

**A RESOLUTION AUTHORIZING NON-SUBSTANTIVE TYPOGRAPHICAL AND GENDER-NEUTRAL CORRECTIONS TO CHARTER OF THE VILLAGE OF RICHFIELD PURSUANT TO SECTION 19.14 OF THE CHARTER**

WHEREAS, Council passed Resolution 54-2020 on August 18, 2020 that placed before the electors of the Village the following question: "Shall the Charter of the Village of Richfield be amended to add new Section 19.14 to provide Council with the authority to make typographical and non-substantive corrections to the Charter"; and

WHEREAS, the electors of the Village voted in favor of the question thereby enacting Section 19.14 of the Village Charter; and

WHEREAS, the authority granted to Council by Section 19.14 of the Charter to make non-substantive corrections includes correcting typographical errors and correcting the Charter to reflect gender-neutrality; and

WHEREAS, Council authorized Council Member Sue Ann Philippbar to examine the Village Charter and propose both typographical and gender-neutral corrections to the Village Charter; and

WHEREAS, Council finds that the proposed gender-neutral corrections to the Village Charter as set forth in the attached Exhibit "A" are in the best interest of the Village and should made to correct typographical errors and reflect gender-neutrality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

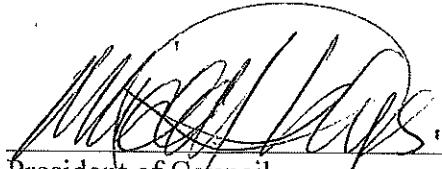
SECTION 1. The Council authorizes the non-substantive typographical and gender-neutral corrections to Village Charter as set forth in the attached Exhibit "A" that is expressly incorporated herein by reference.


SECTION 2. The Clerk of Council is authorized to take all necessary actions to ensure the Village Charter is corrected to reflect the gender-neutral corrections authorized by this Resolution.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 7-6-2021

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Mayor

Dated: 7/6/2021

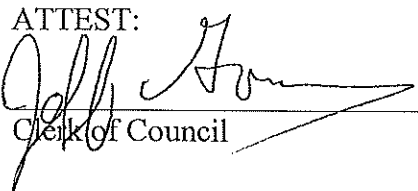
ATTEST:  
  
\_\_\_\_\_  
Clerk of Council

EXHIBIT "A"

**CHARTER  
OF THE VILLAGE OF  
RICHFIELD, OHIO  
TABLE OF CONTENTS**

EDITOR'S NOTE: The Richfield Charter was approved by the voters at a general election on November 3, 1970. Dates appearing in parentheses following section headings indicate that those provisions were subsequently amended, added or repealed on the date given.

PREAMBLE

Art. I NAME AND BOUNDARIES

Sec. 1.01 Name.

Art. II POWERS OF THE MUNICIPALITY

Sec. 2.01 Powers.

Sec. 2.02 Manner of Exercise.

Art. III MAYOR

Sec. 3.01 Qualifications.

Sec. 3.02 Election and Term; Run-off Election. (11-6-90)

Sec. 3.03 Duties and Powers.

Sec. 3.04 Absence and Vacancy. (11-6-90)

Sec. 3.05 Removal.

Art. IV COUNCIL

Sec. 4.01 Legislative Authority.

Sec. 4.02 Qualifications.

Sec. 4.03 Composition and Term. (11-6-90)

Sec. 4.04 Organization. (11-6-90; 11-3-20)

Sec. 4.05 President of Council and Vice President of Council.

Sec. 4.06 Clerk of Council.

Sec. 4.07 Rules and Journal.

Sec. 4.08 Regular Meetings. (11-6-90)

Sec. 4.09 Special Meetings. (11-6-90)

Sec. 4.10 Quorum.

Sec. 4.11 Powers and Duties.

Sec. 4.12 Effective Date of Ordinances and Resolutions.

Sec. 4.13 Employees of Council.

- Sec. 4.14 Vacancies in Council. (11-4-80)
- Sec. 4.15 Removal.
- Sec. 4.16 Departments, Boards and Commissions.

Art. V DEPARTMENT OF FINANCE

- Sec. 5.01 Appointment and Removal. (11-4-80)
- Sec. 5.02 Qualifications.
- Sec. 5.03 Duties in General.

Art. VI DEPARTMENT OF PUBLIC SERVICE

- Sec. 6.01 Appointment and Removal. (11-4-80)
- Sec. 6.02 Qualifications.
- Sec. 6.03 Duties in General.

Art. VII DEPARTMENT OF PUBLIC SAFETY

- Sec. 7.01 Appointment and Removal. (11-4-80)
- Sec. 7.02 Duties in General.
- Sec. 7.03 Division of Police.
- Sec. 7.04 Division of Fire.
- Sec. 7.05 Compensation Benefits of Full-time and Regular Part- Time Safety Personnel. (11-2-04)

Art. VIII DEPARTMENT OF LAW

- Sec. 8.01 Appointment and Removal. (11-4-80)
- Sec. 8.02 Qualifications.
- Sec. 8.03 Duties in General.

Art. IX DEPARTMENT OF PLANNING AND ZONING

- Sec. 9.01 Director of Planning and Zoning - Appointment and Removal. (11-7-00)
- Sec. 9.02 Director of Planning and Zoning - Qualifications. (11-7-00)
- Sec. 9.03 Director of Planning and Zoning - Duties in General. (11-7-00)
- Sec. 9.04 Planning and Zoning Commission - Organization. (11-7-00)
- Sec. 9.05 Planning and Zoning Commission - Powers and Duties. (11-7-00)
- Sec. 9.06 Mandatory Referral. (11-7-00)
- Sec. 9.07 Operating Procedures. (11-7-00)
- Sec. 9.08 Funds. (11-7-00)

Art. X BOARD OF ZONING APPEALS

- Sec. 10.01 Organization. (11-6-90; 11-3-20)
- Sec. 10.02 Powers and Duties.
- Sec. 10.03 Operating Procedures.

Art. XI BOARD OF BUILDING CODE APPEALS

Sec. 11.01 Creation and Duties.

Art. XII CIVIL SERVICE COMMISSION

Sec. 12.01 Organization.

Sec. 12.02 Classification of Service.

Sec. 12.03 Application of Civil Service Regulations.

Sec. 12.04 Operating Procedures.

Sec. 12.05 Miscellaneous Civil Service Provisions.

Sec. 12.06 Funds.

Art. XIII PARK AND RECREATION BOARD

Sec. 13.01 Organization. (11-6-90)

Sec. 13.02 Operating Procedures. (11-6-90)

Sec. 13.03 Powers and Duties. (11-3-20)

Art. XIV MUNICIPAL ENGINEER

Sec. 14.01 Appointment and Removal. (11-4-80)

Sec. 14.02 Qualifications and Duties.

Art. XV FINANCES AND TAXATION

Sec. 15.01 General.

