

CODE OF ORDINANCES

City of

BRECKSVILLE, OHIO

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 5697, enacted April 2, 2024.

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No./Res. No.	Date Adopted	Included/Omitted
Supp. No. 1		
5437(Res.)	5-16-23	Omitted
5438(Res.)	5-16-23	Omitted
5449(Res.)	7- 5-23	Omitted
5606	7-18-23	Included
5607	7-18-23	Included
5608	7-18-23	Included
5609	7-18-23	Included
5610	7-18-23	Included
5611	7-18-23	Included
5623	6-20-23	Omitted
5630	6-20-23	Omitted
5649	10- 3-23	Omitted
5658	11- 7-23	Included
5659	11- 7-23	Omitted
5660	11- 7-23	Included
5661	11-21-23	Included
Supp. No. 2		
5486(Res.)	12-19-23	Omitted
5487(Res.)	12-19-23	Omitted
5530(Res.)	2- 6-23	Omitted
5531(Res.)	2- 6-23	Omitted
5534(Res.)	3- 5-24	Omitted
5581	1-17-23	Included
5586	2- 7-23	Included
5590	3- 7-23	Included
5591	3- 7-23	Included
5592	3- 7-23	Omitted
5604	4- 4-23	Omitted
5619	5-16-23	Included
5667	12- 5-23	Included
5671	12- 5-23	Included
5675	1-16-24	Included

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Ord. No./Res. No.	Date Adopted	Included/Omitted
5685	2-20-24	Included
5697	4- 2-24	Included

CHARTER OF
THE CITY OF BRECKSVILLE, OHIO

The members of the Charter Commission, chosen by the voters at the general election in November, 1955, which framed and submitted the Charter were:

Fred O. Burkhalter — Chairperson

Julian R. Fredebaugh — Vice-Chairperson

Geraldine S. McNabb — Secretary

Arthur C. Gravatt — Assistant Secretary

Robert F. Below
Marian A. Bourne
Ray E. Butler
William H. Claire
Donald G. Dobay

Dorothy L. A. Fernengel
L. Merle Hostetler
Elton R. Lube
M. Patricia Pohle
Kenneth H. Winter

Dates appearing in parenthesis following a section indicate those provisions were subsequently adopted or amended on the date given.

BRECKSVILLE CODE

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Article I. Boundaries

Article II. Municipal Powers

Article III. The Mayor

- Section 1. Term.
- Section 2. Qualifications.
- Section 3. Absence or vacancy.
- Section 4. Powers of the Mayor.

Article IV. The Council

- Section 1. Number and terms.
- Section 2. Qualifications.
- Section 3. President of Council.
- Section 4. Removal.
- Section 5. Vacancies.
- Section 6. Salaries.
- Section 7. Meetings.
- Section 8. Quorum.
- Section 9. Rules and journal of Council.
- Section 10. Form of legislative action.
- Section 11. Effective date of ordinances and resolutions.
- Section 12. Mandatory referral.

Article V. Administrative Officers, Departments, Boards, and Commissions

- Section 1. General provisions.
- Section 2. Director of Finance.
- Section 3. Director of Public Safety.
- Section 4. Director of Public Service.
- Section 5. Law Director.
- Section 6. Clerk of Council.
- Section 7. Board of Zoning Appeals.
- Section 8. Planning Commission.
- Section 9. Recreation Commission.
- Section 10. Civil Service Commission.
- Section 11. Residence qualifications.

Article VI. Finances

- Section 1. General.
- Section 2. Annual budget and appropriations.
- Section 3. Limitation on rate of taxation.
- Section 4. Limitation upon expenditures without prior Council approval.
- Section 5. Advertisement for bids.

CHARTER

- Section 6. Sale of municipal property.
- Section 7. Procedure for selecting depositories and deposit of public monies.
- Section 8. Purchasing.

Article VII. Nominations and Elections

Article VIII. Initiative, Referendum and Recall

- Section 1. Initiative.
- Section 2. Referendum.
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Article X. Amendments to Charter

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- Section 1. Effective date of Charter.
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PREAMBLE

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

ARTICLE I. BOUNDARIES

This municipality now existing in the County of Cuyahoga and State of Ohio shall continue to be a body politic incorporated under the name of BRECKSVILLE, with the same boundaries as now exist. It shall have the power and authority to change its boundaries in the manner authorized by the laws of Ohio, except that no territory shall be detached from or annexed to this municipality, nor shall the municipality be annexed to or merged with any other body politic, nor shall the corporate existence of this municipality be terminated, without the assent of a majority of the electors of this municipality. Any such question shall be submitted to the electors only at a regular election in such manner as Council shall by resolution or ordinance prescribe.

ARTICLE II. MUNICIPAL POWERS

The municipality of Brecksville shall have all the powers, general or special, governmental or proprietary, express or implied, which may now or hereafter lawfully be possessed or assumed by municipalities of the class of this municipality under the Constitution and laws of Ohio. No enumeration of specific powers in this Charter shall be held to be exclusive.

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

ARTICLE III. THE MAYOR**Section 1. Term.**

The Mayor shall be elected at the regular municipal election in the year 1975, and every fourth year thereafter, for a term of four (4) years. The Mayor's term shall commence and the Mayor shall assume office on the second day of January next following such election and shall serve until the Mayor's successor has been duly elected and qualified. The Mayor may be a candidate to succeed themselves. (Amended 11-6-73; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 2. Qualifications.

The Mayor shall have been a qualified elector and a resident in this municipality for at least four (4) years immediately prior to the date of the Mayor's election, and shall continue to be a qualified elector and resident therein during the Mayor's term. The Mayor shall not, directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contracts job, work or service with or for the municipality.

If at any time the Mayor shall cease to possess any of the aforesaid qualifications of office, or shall be convicted of a felony or other crime involving moral turpitude, it shall be the duty of Council to declare the office of Mayor vacant, and upon such declaration the office of Mayor shall automatically and immediately become vacant. Such declaration by Council shall be made only after public hearing upon the charge or charges brought, and provided, further, that the Mayor shall have been notified in writing of the charge or charges against the Mayor at least fifteen (15) days in advance of such hearings; provided, further, that the Mayor or the Mayor's counsel shall have been given an opportunity to be heard, present evidence, and examine all witnesses appearing in support of such charge or charges. To be effective such declaration of vacancy in the office of Mayor must receive the affirmative vote of five (5) or more members of Council.

(Ord. No. 5606, § 1, 7-18-23)

Section 3. Absence or vacancy.

When the Mayor is absent or inaccessible or is unable for any cause or reason to perform the Mayor's duties, the President of Council shall become the acting Mayor, but the President of Council shall not thereby cease to be a councilperson.

In the event of a vacancy in the office of Mayor, the President of Council shall thereupon become acting Mayor for a period not to exceed sixty (60) days, and during such period the President of Council shall continue to serve the offices of President of Council and councilperson. Within such sixty (60) day period, Council shall appoint as Mayor a councilperson or any qualified elector of the City of Brecksville who meets the qualifications of said office. Such appointee shall hold office for the unexpired term of the Mayor or until the beginning of the term of a successor duly elected for the unexpired term at the next regular Municipal election if the vacancy shall have occurred more than ninety (90) days prior to such election, provided such election shall occur two years or more prior to the expiration of the unexpired term. If the President of Council or other councilperson is appointed to the office of Mayor as provided for herein, then such office or offices shall become vacant upon the succession to the office of Mayor.

In the event the President of Council shall be absent or inaccessible or for any reason unable to perform the President of Council's duties as acting Mayor, then Council, by a vote of a majority of the remaining members of Council, shall designate one of their number to act as Mayor.

(Amended 11-8-83; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Powers of the mayor.

A. *Judicial.* The Mayor shall have all the judicial powers now or hereafter granted by the laws of Ohio to Mayors of municipalities of the class of this municipality.

B. *Legislative.* The Mayor shall be entitled to a seat in the Council and shall attend all meetings of Council. The Mayor shall have the right to introduce ordinances, resolutions and motions, and the right to participate in the discussion of all matters coming before the Council, but the Mayor shall have no vote in the Council.

C. *Veto.* Every ordinance or resolution passed by Council shall be signed by the Clerk of Council and shall be presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves any

emergency ordinance or resolution, the Mayor shall return it to the Clerk of Council within twenty-four (24) hours after its passage, and in case the Mayor disapproves any other ordinance or resolution, the Mayor shall return it to the Clerk of Council within ten (10) days after its passage, together in each instance with the Mayor's objections in writing. The Mayor's objections shall be entered in full on the Journal of Council.

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

If the Mayor within the time specified after its passage does not sign or disapprove an ordinance or resolution so presented to the Mayor, such ordinance or resolution shall take effect in the same manner as if the Mayor had signed it within the time specified. When the Mayor has disapproved an ordinance or resolution or an item of it as herein provided, the Council may, but not later than its next regular meeting, reconsider the ordinance or resolution or part thereof disapproved by the Mayor and if, upon such reconsideration, the ordinance, resolution or item is approved by an affirmative vote of five (5) or more members of Council, such ordinance or resolution shall take effect, notwithstanding the disapproval of the Mayor.

D. *Executive.* The Mayor shall be the chief executive officer of the municipality. The Mayor shall supervise the administration of the affairs of the municipality, and supervise all the departments and divisions thereof except the Departments of Finance and Law and Clerk of Council. The Mayor shall be the chief conservator of the peace within the municipality and shall see that all laws and ordinances are enforced therein. Except as otherwise provided by the Charter and subject to the laws of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce or remove any officer or employee of this municipality not required by this Charter to be elected. The Mayor shall recommend to Council for adoption such measures as the Mayor may deem necessary or expedient, keep the Council advised of the condition and needs of the municipality, and exercise such powers and perform such duties as are conferred upon the Mayor or required by this Charter. The Mayor shall execute on behalf of the municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the municipality is a party. The Mayor shall be the official and ceremonial head of the municipality and shall receive all civil processes in any action wherein the municipality is a party.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

ARTICLE IV. THE COUNCIL

Section 1. Number and terms.

All the legislative powers of the municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, all of whom shall be elected at large as hereinafter provided, and shall assume office on the second day of January next following their election.

The terms of Councilpersons shall be staggered. Four (4) Councilpersons shall be elected at each regular municipal election held after November 1957. Of the four candidates so elected the three (3) receiving the highest number of votes shall each serve for a term of four (4) years and the one (1) receiving the next highest number of votes shall serve for a term of two (2) years.

At the regular municipal election to be held in November 1957, and for that election only, and to start the above system of staggered terms, the three (3) candidates for Council receiving the highest number of votes shall each serve for a term of four (4) years and the four (4) candidates receiving the next highest number of votes shall each serve for a term of two (2) years.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 2. Qualifications.

Each member of Council shall have been for at least two years immediately prior to the date of each member of Council's election and during each member of Council's term of office shall continue to be, a resident in this municipality and qualified elector thereof. Except as otherwise provided in this Charter, no member of Council shall hold any other municipal office or municipal employment in this municipality. Each member of Council shall not, directly or indirectly, solicit, contract for, receive, or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the municipality.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 3. President of council.

A member of Council shall be elected to the office of President of Council for a term of one year by a majority of the members of Council at the first regular meeting of Council in January of each calendar year, or as soon thereafter as is practicable.

The President of Council shall preside at all meetings of Council, but shall not by virtue of holding that office be deprived of the President of Council's powers and rights or be relieved of any of the President of Council's duties, functions or obligations as a member of Council.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Removal.

