

CHARTER OF THE CITY OF TIFFIN, OHIO

PREAMBLE

We, the people of the City of Tiffin, in the County of Seneca, and State of Ohio, in order to secure the benefits of municipal home rule and to exercise all powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the City of Tiffin.

ARTICLE I THE MUNICIPALITY

SECTION 1.01 NAME.

The municipal corporation now existing in the County of Seneca, State of Ohio, and known as the City of Tiffin, Ohio, shall continue to be a body politic and corporate under the name, "The City of Tiffin," and as such shall have perpetual succession.

SECTION 1.02 BOUNDARIES.

The City shall have the same boundaries as now exist, but with the power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio.

SECTION 1.03 FORM OF GOVERNMENT.

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

ARTICLE II MUNICIPAL POWERS

SECTION 2.01 POWERS.

The City shall have all powers possible for a city to have under the Constitution and laws of the State of Ohio as fully and completely as though they were specifically enumerated in the Charter.

SECTION 2.02 DISTRIBUTION OF POWERS.

All powers of the City, except as otherwise provided by the Constitution of the State of Ohio, this Charter, and ordinances and resolutions of Council, shall be vested in an elected Mayor and Council who shall execute the laws and administer the government of the City.

SECTION 2.03 MANNER OF EXERCISE OF POWERS.

All powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council, and when not prescribed in this Charter or provided by ordinance or resolution 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 2.04 CONSTRUCTION.

The powers of the City under this Charter shall be construed liberally in favor of the City, 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.

SECTION 2.05 INTERGOVERNMENTAL RELATIONS.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III COUNCIL

SECTION 3.01 POWERS.

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

- (1) The power to levy taxes and incur debts subject to the limitations imposed thereon by this Charter.
- (2) 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.
- (3) The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- (4) The power to fix the number of officers and employees in the various offices, departments, divisions, bureaus, boards, and commissions of the City and to fix the rate of their compensation and hours of work, and to provide fringe benefits and other conditions of employment as deemed proper by the Council. This Section shall not be construed to prevent the City from conducting negotiations and establishing the compensation, hours of work, fringe benefits, and other terms and conditions of employment through collective bargaining agreements when those agreements have been approved by the Council.
- (5) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of any of the officers and employees of the City. The premium for said bonds shall be paid by the City.
- (6) The power to create other offices, departments, divisions, bureaus, boards, and commissions, and the power to combine, change and abolish any office, department, division, bureau, board or commission established by Council. The power herein above expressed in this subsection shall be exercised by ordinance or resolution and upon the concurrence of two-thirds of the members of Council. The Council shall not abolish the offices established by this Charter unless specific authority to abolish the office is granted by this Charter.
- (7) The Council shall have the power to establish, by ordinance or resolution, the rates of charges made of consumers of all municipal utilities and for services provided by the City.

- (8) The Council may provide, without competitive bidding, for an annual or special independent audit of any or all municipal funds. Such audit may be in addition to an audit of any or all municipal funds. Such audit may be in addition to an audit by representatives of the State Auditor or other state official or agency as may be determined to be required under the Constitution of the State of Ohio.
- (9) The Council, in addition to all other rights and powers granted to it under the general law, may by ordinance or resolution grant permission to any person, firm, corporation to construct and operate a public utility on, across, under or above any public street or ground within the City. It may prescribe in the ordinance or resolution 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; provided that such grant of permission shall not extend beyond twenty-five years, however such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owners 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 acquire such reconstruction, relocation or discontinuance of appliances, plant or equipment used in such street or public grounds as shall, in the opinion of Council, be necessary in the public interest.
- (10) The power to acquire title to or interest in real property shall be vested in the Council, whether such property is acquired by: the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant shall be in the manner as provided by the ordinance or resolution authorizing the sale, conveyance, lease or grant. Title to all real property shall be taken in the name of the City.
- (11) The power to approve the Mayor's appointments where so provided in this Charter. The Mayor's appointment shall be announced at a regular Council meeting and the Council's approval or disapproval shall be made at the next regular Council meeting.
- (12) To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

SECTION 3.02 COMPOSITION.

The Council shall be composed of seven members, one to be nominated and elected from each of four wards and three to be nominated and elected from the City at large.

SECTION 3.03 TERM.

(A) At the regular municipal election held in 1979, and each four years thereafter, four ward Council members shall be elected to four-year terms of office commencing on the first day of January following their election.

(Amended 11-6-01)

(B) At the regular municipal election held in 1981, and each four years thereafter, three

Council members at large shall be elected to four-year terms of office commencing on the first day of January following their election.

(Amended 11-6-01)

SECTION 3.04 COUNCIL AS A CONTINUING BODY.

The Council shall be a continuing body and proceedings which have been lawfully begun by one Council can be prosecuted by succeeding Councils until completed and made effective.

SECTION 3.05 CHANGE OF COMPENSATION DURING TERM.

The Council shall set the compensation of elected officials for terms commencing on the first day of January of the year following their election not later than five days prior to the last day for filing declarations of candidacy for party nominations for their respective offices for those terms, and shall not thereafter change the compensation set for those terms or any portion of those terms.

(Amended 11-5-91)

SECTION 3.06 PRESIDENT OF COUNCIL.

(A) At the regular municipal election held in 1981, and each four years thereafter, the President of Council shall be elected to a four-year term of office commencing on the first day of January following his election.

(Amended 11-6-01)

(B) The President of Council shall preside at all meetings of the Council but shall have no vote, except that the President of Council may vote on any matter before the Council where the votes of the members of Council are evenly divided.

(C) In the event that the Mayor is to be temporarily absent from the City or otherwise unable to perform the powers, duties and functions of the office, the Mayor may formally designate the President of Council, and no other person, to serve as Acting Mayor during that period of absence or disability by delivering a written notice of that designation to the Council. In the absence of such a designation by the Mayor and after the Mayor has been absent or otherwise unable to perform the powers, duties and functions of the office of Mayor for a period of five days, the Council may formally designate the President of Council, and no other person, to serve as Acting Mayor during the remainder of the Mayor's period of absence or disability. While serving as Acting Mayor, the President of Council shall have all powers, duties and functions of the Mayor and shall not have the other powers, duties and functions of the President of Council. At the end of any such temporary period of absence or disability during which the President of Council serves as Acting Mayor, the Mayor shall deliver to the Council a written notice that he has returned and is able to reassume the powers, duties and functions of the office of Mayor. Upon giving that notice, the Mayor shall reassume all powers, duties and functions of the office of Mayor, and the President of Council shall reassume all powers, duties and functions of the office of President of Council.

(Amended 11-5-91)

SECTION 3.07 ORGANIZATION.

At the first Council meeting in January following a regular municipal election, Council shall organize itself and elect by a majority vote from its membership a President pro tempore. In addition, Council shall appoint a Clerk and any other employees it may deem necessary and fix their duties, salaries and bonds by ordinance. A council member serving as President pro tempore shall

not be deprived of his power and rights as a voting member of Council.
(Amended 11-5-91)

SECTION 3.08 VACANCIES.

(A) If a person nominated as a party candidate and elected as an at-large member of the Council vacates that position, the members of the county central committee of the party that nominated that person who are residents of the City shall appoint a successor to fill the vacancy. If a person nominated as a party candidate and elected as a ward Council member vacates that position, the members of the county central committee of the party that nominated that person who are residents of the ward shall appoint a successor to fill the vacancy. If a person elected as an independent or appointed in accordance with this Section vacates a Council position, then the vacancy shall be filled by a majority vote of the remaining members of the Council. If the vacancy occurs after the date which is ten days before the date on which candidates for the office of Council member at the next regular municipal election must file their nominating petitions or if two years or fewer remain in the term of the incumbent who created the vacancy, the person chosen by the appropriate central committee members or the Council to fill the vacancy shall serve for the unexpired term. If the vacancy occurs at least ten days prior to the date on which candidates for the office of Council member at the next regular municipal election must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person chosen by the appropriate central committee members or the Council to fill the vacancy shall serve until a successor is elected at the next regular municipal election to serve for the remainder of the unexpired term. The person elected to serve for the unexpired term at the next regular municipal election shall take office on the first day of January following his election.