Sec. 15.02 Limitation on Rate of Taxation. (11-7-00)

Art. XVI NOMINATIONS AND ELECTIONS

Sec. 16.01 Time of Holding Elections.

Sec. 16.02 Nominations and Procedures.

Art. XVII INITIATIVE, REFERENDUM AND RECALL

Sec. 17.01 Initiative and Referendum.

Sec. 17.02 Recall.

Sec. 17.03 Petitions.

Art. XVIII AMENDMENTS TO THE CHARTER

Sec. 18.01 Amendments to the Charter.

Sec. 18.02 Electors. (11-7-00)

Sec. 18.03 Charter Review. (11-6-90)

Art. XIX GENERAL PROVISIONS

Sec. 19.01 Effective Date of Charter.

- Sec. 19.02 Abolishment of Offices. (Repealed 11-6-90)
- Sec. 19.03 Continuance of Present Officials. (Repealed 11-6-90)
- Sec. 19.04 Continuance of Present Employees. (Repealed 11-6-90)
- Sec. 19.05 Effect of Charter on Existing Laws and Rights.
- Sec. 19.06 Vacancies.
- Sec. 19.07 Conflict of Interest.
- Sec. 19.08 Effect of Partial Invalidity.
- Sec. 19.09 Interpretation.
- Sec. 19.10 Oath of Office.
- Sec. 19.11 Salaries, Compensation and Bonds. (11-6-90)
- Sec. 19.12 Communications.
- Sec. 19.13 Gender Neutral. (11-7-00)
- Sec. 19.14 Charter Corrections. (11-3-20)

**CHARTER  
OF THE  
VILLAGE OF RICHFIELD, OHIO  
PREAMBLE**

We, the people of the Village of Richfield, in the County of Summit, and the State of Ohio, grateful to Almighty God for the privileges and freedom we enjoy, aware of our responsibilities to preserve and extend these benefits for future generations, and in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self- government under the Constitution and laws of the State of Ohio, do hereby frame and adopt this Charter for the government of the Village of Richfield.

**Article I  
NAME AND BOUNDARIES**

**SECTION 1.01 NAME.**

The Municipality now existing and known as the Village of Richfield, in the County of Summit and State of Ohio, shall continue to be a body politic and corporate, under the name of the Village of Richfield, or the City of Richfield, as the population requires, and with the same boundaries, with powers and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of the State of Ohio, but no territory shall be detached from it, nor shall the Municipality be annexed to any other Municipality without the consent of a majority of its electors voting on such question. Such question shall be submitted to the electors only at a regular election in such manner as the Council shall by resolution or ordinance prescribe.

**Article II**  
**POWERS OF THE MUNICIPALITY**

**SECTION 2.01 POWERS.**

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

**SECTION 2.02 MANNER OF EXERCISE.**

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

**Article III**  
**MAYOR**

**SECTION 3.01 QUALIFICATIONS.**

The Mayor shall have been for at least three (3) continuous years immediately prior to the date of ~~his~~ **the Mayoral** election, a resident and qualified elector of the Municipality or territory annexed thereto, and during ~~his~~ **this** term of office shall continue to be a resident and qualified elector of this Municipality. The Mayor shall hold no other elective public office. ~~He~~ **The Mayor** shall not be otherwise employed by nor shall ~~he~~ hold any other office in this Municipality except that of Notary Public or membership in the Ohio National Guard or Reserve Corps of the United States, and except as otherwise provided in this Charter.

**SECTION 3.02 ELECTION AND TERM; RUN-OFF ELECTION.**

A. The Mayor shall be elected at the regular municipal election held in the year 1971 and every four (4) years thereafter for a term of four (4) years commencing on January 1 next following such election and shall hold office until ~~his~~ **the Mayor's** successor is elected and qualified. The Mayor shall serve for not more than two (2) consecutive elected terms.

B. In the event no candidate for Mayor receives either a majority of the votes cast for that office or at least forty percent (40%) of the votes cast for that office and five percent (5%) of the votes cast for that office greater than the votes cast for the next highest candidate for that office, there shall be a run-off election on the first Tuesday in December

between the two candidates receiving the highest number of votes cast for that office in the regular election. (Approved by voters November 6, 1990.)

### **SECTION 3.03 DUTIES AND POWERS.**

A. Executive Powers: The Mayor shall be the chief executive officer of the Municipality. ~~He~~ **The Mayor** shall:

1. Be head of the Department of Safety;
2. Supervise the administration of the Municipality's affairs;
3. Exercise control over all departments and divisions thereof, except Council;
4. Be chief conservator of the peace and cause all laws and ordinances to be enforced;
5. See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed;
6. Recommend to Council measures ~~he deems~~ **deemed** necessary or expedient for the welfare of the Municipality and keep Council informed of the condition and future of the Municipality;
7. Act as official and ceremonial head of the government;
8. Together with the Director of Finance, execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;
9. Have custody of the seal and affix it as may be deemed proper to all of the aforesaid documents, but the absence of a seal shall not affect the validity of any such instrument;
10. Perform other duties as required by the Charter, the Council and the general laws of the State of Ohio;
11. Have the power, subject to the provisions of this Charter and the Civil Service regulations, to appoint, promote, discipline, transfer, reduce, or remove any officer or employee of the Municipality, except those required by this Charter to be elected, or those whose terms of office are fixed by this Charter;
12. Prepare and submit to Council an annual budget and such other reports as the Mayor may deem necessary, or which Council may request.

B. Legislative Powers:

1. The Mayor shall have the right to recommend and introduce legislation to Council.

2. The Mayor shall be given a voice in the deliberations of Council, but ~~he~~ shall have no vote.

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

C. Veto Powers: Every ordinance or resolution adopted by Council shall be signed by the President of Council or other presiding officer, attested by the Clerk of Council and presented promptly to the Mayor. If the Mayor approves such an ordinance or resolution, ~~he~~ the Mayor shall sign and return it to the Clerk of Council within ten (10) days after its adoption by Council, but if ~~he~~ the Mayor does not approve it, ~~he~~ the Mayor shall return it within said ten (10) days to the Clerk of Council with ~~his~~ the Mayor's written objections, which objections shall be entered in full on the journal of the Council. If the Mayor does not sign or so return an ordinance or resolution within said ten (10) day period, it shall take effect in the same manner as if ~~he~~ the Mayor had signed it. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise ~~his~~ the Mayor's approval or disapproval shall be addressed to the entire ordinance or resolution. When the Mayor has disapproved an ordinance or resolution or a part or item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it, and if upon reconsideration the ordinance or resolution or part or item thereof disapproved by the Mayor be approved by the affirmative vote of at least two-thirds (2/3) of the members elected or appointed to Council, it shall then take effect without the signature of the Mayor in the same manner as if ~~he had signed it had~~ been signed. In all such cases the votes shall be taken by yeas and nays and entered upon the journal.

D. Judicial Powers: The Mayor shall have all the judicial powers granted from time to time by the general laws of the State of Ohio to Mayors of municipalities of the class of this Municipality.