The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude, or for violation of any member's oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided, however, that such expulsion or removal shall be upon concurrence of five (5) or more members of Council after public hearing upon the charge or charges brought; and provided, further, that the accused member shall have been notified in writing of the charge or charges against the accused member at least fifteen (15) days in advance of such public hearing; and provided, further that the accused member or the accused member's counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 5. Vacancies.

Whenever the office of councilperson shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after it has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred, or until the beginning of the term of a successor duly elected for the unexpired term at the next regular municipal election if (a) such election shall occur two (2) years or more prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than ninety (90) days prior to such election. Any vacancy in the office of President of Council, whether occurring by death, disqualification, recall, removal, resignation or by succession to the office of Mayor, shall be filled by a councilperson elected by the majority of the remaining members of Council. The successor shall hold office for the balance of the unexpired term. If the vacancy be not so filled by the Council within thirty (30) days from the date such vacancy occurs, the power of Council to do so shall lapse, and the Mayor shall appoint one of the remaining councilpersons to fill such vacancy.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 6. Salaries.

Council shall fix the salaries or compensation of the Mayor, members of Council, and each officer, employee or member of any Board or Commission of the municipality, whether elected or appointed. Any such person may be required by Council to furnish a bond or bonds for the faithful performance of any such person's duties, and Council may provide for the payment of the premium for any such bond by the municipality. The compensation of the Mayor and of each member of Council shall be fixed not less than one hundred twenty (120) days immediately preceding the date of the next municipal election, and shall not thereafter be changed in respect of any of the terms of the Mayor or Councilpersons elected thereat. The compensation of every other officer, employee and member of any Board or Commission of the municipality as fixed by Council shall at all times be subject to the power of Council to provide otherwise by ordinance or resolution, and may be changed at any time at the discretion of Council. Council may authorize the payment or reimbursement of expenses incurred by any officer or employee or member of any Board or Commission of the municipality for traveling or other expenses incidental to the authorized furtherance of the interests of the municipality.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 7. Meetings.

A. *Regular Meetings.* At 8:00 p.m. on the second day of January following a regular municipal election, the Council shall convene and organize at the Council Chambers of the municipality. Thereafter, the Council shall meet at such times as may be prescribed by its rules, regulations or by ordinance,

except that it shall hold regular meetings at least twice during each calendar month. All regular meetings of Council shall be held at the Council Chambers, and all meetings of Council, whether regular or special, shall be open to the public, except as provided in subsection C. hereof.

B. Special Meetings. Special meetings of the Council may be called in accordance with and as provided for by the rules, or by-laws adopted by the Council. In absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor or President of Council, or three (3) members of Council. Any such request shall state the time, place and date thereof, and the subject or subjects to be considered at the meeting, and no other subject or subjects shall be considered thereat. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) members of Council, shall be given to each member of Council and the Mayor, by serving on each of them personally or by leaving a copy thereof at their usual place of residence, not less than twelve (12) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing.

C. Executive Sessions. Council may call an executive session of its members for any regular or special Council meeting or committee meetings, or adjourn any regular or special Council meeting or committee meeting into executive session in any of the following circumstances:

1. In any matter involving personnel including the appointment, employment, dismissal, discipline, promotion, demotion or compensation of any public employee or official, or the investigation of charges or complaints against a public employee or official;
2. To consider the purchase, sale, lease or other disposition of real property;
3. Conferences with an attorney or attorneys for the City concerning issues of pending, imminent or potential litigation;
4. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;
5. Matters required to be kept confidential by federal law or rules or state statutes;
6. Any situation where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for a violation of law.

(Amended 11-7-89; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 8. Quorum.

Four (4) 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 9. Rules and journal of Council.

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

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 10. Form of legislative action.

All legislative action by Council shall be by ordinance or resolution introduced in written or printed form except that action by Council not required by this Charter or law to be by ordinance or resolution, may be taken by motion approved by at least four (4) members of Council. An affirmative vote of at least four (4) members of Council shall be required for the passage or enactment of every ordinance or resolution. Every ordinance or resolution shall be fully and distinctly read at three (3) different regular Council meetings unless five (5) members of Council vote affirmatively to dispense with the rule, in which event the ordinance or resolution shall be fully and distinctly read at least once before passage. Ordinances and resolutions may be read by title only unless otherwise determined by the affirmative vote of at least four (4) members of Council. No ordinance or resolution shall contain more than one subject, which subject shall be clearly expressed in the title; and no ordinance or resolution shall be revised or amended unless said amendments or revisions are indicated by the use of highlighted or similar typeface for new or additional wording, and the use of dashes through words and letters which are to be deleted. This provision shall not apply to ordinances or resolutions that create new laws or regulations or that repeal existing laws or regulations in their entirety provided the ordinance or resolution so designates.

All ordinances, resolutions, statements, orders, proclamations and reports required by law or by this Charter or by ordinance to be published or posted, shall be posted in not less than three (3) public places in the municipality as determined by Council for a period of not less than fifteen (15) days prior to the taking effect thereof. Any emergency ordinance or resolution shall also be published or posted as aforesaid, but said requirement shall not postpone the immediate taking effect as provided in Section II of this Article IV.

(Amended 11-6-90; Amended 11-2-93; Amended 11-4-03; Amended 11-5-13)

Section 11. Effective date of ordinances and resolutions.

Each ordinance or resolution providing for the appropriation of money or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Mayor or upon the expiration of the time within which it may be vetoed by the Mayor or upon its passage after veto by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of five (5) members of Council for its enactment. No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or rezoning ordinance or amendment or repeal of any zoning ordinance, shall be designated an emergency measure or enacted under a suspension of the rules.

(Amended 11-4-03)

Section 12. Mandatory referral.

Any legislation passed by Council or proposed by initiative petition which refers to a change in existing zoning or to a change in any use regulations controlling the use or development of land shall not

become effective or binding upon the municipality unless and until the same be submitted to the electors of the municipality and approved by a fifty-five percent (55%) favorable vote of all votes cast for this issue by the qualified electors of the city at the next general election in the case of legislation proposed by initiative petition and for legislation adopted by Council at the next general, regular, or primary election held in the municipality, which shall occur not less than ninety (90) days after its passage by Council or, in the case of legislation proposed by initiative petition, after its certification to the Board of Elections. The Clerk of Council shall advertise any proposed change in a newspaper of general circulation, whose circulation is either the largest, or second to the largest within the limits of the city for two consecutive times, with at least two weeks between notices and a third notice one week prior to the election.

If this section is violated and a building is under construction or completely constructed it shall be mandatory for the Mayor, Safety Director, Law Director, and Building inspector equally to have the building or structure removed completely within sixty (60) days at the owner's expense as these officials are charged with the enforcement of this section. The Planning Commission shall have on display at all times in the Council Chambers, available to the public, a zone map, showing a legend and summary of zoning regulations by district, major use, minimum and maximum lot width and that each district, City park, playground and City lands be accurately located and identified with the date of adoption and the date of revisions to date. Any and all revisions shall be posted to the zone map within ninety (90) days of their occurrence. Maps shall be available to each landowner of the city for a nominal cost.
(Amended 11-6-90; Amended 11-4-03; Amended 5-3-11)

ARTICLE V. ADMINISTRATIVE OFFICERS, DEPARTMENTS, BOARDS, AND COMMISSIONS

Section 1. General provisions.

This Municipality shall have a Department of Finance, Department of Public Safety, Department of Public Service, Department of Law, a Board of Zoning Appeals, Planning Commission, Recreation Commission, and Civil Service Commission, and Council shall provide by ordinance for the organization and duties thereof not provided for by this Charter. The Council may establish by ordinance new departments or divisions and new boards and commissions, and with the exception of the departments, divisions, boards and commissions established by this Charter, the Council may continue or abolish existing departments, divisions, boards and commissions as it may deem necessary.

The Council may authorize and require one person to be the head of two or more departments or divisions or perform the duties of two or more offices or positions subject to the following exceptions: The Director of Finance may, while holding that office, also be appointed Clerk of Council and be required to perform the duties thereof, but the Director of Finance shall not be authorized or required to perform any other duties except those imposed upon the Director of Finance by this Charter or directly related to the fiscal and accounting matters of this municipality. The Mayor shall hold no other municipal office or municipal employment in this municipality except as otherwise expressly provided in this Charter.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 2. Director of Finance.

(a) The Director of Finance shall be the head of the Department of Finance and have charge of the administration of the fiscal affairs of the municipality. The Director of Finance and any assistants shall be appointed by Council and shall be subject to removal by Council. The Director of Finance shall serve the Mayor and Council as financial adviser in municipal affairs. The Director of Finance's duties shall include the preparation of data for the annual estimate, custody of all public funds of the municipality, keeping and supervision of all accounts, the certification for collection of special assessments, the collection of all license fees and permit fees, and the performance of such additional duties in fiscal matters as Council may direct.

(b) The Director of Finance shall establish and maintain accounting procedures necessary for keeping complete financial records accurately showing all moneys received and expended, all property owned by the municipality, all revenues accrued and liabilities incurred, and the financial transactions of all departments and officers of the municipality. Such accounting procedures and financial records shall be adequate in form and in such detail as necessary for the making of all financial reports and furnishing such other financial data and statements as may be required of the Director of Finance under this Charter.

(c) All public funds shall be kept and preserved in the place or places authorized by ordinance, and the Director of Finance shall disburse said funds only as authorized by law or ordinance. The Director of Finance shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any purpose other than the purpose provided by ordinance of Council. The Director of Finance shall have the right to examine and audit the accounts of all departments, officers, employees, boards and commissions of the municipality.

No warrant for the payment of public funds shall be issued and no claim against or obligation of the municipality shall be paid except upon voucher first approved in writing by the department head or officer for whom the obligation or claim was incurred, and in case of purchases, such vouchers shall also be approved in writing by the Director of Purchasing.

(d) The Director of Finance shall assist the Mayor in the preparation of an annual estimate as provided in Article VI hereof, and shall prepare financial statements at least quarterly and submit same to the Council not later than fifteen (15) days after the end of each accounting period, detailed as to appropriations and funds in such manner as to show the true financial condition of the municipality, and each department and division thereof as of the last day of the accounting period. The Director of Finance shall furnish such other financial reports, data and statements as shall be required by the Mayor, Council or laws of the State of Ohio.

(Amended 11-2-93; Amended 11-5-13; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 3. Director of Public Safety.

(a) The Director of Public Safety shall be the head of the Public Safety Department and shall be appointed by the Mayor with the approval of Council. The Director of Public Safety shall be the executive head of the Fire Department and Police Department and Building Department, and shall be charged with the duty of enforcing all police, health, safety, sanitary and building regulations that may be prescribed by the ordinances of the municipality or the general laws of the State of Ohio.

The Police Department shall consist of a Chief of Police and such other officers, patrol officers and personnel as Council and the Mayor shall deem advisable, all of whom shall be appointed by Council upon recommendation of the Director of Public Safety.

The Fire Department shall consist of a Fire Chief and such other officers, firefighters and personnel as Council and the Mayor shall deem advisable, all of whom shall be appointed by Council upon recommendation of the Director of Public Safety.

The Building Department shall consist of a Building Commissioner and such other personnel as Council and the Mayor shall deem advisable, all of whom shall be appointed by Council upon recommendation of the Director of Public Safety.

(b) The Director of Public Safety shall make and publish, with the approval of Council, written rules for the government of the Police, Fire, and Building Departments and the conduct and discipline of members and personnel thereof.

