



**CHARTER  
FOR THE  
VILLAGE  
OF  
BUCKEYE LAKE**

Approved by voters November 4, 2003 and effective January 1, 2004

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3<sup>rd</sup> Revision approved by voters November 5, 2013 and effective January 1, 2014

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## **PREAMBLE**

We, the people of the Village of Buckeye Lake, Licking County, Ohio, in order to secure for ourselves the benefits of municipal home rule and exercise all the powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for our Municipality.

## **ARTICLE 1 NAME; FORM OF GOVERNMENT; POWERS**

### **SECTION 1.01. Name.**

The Municipal Corporation as now established or as hereafter changed is now known as The Village of Buckeye Lake, and shall continue to be a body politic and corporation under the same name as herein known. If and when the Village of Buckeye Lake becomes a city, under the laws and Constitution of the State of Ohio, this Charter, as written or hereafter amended, will continue in force and effect and an amendment will be made to change the name of the Municipal Corporation to the City of Buckeye Lake, Licking County, Ohio. This Municipal Corporation will be referred to as the “Village” in this Charter.

### **SECTION 1.02. Form of Government.**

The government provided for in this Charter shall be known as the “strong mayor” plan.

### **SECTION 1.03. Boundaries.**

The Village will have the same boundaries that exist on the effective date of this Charter. The Village, shall further have the power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio.

## **ARTICLE 2 CORPORATE POWERS**

### **SECTION 2.01. Powers Granted.**

The Village will have all powers, general or special, governmental or proprietary, express or implied, that may now or hereafter lawfully be possessed or exercised by Municipal Corporations under the Constitution and laws of the State of Ohio. Furthermore, these powers shall be construed liberally in favor of the Village, and the specific mention of particular powers in this Charter shall not limit, in any way, the general powers stated in this Article.

**SECTION 2.02. Exercise of Powers.**

The powers of this Village shall be exercised in the manner prescribed in this Charter, or to the extent not prescribed herein, then in such manner as provided by Ordinance or Resolution of Council. When not prescribed in this Charter or by Ordinance or Resolution, then the powers shall be exercised in the manner provided by the laws of Ohio until Council provides a different manner of exercising the powers.

**SECTION 2.03. Intergovernmental Cooperation.**

In carrying out any lawful function or power of the Village, the Council may, by a majority vote of its members, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the Village and:

- a) Political subdivisions, special districts, instrumentalities, or other units of government of the State of Ohio or other states;
- b) The State of Ohio and its officers, departments, divisions, instrumentalities, or other units or agencies;
- c) Other states, their offices, departments, divisions, instrumentalities, or other units or agencies;
- d) The federal government, its offices, departments, divisions, instrumentalities or other units or agencies;
- e) Councils of government or other instrumentalities consisting of other political subdivisions, special districts, instrumentalities or other governmental units or agencies allowed under the laws of Ohio other states or the federal government; and
- f) Persons, corporations, whether for profit or non-profit, firms and other entities, unless such contracts, cooperation or join actions are prohibited by the Constitution of the State of Ohio.

The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

**ARTICLE 3  
THE COUNCIL**

**SECTION 3.01. Composition and Terms of Office.**

- a) Council shall be composed of seven members who will be elected at-large on a non-partisan basis.
- b) The members of Council under the general statutory plan of government for the Village at the time this Charter becomes effective, except the Mayor, are hereby designated as the initial members of Council under this Charter.

- c) Within thirty days of the effective date of this Charter, the initial members of Council shall appoint a resident elector to serve as the seventh member. The person appointed as the seventh member shall be the person who was not elected to the position of member of Council, but who received the highest number of votes of all unsuccessful candidates for the office of Member of Council at the last preceding Municipal Election. If said candidate is not qualified, unable or unwilling to serve, the Council shall then select the person who received the second highest number of votes of all unsuccessful candidates for the office of Member of Council at the last preceding Municipal Election. This process shall continue until a person is selected from any of the unsuccessful candidates for the office of Member of Council who ran in the last preceding Municipal Election. If no such candidate is qualified, available or willing to serve, Council may select a resident and elector of the Village to serve as the seventh member of Council. Such candidate must have been a resident of the Village for one year prior to assuming the position of member of Council.
- d) If Council fails to appoint a seventh member within thirty days, the Mayor shall appoint such person. Said person shall be a resident and elector of the Village and shall have been so for one year prior to assuming the position of member of Council.
- e) The initial members of Council and the seventh member appointed pursuant to section 3.01 (c) or (d), above, shall serve through December 31, 2005, unless they or any one of them dies, resigns, is successfully recalled or fails to maintain the qualifications of office at an earlier date. In such event, the office shall be declared vacant and the position shall be filled in accordance with Section 3.05 of this Charter.
- f) At the regular municipal election held in 2005, seven residents and electors from the Village shall be elected as members of the Council. Nothing in this Charter will prevent the initial members of Council or the seventh member appointed pursuant to Section 3.01 (c) or (d), above, from seeking election to the position of Member of Council at the regular municipal election held in 2005, assuming he, she or they meet the qualifications for such office as set forth in this Charter. The three candidates receiving the highest number of votes shall serve for four years and the next four highest shall serve for two years. At least three new members shall be elected each two years thereafter. A tie between two or more candidates for the office of member of Village Council shall be decided by lot under the direction of the Licking County Board of Elections, as provided by the general elections laws of Ohio. Beginning in 2007, all members of Council shall be elected for four-year terms of office.

**SECTION 3.02. Eligibility.**

- a) Any resident who has been a qualified elector of the Village for at least one continuous year prior to the election for member of Council shall be eligible to hold

the office of Council member. All Council members shall be residents of the Village during their entire term of office.

- b) Members of Council shall not hold any other appointed or elected public office with the Village or other employment with the Village during a term, except they may hold office in a political party or be a delegate to a political party convention, serve as a notary public, or serve as a member or officer of in the military reserve or National Guard.
- c) Any member of Council who ceases to possess or who violates any of the qualifications contained in this Charter may be removed from office as provided herein. But, failure to maintain said qualifications shall not render void or ineffective any action of Council in which such member participated.

**SECTION 3.03. President and President Pro Tem of Council.**

- a) At its first meeting after the effective date of this Charter and after a seventh member is appointed pursuant to Section 3.01 (c) or (d), and at the first meeting of the Council in each even-numbered year thereafter, the Council shall elect one of its members to be the President of the Council who shall be the presiding officer of the Council, and another as President pro tem, who shall preside at meetings of Council in the absence of the President of Council.
- b) The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, including the right to vote. Further, the President shall preside at all meetings of Council, and shall appoint the various committees of Council, coordinating the work of the various committees appointed by the Council President.
- c) Except as provided in Section 5.03, when the Mayor is, for any reason, absent and unable to perform Mayoral duties, the President of Council shall become the Acting Mayor. While so acting, the Council President shall exercise all of the powers of the Mayor, and shall perform the duties of the Mayor, except that the President of Council shall not have the right or power to hire or fire any employee or division or department head serving the Village.

**SECTION 3.04. Removal of Members.**

Except as otherwise provided in this Charter, the Council shall be the judge of the election and qualifications of its own members. Without limiting the residents' right of recall as set forth in Article 10, Section 10.02, the Council shall remove any member who fails to maintain the qualifications of office during his or her term. In addition Council may remove any member for gross misconduct, malfeasance in office, for the conviction, while in office, of a crime involving moral turpitude, if adjudicated legally incompetent, for a violation of the oath of office, or persistent failure to abide by the rules of the Council. Such removal, whether mandatory or

permissive, shall not take place without the affirmative vote of three-fourths of the remaining members of Council nor until the accused member shall have been notified in writing of the charge at least ten days in advance of a public hearing upon such charges, and the Councilperson or Councilperson's attorney has been given an opportunity 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 removal.