### SECTION 3.04 ABSENCE AND VACANCY.

A. Absence: When the Mayor is absent from the Municipality, or for any reason is unable to perform ~~his~~ the duties as Mayor, the President of Council shall become the acting Mayor, and while so acting shall have and exercise all powers of the Mayor, but ~~he~~ shall not thereby cease to be the President of Council. In the event the President of Council is absent from the Municipality, or for any reason is unable to perform ~~his~~ the duties as acting Mayor, the Vice President of Council shall become the acting Mayor, and while so

acting shall have all the powers and duties of the Mayor, but he shall not thereby cease to be Vice President of Council.

B. Vacancy: If the office of Mayor becomes vacant, the President of Council shall forthwith become the Mayor for the unexpired term and the Vice President shall become the President of Council. Thereupon, the vacancy in Council shall be filled in the manner provided in Section 4.14 of Article IV, and then a new President of Council and Vice President of Council shall be chosen by Council in the manner provided in Section 4.05 of Article IV. If the President of Council declines to serve as Mayor, ~~he~~ **the President of Council** shall not thereby cease to be President of Council or a member thereof, and Council shall then appoint, by the affirmative vote of two-thirds (2/3) of its members elected or appointed to Council, one (1) of its members as Mayor for the unexpired term which member shall qualify in accordance with Section 3.01 of this Article. In the event that the Mayor-elect fails to take office on the date set for the commencement of ~~his~~ **the Mayor's** term by reason of death, resignation, failure to qualify or for any other reason whatsoever, there shall be deemed a vacancy in said office as of the date set for the commencement of the term for which the Mayor-elect was elected, and the President of the newly elected and organized Council as provided in Sections 4.04 and 4.05 of this Charter shall become the Mayor for that term as provided above. A successor shall be elected for the unexpired term at the next regular municipal election if (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term; and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election. (Approved by voters November 6, 1990.)

### **SECTION 3.05 REMOVAL.**

The Council may remove the Mayor for gross misconduct, or malfeasance, misfeasance or nonfeasance in or disqualification for office, or for the conviction, while in office or while a Mayor-elect, of a felony or of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of ~~his~~ **the** oath of office; provided, however, that such removal shall not take place without the affirmative vote of three-fourths(3/4) of the members elected or appointed to Council, nor until the Mayor shall have been notified in writing of ~~the~~ **such** charge ~~against him~~ at least ten (10) days in advance of a public hearing upon such charge, and ~~he~~ **the Mayor** or ~~his~~ **the Mayor's** counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge.

## **Article IV COUNCIL**

### **SECTION 4.01 LEGISLATIVE AUTHORITY.**

All legislative power of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in the Council.

#### **SECTION 4.02 QUALIFICATIONS.**

Each member of Council shall have been for at least three (3) continuous years immediately prior to the date of his the member's election or appointment, a resident and qualified elector of the Municipality or territory annexed thereto, and during his the member's term of office shall continue to be a resident and qualified elector of this Municipality. A member of Council shall not be otherwise employed by this Municipality and shall hold no other public office, except as otherwise provided in this Charter or by ordinance enacted thereunder, and that of Notary Public or membership in the Ohio National Guard or Reserve Corps of the United States. Any member of Council who shall cease to possess or who violates any of the qualifications herein enumerated may be removed from his office, but failure to maintain said qualifications shall not render void or ineffective any action of Council in which said member has participated.

#### **SECTION 4.03 COMPOSITION AND TERM.**

The Council shall consist of seven (7) members, elected at large for terms of four (4) years, except as herein provided, beginning on the first day of January next following their election. A Council member shall not serve more than two (2) consecutive elected terms. The terms of members of Council shall be staggered with four (4) members elected to Council at the regular municipal election in 1989 and three (3) members elected at the regular municipal election in 1991, or any successor appointed to fill a vacancy in such term. Thereafter, at each regular municipal election, members of Council shall be elected to fill expiring terms. (Approved by voters November 6, 1990.)

#### **SECTION 4.04 ORGANIZATION.**

At 6:30 p.m. on the second day of January of each year, (or if such date be a Saturday or a Sunday, then the following Monday) the Council shall meet in the Council Chambers for the purpose of organization.

(Approved by voters November 6, 1990; November 3, 2020.)

#### **SECTION 4.05 PRESIDENT OF COUNCIL AND VICE PRESIDENT OF COUNCIL.**

The Council shall at the time of its organization by majority vote elect from among members of Council one (1) of its members as President of Council and another as Vice President of Council, who shall preside at meetings of Council in the absence of the President of Council. The President and Vice President of Council, neither by virtue of holding such offices nor in performing the duties of acting Mayor, as provided in Section

3.04 of this Charter, shall be deprived of their powers and rights or be relieved of any of their duties or obligations as members of Council.

#### **SECTION 4.06 CLERK OF COUNCIL.**

The Clerk of Council shall be appointed by, and may be removed by, the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council. The Clerk of Council shall keep an accurate and complete journal of all proceedings of Council, authenticated by his ~~his~~ **the Clerk's** signature, have custody of all laws, ordinances, and resolutions of Council, have custody of all official documents, reports, papers, communications, and files of Council, and perform such other duties as the Council shall require. During the absence or disability of the Clerk of Council, Council shall by the affirmative vote of two-thirds (2/3) of its members appoint someone to perform all the duties of that office. The Clerk of Council shall not be otherwise employed by this Municipality and shall hold no other public office, except as otherwise provided in this Charter or by ordinance enacted thereunder, and that of Notary Public or membership in the Ohio National Guard or Reserve Corps of the United States.

#### **SECTION 4.07 RULES AND JOURNAL.**

Council shall adopt its own rules, regulations, or by-laws, and shall keep a journal of all its proceedings in which the yea or nay vote of each ~~Councilman~~ **member of Council** voting on an ordinance or resolution or other measure shall be recorded. The journal shall be open for public inspection during the scheduled working hours of the Municipal office or by appointment.

#### **SECTION 4.08 REGULAR MEETINGS.**

Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month. All regular meetings of Council shall be held at the Council Chambers and shall be open to the public, unless an executive session is held for one of the reasons set forth in the Ohio Revised Code.

(Approved by voters November 6, 1990.)

#### **SECTION 4.09 SPECIAL MEETINGS.**

Special meetings of Council may be called as provided by its rules, regulations, by-laws, or by ordinance or resolution. In the absence of any such provisions, special meetings may be called by a majority vote of Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor, or the President of Council, or any three (3) members of Council. Notice, in writing, each such special meeting called at the request of the Mayor, President of Council, or three (3)

members of Council, shall state the date and time, and subject or subjects to be considered, and no other subject shall be considered thereat. Such written notice shall be served by the Clerk of Council upon the Mayor and each member of Council, either personally or by leaving a copy thereof at ~~his~~ **the member's** usual place of residence, not less than twenty-four (24) hours preceding the time for the meeting. In the event that a special meeting is called by a vote of Council taken at any regular or special meeting from which any member of Council is absent, written notice of such special meeting shall be given such absentee in the manner and form hereinbefore provided. Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting, and the Mayor and any ~~Councilman~~ **member of Council** shall be deemed conclusively to have waived such notice by ~~his~~ **the member's** attendance at any such meeting. All special meetings of Council shall be held at the Council Chambers and shall be open to the public, unless an executive session is held for one of the reasons set forth in the Ohio Revised Code.  
(Approved by voters November 6, 1990.)

