

## CHARTER

### PREAMBLE

In order to secure the benefits of municipal home rule and local self-government under the Constitution and laws of the State of Ohio, we, the people of the City of South Euclid, in the County of Cuyahoga, State of Ohio, do hereby adopt this Charter.

### ARTICLE I - POWERS

The City of South Euclid shall have all the powers, general or special, governmental or proprietary, which may now or hereafter lawfully be possessed or exercised by cities under the laws of Ohio. All such powers may be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as the Council may determine, or, unless a contrary intent appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the laws of Ohio.

### ARTICLE II - THE COUNCIL

#### SECTION 1. POWERS, NUMBER AND TERM.

The legislative power of the City except as limited by this Charter and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven members. Three of said Council members shall be elected at large. In addition, one Council member shall be elected from each of the four wards to represent that ward in Council. The terms of the members of the Council shall begin on the first day of January next following their election. Each Council member shall serve for a period of four years or until his successor is chosen and qualified. The four ward Councilmen shall be elected in November, 1965, with their term of office commencing January 1, 1966. The three members of Council to be elected at large, shall be elected in November, 1967, with their term of office commencing January 1, 1968.

(Approved by voters 11-3-64.)

#### SECTION 2. QUALIFICATIONS.

Each member of Council shall be a qualified elector of the City, shall have resided continuously therein for not less than three years next preceding his election and shall continue to reside therein during his term of office. In addition, each Councilman elected from a ward shall have resided continuously in the ward from which he is elected for not less than one year next preceding his election. Each ward Councilman shall continue to reside in the ward from which he is elected during his term of office.

No member of Council shall hold any other public office or public employment during his term except as otherwise provided in this Charter and further excepting the office of Notary Public and membership in the National Guard or Reserve Corps and the office of Precinct Committee Person, nor public employment incompatible with the office of Council. Council shall determine whether any public employment is incompatible with the office of Council, and its decision shall be final. The Council shall be the judge of the election and qualifications of its members.

As used in this section, the meaning of the terms "public office" and "public employment" shall not include a person elected or appointed to the office of Precinct, Ward or District Committee member, or any Presidential elector or delegate to a national political convention.

(Approved by voters 11-2-65; 11-7-95; 11-8-05.)

### **SECTION 3. ORGANIZATION.**

Within three days after the first day of January, 1954, and each second year thereafter, the Council shall meet at the call of the Mayor in the Council Chamber and organize. At the meeting to be held in January, 1956, and each such meeting thereafter, the Council shall elect one of its members as President of Council who shall preside at all of its meetings with the power to vote. The President of Council shall appoint Councilmen as members of such committees as shall be prescribed by ordinance and shall designate one of such members of the committee as the chairman thereof. The committee members shall serve at the pleasure of the President of Council. The President of Council and his successors, if any, shall serve until the next organization meeting unless he shall cease in the meantime to be a member of Council or shall be removed by a vote of not less than five members of Council in which event the Council shall proceed to elect a successor.

### **SECTION 4. COUNCIL MEETINGS.**

The Council shall by ordinance prescribe the number of regular meetings per month which it will hold and the time and place of such meetings; and in addition the manner of calling special meetings. Council meetings shall be open to the public at all times, except that Council or any Committee thereof may hold executive sessions for the purpose of considering matters relating to personnel including matters of compensation and terms and conditions of employment, pending or imminent litigation, the purchase or sale of property at competitive bidding and as may be further provided in the Revised Code of Ohio.

Four members of Council shall constitute a quorum to do business but a majority of the members present 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. The Council shall determine its own rules and order of business, provide for special meetings, and keep a Journal of its proceedings. The Council shall appoint a Clerk of Council. He shall keep the records of the Council and shall authenticate all records, documents and instruments of the City on which authentication is proper and for that purpose shall have and use a seal.

(Amended 11-8-88)

### **SECTION 5. GENERAL ORDINANCES.**

The Council may by general ordinance provide for the following: (a) legislative procedure; (b) the form and method of enactment of ordinances and resolutions; but no ordinance or resolution except general appropriation ordinances shall contain more than one subject which shall be clearly stated in the title, and no ordinance, unless it be declared an emergency measure, shall be passed until it has been read on three separate days, and general appropriations ordinances shall be confined to the subject of appropriations; (c) a simplified procedure for levying assessments; (d) the method and manner of giving public notice of the passage of ordinances and resolutions of a general or permanent nature; (e) the advertisement and sale of bonds and notes; (f) the advertisement and awarding of public contracts; (g) on or before March 15th of each year, Council may prepare, print and distribute such reports as it deems necessary and proper and in the general public interest at public expense; (h) such other matters as may be necessary to the efficient conduct of the governmental functions of the municipality and which are not in conflict with the Constitution, the general law, or the provisions of this Charter.

(Approved by voters 11-2-65.)