### **SECTION 3.05. Vacancies.**

A vacancy shall occur in Council upon the occurrence of one or more of the following events:

- a) Absence from four consecutive regular meetings or eight non-consecutive regular and special meetings in a single calendar year;
- b) Death or total disability of the Member;
- c) Removal from office by Council pursuant to Section 3.04 of this Charter;
- d) Successful recall from office pursuant to Section 10.02 of this Charter; or
- e) Failure of the Council member-elect to qualify for the office.

Vacancies in the Council shall be filled, by a majority vote of the remaining members of Council by the appointment of a qualified person to serve the remainder of the unexpired term of office. If Council fails to appoint within thirty days, the mayor shall appoint such qualified person.

### **SECTION 3.06. Employees of Council.**

- a) Council may employ a Clerk and such employees as it deems necessary for the proper discharge of its legislative duties. Any person employed by the Council shall serve at the pleasure of the Council.
- b) The Clerk of Council shall have those powers, duties and functions as are provided in this Charter, by the Rules of Council or by Ordinance or Resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all Ordinances and Resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members, the Mayor, and to the public as may be provided by this Charter, the Rules of Council or by Ordinance or Resolution. The Clerk of Council may also, if directed by Council, serve as the Clerk of the Mayor's Court and the secretary of one or more boards or commissions provided for under this Charter.

### **SECTION 3.07. Rules and Journal.**

Council shall, within thirty days of the effective date of this Charter, adopt its own rules, regulations, or bylaws, and shall keep a journal of all its proceedings in which the yea or nay vote of each Council member 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 3.08. Regular Meetings.**

Council shall hold at least two regular meetings in each calendar month, except that Council may designate one month in which to hold only one meeting. If Council fails to designate such a month, then December will be the month during which Council will hold only one regular meeting. The council shall meet at such times as may be prescribed by its rules, regulations, bylaws, or by Resolution or Ordinance. All regular meetings of Council shall be held at the Council Chambers or such other place as is necessary to accommodate the attending public. 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.

**SECTION 3.09. Special Meetings.**

Special meetings of Council may be called as provided by the laws of the State of Ohio and Council's rules, regulations, bylaws, 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. All special meetings of Council shall be held at the Council Chambers or such other place as is necessary to accommodate the attending public. Such 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.

**SECTION 3.10. Meeting Notice.**

- a) Council shall establish, by rule, a reasonable method for any person to determine the time and place of all regular meetings and the time, place, and purpose of all special meetings. Council will not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media who requested notification, except in the case of an emergency. In cases of emergency, the person or persons calling the meeting shall immediately notify those members of the news media, who requested notification, of the time, place, and purpose of the meeting.
- b) Written notice of each such special meeting shall state the date, time, and subject or subjects to be considered, and no other subject shall be considered at that special meeting. The 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 or her usual place of residence, not less than twenty-four (24) hours preceding the time for the meeting.
- c) 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 the special meeting shall be given to the absent member in the manner and form provided in subsection (b), above. Service of the notice may be waived by a writing signed prior to the hour of such meeting, and the Mayor and any Council member shall be

deemed conclusively to have waived such notice by his or her or their attendance at any such meeting.

- d) Council shall also adopt a rule to provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings (regular and special) at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

### **SECTION 3.11. 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 3.12. Powers of Council.**

The Council shall exercise all legislative powers of the Village and all powers granted to the Village by the Constitution and laws of Ohio which are not reserved by this Charter to other officers of the Village and which are not inconsistent with this Charter. Said powers shall include:

- a) Legislative powers.
  - 1) The power to levy taxes and assessments and incur debt subject to the limitations imposed by this Charter and the Constitution of the State of Ohio;
  - 2) The power to adopt or enact codes and regulations to provide for public safety and welfare, nuisance abatement, planning and zoning, building and housing, parks and recreation, regulation of any trade, occupation or business that might injuriously affect the public health, safety, morality or welfare of the Village, public improvements, public utilities, traffic control, and such police, sanitary and other similar regulations as are not in conflict with the general laws of the state of Ohio and the Constitution of Ohio;
  - 3) The power to fix, by Ordinance, the salary or compensation of all officers and employees of the Village government: provided, however, that the salary or compensation so fixed shall be uniform for like service.
  - 4) The power to provide for the exercise of all powers of local self-government, not otherwise reserved by this Charter to other officers of the Village and which are granted to the Village by the Constitution of the State of Ohio; and

- 5) The power to establish, by Ordinance or Resolution, the rates or charges for all municipal utilities and services, with advice from the Mayor.
- b) Administrative powers.
- 1) The power to appoint, promote, discipline, transfer, reduce, or remove any employee of Council;
  - 2) The power to obtain from the Mayor and the Village Departments, such information and reports as deemed necessary by Council;
  - 3) The power to require such bonds as in the opinion of Council are necessary for the faithful discharge of the duties of the officers and employees of the Village. The premium for said bonds shall be paid by the Village; and
  - 4) The power to investigate the financial transactions of any office or department of the Village government and the official acts and conduct of any Village official, relative to any matter upon which the council may act; and by similar investigations may secure information upon any matter within its authority as a legislative body.

**SECTION 3.13. Compensation of Elected Officials.**

The salary of any elected or appointed officer of the Village shall be established by the Council, but such compensation shall not be increased or diminished during the term for which the officer was elected or appointed and shall not be increased or diminished without a vote of at least three-fourths of the members of Council. This section does not prohibit the payment of any increased costs associated with or related to the continued provision of identical benefits provided to an elected or appointed officer at the commencement of his or her term of office.

**ARTICLE 4  
LEGISLATIVE PROCEDURE**

**SECTION 4.01. Form of Action by Council.**

- a) Actions of Council shall be by motion, resolution or ordinance as follows:
  - 1) Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members and as otherwise provided in this Charter;
  - 2) Resolutions shall be used by Council where practicable, for any legislation of a temporary, informal or ceremonial nature and as otherwise provided in this Charter; and
  - 3) Ordinances shall used by Council when practicable for any legislation of a general or permanent nature and as otherwise provided in this Charter.

- b) No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section.

**SECTION 4.02. Introduction of Ordinances and Resolutions.**

- a) Any member of Council may introduce any Ordinance or Resolution, at a regular or special meeting. It shall be in written or printed form and shall contain a concise title.
- b) Except in cases of emergency or as otherwise provided in this Charter, all business for transaction by Council must be received by the office of the Clerk of Council no later than 4:00 p.m. on the fourth business day preceding a regular Council meeting. Except in cases of emergency or as otherwise provided in this Charter, a copy of the agenda and accompanying legislation shall be available to each Council member and the general public at the office of the Clerk, on or after 4:00 p.m. on the third business day preceding a regular Council meeting.

**SECTION 4.03. Form of Ordinances and Resolutions.**

- a) The form and style of Ordinances and Resolutions shall be determined by the Rules of Council.
- b) Each Ordinance or Resolution shall contain only one subject, which shall be expressed in its title; provided that Appropriation Ordinances may contain the various subjects, accounts and amounts for which monies are appropriated, and that Ordinances and Resolutions which are adopted prior to the effective date of this Charter, and subsequently re-adopted are not subject to the limitation of containing one subject.