#### **SECTION 4.10 QUORUM.**

A majority of the members of Council shall constitute a quorum to transact business at any meeting of the Council, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance or resolution. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action may be taken, by the affirmative vote of four (4) members of the Council unless a larger number be required by the provisions of this Charter.

#### **SECTION 4.11 POWERS AND DUTIES.**

- A. The Council shall by ordinance make provision for:
  - 1. The time and place of regular meetings of Council;
  - 2. The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish.
  
- B. The Council may by ordinance make provision for:
  - 1. The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature or granting a franchise, creating a right, involving the expenditure of money or the levying of a tax other than a resolution providing for an election on the question of issuing bonds or levying a tax, or for the purchase, lease, sale, or transfer of property shall be passed unless it has been read on three (3) different days unless the requirement for such reading be dispensed with by the affirmative vote of three-fourths (3/4) of the members elected or appointed to Council;

2. The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefor, in one (1) proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;

3. The advertising and awarding of contracts, provided however there shall be competitive bidding for all Municipal contracts as provided by the general laws of the State of Ohio;

4. Such other general regulations as the Council may deem necessary.

#### **SECTION 4.12 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.**

Each ordinance or resolution providing for (a) the appropriation of money; (b) an annual tax levy; (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefitted and to be specially assessed therefor; and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after its disapproval by the Mayor, as the case may be. All other ordinances and resolutions shall take effect and be operative in the manner provided by the general laws of the State of Ohio. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council for its enactment. No ordinance or resolution (a) relating to any changes in the boundaries or the zoning ordinance of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether municipally owned or not, shall be enacted as an emergency measure.

#### **SECTION 4.13 EMPLOYEES OF COUNCIL.**

Council may employ such employees as it may deem necessary for the proper discharge of its legislative duties. Any person employed by the Council shall serve at the pleasure of the Council and shall not be subject to Civil Service regulations.

#### **SECTION 4.14 VACANCIES IN COUNCIL.**

Whenever the office of a ~~Councilman~~ **member of Council** shall become vacant, the vacancy shall be filled by the majority vote of the remaining members of the Council, but not earlier than ten (10) days after the Council seat becomes vacant. If the vacancy shall not

be so filled within thirty (30) days after it shall have occurred, the Mayor shall fill it by appointment. Each ~~Councilman~~ **member of Council** so elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until the beginning of the term of a successor elected for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term at the next regular Municipal election if (a) such election shall occur more than two (2) years prior to the expiration of the unexpired term; and (b) the vacancy shall have occurred more than one hundred twenty (120) days prior to such election.

(Approved by voters November 4, 1980.)

#### **SECTION 4.15 REMOVAL.**

The Council shall be the judge of the election and qualifications of its own members. It may remove any member for gross misconduct, or malfeasance, misfeasance, or nonfeasance in or disqualification for office, or for the conviction, while in Office or while a ~~Councilman-elect~~ **Council member-elect**, of a felony or of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of his **the member's** oath of office, or persistent failure to abide by the rules of the Council, provided however, that such removal shall not take place without the affirmative vote of three-fourths (3/4) of the remaining members of Council nor until the accused member shall have been notified in writing of the **such** charge ~~against him~~ at least ten (10) days in advance of a public hearing upon such charge, and he **the member** or his **the member's** counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge. The accused member shall not vote on the question of his **their own** removal.

#### **SECTION 4.16 DEPARTMENTS, BOARDS AND COMMISSIONS.**

Council may establish, abolish and combine departments, boards and commissions as the needs of the Municipality may require, except for those established by this Charter.

### **Article V DEPARTMENT OF FINANCE**

#### **SECTION 5.01 APPOINTMENT AND REMOVAL.**

The Director of Finance shall be appointed or removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council.

(Approved by voters November 4, 1980.)

#### **SECTION 5.02 QUALIFICATIONS.**

The Director of Finance shall have knowledge and experience in accounting, taxation, budgets, and financial control.

### **SECTION 5.03 DUTIES IN GENERAL.**

The Director of Finance shall be the head of the Department of Finance and the fiscal officer of the Municipality and shall:

1. Keep the financial records of the Municipality, exhibiting accurate statements of all taxes and assessments, receipts and disbursements, moneys due to and moneys owing to and of all property owned by the Municipality;

2. Advise the Mayor and the Council concerning the financial condition of the Municipality and examine all payrolls, bills and other claims against the Municipality and issue no warrants unless ~~he~~ **the Director** finds that the claim is in proper form, and that an appropriation has been made therefor;

3. Be the custodian of all public moneys of the Municipality and keep and preserve such moneys in the place or places authorized by ordinance and disburse the same as may be required by law or ordinance;

4. Examine and audit the accounts of all other officers, employees and departments and not allow the amount set aside for any appropriation to be overdrawn or drawn- for any other purpose and require evidence that the amount of any claim presented to ~~him~~ **the Director** is due;

5. Be responsible for the preparation and submission of appropriation measures and assist the Mayor and Council in the preparation of estimates, budgets and other financial matters and at all times keep the Mayor and Council fully advised as to the financial condition and needs of the Municipality;

6. Perform the duties now or hereafter imposed on City Auditors and Treasurers under the laws of the State of Ohio and perform such other duties, consistent with his **the Director's** office, as may be required by this Charter, ordinance or resolution of Council, or as directed by the Mayor.

## **Article VI DEPARTMENT OF PUBLIC SERVICE**

### **SECTION 6.01 APPOINTMENT AND REMOVAL.**

The Director of Public Service shall be appointed or removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council.

(Approved by voters November 4, 1980.)

### **SECTION 6.02 QUALIFICATIONS.**

The Director of Public Service shall have general administrative experience and some accounting background.

### **SECTION 6.03 DUTIES IN GENERAL.**

The Director of Public Service shall be the head of the Department of Public Service and shall:

1. Manage, conduct and supervise all operations of the municipally-owned utilities;
2. Make investigations of the municipally-owned utilities and make recommendations to the Mayor concerning all charges and rates to be made for services rendered and all extensions and curtailments of service;
3. Make investigations and recommendations to the Mayor concerning all new construction, maintenance and replacement of existing facilities and equipment, and planning of future operations of the municipally-owned utilities;
4. Be responsible for the construction, improvement, inspection, repair, maintenance and operation of all public works, utilities, improvements, buildings, parks, cemeteries, playgrounds and public places, except as otherwise provided in this Charter;
5. Make investigations and recommendations to the Mayor concerning bids for public contracts;
6. Be responsible for the collection and disposal of refuse as may be prescribed by Council;
7. Act as the purchasing agent for the Municipality and have such powers and duties in connection therewith as may be prescribed by Council;
8. Perform such other duties, consistent with his the Director's office, as may be required by this Charter, by ordinance or resolution of Council or as directed by the Mayor.

