

CHARTER

CHARTER OF THE MUNICIPALITY OF
ORWELL, OHIO

Effective as amended January 1, 2005

CHARTER

**CHARTER OF THE MUNICIPALITY OF
ORWELL, OHIO
PREAMBLE**

We, the people of the Municipality of Orwell, Ohio, in order to secure home rule and preserve the present character of the community, do adopt the following Charter for the government of the community.

**ARTICLE I
NAME AND BOUNDARIES**

SECTION 1.01 NAME

The present Municipality shall continue to be a body politic and corporate, under the name of the Village of Orwell.

SECTION 1.02 BOUNDARIES

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

**ARTICLE II
MUNICIPAL POWERS**

SECTION 2.01 POWERS

The Municipality shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and general laws of the State of Ohio. The powers of this Municipality shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such manner as the Council may determine. The powers of the Municipality may also be exercised, except as a contrary intent or implication appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the general laws of the State of Ohio.

**ARTICLE III
COUNCIL**

SECTION 3.01 LEGISLATIVE AUTHORITY

Except as otherwise provided in the Charter, all legislative powers of the Municipality under this Charter, together with all such powers conferred upon municipalities by the Constitution and laws of Ohio, shall be vested in the Council.

SECTION 3.02 COMPOSITION AND TERM

Council shall be composed of seven (7) members. All Council members shall be elected at large to serve for a term of four (4) years. Elected Councilman serving Orwell Village at the inception of this Charter, or any amendment hereto, shall continue in office for the duration of their current terms.

CHARTER

The seventh (7th) member of Council shall be filled by a majority vote of the six (6) existing members of Council. If within thirty days (30), Council should fail to fill the position of the seventh (7th) member of council, then the power of Council to do so shall lapse and the mayor shall fill the position by appointment.

At the general election in November, 2005, and every four (4) years thereafter, four (4) members of Council will be elected to a four (4) year term. At the general election in November, 2007, and every four (4) years thereafter, three (3) members of Council will be elected for a four (4) year term.

SECTION 3.03 QUALIFICATIONS

Each Councilman shall have been a resident of the Municipality for at least two (2) years and a qualified elector prior to the date of his election or appointment and shall continue to be a resident and qualified elector of the Municipality during his term or office. The period of residence hereby required shall include the period of residence in any territory which has been annexed to the Municipality.

A Councilman shall hold no other elective public office. He shall not be otherwise employed by the Municipality nor shall he hold any other office in this Municipality except as provided in this Charter.

SECTION 3.04 PRESIDENT AND VICE PRESIDENT OF COUNCIL

At 7:00 p.m. on the second (2nd) day of January of each year (or if such date be a Saturday or Sunday, then the following Monday), Council shall meet in Council chambers for the purpose of organization. At such organization meeting, Council shall by a majority vote elect from its membership a President of Council and a Vice President of Council, each to serve a term of one (1) year.

In the absence of the Mayor, the President of Council, or in his, absence, the Vice President of Council shall preside at all meetings of Council.

The President and Vice President of Council, neither by virtue of holding such office nor in performing the duties of Acting Mayor as provided in this Charter shall be deprived of their powers and rights, or be relieved of any of their duties or obligations as members of Council.

SECTION 3.05 RULES AND JOURNAL OF COUNCIL

Council shall adopt its own rules, regulations or by-laws and shall keep a complete journal of all its proceedings which shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution or motion shall be by roll call, and the vote of each Councilman shall be recorded upon the journal. A copy of the Minutes of Council will be posted at Grand Valley Public Library.

SECTION 3.06 OPENING PLEDGE TO THE FLAG AND SILENCE

In recognition of our American heritage, each regular and special meeting of Council shall be opened by the Pledge of Allegiance to the Flag and a moment of silence for self-reflection. The Pledge shall be led by the Mayor, a member of Council or by a guest of Council.

SECTION 3.07 REGULAR MEETINGS

At 7:00 p.m. on January 2 of each year (or if such date be a Saturday or Sunday, then the following Monday), Council shall convene for the purpose of inducting each newly elected member thereof, and for the purpose of organizing the Council committees and of the election of

CHARTER

the Council officers hereinbefore provided.

Thereafter, Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month.

All regular meetings of Council shall be held at the Council chambers and all meetings of Council shall be open to the public. Any resident of Orwell shall be entitled to speak at such meetings of the Council. Such right shall not be unreasonably abridged by any rules and regulations which Council may adopt. An executive session may be held to consider certain items as permitted by Ohio laws. No official action may be taken in executive session.

SECTION 3.08 SPECIAL MEETINGS

Special meetings of Council may be called as provided by its rules, regulations, by-laws, or by resolution or ordinance. In the absence of any such provisions, special meetings may be called by the Clerk of Council upon the written request of the Mayor, or the President of Council, or any three (3) members of Council, and written notice of any meeting shall be served personally upon each Councilman and the Mayor or left at his usual place of residence at least twenty-four (24) hours prior to such meeting.

Service of notice of any special meeting shall be deemed conclusively to have been waived by the Mayor or by any Councilman who shall be present at such meeting. All special meetings of Council shall be held at the Council chambers and shall be open to the public, except an executive session may be held to consider certain items as permitted by Ohio laws. No official action may be taken in executive session. Council shall adopt a resolution or ordinance providing for reasonable public notice of all special meetings as required by law.

SECTION 3.09 QUORUM

A simple majority of Council shall constitute a quorum to transact 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 resolution or ordinance.

In the absence of a contrary statute, provision of this Charter, ordinance or rule of Council, the majority of a quorum has the power to act for the entire Council. However, the affirmative vote of a majority of all members elected to Council is required for the passage of an ordinance or resolution.