**SECTION 4.04. Reading Ordinances and Resolutions.**

Each Ordinance and Resolution shall be read on three separate days occurring with at least one week between readings unless the Council suspends this rule by a vote of at least two-thirds of the members of Council.

**SECTION 4.05. Vote Required for Passage.**

The vote on the question of passage of each Ordinance, Resolution and motion shall be taken by "yeas" and "nays" and entered on the Journal, and none shall be passed without concurrence of a majority of the members of Council, unless or greater number is specified in this Charter. Each Emergency Ordinance or Resolution and each Ordinance or Resolution vetoed by the Mayor which is subsequently approved by the Council overriding the Mayor's veto shall require the affirmative vote of at least two-thirds of the members of Council for its enactment. If an emergency Ordinance or Resolution shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation, assuming that all other requirements have been met relative to the introduction, reading and passage for non-emergency legislation.

**SECTION 4.06. Mayor's Veto.**

Except as otherwise provided in this Charter, Ordinances or Resolutions passed by Council shall be presented to the Mayor by the Clerk of Council within five days after passage for the Mayor's approval or veto. The Mayor may veto any item of an Ordinance or Resolution appropriating money, otherwise the Mayor's veto shall be addressed to the entire Ordinance or Resolution. If the Mayor disapproves of the Ordinance or Resolution, or any such item thereof described above, he shall mark it "vetoed" or "disapproved" and return it with his reasons therefore to the Clerk of Council within ten days after it was presented to him. If the Mayor shall fail to return an Ordinance or Resolution to the Clerk of Council as being either approved or disapproved (vetoed) within ten days after it is presented to him by the Clerk, such Ordinance or Resolution shall take effect without the Mayor's approval. The Council may reconsider any Ordinance or Resolution, or any item thereof, disapproved or vetoed by the Mayor at any meeting of the Council held within thirty days after it is returned to the Clerk of Council as disapproved (vetoed) by the Mayor, and if such Ordinance or Resolution, upon reconsideration, is approved by a vote of not less than three-fourths of the members of the Council, it shall take effect as either an emergency or non-emergency measure, as may be appropriate.

**SECTION 4.07. Content of Emergency Measures.**

Each Emergency Ordinance or Resolution shall provide that the Ordinance or Resolution is necessary for the immediate preservation of the public peace, health or safety, or that its passage is urgently required for the financial needs of the Village's government, and it shall contain a statement of the necessity or urgency requiring its passage as an emergency measure.

**SECTION 4.08. Effective Date of Ordinances and Resolutions.**

- a) Unless otherwise provided in this Charter, each non-emergency Ordinance or Resolution shall take effect thirty days after its passage by the Council, unless a later time is specified therein.
- b) Each Ordinance or Resolution passed as an emergency measure shall take effect immediately upon its passage, unless a later time is specified therein.
- c) As used in divisions (a) and (b) of this section, "passage" or "passed" means any of the following, as appropriate: the date the Ordinance or Resolution is approved by the Mayor; the day following the last day of the ten-day period allowed by Section 4.06 of this Charter for the Mayor to return the Ordinance or Resolution as approved or disapproved (vetoed), if the Mayor shall fail to return it within such period; or the day the Council shall reconsider and override the Mayor's veto by approval of the Ordinance or Resolution by a vote of not less than three-fourths of the members of the Council, as provided in Section 4.06 of this Charter.

**SECTION 4.09. Authentication.**

Each Ordinance and Resolution shall be authenticated by the signature of the Clerk of Council

and the President of Council or other presiding officer of the Council. The failure or refusal of such officers to sign as authenticating the measure shall not invalidate an Ordinance or Resolution.

**SECTION 4.10. Recording Legislation.**

Ordinances and Resolutions shall be recorded in a journal as provided in Section 3.07 of this Charter. The Clerk of Council shall, upon request of any person and upon the payment of a reasonable fee, if established by Council, certify true copies of any Ordinance or Resolution.

**SECTION 4.11. Amendment.**

- a) A pending Ordinance or Resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the Ordinance or Resolution.
- b) Any Ordinance or Resolution, may be amended by the passage of subsequent Ordinances or Resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This division does not prevent repeals by implication.

**SECTION 4.12. Zoning Measures.**

- a) Ordinances or Resolutions establishing, amending, revising, or repealing zoning classifications, districts, uses or regulations shall be subject to the provisions of this Charter pertaining initiative or referendum. Except as otherwise provided in this Charter, the Council shall, by Ordinance, specify the powers of administrative officials relative to zoning matters, the relationship between the Council and the Planning and Zoning Commission, and any additional procedures or process with respect to zoning. The General Laws of Ohio which are not in conflict with this Charter shall be followed until such time as the Council shall determine, by Ordinance, the powers of administrative officials, the relationship between the Council and the Planning and Zoning Commission, and any additional matters with respect to zoning, not otherwise provided for in this Charter.
- b) A concurring vote of at least three-fourths of the membership of Council shall be necessary to pass any zoning Ordinance or Resolution which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall any zoning Ordinance or Resolution be considered as having passed unless it receives at least a majority vote of the members of Council.

**SECTION 4.13. Adoption of Technical Codes.**

- a) Council may, by Ordinance, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private

organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, electrical, building, refrigeration machinery, piping, boiler, heating, air conditioning, housing, and such other matters as the Council may determine to be appropriate for adoption by reference, or by incorporation by reference.

- b) The Ordinance adopting any such standard ordinance or code shall make reference to the date and source of such without reproducing the same at length in the adopting Ordinance. In such cases, publication of the standard ordinance or code shall not be required, but at least one copy of such shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or code is amended or changed after its adoption by reference by the Council, the Council may adopt the amendment or change under the same procedure as is established herein for the adoption of the original standard ordinance or code.

#### **SECTION 4.14. Adoption of Administrative Codes.**

The Council, by Ordinance, may adopt an Administrative Code providing for such administrative procedures as it may determine and for the administrative organization of Village government. Said Administrative Code, which shall not be in conflict with the provisions of this Charter relative to departments and staffing, shall be adopted or amended by a vote of not less than three-fourths of the members of council. Provisions of the Administrative Code shall take precedence over any Ordinance or Resolution, except that Council by three-fourths vote may exempt any Ordinance or Resolution from the effects of the supremacy of the Administrative Code where the subject matter of such Ordinance or Resolution deals with procedural rather than organizational matters. Such Ordinance or Resolution shall specifically state that it is exempt from the Administrative Code.

#### **SECTION 4.15. Publication.**

- a) Ordinances and Resolutions shall be published by posting copies thereof in not less than three public places in the Village for a period of not less than fifteen (15) days after their adoption. The public places for such posting shall be determined by the Council. The Council may, by Ordinance or Resolution, require that Ordinances and Resolutions be published by other means either in lieu of or in addition to the posting as required by this division.
- b) The Clerk of Council shall make and retain a certificate as to the times and places where such postings are done and other means, if any, by which an Ordinance or Resolution is published; and that certificate shall be prima-facie evidence that the copies were posted and otherwise published as required by Division (a) of this Section. Failure to make or retain the certificate required by this Division shall not invalidate any Ordinance or Resolution.

- c) Failure to publish by posting or to maintain such posting, or to otherwise publish, as required by Division (a) of this Section shall not invalidate an Ordinance or Resolution, and in such event, the Clerk of Council may authorize publication by posting, and publication by other means, if any such other means have been required pursuant to Division (a) of this Section, at a later date.