## **Article VII DEPARTMENT OF PUBLIC SAFETY**

## **SECTION 7.01 APPOINTMENT AND REMOVAL.**

The Director of Public Safety shall be appointed or removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council; provided, however, that the Mayor shall perform the duties of Director of Public Safety until such time as Council may determine that it is in the best interest of the Municipality for the Mayor to appoint another to that office.

(Approved by voters November 4, 1980.)

## **SECTION 7.02 DUTIES IN GENERAL.**

The Director of Public Safety shall be the head of the Department of Public Safety, including the Division of Police and the Division of Fire, and shall be responsible for the enforcement of all police, fire, health, safety and sanitary regulations that may be prescribed by resolution or ordinance of the Municipality or by the general laws of the State of Ohio or of the United States of America.

## **SECTION 7.03 DIVISION OF POLICE.**

The Division of Police shall consist of a Chief of Police and such other officers, ~~patrolmen~~ **patrol officers** and personnel as Council shall deem advisable. The Chief of Police shall be appointed or removed by the Director of Public Safety, subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council, subject only to applicable Civil Service provisions of this Charter. Other officers, ~~patrolmen~~ **patrol officers** and personnel shall be appointed or removed by the Director of Public Safety subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council, subject only to applicable Civil Service provisions of this Charter.

## **SECTION 7.04 DIVISION OF FIRE.**

The Division of Fire shall consist of a Fire Chief and such other officers, ~~firemen~~ **fire fighters** and personnel as Council shall deem advisable. The Fire Chief shall be appointed or removed by the Director of Public Safety, subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council, subject only to applicable Civil Service provisions of this Charter. Other officers, ~~firemen~~ **fire fighters** and personnel shall be appointed or removed by the Director of Public Safety subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council, subject only to applicable Civil Service provisions of this Charter.

## **SECTION 7.05 COMPENSATION BENEFITS OF FULL-TIME AND REGULAR PART-TIME SAFETY PERSONNEL.**

Notwithstanding any provision of the Ohio Revised Code to the contrary, the Village of Richfield agrees to abide by all provisions contained in Section 4117 of the Ohio Revised Code, and permit their full-time and regular part-time safety personnel:

a. The right to form, join, or participate in any employee organization of their choosing.

b. To bargain collectively with their public employer to determine wages, hours, terms and other conditions of employment, and to enter into collective bargaining agreements.

c. To engage in other lawful concerted activities for the purpose of collective bargaining including arbitration, except that said employees are prohibited from engaging in any work stoppage or strike.

(Approved by voters November 2, 2004.)

## **Article VIII DEPARTMENT OF LAW**

### **SECTION 8.01 APPOINTMENT AND REMOVAL.**

The Director of Law shall be appointed or removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council. Council may provide such assistants and special counsel to the Director of Law as may, from time to time, be deemed by Council to be necessary.  
(Approved by voters November 4, 1980.)

### **SECTION 8.02 QUALIFICATIONS.**

No person shall act as the Director of Law unless ~~he is~~ duly admitted to practice law in the State of Ohio.

### **SECTION 8.03 DUTIES IN GENERAL.**

The Director of Law shall be the head of the Department of Law and shall:

1. Serve the Mayor, the Council, the administrative departments and the officers, boards and commissions of the Municipality as legal counsel in connection with municipal affairs;

2. Represent the Municipality in all proceedings in any court or before any administrative board;

3. Perform such other duties, consistent with his the office as may be required by this Charter, by ordinance or resolution of Council, or as directed by the Mayor.

**Article IX  
DEPARTMENT OF PLANNING AND ZONING**

**SECTION 9.01 DIRECTOR OF PLANNING AND ZONING - APPOINTMENT AND REMOVAL.**

The Director of Planning and Zoning shall be appointed and removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council. (Approved by voters November 7, 2000.)

**SECTION 9.02 DIRECTOR OF PLANNING AND ZONING - QUALIFICATIONS.**

The Director of Planning and Zoning shall have general administrative experience and a general background in planning, building and construction. (Approved by voters November 7, 2000.)

**SECTION 9.03 DIRECTOR OF PLANNING AND ZONING - DUTIES IN GENERAL.**

The Director of Planning and Zoning shall be the head of the Department of Planning and Zoning, may act as the Zoning Inspector and shall:

1. Be responsible for the issuance of all zoning certificates;
2. Supervise the administration and the enforcement of the zoning ordinance and any orders thereunder;
3. Work with any other consultants as deemed necessary by the administration, Council, the Planning and Zoning Commission or the Board of Zoning Appeals; and
4. Perform such other duties consistent with this office as may be required by this Charter, by ordinance or resolution of Council or as directed by the Mayor. (Approved by voters November 7, 2000.)

**SECTION 9.04 PLANNING AND ZONING COMMISSION - ORGANIZATION.**

There shall be a Planning and Zoning Commission which shall consist of one (1) member of Council elected by Council annually and of four (4) electors of the Municipality not holding other municipal office or employment, to be appointed for terms of four (4)

years, or removed by the Mayor subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council. The Mayor shall be an ex officio member of the Commission, but shall have no vote.

Each member holding office on the effective date of the Charter shall continue to serve for the remainder of ~~his~~ **the member's** term. Other members shall be appointed for terms so that the term for one (1) member shall expire annually. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for original appointment.

All members of this Commission shall serve without compensation unless otherwise provided by ordinance of Council.

The Commission shall meet at least once a month and all meetings shall be open to the public, unless an executive session is held for one of the reasons set forth in the Ohio Revised Code. (Approved by voters November 7, 2000.)

#### **SECTION 9.05 PLANNING AND ZONING COMMISSION - POWERS AND DUTIES.**

The Planning and Zoning Commission shall:

1. Plan the overall growth, development, redevelopment, rehabilitation and renewal of the Municipality, inaugurate studies, conduct surveys, hold public hearings, develop plans and maps, and prepare reports that are necessary to this Commission's function;

2. Continuously review and report to Council its recommendations concerning the Municipality, capital improvement programs, subdivision expansions, platting and zoning ordinances and regulations;

3. Act as platting commissioners for the Municipality and interpret all zoning and platting ordinances, develop means to enhance communications between the Commission and other governmental or private planning agencies so as to secure the maximum benefit to the Municipality from the activities of such said agencies;

4. Assume such additional powers as may be established by ordinance of Council and undertake such powers and duties as provided by the general laws of the State of Ohio, to the extent not in conflict with the provisions of this Charter;

5. Request information relative to its duties and require the same to be furnished, in a reasonable length of time, from departments of the Municipality;

6. Request assistance from the Mayor to direct such staff members and departments that may be involved to make such special studies as may be deemed necessary by the Commission;

7. Make examinations and surveys which may pertain to and are deemed necessary by the Commission to develop plans that are in the best interests of the Municipality. (Approved by voters November 7, 2000.)

