

CITY OF SPRINGDALE, OHIO

CODE OF ORDINANCES

2023 S-25~~25~~²⁶ Supplement contains:
Local legislation current through ~~12-31-22~~⁸⁻¹⁶⁻²³
State legislation current through 6-28-22

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ORDINANCE NO. 34-2023

AN ORDINANCE ENACTING AND ADOPTING THE 2023 S-25 SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the City of Springdale contracts annually with American Legal Publishing Corporation to prepare an update to the Code of Ordinances of the City of Springdale, Ohio (the "City Code") to reflect changes and ensure that the City Code is in compliance with recent revisions to local, state and federal laws.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, Ohio, 7 members elected thereto concurring:

Section 1. That the 2023 S-25 Supplement to the Code of Ordinances of the City of Springdale, Ohio, as prepared and submitted by American Legal Publishing Corporation, a copy of which is on file with the Clerk of Council/Finance Director, who certifies that the codification, renumbering and rearrangement in book form is correct, is hereby adopted and incorporated by reference as if set forth herein in its entirety.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect on the earliest date allowed by law.

Section 4. That this Ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II(D)(3)(d) of the Charter, be effective immediately. The reason for the emergency is to enact and adopt the 2023 S-25 Supplement at the earliest possible date to ensure immediate compliance with revisions made to local, state and federal laws since the last update.

Springdale - Adopting Ordinance

Passed this 16th day of August, 2023.

/s/ Thomas Vanover
President of Council

Attest:

/s/ Kathy McNear
Clerk of Council/Finance Director

Approved:

/s/ Doyle H. Webster
Mayor

August 16, 2023
Date

SPRINGDALE CITY CHARTER

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b. Form. Each proposed ordinance and resolution shall be introduced in writing by a member of the Council, shall contain only one (1) subject which shall be clearly expressed in the title, and shall commence with the clause: "Be it ordained (or resolved) by the Council of the City of Springdale, Ohio." (Approved by electors 5-6-86)

c. Adoption. Before adoption, every ordinance shall be read fully and distinctly at an official meeting on two (2) separate days unless said ordinance contains a clause declaring the necessity of its immediately going into effect by reason of a stated emergency, in which cases, such ordinance may be read once and passed on the day of such reading as provided in subparagraph (d). If an ordinance does not contain an emergency clause, Council may, by a vote of not less than five (5) of its members, dispense with the requirement that the ordinance be read on two (2) separate days, and authorize the adoption of the ordinance or resolution upon its first reading. Furthermore, Council may, by a vote of not less than five (5) of its members, dispense with the requirement that an ordinance shall be read fully and distinctly for its first or second reading or for both its first and second reading, and authorize it to be read by title only for its first or second or both its first and second reading. An ordinance may only be read by title only on the first or second occasion if copies of the proposed ordinance are available in council chambers for public inspection during the Council meeting. No ordinance shall be passed without the affirmative vote of at least four (4) members of Council. Every vote taken upon a motion to suspend the two (2) reading rule and every vote upon the adoption of every ordinance and resolution and upon any other manner as to which any member of Council shall so demand, shall be taken upon a roll call of the members and the vote of each member entered upon the journal of the proceedings of Council, which shall be kept by the Clerk of Council/~~Finance Director~~. Resolutions shall be introduced in writing by a member of Council and may be acted upon immediately after single reading. Adoption of every ordinance and every resolution shall be certified by the signature of the President of Council and attested to by the Clerk of Council/~~Finance Director~~. The failure or refusal of either of said officers to make such certification or attestation shall not in any way affect the validity of the legislation or delay its going into effect. Immediately upon passage, all ordinances and resolutions shall be submitted by the Clerk of Council/~~Finance Director~~ to the Mayor for signature. The Clerk of Council/~~Finance Director~~ shall record all ordinances and resolutions in full, in separate ordinance volumes, and resolution volumes which shall be a public record available for examination at all reasonable times by all persons. (Approved by electors 11-4-75; 5-6-86; 11-4-86; 11-5-96; 11-2-21)

d. Emergency ordinances. Whenever Council determines that it is necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation, for an ordinance to become effective immediately, it may designate such ordinance as an emergency ordinance and, upon the affirmative vote of at least five (5) members of Council, it shall go into immediate effect upon its adoption. An emergency ordinance shall contain a separate section in which is set forth the reason for the determination of the emergency. Council's determination that an emergency exists shall be final. An emergency ordinance shall not be subject to referendum but the right to repeal such ordinance by the electorate upon initiative petition, shall be preserved. Emergency ordinances shall be published as other

ordinances, as hereinafter provided. If an ordinance containing an emergency clause fails to pass as an emergency measure, but still receives the approval of four (4) members, it becomes effective as other ordinances.

e. Time of effectiveness. Emergency ordinances shall become effective immediately upon approval by the Mayor or upon passage over the Mayor's veto. Ordinances providing for the day to day operation of the Municipality, for appropriations for current expenses, for street improvements petitioned for by the owners of a majority of the front footage of property benefited and to be especially assessed for the cost thereof, and ordinances levying taxes or creating debt, shall be effective immediately upon approval by the Mayor or upon passage over the Mayor's veto. All other ordinances shall take effect and be in force thirty (30) days after their approval by the Mayor or their passage over his veto, or the completion of the period of publication required by this Charter, whichever date is the later, unless suspended by the filing of a valid referendum petition, in which event the effective date of such ordinance shall be the date of the certification by the Board of Elections of the approval of such ordinance by the electorate. Resolutions shall take effect upon adoption, without publication.

f. Adoption of standard codes by reference. The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as, but not limited to, fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning, pipe and boiler installation, and other similar codes, by reference, including in said reference the source and date of the code, without reproducing it fully in the ordinance; provided, however, that any addition, modification, or deletion from the code as promulgated shall be clearly stated in the enacting ordinance. In the enacting ordinance, the Council may also provide that any amendments to the incorporated code by the promulgating agency shall also, without further action by Council, be deemed an amendment to the enacting ordinance. Publication in full of a code adopted by reference shall not be required; provided, however, that publication of the enacting ordinance into which the code is incorporated by reference, shall be published as in all other cases. A copy of each such code adopted by reference shall be kept in the office of the Clerk of Council/~~Finance Director~~ for inspection by interested persons at all reasonable times and additional copies shall always be available for sale, at cost, by the Clerk of Council/~~Finance Director~~ or by a person designated by him. (Approved by electors 11-4-86; 11-2-21)

g. Publication.