(Amended 11-6-01)

(B) If the appropriate central committee members or the Council shall fail to choose a person to fill a vacancy on the Council under Division (A) of this Section within thirty days after the occurrence of the vacancy, their power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provided in Division (A) of this Section.

(Amended 11-6-01)

(C) The President pro tempore of the Council shall succeed to the Office of President of Council upon the occurrence of a vacancy in the office of President of Council. If the vacancy occurs after that date that is ten days before the date on which candidates for the office of Council member at the next regular municipal election must file their nominating petitions or if two years or fewer remain in the term of the incumbent who created the vacancy, the person succeeding to the office of President of Council shall serve for the unexpired term. If the vacancy occurs at least ten days prior to the date on which candidates for the office of Council member at the next regular municipal election must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person succeeding to the office of President of Council shall serve until a successor is elected at the next regular municipal election to serve for the remainder of the unexpired term. The person elected to serve for the unexpired term at the next regular municipal election shall take office on the first day of January following his election.

Notwithstanding any other provisions of this Section:

(1) If the position of President of Council is vacant and is filled by the President

pro tempore, the person filling that vacancy shall not retain the position of President of Council beyond the expiration of the term to which the person had been elected as a Council member.

- (2) If the position of President of Council becomes vacant under the circumstances set forth in (1), the Council shall appoint, by a majority vote of its members, one member of Council to serve as President of Council for the remaining unexpired term of the President of Council.
- (3) When a President pro tempore succeeds to the office of President of Council, a vacancy shall occur in the office of Council members to which the person was elected and that vacancy shall then be filled in accordance with the provisions of Section 3.08(A).
- (4) When President of Council, who had been serving as Mayor as contemplated by Section 5.01(E) or 5.01(F), returns to his position as President of Council, the person who had been serving as President of Council shall be returned to his position as a Council member for the balance of the term to which he was elected, and the service of the Council member who was appointed or elected to fill that person's office on Council shall terminate.

(Amended 6-5-79; 11-6-01)

(D) The Council shall fill a vacancy in the office of President pro tempore from among its members by a majority vote of its remaining members.

SECTION 3.09 MEETINGS.

(A) In each calendar month the Council shall hold at least two regular meetings, the time and place of which shall be prescribed by ordinance or resolution. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn by majority vote from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution.

(B) Special meetings may be held on the call of the Mayor, the President of Council or three Council members, upon at least twenty-four hours advance written note of the date, time, place and purpose of the special meeting delivered personally to each member of the Council and Mayor or left at their last known places of residence in the City.

(Amended 11-5-91)

SECTION 3.10 RULES.

The Council shall determine, by resolution, its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

SECTION 3.11 RELATIONSHIP TO ADMINISTRATIVE OFFICERS.

Neither Council, its committees nor its members individually, shall in any manner take part in the discipline of, nor give orders to, any subordinates and employees in the administrative service of the municipality responsible to the Mayor, but must deal directly with the Mayor or City Administrator. Council may, upon the adoption of a resolution, inquire into the conduct of any office or department or any of the affairs of the City.

SECTION 3.12 WARDS.

(A) All matters pertaining to voting districts within the City, including their designation, apportionment and reapportionment, shall be governed by the general laws of Ohio pertaining to general statutory plan cities, except there shall be four wards for the purpose of electing ward Council members.

(B) The four wards as they exist at the effective date of this Charter are hereby designated as the wards for electing ward Council members under this Charter until they are changed as provided in Division (A) of this Section.

**ARTICLE IV
LEGISLATIVE PROCEDURE**

SECTION 4.01 LEGISLATIVE ACTION.

The legislative action of the Council shall be by ordinance or resolution, introduced in written or printed form, each of which shall contain no more than one subject, which subject shall be clearly expressed in the title. Ordinances involving appropriations may contain the various subjects and accounts for which moneys are appropriated. Any member of Council may introduce legislation. An affirmative vote of a majority of Council shall be required for the enactment of every ordinance or resolution, unless a larger number be required by the provisions of this Charter. On the passage of each ordinance or resolution, the voting shall be by roll call and the vote of each member shall be recorded in the journal.

SECTION 4.02 READING REQUIREMENTS.

(A) Every ordinance or resolution shall be read at meetings of Council held on three different days, except that ordinances or resolutions of a ceremonial nature need be read only once.

(B) The reading of ordinances or resolutions on three different days, as required under Division (A) of this Section, may be waived upon a vote of at least three-fourths of the members of Council; except that ordinances or resolutions establishing zoning districts or regulations, subdivision regulations, levying taxes, authorizing the sale or purchase of real property or the vacation of streets or other public grounds shall be read on three different days as required under Division (A) of this Section. Notwithstanding the foregoing, ordinances authorizing the issuance and sale of general obligation bonds or bond anticipation notes to fund, renew or refund outstanding general obligation securities may be passed under a waiver of the rule requiring that ordinances or resolutions be read on three different days.

(Amended 11-5-91)

SECTION 4.03 EMERGENCY MEASURES.

(A) When necessary for the preservation of the public peace, health, welfare, or safety, the Council, by an affirmative vote of two-thirds of the members, may adopt an emergency ordinance or resolution. The reason for the emergency shall be set forth in the ordinance or resolution.

(B) Ordinances or resolutions establishing zoning districts or regulations, subdivision regulations, levying taxes, authorizing the sale or purchase of real property or the vacation of streets or other public grounds shall not be adopted as emergency measures. Notwithstanding the

foregoing, ordinances authorizing the issuance and sale of general obligation bonds or bond anticipation notes to fund, renew or refund outstanding general obligation securities may be adopted as emergency measures.

(Amended 11-5-91)

(C) If an emergency ordinance or resolution fails to receive a two-thirds affirmative vote of the members elected to Council, such measure shall cease to be before the Council as an emergency measure and shall have the standing that a measure would have had if it had not been read as an emergency measure.

SECTION 4.04 ZONING MEASURES.

(A) Ordinances or resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be initiated by a member of Council. Immediately after the first reading of the ordinance or resolution, the presiding officer of Council shall set a date for a public hearing before a joint meeting of Council and the Planning Commission, not earlier than fifteen days after the first reading. The Clerk of Council shall cause a notice of the public hearing to be published one time in a newspaper of general circulation within the City; said publication to be made at least seven days prior to the date of the public hearing. When the 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 certified mail with the return receipt at least seven days before the date of the public hearing, to the owners of the property within, contiguous to and directly across the street from the affected parcel or parcels. Such notices shall be sent to the addresses of owners appearing on the County Auditor's current tax list and to other lists as may be required by Council. The failure of delivery of the notice shall not invalidate any ordinance or resolution. The President of Council shall preside over the public hearing required by this Division.

(B) Immediately after the public hearing referred to in Division (A) of this Section, a copy of each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be referred to the Planning Commission. Within fifteen days after receipt of referral, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Commission. The ordinance or resolution shall be given its second reading as the next regular meeting of Council, unless an earlier special meeting is called for that purpose.

(C) A concurring vote of at least three-fourths of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority of the vote of the members of Council.

SECTION 4.05 AMENDMENTS.

(A) Each ordinance or resolution, or section or subsection thereof, that is revised or amended shall set forth those portions, sections or subsections as revised or amended, and shall repeal the portions, sections or subsections so revised or amended. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of new sections or subsections without setting forth the full text of the former ordinance or resolution; nor shall this Section prevent

repeals by implication.