#### **SECTION 9.06 MANDATORY REFERRAL.**

No public building, street, boulevard, parkway, park, playground, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, or any ordinance referred to zoning or other regulations controlling the use or development of land be adopted unless and until the action proposed to be taken or the ordinance or regulation proposed to be adopted shall have been submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by it within sixty (60) days from the date of referral unless a different period of time be provided by Council. If the Planning Commission shall fail to make a report and recommendation on such matter within the time allotted, it shall be deemed to have approved such matter. Any resolution, ordinance or order, or any part or provision thereof, disapproved by formal action of the Planning Commission shall require the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council for adoption or authorization. (Approved by voters November 7, 2000.)

#### **SECTION 9.07 OPERATING PROCEDURES.**

The Commission shall elect from its members a ~~Chairman~~ **Chair**, Vice ~~Chairman~~ **Chair**, Secretary and such other officers as it may deem necessary.

The Commission shall elect or re-elect its officers at its first regular meeting in January of each year. A majority of the voting members of the Commission shall constitute a quorum and the affirmative vote of a majority of the voting members of the Commission shall be necessary for any official action.

The Commission shall adopt its own rules and regulations and shall keep a complete Journal of proceedings, showing the vote of each member on every question, which Journal shall be open for public inspection at all times during the scheduled working hours of the municipal office or by appointment.

In addition to the assistance provided by the staff personnel of the administrative departments, the Commission may, when it is deemed necessary, solicit Council for the

appointment of an administrative assistant to assist in the clerical duties associated with the needs of this Commission. (Approved by voters November 7, 2000.)

#### **SECTION 9.08 FUNDS.**

A sufficient sum shall be appropriated by the Council each year to carry out the planning and zoning provisions of this Charter.  
(Approved by voters November 7, 2000.)

### **Article X BOARD OF ZONING APPEALS**

#### **SECTION 10.01 ORGANIZATION.**

There shall be a Board of Zoning Appeals which shall consist of five (5) regular members and two (2) alternate members who shall be electors of the Municipality not holding other municipal office or employment, to be appointed for terms of five (5) years, or removed by the Mayor subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council. The terms of the members of the Board of Zoning Appeals shall be staggered so that the term for one (1) member shall expire annually on each December 31st. Thereafter, a member shall be appointed to a new five (5) year term to begin on January 1st. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

Alternate members of the Board of Zoning Appeals shall be in addition to the regular members and may substitute for regular members who are unable to attend a meeting or hearing of the Board. Alternative members shall only be entitled to participate and vote as members when they substitute for regular members who are unable to attend a meeting or hearing of the Board.

All members of the Board shall serve without compensation unless otherwise provided by ordinance of Council. (Approved by voters November 6, 1990; November 3, 2020.)

#### **SECTION 10.02 POWERS AND DUTIES.**

The Board of Zoning Appeals shall:

1. Hear appeals taken to the Board by any person aggrieved by any action of the Zoning Inspector and hear and decide appeals made for exceptions to and variances in the application of ordinances, resolutions, regulations, measures, and orders of administrative officials or agencies governing zoning in the Municipality in accordance with standards and procedures established by Council;

2. Formulate and submit to Council proposed changes in and amendments to zoning legislation of this Municipality;

3. Undertake and perform such other duties and functions as may be imposed upon it by ordinance or resolution of Council.

#### **SECTION 10.03 OPERATING PROCEDURES.**

The Board shall elect from its members a ~~Chairman~~ **Chair**, Vice ~~Chairman~~ **Chair**, Secretary, and such other officers as it may deem necessary.

The Board shall elect or re-elect its officers at a meeting in January of each year. A majority of the members of the Board shall constitute a quorum and the affirmative vote of a majority of the members of the Board shall be necessary for any official action.

The Board shall adopt its own rules and regulations and shall keep a complete journal of proceedings, showing the vote of each member on every question, which journal shall be open for public inspection at all times during the scheduled working hours of the Municipal office or by appointment.

In addition to the assistance provided by the staff personnel of the administrative departments, the Board may, when it is deemed necessary, solicit Council for the appointment of an administrative assistant to assist in the clerical duties associated with the needs of this Board.

The Board shall meet at the call of its Chairman **Chair** or when an appeal is presented.

Procedures before the Board of Zoning Appeals shall be in accordance with standards established by ordinance of Council.

### **Article XI BOARD OF BUILDING CODE APPEALS**

#### **SECTION 11.01 CREATION AND DUTIES.**

When a Municipal Building Inspection Department is created by Council, Council shall establish by ordinance a Board of Building Code Appeals similar to the Board of Zoning Appeals for ruling on exceptions to and variances in the application of ordinances, resolutions, regulations, measures and orders of administrative officials or agencies governing building in the Municipality under procedures established by Council. Such Board shall have such other duties and functions as may be prescribed by Council.

**Article XII**  
**CIVIL SERVICE COMMISSION**

**SECTION 12.01 ORGANIZATION.**

At such time as the Municipality shall become a city, Council shall and prior to that time, may, by ordinance provide for and establish a Civil Service Commission and a civil service system. The Commission shall consist of three (3) electors of the Municipality not holding other municipal office or employment, to be appointed for terms of six (6) years, or removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council, except that the three (3) original members shall be appointed for a term expiring on the last day of December of the second, fourth and sixth years after their respective appointments.

All members of the Commission shall serve without compensation unless otherwise provided by ordinance of Council.

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

**SECTION 12.02 CLASSIFICATION OF SERVICE.**

Council shall determine which job classification of the Municipality shall be within the classified service and which shall be within the unclassified service, provided that, except as qualified in Section 12.03 hereof, regular full-time members of the Division of Police and Fire, including the Chief of Police and Fire Chief, shall be in the classified service, and provided further that persons, other than those serving a probationary period of employment, who have been employed continuously on a full-time basis in the service of the Municipality in the same or similar position included in the classified service for at least ninety (90) days prior to the date such position is placed in the classified service, shall be retained in the same or similar position without examination until discharged, reduced, disciplined, promoted, or transferred, in accordance with the rules and regulations of the Commission.

**SECTION 12.03 APPLICATION OF CIVIL SERVICE REGULATIONS.**

When a Civil Service Commission has been appointed and qualified, all appointments, promotions, demotions, suspensions and discharges, shall be made pursuant to all applicable civil service laws and the regulations of the Commission with respect to those positions and employees in the classified service.

**SECTION 12.04 OPERATING PROCEDURES.**

The Commission shall elect from its members a ~~Chairman~~ **Chair**, Vice ~~Chairman~~ **Chair** and Secretary.