SECTION 3.10 LEGISLATIVE PROCEDURE

All legislative action of Council shall be by resolution or ordinance introduced in written or printed form, each and all of which shall contain no more than one subject, which subject shall be clearly expressed in its title.

As a general rule legislation which is of a temporary character shall be a resolution; legislation of general nature or legislation which establishes a permanent rule of government requires enactment of an ordinance.

No resolution or ordinance shall be revised or amended unless the resolution or ordinance superseding it contains the entire resolution or ordinance so revised or amended, and having been revised or amended, the original resolution or ordinance, or section or sections, shall be considered to be repealed.

An affirmative vote of at least a simple majority of Council shall be required for the

CHARTER

enactment of every resolution or ordinance, unless a larger number be required by the provisions of this Charter.

Every resolution or ordinance pertaining to (1) legislation of a general or permanent nature; (2) legislation granting a franchise; (3) legislation creating a right; (4) legislation involving the expenditure of money; (5) legislation levying a tax; (6) legislation for the purchase, lease, sale or transfer of property; shall be read by title only, provided the Council may require any reading to be full by a majority vote, and shall be read at three (3) different, regular Council meetings unless Council votes to suspend this rule. Such suspension of the rule shall require the affirmative vote of at least two-thirds (2/3) of Council.

If this rule is suspended in accordance with the foregoing provisions, then the resolution or ordinance shall be fully and distinctly read a least once before passage.

SECTION 3.11 PUBLIC NOTICE

Council shall by ordinance establish the method of giving public notice of the enactment of its ordinances and the adoption of its resolutions and public notice shall be given in the manner provided by the laws of Ohio.

SECTION 3.12 EFFECTIVE DATE OF RESOLUTIONS AND OR DATES

Each resolution and ordinance 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 resolution or ordinance 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, but subject to the referendum as provided by Section 14.02 Referendum, of this Charter.

No other resolution or ordinance 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.

All resolutions and ordinances legally in effect, at the time of adoption of this Charter, shall remain in effect until such time as it is repealed or amended in the manner provided herein except when in conflict with this Charter.

Council shall, at the earliest possible time, enact an up-to-date Code of Ordinances. Such Code of Ordinances shall be compiled and published, including an appropriate index, in book form for use by officials of the Municipality and for others at a fee approximating the printing costs. A master book of ordinances and resolutions shall be maintained by the Clerk-Treasurer of Council who shall be responsible for entering changes as they occur. Council shall provide revised editions of the Code of Ordinances at regular intervals not to exceed ten (10) years.

Each emergency resolution and ordinance shall contain a statement of the necessity for such emergency action, and its enactment shall require the affirmative vote of majority of all members of Council.

Action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or in the enactment, amendment, or repeal of any zoning or building resolution or ordinance, shall be enacted as an emergency measure.

CHARTER

SECTION 3.13 COMPENSATION AND BONDS

Council shall fix the compensation of the Mayor, members of Council, and each officer and employee, or member of any board or commission of the Municipality, whether elected or appointed, except as specifically provided otherwise in this Charter.

Not less than one hundred twenty (120) days immediately preceding the date of the next Municipal election, the compensation of the Mayor and each member of Council shall be fixed for the next term, and shall not thereafter be changed with respect to such term.

The compensation of every other employee, and member of any board or commission of the Municipality, as fixed by Council, may at any time be changed by resolution or ordinance 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.

The Mayor, Clerk-Treasurer and such other officials or employees, or members of boards or commissions as Council may by resolution or ordinance require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality.

SECTION 3.14 VACANCIES

Whenever the office of a Councilman shall become vacant for any reason, the vacancy shall be filled by majority vote of all the remaining members of Council.

A vacancy in the office of President of Council shall be filled by the Vice-President becoming President of Council, and the office of Vice President shall be filled by a Councilman elected by a majority vote of the remaining members of Council. In the event Council shall should fail to fill a vacancy in the office of Council or in the office of Vice President of Council within thirty (30) days from the date such vacancy occurs, then the powers of Council to do so shall lapse and the Mayor shall fill it by appointment.

The person elected or appointed to fill a vacancy shall have the qualifications for the particular office specified in Section 3.03 Qualifications of this Charter, and shall hold office for the unexpired term, and until his successor is elected and qualified.

SECTION 3.15 REMOVAL OF ELECTIVE OFFICERS

The office of an elective officer of the Municipality shall be declared vacant by resolution of Council upon determination that the elective officer:

- A. Does not possess, or has ceased to possess, the qualifications of office; or
- B. Has failed to take the required oath or to give any bond required of him after inception of his term, or appointment of election, or obligation to give a new or additional bond;
- C. While in office has been convicted of felony or crime involving moral turpitude; or
- D. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
- E. Has been adjudicated legally incompetent; or
- F. Has violated his oath of office.

Council shall be the sole judge of the election and qualifications of its own members. In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three (3) consecutive regular meetings.

CHARTER

The decision of Council to remove an elected officer shall be made only upon the affirmative vote of three-fourths (3/4) of all the members of Council entitled to vote on such question after public hearing upon the charge or charges brought; and provided further, that the accused officer shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided further, that he or his counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. An accused member of Council shall not vote on the question of his removal. The decision of Council after compliance with this Section shall be final. Upon the removal of such officer, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

SECTION 3.16 DEPARTMENTS, BOARDS AND COMMISSIONS

Council may establish additional departments, boards and commissions as the needs of the Municipality may require and except for those established herein, may abolish or combine departments, boards and commissions in any manner as it deems necessary. Where organizations, powers and duties of departments, boards and commissions are not expressly provided herein, they shall be provided by resolution or ordinance of Council.