(B) Except in the case of a codification or recodification of ordinances and resolutions not containing new matter therein, a separate vote shall be taken on each ordinance or resolution proposed to be amended or repealed. When ordinances and resolutions are recodified, no ordinance or resolution shall be enacted, amended or repealed except by action of Council at a regular meeting, after notice and public hearing as provided in this Charter.
(Amended 11-5-91)

(C) Ordinance and resolutions which have been introduced and have received their first reading, their first and second reading, or their first, second and third readings but have not been voted on as to passage, may be amended or revised by a majority vote of the members of Council without requiring additional readings.

SECTION 4.06 AUTHENTICATION.

Each ordinance or resolution adopted by Council shall be authenticated by the signature of the President or other presiding officer of the Council and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise valid ordinance or resolution.

SECTION 4.07 EFFECTIVE DATE.

(A) The City's annual appropriation ordinance, each resolution or ordinance making an appropriation for current expenses, or providing for the annual levy of taxes, the approval of an appointment by the Mayor, or improvements petitioned for by the owners of a majority of the properties to be specially benefitted and assessed therefor, and any emergency resolution or ordinance necessary for the preservation of public peace, health, welfare, or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, as specified in Section 5.04, or upon its passage after veto by the Mayor, as the case may be.
(Amended 11-5-91; 11-6-01)

(B) Other resolutions or ordinances shall become effective thirty days after their approval by the Mayor, or the expiration of the time within which they may be vetoed by the Mayor, as specified in Section 5.04, or their passage after veto by the Mayor, as the case may be.
(Amended 11-6-01)

SECTION 4.08 PUBLICATION, PUBLIC MEETINGS AND NOTICE.

(A) Each ordinance or resolution adopted by Council shall be published twice on consecutive weeks by title only in a newspaper of general circulation within the City, it being required that the title shall be fully descriptive of its nature, content, and effect. Said notice shall further indicate if the ordinance has emergency status, and carry certification by Clerk of Council as to date of passage, and approval. If no newspaper is of general circulation within the City, then the full text of each ordinance and resolution adopted by Council shall be posted in five public places within the City, as determined by the Council. The failure to publish or an error or omission in the publication required under this Section shall not invalidate any ordinance or resolution, but the Clerk of Council shall cause publication to be made as required by this Charter upon the discovery of such failure to publish or error or omission in the publication.

(1) The full text of ordinances and resolutions relating to the following must be

published by posting copies thereof in no fewer than four public places in the City for a period of no fewer than fifteen days after their adoption:

- (a) Zoning, re-zoning, subdivision regulations or amendments within this category.
- (b) The sale, lease or leasing or acquisition of real property.
- (c) The vacation of streets, alleys or public grounds.
- (d) The prescription or limiting of personal or property rights which prescribe a criminal penalty upon conviction thereof.

The public places for such posting shall be determined by the Council.

- (2) The Council may by majority vote recorded by the Clerk of Council, direct the publication in full by the Clerk once a week for two weeks as prescribed above.
- (3) There shall be available for public inspection upon reasonable notice the full text of every ordinance and resolution in the office of the Finance Director.
- (4) Should it be determined by a court that the prescribed method of notice by publication of the adoption of any ordinance or resolution is legally insufficient or otherwise defective, City Council shall forthwith adopt or amend ordinances compatible with such judicial determination.

(Amended 6-6-78; 11-6-01)

(B) All meetings of public bodies of the City shall be open to the public as required by the general laws of Ohio applicable to general statutory plan cities; and all notices relative to the meetings of public bodies of the City shall be given as required by the general laws of Ohio applicable to general statutory plan cities.

SECTION 4.09 ADOPTION BY REFERENCE AND CODIFICATION.

(A) Council may, by ordinance or resolution, adopt ordinances and codes prepared by the state or any department, board, agency, or political subdivision of the State, or any standard or model code or ordinance prepared by a public or private organization, pertaining to such subjects as the Council may determine to be appropriate for adoption by reference, by incorporation by reference. Subsequent amendments or changes to codes or ordinances adopted by reference may also be adopted by incorporation by reference.

(B) The Council may revise, codify, re-codify and publish the ordinances and resolutions in book or code form. Codifications and re-codifications may contain new matter therein. A copy of each codification and re-codification containing new matter therein shall be provided to each members of Council for review prior to a separate vote taken on each ordinance or resolution proposed to be amended or repealed. Notice of the proposed codification, recodification or publication of ordinances and resolutions in book or code form shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

(Amended 11-5-91)

ARTICLE V THE MAYOR

SECTION 5.01 ELECTION, TERM AND VACANCY.

(A) The Mayor shall be elected from the City at large and shall serve for a term of four years commencing on the first day of January following his election.

(B) At the regular municipal election held in 1979, and each four years thereafter, the Mayor shall be elected to a four-year term of office commencing on the first day of January following his election.
(Amended 11-6-01)

(C) If a vacancy in the office of Mayor occurs on any date after the tenth day prior to the last day for filing declarations of candidacy for party nominations for office during the second year of a mayoral term, the person succeeding to the office of Mayor in accordance with Division (D) or (E) of this Section shall serve for the remainder of the unexpired term.

If such a vacancy occurs on any earlier date during the elected term of a Mayor, the person succeeding to the office of Mayor in accordance with Division (D) or (E) of this Section shall serve until the first day of January of the year following the election of a successor to the office of Mayor. Such a successor to the office of Mayor shall be elected for the unexpired term at the next regular municipal election and take office on the first day of January of the following year.

Notwithstanding any statement or implication to the contrary, no person succeeding to the office of Mayor in accordance with Division (D) or (E) of this Section shall be entitled to serve for a period longer than his predecessor in office was entitled to serve under this Division (C).

(D) In the event of a vacancy in the office of Mayor, the person holding the office of President of Council shall succeed to the office of Mayor; provided, however, that the President of Council shall have the right to refuse the office of Mayor by written notice to City Council and the refusal shall then be irrevocable.

(E) If President of Council shall refuse the office of Mayor, he shall thereupon become Acting Mayor for a term not to exceed thirty (30) days and the Council shall elect from its members a person to serve. If Council fails to so elect a Mayor within thirty (30) days, an appointment to the office of Mayor for the term contemplated in Section 5.01 (C) shall be made by the Presiding Judge of the Court of Common Pleas of Seneca County within fifteen (15) days.

(F) In the event of a vacancy in the office of Mayor occurring after the deadline for filing declarations of candidacy in the primary election for the unexpired term and thereby elevating the President of Council to the office of Mayor, the successor Mayor shall serve to the end of the term to which the Mayor had been elected, but at the conclusion of that time, the President of Council shall be restored to his position as President of Council to serve for the balance of the four-year term to which he had been elected.
(Amended 11-5-91)

SECTION 5.02 POWERS.

The Mayor shall exercise supervision and control over all of the Administrative Departments of the City. He shall be the chief conservator of the peace within the City and shall see that all laws, Charter provisions, ordinances and resolutions are faithfully obeyed and enforced. He shall be the ceremonial head of the City and shall have those judicial and military powers granted to mayors by the general laws of Ohio. In addition, the Mayor shall have those powers, duties, and functions as

provided in this Charter, under ordinances and resolutions adopted by the Council, and under the general laws of Ohio pertaining to mayors of general statutory plan cities, provided such laws do not conflict with this Charter or the ordinances and resolutions adopted by the Council.

SECTION 5.03 MAYOR’S PARTICIPATION AT COUNCIL MEETINGS.

The Mayor may participate in the discussions of Council and make recommendations to the Council for its consideration.

SECTION 5.04 VETO POWER.