1. All ordinances shall be published by title, at least one time in a newspaper of general circulation, on the City's website, or in any other manner designated by Council, within fifteen (15) days after passage, provided, however, that in the event of the exercise of the veto power of the Mayor, then such publication shall be within fifteen (15) days after the re-passage of the ordinance over the Mayor's veto. (Approved by electors 11-2-21)

2. The codification, renumbering, rearrangement or publication in book form, if certified as correct by the Clerk of Council/~~Finance Director~~, shall not require additional publication, provided no new legislation is included therein and the ordinances so printed shall have the same legal effect as at the time of their initial enactment and publication. (Approved by electors 11-2-21)

(II.D.3.g. in its entirety approved by electors 11-4-86; 11-2-93)

E. INITIATIVE AND REFERENDUM.

1. Powers Reserved. The people of the Municipality of Springdale hereby reserve to themselves the legislative power of the initiative and referendum, to be exercised in accordance with the provisions of this Charter.

2. Initiative. Ordinances providing for the exercise of any powers of government granted by the Constitution or delegated by the General Assembly to Charter municipalities, may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than fifteen percent (15%) of the total number of electors who voted in the preceding gubernatorial election. The form, content, verification of and other requirements for initiative petitions shall be those prescribed by the constitution and the general laws of the State of Ohio relating to initiative petitions for the enactment of state laws. When a petition is filed with the Clerk of Council/~~Finance Director~~, signed by the required number of electors proposing an ordinance, such Clerk of Council/~~Finance Director~~ shall certify the text of the proposed ordinance to the Council at its next regular meeting, which shall set the time for and hold a public hearing on the question of the proposed legislation at its next succeeding regular meeting. At said meeting, after said public hearing, Council shall either adopt the proposed ordinance or submit the question of its adoption to the electors at the next succeeding primary or general election. No ordinance proposed by initiative petition and approved by a majority of the electors voting upon the question shall be subject to the veto of the Mayor. All other matters relating to the exercise of the initiative powers of the electors shall be as determined by the Revised Code of the State of Ohio. (Approved by electors 11-2-21)

Referendum. Any ordinance, except such ordinances as, by this Charter, go into immediate effect, shall be subject to the referendum. When a petition, signed by fifteen percent (15%) of the total number of ~~electors~~ who voted in the preceding gubernatorial election, is filed with the Clerk of Council/~~Finance Director~~ within thirty (30) days after any ordinance subject to the referendum is adopted by the Council, or in case the Mayor has vetoed the ordinance and returned it to Council, within thirty (30) days after Council has passed the ordinance over his veto, ordering that such ordinance be submitted to the electors of the Municipality for their approval or rejection, such Clerk of Council/~~Finance Director~~ shall, after determining the validity of said petition, certify the content thereof to the Council at its next regular meeting. Upon said public hearing, the Council shall either repeal the ordinance which is the subject of the referendum petition or provide for its submission to the electors at the next succeeding primary or general election. All other matters relating to the question of the exercise of the powers of referendum shall be regulated by the provisions of the Revised Code of Ohio relating to referendum petitions. The ordinance which is the subject of the referendum petition shall not go into effect until the Board of Elections certifies that the ordinance has been approved by a majority of the electors, whereupon, the ordinance shall go into effect immediately. (Approved by electors 11-2-21)

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Whenever the Council of the municipal corporation is required to pass more than one (1) ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum provisions of this Charter shall apply only to the first ordinance required to be passed and not to any subsequent ordinances relating thereto.

(II.E.2. in its entirety approved by electors 11-4-86)

ARTICLE III - EXECUTIVE

A. GENERAL.

All executive power of the Municipality shall be vested in a Mayor, City Administrator, Chief of Police, Fire Chief, Director of Public Works, Chief Building Official, ~~Clerk of Council/Finance Director~~, and such other departments or offices as are created by the Council.

(Approved by electors 5-6-86; 11-4-86; 11-2-21)

B. MAYOR.

1. Powers and Duties. The Mayor shall be the chief executive and administrative officer of the Municipality. He shall appoint a full-time City Administrator and all executive department heads, with the exception of the Finance Officer/Tax Commissioner. Said officials shall be under the authority of the Mayor and answerable to the Mayor in the manner which he determines. He shall be the chief administrator and shall have the power of appointment to all positions not otherwise provided for in this Charter. He shall be recognized as the official head of the Municipality for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor of the State of Ohio for military purposes. He shall have such judicial powers as are conferred upon mayors of municipalities by the constitution and general law of the State of Ohio. He shall have the power of veto of ordinances enacted by the Council except as otherwise specifically limited by this Charter. However, resolutions enacted by the Council are not subject to the veto of the Mayor. His failure to subscribe his name to ordinances enacted by Council within seven (7) days from their passage, shall constitute the exercise of his veto power, and no legislation so vetoed shall go into effect unless it is reenacted by Council within thirty (30) days by a vote of not less than five (5) of the seven (7) members of Council. The Mayor shall have such other powers as are specifically provided by this Charter.

