

CHARTER
OF THE CITY OF
ONTARIO, OHIO

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CHARTER
OF THE CITY OF
ONTARIO, OHIO

PREAMBLE

We, the people of the City of Ontario, in the County of Richland and the State of Ohio, in order to secure the benefits of municipal home rule and local self-government under the Constitution of the State of Ohio, do hereby adopt this Charter for the government of the City of Ontario.

ARTICLE I

NAME AND BOUNDARIES

The municipal corporation now existing and known as the City of Ontario, Ohio, hereinafter in this Charter called the "Municipality," shall continue to be a body politic and corporate under the name of Ontario and with the same boundaries as now exist with power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the laws of Ohio.

ARTICLE II

POWERS

The Municipality shall have all powers of local self-government now and hereafter granted to municipalities by the Constitution of Ohio and such further powers are now or hereafter may be granted by the laws of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. Enumeration of or reference to particular powers in this Charter shall not be construed to be exclusive. When the exercise of such power is not prescribed by this Charter or Council, then the power shall be exercised in the manner prescribed by the laws of the State of Ohio until Council prescribes a different manner for exercising such power.

ARTICLE III

THE COUNCIL

SECTION 1 COMPOSITION AND TERM

The Council shall consist of seven members, four of whom shall be ward members of Council elected by the electors of the appropriate ward, and three of whom shall be at-large members of Council and elected by the electors of the Municipality. Members of Council shall take office the first day of January next following their election for a term of four years. The terms of the ward members of Council as of the effective date of this Charter shall terminate December 31, 2011, and the terms of the at-large members of Council as of the effective date of this Charter (elected at the November 2009 regular municipal election) shall terminate on December 31, 2013.

SECTION 2 PRESIDENT OF COUNCIL

Council shall elect one of its members as the President of Council. The President of Council shall be the presiding officer of Council.

SECTION 3 QUALIFICATIONS

No person shall be eligible to be a member of Council who has not been continuously a resident and qualified elector of the Municipality for two years immediately prior to election or appointment, or who has not been continuously a resident and qualified elector of territory which, at the time of the election or appointment to Council, has been annexed to the Municipality. No person shall continue to serve as a member of Council who ceases to be a resident of the Municipality and, in the case of ward members of Council, a resident of the ward during the person's term of office. Except as otherwise provided herein, no member of Council shall hold any other public office or be an employee of the Municipality. Election to, or holding a position in, a political party shall not be deemed a public office for purposes of this Section 3.

SECTION 4 POWERS

The Council shall have and possess:

- (a) All of the legislative powers of the Municipality as are now or hereafter may be granted by the Constitution of Ohio to legislative bodies of municipalities.
- (b) The power to create offices and departments of the Municipality other than those provided in this Charter and to fix the duties, bonds, and compensation for all department officers and officials.
- (c) The power to designate who shall execute, on behalf of the Municipality, contracts, conveyances, evidence of indebtedness and all other instruments to which the Municipality is a party.

(d) The power to appoint the Municipal Clerk.

(e) The power to remove from office:

(i) Any member of Council for gross misconduct, misfeasance, malfeasance, or nonfeasance in, or for disqualification from holding office, or for conviction while in office of a felony, or for persistent failure to abide by the rules of Council, or for absence without justifiable excuse for three consecutive regular meetings of Council.

(ii) The Mayor for gross misconduct, malfeasance, misfeasance, or nonfeasance in, or for disqualification from holding office, or for conviction while in office of a felony, or for violation of the oath of office.

(iii) The Director of Public Service and Safety, the Director of Law and the Director of Finance for any reason.

The removal of the Mayor requires the affirmative vote of all members of Council. The removal of a member of Council, the Director of Public Service and Safety, the Director of Law and the Director of Finance requires the affirmative vote of at least six members of Council.

No removal of the Mayor or a member of Council shall take place until the person proposed to be removed has been notified in writing of the reason for removal at least ten days in advance of any hearing regarding the proposed removal, and until that person, or his or her counsel, shall have been given the opportunity to appear before Council and be heard, present evidence, and examine witnesses appearing in support of the removal.