### **SECTION 6. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.**

Ordinances for the appropriation of money and those providing for an annual tax levy, or for improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed therefor, and emergency measures necessary for the immediate preservation of public peace, health or safety, shall take effect at the time stated therein upon their signature by the Mayor, or the expiration of the time within which they may be disapproved, or their passage after disapproval as the case may be, provided that in the case of emergency measures the reasons for the necessity for emergency action shall be set forth in the ordinance or resolution, and such emergency measures shall require a vote of at least five members of Council for their enactment. No other ordinance or resolution shall go into effect until thirty days after its final passage by the Council. No action of the Council in authorizing any change in the boundaries of the City or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the City or its inhabitants of the product or service of any utility whether municipally owned or not, shall be taken as an emergency measure.

## **SECTION 7. REMOVAL AND VACANCIES.**

The Council may remove any, member of Council for failing or ceasing to possess any of the qualifications established by this Charter for his office or for the conviction while in office of any crime involving moral turpitude, upon the concurrence of at least five members of Council, but no such removal shall be made until the accused member shall have been given a written copy of the charges against him and an opportunity to be heard at a public hearing with at least ten days' notice of the time and place of such hearing.

When the office of a Councilman shall become vacant, it shall be filled by appointment by a majority vote of all of the remaining members of Council. If the Council fails to fill such vacancy within thirty days from date thereof, the Mayor shall fill it by appointment. A member of Council appointed to fill a vacancy shall hold office for the unexpired term of the member in whose office the vacancy occurs, or until a successor is elected and qualified. A successor shall be elected for the unexpired term at the next municipal election if (a) such election occurs more than two years prior to the expiration of the unexpired term, and (b) the vacancy occurs more than ninety days prior to such election.

---

## **ARTICLE II-A - APPOINTMENT TO REGIONAL BODIES**

The Mayor, members of Council, and directors of departments may serve, with the advice and consent of Council, as an appointed member of any regional public board, commission or agency, created and existing, under public authority, for the purpose of dealing with or relating to matters of public and mutual interest.

(Approved by voters 11-4-75.)

---

## **ARTICLE III - THE MAYOR**

### **SECTION 1. QUALIFICATIONS AND TERM OF OFFICE.**

The chief executive power shall be vested in a Mayor, who shall be an elector of the City and shall have resided in the City continuously for a period of at least three years immediately preceding his election. He shall be elected for a term of four years, to commence on the first day of January next after his election. Commencing with the term of office January 1, 1976, the Mayor shall be a full-time Mayor and shall not hold any other public office, public employment or private employment or engage in any private business. Article N (Executive Director) of this Charter is hereby repealed and in all other Articles of this Charter, the word "Mayor" shall be substituted for the words "Executive Director."

As used in this section, the meaning of the terms "public office" and "public employment" shall not include a person elected or appointed to the office of Precinct, Ward or District Committee member, or any Presidential elector or delegate to a national political convention.

(Approved by voters 11-4-75; 11-7-95.)

### **SECTION 2. POWERS OF THE MAYOR.**

A. Legislative Powers. The Mayor may introduce ordinances and resolutions in the Council and take part in the discussion of all matters coming before it. He shall make such recommendations to the Council for the welfare of the City as he deems necessary or expedient.

B. Veto Powers. Every ordinance or resolution passed by the Council shall be attested by the Clerk of Council and promptly presented within five working days of passage by Council, to the Mayor. If the Mayor approves such legislation, he shall sign it within ten days after its passage or adoption by the Council, but if he does not approve it, he shall return it to the Clerk within said ten day period together with a written statement of his objections, which objections shall be entered in full by the Clerk in the Journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance appropriating money, but otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If the Mayor shall not sign or veto an ordinance or resolution within the period above specified, it shall take effect in the same manner as if he had signed it on the last day of said ten day period. Following the disapproval by the mayor of an ordinance or resolution, or item thereof as herein provided, the Council may, but

not later than at its next regular meeting, reconsider the legislation vetoed by the Mayor and if such legislation shall be then approved by the affirmative votes of at least five members of Council, it shall become effective notwithstanding the veto of the Mayor.

C. Executive Powers. The Mayor shall exercise supervision and control of all the administrative departments and divisions of the City. He shall be the chief conservator of the peace within the City and shall see that all laws, ordinances, and resolutions are faithfully obeyed and enforced. He shall have the power to appoint, promote, transfer, reduce, or remove any officer or employee of the City, but such power shall be subject to the other provisions of this Charter, or to the laws of Ohio where it is beyond the competence of this Charter to provide.

The Mayor shall submit to the Council an annual estimate of revenues and expenditures, and he shall advise the Council as to the financial condition and needs of the City, including necessary appropriation measures. He shall see that the terms and conditions of any franchise or contract to which the City is a party are faithfully kept and performed. The Mayor shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness and all other instruments to which the City is a party. He shall have custody of the seal of the City and may affix it to all the above mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City Government by the Governor for military purposes, and by the courts for the purpose of serving civil processes.

(Approved by voters 11-7-95.)

### **SECTION 3. VACANCY.**

A. Absence. When the Mayor is absent from the Municipality or unable for any cause to perform his duties for ninety consecutive days, the President of Council shall act as the Mayor with the same powers and duties as the Mayor and shall also continue as a member of Council with all the powers and duties of a member of Council.