(Approved by electors 11-4-75; 11-8-77; 11-2-82; 11-7-89)

2. Term. The Mayor shall be elected for a term of four (4) years. The term of the Mayor shall commence on the first day of December following his election. He shall be elected by the electors at large.

(Approved by electors 11-4-86)

3. Qualifications. The Mayor shall have been a registered elector of the Municipality qualified to vote at the next preceding general municipal election. An interim Mayor elected for an unexpired term shall have the same qualifications as a Mayor elected for a full term.

(Approved by electors 11-4-75; 11-8-16)

4. Compensation. The compensation of the Mayor shall be as established by Council. The President of Council, as acting Mayor, shall receive no compensation in addition to his compensation

E. DEPARTMENT OF PUBLIC WORKS.

There is hereby established a Department of Public Works which shall be under the supervision of a Director of Public Works, who shall be appointed by the Mayor. The Council shall provide for the organization of the Department of Public Works and for the compensation of the employees of the department. He shall have all the powers and duties of the street commissioner under the general law and such other duties as the Council may assign to his office. He shall be the supervisor of the labor force of the Municipality.

(Approved by electors 5-6-86; 11-3-09)

F. BUILDING DEPARTMENT.

There is hereby established a Building Department which shall be under the management and supervision of a Chief Building Official. It shall be the duty of the Chief Building Official to enforce the Building Code of the Municipality. The Chief Building Official shall be appointed by the Mayor. Council may provide for such assistants as the Chief Building Official shall require in the performance of his duties and shall provide compensation therefor consistent with available funds as determined by Council. Such assistants shall be appointed by the Mayor. The provision for the enforcement of the Building Code in effect under existing ordinances at the time of the adoption of this Charter shall remain in effect under this Charter until amended by Council.

(Approved by electors 5-6-86)

G. CLERK OF COUNCIL/~~FINANCE DIRECTOR.~~

~~1. Powers and Duties. The Clerk of Council/Finance Director shall be the chief fiscal officer of the Municipality and shall have the combined powers and duties of Treasurer, Clerk of Council, and Auditor of the City as provided by the general law. The Clerk of Council/Finance Director shall appoint the Finance Officer/Tax Commissioner with confirmation of Council.~~

~~(Approved by electors 11-2-82; 11-7-89)~~

~~2. Term. The Clerk of Council/Finance Director shall be elected for a term of four (4) years. The term of the Clerk of Council/Finance Director shall commence on the first day of December following his election. He shall be elected by the electors at large.~~

~~3. Qualifications. The Clerk of Council/Finance Director shall have been a registered elector of the Municipality qualified to vote at the next preceding general municipal election.~~

~~(Approved by electors 11-4-75; 11-8-16)~~

~~4. Compensation. The compensation of the Clerk of Council/Finance Director shall be as established by Council.~~

~~5. Absence, Disability or Vacancy. In the absence or disability of the Clerk of Council/Finance Director, a member of Council, appointed by a majority of Council, shall be the Acting Clerk of Council/Finance Director. Said Acting Clerk of Council/Finance Director shall exercise all of the powers and duties of the Clerk of Council/Finance Director during such absence or disability. In the event of a vacancy in the office of the Clerk of Council/Finance Director, the position shall be filled by the election by Council of a person qualified as herein provided. If the Council does not so elect a~~

~~successor to fill the unexpired term of the Clerk of Council/Finance Director at the regular council meeting after the vacancy is created, then the Mayor shall fill said vacancy by appointment.
(Approved by electors 11-7-00)~~

~~— 6. Special Requirements. In addition to all other duties and powers created by law, the Clerk of Council/Finance Director of the Municipality shall:~~

~~—— a. Keep all records of Council;~~

~~—— b. Keep all records up to date at all times;~~

~~—— c. Pay all bills on or before due or discount dates;~~

~~—— d. Prepare monthly financial report and properly distribute;~~

~~—— e. With the Mayor and City Administrator, prepare the budget and annual supplemental appropriations ordinance;~~

~~—— f. Maintain all public records for examination;~~

- ~~g. Keep Council advised of availability of funds for projects, etc.;~~
- ~~h. Prepare certificates of availability of funds within forty-eight (48) hours of requisition by procurement agencies, if funds are available and the expenditure is proper;~~
- ~~i. Invest any such funds as Council, by resolution, declares are not needed for any Municipal purpose for more than ninety (90) days. In addition to such other investments as authorized by general law funds so declared by Council as being not needed for Municipal purposes, may be deposited in any financial institution which is chartered by the State of Ohio and which is also insured by an authorized agency of the State of Ohio;~~
- ~~j. Be responsible for the conduct of an annual audit of all records maintained by the City in accordance with the Ohio Revised Code;~~
- ~~k. Be responsible for the conduct of an annual audit of all financial data in accordance with the Ohio Revised Code including those of the Mayor's court, which funds are supervised by the Mayor and Chief of Police;~~
- ~~l. On a schedule directed by Council, recommend to the Finance Committee financial institutions for the City's banking business and/or depositories for funds described in item i of this section. (Approved by electors 11-3-09; 11-2-21)~~
- ~~7. A Clerk of Council/Finance Director retiring from the office shall not have completed his duties until he has turned over to his successor in office the accounts and records of the Municipality completely posted and an accurate statement of balances, both current as of the date of turnover. (H.G. in its entirety approved by electors 11-4-86)~~
1. **Role - The Clerk of Council shall be an individual appointed or employed by the City Administrator.**
 2. **Absence, Disability or Vacancy - In the absence or disability of the Clerk of Council, another individual employed or appointed by the City Administrator may serve as the Acting Clerk of Council. Said Acting Clerk of Council shall exercise all of the powers and duties of the Clerk of Council during such absence or disability.**
 3. **Powers and Duties - In addition to all other duties and powers created by this Charter, the Clerk of Council of the municipality shall:**
 - a. **Keep all records of Council;**
 - b. **Keep all records of Council up to date at all times;**
 - c. **Maintain all public records for examination; and**
 - d. **Perform all other duties the City Administrator shall require.**
- (Approved by electors 11-2-21)**

