

Village of Waynesville Ohio



Charter

Adopted May 3, 1994

CHARTER OF THE MUNICIPALITY OF WAYNESVILLE, OHIO

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Editor's note:

The Waynesville Charter was approved by the voters at the regular Municipal election on May 3, 1994.

In an effort to be gender neutral, the term “he/she” is used occasionally in this document. If the reader notes the use of “he” or “she” (or variations) alone, the intent is to refer to both sexes.

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PREAMBLE

We the people of Waynesville, Warren County, Ohio, desirous of securing for our municipality and for ourselves and our children the advantages of self-government conferred by the home rule provisions of the Ohio Constitution, do hereby ordain and establish the following Charter:

ARTICLE I. NAME AND BOUNDARIES; FORM OF GOVERNMENT

SECTION 1.01 NAME AND BOUNDARIES.

The municipal corporation existing as the Village of Waynesville under the general statutes of the State of Ohio shall continue to be politic and corporate under the same name under this Charter. The Municipality shall have the same boundaries that exist on the effective date of this Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio. When the Municipality shall attain the status of a city, under the Constitution and laws of Ohio, it shall be known as the “City of Waynesville.” As used in this Charter, “municipality” shall mean the municipal corporation of Waynesville.

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SECTION 1.02 FORM OF GOVERNMENT.

The form of government provided in this Charter shall be known as the “Council-Manager Plan.” The powers and functions of the municipal government shall be distributed among the Municipality, its citizens, and the various officers, bodies, boards and commissions as provided in this Charter.

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ARTICLE II. CORPORATE POWERS

SECTION 2.01 POWERS OF THE MUNICIPALITY.

The Municipality shall have all powers of local self-government and home rule now or hereafter granted to municipalities by the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter in such lawful manner as the Council shall determine by ordinance or resolution. When not prescribed in this Charter or enacted by Council, such powers shall be exercised in the manner as may now or hereafter be authorized by the laws of the State of Ohio.

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SECTION 2.02 MANNER OF EXERCISE OF POWERS.

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

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SECTION 2.03 CONSTRUCTION OF POWERS.

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

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SECTION 2.04 INTERGOVERNMENTAL RELATIONS.

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

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ARTICLE III. MAYOR AND COUNCIL

SECTION 3.01 MAYOR.

- (A) The Mayor shall be elected, at large, by separate non-partisan ballot for a four year term. Candidates for the office of Mayor shall have resided in the Municipality for at least one year prior to assuming office. The Mayor, when elected and throughout the term of office, shall be, and must remain, a resident and a qualified elector of the Municipality. The Mayor shall be a member of Council and have the right to vote on all matters before the Council, but shall have no veto power. In addition to the powers, rights, and duties as a member of Council, the Mayor shall serve as President of Council and shall preside at all meetings of the Council. The Mayor shall be the head of the municipal government for all ceremonial and non-administrative purposes and shall be chief spokesperson for the Municipality in dealing with other governments. The Mayor shall have judicial powers as provided by the general laws of Ohio and shall perform such other duties as may be prescribed, from time to time, by ordinance of the Council.
- (B) During its organizational meeting the Council shall choose, by an affirmative vote of at least four members of Council, one of its members as President pro tempore who shall act as Mayor during the temporary absence or disability of the Mayor.
- (C) In case of the death, resignation, or removal of the Mayor, the President pro tempore shall hold the office of Mayor until a qualified successor is elected. Such successor shall be elected to the office of Mayor for the unexpired term at the next Municipal election that occurs more than ninety days after the vacancy in the office of Mayor has occurred, except that when the unexpired term ends within one year immediately following the date of such election, an election to fill such unexpired term shall not be held and the President pro tempore shall hold the office of Mayor for the remainder of such unexpired term. Upon the election of a person as Mayor other than the President pro tempore then serving as Mayor, the President pro tempore shall remain a member of Council for the remainder of his/her term.

- (D) In the event of a vacancy in the office of Mayor whereby the President pro tempore is required to serve as Mayor, the Council shall select a person to fill the vacancy on Council. However, nothing herein shall prevent the President pro tempore from serving the full term for which elected.

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SECTION 3.02 COUNCIL: NUMBER, SELECTION, AND TERM.

Except as reserved to the people by this Charter, the legislative powers of the municipal government shall be vested in a Council of seven members including the Mayor. Members of Council, other than the Mayor, shall be elected at large by non-partisan ballot for four year overlapping terms.

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SECTION 3.03 MEMBER OF COUNCIL QUALIFICATIONS.

Candidates for the office of Member of Council shall have resided in the Municipality for at least one year prior to assuming office. Each Member of Council when elected and throughout the term of office shall be and must remain a resident and a qualified elector of the Municipality.

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SECTION 3.04 PROHIBITIONS.

- (A) **Holding Other Offices.** Except where authorized by this Charter, the Mayor or any other Council member shall hold no other municipal office nor be a municipal employee of Waynesville during the term elected to Council.
- (B) **Administrative Service Appointments and Removals.** Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any municipal officer or employee whom the Manager or any of his/her subordinates are empowered to appoint or remove by this Charter or by ordinance. Except as otherwise provided in this Charter, neither the Council nor its members, shall give any orders to any such official or employee, publicly or privately. The Council shall express and discuss its views of municipal personnel matters with the Manager.

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SECTION 3.05 VACANCIES, FORFEITURE OF OFFICE, AND FILLING OF VACANCIES.

- (A) *Vacancies.* The office of a Council member shall become vacant upon the Council member's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office.
- (B) *Forfeiture of Office.* If it is so determined by an affirmative vote of at least four Council members, a Council member shall forfeit office if said Council member:

- (1) lacks at any time during a term of office, any qualifications for the office prescribed by this Charter;
 - (2) intentionally violates any express prohibition of this Charter;
 - (3) is found to have been a party to a crime involving moral turpitude or any felony, or guilty of misfeasance, malfeasance or nonfeasance in the performance of the official duties of a Council member;
 - (4) fails to attend three consecutive regular meetings of Council without being excused. Council shall, by rule, determine and list conditions and circumstances which constitute good cause for absence.
- (C) *Disability.* On questions of disability involving the Mayor or other Council member, the decision as to actuality of the time of, and duration of the disability, for purpose of declaring a vacancy, shall be determined by an affirmative vote of at least four members of Council.
- (D) *Filling of Vacancies.* Vacancies in the office of Council member shall be filled within forty-five days by an affirmative vote of at least four of the remaining members of Council. If a vacancy occurs in one or more positions among Council members, Council of the new term shall appoint, by an affirmative vote of at least four members, an eligible citizen of the Municipality of Waynesville. Unsuccessful candidates for council from the previous election, who are interested in the vacancy, should be given first consideration before any other applicants are considered. If none of these unsuccessful candidates is selected Council shall then make the appointment from the other qualified applicants. If the Council fails to do so within forty-five days following the occurrence of the vacancy, the power of Council to fill the vacancy shall lapse and the Mayor shall fill the vacancy by appointment at the next regularly scheduled Council meeting following the expiration of the said forty-five days. Unsuccessful candidates for council from the previous election, who are interested in the vacancy, should be given first consideration before any other applicants are considered. If none of these unsuccessful candidates is selected then the Mayor shall make the appointment from the other qualified applicants. The person so appointed shall serve until the next Municipal election occurring not less than ninety days thereafter at which time a successor shall be elected for the remainder of the unexpired term.

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SECTION 3.06 BEGINNING OF TERM OF OFFICE.

The term of Members of Council and other elected officials shall commence on the first day of January following their election.

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SECTION 3.07 ORGANIZATION AND MEETINGS.

- (A) Following each regular municipal election, the Council shall meet not later than the seventh day of January for the purpose of organizing. At such meeting, the newly elected members of Council shall take the oath of office and the Council may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed by ordinance, but not less frequently than twice each month.
- (B) Except as provided under the laws of the State of Ohio, Section 121.22 and commonly referred to as the “Sunshine Law,” all meetings of the Council shall be open to the public. A majority of the members of Council shall constitute a quorum at all meetings.
- (C) Exceptions to the open meeting requirement are:
 - (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee or regulated individual.
 - (2) to consider the purchase of property for public purposes, or the sale of property for public purposes or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair advantage to a person whose personal, private interest is adverse to the general public interest.
 - (3) to confer with an attorney for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action.
 - (4) to prepare for, conduct, or review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.
 - (5) to consider matters required to be kept confidential by federal law or rules or state statutes.
 - (6) to review specialized details of security arrangements where disclosure of matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.