B. Vacancy. In case the absence continues for more than ninety consecutive days or in case of the death, disqualification, removal from office or resignation of the Mayor, or in case the Mayor-Elect fails to qualify or take office on the date set for the commencement of the term by reason of non-election, death, resignation or for any other cause whatsoever, or in the case of a Mayor-Elect failing to qualify or take office for the reasons set forth above, the office of Mayor shall be declared vacant by a majority vote of those elected to Council, in which event the President of Council shall immediately succeed to the office of Mayor and shall serve until the next Municipal election. If the successor Mayor is unable or unwilling to devote full-time, as required by Article III, Section 1, of this Charter, to the duties of the office of Mayor, the successor Mayor shall remain in the office of Council President and the Council shall immediately elect by a majority vote from its remaining members a successor Mayor who shall serve full-time, as required by this Charter, until the next Municipal election. Should all remaining members of Council be unable or unwilling to serve as the successor Mayor, the Council shall then elect a successor Mayor to serve until the next Municipal election. Whenever the President of Council succeeds to the office of Mayor, the office of President of Council shall be declared vacant and the remaining members of Council shall thereupon elect by majority vote one of their members as President of Council to serve in that capacity until the next organizational meeting as provided for in Article II, Section 3, of this Charter.

(Approved by voters 11-5-85; 11-7-95.)

## **ARTICLE IV - EXECUTIVE DIRECTOR**

---

Repealed by voters November 4, 1975

## **ARTICLE V - ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS**

---

### **SECTION 1. GENERAL PROVISIONS.**

A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Service are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof. The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, Council shall confirm, or reject, the Mayor's appointment of the Director of Law within 30 days of the Council meeting following the notification of appointment. In

addition, Council shall confirm or reject the incumbent Director of Law within the January 2, 2013 thru January 31, 2013 time period and every two years thereafter. Council's failure to act in either of these situations shall result in automatic confirmation.

Each director shall have such powers and duties as shall be prescribed by this Charter and by Council. The City shall also have a Civil Service Commission and a City Planning Commission. The Council may by ordinance establish additional departments and commissions, or divisions thereof, and provide for such boards, officers and employees as it may deem necessary. With the exception of the Department of Law, the Department of Finance and the boards and commissions created by this Charter, the Council may combine or abolish any division, department, board, commission, nonelective office or job classification. The Council may authorize one person to serve in any capacity in two or more departments, divisions, boards, commissions or any combination thereof if otherwise permitted by this Charter.

(Approved by voters 11-4-75; 11-6-12.)

## **SECTION 2. DIRECTOR OF LAW.**

The Director of Law shall serve the Mayor, the Council, the administrative departments, and the offices, boards and commissions of the City as legal counsel in connection with municipal affairs, and, subject to the direction of the Mayor, shall represent the City in all proceedings in court or before any administrative board. The Director of Law shall be head of the Legal Department and shall have supervision over Assistant Directors of Law, prosecutors and staff as may be provided by ordinance and shall designate the acting Law Director in his absence. He shall perform all other duties now or hereafter imposed upon city solicitors under the laws of Ohio, unless otherwise provided by ordinance of the Council, and he shall perform such other duties consistent with his office as the Mayor or the Council may request. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio.

(Approved by voters 11-5-85.)

## **SECTION 3. DIRECTOR OF FINANCE.**

The Director of Finance shall be the head of the Finance Department and fiscal officer of the City. He shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. He shall keep the financial records of the City, exhibiting accurate statements of all moneys received and expended, of all property owned by the City, and of all taxes and assessments. He shall be custodian of all public money of the City, shall keep and preserve such money in the place or places authorized by ordinance, and shall disburse the same as may be required by law or ordinance. He shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any other purpose. He may examine and audit the accounts of all officers, employees and departments. He may require evidence that the amount of any claim presented to him is due. He shall perform such other duties consistent with his office as the Mayor or the Council may direct.

## **SECTION 4. DIRECTOR OF PUBLIC SAFETY.**

The Director of Public Safety shall be head of the Division of Police, and Division of Fire. He shall be charged with the duty of enforcing all police and safety regulations that may be prescribed by ordinances or rules of the municipality or the general laws of the State of Ohio. He shall perform such other duties and functions in connection with the public service of the City and have such other further power as may be provided by ordinance, or as directed by the Mayor.

(Approved by voters 11-5-85.)

## **SECTION 5. DIRECTOR OF SERVICE.**

The Director of Service shall manage and supervise the Department of Service. The Director shall have charge of the maintenance of such public buildings or other property as the Mayor may direct. He shall perform such other duties and functions in connection with the public service of the City and have such further power as may be provided by ordinance, or as directed by the Mayor.

(Approved by voters 11-5-85.)

## **SECTION 6. CIVIL SERVICE COMMISSION.**

The Mayor shall appoint three electors of the City as Civil Service Commissioners to serve for terms of six years. Members of the existing Civil Service Commission shall continue in office as though appointed in accordance with the provisions of this section, and, as their terms expire, their places shall be filled by the Mayor for terms of six years.