(c) The Mayor, in addition to the Mayor's other duties, shall be and perform the duties of the Director of Public Safety. Should the Mayor determine that it is not in the best interest of this municipality for the Mayor to serve as the Director of Public Safety, the Director of Public Safety shall be appointed by the Mayor with the approval of the Council.

(Amended 11-5-13; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Director of Public Service.

(a) The Director of Public Service shall be the head of the Department of Public Service, and shall be appointed by the Mayor with the approval of the Council. The Director of Public Service shall manage and supervise the construction, improvement, and maintenance of all public works, public construction, buildings, grounds, cemeteries, streets and lanes, alleys and bridges, and other public places, and shall supervise and manage the cleaning, resurfacing, repairing, and lighting of streets and all other public places, and the collection and disposal of wastes, and the preservation and maintenance of all municipal property.

The Director of Public Service shall have charge of and supervise the maintenance of all municipal equipment and the storage of all materials and supplies, and keep and submit to Council and the Mayor an inventory thereof or such other report with respect thereto as either of them may require.

(b) It shall be the responsibility of the Director of Public Service to see that all terms and conditions imposed in favor of the municipality or its inhabitants in any franchise to which the municipality is a party, are fully and faithfully kept and performed.

(c) The Director of Public Service shall assist the Mayor in the preparation of the annual estimate, and shall perform such other duties as may be required of the Director of Public Service by the Mayor.

(d) The Director of Public Service may, as approved by the Mayor, employ and discharge such assistants and employees as may from time to time be necessary for the proper discharge of the Director's duties.

(Amended 11-2-93; Amended 11-5-13; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 5. Law Director.

The Law Director shall be head of the Department of Law, and shall be appointed and may be removed by Council. The Law Director shall be an attorney at law in good standing, admitted to practice in the courts of Ohio and shall have been engaged in the active practice of law for a period of five (5) years or more immediately prior to the Law Director's appointment. The Law Director shall be the legal adviser and attorney for the municipality.

The Law Director shall perform such duties as are consistent with the office as may be required by Council and/or the Mayor.

(Amended 11-5-13)

Section 6. Clerk of Council.

A Clerk of Council shall be appointed and may be removed by Council. Council may employ such other employees as it deems necessary for the proper discharge of the duties of Council.

The Clerk of Council shall keep an accurate and complete journal of the proceedings of Council, authenticate by the Clerk of Council's signature and have custody of and properly file and index all laws, ordinances and resolutions of Council, and shall have custody of other official documents, reports, papers and communications received by the Council, and have custody and control of all files of Council, and perform such other duties as Council shall require.

(Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 7. Board of Zoning Appeals.

A. *Membership.* The Board of Zoning Appeals shall consist of the Mayor, one member of Council to be appointed by Council for a term of two years, and in addition five (5) qualified electors of the municipality not holding other municipal office or appointment who shall be appointed by the Council. The members of the Board of Zoning Appeals shall receive no compensation. The term of the present members of the Board of Zoning Appeals shall terminate on December 31, 1957. Those persons other than the councilperson appointed to the Board by the Council shall be appointed for a term of five years, except that of the five (5) appointed for the term beginning January 1, 1958, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and the fifth member for a full term of five years. Any member of the Board of Zoning Appeals appointed by the Council may be removed for any cause by a vote of five (5) members of Council. A vacancy occurring during the term of any member of the Board shall be filled for the unexpired term in the manner authorized for an original appointment.

B. *Jurisdiction.* The Board of Zoning Appeals shall have such duties and power as are now or may be granted to it by ordinances of Council to hear and decide appeals for exceptions to and variances in the application of zoning ordinances and regulations, and orders and regulations of administrative officials or agencies governing zoning.

Procedure before the Board of Zoning Appeals shall be in accordance with the ordinances of Council or rules and regulations established by the Board of Zoning Appeals not inconsistent therewith. Any and all such variances and exceptions allowed by the Board of Zoning Appeals shall be subject to the review and approval of Council before becoming effective.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 8. Planning Commission.

A. *Membership.* The Planning Commission shall consist of the Mayor, one member of Council to be appointed by the Council for a two year term, and in addition five (5) electors of the municipality not holding other municipal office or appointment who shall be appointed by the Council. The members of the Planning Commission shall receive no compensation. The term of the present members of the Planning Commission shall terminate December 31, 1957. The five (5) electors appointed to the Commission by Council as provided under authority of this Charter shall be appointed for a term of five (5) years, except that of the five (5) appointed for the term beginning January 1, 1958, one shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a full term of five (5) years. Any member of the Planning Commission appointed by Council may be removed for any cause by a vote of five (5) members of Council. A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

B. *Powers and Duties.* Subject to approval by the Council, the Planning Commission shall:

- (a) Make, amend, extend or add to the Master Plan for the physical development of the municipality;
- (b) Exercise control over platting or subdividing land within the Municipality;
- (c) Draft an official map of the Municipality, showing the present and planned streets and use of public land, and adopt changes in such map;
- (d) Propose zoning regulations, subdivision regulations and a zoning map, and make recommendations as to amendments to zoning regulations, subdivision regulations, and zoning code;
- (e) Promote public interest and understanding of the Master Plan, zoning regulations, subdivision regulations and general physical improvement and development of the Municipality;
- (f) Hold public meetings and public hearings on matters presented for its consideration as may be provided by ordinance of Council, and keep a public record of its proceedings, findings and determinations, and report in writing its findings and determinations to Council;
- (g) Exercise such other powers and perform such other duties as are now or may hereafter be provided by ordinance of Council.

C. *Mandatory Referral.* No public building, street, boulevard, parkway, park, public land, playgrounds, dock, aviation field, utility, bridge, tunnel, or part thereof, shall be constructed or authorized to be constructed in the Municipality, or purchased or sold, 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, located, relocated, vacated or its use changed, nor any ordinance referring to

zoning or other regulations controlling the use or development of lands, be passed or become effective or binding upon the Municipality unless and until a public hearing shall have been held thereon by the Planning Commission and Council shall have received a report and recommendation of the Planning Commission with respect thereto, which recommendation and report may be made by the Planning Commission to the Council on its own initiative, or in the event such matter is referred to it by Council, the Planning Commission shall make its recommendation and report with respect thereto within sixty (60) days after such matter is referred to the Planning Commission, unless a longer period is allowed by Council. If the Planning Commission shall fail to act within the time allotted with respect to any matter referred to it by the Council, the Council may act thereon as if it had received a recommendation of approval in such matters.

Upon receiving a recommendation or report of the Planning Commission the Council shall approve or disapprove the recommendation or report within sixty (60) days after the receipt thereof. In the event that implementation of the action of Council thereon requires adoption of legislation, such legislation shall be put on first reading within sixty (60) days after Council's approval or disapproval, and final legislative action shall be taken within sixty (60) days from such first reading.

The Planning Commission shall give such notice of public hearings as is now or may hereafter be provided for by ordinance of Council. Disapproval of any recommendation or report made pursuant to formal action of the Planning Commission shall require a concurrence of not less than five (5) members of Council.

(Amended 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 9. Recreation Commission.

The Recreation Commission shall consist of seven (7) members who shall serve without compensation. The Mayor shall appoint six (6) members thereof with the approval of Council. Each of the appointees by the Mayor shall serve for a term of four (4) years. The terms of the present members of the Recreation Commission shall continue until expiration thereof. The two (2) new appointments herein established shall be for a term of five (5) years commencing January 2, 1974. The seventh member of the Recreation Commission shall be a council member appointed by the Mayor with the approval of Council, who shall serve until the next organizational meeting of Council following the council member's appointment. Any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least five (5) members of City Council. A vacancy occurring during the term of any member of the Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers and duties of the Recreation Commission shall be as provided by ordinance of Council.

(Amended 11-6-73; Amended 11-2-93; Ord. No. 5607, § 1, 7-18-23)

Section 10. Civil Service Commission.

A. Appointment of Members. The Civil Service Commission shall consist of three (3) members of the Municipality not holding other municipal office or appointment, to be appointed by the Mayor with the approval of Council, for terms of six (6) years, commencing upon the expiration of the respective terms

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

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.

B. Compensation. The members of the Civil Service Commission shall serve without compensation unless otherwise provided by ordinance. A sufficient sum shall be appropriated by the Council to carry out the civil service provisions of this Charter.

C. Powers and Duties.

- (a) In all matters dealing with the Civil Service of the City, the Commission shall provide by rule for ascertainment of merit and fitness as a basis for appointment and promotion in the Classified Service of the municipality as required by the Constitution of the State of Ohio; for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for positions in the Classified Service; for the conduct of the affairs of the Commission; and for appeals in case of transfer, reduction, suspension or removal.
- (b) The Commission shall keep a record of its proceedings and results of examinations which shall be open to public inspection, and shall have such other powers and duties as are given to Municipal Civil Service Commissions by the laws of the State of Ohio and not contrary to the provisions of this Charter.

D. Procedures. The Commission shall conduct its affairs in accordance with the provisions of the laws of the State of Ohio in all matters not otherwise provided for in this Charter.

E. Classification of Service. The Civil Service of the Municipality is hereby divided into Unclassified and Classified Service.

The Unclassified Service shall include:

- (a) All officers elected by the people or persons to fill vacancies in such office.
- (b) All directors of departments, department heads, division heads, supervisors and foremen, including their assistants, except Chief of Police and Fire Chief.
- (c) The members of all boards and commissions appointed by the Mayor or the Council.
- (d) Clerk of Council.
- (e) Municipal clerks and secretaries.
- (f) All persons duly licensed to practice a profession by the State of Ohio and employed in such capacity.
- (g) All employees of the Building, Finance, Service and Recreation Departments
- (h) All unskilled labor, temporary, part-time, and volunteer employees.

The Classified Service shall include:

All other persons or positions not included in the Unclassified Service. Any person who shall have served the Municipality for at least one (1) year immediately prior to January 1, 1964, may be retained in the same or any similar position without examination. In the case of volunteer firefighters, part-time paid in the Fire Department of the Municipality, any firefighter who has been continuously employed by the Municipality in such position since February 16, 1983, and is otherwise qualified, shall be eligible for full-time appointment to such position, when established, without written examination. When such list of eligible firefighters is exhausted, thereafter all appointments to the Fire Department shall be made from the eligibility list provided by the Civil Service Commission.

F. *Removal.* The Mayor may at any time suspend any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided, however, that such suspension shall not become final without the concurrence of at least five (5) members of Council.

(Amended 11-6-79; 5-8-84; Amended 11-7-89; Amended 11-2-93; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 11. Residence qualifications.

To be eligible for appointment to the Board of Zoning Appeals, Planning Commission, Recreation Commission or Civil Service Commission, each appointee shall have been a qualified elector and a resident of this municipality not less than two (2) years next preceding the commencement of [their] term. During their term each of said appointees shall continue to be a resident of this Municipality and a qualified elector thereof.

(Adopted 11-5-63; Ord. No. 5697, § 1(Exh. A), 4-2-24)

ARTICLE VI. FINANCES

Section 1. General.

The laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters applicable to municipalities of the class of this municipality shall be applicable to this municipality except as modified by or necessarily inconsistent with the provisions of the ordinances of the Council or this Charter.

(Amended 11-2-93)

Section 2. Annual budget and appropriations.