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SECTION 3.08 SPECIAL COUNCIL MEETINGS AND EMERGENCY MEETINGS.

- (A) Special meetings may be called by an affirmative vote of at least four members of Council taken at any regular or special meeting thereof or may be called by the Mayor, or any three members of Council.
- (B) The Clerk of Council shall notify all news media who have requested such notification in writing.

- (C) Public notice of each special meeting of Council shall be made by the Clerk of Council, by at least one of the following:
 - (1) Posting a notice of the special meeting at a location accessible to the public at the municipal building and at least four other conspicuous places in the Municipality frequented by the public. The notices shall contain the time, place, and all matters to be considered at the special meeting. No other matters may be considered after notice is given. These notices must be posted at least 24 hours before the starting time of the meeting.
 - (2) Publication in a newspaper determined by Council to be of circulation within the Municipality at least 24 hours before the special meeting.
 - (3) Failure to notify the public by the aforementioned means shall invalidate actions taken by Council at the special meeting.
- (D) In the event of an emergency situation that affects the immediate public health, safety or welfare of the Municipality, the Mayor may call an emergency meeting of Council by waiving the above requirements.

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SECTION 3.09 POWERS OF COUNCIL.

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

- (A) The power to levy taxes and incur debts subject to the limitations imposed by this Charter or the State of Ohio.
- (B) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.
- (C) The power to provide for the exercise of all powers of local self government granted to the Municipality by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
- (D) The power to establish the number of employees in the various offices, departments, divisions, bureaus, boards and commissions of the Municipality by ordinance only and to establish the rates, ranges and methods of their compensation, their hours of work, and to provide such fringe benefits as deemed proper by the Council. The Council may, by ordinance, delegate any of its powers under this sub-section to the Manager and/or re-assume any of its powers.
- (E) The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Municipality. The premium for said bonds shall be paid by the Municipality.

- (F) The power to create other offices, departments, divisions, bureaus, boards, and commissions; and the power to combine, change and abolish any office, department, division, bureau, board or commission established by Council. The power hereinabove expressed in this sub-section shall be exercised by an ordinance adopted by the affirmative vote of at least five members of Council. The Council shall not abolish the offices of Manager, Mayor, President pro tempore, Clerk of Council, Council members, Finance Director and Law Director.
- (G) The power to adopt and provide for the enforcement of zoning classifications, districts, uses and regulations by ordinance; to adopt and provide for the enforcement of ordinances regulating the subdivision and platting of land within the Municipality; to regulate the subdivision and platting of land outside of the boundaries of the Municipality as provided by general law; to adopt and provide for the enforcement of ordinances requiring actual construction or assurance of construction of streets, utility lines and facilities, sidewalks, curbs and gutters and other improvements or facilities as a condition precedent to the approval of a plat or a subdivision; to adopt and provide for the enforcement of ordinances regulating the construction, reconstruction, alteration, enlargement, repair or demolition of buildings and other structures as defined by ordinance, within the Municipality; to adopt and to provide for the enforcement of housing codes or ordinances, regulating the use and occupancy of any building or structure, as defined by said codes or ordinances, within the Municipality.
- (H) The power to establish, by ordinance, the rates of charges made to consumers of all municipal utilities and services.
- (I) The power to grant permission by ordinance to any person, firm or corporation to construct and operate a public utility on, across, under or above any public street or ground within the Municipality. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefore, and other terms conducive to the public interest; provided that such grant of permission shall not extend beyond twenty-five years, however such grant may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owners of property abutting on any public street or ground shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments or renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for adequacy of service and maintenance and the operation of such utilities with reference to such streets and public grounds, including the right to require such reconstruction, relocation or discontinuance of appliances, plant or equipment used in such streets or public grounds as shall, in the opinion of Council, be necessary in the public interest.
- (J) The power to acquire title to or interests in real property shall be vested in the Council whether such property is acquired by the exercise of the power of eminent domain, purchase, gift, lease, devise, bequest, in trust, or otherwise. The power to sell or otherwise convey, lease or grant interests in real property shall be vested in the Council. Such sale, conveyance, lease or grant shall be in the manner

as provided by the ordinance authorizing the sale, conveyance, lease, or grant. Title to all real property shall be taken in the name of the Municipality.

- (K) The power to exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

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SECTION 3.10 SALARY OF ELECTED OFFICIALS.

The members of Council shall be compensated for each regular meeting attended. The Mayor shall receive an annual salary. The Council may change the salaries of members of Council and the Mayor by ordinance adopted by an affirmative vote of at least five members of Council. Any ordinance changing the salary of members of Council or the Mayor shall be adopted at least ninety days prior to the next ensuing election at which the members of Council are to be elected, and shall be effective on the first day of January following such election for newly elected Council members only. The compensation of all other officers and employees of the Municipality may be increased or decreased at any time by ordinance.

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SECTION 3.11 CLERK OF COUNCIL.

Council, by an affirmative vote of at least five members, shall appoint a qualified person to be Clerk of Council who shall serve at the pleasure of Council. The Clerk shall be chosen from outside the membership of the Council but may hold other positions within the Municipality. The Clerk shall give notice of Council meetings, advertise public hearings, record in journals all ordinances and resolutions approved by the Council, and see that such enactments are published as required by this Charter. The Clerk shall also perform such other duties as may be assigned by this Charter, or by ordinance or resolution of the Council. The Clerk may be appointed to serve full or part time and shall receive a salary as established by ordinance for services rendered. The Clerk may be removed by an affirmative vote of at least five members of Council.

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SECTION 3.12 MAYOR'S COURT AND CLERK OF COURT.

- (A) The Mayor's Court shall remain in existence until the State of Ohio provides a municipal court.
- (B) The Mayor's Court shall have all powers conferred by the Ohio Revised Code.
- (C) All cases in the Mayor's Court shall be referred to the Mayor's Court Magistrate.
- (D) Appeals from the Waynesville Mayor's Court shall be referred to the Warren County Court as provided by the Ohio Revised Code and must be filed within ten days of the Court entry.
- (E) The Clerk of Court shall be responsible to the Magistrate in all judicial matters. The Clerk of Court shall be hired by the Manager and may be employed in another department.

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SECTION 3.13 MAYOR'S COURT MAGISTRATE.

- (A) Jurisdiction of Magistrate. Jurisdiction shall extend to violations of all municipal ordinances, all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, and to hear and determine criminal causes involving a violation of Ohio Revised Code Section 4511.19. In hearing and determining prosecutions and causes filed within the Mayor's Court, the Magistrate shall be deemed to have the same powers, duties, and authority as does the Mayor, including, but not limited to, the power and authority to decide the prosecution or cause, enter judgement, and impose sentence. Judgement entered and a sentence imposed by the Mayor's Court Magistrate herein does not have to be reviewed or approved by the Mayor and shall have the same force and effect as if it had been entered or imposed by the Mayor.
- (B) Qualifications of Magistrate. The Magistrate shall be an attorney licensed to practice in the State of Ohio, and for a total of at least three years has been engaged in the practice of law in the State or served as a Judge of a Court of record in any jurisdiction in the United States.
- (C) Appointment of Magistrate. Council, by an affirmative vote of at least five members, shall appoint a qualified candidate to serve as the Magistrate of the Mayor's Court for a two year term.
- (D) Compensation. The Council shall determine the compensation of the Magistrate by ordinance.
- (E) Removal. The Magistrate may be removed, with or without cause, by an affirmative vote of at least five members of Council.

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SECTION 3.14 DUTIES OF THE CLERK OF COURT.

The Clerk of Court shall attend all Mayor's Court proceedings and maintain a ledger of all offenses and violations within the Municipality. The Clerk shall account for all monies received from bonds, fines, or cases. The Clerk shall dispense all monies to the proper governmental agencies with the proper paperwork. The Clerk should be bonded.

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ARTICLE IV. LEGISLATIVE PROCEDURE

SECTION 4.01 ACTION TO BE TAKEN BY ORDINANCE OR RESOLUTION.