SECTION 3.17 RIGHTS IN COUNCIL OF EXECUTIVE OFFICERS

The Mayor, executive officers and the directors of all departments established by this Charter or that hereafter may be established by ordinance, shall be entitled to seats in the Council. Neither the Mayor, executive officers nor the directors of any department shall have a vote in Council, but the Mayor and executive officers shall have the right to recommend legislation and take part in the discussions of all matters coming before the Council. The directors of departments shall be entitled to take part only in those discussions in Council that relate to their respective departments.

SECTION 3.18 ADMINISTRATIVE SERVICE

The Council and its members shall deal solely through the Mayor in respect to any part of the administrative service for which the Mayor is responsible.

ARTICLE IV MAYOR

SECTION 4.01 ELECTION AND TERM

The Mayor shall be elected at a regular Municipal election for a term of four (4) years, which term shall commence and the Mayor shall assume office on the second (2nd) day of January (or if such date falls on Saturday or Sunday, then on the following Monday) next following his election, and shall hold office until his successor is elected and qualified. He may be a candidate to succeed himself. The person holding the office of Mayor on the effective date of this Charter shall complete the term to which he was elected. Thereafter, the office shall be filled as provided in this Charter.

CHARTER

SECTION 4.02 QUALIFICATIONS

The Mayor shall have been for at least two (2) years prior to the date of his election, and during the term of office shall be a continuous resident and qualified elector of the Municipality, or territory annexed thereto. The Mayor shall hold no other elective public office. He shall not be otherwise employed by, nor shall he hold any other office in the Municipality. He may be a member of the Ohio National Guard or the Reserve Corps of the United States of America.

SECTION 4.03 JUDICIAL POWERS

The Mayor shall have all the judicial powers which are conferred upon Mayors by the laws of the State of Ohio.

SECTION 4.04 EXECUTIVE AND ADMINISTRATIVE POWERS

The Mayor shall:

- A. Be the official and ceremonial head of the Municipality.
- B. Be the chief executive officer of the Municipality. He shall advise and be an ex-officio member of all departments and divisions thereof except Council.
- C. Be the chief conservator of the peace within the Municipality and shall see that all laws, resolutions and ordinances are enforced therein.
- D. Prepare the budget annually and submit it to Council and be responsible for its administration after adoption. As a part of the budget message, with relation to the proposed expenditures for capital improvements stated in the budget, the Mayor shall include a statement of pending capital projects and proposed new capital projects, relating to the respective amounts proposed to be raised therefor by appropriations in budget, and the respective amounts, if any, proposed to be raised therefor by the issuance of securities during the fiscal year covered by the budget.
- E. Unless otherwise provided by ordinance, execute on behalf of the Municipality all authorized contracts, conveyances, evidences of indebtedness, and all other such instruments to which the Municipality is a party and shall, where required, attach thereto the official seal of his office, which shall be the seal of the Municipality, but the absence of the seal shall not affect the validity of any such instrument.
- F. Prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the Municipality for the preceding year.
- G. Keep the Council advised of the financial condition of the Municipality.
- H. Perform such other duties as may be prescribed by this Charter or required of him by the Council.

SECTION 4.05 LEGISLATIVE POWERS

The Mayor shall be present at all Council meetings and be given voice in deliberations of Council but he shall have no vote.

The heads of the departments shall be given the opportunity to participate in the deliberations of Council on legislation pertaining to their departments but shall have no vote.

The Mayor shall have the right to recommend legislation to Council.

SECTION 4.06 VETO POWERS

Each resolution or ordinance adopted by Council shall be attested by the Clerk-Treasurer who shall promptly present it to the Mayor for his approval or disapproval.

CHARTER

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

If the Mayor approves such legislation, he shall sign it and file it with the Clerk-Treasurer of Council. If the Mayor disapproves such legislation, or any items of such legislation appropriating money, he shall file it, together with objections in writing with the Clerk-Treasurer of Council. His objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk-Treasurer of Council with the Mayor's written notice of disapproval within seven (7) days after the presentation to Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by two-thirds's (2/3) or more members of Council, it shall take effect notwithstanding the disapproval of the Mayor.

SECTION 4.07 ABSENCE AND VACANCY

A. Absence. When the Mayor is absent from the Municipality, or for any other reason is unable to perform the duties of Mayor, the President of Council shall become Acting Mayor, and while so acting shall have and exercise all of the powers of Mayor, but shall not thereby cease to be the President of Council.

B. Vacancy. In the event of the death, resignation, recall, or removal of the Mayor, Council shall elect one of its members to fill the vacancy in the office of Mayor until such time as a successor is elected and qualified to complete the unexpired term or to commence a new term of office. The member of Council elected to fill such vacancy shall not thereby forfeit his Council office but Council shall appoint an Acting Councilman, who shall possess the qualifications provided herein for members of Council, to assume the member's councilmanic duties and privileges while the member is serving in the office of Mayor. If the vacancy occurs during the first year or more than one hundred eighty (180) days prior to the regular municipal election in the second year of the Mayor's term, then a Mayor shall be elected in the next regular municipal election in the manner prescribed in this Charter, to serve the last two (2) years of the four (4) year term, beginning January 2nd (or the following Monday, if January 2nd falls on Saturday or Sunday) of the third year of the regular term.

ARTICLE V CLERK-TREASURER

SECTION 5.01 ESTABLISHMENT OF POSITION OF CLERK-TREASURER OF COUNCIL

Clerk-Treasurer shall be appointed by the Mayor, and approved by a minimum of five (5) votes by Council.

The term of the Clerk-Treasurer will be four (4) years. The first Clerk-Treasurer appointed under this Charter will be on April 1, 1988.

