE XVIII  
PARKS AND RECREATION COMMISSION****SECTION 18.1 MEMBERSHIP.**

The Parks and Recreation Commission shall consist of five (5) residents of the City. One member shall be a member of or a citizen appointed by the North Ridgeville Board of Education. One member shall be a member of or a citizen appointed by a majority vote of Council. The

remaining three members shall be appointed by the Mayor subject to approval by a majority vote of Council. (Amended 11-5-91)

**SECTION 18.2 TERMS AND COMPENSATION.**

Each member appointed by the Mayor shall serve a term of three (3) years from date of appointment. Each member appointed by the North Ridgeville Board of Education or the Council shall serve a term as specified by the appointing body. The foregoing notwithstanding, no member may be appointed or reappointed to serve more than six years consecutively. Members who are members as of the date of this Charter amendment shall continue in office until the end of the term for which each was last appointed. Members shall serve without compensation. (Amended 11-5-91)

**SECTION 18.3 VACANCIES.**

Vacancies in the Commission occurring other than by expiration of the term shall be for the unexpired term and shall be filled in the same manner as original appointment. (Amended 11-5-91)

**SECTION 18.4 OFFICERS AND REGULATIONS.**

The Commission annually shall elect from among its members a Chairperson and Vice-Chairperson. The Commission shall adopt rules, regulations and by-laws which it deems necessary to accomplish its duties hereunder. (Amended 11-5-91)

**SECTION 18.5 POWERS AND DUTIES.**

The North Ridgeville Parks and Recreation Commission shall:

- (1) Provide for the development, maintenance, and operation of the City's parks, playgrounds, and recreational facilities;
- (2) Render assistance to and cooperate with organized groups conducting recreational programs;
- (3) Develop and approve all recreation programs under the direction of the City within the limits of budgets approved by City Council;
- (4) Encourage and recommend the donation of money and equipment to be used for parks and recreation purposes, and recommend the sale or exchange of equipment no longer required for these purposes;
- (5) Encourage and recommend the acquisition or lease by direct sale, lease or donation of lands within the City to be used for recreational purposes;
- (6) Encourage and recommend the sale or exchange of land owned by the City which is no longer needed for parks or recreational purposes;
- (7) Make a joint recommendation with the Mayor regarding the person to be appointed as Director of Parks and Recreation, which appointment shall be subject to approval by City Council;
- (8) Assist in the preparation of the annual budget request for the Parks and Recreation Department;
- (9) Approve all capital improvements, property acquisitions, equipment purchases, and projects exceeding one thousand dollars (\$1,000).

The power to acquire, lease, or dispose of real estate shall remain vested in City Council, and the title to all real estate shall be in the name of the City.

The Director of Parks and Recreation shall be under the administrative supervision of the Mayor. (Amended 11-5-96)

**SECTION 18.6 PARKS AND RECREATION DIRECTOR.**

The Parks and Recreation Commission shall recommend to the Mayor a person to fill the position of Parks and Recreation Director. When the Commission and the Mayor have agreed upon a candidate they shall jointly appoint said candidate to the Director's position subject to approval by a majority vote of Council. The Director of Parks and Recreation shall serve at the pleasure of the Mayor and may be removed by the Mayor without cause. Operationally, the Director shall report to and be under the day-to-day control of the Mayor or his or her designee in implementing programs and projects approved by the Commission within budgets approved by Council. The Director shall be considered to be a department head. (Amended 11-5-91) (Amended 11-7-06)

**SECTION 18.7 BUDGETS AND SPECIAL FUNDS.**

The Commission, the Mayor and the Director of Parks and Recreation shall prepare and recommend to Council annual budgets of funds to operate the Parks and Recreation Division programs and facilities. Council shall annually appropriate for the Parks and Recreation Division such monies from the General Fund and applicable Trust Funds as Council deems necessary for the operation of the Commission and the Parks and Recreation Division.

Expenditures shall not be made in excess of those approved by Council. All revenues received from interest, dividends, earnings, rents, sponsorships, and admission and user fees on properties and other assets of the Division shall be retained in the accounts of and dispersed to cover the costs of the programs and assets of the Parks and Recreation Division only.

There is hereby established a fund to be known as the Parks and Recreation Improvement Fund. Any monies received and designated for park and or recreational purposes as a result of bequests, legacies, donations, building fees, and other monies not specifically itemized in the foregoing paragraph shall be paid into said fund. Disbursements from the Parks and Recreation Improvement Fund shall be limited to those authorized by Council to provide for purchase, construction and/or maintenance of specific Parks and Recreation Division facilities and capital equipment in accordance with then existing City practice and as defined in the Ohio Revised Code. (Amended 11-5-91)