The Mayor shall fill any vacancies in the Commission, for the unexpired term. The Civil Service Commission shall designate one of its members as President and shall appoint a Secretary, who may be a member of the Commission and such other employees as may be necessary. The Council shall make the necessary appropriations to carry out the Civil Service provisions of this Charter.

## **SECTION 7. DUTIES OF THE CIVIL SERVICE COMMISSION.**

The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the classified service of the City as required by the Constitution of Ohio, and for appeals from the action of the Mayor in any case of transfer, reduction or removal. The action of the Commission on any such appeal shall be final except as otherwise provided by the laws of Ohio. The Commission shall make necessary rules with regard to eligibility lists and with regard to certification of the number and names of candidates from eligibility lists, and with regard to the process of selection and appointment of those certified. Civil Service examination shall not be required for the appointment of any member of a board or commission, or any head of a department, or any assistant, secretary or stenographer to a director, or any secretary to the Mayor or to the head of any department, or any assistant to the Mayor, or for temporary appointments, or for appointment to any other office or position requiring peculiar and exceptional qualifications. Nothing herein contained shall affect the present status of any employee of the City now under Civil Service. Except as herein provided, the Civil Service Commission shall determine the practicability of competitive examination for any nonelective office or job classification in the service of the City. The Director of Finance shall not pay any salary or compensation to any person holding a position in the classified service unless the payroll for such salary or commission shall bear the certificate of the Civil Service Commission. Any sums paid in the absence of such certificate may be recovered by the City.

Initial hiring in the classified service shall be made by the Mayor from a certified list prepared and submitted by the Civil Service Commission and such certified list shall contain, for each such initial hiring, the names and addresses of such number of candidates as complies with State law having the highest rating as established by the Civil Service Commission, and the Mayor may appoint any one of the persons so certified.

Positions above the rank of patrolman in the Police Department and above the rank of regular fireman in the Fire Department shall be filled by a competitive promotional examination and when a vacancy occurs in such position the Mayor shall notify the Civil Service Commission of that fact and the Commission shall certify to the Mayor, for each such vacancy to be filled, the names and addresses of three (3) candidates with the highest rating as established by the Civil Service Commission and the Mayor may appoint any one of the persons so certified. A candidate who has been considered for appointment or promotion at least three times may be decertified by the Commission without further cause and shall thereafter be removed and be ineligible from further consideration by the appointing authority (Mayor) until recertification of eligibility on a subsequent list.

(Amended 11-8-88; 11-4-97.)

## **SECTION 8. BOARD OF CONTROL.**

The Mayor and the directors of the several departments, established by this Charter, shall constitute a Board of Control. The Mayor shall be ex officio President. The Board shall keep a journal of its proceedings. The voting shall be taken by "Yeas" and "Nays" and entered in the journal, and the vote of a majority of all the members of the Board shall be necessary to adopt any question, motion or order. All meetings of the Board shall be open to the public. No contract involving an expenditure in excess of that permitted by State law shall be entered into without the prior approval of the Board of Control. The Board shall have such further powers and perform such further duties as shall be authorized or required by ordinance.

(Approved by voters 11-7-95.)

## **SECTION 9. CITY PLANNING COMMISSION.**

The City Planning Commission shall consist of five (5) qualified electors of the City not holding other office in the Municipality. The Mayor shall appoint four members of the Planning Commission and the term of office shall be for a period of six years. Council shall appoint one member of the Planning Commission for a six (6) year term, the first of such terms commencing January 1, 2006. If Council fails to fill such vacancy within thirty days of the date of the vacancy, the Mayor shall make the appointment. The four (4)

present citizen members shall continue to serve for their terms of appointment. The fifth qualified elector member shall be appointed for a term of office expiring December 31, 1983 and, thereafter subsequent appointments shall be for six (6) year terms. A vacancy occurring during the term of any member of the City Planning Commission shall be filled for the respective unexpired term in the manner authorized for an original appointment. A chairman of the Commission shall be elected annually by the Commission and the Commission shall appoint its own secretary.

(Approved by voters 11-7-78; 11-8-05.)

## **SECTION 10. DUTIES OF THE CITY PLANNING COMMISSION.**

The City Planning Commission shall have such powers as may be conferred on it by ordinance of Council, concerning the plan, design, location, removal, relocation and alteration of any public building or structures, or those located on public streets or property; the location, relocation, widening, extension and vacation of streets, parkways, playgrounds and other public places, the approval of plats for the subdivision and resubdivision of lands; recommending the zoning and rezoning of the City for any lawful purpose and such other powers as are now or may hereafter be conferred upon it by ordinance of the Council or the general law of Ohio.

## **SECTION 11. ZONING AND BUILDING STANDARDS BOARD OF APPEALS.**

A. Membership., The Mayor shall appoint a Zoning and Building Standards Board of Appeals consisting of five electors of the municipality not holding other municipal office or appointment, to serve for a term of five years, except that of the five appointed for the terms beginning with the effective date of this Charter, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. A vacancy occurring during the term of any member of the Board of Zoning Appeals shall be filled for the unexpired term in the manner authorized for an original appointment.