The Commission shall elect or re-elect its officers at a meeting in January of each year. A majority of the members of the Commission shall constitute a quorum and the affirmative vote of a majority of the members of the Commission shall be necessary for any official action.

The Commission shall adopt its own rules and regulations and shall keep a complete journal of proceedings, showing the vote of each member on every question, which journal shall be open for public inspection at all times during the scheduled working hours of the Municipal office or by appointment.

The Commission may appoint a clerk or recording secretary, not a member of the Commission, and who may hold other municipal offices or be otherwise employed by the Municipality.

#### **SECTION 12.05 MISCELLANEOUS CIVIL SERVICE PROVISIONS.**

A. No regulation of the Civil Service Commission, ordinance of Council, or statute of the State of Ohio shall disqualify by reason of age alone, a member of the Volunteer Fire Department or a part-time police officer who is serving upon the date of adoption of this Charter, from appointment as a full-time ~~fireman~~ **fire fighter** or full-time police officer, if such volunteer ~~fireman~~ **fire fighter** or part-time police officer serves continuously in that capacity until appointment to the position of full-time ~~fireman~~ **fire fighter** or full-time police officer.

B. The full-time position of Chief of Police or Fire Chief shall not be in the classified service until such time as there are six (6) or more full-time employees in either of said departments.

#### **SECTION 12.06 FUNDS.**

A sufficient sum shall be appropriated by the Council each year to carry out the civil service provisions of this Charter.

### **Article XIII PARK AND RECREATION BOARD**

#### **SECTION 13.01 ORGANIZATION.**

There shall be a Park and Recreation Board which shall consist of five (5) electors of the Municipality not holding other municipal office or employment to be appointed, for

terms of five (5) years, or removed by the Mayor subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council, except that of the members appointed for terms beginning January 1, 1971, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

(Approved by voters November 6, 1990.)

### **SECTION 13.02 OPERATING PROCEDURES.**

The Board shall elect from its members a ~~Chairman~~ **Chair**, Vice ~~Chairman~~ **Chair**, Secretary, and such other officers as it may deem necessary.

The Board shall elect, or re-elect its officers at a regular meeting in January of each year. A majority of the members of the Board shall constitute a quorum and the affirmative vote of a majority of the members of the Board shall be necessary for any official action.

The Board shall adopt its own rules and regulations and shall keep a complete journal of proceedings, showing the vote of each member on every question, which journal shall be open for public inspection at all times during the scheduled working hours of the Municipal office, or by appointment.

All meetings of the Board shall be open to the public unless an executive session is held for one of the reasons set forth in the Ohio Revised Code.

(Approved by voters November 6, 1990.)

### **SECTION 13.03 POWERS AND DUTIES.**

The Park and Recreation Board shall:

1. Have general policy-making, planning, and administrative power over all municipal parks, subject to the provisions of this Charter and appropriations of Council;

2. Accept financial and land donations for park or recreational purposes, subject to the approval of the majority of members elected or appointed to Council;

3. Promulgate rules, regulations, and policies, which shall be subject to the approval of the majority of members elected or appointed to Council;

4. Consult with the Planning Commission on all matters of mutual interest;

5. Have such other powers and duties as may be conferred upon it by Council.

(Approved by voters November 3, 2020.)

#### **Article XIV MUNICIPAL ENGINEER**

##### **SECTION 14.01 APPOINTMENT AND REMOVAL.**

The Municipal Engineer shall be appointed or removed by the Mayor subject to confirmation by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council. (Approved by voters November 4, 1980.)

##### **SECTION 14.02 QUALIFICATIONS AND DUTIES.**

The Municipal Engineer shall be a registered professional engineer in the State of Ohio, and shall perform such duties as may be prescribed by the Mayor, or by ordinance, resolution, or act of Council.

#### **Article XV FINANCES AND TAXATION**

##### **SECTION 15.01 GENERAL.**

The laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds and other fiscal matters of the Municipality shall be applicable to this Municipality, except as modified by or necessarily inconsistent with the provisions of this Charter and except when provision thereof is made therefor in the Constitution of the State of Ohio. Separate books of account shall be maintained for each municipally-owned utility.

##### **SECTION 15.02 LIMITATION ON RATE OF TAXATION.**

(a) 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 the vote of the people.

(b) When the taxable income of a resident of the Municipality is subject to a municipal income tax in another municipality on the same income taxable by the Municipality, Council shall make provision for granting the residents a credit of the amount of income tax paid on such taxable income to such other municipality equal to one hundred percent (100%) of the amount obtained by multiplying the lower of the tax rate of such

other municipality or of the Municipality by the taxable income earned in or attributable to the municipality of employment or business activity. Council may not decrease the amount of such credit without having obtained the approval for such decrease by a majority of the electors of the Municipality voting on the question at a general election.

(Approved by voters November 7, 2000.)

## Article XVI NOMINATIONS AND ELECTIONS

### SECTION 16.01 TIME OF HOLDING ELECTIONS.

Regular municipal elections shall be held on the first Tuesday after the first Monday of November in each odd-numbered year commencing with the year 1971. Such other elections shall be held as may be required by law or authorized by this Charter. Any matter, which by the terms of this Charter, may be submitted to the electors at any special election, may be submitted at the time of a primary or regular election. All elections shall be non-partisan.

### SECTION 16.02 NOMINATIONS AND PROCEDURES.

Except as otherwise provided in this Charter, the general laws of the State of Ohio shall govern the procedures for the nomination and election of the elective officers of the Municipality and the method of holding and conducting elections.

## Article XVII INITIATIVE, REFERENDUM AND RECALL

### SECTION 17.01 INITIATIVE AND REFERENDUM.

Ordinances and resolutions may be proposed by initiative petition and adopted by election, and 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 laws of the State of Ohio. Initiative and referendum petitions shall be filed with the Clerk of Council.

### SECTION 17.02 RECALL.

The electors shall have the power to remove from office, by a recall election, the Mayor or any ~~Councilman~~ **Council member** of the Municipality. If the Mayor or any Council ~~member~~ **member** shall have served six (6) months of ~~his~~ **their** 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. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) in

number of the electors voting at the last preceding regular municipal election for the office of the officer sought to be recalled. Within ten (10) days after the day on which such petition shall have been filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, ~~he~~ **the Clerk** shall promptly certify the particulars in which the petition is defective, deliver a copy of ~~his~~ **the** certificate to the person who filed the petition with ~~him~~ **the Clerk**, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, ~~he~~ **the Clerk** shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a special recall election, not less than thirty (30) nor more than forty-five (45) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (Naming the officer) be removed from office as (Naming the office) of the Village/City of Richfield?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If the majority of such votes cast shall be voted affirmatively, such officer shall be considered as removed, ~~his~~ **the** office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

#### **SECTION 17.03 PETITIONS.**

Any initiative, referendum or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain, in the case of the initiative or referendum, a full and correct copy of the title and text of the proposed or referred ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the proposed removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general laws of the State of Ohio regulating initiative and referendum petitions, shall apply in the case of the initiative, referendum and recall in this Municipality, except as otherwise provided in this Charter.