The fiscal year of this municipality shall, unless Council by proper action shall adopt a different date, be the same as that established from time to time for municipalities of the class of this municipality by the general laws of Ohio. The Mayor, with the assistance of the Director of Finance and the Service Director, shall prepare and submit to the Council an estimate of revenues and expenditures of this municipality for the succeeding fiscal year. This estimate shall be compiled from information which shall be furnished by

the head of each department, division, board or commission, in such form and detail as Council or the Mayor may require. The Mayor, with the assistance of the Director of Finance, shall furnish to the Council an ordinance making appropriations for the expenditures of this municipality.

(Amended 11-6-73)

Section 3. Limitation on rate of taxation.

The aggregate amount of taxes that may be levied by the taxing authority of the City of Brecksville without a vote of the people, on any taxable property assessed and listed for taxation according to value, shall not in any one year exceed the amount currently authorized by the Ohio Constitution to be so levied, plus an additional 4.40 mills for each dollar of assessed valuation. The additional 4.40 mills as specified above shall exclusively be used for the purposes described in subsections 3-A and 3-B of this section. The limitation upon the power of Council to levy taxes as specified herein shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of this State.

3-A. Within the maximum levy provided for in Section 3 herein, the Council may levy an amount not to exceed 3.40 mills for the purpose of creating a fund for the operation, including equipment and personnel, of a fire and ambulance service.

3-B. Within the maximum levy provided for in Section 3 herein, the Council may levy an amount not to exceed 1.00 mill for the purpose of creating a fund for road repair, maintenance, reconstruction and improvement.

(Amended 5-5-87; Ord. 3164, passed 7-16-91)

Section 4. Limitation upon expenditures without prior Council approval.

No expenditures shall be made or liability incurred in an amount of more than six thousand dollars (\$ 6,000.00) without prior authorization and approval by Council.

(Amended 11-2-93; Amended 11-4-03; Ord. No. 5608, § 1, 7-18-23)

Section 5. Advertisement for bids.

Competitive bidding shall be had and carried on as required by the laws of Ohio now or hereafter in effect and governing competitive bidding in municipalities of the class of this municipality.

There shall be no splitting of orders or making of multiple contracts to avoid the effect of Section 4 hereinabove or this Section 5, or both, and any order placed and any contract made contrary to or in evasion of the provisions of Section 4 or of this Section 5 or both, shall be illegal and void.

Section 6. Sale of municipal property.

At public sale the Director of Purchasing and/or the Service Director may sell personal property not needed for municipal purposes having an estimated value of one thousand dollars (\$1,000.00) or less without prior authorization and approval of Council.

(Adopted 11-5-63; Amended 11-2-93; Amended 11-4-03; Ord. 5609, § 1, 7-18-23)

Section 7. Procedure for selecting depositories and deposit of public monies.

Council shall by ordinance provide for the procedure of selecting depositories and the deposit and custody of public monies of the Municipality. Such ordinance shall establish the standards on which the selection of depositories for public monies is to be made, which standards shall include consideration of the interest to be earned and the security to be provided for public monies.

(Adopted 11-5-63)

Section 8. Purchasing.

Purchasing for the municipality shall be conducted by the Director of Purchasing who shall be appointed by the Mayor and serve at the Mayor's pleasure. All such purchasing, and the procedures therefor, shall be in accordance with this Charter and the ordinances of Council. The Director of Purchasing shall have the responsibility to make certain that all terms and conditions imposed in favor of the Municipality or its inhabitants in any purchasing contract to which the Municipality is a party are fully and faithfully kept and performed. The Director of Purchasing shall administer all competitive bidding as required by this Charter and the ordinances of Council. The Director of Purchasing shall perform such other duties and functions as may be required by the Mayor.

(Adopted 11-2-93; Ord. No. 5610, § 1, 7-18-23)

ARTICLE VII. NOMINATIONS AND ELECTIONS

Commencing with the Regular Municipal election to be held on November 8, 2011, nominations for elective offices of this municipality shall be made only by petition filed with the election authorities prescribed by the general laws of Ohio, not more than one hundred twenty (120) days nor less than ninety (90) days next preceding the date of the election, signed by registered electors of the municipality not less in number than two percent (2%) of the number voting at the last preceding general election. Each petition shall be accompanied by the written acceptance of the nomination by the nominee. The nomination of each candidate shall be made by a separate petition. No primary election shall be held for the selection of any candidate for any elective office of this municipality, and no nomination for such office shall be of any effect unless made as required by this Section. The ballot used in the election of officers of this municipality shall be without party mark or designation. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio now or hereafter in effect shall govern the nomination and election of the elective officers of this municipality.

(Amended 5-3-11)

ARTICLE VIII. INITIATIVE, REFERENDUM AND RECALL**Section 1. Initiative.**

The electors of this municipality shall have the power to propose by initiative petition ordinances and other measures providing for the exercise of powers granted by the Constitution of Ohio and the laws of

the General Assembly to municipalities of the class of this municipality. The exercise of said power of initiative shall be in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

Section 2. Referendum.

The electors of this municipality shall have the power to approve or reject at the polls any ordinance or other measure passed by Council, except as otherwise provided by the laws of Ohio. The exercise of said power of referendum shall be in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

Section 3. Recall.

The electors shall have the power to remove from office by a recall election any elected officer of this municipality. If an elected officer shall have served for six months of their term, a petition demanding the elected officer's removal may be filed with the Clerk of the Council who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition shall be signed by at least that number of electors which equals 25% of the electors voting at the last preceding general election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective, deliver a copy of [the] certificate to the person who filed the petition with the Clerk, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than seventy-five (75) nor more than ninety (90) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, such officer's 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 5-3-11; Ord. No. 5697, § 1(Exh. A), 4-2-24)

Section 4. Petitions.

A recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than 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 to recall petitions in this municipality except as otherwise provided in this Charter.

ARTICLE IX. FRANCHISES

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

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

ARTICLE X. AMENDMENTS TO CHARTER

The Council may, by affirmative vote of five (5) or more of its members, submit to the electors any proposed amendment or amendments to this Charter, and upon petition signed by not less than ten percent (10%) of the registered electors of the municipality setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution and laws of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution or the laws of the State of Ohio.

If any such proposed amendment or amendments shall be approved by a majority of the electors voting thereon, it or they shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

ARTICLE XI. CHARTER REVIEW COMMISSION

On September 1, 2022, and each ten (10) years thereafter, the Mayor shall, with approval of Council, appoint a Commission of nine (9) qualified electors of the municipality holding no other office or appointment in this municipality, as members of a Charter Review Commission. In addition to the aforementioned nine (9) members, the Mayor shall appoint, with the approval of the Council, a tenth (10th) alternate member, who shall not be a voting member of the Commission at the time of such appointment. Should one of the said nine (9) members be unable or unwilling to continue to service as a member of the Commission, the alternate member shall replace said member and become a full voting member of the Commission. Such Commission shall review the municipal Charter, and within nine (9) calendar months after such appointment, deliver to Council such alterations, revisions and amendments,

if any, to this Charter as in the Commission's judgment are desirable. The Council shall forthwith without amendment submit to the electors any such proposed alterations, revisions or amendments to this Charter within the time frame provided in the Constitution and laws of Ohio.

The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public.

(Amended 11-8-83; Amended 11-5-13)

Editor's note—Pursuant to Resolution No. 3529, passed 1-21-03, the Charter Review Commission is hereby re-established in accordance with Article XI hereof.

ARTICLE XII. MISCELLANEOUS PROVISIONS

Section 1. Effective date of Charter.

For the purpose of nominating and electing officers of this municipality and fixing the compensation of those to be elected in 1957, this Charter shall be in effect from and after the date of its approval by the electors and for all other purposes the Charter shall be in effect on and after the second day of January, 1958.

Section 2. 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.

Section 3. Effect of the Charter upon existing laws and rights.

The adoption of this Charter shall not affect any pre-existing rights of the municipality, or any right or liability or pending suit or prosecution, either on behalf of or against the municipality or any officer thereof, nor any franchise granted by the municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the municipality shall continue in effect until lawfully amended or repealed.

Section 4. Interpretation of the Charter.

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

Section 5. Misspellings, errors in grammar, renumbering upon codification and gender neutral designations.

All legislation and all amendments to the Codified Ordinances shall henceforth contain gender neutral language. Following any election at which any amendment to this Charter is adopted and prior

to any reprinting of this Charter, the Clerk of Council, with the majority approval of Council and the Law Director, shall make the following changes therein, provided that no substantive changes to the Charter language are made:

- A. *Misspellings and Errors in Grammar.* Any misspellings and errors of grammar or construction may be corrected.
- B. *Making Language Gender Neutral.* Any gender specific terms shall become gender neutral.
- C. *Renumbering upon Codification.* Any changes in the numbering of the provisions of this Charter or the cross referencing of provisions of this Charter by the addition or deletion of Articles, Sections, or Subsections may be made.

(Adopted 11-2-93; Ord. No. 5611, § 1, 7-18-23)

Editor's note—Ord. No. 5611, § 1, adopted July 18, 2023, amended the title of Art. XII, Section 5 to read as herein set out. The former Art. XII, Section 5 title pertained to gender neutral designations.

(d) In addition to the compensation provided for in subsections (a), (b) and (c) hereof, all Councilmen, commencing January 2, 2002, shall be entitled to the pension "pick-up" benefits as provided in chapter 126 of this Code.

('64 Code, § 121.02; Ord. 2668, passed 6-7-83; Am. Ord. 3140, passed 4-2-91; Am. Ord. 3429, passed 5-16-95; Am. Ord. 3707, passed 2-16-99; Am. Ord. 3861, passed 1-16-01; Am. Ord. 3999, passed 12-17-02; Am. Ord. 4304, passed 3-20-07; Am. Ord. 5045, passed 12-20-16)

Sec. 121.03. Designation of council chambers.

The Council Chambers of the city shall be permanently designated as the "Ralph W. Biggs Council Chambers" in recognition of the many significant contributions made by Mr. Biggs in administering the legislative branch of Brecksville city government during his 25 years of service as a Councilman and his 18 years as the President of City Council.

(Ord. 3612, passed 10-7-97)

BRECKSVILLE CODE

CHAPTER 123. ORDINANCES AND RESOLUTIONS*

Sec. 123.01. Posting places.

(a) In accordance with article IV, section 10 of the Charter of Brecksville, the following enumerated places are hereby designated by Council as public places in the municipality:

- (1) Brecksville City Hall;
- (2) City of Brecksville Website;
- (3) Brecksville Public Library.

(b) All ordinances, resolutions, statements, orders, proclamations and reports required by law or by Charter or by ordinance to be published or posted shall be posted in each of the three public places hereinabove enumerated in the manner provided for by the Charter of Brecksville.

('64 Code, § 123.01; Ord. 2155, passed 2-4-75; Am. Ord. 2862, passed 2-3-87; Am. Ord. 3231, passed 9-1-92; Ord. No. 5586, § 1, 2-7-23)

***Cross reference**—Effective date, see Charter Art. IV, Sec. 11

Cross reference—Legislative procedure-posting required, see Charter Art. IV, Sec. 10

Cross reference—Ordinance to provide for acceptance of bid and contract, see § 131.06

State law reference—Publication in book form, see R.C. § 731.23

their regular hourly rate for hours worked. If the employee works on an actual holiday (not the city designated holiday) the employee shall receive overtime at one and one-half times their regular hourly rate for hours worked, plus hours added to their vacation comp allowance equal to the number of hours worked. Hours are to be used within one year of earning.

- B. *Housekeeping.* Shall receive overtime at one and one-half times their regular hourly rate equal to the number of hours worked.