4. Vacancy. The Mayor shall appoint a successor within one hundred twenty (120) days after a vacancy occurs. The Mayor may, by letter filed with the Clerk of Council/~~Finance Director~~, appoint a qualified administrative officer of the Municipality to exercise the powers and duties of the City Administrator during the City Administrator's temporary absence, disability, suspension, or during any period that a vacancy occurs. (Approved by electors 11-4-86; 11-2-21)

5. Political. The City Administrator shall not directly or indirectly, personally or through an agent or representative use his official authority or influence for the purpose of interfering with or affecting the result of a Municipal election, nor take an active part in a Municipal political campaign. Provided, however, the City Administrator shall retain the right to vote in any election as he chooses and to express as an individual his opinion freely on all political subjects and candidates. Conduct prohibited by this section shall constitute conduct contrary to the best interest of the Municipality and shall subject the City Administrator to removal under Article IV, Section B of this Charter.

(III.H. in its entirety approved by electors 11-8-77)

ARTICLE IV - ADMINISTRATIVE

A. CIVIL SERVICE.

1. Civil Service Commission. There is hereby established a Civil Service Commission which shall consist of three (3) electors of the Municipality who shall serve for three (3) year terms with such compensation as is established by Council. The members of the Commission shall be appointed by Council. All members of the Commission shall be appointed for the full three (3) year term. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by appointment by Council. No member of the Commission shall hold any other office or employment with the Municipality. The regulations adopted by the Civil Service Commission shall become operative as of the first day of June of the year following the election of the Council making the initial appointment of the Commission.

(Approved by electors 11-4-86)

2. Duties of the Commission. The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the Municipality as required by the constitution of Ohio, and for appeals from the action of any board, official or Council in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the laws of Ohio or this Charter. The Commission shall have the power to subpoena witnesses and require production of records.

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

a. The classified service shall include only the following:

Full-time members of the Police Department;

Full-time members of the Fire Department at such time only as the Council establishes a paid Fire Department;

Full-time hourly workers;

All persons in positions not specifically included in this Charter in the unclassified service.

The total net indebtedness created or incurred by the municipal corporation shall never exceed ten percent (10%) of the total value of all property in the City as listed and assessed for taxation.

In ascertaining the limitations prescribed by this section, the bonds or other evidences of indebtedness excepted in Section 133.02 and Section 133.03 of the Revised Code of Ohio, as presently enacted or in their amended or substituted versions, shall not be considered.

(VII.C. in its entirety approved by electors 11-2-71)

D. BUDGET.

In each fiscal year, which shall be the calendar year from January 1 through December 31, the Mayor, the City Administrator, and the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** shall prepare and submit to Council a tax budget for the following fiscal year. The tax budget shall be submitted to Council at a meeting prior to the date that the tax budget is required to be submitted to the County Budget Commission. It shall include an estimate of all expenditures which will be necessary for the operation of the Municipality during the following fiscal year and an estimate of revenues which will be received for that period. Any disagreement between the Mayor and the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** as to either expenditures or revenue shall be clearly noted upon the budget as submitted. The Council shall approve or amend the tax budget as submitted, and shall adopt same, by resolution, after a public hearing of which at least ten (10) days notice is given in the manner prescribed for the publication of ordinances. The tax budget shall be in the form prescribed by the office of inspection and supervision of public offices of the State of Ohio, except to the extent that modification is required by any provision of this Charter, and all proceedings regarding the adoption of an annual budget, not specifically provided for in this section, shall be in accordance with the provisions of the Ohio Revised Code.

(Approved by electors 11-8-77; 11-4-86; 11-3-09; **11-2-21**)

E. APPROPRIATIONS.

An annual appropriation ordinance shall be prepared by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** of the municipal corporation, in the form prescribed by the general law, based upon the revised budget as approved by the Hamilton County Budget Commission and the official certificate of estimated resources or amendments thereof as issued by the County Auditor. The proposed appropriation ordinance shall be submitted to the Council as soon as practicable after the issuance of such certificate of estimated resources. On or about the first day of each year, the Council shall pass an appropriation ordinance based upon such proposed appropriation ordinance submitted by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**, amended or revised as it sees fit. If it desires to postpone the passage of the annual appropriation ordinance until an amended certificate is received from the County Auditor, based on the actual balances, Council may pass a temporary appropriation ordinance for meeting the ordinary expenses of the Municipality until not later than the first day of April of the current year, and the appropriations made therein shall be chargeable to appropriations in the annual appropriation ordinance for that fiscal year when passed. For the purpose of meeting the actual requirements of the Municipality as they appear as the fiscal year progresses, Council may pass such supplemental appropriation ordinances as it deems necessary, adjusting the appropriations between the various appropriation funds. The total amount appropriated for any fiscal year shall not exceed the total balances carried over from the previous fiscal year plus the estimated revenue for the current fiscal year, as both of such sums appear upon the latest issued certificate of resources. **(Approved by electors**

11-2-21)

No amending or supplemental appropriation ordinance shall be required to be published. Such ordinances shall be effective immediately, and shall not be subject to veto by the Mayor.