The present Clerk-Treasurer of the Municipality shall continue in office as Clerk-Treasurer for the term to which elected.

In the event of a vacancy, the Mayor shall advertise for applicant for said position for three (3) consecutive weeks with the local news media of general circulation.

CHARTER

After review of applications by the Mayor and Council, the appointment and approval shall be made within 60 days of the vacancy.

The performance of the Clerk-Treasurer shall be evaluated by the Mayor on an annual basis, or more frequently if deemed necessary and reported to Council.

SECTION 5.02 CLERK-TREASURER OF COUNCIL

The Clerk-Treasurer of Council shall attend all meetings of Council. The Clerk-Treasurer of Council shall keep an accurate and complete journal of all proceedings of Council, authenticated by his signature, have custody of all laws, ordinances and resolutions of Council, have custody of all official documents, reports, papers, communications and files of Council and perform such other duties as Council may require.

During the absence or disability of the Clerk-Treasurer the Council shall appoint a Clerk-Treasurer Pro Tempore to perform all of the duties of the office.

The Clerk-Treasurer shall assist the Mayor in the preparation of estimates, budgets, and appropriations and report to the Council monthly or more often as required by Council concerning the financial affairs of the Municipality. He shall perform such other duties as the Mayor or Council may impose, consistent with the office of Clerk-Treasurer.

SECTION 5.03 QUALIFICATIONS OF CLERK-TREASURER

The Clerk-Treasurer shall have knowledge of municipal accounting, taxation, budgets and financial control.

The Clerk-Treasurer need not be a resident of the Municipality.

SECTION 5.04 ACCOUNTING PROCEDURES AND BUDGETARY CONTROL

The Clerk-Treasurer shall establish and maintain accounting procedures necessary for keeping complete financial records of assets and liabilities, receipts and disbursements, and property records of the Municipality and each of its offices, departments, boards and commissions. Clerk-Treasurer shall keep separate accounts for the items of appropriation in the budget, each of which shall show the amount of the appropriation, and amounts paid therefrom the unpaid obligations against it, and the unencumbered balance. Such accounting procedures and financial records shall be adequate in form and in such detail as necessary for making such statements as may be required by this Charter, by Council, or by the Auditor of the State of Ohio.

SECTION 5.05 CUSTODY OF FUNDS

The Clerk-Treasurer shall receive and be accountable for all funds belonging to the Municipality from whatever source derived and deposit the same in the depository designated by Council. Money received for the Municipality by officers, employees, boards and commissions shall be reported and turned over to the Clerk-Treasurer daily or at such intervals as he may deem expedient.

SECTION 5.06 DISBURSEMENTS

The Clerk-Treasurer shall disburse funds only as authorized by resolution or ordinance. No obligation shall be incurred and no expenditure shall be made unless approved by the Clerk-Treasurer and certified by the Clerk-Treasurer that there is an unencumbered balance of appropriated and available funds. No check for the payment of any claim shall be issued until such claims shall have been approved, in writing, by the head of the department or office for

CHARTER

whom the obligation or claim was incurred.

All checks issued by the Clerk-Treasurer shall be countersigned by the Mayor or in his absence, the President of Council.

SECTION 5.07 REMOVAL OF CLERK-TREASURER

The office of Clerk-Treasurer of the Municipality shall be declared vacant by resolution of Council upon determination that the appointed officer:

- A. Does not possess, or has ceased to possess, the qualifications of office; or
- B. Has failed to give any bond required of him after inception of this term, or obligation to give a new or additional bond; or
- C. While in office has been convicted of felony or crime involving moral turpitude; or
- D. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
- E. Has been adjudicated legally incompetent; or
- F. Has violated his oath of office.

The Mayor shall initiate the removal of the Clerk-Treasurer. The Council may determine the cause for the removal of the Clerk-Treasurer and notify the Mayor to initiate the removal procedure. If the Mayor fails to take action within sixty (60) days of such notification, Council may initiate the removal procedure.

The decision of Council to remove the Clerk-Treasurer shall be made only upon the affirmative vote of three-fourths (3/4) of ALL the members of Council entitled to vote on such question after public hearing upon the charge or charges brought; and provided further, that the accused officer shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided further, that he or his 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 after compliance with this Section shall be final. Upon the removal of such officer, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

The person appointed to fill a vacancy shall have the qualifications for the particular office specified in Section 5.03 Qualifications, of this Charter, and shall hold office for the unexpired term, and until his successor is appointed and qualified.

ARTICLE VI PLANNING, ZONING AND BUILDING COMMISSION

SECTION 6.01 COMPOSITION AND TERM

The Planning, Zoning and Building Commission shall consist of one (1) member of the Parks and Recreation Board and four (4) electors of the Municipality not holding other public offices, all of whom shall serve without compensation. The Mayor shall serve as Ex Officio member without the right to vote.

The Parks and Recreation Board, by majority vote, shall each January elect its representative to the Planning, Zoning and Building Commission for the year. The four (4) electors shall be appointed by the Mayor with confirmation by a majority of Council. The term of the members of the present Planning, Zoning and Building Commission shall terminate on the effective date of this Charter.

Of the four (4) electors to be appointed for a term beginning one (1) day after the effective date of this Charter, one (1) shall be appointed for a term of one (1) year, one (1) for a term of

CHARTER

two (2) years, and one (1) for a term of three (3) years, and one (1) for a term of four (4) years. Thereafter, each regular appointment of an elector to the Planning, Zoning and Building Commission shall be for a term of four (4) years.

A vacancy occurring during the term of any member of the Planning, Zoning and Building Commission shall be filled for the unexpired term in the manner authorized for the original appointment.