Action of Council shall be by ordinance, resolution, or motion. Every action of a general and permanent nature; or granting a franchise; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the

purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor shall be taken by ordinance or resolution in the manner hereinafter provided. All other action may be by motion.

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SECTION 4.02 INTRODUCTION OF ORDINANCES AND RESOLUTIONS.

Any member of Council may, at a regular or special meeting, introduce any ordinance or resolution.

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SECTION 4.03 STYLE OF ORDINANCES AND RESOLUTIONS.

Each ordinance and resolution shall begin with a title that contains a complete summary of the actions being taken in the ordinance or resolution. Each ordinance shall contain an enacting clause as follows: "Be It Ordained by the Council of the Municipality of Waynesville, State of Ohio;" and each resolution shall contain an enacting clause as follows: "Be It Resolved by the Council of the Municipality of Waynesville, State of Ohio."

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SECTION 4.04 SUBJECT OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall contain only one subject which shall be expressed in its title, provided however, that appropriation ordinances may contain the various subjects, account, and amounts for which moneys are appropriated, and the ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.

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SECTION 4.05 READING OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be read by title on two separate days with the second reading of any such ordinance or resolution being no earlier than the next regularly scheduled Council meeting. Copies of the ordinance or resolution before Council for each reading shall be made available to the public at the Council meeting and shall be posted in the Council Room.

- (A) The Council may, by an affirmative vote of at least five members, dispense with the requirement that an ordinance or resolution shall be read on two separate days, and authorize the adoption of an ordinance or resolution upon its first reading.
- (B) The Council may, by an affirmative vote of at least four members, require that an ordinance or resolution shall be read fully and distinctly for its first or second reading or for both its first and second reading.
- (C) Motions to dispense with any requirements of this section as authorized by paragraphs (A) and (B) hereof shall be separately stated.
- (D) Unless approved by an affirmative vote of at least six members of Council, motions authorized by paragraphs (A) shall not apply to ordinances or resolutions that pertain to zoning classifications, districts or regulations, regulations governing the platting and subdivision of land, the levying of a tax, the incurring

of a debt to be evidenced by bonds or notes, or the changing of salaries of members of Council or the Mayor.

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SECTION 4.06 VOTE REQUIRED FOR PASSAGE OF ORDINANCES AND RESOLUTIONS.

- (A) The vote on the question of passage of each ordinance and resolution shall be taken by yeas and nays and entered in the Journal, and an ordinance or resolution shall be passed by an affirmative vote of at least four members of Council, except that each emergency ordinance or resolution shall require the affirmative vote of at least five members of Council for its enactment; provided, however, that if such ordinance or resolution shall fail to receive the required five affirmative votes, but receives the necessary four votes for passage as non-emergency ordinance or resolution, it shall be considered passed as a non-emergency ordinance or resolution and shall become effective as hereinafter provided by this Charter.
- (B) A motion may be passed by an affirmative vote of at least four of the Council members present.

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SECTION 4.07 CONTENT OF EMERGENCY ORDINANCES AND RESOLUTIONS.

Each emergency ordinance or resolution shall determine that said ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare, and shall contain a statement of the necessity for such emergency. No ordinance or resolution pertaining to the following matters may be adopted as an emergency measure: zoning classifications, districts or regulations; regulations governing the platting and subdivision of land; the levying of a tax or the incurring of a debt to be evidenced by bonds or notes, unless such tax or debt shall be necessary to provide or replace municipal facilities, equipment or buildings and the need for such facilities, equipment or buildings arises out of a public crisis or need; or the changing of salaries of members of Council or the Mayor.

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SECTION 4.08 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for the appropriation of money, annual tax levy for current expenses, improvements petitioned for by the owners of the requisite majority of the front footage or of the area of the property benefited and to be especially assessed therefore, submission of any question to the electorate of the determination to proceed with an election, providing for the approval of a revision, codification, recodification, rearrangement of ordinances and resolutions, or publication thereof in book form, and any emergency ordinance or resolution shall take effect, unless a later time be specified therein, immediately upon its passage. No other ordinance or resolution shall go into effect until thirty days following its passage by the Council.

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SECTION 4.09 AUTHENTICATION OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be authenticated by the signature of the Mayor and the Clerk of Council; however, the failure or refusal of such officers to sign such ordinances or resolutions shall not invalidate an otherwise properly enacted ordinance or resolution.

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SECTION 4.10 RECORDING OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution shall be recorded in a journal, or other record prescribed by the Council, established and maintained for that purpose. The Clerk of Council or a duly authorized deputy to said Clerk, shall, upon the request of any person and upon the payment of a fee, as established by the Council, certify true copies of any ordinance or resolution.

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SECTION 4.11 AMENDMENT OF ORDINANCES AND RESOLUTIONS.

- (A) No ordinance or resolution or any section thereof, shall be revised or amended unless the new ordinance or resolution contains the entire ordinance, resolution or section or sub-section as revised or amended, and the ordinance, resolution or section or sub-section so amended shall be repealed. This requirement shall not prevent the amendment of an ordinance or resolution by the addition of a new section, sections, sub-section or sub-sections and in such case the full text of the former ordinance or resolution need not be set forth.
- (B) Except in the case of a codification or recodification of ordinances and resolutions, a separate vote shall be taken on each ordinance or resolution proposed to be amended.
- (C) Ordinances and resolutions that have been introduced and have received their first reading, or their first and second reading, but have not been voted on as to passage, may be amended and revised upon approval by an affirmative vote of at least four members of Council, and such an amended or revised ordinance or resolution will then need one additional reading in final form.

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SECTION 4.12 REFERRAL OF ZONING ORDINANCES TO PLANNING COMMISSION.

- (A) Each ordinance or resolution establishing, amending, revising, changing or repealing zoning classifications, districts, uses, or regulations shall be referred to the Planning Commission prior to passage. Within thirty-one days of such referral the Planning Commission shall cause such ordinance or resolution to be returned to the Clerk of Council together with the written recommendations of the majority of the members of such commission unless said time is extended by Council.
- (B) Affirmative votes of at least four members of Council shall be required to adopt an ordinance concurring with the recommendation of the Planning Commissions as per section 4.06 of the Charter.

- (C) Affirmative votes of at least five members of Council shall be required to adopt an ordinance that modifies the recommendation of the Planning Commission.
- (D) If any ordinance receives fewer votes than set forth in sections (B) or (C) above, the recommendation of the Planning Commission shall be considered rejected. Council may at its option refer the matter back to the Planning Commission for further consideration and recommendation.

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SECTION 4.13 PUBLIC HEARING ON ZONING ORDINANCE OR RESOLUTION.

- (A) The procedure for holding a public hearing on a zoning ordinance or resolution as described below shall be followed whenever an ordinance or resolution establishes, amends, revises, changes, or repeals a zoning classification or zoning district or zoning regulation. The procedure shall be the following:
 - (1) The Mayor or other presiding officer of Council shall set a date for a public hearing. The public hearing shall not be held before the Planning Commission has returned its written recommendation to the Clerk of Council.
 - (2) The Clerk of Council shall publish an announcement of the public hearing at least one time in a newspaper determined by the Council to be of circulation within the Municipality. The announcement shall be published not less than two weeks before the public hearing. The announcement shall contain the date, time, location and topic of the public hearing.
 - (3) If the ordinance or resolution involves less than eleven parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council to the owners of property within and contiguous to and directly across the street from the parcel or parcels of land affected by the ordinance or resolution. The addresses for the written notices shall be as recorded on the County Auditor's current tax list or the Treasurer's mailing list. Council may require other addresses as needed. The written notice(s) shall be sent by certified mail with a return receipt at least thirty days before the date of the public hearing.
- (B) In the event that the announcement of the public hearing, and/or the notification of contiguous property owners is not made within the time period prescribed by this Charter, the ordinance or resolution of concern shall not be invalidated.

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SECTION 4.14 ADOPTION OF TECHNICAL CODES BY REFERENCE.

Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State or any department, board or other agency or political subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing code, electrical code, building code, refrigeration machinery code,

pipng code, boiler code, heating code, air conditioning code, housing code, and such other matters as the Council may determine to be appropriate for adoption by reference, or incorporation by reference. The ordinance adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least one copy of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons and copies of such standard ordinance or code may be available for sale by said Clerk. If the standard ordinance or code, after its adoption by reference by the Council, is amended, the Council may adopt the amendment or change by incorporation by reference in an ordinance under the same procedure as is established herein for the adoption of the original standard ordinance or code without the necessity of setting forth in full in the ordinance the provisions either of the amendment or change to the original ordinance or the standard ordinance or code.

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SECTION 4.15 REVIEW AND CODIFICATION OF ORDINANCES AND RESOLUTIONS.

- (A) At least one year prior to codifying or recodifying ordinances and resolutions, the Council shall appoint an Ordinance Review Commission of not less than seven qualified electors of the Municipality. It shall be the duty of this Commission to review the existing ordinances of the Municipality and make recommendations to the Council for removal from the records of the Municipality any such ordinances which may have outlived their usefulness or practicality. The Commission shall submit its report to Council within one year after its appointment. The Council shall then take such action as it deems warranted with respect to the recommendations of the Commission.
- (B) At least every five years or at any time, by an affirmative vote of at least four members of Council, Council may cause the ordinances and resolutions of the Municipality to be revised, codified, recodified, rearranged, or published in book form. Such revisions, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be immediately effective upon approval by an affirmative vote of at least four members of Council and may contain new matter herein.
- (C) The Clerk of Council shall cause a notice of such proposed revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form be published one time in a newspaper determined by the Council to be of circulation within the Municipality at least seven days prior to the final approval thereof by the Council. The notice that is to be published shall state the date, time and place of the meeting. The full text of the revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form need not be published.
- (D) A current service (updates) supplementing such revision, codification, recodification, rearrangement or publication of ordinances and resolutions in book form shall be maintained in the manner prescribed by the Council.

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SECTION 4.16 POSTING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

- (A) The Clerk of Council shall cause each ordinance and resolution adopted to be published by posting a copy of the ordinance or resolution in the place in the Municipality as determined by the Council, for a period of fifteen days at the Municipal building and four other conspicuous places frequented by the public.
- (B) Failure to post ordinances or resolutions as required by this section, or an omission, delay or error in such posting or failure to maintain posting of an adopted ordinance or resolution for a period of fifteen days as required above in this section, shall not invalidate any ordinance or resolution, nor shall such failure give rise to a defense to any action or prosecution brought under any ordinance or resolution, and in such events the Clerk of Council may authorize posting at a later date, but such later posting shall not be mandatory or necessary to the validity of any ordinance or resolution of action or prosecution thereunder.
- (C) In addition to the posting required above after an ordinance or resolution has been adopted, the Council may direct the Clerk of Council to publish notices of pending ordinances and resolutions prior to their adoption, but such prior publication of such notices shall not be mandatory or necessary to the validity of any ordinance or resolution or action or prosecution thereunder.

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ARTICLE V. MANAGER

SECTION 5.01 APPOINTMENT, QUALIFICATIONS AND COMPENSATION.

- (A) The Manager shall be appointed by an affirmative vote of at least five members of Council. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the Municipality at the time of the appointment, but must reside within the Municipality while in office or within a twenty minute drive time with approval by an affirmative vote of at least four members of Council.
- (B) Compensation will be set by ordinance by the Council.

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SECTION 5.02 REMOVAL.

The Manager may be removed, with or without cause, by Council. During a regularly scheduled meeting the Council, by a motion approved by at least five members, shall direct the Clerk of Council to place the subject of the Manager's removal on the agenda of the next regularly scheduled meeting. At that meeting, the Manager may be removed by an affirmative vote of at least five members of Council. The Manager shall be given at least ten days notice prior to such meeting, that the question of his removal will be on the agenda. During the intervening period, the Manager may be suspended with or without pay. The action of the

Council in suspending or removing the Manager shall not be subject to review by any Court or agency.

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SECTION 5.03 ACTING MANAGER.

- (A) The Manager may designate, by letter filed with the Clerk of Council, any qualified administrative officer of the Municipality to perform his powers, duties and functions during his temporary absence from the Municipality or during his disability. Such designation shall not be effective until the Council has approved it by an affirmative vote of at least four members of Council, and the Council may revoke such designation by an affirmative vote of at least four members thereof. If such designation has not been made and the Manager is absent from the Municipality or unable to perform his duties or to make such designation, the Council may, by a motion approved by an affirmative vote of at least four members thereof, appoint any qualified administrative officer of the Municipality to perform the powers, duties and functions of the Manager until he shall return to the Municipality, the disability ceases, or such appointment is revoked by an affirmative vote of at least four members of Council. The Acting Manager so designated shall exercise all powers, duties, and functions of the Manager during the temporary absence or disability of the Manager.
- (B) In the event of a vacancy in the office of Manager, the Council shall designate a person as Acting Manager, who shall exercise all powers, duties and functions of the Manager until a Manager is appointed.

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SECTION 5.04 POWERS AND DUTIES OF THE MANAGER.

The Manager shall be the chief executive, administrative, and law enforcement officer of the Municipality and shall be responsible to the Council for the administration of all municipal affairs designated by or assigned under this Charter, the ordinances and resolutions of the Municipality and State laws. The Manager shall have the following powers and duties:

- (A) The Manager shall appoint, supervise, evaluate and, when he/she deems it necessary, suspend or remove or otherwise discipline all municipal employees and appointed administrative officers, according to the Personnel Policy of the Municipality, or as provided for by or under this Charter. The Manager shall formulate, update or maintain all job descriptions for all municipal employees. The Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (B) The Manager shall direct and supervise the administration of all departments, offices and agencies of the Municipality, except as otherwise provided by this Charter.
- (C) The Manager shall attend all Council meetings unless excused by Council and shall have the right to take part in discussion but may not vote.

- (D) The Manager shall see that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by the Manager or by officers subject to his/her direction and supervision, are faithfully executed.
- (E) The Manager shall prepare and submit the annual budget, appropriation ordinance and capital program to the Council.
 - (1) Capital program submission to Council. The Manager shall prepare and submit to the Council a five year capital program at least one month prior to the final date for submission of the budget to the Council.
 - (2) *Contents.* The capital program shall include the following:
 - (a) A clear, general summary of its contents.
 - (b) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
 - (c) The cost estimates, methods of financing and recommended time schedules for each improvement.
 - (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised by the Manager and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- (3) Adoption by Council. The Council by resolution, shall adopt the capital program with or without amendment prior to adoption of the budget.
- (4) Council shall be responsible for organizing the special notification of Village residents of a hearing at which Council shall advise the village residents of the scope and detail of any and all capital projects in excess of \$250,000.00. The purchase of real estate is exempted from the above hearing. The hearing shall be held in a timely manner relative to the planning of the above capital projects. The purpose of this hearing is to better inform the Village residents regarding any suggested or planned major capital projects and to inform Council of the "Opinion of the Village" on the matter. Council shall be prepared to cover the following in this meeting. 1. General scope and detail of the project. 2. Total estimated cost. 3. Time frame for completion. 4. Funding plans and impact on taxes. The hearing shall be advertised at four prominent locations around the village at least forty eight hours prior to the meeting. It shall in addition be advertised in a short presentation to be included with

a Waynesville water bill. This short presentation shall cover points 1-4 above.

- (F) The Manager shall submit to Council and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year or by March 31.
- (G) The Manager shall keep the Council fully advised as to the financial condition and future operating and capital needs of the Municipality and make such recommendations to the Council concerning the affairs of the Municipality as he/she or Council deems necessary.
- (H) The Manager shall make such other reports as the Council may require concerning the operation of municipal departments, offices, boards, commissions and agencies subject to his/her direction and supervision.
- (I) The Manager shall require reports and information of subordinate officers and employees of the Municipality as seems necessary in the orderly operation of the Municipality, or when requested to do so by the Council or any board or commission of the Municipality.
- (J) The Manager shall be the contracting officer of the Municipality and shall award and execute contracts and agreements on behalf of the Municipality in the manner and under the following procedures as required by this Charter:
 - (1) When the expenditure of funds for the purchase of supplies or materials, or to provide labor for any work to be performed under a contract exceeds the amount specified by an act of Council for which such purchases or work may be accomplished without advertisement and competitive bidding, such expenditure shall first be authorized and directed by ordinance passed by the Council. The Manager may award a written contract to the lowest and best bidder after advertisement on the same day of each week for not less than two nor more than four consecutive weeks in a newspaper determined by the Council to be of circulation within the Municipality.
 - (2) Compensation of persons and employees; contracts with persons, firms or corporations for services requiring specialized skill, knowledge, or training; and expenditures required because of a real and present emergency arising in connection with the purchase, lease, construction, maintenance, operation or repair of municipal buildings, equipment and facilities, and municipal services, when previously authorized, need not be advertised and notices need not be published as provided herein above.
 - (3) Modifications and changes in excess of the amount as designated by Council made to contracts shall first be authorized by ordinance.
 - (4) The Manager may designate an administrative officer or employee of the Municipality to act as purchasing agent to award and execute contracts,

orders, or agreements on behalf of the Municipality, when such contracts, orders or agreements do not authorize an expenditure of money in excess of the amount as designated by Council.