No money shall be drawn from the treasury of the municipal corporation except in pursuance of appropriations made by the Council, and no expenditure shall exceed any balance of any appropriation fund account for the fiscal year, said balance being determined by reducing the initial or amended appropriation amount by the total expenditures validly drawn against such account plus any other encumbrances or obligations against such account which have not actually been paid.

The authorization of a bond issue shall be deemed to be an appropriation of the proceeds of the same for the purpose for which such bonds were issued. In the case of an improvement, the cost of which is to be paid in full or part by special assessments, a contract may be executed without an appropriation or certificate for that portion of the cost derived from special assessments, provided that an ordinance authorizing such an assessment and the bonds or notes to be issued in anticipation thereof has been lawfully passed, or that such contract is for the provision of engineering, legal, or other necessary professional services in connection with such improvement. (VII.E. in its entirety approved by electors 11-4-86)

F. CONTRACTS AND EXPENDITURES.

No expenditure of municipal funds shall be made except by a proper warrant drawn against an appropriate fund, which warrant shall show, upon its face, the appropriation in pursuance of which such expenditure is made and the fund against which the warrant is drawn. All such warrants shall be signed by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**. (Approved by electors 11-4-86; 11-2-21)

No contract involving the expenditure of money or purchase order shall be made unless there is attached thereto the certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** that the amount required to meet the obligation of such contract or purchase order, or in the case of a continuing contract to be performed in whole, or in part, in an ensuing fiscal year, the amount required to meet the same in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of appropriate fund free from any previous encumbrances. Every such contract or purchase order made without such a certification shall be void and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by Council of a certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** stating that there was at the time of the making of such contract or purchase order and at the time of the execution of said certificate a sufficient sum appropriated for the purpose of such contract or purchase order and in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances, the Council may authorize the issuance of a warrant in payment of amounts due upon such contract or purchase order by ordinance, but such ordinance shall be passed within thirty (30) days from the receipt of such certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**; provided that if the amount involved is less than five hundred dollars (\$500) the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** may authorize it to be paid without such approval of the Council, if such expenditure is otherwise valid. (Approved by electors 11-5-85; 11-4-86; 11-2-21)

The foregoing provisions notwithstanding, the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** may establish petty cash funds, any of which individual fund shall never

the municipality. No individual purchase shall exceed an amount established by Council. These accounts shall be replenished from time-to-time. At the time of replenishment all expenditures made from such fund shall be audited in accordance with established accounting practices. Additionally, Council may, on an annual basis, adopt a resolution exempting municipal purchases up to a dollar figure to be determined by them from the certification requirements of this section but no more than that allowed by the Ohio Revised Code. The resolution shall state the dollar amount that is exempted from the certification requirement and whether the exemption applies to all purchases, to one or more specific classes of purchases or to the purchase of one or more specific items. (Approved by electors 11-5-85; 11-4-86; 11-3-09; 11-2-21)

Upon certification by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** that a certain sum of money, not in excess of the limits imposed under Ohio Revised Code Section 5705.41, and as the same may be amended and/or recodified, has been lawfully appropriated, authorized, or directed for a certain purpose and is in the treasury or in the process of collection to the credit of a certain fund free from previous and then outstanding obligations or certification, then for said purpose and from said fund, over a period not exceeding three (3) months and not extending beyond the end of the fiscal year, expenditures may be made, purchase orders may be issued, and contracts or obligations calling for or requiring the payment of money may be paid, provided that the aggregate sum of money included in and called for such expenditures, orders, and contracts shall not exceed the sum so certified. An itemized statement of obligations incurred and expenditures made under such certificate shall be rendered by the department head to the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** before another such certificate may be issued, and not more than one such certificate shall be outstanding at a time. (Approved by electors 11-4-86; 11-3-09; 11-2-21)

In addition to providing the certification for expenditures as set forth in the previous paragraph, the City also may make expenditures, issue orders for payment, and make contracts or obligations calling for or requiring the payment of money made and assumed for specified permitted purposes from a specific line-item appropriation account in a specified fund for a sum of money exceeding five thousand dollars (\$5,000) upon the certification by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** of the City that this sum of money has been lawfully appropriated, authorized, or directed for a permitted purpose and is in the treasury or in the process of collection to the credit of the specific line-item appropriation account in the specified fund free from previous and then-outstanding obligations or certifications; provided that the aggregate sum of money included in and called for by the expenditures, orders, and obligations shall not exceed the certified sum. The purposes for which the City may lawfully appropriate, authorize, or issue such a certificate are the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor or appraiser by or on behalf of the City or contracting authority; fuel oil, gasoline, food items, roadway materials, and utilities; and any purchases exempt from competitive bidding under section 125.04 of the Ohio Revised Code and any other specific expenditure that is a recurring and reasonably predictable operating expense. Such an expenditure shall not extend beyond the end of the fiscal year. Such a certificate shall be signed by the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** and may, but need not, be limited to a specific vendor. An itemized statement of obligations made under such a certificate shall be rendered to the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** for each certificate issued. More than one (1) such certificate may be outstanding at any time. (Approved by electors 11-2-21)

In any case in which a contract is entered into upon a per unit basis, the head of the department,

to become due upon such contract, which estimate shall be certified, in writing, to the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**. Such a contract may be entered into if the appropriation covers such an estimate or so much thereof may be due during the current year. In such a case, the certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**, based upon the estimate, shall be a sufficient compliance with the law requiring a certificate. (Approved by electors 11-4-86; 11-2-21)

Any certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** attached to a contract shall be binding upon the municipality as to the facts set forth therein. Upon request of any person, firm or corporation receiving an order or entering into a contract with the municipality, the certificate of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** shall be attached to such order or contract. "Contract" as used in this section excludes current payrolls of regular employees and officers. Taxes and other revenue in process of collection, or the proceeds to be derived from authorized bonds, notes, or certificates of indebtedness sold and in process of delivery shall, for the purpose of this Charter, be deemed in the treasury or in the process of collection and in the appropriate fund. (Approved by electors 11-4-86; 11-2-21)