B. Jurisdiction. , It shall be the duty of the Zoning and Building Standards Board of Appeals to hear and decide appeals for exceptions to and variations in the application of ordinances, orders or regulations of administrative officials or agencies governing building and zoning in the municipality in conformity with the purpose and intent thereof. Such Board of Appeals shall have additional powers as may be granted to it by ordinance of the municipality, including, but not limited to, determination of appeals from the refusal of administrative officials to issue licenses and permits. Procedure before the Board of Appeals shall be in accordance with the ordinances made and provided by the municipality or by rules and regulations established by the Zoning and Building Standards Board of Appeals not inconsistent therewith.

## **ARTICLE VI - SALARIES AND BONDS**

---

The Council shall fix the salary or compensation of all officers, members of boards and commissions, including the City Planning Commission, and all other employees of the City, and may require any officer or employee to give bond for the faithful performance of his duties, in such amount as it may determine, and with such surety as the Director of Finance may approve and may from time to time require additional bond or surety of any officer or employee and shall provide that the premium for any such bond be paid by the City.

The Council shall fix the compensation of all elected officials at least ninety days before their last respective filing dates for petitions for such office for the term beginning on the next succeeding first day of January, and such compensation shall not thereafter be changed for such term or any part thereof; except that for each absence of a Councilman, from a regular meeting of Council, there shall be deducted that percentage of his annual salary, which the number of meetings missed bears to the total number of regular meetings unless the absences are excused by the affirmative vote of a majority of the members of Council.

(Approved by voters 11-2-65.)

## **ARTICLE VII - NOMINATIONS AND ELECTIONS**

---

### **SECTION 1. PROCEDURES.**

Nominations for elective offices of the City shall be made only by petition, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts, which shall be filed with the Board of Elections as one instrument not later than 75 days prior to the date of holding the regular municipal election. Nominating petitions for a candidate for Ward Councilman shall be signed by not less than 150 registered voters from the ward from which election is sought. Nominating petitions for a candidate for Councilman at Large shall be signed by not less than 300 registered voters of the City. Nominating petitions for a candidate for the Charter Review Commission shall be signed by not less than 100 registered voters of the City. Nominating petitions for a candidate for Mayor and Municipal Judge shall be signed by not less than 600 registered voters of the City.

No primary election shall be held for the selection of any candidate for any elective office of this City; and no nomination for any such office shall be of any effect unless made as required by this Section 1. The ballot used in the election of officers of the City shall be without party mark or designation. The names of all candidates for any City office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of the elective officers of this City.

(Approved by voters 11-5-85; 11-8-05.)

## **SECTION 2. RUN-OFF ELECTION FOR MAYOR.**

In the event that no candidate for Mayor receives a majority of the votes cast for that office, there shall be a run-off election held on the first Tuesday in December between the two candidates receiving the highest number of votes cast for that office.

## **SECTION 3. VACANCIES IN ELECTIVE OFFICES.**

The office of an elected officer of the City shall become vacant upon his death or resignation, or upon his recall pursuant to Section 3 of Article VIII of this Charter, and may, upon complaint and hearing be declared vacant by resolution of the Council, if: (a) He shall not be a qualified elector of the City; (b) He shall not reside in the City, or shall not have resided in the City continuously for a period of at least three years immediately preceding his election, or, in the case of the Mayor, he shall not have resided in the City continuously for a period of at least three years immediately preceding his election; (c) He shall hold any other public office or public employment except as otherwise provided in this Charter and further excepting the office of Notary Public and membership in the National Guard or Reserve Corps; or (d) He shall have any material financial interest in any contract to which the City is a party.

(Approved by voters 11-5-85.)

# **ARTICLE VIII - INITIATIVE, REFERENDUM AND RECALL**

---

## **SECTION 1. INITIATIVE.**

The electors shall have the power to propose any ordinance or resolution, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Clerk of Council by filing with the Clerk a petition signed by qualified electors equal in number to at least ten per cent (10%) of the total vote cast for Mayor at the last regular mayoralty election. When so filed, the Clerk of Council shall determine the sufficiency of the petition and if found sufficient the Council shall take final action, either enacting, amending, or rejecting the proposed ordinance or resolution, within forty (40) days after filing. If Council fails to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefor, the Committee named on such petition may at the next regular meeting of Council request in writing that it be submitted to a vote of the electors. Thereupon, Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general or regular municipal election occurring more than ninety (90) days after the filing of such petition; but if such petition is signed by qualified electors equal in number to at least twenty per cent (20%) of the total votes cast for Mayor at the last regular mayoralty election, the date of the election may be fixed therein, which may be a special election to be held at any time more than ninety (90) days after the filing of such petition.

No ordinance or resolution proposed by initiative petition and approved by a majority of the electors voting upon the measure shall be subject to any veto of the Mayor.

(Approved by voters 11-2-65.)

## **SECTION 2. REFERENDUM.**

The electors of the municipality shall have the power to approve or reject at the polls any ordinance or resolution passed except as hereinafter provided. Within forty (40) days after the final passage of an ordinance or resolution, a petition signed by qualified electors which equal in number at least ten percent (10%) of the total votes cast for Mayor at the last regular mayoralty election may be filed with the Clerk of Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of the electors; but if such petition is signed by qualified electors equal in number to at least twenty percent (20%) of the total votes cast for Mayor at the last regular mayoralty election, the date of the election may be fixed therein, which shall be not less than ninety (90) days from the time of filing thereof. When said petition is filed, the Clerk of Council shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution.