- (5) The Manager or any other person designated by him/her as purchasing agent shall not willfully cause or allow any contract or order to be split or divided into separate orders or contracts in order to avoid the requirements above, or the requirements of competitive bidding as provided by this Charter.
- (K) The Manager shall execute on behalf of the Municipality all contracts and agreements, except as otherwise hereinabove provided by paragraph (J) of this section regarding the designation of a purchasing agent, conveyances evidences of indebtedness and other instruments to which the Municipality is a party.
- (L) The Manager shall hold no elected position within the Municipality, nor serve as Law Director or Finance Director.
- (M) The Manager shall perform such other duties and have such other powers as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the laws of the State of Ohio.

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ARTICLE VI. ADMINISTRATIVE DEPARTMENTS

SECTION 6.01 CREATION OF DEPARTMENTS.

For the purpose of carrying on the administrative functions of the Municipality, the following departments are hereby established: Department of Law, Department of Finance, Department of Planning, Department of Service, Department of Inspection and Engineering, Department of Parks and Recreation, and Department of Safety. The work of the departments of the Municipality shall be distributed among such divisions and bureaus as provided in this Charter and as provided by ordinance. The Council may create new departments, divisions, and bureaus and combine, change or abolish any departments, divisions, or bureaus in the manner and subject to the limitations as provided in Section 3.09(F) of this Charter. Subject to the provisions of this Charter, the Council shall provide by ordinance for the organization of the departments and divisions of the Municipality, and define the powers and functions of each organizational unit.

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SECTION 6.02 DEPARTMENT OF LAW — LAW DIRECTOR.

The Law Director shall be the head of the Department of Law. The Law Director shall be appointed by the Council, by ordinance adopted by the affirmative vote of at least five members of Council, upon such terms as the ordinance provides, he/she shall serve at the pleasure of the Council and may be removed at any time with or without cause by an affirmative vote of at least five members of Council. The Director of Law shall be licensed and practicing law in the State of Ohio.

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SECTION 6.03 POWERS AND DUTIES OF THE LAW DIRECTOR.

- (A) The Law Director shall be the legal adviser, attorney, and counsel for the Municipality and for all offices, departments, divisions, bureaus, boards, commissions and bodies of the Municipality in connection with municipal affairs; and subject to the direction of the Council, shall represent the Municipality in all proceedings in Court or before any administrative board or body. The Law Director shall perform such other duties consistent with this office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of the State of Ohio. The Law Director shall be the prosecuting attorney on behalf of the Municipality and shall prosecute cases brought before courts of competent jurisdiction.
- (B) The Council may provide for such assistants and special counsel to the Law Director as shall be deemed advisable. All assistants shall be responsible to the Law Director, and when authorized by him/her, may exercise all or any part of the powers and duties granted to the Law Director under this section. Special counsel may be selected by the Council or the Law Director, as determined by the Council; and such special counsel may perform those powers and functions as authorized by and in the manner provided by the Council.

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SECTION 6.04 DEPARTMENT OF FINANCE — FINANCE DIRECTOR.

- (A) The Finance Director shall be the head of the Department of Finance. The Finance Director shall be appointed by the Council, by ordinance adopted by the affirmative vote of at least five members of the Council, upon such terms as the ordinance provides, he/she shall serve at the pleasure of the Council and may be removed, at any time with or without cause by an affirmative vote of at least five members of the Council. The Finance Director shall be qualified by training and/or experience to discharge the duties as the head of the Department of Finance in a capable manner.
- (B) The Council may designate an officer or employee of the Municipality, who, during the absence or disability of, or during a vacancy in the office of Finance Director, shall exercise the powers and discharge the duties of Finance Director under the title of Acting Finance Director.

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SECTION 6.05 POWERS AND DUTIES OF THE FINANCE DIRECTOR.

- (A) The Finance Director shall be the fiscal officer of the Municipality. The Finance Director shall advise the Manager and the Council concerning the financial condition of the Municipality; shall collect all money due and payable to the Municipality and shall be the custodian of all public money of the Municipality; shall disburse the same as may be required by law or ordinance; shall render statements to and receive payments from the customers of the utilities operated by

the Municipality; and shall administer and collect all taxes levied by the Municipality, except those taxes where the laws of the State of Ohio require a County or State official to administer and collect the tax. This section shall not be construed to prevent the Council from entering into or authorizing contracts with other municipal corporations, the State of Ohio or its political subdivisions, or private persons, firms or corporations, for the rendering of statements to and receipt of payments from customers of utilities operated by the Municipality or for the administration and collection of taxes. The Finance Director shall assist the Manager in the preparation and submission of appropriation measures, estimates, budgets and other financial matters. The Finance Director shall perform all other duties now or hereafter imposed on municipal auditors and treasurers under the laws of the State of Ohio and shall perform such other duties, consistent with this office, as may be required by this Charter, by ordinance or resolution of Council, or as requested by the Manager.

- (B) The Finance Director shall prepare annual financial and other reports required by law and shall make periodic reports concerning appropriations, encumbrances and expenditures of the departments, divisions, boards and commissions as may be required by the Council or requested by the Manager, and make available to the public, a complete report on the finances of the Municipality as of the end of each fiscal year.

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SECTION 6.06 DEPARTMENT OF PLANNING.

The Manager shall serve as the head of the Department of Planning. The Planning Director should meet with and assist the Planning Commission in conducting studies and surveys; preparing plans, reports, and maps; and other duties as necessary to help in the growth, development, redevelopment, rehabilitation, and renewal of the Municipality. The Planning Director should meet with and assist the Zoning, Building, and Housing Appeals Boards in the execution of their duties. The Planning Director shall have those additional powers, duties and functions as provided by the Council by ordinance. In the event that the Council creates the separate position of Planning Director, the position will be filled through appointment by the Manager. The Director shall report and be responsible to the Manager.

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SECTION 6.07 DEPARTMENT OF SERVICE.

The Manager shall serve as the head of the Department of Service. The Service Director shall have the supervision and control over all municipal utilities, streets, services, lands and buildings, except as otherwise provided in this Charter, and shall have those additional powers, duties and functions as provided by the Council by ordinance. In the event that the Council creates the separate position of Service Director, the position will be filled through appointment by the Manager. The Director shall report and be responsible to the Manager.

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SECTION 6.08 DEPARTMENT OF SAFETY.

The Manager shall serve as the head of the Department of Safety. The Safety Director shall have the supervision and control over the functions of the police, the reserve police and auxiliary police and will be responsible to coordinate with other law enforcement and fire protection agencies as authorized by Council. The functions of the Department of Safety may be provided by the creation of separate or combined divisions or by contract with any other unit of government or with private firms, persons, corporations or associations, as determined by Council by ordinance. The Safety Director shall have those additional powers, duties and functions as provided by Council by ordinance. The Department of Safety may upon authorization of Council, include fire and law enforcement protection with voluntary or full-time personnel. In the event that the Council creates the separate position of Safety Director, the position will be filled through appointment by the Manager. The Safety Director shall report and be responsible to the Manager.

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SECTION 6.09 DEPARTMENT OF INSPECTION AND ENGINEERING.