SECTION 6.02 ORGANIZATION OF THE COMMISSION

At 6:00 p.m. on the second (2) day of January of each year (or if such date be a Saturday or Sunday, then the following Monday) the Planning, Zoning and Building Commission shall organize under a Chairman and Vice Chairman elected from among the four (4) electors, for a term of one (1) year. The Planning, Zoning and Building Commission shall appoint a Secretary who need not be a member of the Commission.

The Planning, Zoning and Building Commission shall establish its own rules of operation, except that meetings must be held at least once each month, shall be open to the public, and a record of its resolutions, findings and determinations shall be maintained, at the Village Administration Building.

SECTION 6.03 POWERS AND DUTIES OF THE COMMISSIONS

The Planning, Zoning and Building Commission shall have such powers and duties as are conferred upon it by the laws of Ohio concerning: the preparation of plans and maps for the future physical development and harmonious improvement of the Municipality; the plan, design, location, removal, relocation and alteration of any public building or structure and public property; the location, widening, extension, and vacation of streets, alleys, public ways, parks, playgrounds, recreation areas, and other public places; the approval of plats for the subdivision of lands; the regulation and restriction of the location of buildings and other structures to be erected or altered; regulation of the bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, set back building lines, and the area of yards, courts and other open spaces; and such other powers and duties as may be conferred upon it by the laws of Ohio and by resolution or ordinance of Council.

SECTION 6.04 MANDATORY REFERRAL TO PLANNING, ZONING AND BUILDING COMMISSION

No resolution, ordinance, regulation, measure, or order of Council concerning a matter over which the Planning, Zoning and Building Commission has powers and duties, as provided by Section 6.03, shall become effective unless Council shall first have submitted the same to the Planning, Zoning and Building Commission for report and recommendation.

Any matter so referred to the Planning, Zoning and Building Commission shall be considered and acted upon by it within sixty (60) days from the date of referral unless a longer time be authorized by Council.

CHARTER

If the Planning, Zoning and Building Commission shall fail to act within the time allotted, Council may act thereon as if it has received a recommendation of approval in such matters.

SECTION 6.05 PUBLIC HEARING BY COUNCIL

Before any ordinance, measure, regulation or amendments thereto, referring to zoning or other regulations controlling the use or development of land, may be passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Municipality and will be on the Village Web Site. If the ordinance, measure or resolution intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by Clerk of Council by certified mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list or lists that may be specified by Council. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation.

SECTION 6.06 ACTION BY COUNCIL

When the Planning, Zoning and Building Commission makes a recommendation to Council for a change in or addition to, any zoning ordinance or building code, Council shall study each such recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendations. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading.

No resolution, ordinance, regulation, measure or order of Council which violates, differs from or departs from the plan or recommendation submitted by the Planning, Zoning and Building Commission shall take effect unless enacted or approved by at least two-thirds (2/3) of Council.

ARTICLE VII BOARD OF ZONING AND BUILDING APPEALS

SECTION 7.01 COMPOSITION AND TERM

The Board of Zoning and Building Appeals shall consist of five (5) electors of the Municipality not holding other public office. The five (5) electors shall be appointed by the Mayor with confirmation by a majority of Council, and shall serve without compensation.

The term of the members of the present Board of Zoning and Building Appeals shall terminate on the effective date of this Charter.

Of the five (5) electors to be appointed for the term of one (1) year after the effective date of this Charter, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years and one (1) for a term of five (5) years. Thereafter, each regular appointment shall be for a term of five (5) years.

Any vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment.

CHARTER

SECTION 7.02 ORGANIZATION

The Mayor shall establish the date, time and place for the first meeting of each year, at which the Board of Zoning and Building Appeals shall organize under a Chairman and Vice Chairman elected from among its members for a term of one (1) year. The Mayor shall preside until a Chairman is elected as the first order of business. The Board shall appoint a Secretary who need not be a member of the Board.

SECTION 7.03 JURISDICTION

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, measures, and orders of administrative officials or agencies governing zoning and building in the Municipality, as may be required to afford justice and avoid unreasonable hardship; subject to such reasonable standards and such other powers as may be granted to it by Council.

SECTION 7.04 MEETINGS AND PROCEDURE

Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be open to the public and a record shall be kept at the Village Administrative Offices showing the vote of each member on each questions.

Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinances of Council or rules and regulations established by the Board not inconsistent therewith.

A written appeal may be submitted to the Board of Zoning and Building Appeals within twenty (20) days by any person adversely affected or aggrieved by a decision of the Planning, Zoning and Building Commission or its agents.

The Board of Zoning and Building Appeals shall, not later than thirty (30) days after the filing of such notice of appeal, hold a public hearing thereon, and shall give ten (10) days notice of the time and place thereof in a newspaper of general circulation in the Municipality. Written notice of the hearing shall also be sent by the Board, by certified mail, at least ten (10) days before the date of the public hearing, to the owners of property within or contiguous to or directly across the street from the area which is the subject of the appeal. Such written notices shall be mailed to the addresses of such owners appearing on the current tax duplicate of the County. The failure of delivery of such notice shall not invalidate the action of the Board of Zoning and Building Appeals.

ARTICLE VIII DEPARTMENT OF PUBLIC SERVICE

SECTION 8.01 ESTABLISHMENT OF DEPARTMENT OF PUBLIC SERVICE

The Department of Public Service shall consist of the following divisions:

- I. Division of Water and Sewage: To be administered by the present Board of Trustees of Public Affairs. it will consist of a three (3) member Board. The Board of Trustees of Public Affairs will be elected by the electorate of Orwell Village and operate in accordance with Sections 729.50 and 735.28 of the Ohio Revised Code.