Expenditures for the payment of current payrolls upon the authority of a proper appropriation for such purpose, provided that the position of such employees and their compensation had been determined prior thereto by ordinance, or in any other matter provided by law, may be made without the express certification of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** herein provided for. (Approved by electors 11-4-86; 11-2-21)

All contracts or purchase orders involving the expenditure of funds in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified, may be entered only after being advertised at least once in a newspaper of general circulation in the City, on the City's website, or by such other means as designated by City Council for a minimum of five (5) days and not more than twenty (20) days prior to the final day of receipt of such bids; shall bear the certification of the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner** as to the availability of funds; shall be in writing and executed by the Mayor and the ~~Clerk of Council/Finance Director~~ **Finance Officer/Tax Commissioner**; and may be entered only after the necessary expenditures are authorized by ordinance of Council. All bids must be accompanied by a bond conditioned upon entering into a proper contract in accordance with the terms of the advertisement. Said bid bonds, or certified check in lieu thereof, shall be in the amount of ten percent (10%) of the consideration stated in the bid. The adequacy of the bid bond shall be determined by Council. Additionally, each contract for one (1) year or less shall be secured by a performance bond, the sufficiency of which shall be determined by the Mayor, in an amount equal to one hundred percent (100%) of the consideration of the contract. Each multi-year contract shall be secured by a performance bond, the sufficiency of which shall be determined by the Mayor, in an amount at least equal to one hundred percent (100%) of the consideration for the performance of the first year of the contract. This performance bond shall be renewed for subsequent years at least fifteen (15) days prior to the expiration of each year of the contract. The renewal shall be in an amount at least equal to one hundred percent (100%) of the consideration for the performance of the next year of the contract. The contract or purchase order may be entered only with the best bidder, as determined by Council in its absolute discretion. Contracts for professional or expert personal services should be excluded from the foregoing provisions for advertising and bonds, and shall be secured by Council upon such terms as it is able to negotiate. However, any contract for such services shall be in writing if the total consideration thereon

is in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified. Such contracts may be in the form of an ordinance, setting forth the terms thereof, which shall be binding upon the municipality and other party either upon acceptance by the other party in writing or by the commencement of the services called for by such ordinance. (Approved by electors 11-2-82; 11-8-83; 11-4-86; 11-2-21)

All contracts and purchase orders for an expenditure less than the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05 and as the same may be amended and/or recodified, need not be advertised, bid or authorized by Council but shall be in the form of a written requisition signed by the Mayor. The Mayor may delegate any part of his authority to the City Administrator, in which event such contract may be signed by the City Administrator to the extent of the authority so delegated. Such written requisition shall bear the certification of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner as to the availability of funds for validation. (Approved by electors 11-8-77; 11-2-82; 11-4-86; 11-2-21)

All contracts properly made by the City shall be administered by the Mayor. The Mayor may delegate any part of such duty to the City Administrator, in which event, such contracts shall be administered by the City Administrator to the extent so delegated. (Approved by electors 11-8-77)

The requirements for competitive bidding and for authorization by Council, in the case of contracts or purchase orders, the consideration of which is in the amount for which advertising and bidding on public contracts is required in Ohio Revised Code Section 735.05, and as the same may be amended and/or recodified, may be waived in the case of emergency, provided that the Mayor secures the approval of the Council in any such situation where a meeting of Council is to be held in time to deal with the emergency or, in the absence of such sufficient time for such meeting, the Mayor secures the informal written approval of five (5) Council members. For the waiver of such requirements, the emergency must be such as to make it imperative that immediate action be taken in order to maintain the essential operations of the municipal government or preserve the public peace, health, or safety. (Approved by electors 11-2-82)

Whenever equipment is being purchased by contract, purchase order or requisition, a condition of transaction may be the trade-in or sale of other equipment, the property of the municipality, declared by Council to be not needed in municipal purposes, the value of the unneeded equipment, as determined by the best bid or offer, being credited on the purchase price of the equipment purchased. (VII.F. in its entirety approved by electors 11-5-96; 11-7-00)

ARTICLE VIII - PROCEDURES

A. EMINENT DOMAIN.

The municipal corporation may appropriate, enter upon, and hold real estate within and without its corporate limits, for any valid municipal purpose, including, but not limited to, those purposes set out expressly in the general law regarding appropriation of property by municipal corporations.

When the Council deems it necessary to appropriate a property for municipal purposes it shall initiate the proceedings by the passage of an ordinance declaring the intent to appropriate the specific property, defining the purpose for which the property will be used, and setting forth a pertinent description of the land and the estate or interest therein desired to be appropriated. Such ordinance shall declare the necessity for the appropriation and the determination of the Council as to the necessity of the appropriation for the purposes of the Municipality shall be final. Such ordinance shall also contain a section wherein the act of appropriation is effectual, subject only to the determination of reasonable compensation to the owner of the property, either by negotiation or by the verdict of a jury.

The Clerk of Council/~~Finance Director~~ of the Municipality shall be responsible for effecting actual notice of the adoption of the appropriation ordinance, either by personally serving said owner or his agent authorized for such purposes with a copy of such ordinance or by mailing, by certified or registered mail, such copy to the owner or his authorized agent. Actual notice upon the property owner by one of the foregoing means is jurisdictional and the Municipality cannot acquire title to any interest in any property which it intends to appropriate without such notice. A return receipt from the United States postal authorities in the usual course of business or the certificate of the Clerk of Council/~~Finance Director~~ that he has personally served the owner or the owner's authorized agent, shall be prima facie proof of notice.