(b) *Full-time firemen.* Full-time firemen shall be entitled to seven tours of duty off as holiday credit during the calendar year. The use of more than four hours of compensatory time on a paid holiday shall result in the loss of the holiday pay. Effective January 1, 2024, full-time firemen shall be entitled to one tour of duty designated as a floating holiday. All such leave must be taken prior to the end of the calendar year, and such leave shall not be cumulative nor shall compensation be paid in lieu thereof.

(c) *Part-time firemen.* Part-time firemen who work on any of the designated holidays listed in subsection (a) above for a full-time fireman, shall be paid the overtime rate of one and one-half times the employee's regular rate for each hour worked on such holiday.

(d) *Qualified permanent part-time employees.* If the employee is scheduled to work on a city declared holiday, the employee is entitled to regular wages for hours worked on such holiday, plus the employee will be given holiday time in the proportion determined in section 145.03. Qualified permanent part-time employees who would normally be working on a day on which one of the designated holidays listed in subsection (a) above falls, shall be entitled to regular pay in the proportion determined in section 145.03. All holiday time will be added to the employee's holiday leave bank immediately and must be used within 60 days at the convenience of the employee, subject to the approval of the supervisor or department head. The Mayor may extend the 60 day use period at his discretion. Part-time, special or seasonal employees, contractual employees, and other employees not specifically provided for herein, shall not be entitled to any holiday pay.

(e) *Accrued holiday time.* Accrued holiday time is lost at the end of the approved use period and cannot be transferred or converted and is ineligible for separation or retirement cash out. ('64 Code, § 145.05; Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4100, passed 4-20-04; Am. Ord. 4536, passed 1-2-10; Am. Ord. 5049, passed 2-21-17; Am. Ord. 5280, passed 12-17-19; Am. Ord. 5538, passed 8-16-22; Am. Ord. 5577, passed 12-20-22; Ord. No. 5675, § 1, 1-16-24)

Sec. 145.06. Sick leave; FMLA leave.

(a) Each full-time employee of the municipality shall be entitled to sick leave, with pay, not to exceed a maximum of 15 days per year except for full-time firemen who shall be entitled to a maximum of seven tours of duty per year. This leave shall be accrued during the year in an amount to be determined by dividing 15 days by the number of bi-weekly pay periods in the calendar year or in the case of full-time firemen by dividing 168 by the number of bi-weekly pay periods in the calendar year. Sick leave shall be applied upon approval of the responsible department head against absence due to personal illness, injury, exposure to contagious disease, or illness or injury to the employee's spouse, children or parents. In the event the Mayor declares a Health and Safety Workplace Cautionary Period, an employee who is sent

home who does not support critical operations/processes or due to closing of city facilities, may utilize sick leave after all other forms of paid leave are exhausted. Not more than twenty percent (20%) of the sick leave accrued during the current year or in the case of full-time firemen one and one-half tours of duty may be used for personal leave with approval of the responsible department head. Unused sick leave shall be cumulative without limitation.

(b) Each employee who has accumulated sick leave of 120 days or 56 tours of duty or greater shall continue to earn sick leave at the rate hereinabove provided. The employee shall be permitted either of the following options concerning accumulation of sick leave in excess of 120 days or 56 tours of duty: the employee may have the entire excess up to 120 hours paid to such employee in the month of January following the close of the calendar year in which the sick leave was accrued, or alternatively, up to ten days, or four tours of duty up to 168 hours in the case of firemen, of such excess shall be paid to the employee in the month of January following the close of the calendar year in which the sick leave was accrued, the balance of any unused sick leave for the year being added to the employee's cumulative total.

(c) An employee, or his heirs at law in the event of death, at the time of such employee's retirement from active service, or death while in active service with the municipality, shall be paid, one-third of the value of his accrued but unused sick leave credit or employee gets paid for one-third of all accrued but unused sick leave earned prior to the year of retirement and in the succeeding January, the retired employee receives payment for all accrued but unused sick leave earned during the year of his or her retirement which was over and above 960 hours up to 120 hours (1,344 for fire) up to 168 hours. Such payment shall be based on the employee's rate of pay at the time of retirement and/or death.

(d) Qualified permanent part-time employees shall be entitled to a portion of the above sick leave with pay as provided in section 145.03 upon completion of an equivalent period of permanent part-time service. They may accumulate unused sick leave at the apportioned rate. Part-time special or seasonal, and contractual employees shall not be entitled to any sick leave.

(e) When an employee is diagnosed by a bona fide physician as contracting Acquired Immune Deficiency Syndrome as a possible result of his or her employment with the municipality, the municipality, at the sole and complete discretion of Council, shall compensate the employee the difference between his or her aggregate disability or other form of benefit compensation and the base salary the employee would have earned until the employee reaches 25 years of service or the employee's date of death whichever event occurs first. Prior to making its decision as to whether an affected employee shall receive compensation under this section, Council shall hold a hearing and review appropriate evidence as to the employee's qualification for benefits under this provision.

(f) In any event, an employee absent for three or more consecutive scheduled work days (or two tours of duty in the case of fire personnel) may be required by their department head or the Mayor to supply a physician's certificate justifying the reason for their absence to be eligible for paid sick leave and may be further required to present a doctor's release to their department head or supervisor that indicates their medical ability to return to work and their ability to perform the essential functions of their job without restriction. In addition the city, at its own cost and expense, may require an employee absent for three or more consecutive scheduled work days to be examined by a physician of the city choosing to verify the employee's ability to return to work and their ability to perform the essential functions of their job without restriction.

(g) The city may designate any absence that meets the eligibility requirements of the Family Medical Leave Act (FMLA) as FMLA leave. The designation of FMLA leave will occur either as a result of an employee's request for FMLA leave or if the city designates the employee's extended absence as eligible for FMLA leave.

(h) Under the city's Family and Medical Leave Act (FMLA) policy, all accrued paid leave time must be taken before the start of any unpaid FMLA time.

('64 Code, § 145.06; Ord. 2665, passed 6-7-83; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4761, passed 4-2-13; Am. Ord. 5046, passed 12-20-16; Am. Ord. 5281, passed 12-17-19; Am. Ord. 5318, passed 4-7-20; Am. Ord. 5538, passed 8-16-22; Ord. No. 5590, § 1, 3-7-23)

Sec. 145.07. Longevity.

Each full-time employee of the municipality shall be entitled to longevity pay as hereinafter provided. All full-time employees, except employees of the Police and Fire Departments, shall become eligible for longevity pay upon completion of at least 12 months of continuous service on January 1 of any year. Each full-time employee of the Police and Fire Departments and all employees hired after January 1, 1995, shall become eligible for longevity pay upon the completion of at least 24 months of continuous service on January 1 of any year. Upon establishing eligibility, each employee shall receive, in addition to all other compensation, a longevity payment with each installment of regular pay paid after January 1 of each year. The longevity payment shall be based on an annual rate of \$125.00 until December 31, 2008 and \$150.00 thereafter, for each 12 months of continuous service completed on January 1 of each year. Employees who have in excess of 12 months of continuous service, or 24 months in the case of employees hired after January 1, 1995 and Police and Fire Department employees, at the time they become eligible for longevity payments shall receive, during the first year of such payments, longevity payments based on an annual rate of \$10.41 until December 31, 2008 and \$12.50 thereafter, for each full month of continuous service completed at the time eligibility is established. On each January 1 thereafter, such employee shall be entitled to an annual increase in longevity payments at the \$125.00 until December 31, 2008 and \$150.00 thereafter, annual rate provided herein. The maximum number of years of service credited for longevity shall be limited to 30 years of service. Employees whose service is terminated during the year shall not receive any longevity payments beyond those included with their regular pay for services performed prior to the termination of employment. Employees who are on unpaid leave such as FMLA leave or Workers' Compensation leave, shall receive their longevity payments. Employees who are on unpaid leave such as a disciplinary suspension without pay, or on an authorized leave of absence shall not receive any longevity payments during such leaves.

('64 Code, § 145.07; Ord. 2665, passed 6-7-83; Am. Ord. 2731, passed 7-17-84; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4536, passed 1-2-09)

Sec. 145.08. Overtime.

(a) All full-time, permanent part-time, part-time, special or seasonal employees, and part-time police personnel of the municipality, except those specified in section 145.13, shall be paid overtime for all hours in excess of 40 worked in any one week. Hours worked include vacation, compensatory time off,

bereavement leave, and holidays, but does not include sick leave or personal leave. Hourly paid employees shall receive overtime pay at a rate equivalent to one and one-half times their regular hourly rate for all overtime work. The regular hourly rate used in this computation is to include longevity paid to each employee. Salaried employees shall be paid, in addition to their regular salary, overtime pay at a rate equivalent to one and one-half times their hourly compensation rate as determined in accordance with section 145.03. Any employee who, with the approval of his or her department head, regularly works less than the standard 40 hour work week shall not be entitled to overtime pay for hours worked in excess of such employee's normal work week, unless such employee works in excess of 40 hours. Overtime pay shall be calculated and paid to every employee not later than the employee's next regular pay period subsequent to such overtime pay being accrued.

(b) For full-time Service Department employees who are required to work on a previously unscheduled emergency basis, as same may be defined by the city, shall receive compensation at the rate equivalent to twice their regular hourly rate for all hours worked, but in no event shall they be compensated for less than two hours.

(c) For those Police Department employees whose work is scheduled over a two-week period, overtime shall be paid for hours worked in excess of 80 hours. Hours worked include vacation, compensatory time off, bereavement leave, and holidays or a day taken in compensation for such holiday, but does not include sick leave or personal leave. Holidays not worked, or a day taken in compensation for such holiday shall be included in computing the overtime in excess of 80 hours. Employees shall receive overtime pay at a rate equivalent to one and one-half times their regular hourly rate for all overtime worked. The regular hourly rate used in this computation is to include longevity paid to each employee.

(d) For full-time firemen, overtime shall be paid at the rate of one and one-half times the employee's regular rate of pay. The regular hourly rate used in this computation is to include longevity and professional pay paid to each employee. Any hours worked beyond the normal average two week work schedule of 106 hours shall be eligible for overtime compensation. Hours worked include vacation, compensatory time off; bereavement leave, and holidays, but does not include sick leave or personal leave. If a full-time fireman works a regularly scheduled tour of duty which falls on a holiday, including Easter Sunday, he or she shall be entitled to one and one-half times his or her regular rate of pay for all hours actually worked during a holiday tour of duty. In addition to the overtime compensation provided herein, any full-time fireman who is required to work on any such holiday shall be entitled to one hour off, with pay, for each hour actually worked on the holiday. These additional hours off shall be added to the employee's leave in the next calendar year. At the employee's option compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half hours for each hour of overtime worked with a maximum accumulation of 120 hours of compensatory time off. Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the city and shall be paid to the employee at the employee's current rate of pay.

(e) Part-time fire personnel working a scheduled tour of duty for a full-time fireman shall be entitled to one and one-half times the employee's regular rate of pay if such tour of duty qualifies as a holiday.

(f) Part-time fire personnel working in place of a full-time fireman for a scheduled tour of duty shall be paid at the employee's regular nonemergency rate for each hour worked.

(g) For all full-time Police Lieutenant(s) of the Police Department, at the employee's option, compensatory time off may be accumulated in lieu of paid overtime. Compensatory time off shall be accrued at the rate of one and one-half hours for each hour of overtime worked and the maximum amount of accumulated compensatory time off shall not exceed 80 hours at any time. Accumulated but unused compensatory time off will be paid to the employee at the time of separation from the city and shall be paid to the employee at the employee's current rate of pay. All or a portion of an employee's accumulated compensatory time off may be paid to an employee in an emergency situation upon application to and approval by the Director of Public Safety. Compensatory time off will be with approval of the Chief of Police in increments of not less than one hour. Compensatory time accumulation and use will be consistent with regulations contained in the Fair Labor Standards Act.