Each ordinance and resolution passed by the Council shall be presented to the Mayor or left at his office. The Mayor may approve or veto the ordinance or resolution, and may veto any item of an ordinance or resolution appropriating money. The Mayor shall return the ordinance or resolution with his approval or veto, or without either approving or vetoing it, either to the Clerk of Council within ten days after it is presented to him or left at his office or at the first regular Council meeting occurring at least ten days after the ordinance or resolution was presented to the Mayor or left at his office. If the Mayor vetoes the ordinance, resolution or an item thereof appropriating money, he shall submit his reasons for vetoing it in writing to the Clerk of Council or to Council itself, which reasons shall be entered in the Council’s journal by the Clerk. Any veto by the Mayor shall be returned either to the Clerk of Council no later than ten days after the ordinance or resolution was presented to the Mayor or left at his office or at the first regular Council meeting occurring at least ten days after the ordinance or resolution was presented to the Mayor or left at his office. The Council may, not sooner than ten days, nor later than twenty-one days after a veto is received by the Clerk of Council or by the Council, override the veto of the Mayor by a vote of at least two-thirds of its members, and thereby adopt the measure. Section 4.07 of this Charter shall govern the effective date of ordinances and resolutions.

(Amended 11-6-01)

SECTION 5.05 APPOINTMENTS BY MAYOR-ELECT.

When the Board of Elections certifies his election, the Mayor-Elect may submit to the Council his appointments for those positions he is required to fill at the beginning of his term. These appointments when approved by the Council shall be effective the first day of the Mayor-Elect’s term.

(Adopted 11-3-81.)

**ARTICLE VI
ADMINISTRATIVE DEPARTMENTS**

SECTION 6.01 DEPARTMENT OF FINANCE.

(A) There is hereby created a Department of Finance to be headed by a Director of Finance. Except as provided in Division (D) of this Section, the Director of Finance shall be

appointed by the Mayor subject to the approval of the Council by a majority vote of its members. The person appointed to serve as Director of Finance shall meet qualifications established by City Council, which should include knowledge and experience in accounting, taxation, and business or public administration, and shall establish within one hundred eighty days of appointment, and maintain at all times thereafter during service as Director of Finance, a principal place of residence in the City or within three miles of the corporate limits of the City. Except as provided in Division (D) of this Section, the person serving as Director of Finance may be removed by the Council for the reasons and in the manner provided in Section 11.02 of this Charter or by the Mayor with or without cause with the concurrence of a majority of the members of the Council.

(Amended 11-6-01)

(B) The Director of Finance shall be the chief fiscal officer of the City and shall have the following powers, duties and functions:

- (1) To collect, on behalf of the City, all taxes, assessments and moneys due; disburse funds; invest funds when available for investment; maintain an efficient general accounting system and specify and supervise departmental accounting, including invoicing, receiving and, where appropriate, cost accounting systems; and represent the City with other governmental fiscal agencies.
- (2) To report, for the Council in a form Council may specify, the current financial status of the City not less than quarterly; provide Council all supporting financial information requested for consideration of the annual budget and appropriation ordinance; and make a yearly report covering all accounts and obligations of the previous fiscal year.
- (3) To serve as fiscal advisor to the Mayor, City Administrator, and the Council. to assist the Mayor in the preparation of the yearly budget, appropriation measures and statements of anticipated income, and to perform any other powers, duties or functions assigned to the Director of Finance by ordinance, resolution or charter.
- (4) All other duties and functions now or hereafter imposed on city auditors and treasurers by the laws of the State of Ohio that are not in conflict with the provisions of this Charter.

(Amended 11-6-01)

(C) The Director of Finance shall designate a person to serve as Acting Director of Finance in the event of the temporary absence or disability of the Director of Finance, and until a successor is appointed pursuant to Division(A) of this Section in the event of a vacancy in the office of Director of Finance. While acting as the Director of Finance, the person designated as the Acting

Director of Finance shall have all the powers, duties and functions of the Director of Finance. The Acting Director of Finance may but need not be a person who is otherwise employed by the City.

(Amended 11-6-01)

(D) The person elected to the office of Director of Finance under this Charter at the November 2001 election shall serve as Director of Finance with all powers, duties and functions of the office of Director of Finance under this Charter from January 1, 2002 until the earlier of January

1, 2006 or the date on which that person vacates the office. During that service the person shall be subject to removal from office only by the Council and for the reasons and in the manner provided in Section 11.02 of this Charter for the removal of other elected officials of the City.

(Amended 11-6-01)

SECTION 6.02 DEPARTMENT OF LAW.

(A) There is hereby created a Department of Law, to be headed by a Director of Law, who shall be elected from the City at large. The Director of Law shall be qualified to practice law in the State of Ohio and shall possess other qualifications for the office as provided in Section 11.01 of this Charter.

(Amended 11-6-01)

(B) At the regular municipal election held in 1979 and each four years thereafter, the Director of Law shall be elected to a four- year term of office commencing on the first day of January following the election.

(Amended 11-6-01)

(C) The Director of Law shall be the legal adviser, attorney, and counsel for the City, and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the City in connection with municipal affairs; and subject to the direction of the Council, shall represent the City in all proceedings in court or before any administrative board or body. The Director of Law also shall perform such other duties consistent with the office as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Director of Law shall be the prosecuting attorney on behalf of the City.

Amended 11-6-01)

(D) The Director of Law shall not be required to represent any school district, but may act as counsel to any school district and may accept compensation from a school district for those services in addition to the Director's regular compensation as the Director of Law. Compensation received from a school district shall not be subject to the limitation pertaining to changes in compensation during the term of office under Section 3.05 of this Charter, nor shall the Director of Law's acting as counsel for a school district be considered as holding another public office that is prohibited by Section 11.01 of this Charter.

(Amended 11-6-01)

(E) The Council may provide for assistants and special counsel to the Director of Law. All assistants shall be appointed by and responsible to the Director of Law and, when authorized by him, may exercise all or any part of the powers and duties granted to the Director of Law under this Charter. Assistants to the Director of Law shall establish within one hundred eighty (180) days after their appointment, and shall maintain at all times thereafter during their service as assistants to the Director of Law, a principal place of residence in the City or within three miles of the corporate limits of the City. Special counsel may be selected by the Council or the Director of Law as determined by the Council, and special counsel may perform those powers and functions as authorized by and in the manner provided by the Council. Special counsel may also be employed as provided by Section 7.05 of this Charter.

(Amended 11-5-91; 11-6-01)

(F) In the event of a vacancy in the office of Director of Law, the Mayor shall appoint a person having the qualifications specified in Division (A) of this Section and in Section 11.01 to serve as Director of Law subject to the approval of Council by a majority vote of its members.

If such a vacancy occurs on any date after the tenth day prior to the last day for filing declarations of candidacy for party nominations for office during second year of the term of a Director of Law, the person appointed by the Mayor and approved by the Council shall serve for the remainder of the unexpired term of the Director of Law.

If such a vacancy occurs on any earlier date during the term of a Director of Law, the person appointed by the Mayor and approved by the Council shall serve until the first day of January of the year following the election of a successor to the office of Director of Law. Such a successor to the office of Director of Law shall be elected for the unexpired term at the next regular municipal election and take office on the first day of January of the following year.

Notwithstanding any statement or implication to the contrary, no person succeeding to the office of Director of Law by appointment shall be entitled to serve for a period longer than his predecessor in that office was entitled to serve under this Division.

(Amended 11-5-91)

(G) The Director of Law shall designate a person to serve as Acting Director of Law in the event of the temporary absence or disability of the Director of Law, and until a successor is appointed pursuant to Division (F) of this Section in the event of vacancy in the office of Director of Law. While acting as the Director of Law, the person designated as the Acting Director of Law shall have all the powers, duties and functions of the Director of Law. The Acting Director of Law shall be a person qualified to practice law in the State of Ohio and may hold other employment.

(Amended 11-5-91)

SECTION 6.03 CITY ADMINISTRATOR.

(A) There is hereby created the office of City Administrator. The City Administrator shall be appointed by the Mayor subject to the approval of the Council by a vote of a majority of its members. The City Administrator shall serve at the pleasure of the Mayor and may be removed by the Mayor without cause. The City Administrator shall establish within one hundred eighty (180) days after appointment, and shall maintain at all times thereafter during service as City Administrator, a principal place of residence in the City or within three miles of the corporate limits of the City.