The Manager shall serve as the head of the Department of Inspection and Engineering. The head of the Director of Inspection and Engineering shall have the supervision and control over all inspection and engineering services of the Municipality, including but not limited to the following: building code inspections, housing code inspection, and the administration and enforcement of all ordinances, rules and regulations pertaining to zoning and the subdivision of land. The inspection and engineering work may be performed wholly or partially by employees or agents of the Municipality or by contracts with persons, firms, or corporations. The Director of Inspection and Engineering shall meet with and provide assistance and information to the Planning Commission and Zoning, Housing and Building Appeals Boards. The head of the Department of Inspection and Engineering shall have those additional powers, duties and functions as provided by the Council by ordinance. In the event that the Council creates the separate position of Director of Inspection and Engineering, the position will be filled through appointment by the Manager. The Director shall report and be responsible to the Manager.

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SECTION 6.10 DEPARTMENT OF PARKS AND RECREATION.

The Manager shall serve as the head of the Department of Parks and Recreation. The Director of Parks and Recreation shall have the supervision and control over all municipal parks and recreation lands, equipment, facilities and programs. The Director of Parks and Recreation shall meet with and provide such assistance and information to the Parks and Recreation Board as it may request. The Director of Parks and Recreation shall have those additional powers, duties and functions as provided by the Council by ordinance. In the event that the Council creates the separate position of Director of Parks and Recreation, the position will be filled through appointment by the Manager. The Director shall report and be responsible to the Manager.

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SECTION 6.11 HEADS OF OTHER DEPARTMENTS AND DIVISIONS.

- (A) The heads of departments, divisions, and bureaus not enumerated in this Charter, but created by the Council by ordinance shall be appointed by the Manager and the Manager may serve as head of one or more of such departments or divisions.

- (B) One person may serve as the head of one or more departments or divisions, except that the Law Director and the Finance Director shall not serve or act as head of any other department or division.

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ARTICLE VII. BOARDS AND COMMISSIONS

SECTION 7.01 QUALIFICATIONS AND APPOINTMENT OF BOARDS AND COMMISSIONS

- (A) The members of any board or commission of the Municipality shall have resided in the Municipality for a period of at least one year prior to being appointed to a board or commission and shall be qualified electors of the Municipality. Qualifications as a registered voter shall be the same as those which may be required from time to time by the election laws of the Revised Code of the State of Ohio.
- (B) Initial appointments to a board or commission shall be made by Council by an affirmative vote of at least four members in January following the expiration of terms of office. The members shall serve without compensation.

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SECTION 7.02 VACANCIES AND FORFEITURE OF OFFICE.

- (A) Vacancies. The position on a board or commission shall become vacant upon the member's death, resignation, removal from office in any manner authorized by this Charter, or forfeiture of office. A vacancy during the term of any member of a board or commission created by this Charter or by ordinance of the Council shall be filled by:
 - (1) Advertising the opening for two weeks requesting anyone interested in serving on that board or commission to make application to the Council.
 - (2) Applications shall be in writing by anyone interested.
 - (3) The Manager and the Mayor plus two members of Council shall interview all applicants.
 - (4) Appointment shall be made seven days after the last advertisement or within forty-five days of the vacancy.
- (B) Forfeiture of Office. If it is so determined by an affirmative vote of at least four members of the board or commission a member shall forfeit that position if said board or commission member:
 - (1) lacks at any time during his term of office, any qualification for the office prescribed by this Charter;

- (2) intentionally violates any express prohibition of this Charter;
 - (3) is convicted of a crime involving moral turpitude or malfeasance or a felony;
 - (4) fails to attend regular meetings as established by the board or commission's attendance policy. Each board or commission shall establish and have approved by the Manager its own attendance policy. This policy will be reviewed by each board or commission at the first meeting held each year.
- (C) Disability. On questions of disability involving the members of the boards or commissions, the decision as to actuality of the time of, and duration of the disability, for purpose of declaring a vacancy, shall be determined by an affirmative vote of at least four members of the board or commission.

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SECTION 7.03 PLANNING COMMISSION — MEMBERSHIP.

There shall be a Planning Commission consisting of seven members appointed by Council: two of whom shall be members of Council appointed for a term of one year, and five citizen members who shall serve four year overlapping terms of office. The five citizen members of the Planning Commission shall hold no other municipal office or board membership.

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SECTION 7.04 PLANNING COMMISSION — POWERS AND DUTIES.

The Planning Commission shall conduct studies and surveys and prepare plans, reports and maps relative to the overall planning of the growth, development, redevelopment, rehabilitation, and the renewal of the Municipality, and may make such recommendations relative thereto to the Council as it feels are in the best interests of the Municipality. The Planning Commission shall continuously review and report to the Council its recommendations concerning the Municipality's capital improvement programs, subdivisions, platting and zoning ordinances and regulations. The Planning Commission shall cooperate with other governments or private planning agencies to secure the maximum benefit to the Municipality. Other powers and duties of the Planning Commission shall include those established by this Charter and by the Council by ordinance or resolution but until such ordinances or resolutions are passed, it shall possess such other powers and duties as are provided by the general laws of Ohio, to the extent that such general laws do not conflict with the provisions of this Charter.

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SECTION 7.05 BOARD APPEALS — MEMBERSHIP.

- (A) There shall be a Board of Appeals consisting of seven citizen members appointed by Council to serve four year overlapping terms of office.
- (B) Members of the Board of Appeals may not hold any other municipal office.

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SECTION 7.06 BOARD OF APPEALS — POWERS AND DUTIES.

- (A) The Board shall have the power to hear and decide appeals from actions taken by the Municipality's administrative offices and employees with respect to the Municipality's building and zoning and property maintenance regulations. The Board may not approve exceptions to and variations from the Municipality's building and zoning codes and regulation in individual cases except as may be required to afford justice and avoid unreasonable hardships to property owners. The standards to be applied by the Board in all instances shall be established by ordinance or resolution of the Council.
- (B) The Board of Appeals shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. No motion or other action overruling an action under the Zoning Ordinance by any administrative officer of the Municipality shall be adopted except by an affirmative vote of at least five members of the Board.

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SECTION 7.07 PARKS AND RECREATION BOARD — MEMBERSHIP.

There shall be a Board of Parks and Recreation consisting of seven members: six of whom are appointed by Council, two of whom shall be members of Council appointed for a term of one year, and four citizen members as well as one member appointed by the Board of Education to serve four year overlapping terms of office.

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SECTION 7.08 PARKS AND RECREATION BOARD — POWERS AND DUTIES.

The Parks and Recreation Board shall act in an advisory capacity only. The Board shall make such recommendations and reports to the Manager, Council, Planning Commission, Director of Parks and Recreation, and other officers, departments, divisions, and boards and commissions as it deems advisable regarding the acquisition, development, maintenance and operation of parks, playgrounds and recreational facilities and programs of the Municipality. The Board may cooperate with organized groups concerned with park and recreation programs and may stimulate citizen interest in the care and preservation of parks and historical and scenic sites.

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SECTION 7.09 HISTORICAL PRESERVATION BOARD — MEMBERSHIP.

The Historic Preservation Board shall consist of seven members appointed by the Council. These appointees shall include one member of the Planning Commission, one member of Council, one member of the Waynesville Business Community and three residents or property owners from within the district and one member of the Waynesville Historical Society (if the Historical Society goes out of existence, then four residents). Appointment will be for two year overlapping terms, except for the Council and Planning Commission members whose terms may change annually.

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SECTION 7.10 HISTORICAL PRESERVATION BOARD — POWERS AND DUTIES.

The Historical Preservation Board shall provide the formal process to approve or disapprove, within the Historic Preservation District, the external design of proposed new buildings or structures, or of such proposed changes in existing buildings or structures as would substantially alter their appearance, by enforcing the “Waynesville Historical Preservation Board Rules and Regulations” and the municipal ordinances which apply to the “Historic Preservation District.” The Board shall meet twice each month before regularly scheduled Council meetings to consider applications for Certificates of Appropriateness submitted by property or business owners.

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SECTION 7.11 REMOVAL OF MEMBERS.

Council, by an affirmative vote of at least five members, may remove any member of a board or commission for cause so stated in written or printed form by Council. Council's action shall be final.

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SECTION 7.12 OTHER BOARDS AND COMMISSIONS.

The Council may create, change, and abolish other boards and commissions as it determines to be necessary, and may provide for their organization, membership, method of appointment, terms of office of members, and powers, duties and functions by ordinance or resolution.

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SECTION 7.13 ORGANIZATION AND MAINTENANCE OF RECORDS.