CHARTER

- II. Division of Streets: To be administered by a committee of three (3) Councilman, appointed at the organizational meeting of Council by the Mayor with the approval of a majority of Council. The Street Committee shall have the care, supervision, and control of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts within the Municipal corporation, and shall cause them to be kept open, in repair and free from nuisance. They will operate in accordance with the applicable Sections of the Ohio Revised Code.

SECTION 8.02 ESTABLISHMENT OF ADDITIONAL DIVISIONS

Other divisions or bureaus may be authorized by Council by ordinance. One person may serve as the head of any number of divisions within the Department of Public Service.

ARTICLE IX PUBLIC SAFETY

SECTION 9.01 ESTABLISHMENT OF DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety shall consist of the Divisions of Police and Fire Protection. The Department of Public Safety will be administered by the Safety Committee of the Council.

SECTION 9.02 ESTABLISHMENT OF SAFETY COMMITTEE

The Safety Committee shall consist of three (3) Councilman appointed by the Mayor at the annual organizational meeting and subject to Council approval.

SECTION 9.03 DUTIES OF SAFETY COMMITTEE

The Safety Committee shall be responsible for the enforcement of all police, fire, health and safety regulations that may be prescribed by resolution or ordinance of the Village of Orwell and laws of the State of Ohio.

SECTION 9.04 DIVISION OF POLICE PROTECTION

The Division of Police Protection shall consist of a Chief of Police and such other officers, patrolmen and auxiliary patrolmen as Council shall deem necessary. Appointments of personnel will result from the joint efforts of the Safety Committee and Mayor and approval of Council majority.

SECTION 9.05 RULES OF GOVERNMENT OF POLICE DIVISION

The Chief of Police shall be the Head of the Police Division and responsible to the Safety Committee of the Council. The Chief is to administer the Police Division according to the Orwell Village Police Manual developed and published by the Safety Committee after approval by the majority of Council, ordinances and resolutions of the Village of Orwell, and the laws of the State of Ohio. The officers, patrolmen and auxiliary patrolmen are to be responsible to the Chief of Police.

CHARTER

SECTION 9.06 SUSPENSION, REDUCTION IN GRADE, AND DISMISSAL OF POLICE DIVISION PERSONNEL

The suspension, reduction in grade or dismissal of any personnel of the Police Division other than the Chief of Police will be according to Personnel Policy Manual, The Village of Orwell.

SECTION 9.07 SUSPENSION OR DISMISSAL OF CHIEF OF POLICE

When the Safety Committee of the Village of Orwell has reason to believe a duly appointed Chief of Police of the Village has been guilty of incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteousness, misfeasance, malfeasance, or nonfeasance in the performance of his official duty, the Chairman of the Safety Committee shall file with the Council of the Village of Orwell written charges against such person setting forth in detail the reason therefor and immediately serve a true copy thereof upon the person against whom they are made.

Charges filed under this Section shall be heard at the next regular meeting of the Council occurring not less than five (5) days after the date such charges have been served on the person against whom they are made. The person against whom such charges are filed may appear in person and by counsel at such hearings, examine all witnesses and answer all charges against him.

At the conclusion of the hearing, the Council may dismiss charges, suspend the accused from appointment for not more than sixty (60) days or remove the accused from his appointment.

Action of the Council removing or suspending the accused from appointment requires the affirmative vote of two-thirds (2/3) of ALL members of Council.

In the case of removal from appointment, the Chief of Police so removed may appeal on question of law and fact the decision of the Council to the Court of Common Pleas of Ashtabula County. Such appeal shall be taken within ten (10) days from the date of the finding of the Council.

SECTION 9.08 ROLE OF MAYOR IN THE SUSPENSION OR DISMISSAL OF THE CHIEF OF POLICE

If the Chairman of the Safety Committee fails to initiate the suspension or dismissal procedures of Section 9.07 after sixty (60) days, after recommendation by the Mayor to do so, the Mayor, as the Chief conservator of peace within the Village, may file charges. Procedure concerning charges will be in accordance with Section 9.07.

SECTION 9.09 DIVISION OF FIRE PROTECTION

The Division of Fire Protection shall consist of the Orwell Volunteer Fire Department.

SECTION 9.10 RULES FOR THE GOVERNMENT OF THE DIVISION OF FIRE PROTECTION

The organization and administration of the Orwell Volunteer Fire Department shall be in accordance with their Constitution and By-laws and the laws of the State of Ohio. The Fire Chief of The Orwell Volunteer Fire Department shall be elected by the Department Membership and his/her name shall be recommended to the Mayor who shall make the appointment with the majority vote of council.

CHARTER

SECTION 9.11 SUSPENSION OR DISMISSAL OF FIRE CHIEF

When the Safety Committee of the Village of Orwell has reason to believe a duly appointed Fire Chief of the Village has been guilty of incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteousness, misfeasance, malfeasance, or nonfeasance in the performance of his official duty, the Chairman of the Safety Committee shall file with the Council of the Village of Orwell written charges against such person setting forth in detail the reason therefore and immediately serve a true copy thereof upon the person against whom they are made.

Charges filed under this Section shall be heard at the next regular meeting of the Council occurring not less than five (5) days after the date such charges have been served on the person against whom they are made. The person against whom such charges are filed may appear in person and by counsel at such hearings, examine all witnesses and answer all charges against him.

At the conclusion of the hearing, the Council may dismiss charges, suspend the accused from appointment for not more than sixty (60) days or remove the accused from his appointment.

Action of the Council removing or suspending the accused from appointment requires the affirmative vote of two-thirds (2/3) of ALL members of council.

In the case of removal from appointment, the Fire Chief so removed may appeal on question of law and fact the decision of Council to the Court of Common Pleas of Ashtabula County. Such appeal shall be taken within ten (10) days from the date of the finding of the Council.