SECTION 5 VACANCIES

Whenever an office of a member of Council shall be vacant, the vacancy shall be filled by a majority vote of all of the remaining members of the Council, and if the vacancy shall not be so filled within 30 days after the position becomes vacant, then the Mayor shall fill the position by appointment. The Mayor's appointment is not subject to confirmation by Council. Every member of Council so appointed or elected to fill a vacancy shall hold office through the December 31 following the next regular municipal election occurring not less than one year thereafter, when a successor shall be elected by the electors for the remainder of any unexpired term.

ARTICLE IV

LEGISLATION

SECTION 1 ORDINANCES, RESOLUTIONS AND MOTIONS

Council actions shall be by ordinance, resolution or motion. Ordinances shall prescribe permanent rules of conduct or government. Resolutions shall be orders of the Council of a special or temporary nature. Administrative decisions of Council may also be made by motion.

SECTION 2 MAJORITY REQUIRED

The affirmative vote of a majority of all members of Council shall be necessary for the passage of any ordinance or the adoption of any resolution unless this Charter specifically provides for a different vote.

SECTION 3 PROCEDURE OF PASSAGE OF ORDINANCES

Every ordinance shall be introduced in written form. It shall be read three times at separate meetings of Council, and shall be read by title. After its third reading, Council may pass an ordinance.

SECTION 4 EXPEDITED ORDINANCES

Council, by an affirmative vote of five members, may dispense with the second reading or the third reading, and pass an ordinance at the meeting in which it is introduced or after its second reading.

SECTION 5 EMERGENCY ORDINANCES

Council, by an affirmative vote of five members, may pass emergency ordinances in order to preserve the public interests or to provide for special emergencies in the operation of city services.

An emergency ordinance shall take effect immediately upon its passage or at such other time as stated in the ordinance. Each emergency ordinance shall set forth the basis of the emergency.

No legislation involving the granting, renewing or extending a franchise or regulating the rate to be charged for public utility services shall be passed as an emergency ordinance.

SECTION 6 EFFECTIVE DATE

Except as otherwise provided in this Section or in Section 7 of this Article IV, the effective date of any ordinance shall be not earlier than 30 days following its passage by Council.

A resolution takes effect immediately upon its adoption by Council.

SECTION 7 EXECUTION AND ATTESTATION

All resolutions and ordinances passed by Council shall be signed by the President of Council and attested by the Municipal Clerk.

SECTION 8 MAYOR HAS NO VETO

The Mayor has no power to veto any ordinance, resolution or motion passed or adopted by Council.

ARTICLE V

THE MAYOR

SECTION 1 TERM

The term of the Mayor shall begin on the first day of January next following his or her election and the Mayor shall serve for a term of four years.

SECTION 2 QUALIFICATIONS

No one shall be eligible to hold the office of Mayor unless he shall have been continuously a resident and a qualified elector of the Municipality for two years next prior to his election. No person shall continue to serve as Mayor who ceases to be a resident of the Municipality. The Mayor shall not hold any other public office or be an employee of the Municipality. Election to, or holding a position in, a political party shall not be considered a public office for purposes of this Section 2.

SECTION 3 JUDICIAL POWERS

The Mayor shall have all the judicial powers granted generally by the Constitution and laws of Ohio to mayors of municipalities.

SECTION 4 LEGISLATIVE POWERS

The Mayor shall be entitled to attend any meeting of Council. The Mayor shall not have a vote at meetings of Council, but the Mayor may take part in the discussion upon all matters under consideration by the Council.

SECTION 5 EXECUTIVE POWERS

The Mayor shall have the power, subject to confirmation by the affirmative vote of five of the members of Council, to appoint or remove the Director of Public Safety and Service, the Director of Law and the Director of Finance.

The Mayor shall be recognized as the official and ceremonial head of the Municipality by the Governor for military purposes, and by the courts for the purpose of serving civil processes, and the Mayor shall perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of Council.