(Amended 11-5-91; 11-6-01)

(B) The person appointed as City Administrator shall be chosen solely on the basis of his executive, administrative, and managerial qualifications. Such qualifications shall be judged by the adequacy and extent of his education, training and experience in private or public administration. The person appointed as City Administrator must have the background and ability to assist the Mayor and other officials in an effective manner in administering the affairs of the City.

(Amended 11-6-01)

(C) The City Administrator shall be responsible to the Mayor for the supervision and operation of all City Departments, divisions and administrative units of the City except the

Departments of Finance and Law. The City Administrator shall perform the powers, duties and functions of the Directors of Public Service and Public Safety in general statutory plan cities under the laws of Ohio except as those statutory powers, duties and functions are in conflict with this Charter or the ordinances and resolutions of the City. The City Administrator shall have such other powers, duties and functions as are provided in this Charter or by the ordinances or resolutions of the City.

(Amended 11-6-01)

(D) The Mayor may act as the City Administrator during the temporary absence or disability of the City Administrator and in the event of a vacancy in the office of City Administrator, provided that if a vacancy exists for longer than ninety days without approval of a majority of Council, a new City Administrator shall be appointed as provided in Division (A) of this Section. During the time the Mayor is so acting, the Mayor may exercise the powers, duties and functions of the offices of Mayor and City Administrator.

(Amended 11-6-01)

SECTION 6.04 OTHER CITY DEPARTMENTS.

(A) Except as otherwise provided in this Charter, the departments, divisions and other administrative units of the City as they existed at the time this Charter became effective shall be continued under this Charter, subject to the power of the Council under Division (B) and (C) of this Section.

(B) By a two-thirds vote of its members the Council may, by ordinance or resolution, create other offices, departments, divisions or other administrative units of the City.

(C) By a two-thirds vote of its members the Council may, by ordinance or resolution, reorganize, combine, change or abolish any non-elective office, department, division or other administrative unit of the City, except that the Department of Finance, the office of City Administrator, the Department of Police and the Department of Fire shall not be combined or abolished.

(Amended 11-6-01)

SECTION 6.05 CHIEF OF POLICE DEPARTMENT.

The Chief of the Police Department shall have exclusive control of the stationing and transfer of all patrolmen, auxiliary police officers, and other officers and employees in the Police Department, and police auxiliary unit, under such general rules and regulations as the City Administrator prescribes.

(Added 11-5-91)

SECTION 6.06 CHIEF OF FIRE DEPARTMENT.

The Chief of the Fire Department shall have exclusive control of the stationing and transferring of all firemen and other officers and employees in the Fire Department, under such general rules and regulations as the City Administrator prescribes.

(Added 11-5-91)

**ARTICLE VII
BOARDS AND COMMISSIONS**

SECTION 7.01 PLANNING COMMISSION.

(A) There is hereby created a City Planning Commission consisting of seven voting members, to be determined as follows:

- (1) The Mayor and City Administrator shall be members.
- (2) The Chairman of the Park and Recreation Board shall annually appoint a member of the City Planning Commission.
- (3) The Mayor shall appoint four electors of the City to serve as members of the City Planning Commission. Appointments by the Mayor shall be subject to the approval of the Council by a majority vote of its members. All appointments by the Mayor to the City Planning Commission shall be for four-year terms of office.

If a person appointed as a member to the Commission by the Chairman of the Park and Recreation Board vacated that position, the Chairman shall appoint a successor. If a person appointed as a member of the Commission by the Mayor vacates that position, the Mayor shall appoint a successor. In any case, a successor appointed to fill a vacancy shall serve for the remainder of the unexpired term of the predecessor.

In addition to the seven voting members, the President of Council shall annually appoint one member of Council to serve as an ex-officio and non-voting member of the City Planning Commission. The non-voting member shall not be counted in determining quorums or voting majorities required for the Commission to take action.

(Amended 11-6-01)

(B) The powers, duties and functions of the City Planning Commission shall be provided by this Charter and the ordinances and resolutions of the City; but until such ordinances or resolutions shall be passed, it shall possess powers, duties and functions as are provided by the laws of Ohio, to the extent that such laws do not conflict with the provisions of this Charter. (Amended 11-6-01)

SECTION 7.02 PARK AND RECREATION BOARD.

(A) There is hereby created a Park and Recreation Board consisting of five voting members, four to be appointed by the Mayor subject to the approval of the Council by a majority vote of its members. The fifth member may be appointed by the Board of Education of the Tiffin City School District and must be an elector of the City. The other four members appointed by the Mayor shall be electors from each of the four wards of the City.

Terms of members of the Park and Recreation Board shall be for four years, and of the four members appointed by the Mayor initially one shall be for one year, one for two years, one for three years, and one for four years; all subsequent appointments at the conclusion of said terms shall be for a period of four years. The member appointed by the Board of Education shall be for a period of four years. Should the Board of Education fail or refuse to appoint a member to this Board, said appointment shall be made by the Mayor from the electors at large.

In addition to the five voting members, the Mayor and a member of the Council to be appointed annually by the President of Council shall serve as ex-officio and non-voting members of

of the Park and Recreation Board. The non-voting members shall not be counted in determining quorums or voting majorities required by the Board to take action.

(Amended 11-5-91)

(B) The powers, duties and functions of the Park and Recreation Board shall be provided by this Charter and the ordinances and resolutions of the City; but until such ordinances or resolutions shall be passed, it shall possess powers, duties and functions as are provided by the laws of Ohio, to the extent that such laws do not conflict with the provisions of this Charter. The Park and Recreation Board shall annually hold a public meeting to receive the comments and recommendations of the citizenry of the City concerning the City's Park and Recreation programs. (Amended 11-8-77.)

SECTION 7.03 ZONING BOARD OF APPEALS.

(A) There is hereby created a Zoning Board of Appeals consisting of five voting members. Two members of the Board shall be appointed from among the voting membership of the City Planning Commission by the Chairman of that Commission, and three members of the Board shall be electors of the City appointed by the Mayor subject to the approval of the Council by a majority vote of its members. All members of the Board shall be appointed to four-year terms of office. If a vacancy is filled, the successor shall serve for the remainder of the term.

If a person appointed as a member of the Board by the Chairman of the City Planning Commission vacates that position, the Chairman shall appoint a successor. If a person appointed as a member of the Board by the Mayor vacated that position, the Mayor shall appoint a successor, subject to the approval of the Council by a majority of its members. In any case, a successor appointed to fill a vacancy on the Board shall serve for the remainder of the unexpired term of the predecessor.

(Amended 11-6-01)

(B) The Zoning Board of Appeals shall have those powers, duties and functions as provided by this Charter and as provided by the ordinances and resolutions of the City. All decisions of the Board shall be final and shall not be subject to appeal to the Council or any other agency of the City. Appeals may be made to the courts as provided by the laws of Ohio by any interested party, including the City.

(Amended 11-6-01)

SECTION 7.04 CIVIL SERVICE COMMISSION AND PERSONNEL.

(A) There is hereby created a Civil Service Commission consisting of three persons to be appointed by the Mayor subject to approval by the Council by a majority vote of its members. Not more than two members of the Commission shall be of the same political party.

(B) The persons serving as members of the Civil Service Commission under the general statutory plan of government for the City are hereby designated as members of the Civil Service Commission under this Charter with all the powers, duties and functions of members of the Civil Service Commission as provided in this Charter, and those persons shall serve until the end of the term to which they were appointed. Subsequent appointments to the Civil Service Commission shall be made pursuant to Division (A) of this Section for six year terms of office.

(Amended 11-8-77.)

(C) The Civil Service of the City is hereby divided into the classified and unclassified service.

- (1) The classified service shall include the following positions and such other positions as may now or hereafter be designated as classified by ordinance

of Council.