If, upon such reconsideration, the ordinance or resolution is not repealed, the Council shall submit it to a vote of the electors on the date fixed in the petition, or if no date be so fixed, at the next general or regular municipal election in any year occurring more than ninety (90) days after the filing of such petition. No such ordinance or resolution shall go into effect or, if then in effect, shall so remain, until approved by a majority of those voting thereon. Ordinances providing for a tax levy or for improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed therefor, and appropriation ordinances limited to the subject of appropriations shall not be subject to referendum, but except as otherwise provided by the Constitution or general laws of the State of Ohio, all other ordinances and resolutions, including, but not limited to, emergency ordinances and resolutions, shall be subject to referendum; provided, however, that emergency ordinances and resolutions shall go into effect at the time indicated therein. If, when submitted to a vote of the electors, an emergency or other measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measure shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

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

(Approved by voters 11-2-65.)

## **SECTION 3. RECALL.**

The electors shall have the power to remove from office by a recall election any elected officer of the City. If an elected officer shall have served for 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. Such petition may be circulated in separate parts, but the separate parts shall be bound together in and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the total votes cast for Mayor at the last regular mayoralty election. In the event recall of a Ward Councilman is sought, the petition shall be signed by at least that number of electors in his ward which equals twenty-five percent (25%) of the total votes cast in such ward, for Mayor, at the last regular mayoralty election. Such petition shall be on forms procured from the Clerk upon the filing with the Clerk of an affidavit of one or more registered electors stating the name of the officer whose removal is sought and the reason why such removal is sought. Petition forms shall not be issued by the Clerk until ten (10) days after a public hearing of the nature and upon the notice provided in Section 7 of Article II of this Charter. Within ten (10) 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 shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with him, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient he shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than ninety (90) days after the date of such delivery. 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 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 affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. No person removed by recall shall be eligible to be elected or appointed to any elective office of the municipality for a period of five (5) years

after the date of such recall.

(Approved by voters 11-2-65.)

#### **SECTION 4. PETITION PROCEDURE.**

An initiative, referendum or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument, but to each separate petition there shall be attached a statement of the circulator thereof as provided by general law. Each separate 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. The manner of signing, the method of circulating, and the form and requirements as to the affidavit, and the other requirements of general law regulating initiative and referendum and recall petitions shall apply in this City except as otherwise provided in this Charter. There shall appear on each petition the names and addresses of the same five (5) electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The validity of any such petition shall be determined by general law.

(Approved by voters 11-2-65.)

---

### **ARTICLE IX - FINANCES**

#### **SECTION 1. GENERAL PROVISIONS.**

Except as limited by the general laws of Ohio within the Constitutional authority so to limit, relating to budgets, appropriations, deposits, expenditures, debts, bonds, contracts and other fiscal matters of municipalities or as otherwise provided in this Charter, the Council shall have the power and authority to provide by ordinance for the exercise of any fiscal power of the City.

---

#### **ARTICLE IX-A - TAX LIMITATION**

For the purposes of paying the current operating expenses and for the purpose of any other expense which may lawfully be included within the General Levy for the General Fund of the City and in addition for the purpose of police and fire pensions, the Council may, without a vote of the people, levy taxes on property assessed and listed for taxation according to value, not to exceed 10.6 mills per dollar of assessed valuation.

The Council shall annually levy a sufficient sum to pay the interest and bond retirement fund charges on all bonds and notes of the City lawfully issued, and the expenses incident to the management of the bond retirement fund, which entire levy shall be outside of limitations provided in this Charter, but subject to limitations imposed by general law, and placed before and in preference to all other levies. Amounts certified under the laws of the State as necessary for such purpose shall not be subject to change by Council.

The Council may at any time at least ninety days prior to a November election, declare by resolution, adopted by a vote of two-thirds of all members elected thereto, that the amount of taxes which may be raised within the limitations of this Charter will be insufficient to provide an adequate amount for the necessary requirements of the City of current operating expenses, and other expenses payable from the General Fund of the City, or for such permanent improvements and equipment as shall have an estimated useful life of five years or more, and that it is necessary to levy taxes in excess of such limitations, in addition to the levies authorized and limited by this Charter, for the municipal purpose or purposes specified in such resolution. Such resolution shall specify the additional sum which it is necessary to levy, the purpose or purposes thereof, the additional rate estimated to be required therefor and the date of any proposed election thereon. Such resolution shall be effective upon its adoption and shall be certified within five days thereafter to the election authorities, who shall place such question upon the ballot at the next succeeding November election. If a majority of those voting thereon vote for the approval of such additional levy, the Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval and certify the same to the County Auditor, to be placed on the tax list and collected as other taxes.

The authority of the Council to submit levies to a vote of the people under authority of the Constitution or laws of this State shall not be deemed impaired or abridged by reason of any provision in this Charter contained.