('64 Code, § 145.08; Ord. 2665, passed 6-7-83; Am. Ord. 2873, passed 4-7-87; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3635, passed 3-3-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4557, passed 4-6-10; Am. Ord. 5282, passed 12-17-19; Am. Ord. 5403, passed 4-20-21; Am. Ord. 5538, passed 8-16-22; Ord. No. 5671, § 1, 12-5-23)

Sec. 145.09. Uniform and clothing allowance.

(a) The city shall provide authorized uniforms, special clothing and equipment for employees of the Safety and Service Departments and such other city employees as may require special clothing and equipment in the performance of their municipal duties. The authorized uniforms, special clothing and equipment shall consist of those items described and enumerated on an "Authorized Clothing and Equipment List" prepared by the head of each department and approved by the Mayor and Council. Such list may be amended from time to time with the approval of the Mayor and Council.

(b) A distinction may be made in each department's "Authorized Clothing and Equipment List" in the amount and type of clothing and equipment to be provided to full-time, part-time and temporary employees, or to employees with different duties.

(c) The city shall provide for the replacement and maintenance of authorized clothing and equipment as set forth herein:

Commencing in January of 2024, the following employees shall be entitled to a clothing and equipment replacement and maintenance allowance as follows:

Full-time firemen, each	\$1,600.00
Nonbargaining unit full-time police personnel, each	\$1,600.00
Full-time service department employees (excluding administrative assistants and clerks), each	\$1,300.00

(2) The payment of the amounts provided above shall be made in January of each year in accordance with the procedures adopted by the Mayor. Employees who have been employed by the city for less than one year shall receive payment on a pro rata basis in December of the first

year of employment. Employees who leave the employ of the city for any reason shall have this payment pro rated on the basis of the amount of time worked during the year of departure. The employee's final paycheck shall be adjusted to reflect the application of this provision.

- (3) The city shall provide appropriate means for the maintenance of authorized clothing and equipment provided for full-time employees of the Service Department and other full-time city employees. A similar provision may be made for part-time and temporary employees if deemed necessary by the Mayor and Council.

(d) All employees are expected to wear the appropriate uniforms, clothing and equipment as specified in this section, above. Each employee is responsible to make certain that the uniforms, clothing and equipment being worn is in good repair, clean and in a presentable condition. Failure of an employee to abide by these provisions may result in disciplinary action.

('64 Code, § 145.09; Ord. 2341, passed 3-7-78; Am. Ord. 2642, passed 2-1-83; Am. Ord. 2872, passed 4-7-87; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4100, passed 4-20-04; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4388, passed 12-18-07; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4746, passed 1-15-13; Am. Ord. 4747, passed 2-5-13; Am. Ord. 5019, passed 9-20-16; Am. Ord. 5215, passed 11-6-18; Am. Ord. 5283, passed 12-17-19; Ord. No. 5667, § 1, 12-5-23)

Sec. 145.10. Insurance.

(a) *Health care.*

- (1) Full-time employees and the Mayor may receive, if desired, health care benefits.
- (2) When permitted under available health care insurance programs, effective January 1, 2023, part-time and permanent part-time employees may receive, if desired, health care benefits provided they work over 30 hours per week on average in the prior year. The prior year may be a time period other than the 12 month period spanning January through December but must encompass a consecutive 12 month period.
- (3) Effective January 1, 2015, the city shall provide the individual and family health care coverages and benefits per the terms as identified as health care plan options Red, White, and Blue referenced in the annual health care ordinance. The employee may select at their discretion the Red Plan, White Plan, or Blue Plan during the open enrollment period for the following year or upon a qualifying event.
- (4) The employee may select a plan and shall assume the costs at the applicable enrollment tier coverage rate defined for the plan. Employees selecting the Blue Plan (HSA) will receive an annual employer contribution to their HSA account at the contribution rate defined for the plan. Employer funding will be deposited into HSA accounts as follows: the first half in January and the second half in July. New employee funding will be prorated and deposited with the payroll corresponding with enrollment. Employee contribution shall begin on the first pay date in January in accordance with the annual payroll schedule.

(b) The city shall assume the entire cost for each full-time and permanent part time employee's and the Mayor's single or family coverage, whichever is applicable, for dental insurance. No dental benefits shall be provided to part-time, special or seasonal, or contractual employees.

(c) Coverage of full time, permanent part-time, and part-time employees, and the Mayor, shall commence at the earliest time allowed by the carrier or health maintenance organization contracted with the city.

(d) In the event two or more members of the same family are employed by the city (e.g., husband and wife, father and daughter, etc.) each of whom would otherwise be entitled to the benefits provided for in subsections (a) and (b) of this section the following shall occur:

- (1) In the event the employees are husband and wife, only the individual with the longest seniority shall be provided the medical coverages as specified in subsections (a) and (b) hereof with the other spouse being covered under the family plan provisions of such medical policies.
- (2) In the event the employees are father or mother and dependent child or children, only the father or mother shall be provided the medical coverages as specified in subsections (a) and (b) of this section with the dependent child or children being covered under the family plan provisions of such medical policies. At the time the child is no longer considered a dependent for purposes of being covered under the family plan insurance coverages and is still employed by the city, then such individual shall be provided the medical coverages afforded other employees of the same class and status.

(e) Council shall provide appropriate civil liability insurance to each employee whose duties may expose him or her to such liability. Commencing January 1, 2008, each full-time employee of the city and the Director of Law, Assistant Law Director, shall be provided with group term life insurance coverage in the amount of \$50,000.00.

('64 Code, § 145.10; Ord. 2757, passed 1-15-85; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3672, passed 8-4-98; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4100, passed 4-20-04; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4752, passed 2-19-13; Am. Ord. 4810, passed 12-3-13; Am. Ord. 4900, passed 12-2-14; Am. Ord. 4972, passed 1-2-16; Am. Ord. 5284, passed 12-17-19; Am. Ord. 5538, passed 8-16-22)

Sec. 145.11. Expenses.

Any full-time, permanent part-time and other employee who is required to use a personal vehicle in the performance of such employee's municipal duties, other than transportation to and from the employee's place of work, shall be reimbursed therefor at the rate of \$0.34½ per mile or such other rate as may be established from time to time by the Internal Revenue Service, upon submission to the Finance Director of a record indicating the date, time and purpose of such use and the number of miles driven. Any employee who, with the prior approval of their department head, is required to be beyond the limits of this municipality in the performance of their municipal duties, or to receive training therefor, shall be reimbursed for the cost of their overnight accommodation and necessary meals consistent with reasonable rates prevailing, as approved by the responsible department head and Mayor.

('64 Code, § 145.11; Ord. 2876, passed 4-21-87; Am. Ord. 3627, passed 1-20-98; Am. Ord. 3753, passed 7-6-99; Am. Ord. 3861, passed 1-16-01)

Sec. 145.12. Secondary employment.

Any full-time employee who also fills secondary job titles on a part-time or special basis shall not receive additional compensation for hours worked at the secondary job during the time he normally would be working at his full-time job. If such employee works at the secondary job outside of the time worked at his full-time job, he shall be paid for the hours so worked consistent with the provisions contained in the Fair Labor Standards Act. Such employee, however, may, with the approval of the department head for whom he works full-time, take leave of his full-time job during normal working hours to perform the duties of the secondary job without any reduction in his full-time compensation or sick leave credits. The time so spent may be counted towards any overtime accrued on his full-time job. ('64 Code, § 145.12; Ord. 2341, passed 3-7-78; Am. Ord. 4356, passed 9-21-07)

Sec. 145.13. Exempted employees.

The following job titles are hereby declared to be executive, administrative or professional positions and the persons employed therein shall not be entitled to overtime pay provided in section 145.08 or compensatory time off, although they shall be entitled to all other benefits accorded full-time employees of the municipality by this chapter. In fixing the annual compensation for the positions listed herein, Council shall give due consideration to the responsibilities of each job and the duties and obligations such job imposes upon the employee.

Administrative Assistant.

Animal Warden.

Aquatics Administrative Coordinator.

Aquatics Facilities Coordinator.

Athletics/Facility Coordinator.

Assistant Building Commissioner.

Assistant Director of Finance.

Assistant Purchasing Director.

Athletics Program Coordinator.

AV/Technology and Communications Technician.

Building Maintenance and Housekeeping Supervisor.

Building Supervisor — Recreation.

Building Commissioner or Building Official.

Building Inspectors.

Clerk of Council.

Clerk of Courts.

Director of Finance.

Director of Human Services.

Director of Planning and Community Development.

Director of Public Service.

Director of Public Service Trainee.

Director of Purchasing.

Director of Recreation.

Executive Administrator — Mayor.

Field House Coordinator.

Financial/Customer Service Clerk Recreation.

Fire Chief.

Fitness Center Coordinator/Recreation.

Food Service Operations Manager.

Human Resource Specialist.

Payroll Supervisor.

Planning and Zoning Coordinator/Inspector.

Police Chief.

Prosecutor/Assistant Law Director.

Records Clerk — Police.

Recreation Clerk.

Supervisor of Administrative Services/Recreation.

Supervisor of Payroll — Personnel.

Visual Communications Coordinator.

('64 Code, § 145.13; Ord. 2876, passed 4-21-87; Am. Ord. 3412, passed 3-7-95; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3731, passed 5-19-99; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4025, passed 5-6-03; Am. Ord. 4140, passed 12-7-04; Am. Ord. 4356, passed 9-21-07; Am. Ord. 4521, passed 10-20-09; Am. Ord. 4536, passed 1-2-10; Am. Ord. 4905, passed 12-16-14; Am. Ord. 5003, passed 5-3-16; Am. Ord. 5148, passed 12-19-17; Am. Ord. 5214, passed 11-6-18; Am. Ord. 5285, passed 12-17-19; Am. Ord. 5418, passed 6-15-21; Am. Ord. 5420, passed 7-6-21; Am. Ord. 5455, passed 12-7-21; Am. Ord. 5501, passed 5-3-22; Am. Ord. 5510, passed 6-7-22; Am. Ord. 5548, passed 9-20-22; Am. Ord. 5571, passed 12-6-22; Ord. No. 5661, § 1, 11-21-23; Ord. No. 5591, § 1, 3-7-23; Ord. No. 5685, § 1, 2-20-24)

Sec. 145.14. Leaves of absence; salary continuation.

(a) *Leave of absence.* Any full-time employee having at least five years service with the municipality may apply in writing to the Mayor for a leave of absence not to exceed six months. No compensation or any fringe benefits shall be paid to or on behalf of such employee granted such leave. A maternity leave of absence may be granted after one year of service with the municipality. In the event the Mayor declares

a Health and Safety Workplace Cautionary Period, the Mayor may waive the five year service requirement and may grant paid administrative leave to any full-time employee. The employee granted a leave of absence hereunder shall notify the Mayor, at least 30 days prior to the expiration of such leave, of his or her intention to return to service with the municipality.

(b) *Jury duty.* The city shall provide for payment of salaries and wages to employees serving jury duty, not to exceed two weeks per year. Any stipend or other form of compensation received by the employee from the agency responsible for the jury may be retained by the employee to cover parking, meals and other incidental expenses related to jury duty.