SECTION 9.12 ROLE OF MAYOR IN THE SUSPENSION OR DISMISSAL OF THE FIRE CHIEF

If the Chairman of the Safety Committee fails to initiate the suspension or dismissal procedures of 9.11 after sixty (60) days, after recommendation by the Mayor to do so the Mayor, as the Chief conservator of peace within the Village, may file charges. Procedure concerning charges will be in accordance with Section 9.11.

SECTION 9.13 HEALTH AND SAFETY REGULATIONS

The Safety Committee shall, after due process, initiate necessary action through resolution or ordinance to protect the welfare of Village residents.

CHARTER

**ARTICLE X
VILLAGE SOLICITOR**

SECTION 10.01 APPOINTMENT OF THE SOLICITOR

Legal work for Orwell Village will be done by a Solicitor hired by contract with Council on a year to year basis. Terms of the contract, including salary, will be arranged by agreement with Council.

SECTION 10.02 QUALIFICATIONS FOR SOLICITOR

The Solicitor shall be an attorney-at-law in good standing, admitted to the practice of law in Ohio and shall have been engaged in active law practice in Ohio for a period of five (5) years immediately prior to his appointment. Neither the Solicitor nor his assistants, nor any special counsel, shall be required to reside within the Municipality.

SECTION 10.03 GENERAL DUTIES OF SOLICITOR

The Solicitor shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned. He shall be the chief legal advisor of all offices, departments, commissions, boards, agencies and of all officers and employees of the Municipality in matters relating to their official powers and duties. He shall represent the Municipality in all legal proceedings. Further, it shall be his duty to perform all services incident to this office as may be required by statute, by this Charter or by ordinance.

**ARTICLE XI
LIMITATION ON RATE OF TAXATION**

SECTION 11.01 LIMITATION ON RATE OF TAXATION

The power of Council to levy taxes shall be subject to the limitations provided by the Constitution and laws of Ohio, and nothing contained in this Charter shall be construed to authorize the levying of any taxes in excess of said limitations without a favorable vote of the people, nor shall any additional tax on income become effective until the same shall be approved by favorable vote of the people.

**ARTICLE XII
PARKS AND RECREATION**

SECTION 12.01 COMPOSITION AND TERM

The Parks and Recreation Board shall consist of five (5) electors of the Municipality not holding other public office. They shall be appointed by the Mayor, with confirmation by a majority of Council, to serve without compensation.

Of the five (5) to be appointed, the first appointments made hereunder shall be for terms of one (1), two (2), three (3), four (4) and five (5) years, and thereafter successors shall be appointed for a term of five (5) years.

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

CHARTER

SECTION 12.02 ORGANIZATION

The Mayor shall establish the date, time and place for the first meeting each year, at which the Parks and Recreation Board shall organize under a chairman elected from among its members for a term of one (1) year. The Board shall appoint a Secretary who need not be a member of the Board.

SECTION 12.03 POWERS AND DUTIES

The Parks and Recreation Board shall have general policy making, planning and administrative power over all parks, playgrounds, play fields, gymnasiums, swimming pools, indoor recreation centers and any other lands or buildings owned by the Municipality for recreational purposes, determinations of work to be performed, and items of equipment and supplies needed, subject to the appropriations of Council, and such other powers and duties as may be conferred upon it by Council not inconsistent herewith.

Labor and equipment to perform the work shall be supplied by, and shall be under the supervision of, the Council Finance Committee, who shall also be responsible for the purchasing function.

ARTICLE XIII NOMINATIONS AND ELECTIONS

SECTION 13.01 NOMINATIONS

Nominations for elective offices of the Municipality shall be made by petition only, signed by not less than twenty (20) registered voters, on the standard forms for the nomination of nonpartisan candidates for such office, filed with the Board of Elections at least ninety (90) days before the day of election. There shall be no primary election for Municipal officers.

SECTION 13.02 ELECTIONS

The regular Municipal election shall be held on the first Tuesday after the first Monday in November of odd numbered years. The Council may by resolution order a special election at any time, the purpose of which shall be set forth in the resolution.

SECTION 13.03 OTHER PROVISIONS

The provisions of the election laws of the State of Ohio shall be followed in all matters not expressly provided otherwise in this Charter.

CHARTER

ARTICLE XIV

INITIATIVE, REFERENDUM AND RECALL

SECTION 14.01 INITIATIVE

The electors of this Municipality shall have the power to propose any ordinance or resolution, except an ordinance for the appropriation of money or an ordinance making a tax levy, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution may be submitted to the Clerk-Treasurer by petition signed by at least ten percent (10%) of the electors voting in the last general election, in which petition the petitioners shall designate a committee of the petitioners to act in their behalf. When so submitted, the Clerk-Treasurer shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee which may be a committee of the whole. A public hearing, to be conducted in such manner and preceded by such notice as the Council may prescribe, shall be held on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk-Treasurer. The Council shall, within forty (40) days after such ordinance or resolution is submitted, take final action thereon by enacting the proposed ordinance or resolution in the form submitted or in an amended form or by failing or refusing to pass the same. If the Council fails or refuses to pass such proposed ordinance or resolution, the committee of petitioners may, at their option, require that it be submitted to a vote of the electors provided that there is filed with the Clerk a supplemental petition signed by that number of additional electors which, when taken together with those who signed the original petition, will total at least twenty percent (20%) of the electors voting in the last general election. If the Council passes the proposed ordinance or resolution in an amended form, the committee of the petitioners may, at their option, require that it be submitted to a vote of the electors provided that there is filed with the Clerk-Treasurer a new petition, which may contain signatures from signers of the initial petition, signed by at least twenty percent (20%) of the electors voting in the last general election. Such additional petitions shall be filed within ten (10) days after the passage by the Council of the amended resolution or its repassage over the Mayor's veto, whichever is the initial ordinance or resolution brought before Council. The date of such election may be fixed in the supplemental petition, but not less than sixty (60) days from the time of filing such supplemental petition and Council shall provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or, if not so fixed, at the next general election in any year occurring more than sixty (60) days from the filing of such supplemental petition. An initiated ordinance or resolution, receiving an affirmative majority of the votes cast thereon, shall become effective on the fifth (5th) day after the day on which the Board of Elections certifies the official vote thereof.