## **ARTICLE 5 THE MAYOR**

### **SECTION 5.01. Term and Qualifications.**

- a) The Mayor under the general statutory plan of government for the Village at the time this Charter becomes effective is hereby designated as the initial Mayor of the Village under this Charter, to serve until his successor is elected and qualified as herein provided.
- b) Beginning in calendar year 2005, the Mayor shall be elected at the regular Municipal election for a term of four years commencing on the first day of January next following such election, and shall serve until a successor is elected and qualified. Nothing in this Charter will prevent the initial Mayor from seeking election to the office of Mayor at the regular Municipal election to be held in 2005, assuming he meets the qualifications of office as set forth in this Charter.
- c) The Mayor shall have been a resident and a qualified elector of the Village for at least one continuous year prior to the mayoral election and shall continue to be a resident of the Village throughout the term of office. Except as otherwise provided in this Charter, the Mayor shall not hold any other public office or other employment with the Village during his or her term, except the Mayor may hold office in a political party or be a delegate to a political party convention, serve as a notary public, or serve as a member or officer of in the military reserve or National Guard.

### **SECTION 5.02. Duties and Powers.**

- a) Executive Powers. The Mayor is the chief executive officer of the Village, and shall:
  - 1) Supervise the administration of the Village's affairs;
  - 2) Exercise control over all departments and divisions thereof, except Council;
  - 3) Be the justice of the peace and chief conservator of the peace within the Village and shall cause all laws, Ordinances and Resolutions to be enforced therein;
  - 4) See that all terms and conditions imposed in favor of the Village or its inhabitants in any franchise or contract to which the Village is a party are faithfully kept and performed;



- 5) Recommend to Council such measures as are deemed necessary or expedient for the welfare of the Village and shall keep Council advised of the condition and future of the Village;
  - 6) Act as the official and ceremonial head of the Municipal government;
  - 7) Together with the Clerk-Treasurer, when public funds are involved, execute on behalf of the Village all contracts, conveyances, evidences of indebtedness, and all other instruments to which the Village is a party;
  - 8) Subject to the limitations set forth in this Charter, appoint, promote, discipline, transfer, reduce, or remove any officer or employee of the Village except those required by this Charter to be elected, those whose terms of office may be fixed by this Charter, and employees of Council; and
  - 9) Perform such other duties as are conferred or required by this Charter, or by any Ordinance or Resolution of the Council or the laws of the State of Ohio.
- b) **Judicial Powers.** The judicial powers of the Village derived from the Ohio Constitution, general laws of Ohio, this Charter and Ordinances and Resolutions shall be exercised by the Mayor.
- c) **Legislative Powers.** The Mayor shall:
- 1) Attend Council meetings but shall have no vote therein;
  - 2) Have the right to recommend legislation;
  - 3) Prepare and submit to the Council the annual budget, appropriation measures and capital programs of the Village;
  - 4) Prepare for the General Public and Council, on or before the first day of March of each year, a report of the administrative activities and programs of the Village under his or her direction, control and supervision;
  - 5) 5) Have the right to veto the passage of Ordinances and Resolutions as provided in section 4.06 of this Charter;
  - 6) Make such other reports as the Council may require concerning the operation and programs of the administrative departments, divisions or sub-units thereof, and any Boards or Commissions of the Village which are under the Mayor's general direction, control and supervision; and
  - 7) Keep the Council fully advised concerning the present condition and future needs of the Village and to make any recommendations to the Council concerning the affairs of the Village as the Mayor deems desirable.

**SECTION 5.03. Vacancy.**

- a) If the office of the Mayor becomes vacant, the President of Council shall forthwith become Mayor and shall hold the office until his or her successor is elected and qualified; and such successor shall be elected for the unexpired term, at the first

regular municipal election that occurs more than forty days after the vacancy has occurred; provided that when the unexpired term ends within one year immediately following the date of such election, an election to fill such unexpired term shall not be held and the appointment shall be for the unexpired term. Thereupon, the President pro tem shall become President of Council, and the vacancy in Council shall first be filled in the manner provided in Section 3.05 of Article 3, and then a new President pro tem shall be chosen by Council.

- b) If the President of Council declines to serve as Mayor, which declination shall be exercised in writing within thirty days of the occurrence of a vacancy in the office of Mayor, Council shall appoint, by majority vote, one of its members as Mayor for the same term as would have applied to the Council President as set forth herein above. If every member of Council declines to serve as Mayor, Council shall appoint, by majority vote, a resident and elector of the Village as Mayor for the same term as would have applied to the Council President as set forth herein above.
- c) If a Mayor-elect fails to qualify for office, a vacancy shall be deemed to exist and the person holding the position of President of Council or the person elected to the position of President of Council at the organization meeting following the regular Municipal election shall become Mayor for that term as provided in subsection 5.03(a), above. If the President of Council declines to serve as Mayor, the vacancy shall be filled in the manner provided in Section 5.03(b), above.
- d) For purposes of this section the office of the Mayor shall become vacant upon the occurrence of one or more of the following events:
  - 1) Death or total disability of the Mayor;
  - 2) Recall or removal from office pursuant to this Charter;
  - 3) Inability, for any reason, to perform the duties and responsibilities of the office or absence for more than forty-five days;
  - 4) Failure of the Mayor-elect to qualify for the office or failure of the Mayor to maintain the qualifications of office;
  - 5) Adjudication as legally incompetent; or
  - 6) Conviction, while in office, of malfeasance or a crime involving moral turpitude or other violation of the oath of office.

#### **SECTION 5.04. Functions.**

The Mayor shall not usurp or interfere with the exercise of powers, duties or functions of other elected officials of the Village, rather the Mayor shall fully cooperate with such other elected officials to assure the orderly and efficient management of the Village.

**ARTICLE 6**  
**ADMINISTRATIVE OFFICES AND DEPARTMENTS**

**SECTION 6.01. General Provisions.**

- a) The Village shall have a Department of Finance, Department of Public Works, Police Department, Fire Department, and Development Department. The Mayor, with the consent of Council, may combine or establish new departments or divisions.
- b) The Mayor may authorize one person to be head of two or more departments or divisions, but only to the extent that such person meets the qualifications for serving as the head of each such department or division.
- c) No Department or Division in existence prior to the adoption of this Charter or established by this Charter shall be abolished without a vote of the residents of the Village. The question of whether to abolish any such Department or Division may be placed on the ballot at any primary, general or special election occurring in the Village and shall require a majority vote for passage.

**SECTION 6.02. Department of Finance.**

- a) The office of Clerk-Treasurer under the general statutory plan of government for the Village of Buckeye Lake on the effective date of this Charter shall be abolished. Upon the abolishment and termination of the statutory office of Clerk-Treasurer, there is hereby created the Department of Finance to be headed by the Clerk-Treasurer, who shall be the chief fiscal officer of the Village.
- b) Beginning on January 1, 2006, the Clerk-Treasurer shall be appointed by the Mayor and confirmed by the Council by a majority vote of its members. The Clerk-Treasurer need not be an elector or resident of the Village, but should be qualified for office by reason of training or experience in matters pertaining to accounting, financial reporting and management, and other fiscal or related matters. The Mayor shall have the sole discretion for determining the qualifications for such office. The Clerk-Treasurer shall hold no other appointed or elected office in the Village during the term of office. Nothing in this Charter will prohibit the Clerk-Treasurer from holding other public or private employment that is not in conflict with the Clerk-Treasurer's duties for the Village or in conflict with this Charter. Notwithstanding the above provision, nothing in this Charter shall prevent or prohibit the Clerk-Treasurer from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or National Guard. The Clerk-Treasurer, other than the initial Clerk-Treasurer, shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.
- c) Beginning on January 1, 2006, the Clerk-Treasurer shall be appointed by the Mayor

and confirmed by the Council by a majority vote of its members. The Clerk-Treasurer need not be an elector or resident of the Village, but shall be qualified for office by reason of training or experience in matters pertaining to accounting, financial reporting and management, and other fiscal or related matters. The Mayor shall have the sole discretion for determining the qualifications for such office. The Clerk-Treasurer shall hold no other appointed or elected office in the Village or employment with the Village during the term of office. Nothing in this Charter will prohibit the Clerk-Treasurer from holding other public or private employment that is not in conflict with the Clerk-Treasurer's duties for the Village or in conflict with this Charter. Notwithstanding the above provision, nothing in this Charter shall prevent or prohibit the Clerk-Treasurer from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or National Guard. The Clerk-Treasurer, other than the initial Clerk-Treasurer, shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.