### **Article XVIII AMENDMENTS TO CHARTER**

#### **SECTION 18.01 AMENDMENTS TO THE CHARTER.**

The Council may by the affirmative vote of two-thirds (2/3) of the members elected or appointed to Council submit to the electors any proposed amendment or amendments to the Charter; or upon the receipt of a petition signed by not less than ten percent (10%) of

the electors of the Municipality setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution of the State of Ohio.

If any such amendment or amendments shall be approved by the majority of the electors voting thereon, it shall become a part of this Charter, except that if two (2) 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.

#### **SECTION 18.02 ELECTORS.**

As used in Section 18.01, the term "electors" shall mean the registered voters of the Municipality. For the purposes of determining the number of signatures required on petitions under Section 18.01, reference shall be made to the total number of electors registered on the date of the last November election preceding the filing of the petition, as determined by the Summit County Board of Elections. (Approved November 7, 2000.)

#### **SECTION 18.03 CHARTER REVIEW.**

In January, 1990, and each ten (10) years thereafter, or sooner if deemed necessary in a resolution passed by Council and approved by the Mayor, the Mayor shall appoint, subject to confirmation by the affirmative vote of a majority of the members elected or appointed to Council, five (5) electors of the Municipality, not holding other municipal office or employment, as members of a Charter Review Commission. Such Commission shall review the Charter and within five (5) calendar months after such appointment, recommend to Council such amendments, if any, to this Charter, as in its judgment are desirable. The Council may by a two-thirds (2/3) vote of its members submit to the electors not later than the next succeeding general election any such proposed amendments.

The members appointed to said Commission shall serve without compensation.

Meetings of the Charter Review Commission shall be open to the public.  
(Approved by voters November 6, 1990.)

### **Article XIX GENERAL PROVISIONS**

#### **SECTION 19.01 EFFECTIVE DATE OF CHARTER.**

The provisions of this Charter shall be in effect from and after January 1, 1971.

**SECTION 19.02 ABOLISHMENT OF OFFICES.**

(Repealed by voters November 6, 1990.)

**SECTION 19.03 CONTINUANCE OF PRESENT OFFICIALS.**

(Repealed by voters November 6, 1990.)

**SECTION 19.04 CONTINUANCE OF PRESENT EMPLOYEES.**

(Repealed by voters November 6, 1990.)

**SECTION 19.05 EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.**

The adoption of this 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 shall continue in effect until legally amended or repealed.

**SECTION 19.06 VACANCIES.**

If any person is barred from holding an elective position by virtue of Section 3517.11 of the Ohio Revised Code, then that same person is barred from filling any vacancy, either by election or appointment, or any public office, board or commission in this Municipality.

**SECTION 19.07 CONFLICT OF INTEREST.**

No member of Council or an officer, member of a board or a commission or employee of the Municipality shall knowingly have any financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies or services, or any land or interest in lands which would be incompatible with the discharge of his **that person's** official duties in the public interest or would tend to impair the performance of his **their** official duties. Any such person violating the provision hereof shall forfeit his **their** office and any such contract shall be voidable at the option of Council.

## **SECTION 19.08 EFFECT OF PARTIAL INVALIDITY.**

A determination that any part 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.

## **SECTION 19.09 INTERPRETATION.**

The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect any provision of this Charter.

The period of residence in the Municipality required by this Charter as a qualification for elective office shall include the period of residence in any territory which has been annexed to the Municipality.

Whenever the Charter requires the affirmative vote of a stated fraction of the Council, the multiplicand shall be seven (7) reduced by the number of vacancies then existing in the Council.

## **SECTION 19.10 OATH OF OFFICE.**

Every officer of the Municipality shall be required to subscribe to an oath or affirmation, that ~~he~~ **the officer** will in all respects faithfully discharge the duties of his office, before entering upon the duties thereof.

## **SECTION 19.11 SALARIES, COMPENSATION AND BONDS.**

The Council shall have the power to fix the salaries of its members and of all other officers and employees of the Municipality, whether elected or appointed, and to establish such bonds as in the opinion of Council are necessary for the faithful discharge of their duties. The premium of any bonds required by the Council shall be paid by the Municipality. Not less than one hundred twenty (120) days immediately preceding the date of the next regular municipal election, the compensation of all elected officials shall be fixed for the next two year calendar period starting January 1 following the regular municipal election, and shall not thereafter be changed with respect to that two-year period. The compensation of every other employee, as fixed by Council, may at any time be changed by resolution or ordinance at the discretion of Council. The Council may authorize the payment to any officer or employee for travel and incidental expense for any municipal purpose.

(Approved by voters November 6, 1990.)

## **SECTION 19.12 COMMUNICATIONS.**

To achieve an effective and efficient municipal government operation, it is essential that a broad base of communications be maintained between Council, and the boards and commissions established by this Charter. Minutes of the regular meetings of Council, Planning and Zoning Commission, Board of Zoning Appeals (Board of Building Code Appeals when applicable), and the Park and Recreation Board shall be published and distributed to each for information, review and action.

## **SECTION 19.13 GENDER NEUTRAL.**

This Charter is hereby declared to be gender neutral. Words of one gender include the other genders. (Approved by voters November 7, 2000.)

## **SECTION 19.14 CHARTER CORRECTIONS.**

Council shall be authorized to make typographical corrections to or changes or deletions in, as well as changes in the form of, the Charter; however, the changes shall relate to matters of form; or, to make the Charter consistent with Ohio law upon advice of the Director of Law. Any such modification, change, or correction shall, in all cases, be approved by resolution of Council, prior to going into effect. No modification, change or correction shall affect the construction, meaning, substance, or intent of the Charter as adopted and amended by the people, except where the change corrects the Charter to comply with Ohio law. The specific powers granted by this Section include:

1. Council may correct obvious misspellings, typographical errors, and non-substantive matters in the Charter, including but not limited to gender-neutral language.
2. Council may divide the text of any section or paragraph into shorter paragraphs or subparagraphs and letter or number the same to improve clarity and ease of reference.
3. Council may renumber the sections and rearrange their order to provide more coherent grouping of sections related in subject matter and continuous, consecutive numbering of sections.
4. Council may remove inconsistent language and correct language that violates Ohio law to ~~insure~~ **ensure** that ~~hte~~ **the** Charter complies with Ohio law.

Upon the adoption of any amendment that creates or abolishes an office or offices or changes the powers or duties of any officer or department of the Village, the Council shall make necessary correlative changes in existing sections that refer to such offices, officers,

or departments by deleting therefrom, as the case may be, the name of the office created or the title of the officer or department then having such powers or duties.  
(Approved by voters November 3, 2020.)