SECTION 6 ABSENCE OR VACANCY

During any period when the Mayor shall be absent or unable for any cause to perform his duties, the President of Council shall be the Acting Mayor and shall also continue as a member of Council with all the powers and duties of a member of Council. In case the office of Mayor shall become vacant, the President of Council shall thereupon become Mayor and his office as a member of Council shall become vacant, and he shall serve as Mayor for the then unexpired term of the Mayor.

ARTICLE VI

ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 1 GENERAL PROVISIONS

The Municipality shall have a Department of Public Safety, a Department of Public Service, a Department of Finance, a Department of Law and a Municipal Planning Commission.

The Council may by ordinance or resolution provide for such other departments or divisions thereof, commissions, boards, officers and, employees as it may deem necessary and prescribe the organization, functions, and duties thereof.

The Council may combine or may, unless any of them be specifically required by this Charter, abolish any department, division, board, commission, non-elective office, or job classification, and may authorize one person to occupy two or more non-elective offices, or to serve in any capacity in two or more departments, divisions, boards, or commissions.

SECTION 2 DIRECTOR OF PUBLIC SERVICE AND SAFETY

The Director of Public Service and Safety shall be the chief administrative officer of the Municipality, shall be the head of the Department of Public Service and the Department of Public Safety and shall be responsible to the Mayor and Council for the proper administration of the Municipality.

SECTION 3 DIRECTOR OF LAW

The Director of Law shall be the head of the Department of Law. The Director of Law shall serve the Municipality as legal counsel in connection with municipal affairs, subject to the direction of the Mayor or the Council.

SECTION 4 DIRECTOR OF FINANCE

The Director of Finance shall be the head of the Department of Finance and shall be the fiscal officer of the Municipality. The Director of Finance shall serve the Municipality as financial advisor in connection with municipal affairs, subject to the direction of the Mayor or the Council. The Director of Finance shall examine all payrolls, bills, and other claims against the Municipality, and shall issue no warrant and pay out no moneys unless the claim is in proper form, correctly computed, duly approved, is due and payable, and an appropriation has been made therefore. The Director of Finance shall keep a detailed record of all receipts from taxes and other sources, as well as a detailed record of all disbursements of municipal moneys and a record of the expenditures from various appropriated funds. The Director of Finance shall assist with the preparation and submission of budgets and other financial reports.

SECTION 5 THE MUNICIPAL PLANNING COMMISSION

The Municipal Planning Commission shall consist of five electors of the Municipality not holding other Municipal office or employed by the Municipality. The Mayor shall, subject to confirmation by a majority of the members of Council, appoint the members of the Planning Commission for a term of six years, except that of the five appointed for the terms beginning January 1, 2010, one shall be appointed for a term of two years, two for a term of four years and two for a term of six years. A vacancy occurring during the term of any member of the Municipal Planning Commission shall be filled for the unexpired term in the manner authorized for the original appointment.

SECTION 6 CIVIL SERVICE

(a) The Municipality shall have a Civil Service Commission which shall have the powers, and shall exercise its powers as, prescribed by the laws of the State of Ohio.

(b) All employees of the police department, including the chief of police and any captains, lieutenants, sergeants, patrol officers, dispatchers and parking enforcement officers, shall be in the classified service. All positions, and all promotions in rank, in the police department shall be determined by competitive testing. All promotions in rank in the police department shall be selected from current employees of the police department.

ARTICLE VII

REMOVAL

(a) The electors of the Municipality shall have the power to remove from office any elected officer of the Municipality by recall election.

(b) A petition demanding the removal of any elected officer of the Municipality who has served six months of his or her term may be filed with the Municipal Clerk who shall note thereon the name and address of the person filing the petition. Such petition may be circulated in parts, but the separate parts must be bound together and filed as one instrument.

(c) Each part of a petition shall contain the name and the office of the elected officer whose removal is sought, and each part shall contain a statement of not more than 200 words of the grounds for removal. A petition for the removal of the Mayor or an at-large member of Council must be signed by 25% of the number of electors who voted in the last general election of the Municipality. A petition for the removal of a ward member of Council must be signed by 25% of the number of electors in the appropriate ward who voted in the last general election of the Municipality. The sufficiency and regularity of a petition shall be determined as provided in the laws of the State of Ohio.