- (A) In January of each year or within thirty days after formation, each board or commission of the Municipality as created by this Charter or by ordinance of Council, shall meet for the purpose of organization and shall elect officers from among its membership.
- (B) The secretary of each such board or commission may or may not be a member of such board or commission and may hold another office or employment with the Municipality. The secretary of each board or commission shall keep an accurate record of the proceedings of such board or commission meeting on standardized forms provided by the Clerk of Council. The record of each board or commission meeting shall be filed with the Clerk of Council within ten days after the meeting. All official records of the proceedings of the boards and commissions of the Municipality shall be maintained by the Clerk of Council in a standardized manner.

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ARTICLE VIII. NOMINATIONS AND ELECTIONS

SECTION 8.01 NOMINATIONS.

- (A) Nominations for members of Council shall be made only by petition signed by at least twenty-five qualified electors of the Municipality. Such a petition shall be accompanied by a declaration of candidacy and shall be filed with the election authorities no later than 4:00 pm of the seventy-fifth day before the date of the regular Municipal election.
- (B) If the nominating petition or declaration of candidacy is found by the election authorities to contain any defect that would prevent the candidate's name from being placed on the ballot, the election authorities shall immediately notify the candidate who shall then have ten days to correct any such defect.
- (C) Write-in candidates shall be subject to the requirements of the Warren County Board of Elections and the State of Ohio.
- (D) No primary election shall be held for Council candidates.

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SECTION 8.02 REGULAR MUNICIPAL ELECTIONS.

The regular municipal election for members of Council shall be held on the first Tuesday after the first Monday in November in the odd numbered years in which they are to be elected, commencing in the year 1995. All petitions, ballots and ballot labels shall be without party mark or designation. Except as otherwise provided in this Charter, all elections shall be held and conducted and the results thereof ascertained and certified as provided by the laws of the State of Ohio.

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SECTION 8.03 SPECIAL ELECTIONS.

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

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SECTION 8.04 CONDUCT OF ELECTIONS.

All regular and special municipal elections shall be conducted by the Warren County Board of Elections under the provisions of this Charter, so far as they are applicable. Where the Charter is silent, the provisions of the Ohio Election Laws shall be followed.

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ARTICLE IX. INITIATIVE, REFERENDUM, REFERRAL AND RECALL

SECTION 9.01 INITIATIVE.

Ordinances and resolutions may be proposed by initiative petition and adopted by election in the manner now or hereafter provided by the Constitution or the laws of the State of Ohio except that the initiative petitions shall be filed with the Clerk of Council, and except that

the proposed ordinance or resolution shall be submitted to the electors for approval or rejection at the next succeeding general or primary election occurring subsequent to ninety days after the certification of the proposed ordinance or resolution to the Board of Elections, or at a special election to be held on a date fixed by the Council by an affirmative vote of at least four members thereof and certified by the Clerk of Council to the Board of Elections.

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SECTION 9.02 REFERENDUM.

Ordinances and resolutions adopted by Council shall be subject to referendum to the extent and in the manner now or hereafter provided by the Constitution or the laws of the State of Ohio, except that such ordinances and resolutions subjected to referendum shall be submitted to the electors for approval or rejection at the next succeeding general election or primary election occurring subsequent to ninety days after the certifying of such referendum petition to the Board of Elections or a special election to be held on a date fixed by the Council by an affirmative vote of at least four members thereof and certified by the Clerk of Council to the Board of Elections, and except that referendum petitions shall be filed with the Clerk of Council.

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SECTION 9.03 REFERRAL OF ORDINANCE OR RESOLUTION TO THE ELECTORS BY COUNCIL.

- (A) By an affirmative vote of at least five members of Council, any pending ordinance or resolution may be referred to the electors of the Municipality at a general, primary or special election. The action of referral provided for in this section shall be taken by motion and shall go into immediate effect without publication. Such motion shall be passed not less than ninety days prior to the date of the primary or general election at which such referred ordinance or resolution is to be submitted. In the event that such ordinance or resolution is to be referred for approval or rejection at a special election, the Council shall, by motion, fix a date for such special election at a date not less than ninety days after the date of the passage of the motion to refer, and the Clerk of Council shall cause notice of the special election to be published on the same day of each week for two consecutive weeks in a newspaper determined by Council to be of circulation in the Municipality.
- (B) The Clerk of Council shall certify to the Warren County Board of Elections that an election is to be held referring such ordinance or resolution to a vote of the electors at the date fixed by Council as hereinbefore provided. The Clerk of Council shall also certify a copy of the ordinance or resolution to be voted upon to the Warren County Board of Elections.
- (C) At such primary, general or special election this question shall be placed upon the ballot: "Shall an (ordinance or resolution) providing: (the wording contained in the title of the proposed ordinance or resolution shall be inserted here) be adopted?" with the provision on the ballot for voting affirmatively or negatively. In the event a majority of those voting on the issue shall be in the affirmative the ordinance or resolution shall go into immediate effect, without need for further publication.

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SECTION 9.04 RECALL.

The electors shall have the power to remove from office, by a recall election, any elected or appointed member of Council of the Municipality in the manner herein provided. If such officer shall have served six months of his term, a petition demanding his removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefore and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement not to exceed two hundred words of the grounds for the removal. Such petition shall be signed by at least that number of electors from the Municipality which equals twenty-five (25%) percent in number of the electors voting at the last preceding regular municipal election for Council members within the Municipality. Within twenty days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, he/she 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 ten days after the day on which each delivery was made in which to make the petition sufficient. If the petition is sufficient or is subsequently made sufficient within such ten day period, the Clerk shall promptly so certify it to Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, Council shall, at the next regularly scheduled Council meeting, fix a day for holding a recall election, not less than sixty days not more than seventy-five days after the date of such delivery, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper determined by Council to be of general circulation in the Municipality. At such recall election, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?", with the provision on the ballot for voting affirmatively or negatively. 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 at such recall election shall not be eligible for appointment to the vacancy created or elected to a similar position for one year from the date of removal. If the officer is not removed at such recall election, no further recall petitions shall be filed against him for a period of one year.

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ARTICLE X. FINANCES, TAXATION AND DEBT

SECTION 10.01 GENERAL.

The laws of the State of Ohio relating generally to budgets, appropriations, debts, bonds, assessments and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by or necessarily inconsistent with the provision of this Charter or ordinances of Council enacted pursuant thereto and except when provision therefore is made in the Constitution of the State of Ohio.

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SECTION 10.02 LIMITATION ON TAX RATE.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitations without a vote of the people; provided, that this Charter shall not operate as a limitation upon the power of the Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution or laws of the State of Ohio nor shall the authority of Council to submit additional levies to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

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SECTION 10.03 LIMITATION OF DEBT.

The Municipality shall not incur debt in excess of the limitations imposed by the Constitution and the laws of the State of Ohio.

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ARTICLE XI. GENERAL PROVISIONS

SECTION 11.01 SUCCESSION.

The Municipality of Waynesville, under this Charter, is hereby declared to be the legal successor of the Village of Waynesville, under the laws of the State of Ohio, and as such it has title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes in process of collection together with all accounts receivable and rights of action. The Municipality is liable for all outstanding orders, contracts and debts of its predecessor, and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. All contracts entered into by the Municipality or for its benefit prior to July 1, 1994 shall continue in full force and effect.

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SECTION 11.02 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

- (A) The adoption of the Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability or pending suit or prosecution either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality, including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until lawfully amended or repealed.
- (B) No action or proceeding pending against the Municipality or an officer thereof shall be abated or affected by the adoption of this Charter, but all such actions or proceedings shall be prosecuted or defended under the laws in effect at the time of the filing thereof.

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SECTION 11.03 AMENDMENTS TO CHARTER — PROCEDURE.

- (A) The Charter may be amended as provided by the Constitution of Ohio by the submission of the proposed amendments to the electors of the Municipality.
- (B) If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the highest number of affirmative votes, not less than a majority, shall become a part of this Charter.

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SECTION 11.04 CHARTER REVIEW COMMISSION.