- (a) All full-time Police officers employed in the Police Department and all full-time fire fighting personnel employed in the Fire Department.
 - (b) The Chief of the Police Department, and
 - (c) The Chief of the Fire Department.
- (2) The unclassified service shall include the following positions not classified in Section 7.04 (C)(1), and such other positions as may now or hereafter be designated as unclassified by ordinance of Council.
- (a) All elected officers of the City.
 - (b) All officers, employees, board or commission members of the City appointed by the Mayor, with or without approval of Council, and
 - (c) All officers and employees not specifically designated as in the classified service by this Charter or ordinance of Council.
- (Amended 11-3-81.)

(D) The general laws of the State of Ohio regarding selection, testing, appointments, promotion, demotion, discipline and removal of employees of the City shall be enforced unless otherwise provided in this Charter; and provided that the Council shall have the power to adopt by ordinance or resolution rules and regulations prescribing the procedures for the selection, testing appointment, promotion, demotion, discipline and removal of employees within the classified service of the City, subject to the provisions of this Charter, which rules and regulations may modify, supplement, or supersede the laws of the State of Ohio, and in the case of conflict shall prevail over the laws of the State of Ohio.

(E) The City Administrator shall have the power to appoint, discharge and discipline all employees of the City except that:

- (1) The Mayor shall have the power to appoint, discharge and discipline the City Administrator, the Chief of the Fire Department, the Chief of the Police Department and such other officers as may be specified by this Charter.
- (2) The Director of Finance and Director of Law shall have the power to appoint, discharge and discipline all employees within their respective departments,
- (3) The Municipal Court Judge shall have the power to appoint, discharge and discipline all employees within the municipal court, and
- (4) The Council, the Charter Review Commission, and all other Boards and Commissions, by a majority vote of the members of those respective bodies, shall have the power to appoint, discharge, and discipline employees of those bodies.

(Amended 11-6-01)

(F) All employees within the unclassified service of the City may be discharged without cause by the appropriate appointing authority. Employees within the classified service of the City may be discharged, suspended, demoted or otherwise disciplined by the appropriate appointing authority for any of the following causes:

- (1) Misfeasance, malfeasance or nonfeasance in their position of employment.
- (2) Neglect of their duty, insubordination or conduct unbecoming an employee of the City.

- (3) Abuse of the vacation, sick or other leave policies of the City.
- (4) Incompetence in the performance of their duties, including but not limited to incompetence due to physical or mental conditions.
- (5) Any other cause that may be specified by ordinance or resolution as a uniform rule.
- (6) Violation of executive orders, applicable departmental or city-wide policies and procedures, work rules for their respective departments, or safe work practices.

(Amended 11-8-77; 11-6-01)

SECTION 7.05 CHARTER REVIEW COMMISSION.

(A) There is hereby created a Charter Review Commission consisting of nine members who are electors of the City to be elected from the City at large, beginning with the November, 1989 election, and each ten years thereafter. Members of the Commission shall be electors of the City and shall be nominated by petitions filed with the election authorities at least seventy-five days prior to the election. The election shall be by a non-partisan ballot. The Mayor shall cause a notice that petitions may be taken out for election as a member of the Charter Review Commission to be published once in a newspaper of general circulation in the City at least ninety days prior to the election. Officers and employees of the City shall not be eligible to become candidates for and serve as members of the Charter Review Commission. Members of the Charter Review Commission shall not receive compensation.

(Amended 11-3-81; 11-6-01).

(B) The Charter Review Commission shall review the provisions of this Charter and the operations of the City, and shall report its recommendations, if any, for amendments to this Charter to the Council no later than nineteen months after its election. The Council shall submit to the electors of the City, in accordance with the provisions of the Ohio Constitution, those amendments to this Charter which are recommended by the Charter Review Commission and approved by a two-thirds vote of the members of Council. The Council shall appropriate funds to the Commission to permit it to carry out its powers, duties and functions; including but not limited to, amounts required to pay any employees, consultants or special legal counsel selected by the Commission. The Council is hereby placed under a mandatory duty to comply with this Division, and shall act by ordinance or resolution, which ordinances or resolutions shall be effective immediately, shall not be subject to veto by the Mayor, and shall not be subject to initiative or referendum by the electors.

(C) Any vacancy occurring in the membership of the Charter Review Commission shall be filled by appointment by the Mayor, subject to approval by the Council by a majority vote of its members. The Charter Review Commission shall provide for its own rules of procedure and shall select its own officers.

(D) In addition to the Charter Review Commission that is to be elected under Division (A) of this Section, the Council may, by a three-fourth vote of its members, call a special election for the election of a Charter Review Commission at any other time. The provisions of Divisions (A), (B), (C) and (E) of this Section shall, to the extent appropriate, apply to such specially elected Charter Review Commission.

(E) This Section shall not abridge the right of the Council or the people of the City to submit proposed amendments to this Charter in the manner provided by the Ohio Constitution.

SECTION 7.06 OTHER BOARDS AND COMMISSIONS.

By a two-third vote of its members, Council may, by ordinance or resolution, create, change and abolish other boards and commissions as it determines to be necessary, and may provide for their organization, membership, terms of office of members, powers, duties and functions by ordinance or resolution. The Council shall not change or abolish any board or commission specifically created by this Charter.

SECTION 7.07 ORGANIZATION AND VACANCIES.

(A) Unless otherwise provided by this Charter, each board and commission shall:

- (1) Organize at its first meeting each year by electing a chairman, vice chairman and secretary. The chairman and vice chairman shall be a member of the board or commission and the secretary may be elected from within or without the membership of the board or commission. The secretary shall keep an accurate and complete record of the proceedings of the board or commission and shall file a copy of its proceedings with the Clerk of Council for public inspection.
- (2) Take action by motion, and a majority vote of the members of the board or commission shall be necessary to take any action. A majority of the members shall constitute a quorum. All members of boards and commissions shall be electors of the City.
- (3) Adopt rules for the conduct and government of the board or commission, however the rules may not conflict with the provisions of this Charter or ordinances and resolutions of the Council.

(B) Unless otherwise provided in this Charter, a vacancy during the term of any member of a board or commission created by this charter or by ordinance or resolution shall be filled for the unexpired term in the manner authorized for an original appointment.

(C) This Section shall not apply to Charter Review Commission provided for under Section 7.05 of this Charter.

**ARTICLE VIII
FINANCE, TAXATION AND DEBT**

SECTION 8.01 GENERAL.

The laws of Ohio relating to budgets, appropriations, taxation, debt, assessments, and other fiscal matters of the City shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefor is made in the Constitution of Ohio.

SECTION 8.02 CONTRACTING POWERS.

(A) There is hereby created a Board of Control consisting of the Mayor, the City Administrator, and the Director of Finance. The Board of Control shall award all contracts on behalf of the City, except as provided in Division (C) of this Section and except that the Charter Review Commission shall award contracts and authorize expenditures related to its powers, duties and functions. The Board of Control may act by a majority vote of its members taken either at a meeting or by a signed written order without a meeting after the order has been presented to each member of the Board.

(Amended 11-6-01)

(B) When any expenditure or contract is more than the amount specified by the general laws of Ohio for which work may be accomplished by a city only after advertisement and bidding, such contract or expenditure shall first be authorized and directed by ordinance or resolution passed by Council, and after advertisement once a week for at least two weeks in a newspaper of general circulation in the City. If satisfactory bids are received, the Board of Control shall award a written contract to the lowest and best bidder. In those instances in which contracts and expenditures may be made without advertisement and bidding under the general laws of Ohio pertaining to cities, no advertising and bidding shall be required under this Charter, and the general laws of Ohio, if any, applicable in such instances and circumstances shall be followed to the extent that they do not conflict with this Charter.

(Amended 11-6-01)

(C) When any expenditure or contract is less than the amount specified by the laws of Ohio for which work may be accomplished only after advertising and bidding, the City Administrator shall award the contract or authorize the expenditure in the case of all departments, division, boards, commissions and other bodies of the City, except the Department of Law and the Charter Review Commission. The Director of Law and the Charter Review Commission shall award contracts for their respective department or commission.