(c) *Military leave.*

- (1) The city shall provide for payment of salaries and wages to employees for performance of duty for an Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, for periods of up to one month (176 hours or 408 hours for a public safety employee as defined in R.C. § 5923.05(A)(2)(g)) for each federal fiscal year in which they are performing duty in the uniformed services. "Federal fiscal year" means the year beginning on the first day of October and ending on the 30th day of September. Employees recalled to extended active duty with Reserve units shall be paid for any unused vacation time due them at the end of the year in which they were recalled to active duty. They may return to employment after service with full seniority rights.
- (2) The city shall provide for payment of salaries and wages to employees who are called or ordered to the uniformed services for longer than a month (176 hours or 408 hours for a public safety employee as defined in R.C. § 5923.05(A)(2)(g)) for each federal fiscal year in which they are performing duty in the uniformed services because of an executive order issued by the President of the United States, because of an Act of Congress, or because of an order to perform duty issued by the Governor pursuant to R.C. § 5919.29, during the period designated in the order or act, to a leave of absence and to be paid during each monthly pay period of that leave of absence, the lesser of the following:
 - A. The difference between the employee's gross monthly wage or salary and the sum of the employee's gross uniformed pay and allowances received that month.
 - B. Five hundred dollars.

(d) *Salary continuation.* When an employee is injured, but not permanently disabled, in the course and scope of their work duties, through no negligence of his or her own, while actually working for the city, the employee shall be eligible for a paid leave, commencing with the sixth day (after the second tour of duty in the case of fire personnel) he or she is off from work due to said injury, upon the authorization of City Council. Council shall act upon the recommendation of the department head and the Mayor. Payment shall be continued for a period determined by Council. Any employee who has his or her salary continued under this section shall be required, as a condition of having his or her salary continued, to reimburse the city for any and all monies received by such employee from any public source representing any part of the payment of said employee's compensation during the period for which Council has continued the affected employee's salary. The employee may utilize any accumulated but unused sick leave for the first five days of absence, two tours of duty in the case of fire personnel, due to injury as

described herein. The city shall have the right to require the employee to have a physical exam by a physician appointed and paid by the city resulting in the physician's certification that the employee is unable to work due to the injury as a condition precedent to the employee receiving any benefits under this section. The designated physician's opinion shall govern whether the employee is actually disabled or not.

('64 Code, § 145.14; Ord. 2341, passed 3-7-78; Am. Ord. 3527, passed 9-17-96; Am. Ord. 3861, passed 1-16-01; Am. Ord. 4024, passed 4-15-03; Am. Ord. 4536, passed 1-2-10; Am. Ord. 5286, passed 12-17-19; Am. Ord. 5317, passed 4-7-20; Am. Ord. 5329, passed 5-19-20)

Sec. 145.15. Court time and other legal proceedings.

(a) All full-time and part-time employees of the city, other than those employees covered by a collective bargaining agreement and those employees covered by the provisions contained in section 145.13, shall be entitled to receive compensation for all hours devoted to a required appearance in court, deposition or other legal proceeding, including time for preparation, which case or legal matter involves the city. The number of hours of compensation shall be approved by the Director of Law. Such compensation shall be at the employee's regular rate of pay or at his or her overtime rate as may be required by law.

(b) All contract employees, including but not limited to consultants, engineers, architects, and inspectors shall be entitled to receive compensation for all hours devoted to a required appearance in court, deposition or other legal proceeding, including time for preparation, which case or legal matter involves the city. The number of hours of compensation shall be approved by the Director of Law. Such compensation shall be at the person's regular rate of pay as stated in their contract with the city or, if there is no contract with the city, then at that person's rate as normally charged for their services. (Ord. 4021, passed 4-15-03)

Sec. 145.16. Examination fee.

(a) The Civil Service Commission of the city is hereby authorized to establish a nonrefundable examination fee in the amount not to exceed \$30.00 to be charged to candidates taking written examinations for positions in the city's safety forces whether for an original appointment or promotion.

(b) The fee shall be collected by the Civil Service Commission at the time candidates take their written examination and all moneys collected by the commission shall be deposited with the city's Finance Department.

('64 Code, § 145.16; Ord. 2720, passed 6-5-84; Am. Ord. 4356, passed 9-21-07)

Sec. 145.17. Bereavement leave.

(a) All full-time employees of this municipality except for full-time firemen shall be entitled to three days paid leave for the death of the employee's current legal spouse, child, step child, mother, father, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, step mother and step father. In the event the funeral services for the individuals mentioned herein are held

more than 350 miles from the Brecksville City Hall, and further if the employee actually attends these funeral services, an additional two (2) days paid leave shall be granted to the employee. Such bereavement leave shall not be deducted from the employee's accumulated sick time.

(b) All full-time firemen shall be entitled to one paid tour of duty as bereavement leave for the death of the employee's current legal spouse, child, step child, mother, father, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, brother-in-law sister-in-law, step mother and step father. In the event the funeral services for the individuals mentioned herein are held more than 350 miles from the Brecksville City Hall, and further if the employee actually attends these funeral services, an additional one paid tour of duty of bereavement leave shall be granted to the employee. Bereavement leave shall not be deducted from the employee's accumulated sick time.

('64 Code, § 145.17; Ord. 2872, passed 4-7-87; Am. Ord. 3010, passed 3-21-89; Am. Ord. 3624, passed 1-2-98; Am. Ord. 3861, passed 1-16-01)

Sec. 145.18. Emergency call-in pay for firemen.

All firemen who are required to work on a previously unscheduled emergency basis, as same may be defined by the city, shall be compensated for all hours worked at the appropriate rate of pay, but in no event shall they be compensated for less than two hours.

('64 Code, § 145.18; Ord. 3010, passed 3-21-89)

Sec. 145.19. Firemen; Officer-In-Charge premium.

Effective December 18, 2022, any fireman who is performing the duties and assuming the responsibility of Officer-in-Charge for at least 12 hours of a regular tour of duty in the absence of a Lieutenant, shall be compensated at a flat rate of \$60.00 for each tour of duty worked. The Officer-in-Charge shall be the senior fireman normally assigned to work the tour of duty unless the Chief designates said shift with an Officer-in-Charge in advance.

(Ord. 3624, passed 1-2-98; Am. Ord. 5578, passed 12-20-22)

Sec. 145.20. Infectious disease outbreak (or potential outbreak) and extenuating circumstances policy.

It is the policy of the City of Brecksville to provide a safe work environment by establishing procedures and guidelines to help prevent and/or limit the transmission of communicable diseases in the workplace. The full policy, attached to Resolution No. 5052, passed April 21, 2020, as Exhibit A, is hereby adopted by reference.

(Res. 5052, passed 4-21-20)

CHAPTER 147. CITY RECORDS COMMISSION*

Sec. 147.01. Establishment and composition.

Council, pursuant to R.C. § 149.39, hereby establishes a City Records Commission. The commission shall consist of the Mayor, the Director of Finance, the Director of Law and a resident of the city appointed by the Mayor. The City Records Commission shall be governed in all respects by the provisions contained in R.C. § 149.39 and any amendments made thereto.

(*64 Code, § 147.01; Ord. 2984, passed 10-4-88)

*State law reference—Records review and disposal, see R.C. § 149.39

PART SEVEN

BUSINESS REGULATION CODE

TITLE ONE GENERALLY

- Chap. 701. Admissions Tax**
- Chap. 702. Transient Occupancy Tax**
- Chap. 703. Gasoline and Service Stations**
- Chap. 705. Peddlers**
- Chap. 707. Recovery of Costs of Emergency Actions**
- Chap. 709. Taxicabs**
- Chap. 711. Police and Fire Emergency Alarms**
- Chap. 712. Telecommunications Right-of-way Permits**
 - App. i. Telecommunications Right-of-way Permit
- Chap. 713. Small Cell Facilities and Wireless Support Structures**
 - App. i. Small Cell Facilities and Wireless Support Structures
- Chap. 715. Master Cable Television Regulations**
- Chap. 716. Customer Service Standards for Cable Television Systems**
- Chap. 717. Wireless Communication Antennas and Towers**
- Chap. 719. Reserved**
- Chap. 721. Adult Entertainment Businesses**
- Chap. 729. Helistops**
- Chap. 750. Explosive Devices and Dangerous Ordnances**

STREETS AND SIDEWALKS

- Sec. 715.14. Consideration of initial applications.
- Sec. 715.15. Franchise renewal.
- Sec. 715.16. Rate regulation; senior citizen discounts; promotions; broadcast basic service; guaranteed service calls.
- Sec. 715.17. Franchise fee.
- Sec. 715.18. Design and construction requirements; street and other public improvements.
- Sec. 715.19. Technical standards; tests.
- Sec. 715.20. Trimming of trees.
- Sec. 715.21. Provision of cable to public facilities.
- Sec. 715.22. Hold harmless.
- Sec. 715.23. Insurance; construction completion bond; performance bond.
- Sec. 715.24. Records required and grantor's right to inspect.
- Sec. 715.25. Annual reports.
- Sec. 715.26. Institutional network; interconnection with other government networks.
- Sec. 715.27. Public, educational, or government (PEG) access channels and facilities; fee in lieu.
- Sec. 715.28. Franchise violation.
- Sec. 715.29. Force majeure; grantee's inability to perform.
- Sec. 715.30. Abandonment or removal of franchise property.
- Sec. 715.31. Extended operation and continuity of services.
- Sec. 715.32. Receivership and foreclosure.
- Sec. 715.33. Rights reserved to grantor.
- Sec. 715.34. Rights of individuals.
- Sec. 715.35. Time limits strictly construed.
- Sec. 715.36. Delegation of authority.
- Sec. 715.37. Conflicts.
- Sec. 715.38. Severability.

Chapter 716. Customer Service Standards for Cable Television Systems

- Sec. 716.01. Policy.
- Sec. 716.02. Definitions.
- Sec. 716.03. Customer service.
- Sec. 716.04. Customer dissatisfaction with any service.
- Sec. 716.05. Safety.
- Sec. 716.99. Penalty.

Chapter 717. Wireless Communication Antennas and Towers

- Sec. 717.01. Definitions.
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***Editor's note**—Ord. No. 5619, § 1, adopted May 16, 2023, repealed Ch. 719, §§ 719.01—719.03, which pertained to the telecommunications commission and derived from Ord. No. 3584, passed July 1, 1997.

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(e) In the event the applicant fails to make the initial deposit as required in this section or fails to timely replenish this fund as required herein, the Building Commissioner shall not accept any additional documentation from the applicant, issue the applicant a building permit, or allow any work to continue in the event a building permit is issued.

(f) The Building Commissioner, or his or her designee shall notify the Finance Director at such time when professional review is no longer necessary for the matter for which the deposit was made. The Finance Director, or his or her designee shall verify with all professional reviewers that they have submitted all of their invoices and that these invoices have been paid for that particular application. The Finance Director shall then promptly refund the balance of any funds remaining on deposit for that particular application to the person or entity who made such deposit with the city.
(Ord. 4407, passed 4-15-08)

Sec. 1314.22. Three percent assessment for nonresidential properties.

(a) The Building Commissioner is authorized and directed to collect, on behalf of the Board of Building Standards of the state, an amount equal to three percent of all the various plan review, building permit, and inspection fees as prescribed in the Building Code of the city for nonresidential property. This assessment, as collected on behalf of the Board of Building Standards, shall be in addition to the current fees charged for inspections and for the issuance of various building permits for nonresidential properties.

(b) The Director of Finance is authorized and directed to remit any assessments received pursuant to division (a) hereof to the Board of Building Standards of the state on a monthly basis.
(Ord. 4736, passed 12-4-12)

Sec. 1314.23. Plan examination services.