- d) The Clerk-Treasurer shall be the chief fiscal officer of the Village and shall perform the powers, duties and functions now or hereafter given to Village Clerks and Village Treasurers under the general laws of Ohio, except the duties as set forth in section 733.27(a) of the Ohio Revised Code, requiring the Clerk to attend and keep a record of Council proceedings, and to the extent those laws are not in conflict with this Charter. The Clerk-Treasurer, in addition to the powers, duties and functions prescribed by this Charter, shall have the following powers, duties and functions:
- 1) keep the financial records of the Village, and its offices, departments, divisions, bureaus, boards and commissions, including accurate records of all appropriations, encumbrances against appropriations and expenditures of the money of the Village;
  - 2) assist the Mayor in the preparation and submission of appropriation measures, estimates, budgets, capital programs and other financial matters;
  - 3) disburse all Village funds upon warrant of the Mayor or Council and issuance of payroll checks;
  - 4) provide full and complete reports and information concerning the financial affairs and status of the Village at the end of each fiscal year, which report shall be made available to all other officers of the Village and members of the general public;
  - 5) maintain accurate records of all assets and liabilities of the Village;
  - 6) provide full and complete information and assistance concerning the finances or accounting systems or records of any office, department, division, board or commission of the Village as requested by the Mayor or Council;

- 7) receive and account for all taxes and other revenues and receipts of money;
- 8) be the custodian of all monies and provide for the deposit of active monies and the investment of interim or inactive monies as directed by the Mayor or Council, by Ordinance or Resolution; and
- 9) perform such other powers, duties and functions as are required by this Charter and the Ordinances and Resolutions of the Village.

**SECTION 6.03. Department of Public Works.**

- a) There is hereby established a Department of Public Works to be headed by the Mayor until such time as the Council, by Ordinance or Resolution, shall create a Director of Public Works.
- b) Prior to the creation of the position of Director of Public Works, the Mayor may hire, such employees or, with the consent of Council, such Consultants as are qualified and necessary to carry out the duties and responsibilities of the Department as set forth in this Charter and as hereafter established by Ordinance or Resolution.
- c) When the position of the Director of Public Works is created, that person, appointed by the Mayor, need not be an elector or resident of the Village, but should be qualified for the position by reason of training or experience in matters pertaining to the streets and roads construction and repair, and the administration and operation of other public works, improvements, buildings and utilities. The Mayor shall have the sole discretion for determining the qualifications for such office. Except as otherwise allowed by this Charter, the Director of Public Works shall hold no other appointed or elected office with the Village, during the term of office. Nothing in this Charter will prohibit the Director, when hired, from holding other public or private employment that is not in conflict with the Director's duties for the Village or in conflict with this Charter. Notwithstanding the above provision, nothing in this Charter shall prevent or prohibit the Director of Public Works from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or National Guard. The Director of Public Works shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.
- d) The Department of Public Works shall be responsible for:
  - 1) making investigations and recommendations concerning all new construction, maintenance and replacement of existing facilities and equipment owned or operated by the Village;
  - 2) planning of future operations of all municipally owned buildings, equipment and utilities;
  - 3) making investigations and recommendations concerning bids for public contracts

- relative to public works projects;
- 4) collection and disposal of refuse;
  - 5) purchasing for all public works projects;
  - 6) construction, improvement, repair and maintenance of all public streets and alleys, public buildings, drains, ditches, storm sewer facilities, parks, playgrounds, public utilities and public places;
  - 7) supervision of the lighting and cleaning of public streets and places; and
  - 8) such other duties as are consistent with the duties and functions of the Department of Public Works as may be required by this Charter, by Ordinance or Resolution of Council or as directed by the Mayor.
- e) The Department of Public Works shall include a Division of Utilities and a Division of Streets, both of which are established by this Charter, and such other divisions as shall be established by Ordinance or Resolution.
- f) The Division of Utilities shall be headed by the Mayor until such time as Council, by Ordinance, shall create a Superintendent of Utilities, who need not be a resident of the Village, but shall be qualified for the position by reason of training or experience in matters pertaining to the construction, operation, maintenance and delivery of public utility services. The Mayor shall have the sole discretion for determining the qualifications for such office. The Superintendent of Utilities shall hold no other appointed elected office with the Village or employment with the Village during the term of office. Nothing in this Charter will prohibit the Superintendent, when hired, from holding other public or private employment that is not in conflict with the Superintendent's duties for the Village or in conflict with this Charter, or prevent or prohibit the Superintendent of Utilities from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or national guard. The Superintendent of Utilities shall serve at the pleasure of and may be removed without cause by the Mayor.
- g) Prior to the creation of the position of Superintendent of Public Utilities, the Mayor may hire, with the consent of Counsel, such employees or Consultants as are qualified and necessary to carry out the duties and responsibilities of the Division as set forth in this Charter and as hereafter established by Ordinance or Resolution.
- h) The Division of Utilities shall manage, conduct and supervise all operations of all municipally owned or operated utilities, make investigations of the municipally owned or operated utilities, make recommendations to the Council and Public Works Director concerning all charges and rates to be made for services rendered, and make recommendations relative to the provision of new service, or the extension or

curtailment of service, and perform such other duties, consistent with the office, as required by this Charter, Ordinances of Council or as directed by the Mayor or Director. No utility service shall be provided, extended or curtailed without the approval of the Division of Utilities, which approval shall not be unreasonably withheld.

- i) The Division of Streets shall be headed by a Superintendent of Streets, who need not be a resident of the Village, but shall be qualified for the position by reason of training or experience in matters pertaining to the construction, operation, maintenance and delivery of matters relating to public streets and alleys. The Mayor shall have the sole discretion for determining the qualifications for such office. The Superintendent of Streets shall hold no other appointed or elected office with the Village or employment with the Village during the term of office. Nothing in this Charter will prohibit the Superintendent from holding other public or private employment that is not in conflict with the Superintendent's duties for the Village or in conflict with this Charter, or prevent or prohibit the Superintendent of Streets from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or national guard. The Superintendent of Streets shall serve at the pleasure of, and may be removed without cause by the Mayor.
- j) The Division of Streets shall be responsible for the construction, improvement, repair and maintenance of all public streets, alleys, drains, ditches, and storm sewers, the lighting and cleaning of all public streets, purchasing relative to such powers and duties and such other duties and responsibilities as may be required by this Charter, by Ordinance of Council, or as directed by the Mayor or Director of Public Works.