The limitation of this Article upon the power of Council to levy taxes shall not operate as a limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio.

(Approved by voters 11-8-66.)

---

## **ARTICLE X - FRANCHISES**

---

The Council may by ordinance grant a franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the City for a period not in excess of twenty-five years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner, and subject to the provisions, established herein for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

---

## **ARTICLE XI - AMENDMENTS TO CHARTER**

---

The Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors; or, upon the receipt of a petition, signed by not less than ten percent of the registered electors of the City, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of the State of Ohio. If any such proposed amendment shall be 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, the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

---

## **ARTICLE XI-A - CHARTER REVIEW COMMISSION**

---

At the general election in November of 1974, and at the general election in November of each tenth year thereafter, a Charter Review Commission of nine members shall be elected.

Candidates for members of the Charter Review Commission shall be nominated and elected in accordance with the provisions of Section 1 of Article VII of the Charter of the City of South Euclid. The fact that a candidate holds an elective or appointive position in the City of South Euclid shall not disqualify him from seeking election to the Commission.

Members of the Commission shall meet within thirty days after their election, at the call of the Mayor, and select one of their members as Chairman. A vacancy on the Commission shall be filled by appointment by a majority vote of all the remaining members of the Commission. A member so appointed shall serve as though originally elected to such position.

Any proposed amendment of this Charter, agreed upon by a majority of any Charter Review Commission in pursuance of this article, shall be submitted to the electors, for their approval or rejection, on a separate ballot at the next general election. If a majority of the electors voting on the same shall adopt such amendment, the same shall become a part of this Charter. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately. Not less than thirty days prior to the date of such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held in this City.

Each Charter Review Commission shall cease to function on the day of the next regular November election following election of members to such Commission. Members shall serve without compensation unless otherwise provided by ordinance.

(Approved by voters 11-5-85.)

**SECTION 1. EFFECTIVE DATE OF THE CHARTER.**

This Charter shall take effect and be in force on and after the 1st day of January, 1954. Candidates elected to office at the election to be held on November 3, 1953, shall serve for the terms to which they have been elected.

**SECTION 2. EFFECT OF PARTIAL INVALIDITY.**

If any section or part of this Charter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

**SECTION 3. ORDINANCES CONTINUED IN FORCE.**

All ordinances, rules, bylaws and resolutions in force at the time of the taking effect of this Charter and not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

**SECTION 4. CONTINUANCE OF PRESENT OFFICERS.**

All persons who are appointees, employees or nonelected officials of the municipality at the time this Charter goes into effect shall continue in office and in the performance of their duties until provisions shall have been made otherwise in accordance with the provisions of this Charter. When such provisions shall have been made, the term of any such appointee, employee or nonelected official shall expire.

The powers which are conferred, and duties which are imposed upon any appointee, employee or nonelected official, commission, board or department of the municipality under the laws of the State, shall, if such office or department be abolished by this Charter, be thereafter exercised and discharged by the officers, board or department upon whom are imposed corresponding functions, powers and duties hereunder.

**SECTION 5. CONTINUANCE OF CONTRACTS AND VESTED RIGHTS.**

All vested rights of the municipality shall continue to be vested in the municipality and shall not in any manner be affected by the adoption of this Charter. All contracts entered into by the municipality prior to the taking effect of this Charter are continued in full force and effect. All public work begun prior to the taking effect of this Charter, shall be continued and perfected hereunder. All public improvements for which legislative steps have been taken under the law in force at the time of the adoption hereof may be carried to completion in accordance with the provisions of such laws.

**SECTION 6. OATH OF OFFICE.**

Every officer of the municipality shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation to be filed in the office of the Clerk of Council that he will in all respects faithfully discharge the duties of his office.

**SECTION 1. CONFLICT OF INTEREST.**

No member of City Council, or any officer, employee, or appointee, whether paid or unpaid, permanent or temporary, or any other person whatsoever, whose salary or compensation, if any, is paid, in whole or in part, from the City Treasury, shall:

(a) Be financially interested, directly or indirectly, in any contract or transaction in which the City is a party or which is made by any officer of the City in behalf of the City. Any such interest shall be grounds to void such contract, either by action of the Council, or by the determination of any tribunal having jurisdiction; or

(b) Act, directly or indirectly, as attorney, agent, broker, or employee or in any other capacity, in behalf of any private person, firm or corporation interested, directly or indirectly, in any manner whatsoever, in any contract, work or business, or the sale or acquisition of any property, the cost of which is payable from City funds; or

(c) Engage in the practice of law or to represent or to appear in behalf of an individual or individuals in any court in any matter or controversy in which the City of South Euclid is or may become a party, except on behalf of the City as an officer or employee, or give opinion evidence against the interests of the City in any litigation in which the City of South Euclid is a party; or

(d) Appear before any board or commission of the City of South Euclid as counsel, attorney or agent, except that the Mayor or a member of Council may appear in behalf of a constituent or constituents without compensation therefor, or in the performance of public obligations or official duties.

(Approved by voters 11-2-65.)