(a) The Building Commissioner is authorized and directed to collect plan examination and administration fees for residential and nonresidential plan submittals. This fee shall be in addition to the current fees charged for the issuance of various building permits for residential and nonresidential properties.

- (1) The fee for plan examination services rendered for projects subject to the Residential Code of Ohio; one, two or three-family dwellings, alterations or additions, per hour \$125.00
- (2) The fee for plan examination services rendered for projects subject to the Ohio Building Code, per hour \$150.00

(Ord. 5110, passed 10-17-17; Ord. No. 5581, § 1, 1-17-23)

BRECKSVILLE CODE

CHAPTER 1315. TOPOGRAPHIC SURVEY

Sec. 1315.01. Survey required; sample form incorporated.

Each application for a building permit for the erection, construction, remodeling or alteration of, addition to or moving of any building shall be accompanied by a topographic survey unless a topographic survey already exists and is on file with the Building Department for the parcel in question or if this requirement is waived by the Building Commissioner as approved by the City Engineer. All required topographic surveys shall be in the form of the sample appended to this chapter and dated December 10, 1996, which topographic survey shall contain the information shown in such sample. A copy of the sample topographic survey shall be kept in the Building Department for public inspection.

('64 Code, § 1315.01; Ord. 2719, passed 6-5-84; Am. Ord. 3546, passed 12-17-96; Am. Ord. 4569, passed 6-15-10)

Cross reference—Penalty, see § 1315.99

Sec. 1315.02. Fees for engineering services; compliance.

Each applicant shall, upon making application for a building permit in connection with which a topographic survey is required, shall pay to the Building Department, in addition to all other fees and deposits required, the following amounts for engineering services:

- (a) \$400.00 for examination of the topographic survey, which examination shall be made prior to the commencement of any construction; and
- (b) \$200.00 for each re-examination of the topographic survey; and
- (c) \$400.00 for the examination of the footer elevation before the footers have been poured, and the examination of the front and side yard setback requirements; \$250.00 if a re-examination is required due to the location or elevation of the footers being found incorrect; and
- (d) \$475.00 for the examination of yard grades, swales and first floor elevations; \$200.00 for re-inspection if found faulty; and
- (e) \$200.00 for final examination after installation of landscaping; and
- (f) \$250.00 if scheduled for any examination but not ready when field-checked.

Failure of the applicant or owner of the property to comply with or make necessary corrections to the grades in accordance with the topographic survey, as may be ordered by the Building Commissioner or City Engineer to conform the property to the approved topographic survey, shall constitute a violation of this section, the penalty for which violation is set forth in section 1315.99.

('64 Code, § 1315.02; Ord. 2519, passed 12-2-80; Am. Ord. 3853, passed 12-19-00; Am. Ord. 4253, passed 5-2-06; Am. Ord. 4390, passed 12-18-07; Am. Ord. 5141, passed 12-19-17)

Cross reference—Penalty, see § 1315.99

Sec. 1315.03. Further study; fee.

If, in the opinion of the Building Commissioner, further study is needed regarding soil conditions, subsurface water conditions, construction, and the like, the applicant shall pay to the Building Commis-

TABLE OF SPECIAL ORDINANCES

TABLE B

Ord. No.	Date Passed	Description
Res. 5361	11-15-22	Accepting an easement for temporary grading and access across certain lands owned by Andrew Sickle and known as PPN 603-09-002.
Res. 5368	12-6-22	Accepting an easement for construction, reconstruction, maintaining, repairing, and replacing sidewalks and landscaping in, under, across and through certain lands owned by Courtney Leanne Montgomery and known as PPN 603-09-001.
Res. 5369	12-6-22	Accepting an easement for temporary grading and access across certain lands owned by Courtney Leanne Montgomery and known as PPN 603-09-001.
Res. 5449	7-5-23	Accepting an easement for access to storm and drainage facilities across certain lands owned by Zachary and Nina Moore and known as PPN 605-15-003; and declaring an emergency.
Res. 5486	12-19-23	Accepting a temporary clearing and grading easement across certain lands owned by City of Cleveland known as Blossom Hill Farm and known as PPN 603-09-003.
Res. 5487	12-19-23	Accepting a permanent easement for construction, reconstruction, maintaining, repairing and installing a sidewalk and driveway apron with landscaping across certain lands owned by City of Cleveland known as Blossom Hill Farm and known as PPN 609-09-003.
Res. 5530	2-6-23	Authorizing the mayor to execute an extinguishment of temporary and permanent easements and declaring that such easements are no longer needed for municipal purposes.
Res. 5531	2-6-23	Authorizing the mayor to execute a release of mortgage deed for the Glen-Valley Club Co. Permanent Parcel Nos. 602-15-004, 602-15-005 and 602-15-006.

TABLE OF SPECIAL ORDINANCES

TABLE E

Ord. No.	Date Passed	Description
Res. 5085	10-6-20	Authorizing the Mayor to accept a quit claim deed from the Brecksville Community Improvement Corporation for PP# 603-20-029, 603-20-030, 603-21-022, 604-07-007, 604-08-001, 604-08-002, 604-08-003, 604-08-004, and 604-08-007.
Res. 5086	10-6-20	Authorizing the Mayor to convey a quit claim deed to the Brecksville Community Improvement Corporation for PP# 603-20-029, 603-20-030, 603-21-022, 604-07-007, 604-08-001, 604-08-002, 604-08-003, 604-08-004, and 604-08-007.
5451	10-19-21	Authorizing the Mayor to enter into a purchase contract with Michael Jason Miller and Jacqueline R. Czarnota for the purchase of Permanent Parcel No. 602-09-042, property address V/L Crinkleroot Drive.
5471	1-18-22	Authorizing the Mayor to enter into an offer to purchase real estate and acceptance with Jayne M. Antrobus for the purchase of property located at 9056 Brecksville Road, PP# 601-34-085.
Res. 5263	3-1-22	Authorizing the Mayor to enter into a development and real estate transfer agreement with the Brecksville- Broadview Heights City School District concerning identified district properties.
5482	3-1-22	Authorizing the Mayor to accept a fiduciary's deed to transfer from Jayne M. Antrobus real property located at 9056 Brecksville Road, PP# 601-34-085.
Res. 5290	5-17-22	Authorizing the Mayor to accept a quit claim deed from VA Land, LLC for property known as Parcel 8-WD and also known as PPN 604-09-016.
Res. 5294	5-17-22	Authorizing the Mayor to accept a quit claim deed from Brant E. Giere for property known as Parcel 2-WL and also known as PPN 604-16-002.
5503	5-17-22	Authorizing the Mayor to enter into a contract for sale and purchase of real property and a contract for right of entry with PNC Bank, National Association.
5504	5-17-22	Authorizing the Mayor to enter into a contract for sale and purchase of real property and a contract for right of entry with 6850 Miller Road Holding Company, LLC.
Res. 5306	7-19-22	Authorizing the Mayor to accept a warranty deed from 6850 Miller Road Holding Company, LLC for property known as Parcel 9-WD1, WD2 and also known as PPN 604-17-003.
Res. 5307	7-19-22	Authorizing the Mayor to accept a warranty deed from Grand Bay Plaza Limited Partnership for property known as Parcel 1-WL and also known as PPN 604-07-002.

TABLE E

BRECKSVILLE CODE

Ord. No.	Date Passed	Description
Res. 5329	9-6-22	Authorizing the Mayor to accept a limited warranty deed from PNC Bank, National Association for property known as Parcel 7-WL and also known as part of PPN 604-17-008.
Res. 5437	5-16-23	Authorizing the Mayor to accept a quit claim deed from Sherwin Williams Company for property known as parcel 6-WD and also known as PPN 604-08-008; and declaring an emergency.
Res. 5438	5-16-23	Authorizing the Mayor to accept a quit claim deed from Sherwin Williams Company for property known as parcel 6-WL and also known as PPN 604-08-008; and declaring an emergency.
5630	6-20-23	Authorizing the Mayor to enter into a real estate transfer and development agreement with the Brecksville-Broadview Heights City School District and Triban Investments, LLC for PP# 603-15-009 located at 9457 Highland Drive; and declaring an emergency.
5649	10-3-23	Authorizing the Mayor to enter into an agreement for the sale and purchase of real estate with Morel Landscaping, LLC for PP# 604-25-007 located on Noble Park Lane, aka Noble Park Drive and Noble Park Road; and declaring an emergency.
Res. 5534	3-5-24	Authorizing the mayor to enter into a release from agreement for the sale and purchase of real estate with Morel Landscaping, LLC for the mutual termination of the agreement to purchase property known as PPN 604-25-007 located on Noble Park Lane aka Noble Park Drive and Noble Park Road and the return of earnest money/down payment.

TABLE OF SPECIAL ORDINANCES

TABLE J

Ord. No.	Date Passed	Description
4648	11-1-11	Acknowledging the intent to reimburse the Building and Improvement Fund #490 for monies used to construct Fire Station Expansion with monies generated by the Fire Fund #290.
Res. 4189	12-6-11	Eliminating the Echo-Snowville Sanitary Sewer Fund #263.
Res. 4437	3-18-14	Establishing the Indigent Drivers Interlock and Alcohol Monitoring Fund No. 289.
Res. 4471	9-2-14	Establishing the Workers' Compensation Fund No. 602.
5604	4-4-23	Providing for the issuance and sale of not to exceed \$3,600,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying, in anticipation of the levy and collection of special assessments, the property owners' portion and the city portion of the costs of constructing an 8" sanitary sewer and 6" sanitary sewer laterals, together with all necessary appurtenances to extend sanitary sewer along Chippewa Road (S.R. 82) from Riverview Road to Wiese Road and along Calvin Drive and extending to the termini point of Glen Valley Drive allowing for the removal of the Glen Valley Pump Station.
5659	11-7-23	Amending Ordinance No. 5592 as it relates to employee compensation; and declaring an emergency.

CODE COMPARATIVE TABLE

This table gives the location within this Code of those ordinances adopted since the 1995 Code, as supplemented. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Legislation	Adoption Date	Section	Section this Code
5581	1-17-23	1	1314.23
5586	2- 7-23	1	123.01
5590	3- 7-23	1	145.06(g)
5591	3- 7-23	1	145.13
5606	7-18-23	1	Char., Art. III, § 2
5607	7-18-23	1	Char., Art. V, § 9
5608	7-18-23	1	Char., Art. VI, § 4
5609	7-18-23	1	Char., Art. VI, § 6
5610	7-18-23	1	Char., Art. VI, § 8
5611	7-18-23	1	Char., Art. XII, § 5
5619	5-16-23	1	Rpld 719.01—719.03
5658	11- 7-23	1(Exh. A)	Added 1331.01—1331.08
		2	Rpld 1331.01—1331.08
5660	11- 7-23	1(Exh. A)	1511.03, 1511.04
			1531.03
			1531.05
			1531.18
			Added 1531.27
5661	11-21-23	1	145.13
5667	12- 5-23	1	145.09(c)
5671	12- 5-23	1	145.08(d)
5675	1-16-24	1	145.05(b)
5685	2-20-24	1	145.13
5697	4- 2-24	1(Exh. A)	Char., Art. III, § 1
			Char., Art. III, §§ 3, 4
			Char., Art. IV, §§ 1—7
			Char., Art. IV, § 9
			Char., Art. V, §§ 1—4
			Char., Art. V, §§ 6—8
			Char., Art. V, §§ 10, 11
			Char., Art. VIII, § 3

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