(Amended 11-6-01)

(D) Alterations and modifications to contracts shall be made only by the appropriate contracting authority. No order for an alteration or modification shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in a writing signed by the contractor and by the appropriate contracting authority on behalf of the City.

(Amended 11-6-01)

(E) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the appropriate contracting authority unless the Director of Finance or his duly authorized representative shall first certify that the money required to be expended by the City under the contract, agreement or obligation:

- (1) Is in the City's treasury or in the process of collection, and
- (2) Has been appropriated by Council for the specified purpose and remains unencumbered.

The Director of Finance shall cause the applicable certification to be filed and maintained in the

accounting records of the City and shall cause a copy to be furnished to the vendor or contractor. Without such certification, City Contracts, agreements and obligations shall be void and unenforceable against the City unless recognized by Council as a moral obligation.
(Amended 11-6-01)

(F) No City contracting authority shall divide an order or contract to avoid competitive bidding requirements.
(Amended 11-6-01)

(G) The City shall have the authority to prepare, or cause to be prepared, plans and specifications for, and to solicit bids for, all public work projects.

The City may, but shall not be required to, prepare separate plans and specifications for, and accept separate bids for, contracts for each separate trade or kind of mechanical labor, employment or business involved in a public works project, or for the furnishing of materials therefor, or both. The City may prepare, or cause to be prepared, plans and specifications for, and accept bids for, a contract including two or more separate trades or kinds of mechanical labor, employment or business involved in a public works project, and the materials therefor, at its discretion, the general laws of Ohio notwithstanding.

(Amended 11-5-91; 11-6-01)

ARTICLE IX INITIATIVE, REFERENDUM AND RECALL

SECTION 9.01 MEASURES NOT SUBJECT TO INITIATIVE AND REFERENDUM.

Ordinances or resolutions providing for appropriations for the current expenses of the City, annual tax levies, for street improvements petitioned for by the owners of a majority of the feet front of the property benefitted and to be assessed for the cost thereof, compliance with Division (B) of Section 7.05 of this Charter, submitting proposed Charter amendments to the electors, or establishing or calling for an election shall not be subject to initiative or referendum powers. When the Council is required to pass more than one ordinance or resolution to complete the legislation or procedure necessary to make and pay for any public improvement, the initiative and referendum power shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto. Emergency measures adopted pursuant to Section 4.03 of the Charter shall not be subject to referendum.

SECTION 9.02 INITIATIVE.

(A) Except as provided in Section 9.01 of this Charter, the electors of the City shall have the power to propose any ordinance or resolution for adoption or rejection by a vote of the people as provided in this Section. This power shall be known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of the City not less in number than ten percent of the electors voting at the last mayoral election. The petition shall designate not less than three of the signers of the petition as a committee authorized to take action as provided in Division (B) and (C) of this Section. The petition shall be in a form approved by the Director of Law. The petition may be circulated in separate parts, but the separate parts shall be

bound together and filed as one instrument. Each petition and separate part thereof, shall have attached thereto while it is circulated and when it is filed a full text of the ordinance or resolution proposed for adoption or rejection.

(Amended 11-5-91)

(B) An initiative petition shall be filed with the Finance Director, who shall determine whether the petition is sufficient within ten days after it is received by him. If the petition is found to be insufficient, the Finance Director shall notify the Committee of the petitioners, and the Committee shall have ten days in which to file additional parts to the petition in order to make the petition sufficient. If the petition is sufficient in its original or amended form, the Finance Director shall present the petition to the Council at its next regular meeting subsequent to the date the petition is found to be sufficient.

(C) When a sufficient petition initiating a proposed ordinance or resolution is presented to the Council by its Clerk, the Council shall take final action on the proposed ordinance or resolution by enacting it, in its original or in an amended form or by rejecting it within thirty days after it is presented to the Council by the Clerk of Council. Sections 4.02, 4.03, 4.04, 4.07, 4.08, and 5.04 of this Charter shall not apply to ordinances or resolutions considered under the initiative power. If the Council shall reject or fail to enact the proposed ordinance or resolution, or enact it in a form different from that attached to the petition, the Committee for the petitioners named in the petition may, not later than the next regular meeting of the Council, request in writing, signed by at least a majority of the members of the Committee that the proposed ordinance or resolution, in the form attached to the petition, be submitted to a vote of the electors of the City. At a meeting held not later than the next regular meeting of the Council following the meeting when the written request of the Committee was received, the Council shall cause the proposed ordinance or resolution, in the form attached to the petition, to be submitted to a vote of the electors at the next primary or general election to be held within the City that occurs at least seventy-five days after its action.

(D) An ordinance or resolution submitted to a vote of the electors under the power of initiative, if approved by a majority of the persons voting on the issue, shall be effective immediately unless a later date is specified in the ordinance or resolution. Ordinances and resolutions adopted by the electors under the power of initiative may be amended or repeated in the same manner as other ordinances and resolutions.

(Amended 11-8-77.)

SECTION 9.03 REFERENDUM.

(A) Except as provided in Section 9.01 of this Charter, the electors of the City shall have the power to require that ordinances or resolutions passed by the Council be submitted to the electors for their approval or rejection as provided in this Section. This power shall be known as the referendum. Ordinances and resolutions shall be subjected to referendum by a petition signed by electors of the City not less in number than ten percent of the electors voting at the last mayoral election. The petition shall designate not less than three of the signers of the petition as a Committee authorized to take action as provided in Division (B) of this Section. The petition shall be in a form approved by the Director of Law. The petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each petition and separate part thereof,

shall have attached thereto while it is circulated and when it is filed a full text of the ordinance or resolution, as passed by the Council, which is sought to be submitted to the electors for their approval or rejection.

(Amended 11-5-91)

(B) A referendum petition shall be filed with the Finance Director not later than thirty days after the final passage of an ordinance or resolution by the Council. The Finance Director shall determine whether the petition is sufficient within ten days after it is received by him. If the petition is found to be insufficient, the Finance Director shall notify the committee of the petitioners, and the Committee shall have ten days in which to file additional parts to the petition in order to make the petition sufficient. If the petition is sufficient in its original or amended form, the Finance Director shall present the petition to the Council at its next regular meeting subsequent to the date the petition is found to be sufficient.

(C) When a sufficient referendum petition is presented to the Council by its Clerk, the Council shall, within twenty days, reconsider the vote on the final passage of the ordinance or resolution. The question before the Council on such reconsideration shall be, "Shall the (ordinance) (resolution) previously adopted by this Council known as (the number or other description should be inserted) be repealed?" If a majority of the members of the Council vote for repeal, the ordinance or resolution shall be repealed and no further action under the referendum petition shall be taken. If the Council shall not vote to repeal the ordinance or resolution upon such reconsideration, or if the Council shall fail to reconsider the ordinance or resolution within the required twenty day period, the proposed ordinance or resolution shall be submitted to a vote of the electors at the next primary or general election to be held within the City that occurs at least seventy-five days after the Council's action upon reconsideration or the expiration of the twenty day period, as the case may be. The Council shall take all actions necessary to cause an ordinance or resolution required by this Section to be submitted to a vote of the electors, to be submitted to the electors for their approval or rejection.

(D) An ordinance or resolution submitted to a vote of the electors under the power of referendum, if approved by a majority of the persons voting on the issue, shall be effective immediately unless a later date is specified in the ordinance or resolution. Ordinances and resolutions approved by the electors under the power of referendum may be amended or repealed in the same manner as other ordinances and resolutions. (Amended 11-8-77.)

SECTION 9.04 RECALL.

(A) The electors shall have the power to remove from office by a recall election any elected official of the City in the manner herein provided.

(B) If the elected official shall have served six 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 of the grounds for the removal. Such petition shall be signed by at least that number of electors which equal thirty percent in number

of the electors voting at the last preceding mayoral election provided that if the petition is filed demanding the removal of a ward council member, such petition shall be signed by at least that number of electors in such ward which equals thirty percent in number of the electors voting in such ward at the last preceding mayoral election.