(Approved by electors 11-4-86; 11-2-21)

If a satisfactory settlement of the question of compensation has not been made between the owner and Council, and the transfer of title or a valid written contract to transfer title of such agreed compensation has not been consummated or entered into not later than thirty (30) days from the date of notice actually served upon the property owner as aforesaid, then the Municipality shall file its petition in the court of common pleas in the county in which the property in question lies, praying that a jury be impaneled to determine just compensation for the property appropriated. Proceedings shall then be had in accordance with the general law and the rules of the court of common pleas.

If the owner or authorized agent of the owner cannot be found within the county in which the property to be appropriated lies, or if ownership of the property cannot be determined with reasonable application and diligence, then service of the notice shall be by publication once each week on the same day of two (2) consecutive weeks in a newspaper of general circulation in the municipal corporation.

All provisions of the general law applicable to appropriation of property, not otherwise herein provided for, shall apply to the appropriation of property by the Municipality.

B. PUBLIC IMPROVEMENTS BY SPECIAL ASSESSMENTS.

1. General. The Council shall have power by ordinance to provide for the construction, reconstruction, repair, and maintenance of all things in the nature of public improvements as provided by general law and to provide for the payment of any part or all of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against the property especially benefited to pay for such improvements shall not exceed the amount of the benefits accruing to such property. Any cost for such

improvement in excess of any sum assessed therefor shall be paid by the municipality. Such improvement may be by contract or directly by the employment of labor, in the discretion of Council, provided however, if directly by the employment of labor, the amount to be assessed shall not exceed the preliminary estimate of the Engineer hereinafter provided for.

2. Methods of Special Assessments. Special assessments upon property deemed benefited by a public improvement shall be by any one or any combination of the following methods:

- a. In proportion to the benefits which may result from the improvement;
- b. By a percentage of the tax value of property assessed;
- c. By the front footage of the property bounding and abutting upon the improvement.

3. Plans and Specifications. When it is deemed necessary to make a public improvement to be paid for in whole or part by special assessment, the Council shall provide for the services of an engineer who shall submit to the Council preliminary plans, specifications, profiles and estimates of the costs of such improvement, along with an apportionment of said costs, as he deems reasonable, upon each of the aforementioned methods of special assessments, upon each parcel or lot of land which could reasonably be expected to be benefited by the improvement.

4. Resolution of Necessity. If, upon consideration of such preliminary plans, specifications, profiles, estimates and apportionment of costs, submitted to it by the Engineer, the Council deems it in the public interest to proceed further with the proposed improvement, it shall adopt an ordinance declaring the necessity therefor, and such ordinance shall contain a statement of the portion of the total cost to be assessed, the method of assessment, the mode of payment and the number of annual or semi-annual installments in which the assessment shall be paid, the period of said installment not exceeding the number of years over which the maximum maturity of bonds issued for the purpose could be extended under the uniform bond law, shall describe the properties or the area to be benefited by the improvement and shall require that notice of the adoption of the resolution and the apportionment of the estimated cost of the improvement be served upon all owners of property who may be assessed any part of the cost of the improvement. Such notice shall be served personally by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or person designated by him or by the mailing of a registered or certified letter containing same, on or to the owner of the premises to be benefited, or his agent. The certificate of the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or the return receipt of the postal authorities shall be prima facie evidence of service. If no address can be found with reasonable diligence for a property owner or his agent, service may be had by publishing the notice once in a daily or weekly newspaper of general circulation in the Municipality. The Council may provide compensation for the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner or person designated by him, for the service of such notices, which shall be included as a cost of the improvement. (Approved by electors 11-4-86; 11-2-21)

5. Owner May File Objection. The owner of any property to be assessed, who objects to the tentative apportionment of the cost of the improvement to his property, may file, in writing, with the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner such objection. Such written

objections shall be filed not later than a date specified in the resolution of necessity, which date shall not be earlier than fourteen (14) days nor later than thirty (30) days from the service of the last notice, personally or by mail, or the date of publication as aforesaid, whichever is later, the objection shall contain an address to which notice of the hearing provided for hereinafter may be mailed.

(Approved by electors 11-4-86; 11-2-21)

6. Equalization Board. In the event any written objection to the tentative apportionment of costs is filed, the Council shall appoint an assessment Equalization Board composed of three (3) disinterested freeholders of the Municipality who shall hold a hearing within twenty (20) days after appointment. First class mail notice to the objectors shall be mailed at least fourteen (14) days before the hearing, to the addresses specified in the written objections. The power and duties of the Equalization Board shall be outlined in Section 727.17 of the Revised Code of Ohio. Compensation of the Equalization Board shall be as provided by Council.

7. Ordinance Determining to Proceed with the Public Improvement. After the expiration of the time for filing objections to the tentative apportionment of the assessment, or, in the event objections have been filed, after the report of the Assessment Equalization Board has been approved by Council, Council shall determine whether or not it will proceed with proposed improvement. In the event the Council determines to proceed with the improvement it shall pass an ordinance reciting such determination, adopt the estimated assessment, either as filed by the Engineer or as an approved report of the Assessment Equalization Board, and shall by such ordinance direct the Engineer to proceed with the completion of detailed working plans, specifications, and profiles, and shall either direct the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner to advertise for bids for the construction of said improvement, in accordance with the general law or direct the Mayor to proceed by the direct employment of labor upon completion of said plans, specifications and profiles.