In January, 2000 and thereafter at least every five years, the Council shall appoint a committee of fifteen qualified electors of the Municipality to be known as the Charter Review Commission. This commission shall review the whole Charter and shall recommend to the Council any alterations, revisions, and amendments to this Charter as in the Charter Review Commission's judgment seem advisable. The Council shall submit to the electors all such proposed alterations, revisions, or amendments to this Charter at the next regular election in accordance with the Constitution of the State of Ohio. The Council may by an affirmative vote of at least six members refuse to put on the ballot any or all of the recommendations from the Charter Review Commission. Each Charter Review Commission shall cease to function the day following the election at which its proposals are submitted to the electorate. The members shall serve without compensation. In addition, the Council may appoint additional such commissions for the limited purpose of reviewing specified portions of the Charter.

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SECTION 11.05 EFFECT OF PARTIAL INVALIDITY.

A determination that any article, section or part of any article or section, of this Charter is invalid shall not invalidate or impair the force or effect of any other part thereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

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SECTION 11.06 CONFLICT OF INTEREST.

The laws of the State of Ohio relating to conflicts of interest and interests in contracts or expenditures on behalf of the Municipality by officials and employees of municipalities shall be applicable to officers and employees of the Municipality of Waynesville under this Charter.

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SECTION 11.07 UTILITIES.

- (A) All operating and capital expenditures for utility services provided by the Municipality must be fully supported by user fees and public grants or loans (i.e. not subsidized in whole or in part by municipal tax revenues).

- (B) For the good of the general public, Council may authorize water and/or sewer services to be provided to any public park, within the municipal limits, at a rate of not less than 50% of the public rate applicable at that time. The provision of such services is contingent upon the following conditions:
- (1) Operation of the public park must be by a not-for-profit corporation.
 - (2) Services to the park must be metered.
 - (3) Council's authorization must be by ordinance, passed by an affirmative vote of six or more members of Council.
 - (4) The provision of such services is limited to twelve months from the date of passage of the authorizing ordinance, which can be revised or renewed annually (in January) by an affirmative vote of six or more members of Council.

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GLOSSARY

abate, abated v. - 1. To reduce in amount, degree, or intensity; lessen. 2. To deduct from an amount; subtract. 3. Law. a. To put an end to. b. To make void.

administrative officer a. - An employee or appointee working for the Village Manager and designated as having authority within a department. (5.04(J)(4))

appropriated v. - To set apart for a specific use: appropriating funds for education. (4.04)

appropriation a. - Public funds set aside for a specific purpose. A legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.

auxiliary police unit a. - A civilian affiliated with the law enforcement agency in a part-time non-sworn capacity with or without compensation. (6.08)

Board of Elections a. - The Warren County Board of Elections. (8.04)

book form adj. - The collection of documents, such as ordinances, in a complete, organized volume or volumes suitable for printing. (4.15(B))

charter a. - 1. A document issued by a sovereign, legislature, or other authority, creating a public or private corporation, as a city, college, or bank, and defining its privileges and purposes. A document outlining the principles, functions, and organization of a corporate body; constitution. (Preamble)

codify tr.v. - *fied fying fies* 1. To reduce to a code: codify laws. 2. To arrange or systematize. codification n. codifier n. (4.11)

conveyance a. - 1. The transfer of title to property from one person to another. 2. The document by which this transfer is effected. (5.04(K))

Council a. - A body of people elected or appointed to serve in an administrative, legislative, or advisory capacity. (3.01)

current service a. - A business or group of people responsible for accomplishing designated tasks for the Village. (4.15(D))

electorate a. - A body of qualified voters. (4.08)

employee of the municipality a. - A person employed by the Village in a part- or full-time position on a continuing basis. (12.03)

evidences of indebtedness a. - Purchase orders, contracts for services, and other financial obligations. (5.04(K))

exigency a. - A pressing or urgent situation. (4.07)

felony a. - Any of several crimes, such as murder, rape, or burglary, considered more serious than a misdemeanor and punishable by a more stringent sentence. (3.04(B)(3))

fiscal year a. - A 12-month period for which an organization plans the use of its funds. The Village's fiscal year begins on January 1. (5.04(F))

franchise a. - 1. A privilege or right officially granted a person or a group by a government, esp.:
a. The constitutional or statutory right to vote. b. The establishment of a corporation's existence.
c. The grant of certain rights and powers to a corporation. d. Formerly, legal immunity from certain burdens, servitude, or other restrictions. 2. The territory or limits within which a privilege, right, or immunity may be exercised. tr.v. chised chising chises To endow with a franchise. (4.01)

hardships n. - Special circumstances, usually in regards to zoning requirements, applicable to land or buildings, and which are peculiar to a specific land or building and not to the surrounding land or building in general. Strict enforcement of rules in the face of a hardship would prohibit reasonable use of the land or building. Hardships cannot be self-created, cannot be that less financial profit would be obtained because of, and cannot be established on the basis of self creation by one who purchases but has no knowledge of the restrictions. (7.04)

home rule a. - The principle or practice of self-government in the internal affairs of a dependent country or other political unit. (Preamble)

initiative a. - 1. The power or right to introduce a new legislative measure. 2. The right and procedure by which citizens can propose a law by petition and ensure its submission to the electorate. (9.01)

instruments a. - legal documents such as contracts, purchase orders, checks, etc. (5.04(K))

judicial powers a. - Authority granted to judges and courts in the state of Ohio. (3.01)

legal successor a. - The corporation immediately created upon the dissolution of a preceding corporation and which becomes responsible for the legal obligations of the predecessor. (11.01)

magistrate n. - 1. A civil officer with power to administer and enforce law. 2. A minor official with limited judicial authority, such as a justice of the peace or the judge of a police court. (3.12(B))

malfeasance a. - Misconduct or wrongdoing, esp. by a public official. (3.04(B)(3))

mayor a. - The chief magistrate or administrator of the municipality with limited judicial authority. (3.01)

municipal adj. - 1. Of, pertaining to, or typical of a municipality. 2. Having local self government. (1.01)

municipal office n. All elected positions and any paid position that is filled by Council. (3.03 (A-B))

municipality a. - 1. A political unit, such as a city or town, incorporated for local self-government. 2. A body of officials appointed to manage the affairs of a municipality. (Preamble)

ordinance a. - A statute or regulation, esp. one enacted by a city government. (2.02)

platting v. - Dividing a section of land into lots for development of housing or commercial buildings. (7.02)

politic adj. - 1. Artful; shrewd: a politic senator. 2. Using, displaying, or proceeding from policy; judicious: a politic decision. (1.01)

President pro tempore a. - A temporary "president." The Village shall have a president pro tempore who shall act as Mayor during the temporary absence of the Mayor. (3.01)

promulgate v. - 1. To make known (a decree, for example) by public declaration; announce officially. 2. To put (a law) into effect by formal public announcement.

public body a. - Council or any Municipal Board or Commission.

public welfare a. - The safety and health of the populace of the Village. (4.07)

qualified electors a. - Residents of the Village who are legitimately registered with the Warren County Board of Elections as being able to participate in local, state, and federal elections. (7.01)

quorum a. - The minimum number of officers and members of a committee or organization, usually a majority, who must be present for the valid transaction of business. (3.06)

real property a. - Land or buildings. (3.08(K))

referendum n. - 1. The submission of a proposed public measure or actual statute to a direct popular vote. 2. Such a vote. (9.02)

referral v. - The action of letting an ordinance or resolution of Council be decided by the qualified electorate of the Village rather than a vote of the Council members. (9.03)

reserve police a. - a part-time sworn law enforcement officer with or without compensation, who may possess the same powers and perform the same duties as full-time officers. Reserve officers have qualifications and training equivalent to full-time, sworn officers performing like functions and are utilized to supplement the agency's day-to-day delivery of law enforcement services.

Residency, reside, resident n. Maintaining a dwelling and a domicile within the municipal boundaries. A person may have more than one residence but only one domicile. (3.01 (A)) (3.03 (7.01 (A))) (7.11)

resolution a. - A formal statement of a decision or expression of opinion put before or adopted by Council. (2.02)

Sunshine Law a. - The public meeting laws of Ohio that require that all public business be conducted in open, public meetings unless it is explicitly announced that an "executive session" is to be held. Only a limited list of specific topics can be discussed by a public body in executive session (3.07)

turpitude a. - 1. Baseness; depravity. 2. A base act. (3.04(B)(3))

vacancy in office - A position or office that is unfilled or unoccupied. (5.03)

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