(Amended 11-5-91)

(C) Within twenty days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, 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 days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such certificate to the person whose removal is sought, and shall make a record of such delivery.

(D) If the person whose removal is sought shall not resign within five 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 sixty days nor more than ninety 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 Council to be of circulation in the City. 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)?", 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 year following such election. In the event that a recall election is ordered, as provided by this Section, for a ward Council member, only the duly qualified electors of the ward which said Council member represents shall be entitled to vote upon the issue of recall.

(E) A removal by recall election shall not bar the person so removed from becoming a candidate for office in future elections.

ARTICLE X NOMINATIONS AND ELECTIONS

SECTION 10.01 NOMINATIONS.

Candidates for all elected offices shall be nominated at a partisan primary held on the date and at the time fixed by the election laws of Ohio for general statutory plan cities, except that all such officers shall be elected to terms of office as provided in this Charter. Persons seeking such offices shall have the qualifications established in this Charter and shall file declarations of candidacy or nominating petitions in such form and at such times and places as fixed by the election laws of Ohio for general statutory plan cities, except as otherwise provided in this Charter.

SECTION 10.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal elections for all elected offices, and for issues to be presented to the voters, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities, except that all such officers shall be elected to terms of office as provided in this Charter. The procedure established by the election laws of Ohio for the conduct of elections in general statutory plan cities shall be followed, except as modified by this Charter.

SECTION 10.03 SPECIAL ELECTIONS.

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

SECTION 10.04 CONDUCT OF ELECTIONS.

All regular, primary and special elections shall be conducted by the election officials as established under the laws of Ohio. Such elections shall be held in conformity with the provisions of this Charter. Where the Charter is silent, the provisions of the election laws of Ohio shall be followed.

ARTICLE XI GENERAL PROVISIONS

SECTION 11.01 QUALIFICATIONS OF ELECTED OFFICERS.

(A) Each elected officer of the City shall be an elector of the City and shall have resided therein or in a territory annexed thereto for a period of at least one year prior to nomination for such office and shall continue to reside therein during his term. Each Council member elected to represent a ward shall be a continuous resident and qualified elector of the ward he represents, or territory annexed thereto, during his term of office.

(B) An elected officer shall not hold any other public office, except as otherwise provided in this Charter or by ordinance or resolution, and except that of a notary public or membership in the State Militia or Reserve Corps of the Armed Forces of the United States.

(C) Any elected officer who shall cease to possess, or who violates any of the qualifications enumerated in this Section may be removed from office, but failure to possess or maintain such qualifications shall not render void or ineffective any action in which such officer has participated.

SECTION 11.02 REMOVAL OF OFFICIALS.

(A) Council may remove from office any elected official of the City, or any member of a board or commission established by this Charter or by ordinance or resolution, for any of the following reasons:

- (1) Failure to meet or maintain the qualifications of office as fixed in this Charter; or, if not fixed in the Charter, as established by ordinance or resolution.
- (2) Final conviction of a felony, or a misdemeanor involving moral turpitude, during a term of office.
- (3) Failure by a member of Council to attend three (3) consecutive regular Council meetings, unless any of the absences is excused by a majority vote

of the members of Council; or failure by a member of a board or commission to attend three (3) consecutive regular meetings of the board or commission unless any of the absences is excused by a majority vote of the members of the board or commission.

- (4) Gross misconduct; malfeasance or nonfeasance in office; or judicial declaration of incompetence.

(Amended 11-6-01)

(B) Charges under this Section may be brought only by any two (2) members of Council. The charges shall be in writing and shall specify the ultimate facts upon which the charges are based. The charges shall be filed with the Clerk of Council who shall set a date, time and place for a hearing on the charges, which hearing shall be not less than fifteen (15) nor more than forty-five (45) days after the charges are filed. The Clerk of Council shall cause a copy of the charges and notice of the date, time, and place of the hearing, to be served on the accused by causing the copy of the charges and notice to be handed to the accused; or by sending the copy of the charges and notice to the last known place of residence of the accused by certified mail for delivery to addressee only, with a return receipt requested. If the copy of the charges and notice sent by certified mail are returned to the Clerk of Council undelivered, or if the return receipt for the copy of the charges and notice is not returned to the Clerk of Council within ten (10) days after they are mailed, the Clerk of Council shall cause a copy of the charges, together with notice of the date, time, and place of the hearing, to be served on the accused by leaving the copy and notice at the last known place of residence of the accused within the City.

(C) The presiding officer of Council may continue the hearing from time to time as the circumstances may require. The Mayor, President of Council or any judge of the Court of Common Pleas or Municipal Court with jurisdiction in the City shall have power to issue subpoenas for witnesses and the production of evidence on behalf of the persons bringing the charges, the accused person, or Council. The testimony of witnesses at the hearing shall be under oath administered by the officer of Council presiding at the hearing or by any other person authorized by law to administer oaths.

(D) Removal of the accused person shall be upon the affirmative vote of two-thirds of the members of Council, or the affirmative vote of two-thirds of the remaining members of Council if the accused is a member of Council. An accused member of Council shall not vote on any matter affecting the question of his removal. If the Council votes to remove the accused person, the officer of Council presiding at the hearing at which the vote for removal was passed shall issue an order removing the accused, and the accused shall be suspended from office without compensation after the date of suspension.

(E) The accused person may appeal from a decision of Council for removal from office by filing a notice of appeal in the Court of Common Pleas having jurisdiction within the City. The notice of appeal shall be filed within twenty days after the issuance of the order removing the accused. The appeal to the Court of Common Pleas shall be limited to questions of law and to the issue of whether Council abused its discretion. Further appeals may be taken to higher courts as provided by law. If the accused person does not appeal within the twenty day period, or if the Court of Common Pleas or higher court finally affirms the decision of Council removing the accused, the

suspension shall become permanent; the accused shall forthwith forfeit the office; the office shall become vacant and shall be filled in the manner provided by this Charter. If the Court of Common Pleas or higher court reverses the decision of Council removing the accused, he shall be immediately restored to office and shall be paid any compensation denied during the period of suspension.

SECTION 11.03 CONFLICTS OF INTEREST, ETHICS AND CAMPAIGN FINANCING.

The laws of Ohio pertaining to conflicts of interest and criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

SECTION 11.04 SUCCESSION.

The Municipal Corporation of Tiffin under this Charter is hereby declared to be the legal successor of the Municipal Corporation of Tiffin under the laws of Ohio; and the Municipal Corporation of Tiffin shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes in the process of collection, together with all accounts receivable and rights of action. The Municipal Corporation shall be liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the Municipal Corporation or for its benefit prior to January 1, 1978 shall continue in full force and effect.

SECTION 11.05 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

(A) The adoption of this Charter shall not affect any pre-existing rights of the City, nor any right, liability, pending suit or prosecution, either on behalf of or against the City or any officer thereof, nor any franchise granted by the City, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears in this charter, all acts of the Council of the City, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.

(B) No action or proceeding pending against the City or any officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

SECTION 11.06 AMENDMENTS.

The Charter may be amended in the manner provided by the Constitution of Ohio.
(Amended 11-6-01)

SECTION 11.07 EFFECT OF PARTIAL INVALIDITY.

A determination that any Article, Section, Division, or part of any Article, Section, or Division of this Charter is invalid shall not invalidate nor impair the force or effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.
(Amended 11-6-01)

SECTION 11.08 CONSTRUCTION.

As used in this Charter, words of one gender include the correlative words of the other

gender.
(Added 11-5-91; Amended 11-6-01)

ARTICLE XII TRANSITION

SECTION 12.01 EFFECTIVE DATE OF CHARTER.

For the purpose of designating, nominating and electing officers of the City and conducting municipal elections, this Charter took effect on June 7, 1977, the date of the election at which it was approved. For all other purposes, this Charter took effect on January 1, 1978.
(Amended 11-6-01)