SECTION 14.02 REFERENDUM

The electors of this Municipality shall have the power to approve or reject at the polls any ordinance or resolution passed by Council, except as hereafter provided. Within thirty (30) days after the passage by Council of such ordinance or resolution or its repassage over the Mayor's veto, whichever is later, a petition signed by at least ten percent (10%) of the electors voting in the last general election may be filed with the Clerk-Treasurer of Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors. If said petition is signed by twenty percent (20%) or more of the electors voting in the last general election, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk shall first ascertain the sufficiency of the petition,

CHARTER

and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or, if not so fixed, at the first general election in any year occurring more than ninety (90) days from the filing of such petition. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon, in which event such ordinance or resolution shall go in effect on fifth (5th) day after the day on which the Board of Elections certified the official vote thereon. When the Council by general law or under provisions of general ordinance is required to pass more than one (1) ordinance or resolution necessary to make and pay for any improvement, the referendum provision shall apply only to the first (1st) ordinance or resolution required to be passed and not to any subsequent ordinance or resolution relating thereto, including, in the case of improvements to be financed in whole or in part by special assessments, any ordinance providing for the issuance of notes or bonds, and in the case of any award of notes or bonds after public advertising for bids, the ordinance or resolution providing for the award of such notes or bonds. In addition, ordinances providing for an annual tax levy or for improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and appropriation ordinances limited to the subject to appropriations shall not be subject to referendum, but except as herein provided, all other ordinances and resolutions necessary for the immediate preservation of the public peace, health, or safety, including emergency ordinances and resolutions shall go into effect at the time indicated therein. If when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but, such measure shall be deemed sufficient authority for payment, in accordance therewith, of any expense incurred previous to the referendum vote thereon.

Ordinances or resolutions submitted to Council by initiative petition and passed by Council either with or without change, but not submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances or resolutions.

SECTION 14.03 RECALL

The electors of this Municipality shall have the power to remove from office by a recall election, any elected officer of the Municipality. If an elected officer shall have served six (6) months of his term, a petition demanding his removal and signed by at least twenty percent (20%) of the electors of the Municipality, voting in the last general election, may be filed with the Clerk-Treasurer of Council, who shall note thereon the name and address of the person filing the petition and date of such filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a written statement of the grounds for the removal.

Within ten (10) days after the day on which such petition has been filed, the Clerk shall determine whether or not it meets the requirements thereof. If the Clerk shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of this certificate to the person who filed the petition, 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, he 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

CHARTER

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 sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the officer)?", with the provision on the ballot for voting affirmatively or negatively, and in the event a majority of the vote is negative, such officer shall be considered as removed, his 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.

ARTICLE XV AMENDMENTS TO CHARTER

SECTION 15.01 SUBMISSION TO ELECTORS

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; or upon petition signed by not less than ten percent (10%) of the 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 of the State of Ohio.

SECTION 15.02 ADOPTION

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except if two or more inconsistent proposed amendments on the same subject 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 this Charter.

SECTION 15.03 CHARTER REVIEW COMMISSION

In January, 2004, and each five (5) years thereafter, the Mayor shall, with confirmation by a majority of Council, appoint a commission of seven (7) qualified electors of the Municipality, holding no other public office or employment by this Municipality, as members of a Charter Review Commission, to serve until their duties as provided herein are completed. The members shall serve without compensation. A Council member may be called upon to be present at a Charter Review Commission meeting.

SECTION 15.04 DUTIES

The Charter Review Commission shall, in meetings open to the public, review the Municipal Charter, and, no later than August first (1st) of the same year, recommend to Council such amendments, if any, to this Charter as in its judgment are conducive to the public interest.

SECTION 15.05 REQUIRED CONSIDERATION BY COUNCIL

Council shall, not later than September first (1st) of the same year, act upon any such proposed amendments to this Charter in accordance, in each instance, with the provisions of the Constitution of the State of Ohio.

CHARTER

**ARTICLE XVI
GENERAL PROVISIONS**

SECTION 16.01 SUBMISSION TO THE ELECTORATE

This Charter shall be submitted to the electorate of the Municipality at the general election, November 6, 1984.

SECTION 16.02 EFFECTIVE DATE OF CHARTER

This Charter shall be in effect, if approved by the electors, on and after the second (2nd) day of January 6, 1984.

SECTION 16.03 EFFECT OF PARTIAL INVALIDITY

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 16.04 EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS

The adoption of this Charter shall not affect any preexisting rights of the Municipality, nor any rights or liability or pending suit or prosecution, either on behalf of or against 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 16.05 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.

Except as otherwise expressly provided in this Charter, or as the context otherwise requires, the masculine term or pronoun includes the feminine, the singular term includes the plural and the plural term includes the singular.

The time within or by which any act or thing is required by any of the provisions of this Charter to be done shall be computed by excluding the first and including the last day, except that when the last day falls on Sunday or a legal holiday, then the act or thing may be done on the next succeeding day which is not a Sunday or a legal holiday.