#### **SECTION 6.04. Police and Fire Departments.**

- a) The police and fire departments in existence at the time of the adoption of this Charter shall remain in full force and effect and shall perform the duties and functions of those offices as provided by the laws of the State of Ohio and this Charter.
- b) The Police Department shall be composed of a chief and such police officers and other employees as may be provided by Ordinance of Council. In case of riot or like emergency the Mayor may appoint additional police officers for temporary service. Every police officer and the Chief, prior to hiring or promotion, shall be subject to and pass a criminal background check to be administered by the State Bureau of Criminal Investigation or such other organization as selected by the Village by Ordinance of Council.
- c) The Police Department shall be headed by a Chief of Police, appointed by the Mayor either from the ranks of the Police Department of Buckeye Lake or from such other

source. The Chief of Police shall have not less than ten years training and experience in law enforcement in the Village Police Department or a police organization of at least comparable size to that of this Village. The Police Chief shall be, at the time of appointment or within six months thereof, a resident of the Village of Buckeye Lake.

- d) Under the direction of the Mayor, the Police Chief shall have exclusive control of the scheduling of all patrolmen, auxiliary police officers, and other officers and employees in the police department, and police auxiliary unit, under such general rules and regulations as the Mayor prescribes. The Chief of Police and other members of the Police Department shall have such powers and duties as are provided by this Charter, the Ordinances and Resolutions of the Village, the general laws of Ohio and the lawful orders of the Mayor.
- e) The Fire Department shall have a Chief and such other officers, firefighters, volunteers and employees as provided by Ordinance of the Council, all of whom must meet the qualifications set forth in Chapter 737.08, of the Ohio Revised Code. Every Fire Chief, officer or firefighter, whether volunteer or employee, prior to appointment, hiring or promotion, shall be subject to and pass a criminal background check to be administered by the State Bureau of Criminal Investigation or such other organization as selected by the Village by Ordinance of Council. In case of riot, conflagration, or like emergency, the Mayor may appoint additional firefighters and officers for temporary service.
- f) The Fire Department shall be headed by a Fire Chief, appointed by the Mayor either from the ranks of the Fire Department of Buckeye Lake or from such other source. The Fire Chief shall have not less than ten years training and experience in fire fighting and emergency medical service in the Village Fire Department or a fire department serving a jurisdiction of at least comparable size to that of this Village. The Fire Chief shall be, at the time of appointment or within six months thereof, a resident of the Village of Buckeye Lake.
- g) Under the direction of the Mayor, the Fire Chief shall have control of the scheduling and training of all firefighters, EMS personnel and other officers, volunteers and employees constituting the Fire Department. The Fire Chief and other members of the Fire Department shall have such powers and duties as are provided by this Charter, the ordinances of the Village, and the general laws of Ohio.
- h) The Mayor, in consultation with the Chiefs of the Divisions of Police and Fire, shall have the exclusive right to suspend any of the officers or employees in the police and fire departments for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer, volunteer or employee is suspended, as herein



provided, the Mayor shall forthwith, in writing, certify the fact to the appropriate Chief, together with the cause for the suspension. Within five (5) days from the receipt thereof the Chief of the affected Department shall proceed to inquire into the cause of such suspension and issue a report to the Mayor containing a findings of fact and a proposed judgment, including sustaining the charge but instituting no further discipline, suspension, reduction in rank or dismissal. Within five days of the receipt of said report, the Mayor shall issue, in writing, a final judgment. In any such investigation, the Chief so conducting it shall have the power to administer oaths and secure the attendance of witnesses and the production of books and papers.

- i) The Police Chief and Fire Chief shall be subject to discipline or removal “for cause,” as that term is defined in the general laws of Ohio pertaining to members of Police Departments and Fire Departments of general statutory plan Villages.

**SECTION 6.05. Department of Development.**

- a) There is hereby established a Department of Development. The Department of Development shall be headed by a Development Director. The Department of Development shall have as its primary duty the coordination, regulation, management, implementation and promotion of programs to encourage: business expansion and attraction, planned growth, creation of housing opportunities, a lively downtown, healthy, safe and revitalized neighborhoods. The Department of Development shall perform all other lawful functions as directed by the Mayor or Ordinance of Council.
- b) The Development Director shall be appointed by the Mayor, need not be an elector or resident of the Village, but should be qualified for the position by reason of training or experience in matters pertaining to economic development, planning, housing, neighborhood services, land management, and building services. The Mayor shall have the sole discretion for determining the qualifications for such office. The Development Director shall, except as provided in this Charter, hold no other appointed or elected office with the Village, during the term of office. Nothing in this Charter will prohibit the Director, when hired, from holding other public or private employment that is not in conflict with the Director’s duties for the Village or in conflict with this Charter, or prevent or prohibit the Development Director from holding office in a political party, serving as a delegate to a political party convention, serving as a notary public, or serving as a member or officer in the military reserve or national guard. The Development Director shall serve at the pleasure of the Mayor and may be removed without cause by the Mayor.
- c) The Development Department shall have the following powers, duties and functions:
  - 1) exercise all powers, duties and functions relative to planning and platting of the Village;

- 2) building and zoning code enforcement;
- 3) development and implementation of a program for preservation of historic buildings and sites;
- 4) implementation of a five year plan for the growth and development of the Village;
- 5) issuing building permits, inspecting buildings, and enforcing zoning and building code regulations;
- 6) oversight of housing programs, including those related to lead abatement, relocation, rehabilitation and community assistance programs;
- 7) facilitation of economic and technology development through business and industry growth and development;
- 8) promotion of guided growth of the Village through sound urban, regional and neighborhood planning practices;
- 9) development and implementation of a program for promoting safe and healthy living through building inspections and plans review, permitting, and zoning;
- 10) assisting the Mayor in obtaining state and federal financial assistance for the programs, plans and needs of the Village; and
- 11) such other duties consistent with the office as may be required by this Charter, by Ordinance or Resolution of Council or as directed by the Mayor.

**SECTION 6.06. Legal Services.**

- a) Prior to the creation of a Department of Law, the Mayor shall appoint, pursuant to a contract with an individual attorney or law firm, and the Council shall confirm, by a majority vote, such person or firm as legal advisor. The person or firm serving as Village Solicitor or legal advisor under the Village statutory plan of government on the effective date of this Charter shall continue until other arrangements are made by execution of a contract with any attorney or law firm upon expiration of any existing contract, or the creation of a Department of Law, pursuant to Division (b) of this Section, to be headed by a Solicitor appointed by the Mayor.
- b) Upon the creation of a Law Department, by Ordinance or Resolution of Council, the Mayor shall appoint a Director of Law, with the approval of a majority of Council. The Solicitor shall serve at the pleasure of the Mayor.
- c) The Solicitor or the attorney or law firm engaged, need not be a resident of the Village, shall be an attorney-at-law duly authorized to practice law in the State of Ohio, shall be the legal advisor, prosecuting attorney and counsel for the Village, and subject to the direction of Council, shall represent the Village in all proceedings in Court or before any administrative board or body. The Solicitor, or the attorney or law firm engaged, shall perform all other powers, duties and functions now or hereafter imposed on Village Solicitors under the laws of Ohio; and shall perform other duties

as required by this Charter, by Ordinance or Resolution, or as directed by the Mayor.

- d) The Council may provide for assistants and special counsel to the Solicitor or the attorney or law firm engaged. All assistants and special Counsel shall be appointed by the Mayor. The assistants shall be responsible to the Solicitor or the attorney or law firm engaged and when authorized, by the Mayor, may exercise all or any part of the powers, duties, and functions granted to the Solicitor under this Section.
- e) In the event of a vacancy in the office of the Solicitor, a successor shall be appointed by the Mayor and confirmed by the Council. The Mayor shall designate a qualified person to serve as Acting Solicitor in the case of a temporary absence or disability of the Solicitor or attorney or law firm engaged.