(d) If the petition is sufficient, Council shall fix a date for holding a recall election that is not less than 60 days or more than 75 days after the petition has been determined sufficient.

(e) The ballot for the recall election shall read: "Shall (naming the person) be allowed to continue as (naming the office)?" Only electors who would be qualified to elect the elected officer shall be permitted to vote at the recall election. If a majority of the votes cast are affirmative votes, the officer shall remain in office. If a majority of the votes cast are negative votes, the officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided by this Charter. A person removed by a recall election cannot be elected or appointed to the vacancy created by the recall election.

ARTICLE VIII

CHARTER REVIEW COMMISSION

SECTION 1 CHARTER REVIEW COMMISSION

On January 1, 2014, and at least once every 5 years thereafter, the Mayor shall, subject to confirmation by a majority of the members of Council, appoint five electors of the Municipality as the Charter Review Commission. No officer or employee of the Municipality may serve on the Charter Review Commission. Such Commission shall review and recommend to Council, not less than 90 days prior to the next November election, any alterations, revisions or amendments to this Charter as in its judgment seem advisable. Council may submit any such proposed alterations, revisions or amendments to the Charter to the electors at the next regular

November election. Each Charter Review Commission shall cease to function, and the terms of its members expire, on the day of the next November election following its appointment. The members of the Charter Review Commission shall serve without compensation unless otherwise provided by ordinance.

ARTICLE IX

MISCELLANEOUS

SECTION 1 EFFECTIVE DATE OF CHARTER

For the purpose of electing, but not nominating, officers of the Municipality, this Charter shall be in effect from and after the date of its approval by the electors of the Municipality. Thus, no election shall be held for the offices of Director of Law, Auditor or Treasurer in 2009 since those positions shall cease to be elected offices and, in the case of the Auditor and the Treasurer, cease to be offices required by this Charter. For all other purposes, the Charter shall be in effect on and after the first day of January 2010. The terms of the members of the Planning Commission as of the effective date of this Charter shall terminate on the effective date of this Charter.

SECTION 2 EFFECT ON EXISTING LAWS AND RIGHTS

All ordinances, resolutions and administrative rules or regulations in force in the Municipality at the time when this Charter takes effect which are not inconsistent with the provisions of this Charter shall continue in full force and effect until amended or repealed.

This Charter shall not affect any pre-existing rights of the Municipality, any right, liability or pending suit or provision either on behalf of or against the Municipality, any contract entered into by the Municipality, any franchise granted by the Municipality or any pending proceedings for the authorization of public improvements or the levy of assessments therefor.

SECTION 3 INTERPRETATION

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

Council is empowered to interpret the provisions of this Charter by ordinance. Absent a finding of manifest error or abuse of power by a court of competent jurisdiction, Council's interpretation of the provisions of the Charter shall be binding.

SECTION 4 MILITARY SERVICE

Except as hereafter in this section provided, if a person holding an elective office in the Municipality shall be called into active military service during his elective term, his office shall

thereupon become vacant and shall be filled as provided by this Charter. Membership in military reserve or State Militia shall not create a vacancy in office unless the office holder be called to full time military service for a period exceeding 90 consecutive days.

SECTION 5 SUSPENSION OR REMOVAL OF MEMBER OF BOARD OF COMMISSION




Upon complaint of the Mayor, the Council shall determine whether cause exists to remove or suspend any member of a board or commission of the Municipality for cause. A member of a board or commission may be suspended for a period of not more than sixty days or may be removed from office by a vote of at least five members of the Council, after due notice and an opportunity for a hearing before Council, if it is determined that such member has willfully failed or refused to follow the provisions of this Charter, ordinances or resolutions of the Council, or the rules of the applicable board or commission, or has been found guilty of misfeasance, malfeasance, or nonfeasance in office.

CERTIFICATION

We, the undersigned, duly elected and qualified members of the Charter Commission of the City of Ontario, State of Ohio, have framed and approved the foregoing charter to be submitted to the electors of the City of Ontario, Ohio on May 5, 2009. Signed this 16th day of February, 2009.



Paul Konezak



Fred Kohler