(Approved by electors 11-4-86; 11-2-21)

8. Procedure When Low Bid Exceeds Estimates. In the event that the lowest and best bid for the construction of the public improvement exceeds by more than fifteen percent (15%) the total estimated cost as filed by the Engineer with the Council prior to the resolution declaring the necessity for the improvement, then no contract shall be entered into until Council makes a redetermination by ordinance to proceed with the improvement, after a public hearing, ten (10) days written notice of which has been given to all of the persons entitled to notice of the passage of the resolution of necessity, in the same manner in which notice of the passage of such resolution was given. If after such hearing, the Council determines by such ordinance that the improvement should be made, a contract may be let for the construction of such improvement on the basis of the lowest and the best bid, or the Mayor may be directed to make said improvement by the direct employment of labor as herein provided.

9. Assessing Ordinance. After completion of a public improvement to be constructed upon an assessment basis and after the actual cost has been ascertained, the Council shall by ordinance assess, in the manner provided in resolution of necessity, upon the property designated therein, that portion of the total cost of the improvement to be paid for by special assessments, and the assessment on each property shall be increased or decreased in the same proportion to the estimated assessment on each

Art. VIII

C. MUNICIPAL PROPERTY.

1. Dedication. Private property may be dedicated to Municipal purposes in any of the following manners:

a. By use by the public for such period and under such conditions as have been established by the common law for the acquiring of public rights by prescription.

b. By the deed of dedication by the owner to the municipality, conveying property for Municipal purposes upon such terms and conditions and with such restrictions as are set out in such deed.

c. By any procedure now or hereafter established by general law. The Municipality shall not have the responsibility of the care and maintenance of any public property dedicated under paragraphs "a" and "b" above, unless the acceptance of the dedication of such property has been confirmed by the Council, by special ordinance adopted for such purpose of confirmation.

2. Vacation. Property previously dedicated and accepted for Municipal purposes shall be vacated only by an ordinance for the purpose, adopted by a vote of at least five (5) members of Council after a public hearing of which notice has been given to all persons in the municipality by advertisement in a newspaper of general circulation in the Municipality once each week on the same day of three (3) consecutive weeks, and said hearing shall be not earlier than thirty (30) days after the last such publication. Such vacation proceedings may be instituted upon formal or informal petition or upon Council's own initiative.

3. Purchase, Sale and Lease. Except as is otherwise provided in this Charter for the procedures for the purchase of goods and chattels, there shall be no restriction upon the authority of the Council in the purchase, sale and lease of, real and personal property. By ordinance, the Council shall declare the need for such property as it deems is necessary for Municipal purposes, and prescribe the terms of the purchase or lease of same, or declare that property is no longer needed for Municipal purposes or useful as such, absolutely or temporary, and prescribe the terms of the its sale or lease. Property valued by the ~~Clerk of Council/Finance Director~~ Finance Officer/Tax Commissioner at less than five hundred dollars (\$500.00) may be sold by the Mayor if, in the opinion of the Mayor, the property is no longer needed for Municipal purposes. (Approved by electors 11-4-86; 11-2-21)

D. ZONING.

The Council shall prescribe procedures for the regulation of the use of all land and improvements thereon in the Municipality. Until such time as the Council adopts procedures for the zoning of land and improvements, the existing statutory provisions for such zoning shall remain in effect.

The lawful use of any dwelling, building, or structure and any land or premises, as existing and lawful at the time of enacting a zoning regulation or amendment thereto, may be continued, although such use does not conform with the provisions of such regulations or amendments but if any such nonconforming use ceases for one (1) year or more, any future use of such land shall be in conformity with the zoning regulation. The Council shall provide in any zoning regulation for the completion,

ARTICLE X - SCHEDULE

A. This Charter shall take effect and be in force from and after the certification by the election authorities of Hamilton County, Ohio of its adoption by the voters of the Municipality of Springdale.

B. All elected officers and Councilmen in office at the time of the effective date of this Charter shall continue in office and in the performance of their duties until their successors are elected and take office under the provisions of this Charter. ~~The incumbent in the existing office of Clerk of Council/Finance Director shall continue to hold the office of Clerk of Council/Finance Director under this Charter, for the purpose of this paragraph.~~ Such officers and Councilmen holding over under this Charter shall be governed by the provisions hereof to the extent practicable and shall implement the mandatory provisions hereof to the extent possible during the duration of their tenure in office.

(Approved by electors 11-4-86; 11-2-21)

C. The first election of Municipal officers under this Charter shall be held on the date of the general election in November, 1965.

D. All appointive offices, boards, commissions and positions in the Municipality prior to the adoption of this Charter shall be abolished on the first day of December, 1965. After such date there shall exist only such appointive offices, boards, commissions and positions as are provided by this Charter or as are established by ordinance under the authority of this Charter.

E. Officers and employees who are members of the Police Department on the effective date of this Charter shall retain their positions as though appointed thereto under the provisions of this Charter. Employees who are members of the labor force of the Municipality on the effective date of this Charter shall retain their positions as employees of the Department of Public Works as though so employed under the provisions of this Charter. Members of the Volunteer Fire Department as of the effective date of this Charter shall retain their positions as though appointed thereto under the provisions of this Charter. In all the cases referred to in this paragraph, the incumbents in any position holding over under this Charter shall thereafter be subject to the rules and regulations of the Civil Service Commission.

F. All ordinances and other legislative enactments of the Municipality, to the extent they are not inconsistent with this Charter and are in force when it takes effect, shall continue in force until amended or repealed by Council.

G. All contracts and agreements entered into by the Municipality or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

H. Public improvements, the appropriation of property, and other lawful procedures for which legislative action has been taken under general law at the time this Charter takes effect, may be carried to completion in accordance with such law, including the levy of assessments for improvements.

I. No action or proceeding, civil or criminal, pending in any court at the time this Charter takes effect, brought by or against the Municipality or any office, agency or officer thereof, shall be abated