## **ARTICLE 7**

### **BOARDS AND COMMISSIONS**

#### **SECTION 7.01. Planning and Zoning Commission.**

- a) The Village shall have a Planning and Zoning Commission consisting of seven members, three of whom are appointed by the Mayor, and four of whom are appointed by Council. At least four members must be electors of the Village who shall serve until their successors are appointed and qualified, while three of the members may be non-electors of the Village who shall be reconfirmed on an annual basis.
- b) The members shall serve until their successors are appointed and qualified. A vacancy shall be filled by the vacating member's appointer, the Mayor or Council. The Mayor, with the concurrence of council, may at any time remove any Commissioner so appointed for malfeasance in office, having first given to such member of a copy of the charges and an opportunity to be heard in person or by defense counsel before the Mayor and Council. Such removal shall be final.
- c) The purpose of this Planning and Zoning Commission is to preserve and promote the public health, safety and welfare by means of regulations and restrictions enacted to:
  - 1) encourage the orderly growth and development of the Village;
  - 2) develop and update a five-year plan for the growth and development of the Village;
  - 3) provide for adequate light, air, open space and convenience of access and protect against fire and natural hazards through planning;
  - 4) maintain and enhance the value of buildings, structures and land throughout the Village through planning; and
  - 5) make advisory recommendations concerning zoning matters as it believes to be in

the best interest of the Village.

- f) In addition to the duties set forth herein, the Planning and Zoning Commission shall serve as a Board of Zoning and Building Appeals. The Board members will include the seven members of the Planning and Zoning Commission. The Director of Development or his designee shall attend every meeting and serve in an advisory capacity. No Village employee or official may serve as a Board member while so employed, elected or appointed.
- g) Said Commission shall elect one of its members to serve as Chair. He or she shall serve for a term of one year until his or her successor is elected and qualified. The Commission shall adopt rules and regulations for the government of the Commission and the Board of Zoning and Building Appeals. The rules shall provide that the Commission and the Board shall each hold, separately, regular meetings to ensure that all pending duties, activities and related business is addressed in a timely manner.
- h) Once each year, or more often if requested or required by the Mayor or Council, the Commission shall prepare and furnish a written report of the activities undertaken by the Commission and the Board during the year and the number and status of variance, building and zoning issues heard or pending in the Village.
- i) The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to and variances in the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning, building and housing in the Village, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council by Ordinance. The Board shall have such additional powers, duties and functions, relative to appeals from actions of administrative officers or employees concerning public buildings, streets or other public property or works, as provided by Ordinance or Resolution.
- j) The Commission shall have such other powers, duties and functions, consistent with this Charter as provided by the Village's Ordinances and Resolutions.

**SECTION 7.02. Charter Review Commission.**

- a) During the month of January, 2008, and each five years thereafter, Council shall appoint, by a majority vote, a Charter Review Commission consisting of five members who are electors of the Village. Notwithstanding the above, Council may appoint a Charter Review Commission, with membership as provided in this division, at any time, if approved by a majority vote of Council.
- b) The Commission shall study and review the provisions of this Charter and the operations of the Village and shall report its recommendations, if any, for changes or revisions in this Charter to the Council no later than the first day of December of the

year of their appointment.

- c) On or before the last meeting of the year in which Council received recommendations for changes or revisions to this Charter, Council shall vote whether to place such recommendations on the ballot at the next general or primary election occurring in the Village. A concurring vote of at least three-fourths of the membership of Council shall be necessary to withhold from the ballot the recommendations of the Charter Review Commission.

**SECTION 7.03. Parks and Recreation Commission.**

- a) The Village shall have a Parks and Recreation Commission which shall consist of five members. Two of whom will be appointed by the Mayor and three of whom will be appointed by the Council. At least three of the members must be electors of the Village who shall serve until their successors are appointed and qualified, while two of the members may be non-electors of the Village who shall be reconfirmed on an annual basis. A vacancy shall be filled by the vacating member's appointer, the Mayor or Council. The Mayor, with the concurrence of council, may at any time remove any commissioner so appointed for malfeasance in office, having first given to such member a copy of the charges and an opportunity to be heard in person or by defense counsel before the Mayor and Council. Such removal shall be final.
- b) Said commission shall organize as a "recreation and parks commission" by the election of a Chair, who shall serve for a term of one year or until his or her successor is elected and qualified. The commission shall adopt rules and regulations for the government of the commission and for the operation of the various recreational facilities and public parks under its control. The rules shall provide that the Commission shall hold at least one regular meeting each month; except the Commission, by its rules or by a majority vote of its members, may designate one month in which regular meetings shall not be held.
- c) Once each year, or more often if requested or required by the Mayor or Council, the Commission will prepare and furnish a written report of its activities during the year and the status of the parks under the Commission's jurisdiction.
- d) The Parks and Recreation Commission shall review the Village's parks and recreation operations, facilities and programs and shall make advisory recommendations to the Mayor and the Council concerning such parks and recreational programs, operations and facilities as the Commission believes to be in the best interest of the Village.
- e) The Commission shall also, with the approval of Council and the Mayor, equip, operate, direct and maintain all the existing recreational facilities and park facilities, and from time to time, to acquire, improve and construct additional facilities. The recreation and parks commission may receive donations and bequests, of money or

property, in trust or otherwise, for recreational and park purposes. The Clerk-Treasurer shall be the custodian of all such trust funds which may be received by gift, devise, in trust, or otherwise. Said Clerk-Treasurer shall carefully preserve, control and invest the said trust funds as required by the deeds of trust, and shall disburse the income from the same as shall be directed by said commission in accordance with and subject to the terms and conditions of said deeds of trust.

**SECTION 7.04. Other Boards and Commissions.**

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

**ARTICLE 8  
FINANCE, TAXATION AND DEBT**

**SECTION 8.01. General Provisions.**

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds and notes, assessments and other fiscal matters shall be applicable to the Village, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefore is made in the Constitution of Ohio.

**SECTION 8.02. Purchasing and Contracting Procedures.**

- a) The Mayor shall award and execute all contracts on behalf of the Village;
- b) When a proposed contract or expenditure exceeds the State of Ohio limit for competitive bidding, the Council shall authorize the Mayor to cause plans and specifications to be prepared and advertised for bids once a week for two consecutive weeks in at least one newspaper of general circulation within the Village, and the Council shall appropriate funds for that purpose unless they have been previously appropriated and remain unencumbered. Upon such authorization, the appropriate official or employee shall cause such plans and specifications to be prepared and such advertising to be made. The Council, by Ordinance or Resolution adopted by a vote of a majority of its members, may authorize, without competitive bidding, contracts and expenditures for any other purpose where the statutory or common law of Ohio does not require competitive bidding.
- c) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contracts, such alterations or modifications shall be made only upon the order of the Mayor. No order for the alteration or modification of any contract shall be effective until the price to be paid for the work or

material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Mayor on behalf of the Village. Modifications or alterations in contracts will not require further advertising or bidding.

- d) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Mayor unless the Clerk-Treasurer or a duly authorized representative of the Clerk-Treasurer shall first certify:
  - 1) That the money required for the contract, agreement, obligation or expenditure is in the Village's treasury or in the process of collection, and
  - 2) That the money has been appropriated by Council for the purpose, and remains unencumbered.
- e) The certification as to the availability of funds shall be filed and recorded in the accounting records of the Village and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be void and unenforceable against the Village unless authorized by an Ordinance of the Council. The Clerk-Treasurer shall not arbitrarily withhold the certificate required by this division.
- f) The Council or the Mayor shall not divide any order or contract to avoid the requirements of competitive bidding.
- g) Copies of all written contracts and purchase orders shall be filed with and maintained as public records by the Clerk-Treasurer.

