

ORDINANCE NO. 2021-28

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A PROPOSED AMENDMENT TO ARTICLE III OF THE CHARTER OF THE CITY OF WILLOWICK, OHIO, TITLED THE COUNCIL (SECTION 3.15, TITLED EFFECTIVE DATE OF ORDINANCES OR RESOLUTIONS), TO THE ELECTORS OF THE CITY, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Charter of the City of Willowick and the Constitution of the State of Ohio, the Council has determined to authorize and direct the submission of a proposed Charter Amendment to the electors of the City, as set forth hereinafter, at an election to be held on Tuesday, November 2, 2021, which election is not less than sixty (60) nor more than one hundred twenty (120) days from the date of passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOWICK, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. That the Council hereby authorizes and directs that the following proposal to amend Article III, Section 3.15 of the Charter of the City of Willowick, Ohio, be submitted to the electors of the City on Tuesday, November 2, 2021:

**ARTICLE III
THE COUNCIL**

SECTION 3.15. EFFECTIVE DATE OF ORDINANCES OR RESOLUTIONS.

Except as may otherwise be provided in this Charter, all ordinances and resolutions shall become effective thirty (30) days after their final passage by Council, unless a later effective date is set forth in the ordinance or resolution, or an earlier effective date is established in an ordinance or resolution adopted as an emergency measure in the manner hereinafter provided.

No ordinance or measure which provides for a change in the existing Municipal Zoning Map or which otherwise provides for a change in the use of the property from the uses presently authorized by the existing zoning code of the Municipality shall go into effect **unless and until approved and adopted by a majority of those electors of the Municipality voting upon it at the next succeeding general election, primary election or special election in any year, occurring subsequent to sixty (60) days after the approval of such ordinance or measure by the Mayor or the overriding by Council of the disapproval of such ordinance or measure, whichever occurs later, and Council shall cause such ordinance or measure to be submitted to the electors of the Municipality in the manner provided by law** City Council, after first having referred the matter to and receiving the recommendation, for or against, of the Planning Commission and conducting a public hearing thereon.

SECTION 2. That if such Charter Amendment is approved by a majority of the electors voting thereon at such election, said Amendment shall become effective from and after the time of its approval by the electors.

SECTION 3. That the Clerk of Council is hereby authorized and directed to cause a copy of said proposed Charter Amendment to be mailed at least thirty (30) days prior to said election, to each elector of this City whose name appears in the registration book of the last regular or general election held in the City; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed Charter Amendment to be published in such manner as may be authorized by law.

SECTION 4. That the Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Lake County, 105 Main Street, P.O. Box 490, Painesville, OH 44077.

SECTION 5. That the Board of Elections of Lake County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

SECTION 6. That there is appropriated from the General Fund of the City, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of printing or otherwise preparing the mailing or publishing of a copy of said proposed Charter Amendment, and of publishing notice of such election.

SECTION 7. That the form of ballots to be cast at the election shall be as follows:

PROPOSED CHARTER AMENDMENT

(A majority affirmative vote is necessary for passage)

Shall Article III, titled The Council, (Section 3.15, Effective Date of Ordinances or Resolutions) of the Charter of the City of Willowick, Ohio, be amended to provide that the Council shall have the power to approve a change in the existing Municipal Zoning Map or change in the use of the property from the uses presently authorized by the existing zoning code?

SECTION 8. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willowick.

SECTION 9. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason that it is necessary to provide for the usual daily operations of the City and its municipal bodies; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law. That this Ordinance shall be in full force and take effect immediately upon its passage by Council and its approval by the Mayor, or at the earliest period allowed by law.

Adopted by Council: _____, 2021

Robert Patton, President of Council

Approved by Mayor: _____, 2021

Richard Regovich, Mayor

Attest:

Clerk of Council