## **SECTION 2. FORMER OFFICERS OR EMPLOYEES.**

(a) No person named in Section 1 above, within a period of one year after termination of his services, shall appear before any board or commission of the City of South Euclid as counsel, attorney or agent for or in behalf of any person, firm or corporation, or receive compensation for any services rendered thereto, in relation to any matter which was under his charge during the period of his services as such officer or employee.

(b) No person named in Section 1 above, after termination of his services, shall accept employment as a lawyer in any particular matter which he has investigated or passed upon, while in such office or employ, or engage in the practice of law before any court in any litigation in which the City of South Euclid is a party and which involves any such matter.

(Approved by voters 11-2-65.)

## **SECTION 3. PENALTY.**

Whoever violates any of the provisions of Sections 1 and 2 hereof shall be guilty of a misdemeanor and punished by fine, imprisonment or both as to be provided by ordinance and such violation by an elected official shall be cause for removal from office as may be provided by Charter or ordinance and such violation by any other person named in Section 1 above shall be cause for suspension or removal from office or employment.

(Approved by voters 11-2-65.)

## **SECTION 4. DISCLOSURE OF PRIVATE INTEREST IN LEGISLATION.**

A member of Council shall publicly disclose on the official records of Council any direct or financial interest or other personal or private right he may have in any legislation pending before Council prior to its passage, provided, however that said disclosure shall not deprive the member of Council of his right to vote on said legislation nor shall the failure of any member of Council to make said disclosure affect the validity of the legislation.

(Approved by voters 11-2-65.)

## **SECTION 5. BOARD OF ETHICS.**

(a) There is hereby established a Board of Ethics, consisting of three who shall be residents of the City of South Euclid and appointed by the Mayor, with the approval of Council. Said members shall serve without compensation for three-year terms except

that of the original appointment, one member shall be appointed for a three-year term, one shall be appointed for a twoyear term and one shall be appointed for a one-year term. The Board shall select its own chairman and set its own rules.

(b) It shall be the duty of said Board to render advisory opinions with respect to the provisions of Sections 1 and 2 hereof and it shall perform such other related duties as may be provided by ordinance. Such advisory opinions shall be rendered pursuant to the written request of a member of Council or any officer or employee of the City. All such advisory opinions shall be made public by the Board.

(Approved by voters 11-2-65.)

## **ARTICLE XIV - PHOTO-ENFORCEMENT OF TRAFFIC LAWS**

---

### **SEC. 1. LAW ENFORCEMENT OFFICER TO BE PRESENT.**

The City, including its various Boards, agencies and departments, shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of the violation.

(Approved by voters 11-8-11.)

### **SEC. 2. DEFINITIONS.**

As used in this Article XIV:

a) "Law enforcement officer" means any law enforcement officer employed by the City or any other political jurisdiction in Ohio, including the State. The City may from time to time and in its discretion, by ordinance or resolution, designate which City employees are, "law enforcement officers" for purposes of this Article XIV.

b) "Qualified law traffic violation" means a violation of any of the following: (1) any state or local law relating to complying with a traffic control signal or a railroad crossing sign or signal; or (2) any state or local law limiting the speed of a motor vehicle.

c) "Ticket" means any traffic ticket, citation, summons, or other notice of liability (whether civil or criminal) issued in response to an alleged qualified traffic law violation detected by a traffic law photo-monitoring device.

d) "Traffic law photo-monitoring device" means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle, its license plate or its operator.

(Approved by voters 11-8-11.)

### **SEC. 3. CONFLICT; SEVERABILITY.**

Any ordinance enacted prior to the passage of this Amendment that contravenes any of the foregoing is void. After the enactment of this Amendment, the City shall not enact or enforce any ordinance that contravenes any of the foregoing. In the event that any provision of this Article XIV is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of this Article XIV will remain in full force and effect.

(Approved by voters 11-8-11.)

## **ARTICLE XV - TRASH COLLECTION TAX**

### **SEC. 1. PURPOSE.**

The City, including its various Boards, agencies and departments, shall not assess, levy or collect any tax or general assessment on real properties, or against the owners or occupants thereof, for the collection, transportation or disposal of trash, garbage, waste, rubbish or refuse.

(Approved by voters, 11-6-12.)

## **SEC. 2. DUTIES AND RESPONSIBILITIES.**

Nothing in this Part shall prevent the City, including its various Boards, agencies, departments and commissions, from doing any of the following: (i) collecting other taxes and otherwise permissible funds in the general fund and using those revenues, in part, for providing a service of the collection of trash, garbage, waste, rubbish and refuse, (ii) imposing assessments on specific properties that have properly been determined to be a nuisance for the removal of trash, garbage, waste, rubbish or refuse, (iii) imposing criminal or civil sanctions for littering, or (iv) renting dumpsters and other trash collection devices to commercial property owners and charging fees for such rental.

(Approved by voters, 11-6-12.)

## **SEC. 3. CONFLICT; SEVERABILITY.**

Any ordinance enacted prior to the passage of this Amendment that contravenes the foregoing is void. After the enactment of this Amendment, the City shall not enact or enforce any ordinance that contravenes the foregoing. In the event that any provision of this Part is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of this Part will remain in full force and effect.

(Approved by voters 11-6-12)