**SECTION 8.03. Limitation on Taxation.**

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by this Charter, and the Constitution and the general laws of the State of Ohio. Nothing contained in this Charter shall be construed as authorizing Council to levy any taxes in excess of such limitations, or to levy a tax on the income of the residents of the Village, or a tax on sales of goods or services in the Village without a first submitting the question of whether to levy the tax or the increased tax to a vote of the people.

**ARTICLE 9  
ELECTIONS AND NOMINATIONS**

**SECTION 9.01. Nominations.**

Nominations for all elected offices of the Village shall be made by petition only and no primary shall be held to nominate officers of the Village. Nominating petitions shall be in the form determined by the election authorities provided under the general laws of Ohio and signed by electors of the Village in the numbers provided under the general laws of Ohio.

**SECTION 9.02. Regular Municipal Elections.**

The regular municipal elections for all elected offices, and for issues to be presented to the voters, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities.

**SECTION 9.03. Special Elections.**

The Council may, at any time, order a special election by Ordinance or Resolution which shall set forth the date and purpose of the election, including but not limited to the referral of pending Ordinances and Resolutions to the electors for their approval or rejection. Special elections may be held on any date, including but not limited to the dates of general and primary elections in odd or even numbered years.

**SECTION 9.04. Conduct of Elections.**

All regular and special elections shall be conducted according to the general laws of the State of Ohio, except as otherwise provided in this Charter.

**ARTICLE 10  
INITIATIVE, REFERENDUM AND RECALL**

**SECTION 10.01. Initiative and Referendum General Authority.**

Ordinances, Resolutions, Charter Amendments, issues and other measures may be proposed by initiative petition and adopted by election, and Ordinances and Resolutions adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of Ohio; provided:

- a) Initiative and referendum petitions shall be filed with the Clerk-Treasurer, who shall assume and be responsible for the duties assigned to and enumerated for the Clerk-Treasurer as set forth in the laws of Ohio relative to initiatives and referendums for municipal corporations.
- b) Ordinances and Resolutions calling for an election under this Charter shall not be subject to initiative or referendum.

**SECTION 10.02. Recall.**

- a) The electors shall have the power to remove from office by recall any elected officials of the Village in the manner provided in this section.
- b) If the elected official shall have served six months of his or her term, any elector or electors of the Village may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of a named elected official or officials. No petitions for the recall of an elected official may be circulated until such written notice of intent is served upon the Clerk of Council. Not later than thirty days after service of



such notice of intent on the Clerk of Council, such persons may file, with the Clerk of Council, a petition demanding the removal of an elected official. Separate petitions shall be filed for each elected official sought to be removed by recall. The Clerk shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefore and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought. Such petition shall be signed by at least that number of electors which equals fifteen percent in number of the registered voters at the time of the last general election.

- c) Within ten days after the day on which such petition is 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, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition and make a record of such delivery. Such person shall be allowed a period of ten days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council finds the petition to be sufficient, the Clerk shall, within five days, certify that fact to Council and deliver a copy of the certificate to the person or persons whose removal is sought, personally, through the United States Mail Service, postage prepaid, or by leaving a copy thereof at his, her or their usual place of residence. The Clerk shall make a record of such delivery.
- d) If the person whose removal is sought does not resign within five days after the day on which the Clerk's certificate was been delivered, Council shall, by Ordinance or Resolution, fix a day for holding a recall election, not less than forty days nor more than sixty-five days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of circulation in the Village. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)?" with the provision on the ballot for voting affirmatively or negatively. In the event a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in division (e) of this section. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election.
- e) At the next regular meeting of the Council following a final determination that an elected official of the Village has been removed from office by recall, the Council shall replace the member as in the case of a vacancy as provided in Section 3.05 of this

Charter for members of Council and Section 5.03 of this Charter for the Mayor. A person who has been removed by recall shall not be either a candidate for or appointed by the Mayor to succeed himself or herself, but such person shall not be barred by recall from becoming a candidate for office in other future elections.

- f) Upon the removal by recall of an elected official, other than the office of Mayor, the Mayor shall forthwith appoint a qualified person to fill the vacancy in an acting capacity until another person is appointed and qualified pursuant to division (e) of this section. The President of Council shall fill a vacancy in the office of Mayor created by removal by recall until he or she or another person is appointed and qualified pursuant to division (e) of this section. Persons appointed in an acting capacity under this division (f) shall have all the powers, duties and functions provided for the office they are holding in an acting capacity.
- g) Time served as Mayor or Member of Council prior to the adoption of this Charter shall apply for purposes of determining if the person whose recall is being sought has served for a period of at least six months as required by subsection (b) hereof.

## **ARTICLE 11 GENERAL PROVISIONS**

### **SECTION 11.01. Conflicts of Interest, Ethics, Campaign Financing.**

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for Municipal office shall apply under this Charter.

### **SECTION 11.02. Effect of Charter on Existing Laws and Rights.**

- a.) The adoption of this Charter shall not affect any pre-existing rights of the Village, or any right, liability, pending suit or prosecution, either on behalf of or against the Village or any officer thereof.
- b) Except if a contrary intent appears in this Charter, all acts of the Village Council, including Ordinances and Resolutions in effect on the date this Charter becomes effective, shall continue in effect until amended or repealed.

### **SECTION 11.03. Amendment of Charter.**

This Charter may be amended by the voters as provided by the Constitution of Ohio or as provided in this Charter.

### **SECTION 11.04. Effect of Partial Invalidity.**

A determination that all or any part of any Article, Section or Division of this Charter is invalid shall not invalidate or impair the force and effect of any other part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

## **ARTICLE 12**

### **TRANSITIONAL PROVISIONS**

#### **SECTION 12.01. Effective Date of Charter.**

This Charter shall be submitted to the electors of the Village of Buckeye Lake at an election to be held on the first Tuesday after the first Monday in November, 2003. If approved by a majority of those voting, the Charter shall take effect January 1, 2004.

#### **SECTION 12.02. Effect of Charter on Existing Offices.**

- a) The person holding the office of Mayor on the effective date of this Charter is hereby designated to serve as the initial Mayor under this Charter with all of the powers, duties and functions as provided by this Charter until the person who is elected as the Mayor at the November 2005 election takes office on January 1, 2006.
- b) The persons who hold the offices of members of Council under the general statutory plan of government for the Village on the date the Charter becomes effective are hereby designated to hold the offices of initial members of Council, until their successors are elected at the November 2005 election and take office on January 1, 2006; and such persons shall have all the powers, duties and functions conferred on their respective offices under this Charter.
- c) The person who is the Village Clerk-Treasurer under the general statutory plan of government for the Village of Buckeye shall continue in such office until the office is abolished and terminated pursuant to Section 6.02 of Article 6 of this Charter.
- d) The persons who are elected to the offices of Mayor and members of Council at the November 2005 election shall have all the powers, duties and functions conferred by this Charter for their respective offices from and after January 1, 2006.
- e) The offices of Mayor, President Pro Tem of Council, and member of Council, as such offices exist under the general statutory plan of government for the Village, shall be abolished on the effective date of this Charter.

#### **SECTION 12.03. Continuance of Present Employees.**

Every employee of the Village on the effective date of this Charter shall continue in his or her employment subject to the provisions of this Charter and Ordinances, Resolutions, rules or regulations enacted or promulgated under this Charter.